

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 President
	Larry Westerlund	Councilmember
	Blong Xiong	Council President

Andrew Souza, City Manager
Bruce Rudd, Assistant City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

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

PROCLAMATION OF "MEDIATION WEEK" - COUNCILMEMBER PEREA

PROCLAMATION OF "PINEDALE DAY" - COUNCILMEMBER CALHOUN

PROCLAMATION OF "UNIVER/CITY SUSTAINABILITY INITIATIVE"

Councilmember Duncan left the meeting briefly at 8:51 a.m. and returned at 8:56 a.m. Councilmember Perea left the meeting at 8:53 a.m.

PROCLAMATION OF "SUZANNE BERTZ-ROSA DAY" - COUNCILMEMBER WESTERLUND

Councilmember Perea returned to the meeting at 9:02 a.m.

CERTIFICATE OF COMMENDATION TO PHILIP GOOLKASIAN - MAYOR AUTRY AND PRESIDENT XIONG

The above proclamations and certificate were read and presented.

APPROVE CITY COUNCIL MINUTES OF MARCH 11, 2008:

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the Council minutes of March 11, 2008, approved as submitted.

APPROVE JPFA MINUTES OF MARCH 11, 2008:

On motion of Councilmember Westerlund, seconded by President Xiong, duly carried, RESOLVED, the JPFA minutes of March 11, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: (1) Stated there was an issue of health and hygiene as the weather was getting warmer relating to non-maintenance of foreclosed or vacant homes with swimming pools, adding he had requested staff work with Fresno Mosquito Abatement and provide a status report in two weeks as to what had been done with City Manager Souza stating staff was working with the real estate

would be provided in two weeks. (2) Expressed concern with the lawns and bushes of vacant homes turning brown and dying, adding Phoenix, Arizona contracted with a company that would spray lawns green. (3) Expressed concern with illegal signs in District 1 and stressed the need for Code Enforcement to force the removal of illegally placed signs.

(2-0) COUNCILMEMBER WESTERLUND: (1) Thanked everyone involved with the El Dorado Charette that took place on March 15, 2008, at Wesley United Methodist Church, adding he was pleased with the ideas presented for the specific plan. (2) Stated the first meeting of the District 4 Review Committee was held on March 20, 2008, adding it was an open meeting held in Meeting Room "C", noting there were five individuals who turned in their applications.

COUNCILMEMBER DUNCAN: (1) Commended President Xiong on developing the process of selecting the temporary replacement for Councilmember Westerlund when he is on military duty. (2) Commended the Public Works Department on identifying four safety canal projects the City could move forward on which would improve the safety of children walking to school by installing new bridges and fencing near the canals.

PRESIDENT XIONG: Stated he attended the visit from Assembly Speaker Bass, adding he was impressed with her willingness to learn of the needs of the City and valley, advising it was a great opportunity to continue to network.

CITY MANAGER SOUZA: Announced he had accepted Planning and Development Director Yovino's resignation, effective September 3, 2008, adding Mr. Yovino had worked for the City for 36 years and extended well wishes.

APPROVE AGENDA:

(1-J) RESOLUTION - AUTHORIZING THE SUBMISSION OF A PROPOSITION 1C IN-FILL INFRASTRUCTURE GRANT PROGRAM APPLICATION IN THE AMOUNT OF \$2,704,530 TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE TRANSIT VILLAGE PROJECT, AND AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE ALL NECESSARY GRANT DOCUMENTS TO PARTICIPATE IN THE IN-FILL INFRASTRUCTURE GRANT PROGRAM SUBJECT TO CITY ATTORNEY REVIEW

Removed from the agenda.

(11:00 A.M. "A") JOINT MEETING WITH THE REDEVELOPMENT AGENCY TO CONSIDER AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT - RELOCATION OF HISTORICAL RESOURCES
(Continue to April 8, 2008, at 3:00 p.m.)

Continued as noted.

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

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

ADOPT CONSENT CALENDAR:

(1-A) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT, AND ALL RELATED DOCUMENTS, WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, FOR THE POLICE DEPARTMENT'S 2008 "CALIFORNIA CLICK IT OR TICKET" PROGRAM

1. RESOLUTION NO. 2008-55 - 76TH AMENDMENT TO THE AAR APPROPRIATING \$25,000 FOR THE "CLICK IT OR TICKET" PROGRAM

(1-B) RESOLUTION NO. 2008-56 - ADOPTING AMENDED RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD
1. AUTHORIZE STAFF TO MAKE NON-SUBSTANTIVE CHANGES TO MAKE THE FRESNO MUNICIPAL CODE (FMC) REFERENCES CONSISTENT WITH THE REORGANIZED FMC

(1-C) RESOLUTION NO. 2008-57 - APPROVING THE SUMMARY VACATION OF A PORTION OF A PEDESTRIAN AND

BIKEWAY EASEMENT IN PARCEL "D" OF PARCEL MAP NO. 2003-7, NORTH SIDE OF E. HERNDON AVENUE 1000 FEET EAST OF N. CEDAR AVENUE

