

UNOFFICIAL COPY

Fresno, California

May 13, 2008

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

Minister Doug Baker of College Church of Christ gave the invocation and President Xiong led the Pledge of Allegiance.

PROCLAMATION OF "DR. TROY FORD DAY" - PRESIDENT XIONG

PROCLAMATION OF "BIKE WEEK" - COUNCILMEMBER PEREA

PROCLAMATION OF "SALVATION ARMY WEEK" - ACTING PRESIDENT STERLING

PROCLAMATION OF "NATIONAL AMERICORPS WEEK"

RESOLUTION CONGRATULATING THE FLEET MANAGEMENT DIVISION FOR EARNING THE ASE BLUE SEAL OF EXCELLENCE RECOGNITION FOR THE 8<sup>TH</sup> CONSECUTIVE YEAR - MAYOR AND CITY COUNCIL

The above Proclamations and Resolution were read and presented.

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**APPROVE MINUTES OF MAY 6, 2008**

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of May 6, 2008, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER DUNCAN: (1) Commended PARCS staff on their plans for Friday's grand-opening of Todd Beamer Park; and (2) acknowledged this was Councilmember Westerlund's last meeting before being deployed to active duty and stated he was very proud of his friendship with him and what he was doing and thanked him for his service.

COUNCILMEMBER DAGES: (1) Commendation of the Oak Park Villas for Seniors housing project at Jensen & Willow, the first project built green with carport solar panels and universal design; (2) concern with landscaping at the Cedar/Church post office, attempts and inability to connect with someone at the post office, and request the city manager try to contact someone to relay concerns; (3) reiteration of problem occurring at Willow Gardens Mobile Home park, residents' feeling of being violated/forced into situations, and need for staff to enforce the rent control ordinance or repeal it, with City Attorney Sanchez advising of staff's work amending the ordinance and plans

to bring it forth in three weeks; and (4) apartments being built at Maple & California Avenues and request staff look into the proposed elimination of the bus stop that was part of the deal and which would jeopardize the developer's tax credits, with ACM Rudd responding.

COUNCILMEMBER CALHOUN: Notice of his press conference this date at the Hall of Records to address concern with the County's late submission of their budget and comments on the potential impact on the city by not knowing the county's plans and the possibility of the city having to re-open its' adopted budget depending on the outcome of the county budget.

COUNCILMEMBER STERLING: (1) Direct staff to schedule on the June 3<sup>rd</sup> agenda a discussion item on the JC Penney and Bank of Italy buildings and the owner's responsibilities under the code enforcement ordinance as was done for the Hotel Fresno; (2) comments on the number of fires at homeless encampments and concerns of the community and businesses on the "H" Street corridor **(2 - 0)** and request the fire department submit their report/recommendations to her office; (3) request city manager look into CFD No. 5 and reports from Foundry Park on lack of maintenance/violation of the 2001 agreement; (4) commendation to everyone involved in making the Calaveras Street block party a great success; and (5) thank you to Traffic Engineer Jones on the high visibility crosswalk painted at McKinley and Teilman after a student was hit by a car and comments on the on-going, dangerous situation/problem and work occurring with the FUSD and community to do what is necessary.

PRESIDENT XIONG: Thank you to Council members who attended the Hmong History Month and honoring of veterans event at the fairgrounds; congratulations to the Fresno High alumni on their successful 8<sup>th</sup> annual alumni dinner; thank you to the City of San Joaquin mayor and city manager for the tour provided to him of their city; and notice and invitation to reception for Councilmember Westerlund at 12:00 noon.

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**APPROVE AGENDA:**

**(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY - AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT - RELOCATION OF HISTORICAL RESOURCES (Continue to June 10, 2008, at 3:00 p.m.)**

Continued as noted.

**(10:30 A.M. #2) RESOLUTION** - CONSIDER APPROVAL OF RESOLUTION ADOPTING THE 466<sup>TH</sup> AMENDMENT TO THE MASTER FEE SCHEDULE RESOLUTION NO. 80-420 TO ADJUST THE CITYWIDE REGIONAL STREET IMPACT FEE AND THE NEW GROWTH AREA MAJOR STREET IMPACT FEE

**1. RESOLUTION** - 466<sup>TH</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 ADJUSTING THE CITYWIDE LOCALLY REGIONALLY SIGNIFICANT STREET IMPACT FEE AND THE NEW GROWTH AREA STREET IMPACT FEE

City Clerk Klisch advised only one resolution was involved, and removed the word "locally" from the second resolution.

