

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

Pastor Leonard Adams of St. Mark United Methodist Church gave the invocation and President Xiong led the Pledge of Allegiance.

CERTIFICATES OF COMMENDATION TO ARMANDO MARTINEZ AND JENNY REMPEL ON BEING NAMED TO THE GOVERNOR'S FIRST CALIFORNIA ACADEMIC TEAM - MAYOR AUTRY AND PRESIDENT XIONG

Presented.

PROCLAMATION OF TZU CHI FOUNDATION - PRESIDENT XIONG

Read and presented.

PROCLAMATION OF DOWNTOWN BUSINESS APPRECIATION DAY - MAYOR AUTRY AND ACTING PRESIDENT STERLING

Read and presented.

PRESENTATION OF THE CARL HERNANDEZ AWARD - COUNCILMEMBER PEREA

Presented.

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**APPROVE MINUTES OF APRIL 15, 2008:**

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the minutes of April 15, 2008, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER DUNCAN: (1) Request city manager look into, and put a stop to, city crews dumping organic materials on the grounds of Todd Beamer park and request staff to clean up; and (2) the recent shooting at the Merced courthouse, long-time concern with the security level at City Hall, and request city manager review City Hall's security procedures.

COUNCILMEMBER CALHOUN: (1) Request city manager provide an update/status on the JPA consolidation efforts; (2) request staff look into a Bill in Sacramento dealing with foreclosures/vacant homes and advise whether the city should take a position on the Bill; and (3) previous concerns expressed about Council Chamber/Council dais security and need for staff to conduct a review.

COUNCILMEMBER DAGES: (1) Request city manager look into the delay of the tot lot project at Peach and Grove which was to have been completed by April 8<sup>th</sup> and has not yet started; (2) request city manager look into why the owners of a home across from Fancher Elementary School that burned were never notified; (3) commendation to the Police Activities League and police department on recent boxing event; and (4) and concerns expressed by residents of a mobile home park of rent increases (violating the rent control ordinance) and request city attorney's office enforce the ordinance.

ACTING PRESIDENT STERLING: (1) Commendation to PARCS department and all others involved in the Fulton Mall tot lot project and opening; and (2) welcome extended to all who will be attending the Cinco de Mayo festivities on the mall this weekend and hope for a safe and successful event.

PRESIDENT XIONG: (1) Resignation of Councilmember Perea from the CVB and intent to contact Council members to see who is interested in serving; (2) flag raising event last Thursday in recognition of the 93<sup>rd</sup> anniversary of the Armenia Genocide; (3) commendation to all involved in the Tower District Earth Day event; and (4) thank you to Chief Dyer and the graffiti team for allowing him to participate in the city-wide graffiti removal effort.

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#### **APPROVE AGENDA:**

**(3:00 P.M. #2)** HEARING ON REZONE APPLICATION NO. R-07-41 AND ENVIRONMENTAL FINDINGS FILED BY MIKE DeALBA AND ASSOCIATES, NORTH SIDE OF W. NORTH AVENUE BETWEEN S. ELM AND S. CLARA AVENUES **(Continue to May 6, 2008, at 3:00 p.m.)**

Continued as noted.

**(1-G)** ACTIONS RELATING TO THE BRAWLEY AVENUE, HERNDON TO PALO ALTO, STREET IMPROVEMENT PROJECT

**1.** AWARD A CONSTRUCTION CONTRACT FOR THE BASE BID IN THE AMOUNT OF \$321,735.50 TO TRI-COUNTY GRADING & PAVING, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

**2.** RESOLUTION - 82<sup>ND</sup> AMENDMENT TO THE AAR APPROPRIATING \$60,900 IN FEDERAL GRANT FUNDS FOR COMPLETION OF THE STREET IMPROVEMENTS ON BRAWLEY BETWEEN HERNDON AND PALO ALTO

City Clerk Klisch advised staff was removing the above item from the agenda and Councilmember Dages made a motion to approve the agenda, as amended.

