

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

Father Farrow of St. Paul Newman Center gave the invocation and President Xiong led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER PEREA

The pets available for adoption, a litter of kittens, were presented.

PROCLAMATION OF "OLDER AMERICANS' MONTH" - PRESIDENT XIONG AND ACTING PRESIDENT STERLING

PROCLAMATION OF "TEEN PREGNANCY PREVENTION MONTH" - ACTING PRESIDENT STERLING

PROCLAMATION OF "WOMEN'S BUILD WEEK"- ACTING PRESIDENT STERLING AND COUNCILMEMBER PEREA

PROCLAMATION OF "PEACE OFFICERS' MEMORIAL DAY" - COUNCILMEMBER PEREA

The above proclamations were read and presented.

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**APPROVE MINUTES OF APRIL 29, 2008:**

On motion of Councilmember Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, the minutes of April 29, 2008, approved as submitted.

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**APPROVE JOINT POWERS FINANCING AUTHORITY (JPFA) MINUTES OF APRIL 29, 2008:**

On motion of Councilmember Westerlund, seconded by President Xiong, duly carried, RESOLVED, the JPFA minutes of April 29, 2008, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER CALHOUN: (1) Report on attendance at the 40<sup>th</sup> anniversary of EAH Housing, a non-profit corporation, and comments on their projects and information learned on affordable housing; and (2) the city of Vallejo declaring bankruptcy and commendation to the Administration and staff on their handling of the city's budget/finances.

ACTING PRESIDENT STERLING: (1) Commendation to EAH for their great work and thank you to Councilmember Calhoun for

representing the city at their anniversary event; and (2) report on participation in the "Comcast Cares Day" event at Carver Elementary School and the Chinatown clean up event with the Redevelopment Agency and the community.

COUNCILMEMBER DAGES: (1) Request staff look into sewer problem on Lyell Avenue that occurred after city crews performed some work, with City Manager Souza responding; and (2) request a permanent sign be installed at Al Radka Park similar to the one at Pilibos Park.

COUNCILMEMBER WESTERLUND: (1) City of Roseville declaring a drought watch based on three years of below level snow packs and suggestion that the city think about that and raise awareness of water conservation; (2) invitation to all to attend District 4's meeting at Hoover High on May 7<sup>th</sup> to introduce temporary Council replacement Paul Caprioglio **(2 - 0)**; and (3) apology extended for having to forego a number of events due to election campaign work and getting ready for deployment.

COUNCILMEMBER DUNCAN: Commendation to public works staff on their outstanding job fixing the sidewalks on Shepherd Avenue between Perrin and Friant.

PRESIDENT XIONG: (1) Report on attendance at the Volunteer Center's 40<sup>th</sup> annual awards event, the Downtown Business Appreciation Dinner, the National Prayer Day event, and the PARCS FUN golf tournament; and (2) commendation to staff for work and coordination with his office on the Ashlan Avenue widening project.

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**APPROVE AGENDA:**

**(10:00 A.M. #1)** HEARING TO CONSIDER AMENDMENT TO THE MFS INCREASING THE CITYWIDE LOCALLY REGIONALLY SIGNIFICANT STREET IMPACT FEE AND THE NEW GROWTH AREA STREET IMPACT FEE **(Continue to May 13, 2008, at 10:30 a.m.)**

Continued as noted.

**(10:00 A.M. #2)** HEARING TO CONSIDER INCREASING THE CITYWIDE IMPACT FEES FOR FIRE, POLICE AND PARKS FACILITIES **(Continue to May 13, 2008, at 10:30 a.m.)**

Continued as noted.

**(9:15 A.M. "B")** RESOLUTION - APPROVE LETTER IN SUPPORT OF AB 3034, THE SAFE, RELIABLE HIGH SPEED PASSENGER TRAIN BOND ACT - PRESIDENT XIONG

City Clerk Klisch advised a resolution was not involved with this item and removed it from the title as shown.

**(2:30 p.m. "E")** JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Councilmember Westerlund advised there was no Item "E" as indicated on the blue Redevelopment Agency agenda in Council's packet.