**(9:15 A.M. "B") REQUEST FOR DETAILED STAFF UPDATE IN 30 DAYS ON THE STATUS OF THE HOTEL FRESNO - COUNCILMEMBER CALHOUN**

At the request of Councilmember Calhoun and with Council consensus the above matter was rescheduled for June 24, 2008, at 10:00 a.m.

**(10:30 A.M. #1) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**(E) BILL** - ADDING SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO UNIVERSAL DESIGN BUILDING REQUIREMENTS FOR CITY AND REDEVELOPMENT AGENCY-FUNDED NEW RESIDENTIAL BUILDING PROJECTS - ACTING PRESIDENT STERLING

Acting President Sterling removed the item from the agenda stating it would be rescheduled.

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

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

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt spoke in general to the consent calendar.

**(1-A)** AWARD THREE 3-YEAR NON-EXCLUSIVE CONTRACTS FOR TEMPORARY EMPLOYEE SERVICES, WITH PROVISIONS FOR TWO 1-YEAR EXTENSIONS, TO VALLEY STAFFING SERVICES FOR THE BLUE COLLAR SECTION, 9008 GROUP d.b.a. ACT-1 PERSONNEL FOR THE CLERICAL AND WHITE COLLAR SECTION, AND DENHAM RESOURCES FOR THE CLERICAL AND WHITE COLLAR SECTIONS

**(1-B)** AWARD A CONTRACT IN THE AMOUNT OF \$269,000 TO MADCO ELECTRIC, INC., FOR THE MCKINLEY AND WEST TRAFFIC SIGNAL MODIFICATION PROJECT

(1-C - ITEM REMOVED FROM THE AGENDA)

**(1-D)** APPROVE THE 1<sup>st</sup> AMENDMENT TO THE AGREEMENT WITH THE CITY OF CLOVIS FOR THE WILLOW/SHEPHERD AVENUES INTERSECTION IMPROVEMENT PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

**(1-E)** DETERMINE SPORT SYSTEMS UNLIMITED CORPORATION IS NON-RESPONSIVE TO THE SPECIFICATIONS, AND AWARD A CONTRACT IN THE AMOUNT OF \$301,067.77 TO SPORT RESOURCES GROUP, INC., a.k.a. SRG - RILEY TO FURNISH AND INSTALL AN ICE HOCKEY/ARENA FOOTBALL DASHER SYSTEM

**(1-F) BILL NO. B-30** - AMEND THE FRESNO MUNICIPAL CODE RELATING TO FATS, OILS AND GREASE (FOG), AND OTHER CLEAN UP CHANGES OF THE SEWAGE AND WATER DISPOSAL PROVISIONS

On motion of Acting President Sterling, 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

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

Sherry Smith, 4724 W. Swift, spoke to the huge problem of fire casualties and to the response time increasing in the Ashlan Cornelia Corridor when Fire Station 16 is relocated.

Brunette Harris, HEAT for Southwest Fresno, stated her opposition to using any CDBG/HOME/HUD funds for any city project; requested the city attorney provide an explanation of the Federal Housing Enterprise Oversight; and spoke to a conflict of interest with Acting President Sterling and lack of representation for southwest Fresno.

Bobbie Parks, HEAT for Southwest Fresno, stated her opposition to using any Federal CDBG funds for any city project, and spoke to how southwest Fresno has been neglected with no community meetings or input.

Barbara Hunt spoke in general to the budget, bonds, geographic areas, and expenditure of CDBG funds.

Tony Farmer, 1020 Sierra St., Madera, spoke to various issues including his prior run for public office, his daughter still being missing after 5½ years and his inability to get any information or meet with the police chief and sheriff, his intention to run for Governor, good luck wishes extended to those campaigning, and the need for a police auditor.

Margie Haymon, HEAT for Southwest Fresno, stated her opposition to using any CDBG funds for any city project, and questioned where the money allocated for southwest Fresno was.