Councilmember Calhoun expressed his concern with removing Item **1-G** and questioned why it was being removed stating area residents were very unhappy with the situation and condition of the road. Assistant Public Works Director Banelos advised the reasons were due to an appeal filed by the low bidder, the Federal Highway Administration's issue with Caltrans on DBE requirements, and a request by Caltrans' that the city go through the re-application process on this project and explained. Councilmember Calhoun stated Caltrans' 11<sup>th</sup> hour request was dirty pool and continued expressing concerns

**(2 - 0)**, with Mr. Banelos responding to questions/comments and clarifying issues throughout.

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

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

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#### **ADOPT CONSENT CALENDAR:**

Barbara Hunt spoke in general to Items **1-A** and **1-O**.

Councilmembers Duncan, Calhoun and Westerlund pulled Items **1-M**, **1-J** and **1-O** respectively for separate discussion/action at 2:00 p.m.

**(1-A)** APPROVE AND AUTHORIZE THE POLICE CHIEF TO ENTER INTO CONTRACTS FOR THE MAYOR'S GANG PREVENTION INITIATIVE PROJECT WITH (1) ASSESSMENT, TRAINING & RESEARCH ASSOCIATES FOR CLINICAL ASSESSMENT CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$41,250, AND (2) CROSSOVER MINISTRIES d.b.a. AESTHETIC VIEW INSTITUTE FOR ANGER MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$26,250

**(1-B)** AWARD A THREE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CALIFORNIA INDUSTRIAL SERVICES (CIS) IN THE ANNUAL AMOUNT OF \$332,220.72 FOR SECURITY SERVICES AT THE MUNICIPAL SERVICE CENTER, CITY HALL, THE SANTA FE DEPOT AND CITY HALL AREA PARKING LOTS

**(1-C)** AWARD A CONTRACT FOR ONE (1) MOTOR GRADER IN THE AMOUNT OF \$177,888.81 TO SHANAHAN EQUIPMENT CO.

**(1-D)** ADOPT E.A. NO. PW2007 - FIRE STATION 18, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR, AND APPROVE THE ACQUISITION OF LAND FOR THE DEVELOPMENT OF FIRE STATION 18 ON THE SOUTH SIDE OF W. SHAW BETWEEN N. BRYAN AND N. GRANTLAND AVENUES (WEST OF HIGHWAY 99) FROM RONALD AND PAULETTE LORENZETTI FOR THE APPRAISED VALUE OF \$220,000

**(1-E)** APPROVE A CONSENT TO COMMON USE AGREEMENT WITH PACIFIC GAS AND ELECTRIC FOR THE COMMON USE OF A GAS SERVICE LINE EASEMENT AND STREET EASEMENT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT THE AGREEMENT ACROSS PROPERTY OWNED BY PASQUALE AND CARMELA DeSANTIS

**(1-F)** APPROVE A COST SHARING AGREEMENT WITH THE COUNTY OF FRESNO IN THE AMOUNT OF \$919,708 WITH A CONTINGENCY OF UP TO \$65,770 FOR THE CITY'S SHARE OF ESTIMATED PROJECT COSTS FOR TRAFFIC SIGNAL PHASING BEING DESIGNED AND CONSTRUCTED BY THE COUNTY AT THE INTERSECTIONS OF BULLARD AND MAROA, BULLARD AND FRUIT, AND BARSTOW AND WEST AVENUES

**(1-H) RESOLUTION NO. 2008-85** - INTENT TO ANNEX FINAL TRACT NO. 5626 AS ANNEXATION NO. 29 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR MAY 13, 2008

**(1-I) RESOLUTION NO. 2008-86** - INTENT TO ANNEX FINAL PARCEL MAP NO. 2006-34 AS ANNEXATION NO. 27 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR MAY 13, 2008

**(1-L) RESOLUTION NO. 2008-87** - APPROVING THE FINAL MAP OF TRACT NO. 5564 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, E. POWERS AVENUE BETWEEN N. CEDAR AND N. MAPLE AVENUES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR, FIRE CHIEF AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

**(1-N)** AWARD A CONTRACT TO FMDiaz CONSTRUCTION IN THE AMOUNT OF \$143,788 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 61A AT 4428 E. BUTLER AVENUE

**(1-O) RESOLUTION NO. 2008-88** - 81<sup>ST</sup> AMENDMENT TO THE AAR APPROPRIATING \$474,100 OF CITY RISK REIMBURSEMENT FUNDS TO THE STREET DIVISION/STREETLIGHT SECTION FOR REPLACEMENT OF STOLEN COPPER WIRE

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

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

Brunette Harris, HEAT for Southwest Fresno, expressed concerns relative to buildings being constructed in the area without community meetings/noticing/input and the lack of representation for the southwest area, and advised a class-action lawsuit would be filed.