(1-D) APPROVE THE ACQUISITION OF THREE EASEMENTS FROM BASCOM SHIELDS AVENUE APARTMENTS, LLC, OWNERS OF THE SYCAMORE HEIGHTS APARTMENTS ON E. SHIELDS AVENUE EAST OF MAPLE, FOR EXISTING WATER PUMP STATION NO. 125, WATER PIPELINES AND ACCESS TO THE PUMP STATION AND PIPELINES

1. AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY

(1-E) APPROVE THE CONSENT TO COMMON USE AGREEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E) CO. FOR THE COMMON USE OF A 115 kV ELECTRIC TRANSMISSION LINE EASEMENT AND A STREET EASEMENT

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE AGREEMENT ACROSS PROPERTY OWNED BY PAUL AND SUSAN LUCICH

(1-F) RESOLUTION NO. 2008-58 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF THE CALIFORNIA PROPOSITION 1B TRAFFIC LIGHT SYNCHRONIZATION PROGRAM, AND AUTHORIZE THE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

(1-G) RESOLUTION NO. 2008-59 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION URBAN FORESTRY PROGRAM INNOVATIVE URBAN FORESTRY PROJECTS, AND AUTHORIZE THE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

(1-H) AWARD A CONTRACT IN THE AMOUNT OF \$754,632 TO AMERICAN PAVING CO. FOR THE WHITESBRIDGE ROAD RECONSTRUCTION PROJECT

(1-I) AWARD A CONTRACT IN THE AMOUNT OF \$245,941 TO JWT GENERAL ENGINEERING FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 38

Councilmember Calhoun stated the staff report did not contain detailed information, adding Public Works Department did provide the needed information pertaining to the lowest bidder, adding it was below the Engineer's estimate, advising he was satisfied with awarding of the contract.

(1-K) APPROVE A HOME INVESTMENT PARTNERSHIPS PROGRAM CHDO FUNDING AGREEMENT IN THE AMOUNT \$2 MILLION WITH PARC GROVE COMMONS II LP AND BETTER OPPORTUNITIES BUILDERS, INC., FOR CONSTRUCTION OF THE 215-UNIT PARC GROVE COMMONS-PHASE II AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT, AND AUTHORIZE STAFF TO NEGOTIATE AND FINALIZE THE AGREEMENT, SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM

(1-L) RESOLUTION NO. 2008-60 - INITIATING REZONING (PREZONING) ON SEVEN PARCELS TOTALING 18.8 ACRES WITHIN THE CITY'S SPHERE OF INFLUENCE, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. HAYES AND W. OLIVE AVENUE (OLIVE-HAYES NO. 1 REORGANIZATION)

(1-M) CONSIDERATION OF THE CENTRAL-ORANGE NO. 4 REORGANIZATION FOR DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TERRITORY TO THE CITY OF FRESNO

1. AFFIRMING CITY COUNCIL ACTION OF JULY 31, 2007, ADOPTING THE ENVIRONMENTAL FINDING FOR E.A. NO. R-07-34 THAT THE PROJECT CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2008-61 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED CENTRAL-ORANGE NO. 4 REORGANIZATION

(1-N) APPROVE ADDITIONAL HOME/HOME CHDO PROGRAM FUNDS I THE AMOUNT OF \$650,000 FOR THE ARBOR COURT DEVELOPMENT OF AFFORDABLE RENTAL HOUSING FOR THE DISABLED, AND AUTHORIZE STAFF TO NEGOTIATE AND FINALIZE THE AMENDED AGREEMENT FOR THE PROJECT, SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM

UGM REIMBURSEMENTS TO APPROVED DEVELOPERS FROM AVAILABLE FUNDS

(1-Q) APPROVE THE ADDITION OF STORAGE SPACE TO SKYWEST AIRLINES' FYI AIRPORT OPERATIONS AGREEMENT EFFECTIVE MARCH 17, 2008, FOR STORAGE OF COMMISSARY ITEMS

On motion of Councilmember Westerlund, seconded by President Xiong, 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

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

(“A”) SCHEDULED COMMUNICATIONS:

APPEARANCE BY VIRGINIA MORALES TO DISCUSS THE AMERICAN AMBULANCE SIRENS AFFECTING HER NEIGHBORHOOD

Appearance made. Ms. Morales stated the neighborhood had a meeting two years ago with American Ambulance who agreed upon installing a taller wall and minimizing the beeping on the ambulance, adding to date, it had not happened.

UNSCHEDULED COMMUNICATIONS:

Sherrie Smith, 4724 W. Swift, spoke of saving the Fire Station No. 16 and requested it remain on the Ashlan Cornelia Corridor.