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**(9:15 A.M. "A") RESOLUTION NO. 2008-102 - OPPOSING PROPOSITION 98 - THE CALIFORNIA PROPERTY OWNERS AND FARMLAND PROTECTION ACT - PRESIDENT XIONG**

President Xiong reviewed the issue, all as contained in his report to Council as submitted, and made a motion to adopt the resolution, which motion was seconded by Councilmember Dages.

Speaking to the issue were: Hillary Baird, Regional representative of the League of California Cities, support for the resolution; and Barbara Hunt who stated her opposition to eminent domain.

Councilmember Dages spoke in support of the resolution stating this went further than eminent domain and went into rent control which would affect an extreme number of seniors and elaborated. Councilmember Duncan also expressed his support and added he was opposed to both Propositions 98 and 99 and explained. Councilmember Perea concurred with Councilmember Dages stating Proposition 98 was bad for seniors and the city of Fresno. Acting President Sterling spoke briefly to her meeting with the California Farm Bureau on Propositions 98 and 99 and spoke to the need to get the issues out to the public.

On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-102 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. "A") BILL NO. B-28 - ORDINANCE NO. 2008-28 - ADOPTING IMPLEMENTATION PROCEDURES FOR COLLECTING THE COPPER RIVER RANCH IMPACT FEES**

City Engineer/APW Director Mozier gave a brief overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Jeff Roberts and Barbara Hunt spoke in support.

On motion of Councilmember Duncan, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Bill No. B-28 adopted ad Ordinance No. 2008-28, 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 CONGRATULATING THE FRESNO GREEN TEAM FOR THEIR 2008 ENVIRONMENTAL AWARD FOR OUTSTANDING ACHIEVEMENT**

**1. PRESENTATION BY FRESNO GREEN**

City Manager Souza introduced the item and made opening remarks and the Resolution was read and presented to the Green Team.

Green Team Co-Chair Oldham gave a PowerPoint presentation on "Fresno Green" which included Fresno Green Recent Accomplishments, The Time is Now for "Fresno Green", Fresno Green Five Visions (New City Beautiful, Sierra View, Solar Valley, Green Enterprise & Economic Development, and the City as a Good Steward); and Fresno Green: Creating a Sustainable Community.

Barbara Hunt spoke to the issue.

Councilmembers Dages and Perea commended Co-Chairs Oldham and Gedert and the team for all their work stating they were heading in the right direction, both commented on the issue at length, and a motion and second was made to adopt the ceremonial resolution.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled ceremonial resolution hereby adopted, by the following vote:

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

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**(9:45 A.M.) PRESENTATION OF THE DRAFT 2008-2013 HOUSING ELEMENT OF THE GENERAL PLAN AND OPENING THE PUBLIC COMMENT PERIOD UNTIL JUNE 1, 2008**

Planning & Development Director Yovino gave an overview of the issue, and Interim HCD Manager Casares presented and gave an in-depth review of the Housing Element.

Jeff Roberts, representing the BIA, spoke in support of moving the draft forward.

Ms. Casares and City Manager Souza responded to questions, comments and concerns of Councilmember Calhoun relative to whether this addressed the homeless issue, how this was document was different from the 10 Year Plan to End Homelessness, concern with duplication, why this document can not address the 10 Year Plan, and why the work on homelessness that has been done so far can not be included in the document. Upon question of Acting President Sterling Ms. Casares stated the Housing Element would be brought back for final approval on June 10<sup>th</sup>. There was no further discussion.

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Councilmember Duncan briefly left the meeting at 10:37 a.m. Visiting students from Polk Elementary School were recognized and welcomed.

**(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 29 (FINAL TRACT NO. 5626)**

- 1. RESOLUTION NO. 2008-103 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES**
- 2. RESOLUTION NO. 2008-104 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2008-105 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-31 - ORDINANCE NO. 2008-29 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2008-09 AND FUTURE TAX YEARS**

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question City Engineer/APW Director Mozier advised the staff report as submitted was complete and there was no new information to add.