Barbara Hunt, 2475 S. Walnut, spoke to Enterprise Funds, displaying materials on the overhead to illustrate.

Margie Haymon, HEAT for Southwest Fresno, stated she was opposed to using federal funds for any city project, expressed concern with rezone projects being constructed in the area without noticing the community, and questioned where the federal dollars earmarked for southwest Fresno go.

Sherry Smith, 4724 W. Swift, spoke to the issue of, and need for, fire care in the Ashlan Cornelia corridor.

Bobbie Parks, HEAT for Southwest Fresno, stated she was opposed to (1) using CDBG funds for city projects and (2) construction of rezoning projects without community input now and in the future, and spoke to the need for their district representative to show more interest in the entire district.

Richard Smith, 4724 W. Swift, questioned what the status was of the Ashlan Avenue widening project, with President Xiong stating the project would start within one month.

Councilmember Calhoun advised of an informational meeting he attended along with Councilmembers Duncan and Sterling on the Blueprint planning process and stated he was very surprised with what he learned, and spoke to and/or expressed concern with a Bill that has not yet passed in the State legislature, the densities previously presented by COG maybe not fitting into the general plan, and the feeling of elected officials that they were behind the curve, and stressed more information was needed from COG.

Acting President Sterling spoke to a situation wherein a sexual offender was placed in a residential area in her district and advised the police department would now be notifying each Council member when a sexual predator is being located in the city and thanked Chief Dyer, Deputy Chief Foster (the first response person) and staff for instituting this practice.

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**(9:30 A.M. "A") BILL NO. B-26 - AMENDING THE FRESNO MUNICIPAL RELATING TO PROHIBITED SIGNS (ALLOWING AND REGULATING PORTABLE SIGNS WITHIN PLANNED UNIFIED SHOPPING CENTERS)**

Planning & Development Director Yovino reviewed the issue as contained in the staff report as submitted, clarified the signs would only be allowed in planned unified shopping centers for the benefit of drivers and pedestrians looking for certain businesses and would not be allowed in commercial zone districts that are stripped along major streets, such as Blackstone and Kings Canyon, and recommended approval.

Speaking to the issue were: Jan Minabe, Downtown Association, 2014 Tulare #417, who requested Council think about allowing in the future retail neighborhoods such as downtown and the Tower District to take advantage of this; and Karen Miller, 796 E. Woodhaven Lane, who questioned where signs would be allowed to be located adding her signage related more to parking, with President Xiong requesting Ms. Miller speak with planning staff.

Councilmember Calhoun drew an illustration of the Friant/Ft. Washington "strip mall" set-up with stores facing the inside of the center and stated signage was in front and on top of buildings and he could not ever recall having a problem finding/recognizing a store while walking or driving; questioned why certain shopping centers were being excluded; stated he was concerned about the proliferation of signs and more people coming in with their requests; stated any business would love to have more signs but the question was "what is too much?"; and stated if this is done for one group there will be other requests in the future and added this seemed to be an over-reaction to someone/something, with Mr. Yovino responding throughout and clarifying issues.

Councilmember Dages stated his concern was with the exclusion of the Fulton Mall and Tower District; spoke to the time and effort he spent cleaning up illegal signs and banners in his district; reiterated his concern was excluding other business and this ordinance "flip-flopping" all that he did in his district and added he saw this as increasing the problem; and stated thirty businesses with thirty signs out front was not going to look good, questioned how this was going to be enforced, and stated he was having a difficult time with all of this, with Planner Stiglich responding and clarifying issues throughout.

Councilmember Duncan thanked staff for their work on this ordinance, stated he agreed with the Downtown Association and added with reasonable modifications this could be extended to other areas, stated people were doing this anyway and there would now be standardization and added limiting this to centers with Master Sign Plans was a good step and common sense move, and stated this was a reasonable approach to help small businesses advertise more and made a motion to introduce the ordinance bill, which motion was seconded by Councilmember Perea.