**(10:30 A.M.)** HEARING TO CONSIDER THE "THE LEXINGTON" CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5919 FILED BY WGA N. GLENN AVENUE LP, EAST SIDE OF N. GLENN NORTH OF N. BLACKSTONE AND W. NEES AVENUES

**1.** CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR E.A. NO. T-5919

**2.** RESOLUTION - APPROVING VESTING T.T. MAP NO 5919 PROPOSING THE CREATION OF A ONE COMMON LOT CONDOMINIUM MAP AND THE CONVERSION OF "THE LEXINGTON" MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT INTO A CONDOMINIUM OWNER-OCCUPIED COMPLEX

Upon the request of Councilmember Calhoun and with Council consensus, the above hearing was continued one week to May 13<sup>th</sup> at 11:00 a.m.

*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 spoke in support of Item **1-H** and urged Council's support.

**(1-A)** AWARD A CONTRACT FOR THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT RECONSTRUCTION OF TAXIWAYS B6-2 AND B6-3 TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,878,991

**1. RESOLUTION NO. 2008-93 - 86<sup>TH</sup>** AMENDMENT TO THE AAR APPROPRIATING \$1,632,800 FOR THE FYI TAXIWAY PROJECT

**(1-B) RESOLUTION NO. 2008-94 - 87<sup>TH</sup>** AMENDMENT TO THE AAR APPROPRIATING \$737,500 IN THE FIRE DEPARTMENT FOR UNBUDGETED EXPENDITURES AND OFFSETTING REVENUE REIMBURSEMENTS

**(1-C)** APPROVE AN AGREEMENT WITH BARTIE WELLS ASSOCIATES IN THE AMOUNT OF \$27,500 FOR UPDATING WATER CONNECTION AND URBAN GROWTH MANAGEMENT (UGM) FEES IN WATER SERVICE AREA 101S AND THE ADJACENT COPPER RIVER RANCH AREA

**(1-D) RESOLUTION NO. 2008-95 -** APPROVING THE SUMMARY VACATION OF A PORTION OF A PUBLIC STREET EASEMENT ON THE EAST SIDE OF N. POLK AVENUE NORTH OF W. ASHLAN TO ELIMINATE EXCESS RIGHT-OF-WAY RESULTING FROM CHANGES TO THE CITY'S STREET DESIGN STANDARDS ON BUS BAY LENGTHS

**(1-E) RESOLUTION NO. 2008-96 - 85<sup>TH</sup>** AMENDMENT TO THE AAR APPROPRIATING \$68,900 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY AT THE INTERSECTION OF SHIELDS AND BLYTHE AVENUES FOR TRACT NO. 5406

**1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE UGM STREET RIGHT OF WAY ACQUISITION AGREEMENT FOR THE TRACT AND THE RIGHT OF WAY ACQUISITION ADDENDUM

**(1-F) RESOLUTION NO. 2008-97 -** APPROVING THE FINAL MAP OF TRACT NO. 5512 AND THE ACCEPTING DEDICATED PUBLIC USES THEREIN, EAST SIDE OF N. CORNELIA BETWEEN W. CLINTON AND W. SHIELDS AVENUES

**1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

**(1-G)** AWARD A CONTRACT TO WEST STAR ENVIRONMENTAL, INC., IN THE AMOUNT OF \$114,535 FOR PHASE II ENHANCED VAPOR RECOVERY (EVR) UPGRADE OF CITY FUEL SITES

**(1-H)** CONSIDER AND TAKE ACTIONS RELATING TO THE LIFE AND ENVIRONMENTAL SCIENCE PILOT PROGRAM AT ADDAMS ELEMENTARY SCHOOL

**1.** APPROVE A CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE \$4,000 FOR THE PARCS DEPARTMENT TO CONDUCT THE PILOT PROGRAM RUNNING THROUGH JUNE 12, 2008, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**2. RESOLUTION NO. 2008-98 - 91<sup>ST</sup>** AMENDMENT TO THE AAR APPROPRIATING \$4,000 IN THE PARCS DEPARTMENT TO COVER PERSONNEL AND OPERATING COSTS ASSOCIATED WITH THE PROGRAM

**(1-I) RESOLUTION NO. 2008-99 - 90<sup>TH</sup>** AMENDMENT TO THE AAR APPROPRIATING \$120,000 IN THE PARCS DEPARTMENT TO COVER START-UP AND OPERATIONAL COSTS ASSOCIATED WITH THE CURRENT CONTRACT WITH ACE PARKING MANAGEMENT TO OPERATE REGIONAL PARK TOLL BOOTHS UNTIL JUNE 30, 2008

**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**

Sherry Smith, 4724 W. Swift, spoke to the importance of fire station response times in emergencies and to impacts of Fire Station 16's relocation.