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

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-103, 2008-104 and 2008-105 hereby adopted, and the above entitled Bill No. B-31 adopted as Ordinance No. 2008-29, by the following vote:

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

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(10:05 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 27 (PARCEL NO. 2006-34)

- 1. **RESOLUTION NO. 2008-106** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES
- 2. **RESOLUTION NO. 2008-107** - CALLING A SPECIAL MAILED-BALLOT ELECTION, as corrected
- 3. **RESOLUTION NO. 2008-108** - DECLARING ELECTION RESULTS
- 4. **BILL NO. B-32 - ORDINANCE NO. 2008-30** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2008-09 AND FUTURE TAX YEARS

President Xiong announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan returned to the meeting at 10:39 a.m.

City Engineer/APW Director Mozier stated the staff report as submitted was complete, and advised Page 1 of Resolution #2 referred to T-5603 in lieu of PM 2006-34 and the corrected page had been provided to Council.

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

On motion of Acting President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-106, 2008-107 (as corrected), and 2008-108 hereby adopted, and the above entitled Bill No. B-32 adopted as Ordinance No. 2008-30, by the following vote:

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

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(10:10 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 31 (FINAL TRACT NO. 5358)

- 1. **RESOLUTION NO. 2008-109** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES
- 2. **RESOLUTION NO. 2008-110** - CALLING A SPECIAL MAILED-BALLOT ELECTION
- 3. **RESOLUTION NO. 2008-111** - DECLARING ELECTION RESULTS
- 4. **BILL NO. B-33 - ORDINANCE NO. 2008-31** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2008-09 AND FUTURE TAX YEARS

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question City Engineer/APW Director Mozier advised the staff report as submitted was complete and there was no new information to add.

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

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-109, 2008-110 and 2008-111 hereby adopted, and the above entitled Bill No. B-33 adopted as Ordinance No. 2008-31, by the following vote:

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

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(10:15 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-07-08, REZONE APPLICATION NO. R-07-29, AND THE CANCELLATION OF TWO AGRICULTURAL LAND CONSERVATION CONTRACTS (ALCC), OR "WILLIAMSON ACT" CONTRACTS (TRACT MAP NO. 5891/UGM AND CUP NO. C-07-308), FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC., ON BEHALF OF THE MCCAFFREY GROUP, PROPERTY LOCATED BETWEEN W. ASHLAN AND THE W. GETTYSBURG AVENUE ALIGNMENT, AND BETWEEN N. BRYAN AND N. HAYES AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. A-07-08/R-07-29/C-07-308/T-5891, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION
- 2. **RESOLUTION** - CERTIFYING TO THE FRESNO COUNTY AUDITOR THE AMOUNT OF THE "CANCELLATION VALUATION FEE" AS NOTED IN THE MEMORANDA OF THE FRESNO COUNTY ASSESSOR DATED 2/25/08 AND 2/28/08

3. **RESOLUTION** - CANCELLING ALCC NOS. AP-1250 AND AP-1251 SUBJECT TO PAYMENT OF THE "CANCELLATION VALUATION FEE"

4. **RESOLUTION** - AMENDING THE FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN

5. **BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1/UGM, R-2/UGM AND C-1/UGM/cz

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

Planning Manager Unruh introduced the item stating this project would help take the city to the next level in terms of urban design and explained, and advised the tentative tract map and conditional use permit that are part of the project were not at issue this date and would be heard by the planning commission if Council approves the plan amendment and rezone.

Planner Tackett gave an in-depth PowerPoint presentation which covered the plan amendment, rezone application, Vesting Tentative Tract 5891, the CUP, cancellation of the ALCC contracts, the environmental assessment, and staff's recommendations.

Speaking to the issue were: Dirk Poeschel, on behalf of The McCaffrey Group, who spoke to the history of the issue and expanded further on the project **(4 - 0)**, advised two property owners did not want to be part of the plan amendment which they were not opposed to, and requested approval to move forward; Barbara Hunt, support; and Attorney Marcus Magness, 7108 N. Fresno Street, representing the two property owners, who clarified they were not opposed to the project/rezone but requested they not be part of the plan amendment and explained.