Councilmember Sterling stated these signs would benefit businesses on the Fulton Mall as their stores fronted the interior, agreed regulations were needed, stated this ordinance allowed room for change as things progress and stated this was a good start, **(3 - 0)** advised of a business off Freeway 99 that wanted to do this to attract truckers and stated this allowed the entire sign ordinance to be re-looked at in terms of location in addition to zoning, and stated this needed to be watched closely as this was a continued work in progress.

Upon question of Councilmember Perea, Mr. Yovino advised this ordinance was the result of an issue brought forth at a Council meeting relative to the city putting out temporary signs for public events/parking in the downtown area and the concern/question on how these standards were applied to private commercial property, and relative to applying this to the Fulton Mall further explained this ordinance would not allow these signs on the public right of way and explained and added that was an important issue that needed to be addressed within the larger update of the sign ordinance.

Councilmember Calhoun stated he was strongly opposed to this ordinance, great cities and communities had recessed, less intrusive signage, Fresno has never had a tradition of good signage, and he wanted a community that he could be proud of with shopping centers where people are not tripping over signs; emphasized the city putting out signs for major events downtown to attract people was not a reason to accommodate every business with an additional sign and added that was nonsense; and reiterated what was needed was a nice, attractive community and this ordinance would only result in everyone saying "me next!, me next!" and urged a "no" vote.

Councilmember Westerlund stated this seemed like a reasonable ordinance, the sky would not fall if it were to be adopted, and it would be for businesses in strip malls *only if they want it*, and stated he has seen these portable signs in other cities, they would not be allowed to obstruct anything, and this was a reasonable compromise that made sense and asked that Council not overreact.

Upon questions of President Xiong Mr. Yovino stated some businesses may want these signs to help people better see their business and to advertise their name and nature more than what is on their storefront/wall/top of building, clarified businesses would not be allowed to advertise a sales special or parking areas, and the Tower District was a bigger issue like the Fulton Mall that staff agreed needed to be addressed and which would require more time and a comprehensive effort. President Xiong stated he was concerned about piecemealing this, stated if time was needed to include the Tower District/Fulton Mall then the city needed to take the time and do this all at once, spoke to businesses in the Tower District that are being cited/fined, and stated he would oppose this ordinance as he felt this needed to be looked at in a comprehensive manner and the outdated sign ordinance needed to be addressed now in its entirety.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-26 introduced before the City Council and laid over, by the following vote:

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

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**(10:00 A.M.) HEARING ON 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**

**1. RESOLUTION NO. 2008-89 - ORDERING THE VACATION OF THE ABOVE**

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

Senior Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

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

Acting President Sterling advised this was a component of The Legacy Project and was necessary, commended the developer and staff for working with her, and made a motion to approve staff's recommendation, which motion was seconded by President Xiong.

Mr. Polsgrove responded to questions of Councilmember Westerlund and clarified issues relative to Exhibit A and B maps, areas/streets to be vacated, the sufficiency of 40 feet, if utilities were located in the old alleyways, if SMG was supportive, and street alignments and primary streets being vacated.

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2008-89 hereby adopted, by the following vote:

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

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**RECESS - 10:28 A.M. - 2:00 P.M.** Councilmembers Calhoun and Dages arrived later.

**(10:40 A.M.)** HEARING ON STREET NAME CHANGE APPLICATION NO. SNC-2008-01 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, TO RENAME A PORTION OF THE (OLD) N. MILLBROOK AVENUE ALIGNMENT TO N. CALLAWAY AVENUE WITHIN THE AREA GENERALLY BOUND BY (NEW) N. MILLBROOK, E. COPPER AND N. FRIANT ROAD

1. CONSIDER AND ADOPT E.A. NO. SNC-08-01, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF NO POSSIBILITY OF SIGNIFICANT ADVERSE EFFECT EXEMPTION FROM THE REQUIREMENTS OF CEQA
2. **RESOLUTION NO 2008-90** - APPROVING STREET NAME CHANGE APPLICATION NO. SNC-08-01 RENAMING APPROXIMATELY 900 FEET OF THE OLD N. MILLBROOK AVENUE ALIGNMENT TO N. CALLAWAY AVENUE

President Xiong announced the time had arrived to consider the issue, opened the hearing, and a Planning & Development staff member gave a brief overview, all as contained in the staff report as submitted.