Barbara Hunt called for, and a moment of silence was observed, for fallen officers, and spoke in support of the police department.

Paula Savino spoke to the homeless and needed housing.

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**(9:15 A.M. "A") APPROVE THE FY 2008-09 BUDGET HEARING SCHEDULE - PRESIDENT XIONG**

President Xiong thanked Council members and their staff and the city manager and staff for working with his office on a schedule that would work for everyone, requested the schedule be finalized due to everyone's workload and activities, and gave a brief overview of the proposed schedule.

Barbara Hunt spoke to budget issues.

Councilmember Duncan stated the budget process/hearings were long and staff's elaborate PowerPoint presentations with music and past accomplishments tended to take up a significant amount of time and requested past year achievements be highlighted by tray memo as part of the record stating that would save hours off the process and allow Council to get right into the budget. Councilmember Westerlund stated although he understood the desire to have an expeditious process he did not want anything missed and added his replacement had not been through a budget process before and past accomplishments were important and helpful in showing where department's have been and where they want to go. Councilmember Calhoun concurred stating the budget was the most important thing Council does and he wanted to make sure it was done thoroughly, and added he expected the past process to be continued.

President Xiong noted the Redevelopment Agency was scheduled for June 12<sup>th</sup> and advised they were requesting the date be changed as their budget had to go before the HCDC first and after brief discussion it was determined to hear the Redevelopment Agency on June 17<sup>th</sup>. City Manager Souza added the first day of the hearings, May 30<sup>th</sup>, was also the day for the Mayor's State of the City Address which was why the schedule was a little lighter than usual.

On motion of President Xiong, seconded by Acting President Sterling, duly carried, **RESOLVED**, the FY 2009 Budget Hearing Schedule hereby approved, as amended, changing the Redevelopment Agency from June 12<sup>th</sup> to June 17<sup>th</sup>, by the following vote:

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

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**(9:15 A.M. "B") APPROVE LETTER IN SUPPORT OF AB 3034 - THE SAFE, RELIABLE HIGH SPEED PASSENGER TRAIN BOND ACT - PRESIDENT XIONG**

President Xiong, member of the High Speed Rail Committee, and Eric Bromberg with URS Corporation, who is under contract with the California High Speed Rail Authority for the Fresno to Palmdale train segment, gave an overview of the issue and the Bill and explained why the Bill was critical, all as contained in the report to Council as submitted. A motion and second was made to approve the letter.

Upon the request of Acting President Sterling, Mr. Bromberg expanded further on the history of the issue, how it got to this point, what the Assembly did to finally get the Bill crafted this way, and locations, and responded to her questions relative to funding, Gilroy and Los Banos stops/stations, and Los Banos' growth and if the Blueprint for that area was taken into consideration.

City Manager Souza advised the Mayor was agreeable in concept and was working with the San Joaquin Valley Partnership and others to tweak/amend the language to better reflect the valley's interest and overall was very supportive of the Bill.

On motion of President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the letter in support of AB 3034 hereby approved, by the following vote:

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

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**(9:15 A.M. "C") APPROVAL AND DIRECTION OF A JOINT COORDINATION BETWEEN PUBLIC WORKS/PARKING SERVICES AND PUBLIC UTILITIES/COMMUNITY SANITATION, FOR A STREET SWEEPING PILOT PROGRAM - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund thanked staff for working with him and for all their help, and along with Parking Manager Estabrooke spoke to the problem encountered in some neighborhoods in his district where cars park on the street 24 hours per day, to the monthly street sweeping program and posting of signs that did not work, and to the program that was developed that was simple, successful and had minimal extra cost, whereupon Councilmember Westerlund made a motion to approve the continuance of the program and expand it citywide, which motion was seconded by President Xiong.