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

Upon question of President Xiong as to Mr. Magness' request, Mr. Tackett stated if it was Council's wish to leave the properties alone that could be so stipulated, and added leaving the property commercial would not assure the future viability or marketability of that piece. Mr. Unruh added, if Council wanted to remove the two parcels from the plan amendment, that staff be directed to revise the resolutions and project descriptions and return next week with the amended enabling documents which could be placed on the Consent calendar for adopt, and spoke further to the future use of those properties. Upon further question, Mr. Poeschel confirmed the developer was not opposed to the removal of the parcels. President Xiong thanked staff and the developer for all their work and commended the great collaboration, spoke in support of the project, and with clarification made that the public hearing was officially closed made a motion to direct staff to return next week with the amended enabling documents to approve staff's recommendations, which motion was seconded by Councilmember Dages.

Mr. Tackett, Mr. Unruh and Mr. Magness responded to questions and/or comments of Councilmembers Calhoun and Westerlund relative to the Williamson Act and the contract cancellations, if this was the first time this has been done, concern with setting a precedent, who pays the cancellation penalty, if Council would be seeing more of this in the future and if there was a plan in place to deal with future cancellations, there being an advantage to having land in the Williamson Act, if Mr. Magness' clients talked with anyone about future commercial development on their property, the difficulty of developing into commercial, and appreciation for the mixed uses but concern with changing the alignment of the multi-use trails. Acting President Sterling also thanked everyone involved for working together and providing input.

On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, the request to remove two (2) parcels from the plan amendment hereby approved and staff directed to return next week with amended enabling documents for approval, by the following vote:

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

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**(10:30 A.M. #1) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 11:19 a.m. and convened in joint session with the Redevelopment Agency.

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the Agency minutes of May 6, 2008, approved as submitted.

Acting President Sterling thanked Chair Westerlund for his service and dedication as Agency Chair and stated everyone looked forward to his speedy return from active duty.

**(‘A’)** PRESENTATION OF RESOLUTIONS OF APPRECIATION TO THE LOCAL CONSERVATION CORP, HARVEST OF HARMONY CHURCH, AND CITY OF FRESNO CODE ENFORCEMENT AND GRAFFITI BUREAU FOR THEIR OUTSTANDING SERVICE IN THE CHINATOWN COMMUNITY CLEAN-UP EVENT

Read and presented.

**ADD-ON** - SPECIAL PRESENTATION TO CHAIR WESTERLUND

Vice Chair Calhoun and Executive Director Murphey and her staff presented Chair Westerlund with a Plaque recognizing his dedicated service and leadership, and along with Acting President Sterling and Councilmember Dages, on behalf of the Council, commended him and wished him well on his tour of duty.

**(‘B’)** PRESENTATION BY FRESNO COUNTY LIBRARIAN KAREN BOSCH-COBB

Ms. Bosch-Cobb gave an in-depth PowerPoint presentation entitled “The Vision for 21<sup>st</sup> Century Libraries” which included The Need, Vision, Library Branch Sizes & Site Plans, Regional Libraries, New Central Library, Central Library Vicinity Map & Floor Site Plans **(5 - 0)**, the 3 Parking Levels, Renderings of the Technical & Browsing Area/Children’s Room/Auditorium, Street Elevations, Exterior Rendering, Funding for Central Library & Branches, Methodology/Key Findings/Comments, Time Schedule, and Focus of Current Efforts. Ms. Bosch-Cobb concluded her presentation stating she appreciated Council’s interest in libraries and partnerships adding it was going to take a lot of partnerships to get these libraries built. Councilmember Dages left the meeting during the presentation and returned after the lunch recess.

Chair Westerlund clarified this presentation was a result of a meeting held with County officials and staff on what the City/RDA might be able to do in terms of parking/parking structure, noted he provided a letter to Council on what transpired at that meeting and what was potentially looked at as a possible solution and added there was some talk of the city committing to building a parking structure which would be a decision for the Agency, spoke to surface parking as another option, and presented questions on the polling test that was conducted on whether county residents wanted the downtown library or regional library and what the percentage was at this time for passage, with Ms. Bosch-Cobb responding. Upon questions of Councilmember Perea, Chair Westerlund stated he scheduled the presentation for informational purposes only and was not seeking the Agency’s position on partnering at this time. Councilmember Perea stated he would reserve additional comments but to let his intentions known stated he was very interested in partnering with the County if it made sense and worked out financially. Ms. Bosch-Cobb was thanked for her presentation and there was no further discussion.

**(‘E’)** BILL - ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO UNIVERSAL DESIGN BUILDING REQUIREMENTS FOR NEW CITY AND AGENCY-FUNDED RESIDENTIAL BUILDING PROJECTS - ACTING PRESIDENT STERLING

Councilmember Sterling apologized to those in the audience waiting for this item and advised it was removed from the agenda during the morning session as more work was needed on the ordinance, and stated it would be rescheduled.

Councilmember Duncan left the meeting at 12:01 p.m. and returned after the lunch recess.

**(‘C’)** AWARD A CONTRACT IN THE AMOUNT OF \$57,000 TO FRESNO COUNTY EOC FOR PROPERTY MAINTENANCE AND YEAR-ROUND WEED CONTROL OF RDA-OWNED PROPERTIES THROUGHOUT THE CITY **(Agency action)**

Upon question of Chair Westerlund, M.A. Cox advised the staff report as submitted was complete and there was no new information to add.

Barbra Hunt spoke to the issue.

On motion of Member Sterling, seconded by Member Xiong, duly carried, RESOLVED, the above entitled contract hereby awarded, by the following vote:

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

(D) APPROVE MATERIAL TERMS OF A PURCHASE AND SALES AGREEMENT FOR PROPERTIES AT 4007 AND 4017 E. VENTURA OWNED BY RACHEL ADAMS AND LOCATED WITHIN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA (Joint action)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and advised CEQA was addressed through the program EIR adopted for the project area.

Barbara Hunt spoke to Agency funds and questioned where they are kept.

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the material terms of the subject Purchase and Sales Agreement hereby approved, and the Executive Director authorized to negotiate and execute the Agreement, by the following vote:

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

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The joint bodies adjourned their meeting at 12:08 p.m. and the City Council reconvened and then recessed for lunch.

LUNCH RECESS - 12:08 P.M. - 2:00 P.M. Councilmembers Westerlund and Dages arrived shortly into the meeting.

(10:30 A.M. #2) RESOLUTION NO. 2008-112 - 466TH AMENDMENT TO THE MFS RES. 80-420 ADJUSTING THE CITYWIDE REGIONAL STREET IMPACT FEE AND THE NEW GROWTH AREA MAJOR STREET IMPACT FEE

City Engineer/APW Director Mozier reviewed the issue, all as contained in the staff report as submitted, and recommended approval. Acting President Sterling left the meeting at 2:03 p.m.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-112 hereby adopted, by the following vote:

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

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(11:00 A.M.) CONTINUED 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 NO. 2008-113 - 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

President Xiong announced the time had arrived to consider the issue and opened the hearing. Councilmember Westerlund arrived at 2:04 p.m.

Planner Braun reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Dirk Poeschel, on behalf of the applicant, requested approval.

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

Councilmember Calhoun stated his main concern was with the tenants in terms of them being properly noticed/treated/paid for relocating, and noting the long process questioned why the \$600 fee staff would be proposing could not be applied here. Planning Manager Haro explained tenants were entitled to receive two months rent relocation fee, the ordinance encouraged -- but did not require -- the developer to give tenants a moving fee over and above the 2-months rent, the developer offered each tenant \$500 as an additional fee to help relocate, and the upcoming draft ordinance would be proposing a required \$600 expense fee. Councilmembers Sterling and Dages returned/arrived at 2:07 p.m. during Mr. Haro's response. President Xiong stated he had the same concerns and thanked staff for explaining the issues and process and commented further on the issue. Councilmember Calhoun stated at issue was the \$500 or \$600 amount, whereupon Mr. Poeschel explained there was no requirement for moving expenses when they started the process, they wanted to be fair to tenants so \$500 was offered, and stated the developer had invested millions of dollars in the community and began this process with a submittal that was in excess of the city's requirements and respectfully suggested Council make a change, if desired, for all condo conversions and not at the end of this process. Councilmember Calhoun stated this was a well-maintained property and the process had been professional and fair and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by President Xiong, duly carried, RESOLVED, the finding of a Categorical Exemption for the subject E.A. hereby approved, and the above entitled Resolution No. 2008-113 hereby adopted, by the following vote:

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

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Councilmember Duncan wished Councilmember Westerlund good luck and God's blessings for a safe return.

**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 2:17 p.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

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

\_\_\_\_\_  
Blong Xiong, Council President

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

151-154

5/13/08