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

On motion of Councilmember Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2008-90 hereby adopted, by the following vote:

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

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

**(1-K)** APPROVE A MULTI-YEAR PROFESSIONAL SERVICES AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, SACRAMENTO CENTER FOR COLLABORATIVE POLICY, TO CONDUCT FACILITATION SERVICES PRIMARILY FOR THE UTILITY ADVISORY COMMITTEE FOR \$330,256.28, AND ENCUMBER \$75,000 THIS FISCAL YEAR (FY2008)

Assistant PUD Director Martin responded to questions of Councilmember Westerlund relative to the cost, if the money was worth having the utility committee continue, if this was a requirements contract, and if the committee could be terminated within 30 days notice if it is later found to be non-productive. Councilmember Calhoun arrived at 2:04 p.m. during questioning.

On motion of Councilmember Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Professional Services Agreement with CSU, Sacramento Center for Collaborative Policy hereby approved, by the following vote:

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

**(1-J) ACTIONS RELATING TO THE CITY HALL WATER COOLED CHILLER SYSTEM AND THE ISD HVAC STUDY**

- 1. RESOLUTION NO. 2008-91 - 84<sup>TH</sup> AMENDMENT TO THE AAR APPROPRIATING \$19,100 TO PROVIDE THE ADDITIONAL FUNDS NEEDED FOR DESIGN OF A NEW SYSTEM**
- 2. APPROVE AN AGREEMENT WITH LAWRENCE, NYE ANDERSON (LNA) IN THE AMOUNT OF \$94,100 TO PROVIDE DESIGN PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR A NEW SYSTEM, AND CONDUCT A STUDY OF THE HEARING, VENTILATION AND AIR CONDITIONING (HVAC) REQUIREMENTS FOR THE INFORMATION SYSTEMS DIVISION**

Councilmember Calhoun noted the last time this was before Council he requested staff look into the possibility of converting to solar and there was no mention of that in the staff report, and upon his questions Public Works Director Weimiller and Assistant Public Works Director Banuelos advised City Hall's design would not accommodate solar panels, solar/partial solar component would not be viable, cost effective or energy reducing, and staff's position/decision was based on discussions with contractors and consultants. Councilmember Dages arrived at 2:10 p.m. during discussion.

A motion and second was made to approve staff's recommendation.

Mr. Banuelos, City Manager Souza and Assistant City Manger Rudd responded to questions and comments of Councilmember Perea relative to whether staff had a report stating City Hall was not a good fit for solar energy of if someone just made an off-the-cuff remark from the sidewalk looking at City Hall's roof, if the determination that solar was not a good fit was for the chiller project or for the City Hall building, rationale for not being viable, the determination being a gut reaction to the consultant with not much effort, the 4 acres needed for solar panels and where that number came from, and request for an analysis by tray memo on the study conducted by GSD prioritizing the different city facilities.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-91 and Agreement with Lawrence, Nye Anderson hereby adopted and approved, by the following vote:

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

**(1-M) APPROVE 3% SALARY INCREASES FOR THE CITY ATTORNEY (NEW SALARY \$175,685) AND THE CITY CLERK (NEW SALARY \$97,286)**

Councilmember Duncan clarified the City Clerk and City Attorney were two of the most outstanding individuals he has worked with but stated in light of the current financial situation, lack of general fund growth next year, and the city manager opening talks with the police union on no salary increases he felt approval would send a bad message to the public and to the employees, stated when times are good everyone shares in the reward but when times are tough it was appropriate for everyone to share that pain, and recommended no action be taken on this matter and that it be reconsidered when the city is in a position to improve compensation.

Councilmember Calhoun disagreed with Councilmember Duncan stating negotiations had not been finalized with any of the city units, Council had not received the budget or had a formal presentation, the recommendation was reasonable and Council needed to act this date based on their knowledge, and the city was not "upside down" and was in good shape; concurred the city was heading into some challenging times but stated the situation should not be pre-judged without the budget facts; and stated these individuals made their case and the recommendation was prudent and reasonable and made a motion to approve, which motion was seconded by Acting President Sterling. President Xiong stated these recommendation came out of his office after Council's evaluation and discussions, this was more of a cost of living increase, most, or a good portion, of the labor groups were getting about a 3% increase, and these salaries would get Fresno closer to other jurisdictions.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, a 3% salary increase for the City Attorney and City Clerk hereby approved, by the following vote:

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

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

**(‘A’)** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: COF V. LEOLA M. CLARK d.b.a. AIR TERMINAL GIFT SHOP

**(‘B’)** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. EYA DEAN, ET AL. V. COF
2. COF V. THE DISCOVERY CENTER

The City Council met in closed session in Room 2125 at the hour of 2:28 p.m. to consider the above matters and reconvened in regular open session at 2:50 p.m. No announcements were made.