Councilmember Sterling stated this was tried in her district and did not work in some areas where people have no place else to park but the street and were ticketed and elaborated, questioned if staff thought about that and if this needed to be re-evaluated, and stated this was fine in areas where it does work but further discussion was needed on the areas where it does not, with Mr. Estabrooke responding throughout. Public Works Director Weimiller added this was a special project wherein staff tried to go out and make people aware, the goal was to clean the streets and not generate revenue, **(3 - 0)** sometimes the threat of citations was the only thing that gets some peoples' attention, there was no intention to force this or push it on any member that did not want it, and Councilmember Westerlund's intent was to inform Council of a program that happened to work that could be used, if desired, in any given area experiencing a similar situation.

Councilmember Duncan stated he was not clear on the motion as was hearing any Council member could work with staff to use a program that worked very well for District 4 if they wanted to, whereupon Councilmember Westerlund stated it was simply to bless the concept, get the word out, and if requested by other members expand the pilot program adding his district was not the only one with tree-lined streets. Councilmember Duncan stated staff already did a great job in District 6 and his district did not need to be on the list for this program and added the last thing he wanted to deal with were fliers placed on peoples' windshields. Mr. Weimiller clarified staff would be in neighborhoods only at the direction/invitation of a Council member.

Councilmember Calhoun stated he thought this was informational only, questioned if any extra cost was associated with the program and why Council had to vote on it, stated it sounded like this was working for one council member and he was suspect as to why a vote was being called for, and stated his concerns were the motion stating "expand" which opened a Pandora's box and with an issue some time back wherein there was a lot of "wheeling and dealing" with staff changes and he did not want to see that happen again, with Assistant City Manager Rudd responding to questions. Councilmember Perea stated Council did not have to vote on this, the program was working in District 4 but he was not sure if it would work in his district which had many challenges, he preferred this program be done individually instead of making it a blanket policy, and towing of vehicles and citations were mentioned which he had a concern with and explained, and stated it was fine that this worked for District 4, acknowledged there were probably some good ideas in the program that could be used in other parts of the city, and he would be happy to talk and work with staff to iron out the kinks but he would not support the motion.

Mr. Estabrooke and Community Sanitation Manager Rogers responded to questions President Xiong relative to whether city crews do all the street sweeping or if some is contracted out, number of neighborhoods that always have cars blocking street sweepers, and what

the street sweeping budget was. President Xiong spoke to his reasons for supporting the motion which included the needs/desires of his constituents, staff being pro-active in engaging residents/customer service efforts, there being no intent to make money, staff trying to make the city better, this being a health and safety issue, and the program benefitting his district, and stated he was supportive of the need to sometimes threaten people with citations who fail to respond to notices. Mr. Rogers stated staff just wanted to be a good partner with the customers, staff was ready to help them in any way to get the job done, there was no penalty assigned to this at all, and staff would be happy to work with Council members to work things out.

A motion of Councilmember Westerlund, seconded by President Xiong, to approve the continuance and expansion of the pilot street sweeping program failed, by the following vote:

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

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**(9:30 A.M. "A")** CONSIDER A RESOLUTION AND POLICY PERTAINING TO PARTIAL ACCEPTANCE OF SUBDIVISIONS, BOND REDUCTIONS AND REIMBURSEMENT OF URBAN GROWTH MANAGEMENT (UGM) OR IMPACT FEES FOR DEVELOPER-CONSTRUCTED INFRASTRUCTURE

**1. RESOLUTION NO. 2008-100** - AUTHORIZE THE PUBLIC WORKS DIRECTOR OR CITY ENGINEER TO ENTER INTO AMENDMENTS TO EXISTING SUBDIVISION AGREEMENTS TO ALLOW FOR ACCEPTANCE OF THE MAJOR STREETS, TRAILS, BRIDGES, TRAFFIC SIGNALS, WATER WELL SITES, SEWER LIFT STATIONS, WATER MAINS AND SEWER MAINS, AND A CORRESPONDING ONE-TIME PERFORMANCE SECURITY REDUCTION, PRIOR TO COMPLETION OF THE ENTIRE SUBDIVISION

**2. APPROVE A UGM AND IMPACT FEE REIMBURSEMENT POLICY FOR ELIGIBLE IMPROVEMENTS CONSTRUCTED PRIOR TO FINAL ACCEPTANCE OF THE TRACT OR PARCEL MAP AND FOR ELIGIBLE IMPROVEMENTS CONSTRUCTED BY DEVELOPERS UNDER A CONDITIONAL USE PERMIT (CUP) OR SITE PLAN CONDITIONS OF APPROVAL**

City Engineer/APW Director Mozier reviewed the issue, all as contained in the staff report as submitted, and stated this was a win-win for all and recommended approval.

Speaking to the issue were: Mike Prandini, representing the Building Industry Association, support; and Barbara Hunt who expressed concerns.

Mr. Mozier responded to questions and comments of Councilmember Westerlund relative to whether only one reimbursement/reduction request would be allowed, if this would not change the 2-year limit to build out the infrastructure, if any additional burden on staff was foreseen to handle these requests, and need to ensure all requirements for major streets outside the subdivision are met and done professionally.

On motion of Councilmember Westerlund, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2008-100 hereby adopted, and the UGM and Impact Fee Reimbursement Policy approved, by the following vote:

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

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**(9:30 A.M. "B") RESOLUTION NO. 2008-101** - AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR SMART GROWTH IMPLEMENTATION TECHNICAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY (EPA)

Grant Writer Romare gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt spoke in support.

On motion of Acting President Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-101 hereby adopted, by the following vote:

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

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

**(Considered again later after the lunch recess)**

Planning & Development Director Yovino noted a staff presentation was given last week and recommended approval.

Speaking to the issue were: Barbara Hunt, support; and Jan Minami, Downtown Association, who spoke to the importance of portable signs for vibrant pedestrian areas such as downtown and the Tower District and suggested the matter be referred back to staff for a more consistent sign ordinance.

Councilmember Calhoun stated several aspects of this ordinance were in conflict and explained, questioned if the intent of the portable signs was to help identify businesses in the newer pedestrian-oriented shopping centers or for supplemental advertisement of businesses, stated the real disparity was the ordinance was targeted for certain shopping centers which he felt would create real animosity from business owners on the Fulton Mall and in the Tower District who were exempt, and displayed on the overhead a picture taken of a shopping center which could barely be seen due to a faulty projector bulb, whereupon the matter was continued to 2:00 p.m. to allow staff to replace the bulb during the lunch recess.

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**(9:30 A.M. "D") BILL NO. B-28 - (FOR INTRODUCTION) ADOPTING IMPLEMENTATION PROCEDURES FOR COLLECTING THE COPPER RIVER RANCH IMPACT FEES**

City Engineer/APW Director Mozier reviewed the issue, all as contained in the staff report as submitted.

Speaking to the issue were: Jeff Roberts, representing Copper River Ranch LLC, who thanked staff and the consultant, spoke briefly to the history of the issue, and requested Council's support; and Barbara Hunt who questioned if Fresno County was involved. Councilmember Westerlund left the meeting at 10:43 a.m. and returned after the recess.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-28 introduced before the City Council and laid over, by the following vote:

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

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**RECESS - 10:44 A.M. - 11:00 A.M.** All members were present.

**(11:00 A.M.) WORKSHOP ON THE CITYWIDE CLASSIFICATION AND COMPENSATION STUDY**

Personnel Services Director Bond gave a PowerPoint presentation which consisted of Objectives, Why We Did This, Classification, Compensation, Labor Markets, and Completion Date.

Speaking to the issue were: Adam Raimer, ATU, who stated he hoped more cities that more closely match Fresno's size would be surveyed and explained; and Dennis Major, Business Agent for the Management Employees Association (FCMEA), who advised of their concerns with the draft study and survey and explained **(4 - 0)**. There was no further discussion.

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**(9:30 A.M. "C") BILL NO. B-26 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PROHIBITED SIGNS (ALLOWING AND REGULATING PORTABLE SIGNS WITHIN PLANNED UNIFIED SHOPPING CENTERS) - NOT ADOPTED (Continued from earlier in the meeting)**

Councilmember Calhoun continued stating there was a lack of clarity and it seemed like there were two purposes as he explained earlier; displayed at length numerous pictures, explaining his issues and/or concerns throughout, of various shopping centers which included the Champlain/Perrin center with store front signage as well as sandwich boards/portable signs and questioned if those sandwich signs were really needed, of Fig Garden Village and Pavilion West shopping centers with attractive/clutter-free walkways and signs hanging high up in the walkways/high outside the front door/up on the roof and all with no sandwich signs, other centers at Champlain/Perrin and Friant/Ft. Washington with directional signs/above store signs/ illegal signs in front/and walkways with no sandwich boards, and the Tower District and Fulton Mall all with store front signs/signs above the stores/on the buildings/on the roof and all without sandwich boards; and stressed staff needed to look at this matter again and made a motion to deny/not the ordinance, which motion was seconded by Acting President Sterling.

Jan Minami, Downtown Association, stated sandwich boards were a pedestrian asset and the DTA supported them, specifically for an urban environment.

Extensive Council discussion ensued. Acting President Sterling thanked Councilmember Calhoun for his presentation which she stated showed the reasons why the sign ordinance needed to be addressed as a whole and not piecemeal. Councilmember Duncan stated if this does not pass this date there will be no change for the Fulton Mall or any other place for years, stated a comprehensive review -- which was needed and he supported -- would take at least two years before there is anything to act on, and stated he would support a change for the mall and other areas as long as there is no ADA interference and added this ordinance would be a rational step in that direction. Mr. Yovino, City Attorney Sanchez and Councilmember Duncan responded to numerous questions and comments of President Xiong relative to the timeline to do a comprehensive update, if it was more efficient to do things piecemeal, his intent to bring forth an ordinance next week to address the Tower District's (TD) needs, if there was more complexity with the TD, what the next step would be to address the TD if this ordinance passes, what would be easiest for staff, what the cost would be for a sign inventory, what the threshold was for an inventory, how approval of this would expedite the process for the TD and Fulton Mall, there being a need for these signs in the TD and Fulton Mall, and inability to support this ordinance as a stand-alone unless staff says it will help to make changes for the TD and Fulton Mall. Councilmember Duncan stated either staff or a Council member could provide direction on the TD or Fulton Mall, if an item is placed on next week's agenda and Council is supportive staff would put a lot of effort and energy into it and get the ball rolling, because staff did not come forth with a recommendation when they were not asked to was not reason to not move forward on this ordinance, people were doing this already and signs are seen all over because they work, the benefit of this ordinance was it was very restrictive, it established a clear standard where it would not interfere with ADA, it gives code enforcement a real regulation to work with, and it would benefit businesses during these tough times, and stated he did not see this as one or the other but saw both and urged Council to move forward on this and then start working on the TD and Fulton Mall. Councilmember Dages expressed his support for the motion and stated adoption of this ordinance would result in confusion, piecemealing was inappropriate, Council could give direction for a comprehensive review and if it took two years that was fine as it needed to be done right, and if this is adopted it would go against code enforcement's work over all these years to rid the city of ugly signs.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the entitled Bill No. B-26 denied/not adopted, by the following vote:

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

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**(2:00 P.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

**(A') DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. PINEDALE COUNTY WATER DISTRICT**

**(B') EXISTING LITIGATION - CASE NAMES:**

1. SHIELDS WEST, LLC V. COF, ET AL.
2. PAMELA KINCAID, ET AL., V. COF

regular open session at 3:41 p.m.

CLOSED SESSION ANNOUNCEMENTS:

City Attorney Sanchez announced (1) in the matter of Item 'A', COF v. Pinedale County Water District, Council authorized litigation against the District on a vote of 7 to 0; and (2) in the matter of Item 'B-1', Shields West, Council authorized an appeal on a vote of 6 to 1 with Councilmember Duncan in opposition.

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**(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 3:42 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF APRIL 29, 2008

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the Agency Minutes of April 29, 2008, approved as submitted.

**(A) BILL NO. B-27 - ORDINANCE NO. 2008-26 - DELETING THE DEBT INCURRENCE TIME LIMIT PURSUANT TO SB 211, FROM THE FRESNO AIR TERMINAL REDEVELOPMENT PLAN (Council action)**

Executive Director Murphey noted staff gave a presentation last week wherein the Bill was introduced and advised staff was available for questions.

On motion of President Xiong, seconded by Chair Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-27 adopted as Ordinance No. 2008-26, 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 CEDAR AVENUE RECYCLING AND TRANSFER STATION, LP, AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE MOU (Agency action)**

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

Members Sterling and Dages commended staff and all involved, expressed their support and expanded further on the issue, and made a motion and second to approve staff's recommendation. Chair Westerlund spoke briefly to the disposition and development agreement (D&DA) that will follow and also expressed his support stating this was innovative and a good way to go.

On motion of Member Sterling, seconded by Member Dages, duly carried, RESOLVED, the above entitled MOU 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

**(C) APPROVE COMPENSATION RECOMMENDATION (3% INCREASE) FOR THE EXECUTIVE DIRECTOR - CHAIR WESTERLUND (Agency action)**

Chair Westerlund stated this recommendation was being presented based on the Agency's evaluation and discussion and made a motion to approve, which motion was seconded by Member Xiong.

Member Duncan clarified Ms. Murphey was an outstanding employee but he would oppose the salary increase as he did last week for the City Clerk and City Attorney because the city would be facing a tough year and stressful budget times, stated this was the year where

the city needed to bunker down and hold the line, and added he was concerned about the precedent the Agency/City Council was setting providing its' employees with raises when the city manager was going to have to deal with a lot of significant issues for a lot of people.

On motion of Chair Westerlund, seconded by Member Xiong, duly carried, RESOLVED, a 3% salary increase for the Executive Director, for a new salary set at \$137,920 effective April 16, 2008, hereby approved, by the following vote:

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

**(D) AGENCY RESOLUTION NO. 1718 - ESTABLISHING RULES OF PROCEDURE FOR THE REDEVELOPMENT AGENCY AGENDA**

**(5 - 0)** Executive Director Murphey stated this was a housekeeping item setting forth the agenda procedures and mirrored City rule #5. Chair Westerlund suggested Rule #3 of the Procedures be deleted since it was not applicable and after brief discussion the rule was left in when it was clarified there had been Agency Consent items and ceremonial presentations in the past.

On motion of Chair Westerlund, seconded by Member Sterling, duly carried, RESOLVED, the above entitled Agency Resolution No. 1718 hereby adopted, by the following vote:

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

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The joint bodies adjourned their meeting at 3:56 p.m. and the City Council reconvened in regular session.

**(3:00 P.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-07-41 AND ENVIRONMENTAL FINDINGS FILED BY MIKE DeALBA AND ASSOCIATES, NORTH SIDE OF W. NORTH BETWEEN S. ELM AND S. CLARA AVENUES**

- 1. CONSIDER AND ADOPT E.A. NO. R-07-41/S-07-110/TPM-2007-27, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**
- 2. BILL NO. B-29 - ORDINANCE NO. 2008-27 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-2/cz**

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Staff Analyst Zuniga advised the staff report as submitted was complete and added information to the record on what occurred at the District 3 Plan Implementation Committee meeting Monday night and their unanimous recommendation to approve the project.

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

Acting President Sterling, along with Planning Manager Haro and an applicant representative, expanded further on the project and related issues including noticing, staff's submittal of addresses and map of the area, number of acres that went from R-1 to R-2 and vice versa, what was lost/gained in terms of the R-1 zoning, the upgrading to homes, the 15 unit apartment complex, construction of area infrastructure, and the site plan. A motion and second was made to approve staff's recommendation. Mr. Haro and the applicant representative responded to questions and comments of Councilmember Westerlund relative to whether 15 units were enough for an on-site manager, the site plan depicting long, narrow alleyways/corridors and this complex looking similar to complexes in El Dorado Park, concern with problems that occur with no on-site manager, the great, larger projects that have been built around North and Elm with on-site managers, and this being an "in-betweenner" and concern that this has the real potential to "fly south" 15 - 20 years from now.

On motion of Acting President Sterling, seconded by Councilmeber Dages, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-29 adopted as Ordinance No. 2008-27, subject to the condition of zoning outlined in the staff report, by the following vote:

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

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 4:05 p.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

**Approved** on the \_\_\_\_ 13th \_\_\_\_\_ day of \_\_\_\_ May \_\_\_\_\_, 2008.

\_\_\_\_\_/s/\_\_\_\_\_/ ATTEST: \_\_\_\_\_/s/\_\_\_\_\_

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Blong Xiong, Council President

Yolanda Salazar, Assistant City Clerk