Joe Morales, 3005 E. Iowa, spoke of American Ambulance being located in his neighborhood, adding he wanted his neighborhood safe and expressed concern with the sirens going off 24 hours per day and how it was affecting his health; Lisa Morales, 2512 E Madison, stated American Ambulance should move due to there being numerous freeway that were easily accessible and the need to install a taller wall around American Ambulance's premises.

Paul Savino, 7449 N Mansionette Drive, spoke on the issue of helping the homeless.

Councilmember Perea stated he had been working with the Morales family and American Ambulance, which was located on Tulare and Freeway 41, adding there was a safety issue due to the speeding of the ambulances during an emergency and the noise associated with the sirens from the ambulance. Councilmember Perea stated the American Ambulance station was in the process of looking for an alternative site and requested staff provide options for relocation available for American Ambulance. City Attorney Sanchez stated a letter was sent to American Ambulance in 2004 with the stated concerns, adding there were regulatory controls the City had by the way of a Conditional Use Permit granted for the site, advising if there was evidence of violating specific items under the Conditional Use Permit there could be a consideration of revocation and elaborated. Brief discussion ensued regarding finding a new site for American Ambulance with Councilmember Perea requesting City Manager, City Attorney and the Executive Director of the Redevelopment Agency work together in finding a new site for American Ambulance.

(9:15 A.M. 'A') DIRECT STAFF TO RESEARCH AN ADDENDUM TO THE EXISTING SOLICITATION ORDINANCE TO PROHIBIT THE DANGEROUS PRACTICE OF SOLICITATION ON MEDIAN ISLANDS WITHIN THE CITY - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the staff report, stating the item was tabled from March 11, 2008, to allow time for staff to address questions raised, adding his office had received numerous e-mails who spoke in support and letters to the editor appeared in the Fresno Bee, advising the item was presented before the City Council on Kids Day which involved volunteers selling newspapers throughout City streets, noting it took precedence over panhandlers on the median islands soliciting money. Councilmember Calhoun stated he had met with Valley Children's Hospital which resulted in the organization would instruct the volunteers to be very careful. Councilmember Calhoun expressed concern with the dangers of people standing on the median islands and reviewed the specifics of his proposed direction.

Speaking to the issue was: Alphonso Williams, no address given, who stated the ordinance should include everybody, not just panhandlers.

Councilmember Duncan stated the government cannot stop all risks for everybody nor tell people where to stand, adding the Kid's Day was a great event and the volunteers needed to be careful. Councilmember Dages stated every Valentine's Day and Mother's Day people stand on the median islands selling flowers which was very dangerous for the drivers as well.

Police Sergeant Eide reviewed statistics over the last seven years: 12 pedestrian fatalities, 149 pedestrians injured in collisions, and 11 fatalities, this year the total was 28 and two pedestrian fatalities, adding the Police Department's concern was for public safety.

Acting President Sterling questioned what would happen to the Kid's Day event with Deputy Police Chief Farmer stating Valley Children's Hospital was trying to take extra measures to ensure the safety of the volunteers and to keep them on the center dividers, adding an alternative to consider for non-profit organizations was to continue to collect the fund and limit volunteers to corner locations. Acting President Sterling questioned whether the voluntary firefighters' fund raisers would be held to the same standards with City Attorney Sanchez stating there was a Business and Professions Code which was State regulated, adding a median island prohibition would have to include everyone. Councilmember Sterling questioned citing someone who was homeless with no means to pay with Mr. Farmer stating it would be an infraction. Councilmember Sterling expressed concern with the amount of homeless people in District 3, stating the priority was to work on the ten-year plan to end homelessness, advising if standing in the median island to solicit money was the only way the homeless could survive, there was a need to find solutions to help the homeless lead a good life. Councilmember Sterling stated the ordinance should not discriminate against the homeless, with Mr. Sanchez stating the prohibition would be across the board, adding the ordinance would address the health and safety of everyone.

Sergeant Eide responded to questions by Councilmember Perea relating to the statistics he advised of earlier with Mr. Eide stating out of 11 fatalities, none were results of panhandling. Councilmember Perea stated the City already had in place an aggressive panhandler ordinance with Mr. Farmer stating the addendum to the existing ordinance would provide the Police additional power for a police officer to cite a person in violation. Brief discussion ensued regarding the need for public education by using the news media and other outlets to advise the public about the dangers of standing on the median islands. Councilmember Perea stated the main issue was homelessness, adding if the ordinance was adopted it would be more effective if it was across the board, noting certain organizations helping the community would be hurt financially.

An amendment to the motion was made to include the City research how other jurisdictions dealt with the same issue and to return in 60 days with a workshop to see what might be implemented failed due to a lack of a second.

Councilmember Westerlund stated the issue was safety, adding other cities had a time, place and manner restrictions and regulations and elaborated. At the hour of 10:35 a.m. Councilmember Duncan left the meeting briefly.

Councilmember Calhoun stated the City Attorney's Office would provide a number of options, adding there was adequate information in the staff report where a workshop was unnecessary, noting the workshop would prolong resolving the situation.

Traffic Engineering Manager Jones stated the Public Works Department installed the median islands to prevent cars on high speed railways from colliding and explained the unsafe conditions for pedestrians and reviewed a special event permit. Councilmember Duncan returned to the meeting at the hour of 10:41 a.m. Councilmember Calhoun stressed the approval of the addendum would provide assistance to the Police Department in alleviating the situation.

Councilmember Westerlund stated he wanted options presented to Council in order to address the issue with Councilmember Perea concurring. President Xiong requested information be provided to Council that included if the ordinance was adopted what was the impact on the Police Department, citizens who cannot pay and the court system.

Councilmember Duncan expressed concern with spending time and resources for the creation of an ordinance which was already covered by an existing ordinance, stressing the Police Department should be spending their time on more serious issues.

On motion of Councilmember Calhoun, seconded by President Xiong, duly carried, RESOLVED, staff directed to return within 60 days with an amendment to the existing solicitation ordinance which would seek to prohibit the dangerous practice of solicitation on median islands within the City of Fresno. The direction could include the following elements: The City of Fresno could adopt this active ordinance

prohibiting individuals from loitering on median islands that would provide the Police Department with the ability to issue citations; 2. The City of Fresno could consider adopting an ordinance making it unlawful for motorists to give donations to individuals loitering on median islands or traffic circles. Making it illegal to give donations would remove the incentive for loitering and solicitation on median islands; 3. Any ordinance that the City of Fresno considered adopting could include a 60 to 90-day grace period whereby police officers would educate the violators about the new ordinance. The police could also provide individuals in need of services information about treatment programs; or could defer to staff to do further research and recommend the most affective alternative hereby approved, by the following vote:

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

**(10:00 A.M.) HEARING ON THE VACATION OF FULTON LANE BETWEEN BROADWAY AND FULTON STREETS AND THE BROADWAY-FULTON/BROADWAY-DIVISADERO ALLEY BETWEEN FULTON LANE AND YOSEMITE AVENUE - R.I. 1063-D
1. RESOLUTION NO. 2008-63 - ORDERING THE VACATION OF THE ABOVE**

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

Jeff Roberts, Granville Homes spoke in support. Dale Cross, 1560 "H" Street stated he owned a sheet metal shop in the area, adding the City kept closing streets making it difficult to continue business in the area. Upon call, no one else wished to be heard and President Xiong closed the hearing.

(4-0) Councilmember Sterling requested Mr. Roberts meet with Mr. Cross to address his concerns and requested her office be kept informed.

A motion was made and acted upon after brief discussion.

Councilmember Westerlund questioned the alley-fed utilities being moved with Mr. Roberts stating the utilities would be relocated to the east of the current alignment of the alley and a along a portion of Sacramento Street. Traffic Engineering Manager Jones reviewed the traffic flow of the area.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-63 hereby adopted, by the following vote:

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

(10:30 A.M. #1) REQUEST FOR STAFF UPDATE ON STATUS OF THE EATON PLAZA MASTER PLAN - COUNCILMEMBER CALHOUN

At the hour of 11:01 a.m. Councilmember Dages left the meeting briefly. Councilmember Calhoun reviewed the staff report, stating Phase I had been completed and a portion of Phase II was being proposed to be completed by City staff, stressing the Eaton Plaza Master Plan would continue to be followed as approved.

PARCS Director Cooper gave a brief overview of the conceptual plan for Eaton Plaza, adding the City had \$1.8 million to make improvements that would allow closing the side off on the Fresno Street side of the Water Tower, increase the green space, make improvements to the tree grove and grass areas, install new bus stops and make improvements to the sidewalk from "N" to "O" Streets, noting the work could be completed by City staff .

Speaking to the issue were: James Oakes, Architect and Planner, 4514 E Pico, gave a brief background of his profession, stating he was involved in the original Eaton Plaza Plan adopted in the year 1966, stating he was committed in seeing Eaton Plaza completed. Mr. Oakes stated MPA was the best choice to complete the project , and requested Council reschedule the item in order to have additional time for discussion. Councilmember Dages returned to the meeting at 11:10 a.m. Also speaking to the issue were: Robert Dyer, 926 Lakewood

Drive, Hanford, encouraged Council to continue with the work done on Phase I; and William Donleavy, 2066 W. Via LeFontane, stated he had been active in the project when it was purchased in 1947, adding if City staff provided the work he hoped it would be overseen by professional people who designed the project and expressed concern with piece-mealing the project.

Discussion ensued regarding overseeing the City staff, and staying with the Master Plan with Assistant City Manager Rudd stating with the limited resources that were currently available, City staff would remove a driveway and replace with sod, perform sidewalk work and replant trees, advising at this point in the project the City did not need to engage the services of a landscape architect. Mr. Oakes stated up to the time of Phase II the various groups were given notice to have an opportunity to participate, adding the groups had not seen a demonstration of the breakdown of what the expenses were, advising MPA would provide professional input.

Councilmember Calhoun questioned what process had the City engaged in on a CUP to ensure it was in the best interest for the park, and whether the City went through due diligence to make sure citizens were informed the City was not doing a disservice to the facility with City Attorney Sanchez responding, adding Council could request staff to return with a summary of the status of the work completed and the justification that staff was proposing.

Councilmember Sterling requested staff meet with Mr. Oakes, Mr. Dyer and MPA, stressing the importance of the involvement of the community. Councilmember Duncan questioned how the remaining \$7 million would be generated to complete the project with Mr. Cooper responding. Councilmember Duncan stated there was ample time for the community to get involved.

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(9:15 A.M. 'B') RESOLUTION NO. 2008-64 - IN SUPPORT OF THE NATIONAL PARKS CENTENNIAL INITIATIVE AND MAINTAINING AND PRESERVING AMERICA'S NATIONAL PARKS - COUNCILMEMBER PEREA

Councilmember Perea introduced Laney Hendricks, Program Manager for the Central Valley Field Office of the National Parks Conservation Association, gave an extensive overview of the report, on file in the City Clerk's Office, stating national parks had a benefit to the economy, both statewide, nationally and locally, advising for every \$1.00 invested in federal public land there was a \$4.00 return to state and local economies. At the hour of 11:37 a.m. Councilmember Westerlund left the meeting briefly. Ms. Hendricks stated Yosemite National Park, Sequoia and Kings Canyon host numerous amounts of visitors which return approximately \$4 million to the local economy and supported over 9,500 jobs. Ms. Hendricks requested Council adopt the above resolution in an effort to repair the national parks to their preferred condition by their 100th anniversary of the year 2016.

A motion was made and acted upon after brief discussion.

Councilmember Dages, Perea and President Xiong commended Ms. Hendricks on the report.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-64 hereby adopted, by the following vote:

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

(9:15 A.M. 'C') BILL NO. B-19 - ADDING SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO INSTALLATION OF SOLAR ENERGY SYSTEMS IN CONSTRUCTION OF NEW CITY-OWNED BUILDINGS - COUNCILMEMBER DAGES

(5-0) At the hour of 11:44 a.m. Councilmember Westerlund returned to the meeting. Councilmember Dages reviewed the staff report, stating the request was to add solar energy systems to any project built in the City of Fresno, adding the ordinance included adding solar panels on all new City-owned public projects which would lower the operating costs, improve the long term economic affects and returns, to protect the environment and to show leadership in Fresno as far as energy conservation.

Councilmember Dages stated there was flexibility relating to the cost, adding to incorporate solar energy systems at the planning stage would be an alternate to determine feasibility, noting there would be a cost for the new construction and a separate cost for the solar energy system.

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A motion was made and acted upon after extensive discussion.

Councilmember Perea spoke in support, adding he would like to see retrofits and make the requirement for all City of Fresno buildings. Councilmember Duncan questioned whether the City was adding solar energy systems already, expressing concern that mandating the installation with an ordinance would hurt the environment, adding he was in opposition due to the City was already installing

solar energy systems.

Councilmember Westerlund questioned the cost of installing solar energy systems during the design phase with Public Works Assistant Director Baneulos responding. Discussion ensued regarding the upgrading of the structure of the building in order sustain the heavier loads on the roof with Councilmember Westerlund stating this was an idea which needed to be looked at on a case to case basis, adding the City needed to take a proactive stance in looking at it for feasible purposes.

On motion of Councilmember Dages, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-19 introduced and laid over, by the following vote:

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

LUNCH BREAK – 12:06 P.M. – 2:00 P.M. Councilmember Calhoun arrived shortly thereafter.

(9:30 A.M. 'A') ACCEPT CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FY 2007

Interim City Controller Bradley gave an extensive overview of the City's financial position for June 30, 2007, adding the City met all of its reporting requirements, advising last year's CAFR and the financial statements for the 14 previous years were awarded the Certificate of Achievement by the Financial Reporting Government Finance Officer's Association. Councilmember Westerlund commended and thanked staff on the information contained in the report.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the City of Fresno Comprehensive Annual Financial Report (CAFR) for fiscal year 2007 hereby accepted, by the following vote:

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

(9:30 A.M. 'B') APPROVE AN AGREEMENT WITH S&B INVESTMENTS FOR CITY'S LEASE/PURCHASE OF AN EXISTING WAREHOUSE FOR DEVELOPMENT AS A JOINT LAW ENFORCEMENT PROPERTY AND EVIDENCE STORAGE BUILDING AND MAKE RELATED FINDINGS

At the hour of 2:07 p.m. Councilmember Calhoun arrived at the meeting. Deputy Police Chief Farmer reviewed the staff report, stating the Police Department located a building for the purpose of storing their property and evidence that would meet the needs of the Police Department through the year 2025, adding the building could be used on a County-wide basis to bring in the Fresno County Sheriff's Department in the future. Mr. Farmer stated the building was located in the vicinity of Golden State and Church, on the southwest corner on Foundry Way, adding the building had 26-foot concrete wall and a sprinkler system for added security and safety and after the interior of the building had been retrofitted it would meet all the standards of the best practices for security.

Deputy Police Chief Enmark explained the financing, stating this year's lease would be paid through the existing general funds, adding \$45,000 would be paid from the next year's general fund, noting the rest of the funding would be paid by impact fees.

Councilmember Duncan expressed concern with leasing the building for one year and spending \$1.6 million on infrastructure costs, questioning if staff had researched building from the ground up, adding there was a lack of clarity with the County being a joint effort. Mr. Enmark responded to questions by Councilmember Duncan pertaining to "right of first refusal" with Mr. Enmark stating at the end of

nine months the City had the ability to purchase the building, advising the City's plan was to have everything in place before spending money on the infrastructure. Councilmember Duncan stated this was a major investment and the City was not sure if they would be able to obtain the financing, adding this would put the taxpayers at risk. Councilmember Duncan stated if the City had approved a bond and was going to purchase the building at \$1.3 million and knowing another \$1.6 million was going to be spent to fix the building would not be at such a high risk.

Councilmember Calhoun spoke in support of the new location of the property and evidence storage building, stating the lease option was a good idea, adding the City was willing to take a risk for consolidation of services and this risk was relatively low.

A motion was made and acted upon after extensive discussion.

Councilmember Dages expressed concern with there not being a joint law enforcement in place and questioned whether staff had asked the County for financial assistance with Mr. Enmark responding. Councilmember Dages questioned why the City did not purchase the building now, with extensive discussion ensuing on the appraisal price and purchase price with Mr. Enmark stating the purchase cannot take place until January, 2009, adding the City would not make improvements until the appraisal had been returned and had an agreed purchase price. Mr. Enmark stated the building was currently being appraised and should receive a purchase price by the middle of April and at the same time would know who the architect would be for the infrastructure, adding staff would return to Council at that time with the purchase price and infrastructure cost. **(6-0)** Brief discussion ensued regarding the property tax, insurance on the building and the escrow costs. City Manager Souza responded to questions pertaining to economic loss if the building was not purchased, adding staff had weighed the benefits of the building, both short and long term.

Councilmember Westerlund questioned whether staff considered purchasing the building that included "to take out an option" with Mr. Souza responding. Extensive discussion ensued regarding entering into a lease to hold the building empty until the financing had been determined. Mr. Souza stated the JPA did not have sufficient staff at the present time to undertake an acquisition like this, adding when staff returned with the expenditures they could provide a letter of intent from the JPA and the County indicating their willingness to participate in the project.

Councilmember Sterling questioned a joint venture with the Sheriff's Department with Mr. Farmer stating the Sheriff's level of expertise was prisoner processing, adding the Police Department had an extensive experience with property and evidence, noting the JPA would ensure it would balance out. Discussion ensued regarding the current process of having the Police Department's property and evidence being located in ten different location throughout the City and the costs associated with the different locations.

Councilmember Duncan questioned how the Police Department knew the building was suitable if staff did not know what the County's needs were with Mr. Farmer responding. Councilmember Duncan expressed concern that the City nor the County were serious in consolidating, stressing the importance of finding out what the needs of the County were and return to Council with a proposal from the City and the County through a JPA.

President Xiong questioned the loss of funding if the building was not purchased with Mr. Souza stating the City would pay rent for the month of April, and if the purchase did not go through, it was a 90-day walk away where the City would pay three additional months resulting in the loss of approximately \$30,000. President Xiong stated this was a good opportunity and the importance for the City to take the next step, advising this was the initial cost, adding it was important to get a commitment from the County in sharing the cost of the building.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, a lease/purchase agreement with S&B Investments for an improved warehouse (15,000 square foot) facility located at 2481 Foundry Park Avenue hereby approved; the triple-net lease agreement runs through January 1, 2009, with a monthly rental obligation of \$7,500 and the City had a firm purchase option estimated at \$1,300,000 or MAI appraisal, hereby approved; during the leasing period, the City would improve the warehouse for occupancy of the new Joint property and evidence building hereby approved; the City Manager, or his designee authorized to sign the agreement on behalf of the City, by the following vote:

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

(10:30 A.M. #2) HEARING ON REZONE APPLICATION NO. R-07-12 AND ENVIRONMENTAL FINDINGS FILED BY THE MCCAFFREY GROUP ON BEHALF OF HARRY AND ILL PASCUZZI, EAST SIDE OF N. GRANTLAND BETWEEN W. SHAW AND W. ASHLAN AVENUES

151-91

3/25/2008

- 1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-07-12/T-584/C-07-252**
- 2. BILL NO. B-20 - ORDINANCE NO. 2008-19 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-2/UGM**

President Xiong announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Lewis stated there was no further information to add and recommended approval.

Dirk Poeschel, 923 Van Ness Avenue, on behalf of the McCaffrey Group, who spoke in support.

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

On motion of President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, the mitigated negative declaration for the subject E.A. hereby adopted, and the above entitled Bill No. B-20 adopted as Ordinance No. 2008-19, by the following vote:

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

(10:45 A.M.) HEARING ON REZONE APPLICATION NO. R-04-26 AND ENVIRONMENTAL FINDINGS FILED BY THURSTON L. HADLEY, JR., NORTH SIDE OF W. ELGIN AVENUE BETWEEN N. EVEREST AND N. JOSEPHINE AVENUES WITHIN THE HERNDON TOWNSITE AREA (7145 N, ELGIN AVENUE)

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-26/S-04-116**
- 2. BILL NO. B-21 - ORDINANCE NO. 2008-20 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM TO R-2-A/UGM**

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

Planning Manager Pagoulatos stated there was no further information to add and recommended approval.

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

Councilmember Calhoun stated for the record, the approval for the above listed project required connection to community sewer and water services.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the mitigated negative declaration for the subject E.A. hereby adopted, and the above entitled Bill No. B-21 adopted as Ordinance No. 2008-20, by the following vote:

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

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

(1-P) APPROVE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH EIE ALPHA, LLC FOR THE NEW FIRE DEPARTMENT HEADQUARTERS BUILDING

Councilmember Westerlund stated this item came before the City Council eleven months ago and at which time the City entered into a lease agreement with the owner of the building and the original lease rate was \$1.56 per square foot, adding after the renovations the cost was currently at \$1.97 per square foot. Councilmember Westerlund expressed concern with the change orders not presented to Council until they had already been incurred, adding the developer should pay for any amount over what was agreed upon. Fire Chief Bruegman gave a brief history of the project, adding after getting into the construction of the building, it was found that many of the things needing to be fixed could not be done for \$1.56 per square foot. Mr. Bruegman stated as the City moved forward to redevelop the downtown area,

Council might look at working on a system where there could be some latitude that staff can work with the developer, adding when office staff needed to be relocated the department was placed in a situation where a decision needed to be made on a locating a building, adding the Fire Department staff could have moved outside the downtown core, noting the direction and concurrence of Council was to stay downtown to help revitalize downtown as well as the workforce standpoint.

Councilmember Duncan questioned whether the change orders were driven by the City rather than the developer with Mr. Bruegman responding. Councilmember Duncan stated when a 100-year old building was being renovated, there would be unexpected costs, questioning if the City could absorb the change in the lease rate with Mr. Bruegman stating it was projected in next year's budget.

A motion was made and acted upon after extensive discussion.

(7-0) Mr. Bruegman responded to questions pertaining to leasing an historic building that was in need of renovations , with Councilmember Calhoun expressing concern with the possibility of the lease not being approved with variance that existed today, questioning if staff made additional changes as the project moved forward with Mr. Bruegman stating approximately \$45,000 of change orders were completed internally, namely installing stainless steel counters in the commercial kitchen area that was adjacent to a community room that held approximately 40 people and was being used 15 times per month, adding the work was done to reduce staff infections. Mr. Bruegman stated the project was at a fast pace to complete relocation by December, adding due diligence was not performed in some of the technology applications and the details involved in relocating 60 people into the building. Councilmember Calhoun stated he did not remember the “rush” process, questioning if staff had outside advice, with Mr. Bruegman responding. Mr. Bruegman reviewed what costs the developer absorbed in the various change orders. Councilmember Calhoun stated Councilmember Westerlund had raised legitimate issues and concerns, advising there were lessons to be learned from this project.

On motion of Councilmember Duncan, seconded by President Xiong, duly carried, RESOLVED, Amendment No. 1 to the Lease Agreement for the new Fire Department Administrative headquarters office between EIE Alpha, LLC and the City of Fresno hereby approved, by the following vote:

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

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(2:30 P.M.) HEARING ON REZONE APPLICATION NO. R-07-010 AND ENVIRONMENTAL FINDINGS FILED BY HARBOR & ASSOCIATES ON BEHALF OF THE ROZ GROUP, SOUTH SIDE OF W. ASHLAN BETWEEN N. POLK AND N. HAYES AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-010/T-5756, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-22 - ORDINANCE NO. 2008-21 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND R-R TO R-1/UGM

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

Planner Trejo stated there was no further information to add and recommended approval.

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

On motion of President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby adopted, and the above entitled Bill No. B-22 adopted as Ordinance No. 2008-21, by the following vote:

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

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(2:35 P.M.) HEARING ON REZONE APPLICATION NO. R-07-73 AND ENVIRONMENTAL FINDINGS FILED BY PROVOST & PRITCHARD ENGINEERING GROUP, INC., ON BEHALF OF THE MCCAFFREY GROUP, NORTH SIDE OF W. HERNDON BETWEEN N. HAYES AND W. SPRUCE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-37/T-5914/C-07-349, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-23 - ORDINANCE NO. 2008-22 - AMENDING THE OFFICIAL ZONE MAP TO REZONE 5.11 ACRES FROM R-1/EA/UGM/cz AND C-1/EA/UGM TO R-2/EA/UGM, AND THE REMAINING 4.38 ACRES FROM AE-5/EA/UGM TO C-P/EA/UGM

HOUSING FACILITY PROGRAM (Public testimony portion of the hearing closed on February 26, 2008)

(8 - 0) President Xiong announced the time had arrived to consider the issue and opened the hearing.

Staff Analyst Beedle advised staff conducted two community meetings on March 10th and 12th as directed by Council and no new information was brought out at those meetings that was not discussed at the February 26th Council hearing, and stated staff's report and the record were complete, there was no new information to add, and staff was available to respond to questions. City Attorney Sanchez briefly reviewed the background of the issue, clarified public testimony was closed on February 26th and Council did not have to reopen it as staff stated no new material information was raised at the community meetings, outlined the four substantive considerations that were before Council (CEQA and three land use) and the findings to be made, advised ADA and Fair Housing laws were applicable here and Council was somewhat constrained in that they could not add conditions or deny the project in a manner that discriminated against/unreasonably prohibited these kinds of treatment uses within the city, and concluded stating planning staff was recommending approval of the Mitigated Negative Declaration and the CUP. Upon question of President Xiong City Clerk Klisch confirmed a petition containing 1,000 signatures in opposition to the project had been received.

Acting President Sterling stated this had been a long journey, the community had opportunities to weigh in on project as Council directed, and at issue this date was a land use decision and explained; clarified and elaborated on issues relative to the applicant (Mental Health Systems), concerns expressed, and conditions imposed on the project; and thanked staff and MHS for all their work and for working with the community, made the necessary findings as recommended by staff, and made a motion to approve the declaration and the CUP with the FRCCC defined as a "governmental facility" and the Fresno First and Transitional Supportive Housing Programs defined as a "group home", which motion was seconded by Councilmember Duncan.

Councilmember Calhoun questioned if the motion was staff's recommendation with Mr. Sanchez and Planning & Development Director Yovino stating the motion was an alternative, and an acceptable alternative, to staff's recommendation to define all three uses as a "group home" and explained. Upon further question City Manager Souza stated he had nothing to add and was comfortable with the motion. Councilmember Calhoun stated he wanted to make sure the motion met MHS's needs and would not impact or limit them and spoke in support of the project stating it was a worthy facility for the community and the programs would help women become productive citizens and elaborated further.

David Conn of MHS and Chief Dyer responded to questions/comments/concerns of Councilmember Perea relative to the correctional center (FRCCC) including how it will look, location and number of door locks, number of facilities MHS operates, past history/experience with these types of facilities, the center being the first in the state and need for enough data to make an informed decision, types of crimes committed by inmates that will be housed there, and number of times a person has to be arrested before going to prison.

Upon question of Mr. Souza, applicant representative Jeff Reid stated MHS was satisfied with the status of the CUP (motion).

Upon question of Councilmember Dages, Mr. Sanchez stated two public meetings were held with the community, whereupon Councilmember Dages stated his main concern was the neighbors, questioned what the outcome was of the community meetings, and stated the petitions received were new, he wanted to reopen public testimony to those that had not yet spoken on the issue, and made a motion to reopen public testimony. Upon call the motion died for lack of a second. Councilmember Dages continued and presented questions, comments and concerns relative to the number of people who re-offend, this being precedent-setting, and security and staffing, with Chief Dyer responding throughout. Councilmember Dages stated this would be a precedent-setting correctional facility close to residential that people did not want and he could not support it at this time. Relative to Councilmember Dages' questions Mr. Souza added Council's agenda packet contained the transcripts of the two community meetings that were held and Mr. Beedle stated in the opening presentation that no new information came out of those meetings.

On motion of Acting President Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for E.A. No. C-07-256 hereby approved, and CUP Application No. C-07-256 approved (1) with the FRCCC defined as a "governmental facility" and Fresno First and Transitional Supportive Housing Programs defined as a "group home", and (2) subject to the Exhibits, Conditions of Approval, related Addendum, and all related memoranda contained in the staff report, by the following vote:

151-95

3/25/08

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

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:20 p.m. having arrived and hearing no objections, President Xiong declared the meeting adjourned.

Approved on the _____ day of _____, 2008.

Blong Xiong, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk