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**(2:45 P.M.) SPECIAL JOINT MEETING WITH THE FRESNO JOINT POWERS AUTHORITY (JPFA)**

The City Council recessed at 2:50 p.m. and convened in special joint session with the JPFA.

**(‘A’)** JOINT HEARING ON PARKS PROJECTS

1. **JPFA RESOLUTION NO. 26-** AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE BONDS (MASTER LEASE PROJECTS) SERIES 2008C AND SERIES 2008D (FEDERALLY TAXABLE), IN THE PRINCIPAL AMOUNT NOT TO EXCEED AN AGGREGATE \$40 MILLION; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST AGREEMENT, A FIRST AMENDMENT TO THE MASTER FACILITIES LEASE, A FIRST AMENDMENT TO THE MASTER FACILITIES SUBLEASE, A BOND PURCHASE CONTRACT, AND AN OFFICIAL STATEMENT; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING
2. **COUNCIL RESOLUTION NO. 2008-92** - APPROVING THE ISSUANCE AND SALE OF LEASE REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED AN AGGREGATE \$40 MILLION; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO MASTER FACILITIES LEASE, A FIRST AMENDMENT TO MASTER FACILITIES SUBLEASE, A BOND PURCHASE CONTRACT, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING
3. AWARD A CONSTRUCTION CONTRACT WITH HENDERSON CONSTRUCTION IN THE AMOUNT OF \$2,708,001 FOR THE CONSTRUCTION OF TODD BEAMER NEIGHBORHOOD PARK
4. AWARD A CONSTRUCTION CONTRACT WITH A-C ELECTRIC IN THE AMOUNT OF \$998,475 FOR THE CONSTRUCTION OF NEW SPORTS LIGHTING AT THE REGIONAL SPORTS COMPLEX
5. APPROVE AN AGREEMENT WITH ALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC., IN THE AMOUNT OF \$356,650 FOR PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE PLAZA SKATE PARK AND A SKATE FEATURE AT RADIO PARK

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

**(4 - 0)** PARCS Director Cooper gave a brief introduction and Interim Controller/Finance Director Bradley reviewed the issue, all as contained in the staff report as submitted.

Councilmember Calhoun stated this was a momentous time and this had been a long road, spoke to the long-time need for green space and parks and commended Councilmembers Duncan, Westerlund and staff for all their efforts, stated even though the city will have to bond this was a quality of life issue and these projects would benefit many over the years, and upon his request for assurance that there was nothing included in the package that Council was not aware of City Manager Souza clarified each project would have to come before Council for approval.

Councilmember Duncan commended the Mayor for his vision and his insistence to reinvest in the community, commended Mr. Souza for his support and Mr. Cooper for his passion and commitment, and stated he was pleased with the projects and the process.

JPFA Vice Chair Westerlund also commended the Mayor and Mr. Cooper for their vision and passion, expressed his concern with bonding \$40 million and displayed on the overhead a breakdown of the yearly debt service payments, noted the debt service would be paid from impact fees and spoke to past and projected fee revenues and expressed concern with the on-going housing slowdown and the ability to make those debt payments, and offered an alternate proposal to bond for \$28 and explained and pointed out the projects would still be constructed but at a slower pace and on an n-going basis as fees come in.

Mr. Souza stated staff was confident the resources were there and would be there, explained how the debt service would be made the first 4 years, and stated the housing slowdown was only expected to last one to two more years. Councilmember Westerlund stated he was just more cautious and relying on the bond reserve and current set-aside funds made him nervous, reiterated he was concerned with the housing cycle, energy costs, and possibly slipping into a recession and would feel more comfortable bonding for \$28 million, and made a motion to adopt the resolution, as amended, for \$28 million. Upon call, the motion died for lack of a second.

JPFA Chair Xiong made a motion to approve the above JPFA Resolution, which motion was seconded by Member Autry. Member Autry concurred this was a momentous occasion, stated this was a tough decision and emphasized he appreciated Vice Chair Westerlund's concern, due diligence, and his motion but stressed this had to be done now as times would only get tougher, and added there was a difference between reckless spending and a calculated risk and stressed this was not reckless spending.

**(#1.)** On motion of JPFA Chair Xiong, seconded by Member Autry, duly carried, RESOLVED, the above entitled JPFA Resolution No. 26 hereby adopted, by the following vote:

Ayes : Autry, Xiong  
Noes : Westerlund  
Absent : None

Following up on Member Autry's comments Councilmember Duncan added this was also a significant economic development issue and explained, and thanked Mr. Cooper for bringing this concept forth. Councilmember Dages commended Mr. Cooper and his staff for all they do, stated even though he did not like putting the city in debt he was supportive as the bonding had to be done, stated this would benefit everyone and added it should have been done 20 years ago, concurred with Mr. Souza that the city would not see any stress, and commended everyone involved and stated a real change would be seen in Fresno. Councilmember Perea also expressed his support stating it was exciting to see the investment in green space and parks and spoke to how parks serve the greater good and help to stabilize neighborhoods.

**(#2.)** On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Council Resolution No. 2008-92 hereby adopted, by the following vote:

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

**(#3.)** On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled construction contract for the Todd Beamer Neighborhood Park awarded to Henderson Construction as recommended, by the following vote:

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

**(#4.)** On motion of Councilmember Perea, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled construction contract for the Regional Sports Complex awarded to A-C Electric as recommended, by the following vote:

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

**(#5.)** On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the Agreement with Callander Associates Landscape Architecture, Inc., as outlined above hereby approved, by the following vote:

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

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The joint bodies adjourned their meeting at 3:35 p.m. and the City Council reconvened in regular session.

**(3:00 P.M. #1) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 3:35 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF APRIL 15, 2008**

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the Agency minutes of April 15, 2008, approved as submitted.

**(‘A’) BILL NO. B-27 - DELETING THE DEBT INCURRENCE TIME LIMIT PURSUANT TO SB 211, FROM THE FRESNO AIR TERMINAL REDEVELOPMENT PLAN (*City action*)**

Project Manager Freeman reviewed the issue, all as contained in the staff report as submitted, and recommended approval. Councilmember Dages left the meeting briefly at 3:37 p.m.

On motion of Chair Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Bill No. B-27 introduced before the City Council and laid over, by the following vote:

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

**(‘B’) AGENCY RESOLUTION NO. 1717 - ESTABLISHING COMMERCIAL DEVELOPMENT DESIGN GUIDELINES FOR THE VENTURA BOULEVARD/KINGS CANYON ROAD CORRIDOR FROM FIRST STREET TO PEACH AVENUE WITHIN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA (*Agency action*)**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted **(5 - 0)**. Member Dages returned to the meeting at 3:39 p.m.

John Alkire, CEO of the Big Fresno Fair, spoke in support of the guidelines and requested support.

Member Dages stated staff outdid themselves, expanded further on the guidelines and stated with the change and movement in southeast Fresno this was the right direction, and made a motion to approve staff’s recommendation, which motion was seconded by Member Xiong.

Ms. Murphey responded to questions and comments of Vice Chair Calhoun relative to why the guidelines were for only one area if they were better than what was currently in the general plan, what Planning & Development’s position was on this matter/if “the left hand knew what the right hand was doing”, and the issue of signage as discussed during the morning session and concern with piecemealing and need for cohesiveness.

On motion of Member Dages, seconded by Member Xiong, duly carried, RESOLVED, the above entitled Resolution No. 1717 hereby adopted and the Commercial Development Design Guidelines approved, by the following vote:

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

(2:00 P.M. #3) JOINT CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY - COUNCILMEMBER WESTERLUND

The joint bodies met in closed session in Room 2125 at the hour of 3:51 p.m. to consider the above matter and adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the City Council, President Xiong declared the meeting adjourned.

**Approved** on the \_\_\_\_6th\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 2008.

\_\_\_\_\_/s/\_\_\_\_\_  
Blong Xiong, Council President

ATTEST: \_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk