

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
	Paul Caprioglio	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember (arrived later)
	Cynthia Sterling	Acting Council President
	Blong Xiong	Council President

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

Councilmember Dages gave the invocation and President Xiong led the Pledge of Allegiance.

PROCLAMATION OF "NATIONAL DUMP THE PUMP DAY" - PRESIDENT XIONG

Read and presented.

APPROVE MINUTES OF JUNE 9, 10 and 12, 2008

On motion of Councilmember Caprioglio, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of June 9, 10 and 12, 2008, approved as submitted.

APPROVE AGENDA:

(1-B) RESOLUTION - INTENT TO ANNEX FINAL TRACT NO. 5901 AS ANNEXATION NO. 32 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR JULY 15, 2008

Laid over to June 24, 2008, at the request of staff.

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

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

ADOPT CONSENT CALENDAR:

(1-A) APPROVE SIDE LETTER OF AGREEMENT WITH THE FIREFIGHTER BASIC UNIT (UNIT 05) PROVIDING FOR A SCHEDULE OF TWO (2) CONSECUTIVE 24 HOUR SHIFTS FOLLOWED BY FOUR (4) DAYS OFF FOR A TRIAL PERIOD OF THREE (3) YEARS

(1-C) ADOPT FINDING OF CATEGORICAL EXEMPTION, CLASS 1; APPROVE ACQUISITION OF TWO (2) STREET EASEMENTS FROM PROPERTY OWNED BY TOMMY R. & OLGA MARTINEZ AND MARIO R. & JACQUELINE I. CAMPOS FOR PLACEMENT OF CURB/GUTTER/SIDEWALK ALONG N. POLK AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT THE DEED OF EASEMENT FROM THE PROPERTY OWNERS AND EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE ACQUISITION THROUGH ESCROW

(1-D) APPROVE APPOINTMENTS OF LILLIAN FILLPOT, DANIELLE THOMPSON, MARY BETH RANDALL, DARBY GREER, RUSSELL HOELTZER, RONALD SHEPPARD AND ROBERT HAND TO THE CITY OF FRESNO DISABILITY ADVISORY COMMISSION

(1-E) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$285,414.22 TO SAFEWAY SIGN COMPANY FOR REFLECTIVE SHEETING, TRAFFIC, AND STREET NAME SIGNS, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(1-F) APPROVE AGREEMENT WITH BROOKS-RANSOM ASSOCIATES IN THE AMOUNT OF \$72,981, AND A CONTINGENCY AMOUNT NOT TO EXCEED \$28,600, TO UPDATE THE PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR CONSTRUCTION OF THE NEW ANALYTICAL LABORATORY BUILDING AND ADJACENT PARKING LOT AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY TO COMPLY WITH THE NEW BUILDING CODE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-G) APPROVE A CONTRACT WITH THE COUNTY OF FRESNO FOR COUNTY EMS COMMUNICATIONS TO CONTINUE TO PROVIDE FIRE DISPATCH SERVICES TO THE CITY BEGINNING JULY 1, 2008, THROUGH DECEMBER 31, 2011

(1-H) ADOPT FINDING OF A CATEGORICAL EXEMPTION, CLASS 1 UNDER CEQA GUIDELINES, AND AWARD A CONTRACT IN THE AMOUNT OF \$728,203 TO WITBRO, INC., d.b.a. SEAL RITE FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 50

(1-I) ADOPT FINDING OF A CATEGORICAL EXEMPTION, CLASS 1 UNDER CEQA GUIDELINES, AND AWARD A CONTRACT IN THE AMOUNT OF \$246,432 TO BDS CONSTRUCTION, INC., FOR STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 77

(1-J) ADOPT FINDING OF A CATEGORICAL EXEMPTION, CLASS 1 UNDER CEQA GUIDELINES AND AWARD A CONTRACT IN THE AMOUNT OF \$263,691 TO YARBS ENTERPRISE FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 88

(1-K) ADOPT FINDING OF A CATEGORICAL EXEMPTION, CLASS 1 UNDER CEQA GUIDELINES, AND AWARD A CONTRACT IN THE AMOUNT OF \$154,445 TO VICTORY ENGINEERS FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 91

(1-L) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$275,430 FOR CONSTRUCTION AND INSTALLATION OF GRANULATED ACTIVATED CARBON (GAC) WELLHEAD TREATMENT SITE IMPROVEMENTS AT PUMP STATION 2B

(1-M) APPROVE APPOINTMENT OF ROGENIA COX TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION - MAYOR AUTRY

(1-N) RESOLUTION NO. 2008-141 - INITIATING REZONING (PRE-ZONING) ON 26 PARCELS TOTALING 70 ACRES WITHIN THE CITY'S SPHERE OF INFLUENCE TO APPLY THE ANX (ANNEXED RURAL RESIDENTIAL TRANSITIONAL) OVERLAY DISTRICT

(1-O) RESOLUTION NO. 2008-142 - INITIATING REZONING (PE-ZONING) ON 10 PARCELS TOTALING 179 ACRES WITHIN THE CITY'S SPHERE OF INFLUENCE LOCATED ALONG THE SOUTH FREEWAY 99 INDUSTRIAL CORRIDOR

(1-P) RESOLUTION NO. 2008-143 - COMPLETING THE CERTIFICATION AND CLAIM PROCESS IN ORDER TO ALLOW THE CITY TO RECEIVE ITS ANNUAL SHARE OF MEASURE C EXTENSION FUNDS IN FY 2008-09

(1-Q - REMOVED FROM AGENDA)

(1-R) BILL NO. B-39 - ORDINANCE NO. 2008-37 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO GRAFFITI ABATEMENT

On motion of Councilmember Perea, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

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

CONTESTED CONSENT CALENDAR:

(1-S) BILL NO. B-38 - ORDINANCE NO. 2008-38 - TEXT AMENDMENT NO. TA-07-03 - AMENDING THE TEXT OF THE ZONING ORDINANCE (FMC) RELATED TO A VARIETY OF ISSUES INTENDED TO SIMPLIFY AND STREAMLINE THE ZONING ORDINANCE AND PROPOSING CHANGES AND ADDITIONS TO BEST PROMOTE THE IMPLEMENTATION OF THE 2025 GENERAL PLAN GOALS

Councilmember Calhoun stated the issue of fence heights has been a challenging issue in his district, especially in the Pinedale area, adding people feel very strongly about their fences for various reasons including protection, advised meetings on fences with the community have occurred and residents were told the city was working on the issue, an enforcement plan would be coming forth, and the city would be careful about implementation due to some fences going “back to the stone age” and that the plan would be shared with the community prior to implementing it, and shared his concern upon learning last Friday that 700 deficiency notices on fences had been sent out to Pinedale adding he was insensed and shared his displeasure with Planning & Development Director Yovino who has since taken steps, and stated discussion was needed on how staff implements plans. Mr. Yovino stated the notices should not have been sent out, the intent of the notice was not to cause a problem but it did and again apologized, spoke to the history and policy of non-conforming fences and advised staff would be coming back to Council with an enforcement program for all neighborhoods to treat them fairly and consistently given their history, and recommended Council support staff’s position and not change the fence ordinance and let staff identify neighborhoods with historical and other issues and bring a plan back for consideration. Councilmember Calhoun questioned why Council should believe the system will improve and if upper management was not aware of what was occurring due to “all the hustle” to get general plans and major things done, with Mr. Yovino stating he accepted responsibility for making sure things will improve and expanded further.

Councilmember Duncan stated one of Council’s responsibilities was to send staff a consistent message and noting a visual presentation was made by a council member some weeks back on the need to have aggressive, pro-active code enforcement stated he was not sure a consistent message was being sent, and spoke in support of the ordinance and made a motion to adopt the amended ordinance as submitted earlier to Council on the dais. Councilmember Perea stated although this ordinance was not perfect it was almost 99% there and added he was glad chain link fences would be discussed separately as a lot of neighborhoods relied on chain link fences for their safety. President Xiong noted he also had issues in his district as noted by Councilmember Calhoun.

On motion of Councilmember Duncan, seconded by President Xiong, duly carried, RESOLVED, the above entitled Bill No. B-38 adopted as Ordinance No. 2008-38, by the following vote:

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

RECESS - 8:57 A.M. - 9:00 A.M.

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

Gus Gomez spoke to home fire safety facts and the need to save Fire Station 16 for the children.

Sherry Smith, 4724 W. Swift, spoke to manufactured/mobile home fires and how they differ from residential home fires and to the need to have a fire station in the Ashlan Cornelia Corridor.

Ali Shabazz, President/CEO of the Golden Westside Farmers Market, spoke to their proposed farmers market site at St. Alphonsus Church and requested Council's support when the issue comes forth.

Waymon Kissler expressed concerns with Variety Pak #4 and requested Council review closely each mixed-use project that comes forth.

RECESS - 9:12 A.M. - 9:16 A.M.

(9:15 A.M. "A") RESOLUTION NO. 2008-144 - OPPOSING CALIFORNIA STATE ASSEMBLY BILL 2687, UNLESS AMENDED, AND IN SUPPORT OF ENABLING LEGISLATION THAT WILL CREATE EQUITABLE OPPORTUNITIES FOR PROPOSITION 84 APPLICANTS

Councilmember Calhoun reviewed the issue and spoke to how AB 2687 would discriminate against new institutions, which would affect the valley directly with the Aquarius Aquarium Institute, all as contained in his report to Council as submitted, and added Prop 84 funds was an important financial piece for the aquarium and requested support.

Tom Lang, Executive Director of the Aquarius Aquarium, spoke further to the aquarium plans, funding, and in support of resolution urging Council's support.

(2 - 0) Councilmember Calhoun added the city's lobbyist would also be working hard on this and made a motion to adopt the resolution. Mr. Lang responded briefly to questions of President Xiong and Councilmember Duncan relative to whether the Bill was currently in the Senate, why this resolution waited until the Bill got to the Assembly, what the position was of the senate representative and if there had been any discussion with him, and if Mr. Lang talked to the Partnership for the San Joaquin Valley for their assistance. President Xiong spoke briefly in support and to the importance of the valley getting its fair share.

On motion of Councilmember Calhoun, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2008-144 hereby adopted, by the following vote:

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

(9:15 A.M. "B") APPEARANCE BY ROMI BAGH, HOTEL FRESNO LLC, TO UPDATE COUNCIL ON THE HOTEL FRESNO PROJECT - ACTING PRESIDENT STERLING

City Attorney Sanchez reminded Council this matter was in litigation and scheduled for closed session this date and advised Council to hear and gather information and hold comments for closed session.

Romi Bagh submitted written information on the amount of money spent on the hotel so far, a copy of which is on file in the office of the City Clerk, stated he ran into a bad economic situation and explained, gave an update report and a PowerPoint presentation which included proposed renderings of the building and elevations, before images, and the current condition of the building. Mr. Bagh concluded stated the building was safe and ready for construction instead of being the nuisance it used to be and he would continue to pursue financing. Mr. Bagh was thanked for the information provided and there was no discussion.

RECESS - 9:36 A.M. - 10:15 A.M.

(10:15 A.M.) RESOLUTION NO. 2008-145 - CONSIDER PLAN AMENDMENT FOR ADOPTION OF THE UPDATED 2008-2013 CITY OF FRESNO HOUSING ELEMENT OF THE 2025 FRESNO GENERAL PLAN AND RELATED E.A. NO. EA-08-12

Interim HCD Manager Casares gave an in-depth overview of the issue and recommended approval, all as contained in the staff report as submitted, and relative to the E.A. advised staff prepared a memo from a previous project (Variety Pak #4) where the project's conformity to the MEIR is explained and submitted it into the record.

Speaking to the issue were: Attorney Jess Negrete, 1401 Fulton Street, affordable housing advocate and Housing Element advisory committee member, who referenced his letter to the city (included in the staff report) and addressed their concerns; Jose Luis Barraza, Center for Independent Living and participant of the Housing Element committee, concerns relative to the needs of the disabled; Luisa Medina, 1401 Fulton Street, concerns relative to whether the Housing Element was in compliance with state law; and advisory committee member Jeff Roberts, on behalf of the Building Industry Association, who spoke in support of the document stating he believed it was in compliance.

Councilmember Calhoun stated his problem was the rushed nature of this process and presented numerous questions and comments relative to how the homeless issue was incorporated into this document, if this tied into the 10 Year Plan to End Homelessness, if all the issues/concerns of the Central California Legal Services (CCLS) had been addressed, if all legal steps were followed including noticing requirements, vacant properties/sites inventory **(3 - 0)**, support for utilizing the Craycroft Home for housing, need to have adequate low income housing throughout the city and not in concentrated areas, and his comfort with the information provided to him and received from others, with Planning & Development Director Yovino, Ms. Casares, Assistant P&D Director Bergthold, Assistant City Attorney Hale, and Planning Manager Pagoulatos responding throughout.

Discussion continued with Ms. Pagoulatos, Mr. Negrete, Mr. Bergthold, Ms. Casares, Mr. Yovino and Mr. Hale responding to questions/comments of Councilmembers Perea and Sterling and/or clarifying issues relative to how sites such as In and Out Burger and St. John's become selected for future housing, if CCLS felt anything else needed improvement besides the inventory list, out of date data/why the 2000 census was used, what the response would be from the State if this document were to be submitted as it, how involved the Redevelopment Agency was in providing input, lack of residential annexation strategy especially in the west area, if staff had any concern with the process, if the same committee would be kept, if SEGA was being focused on more than the west area, if previous Housing Element goals had been met, agreement that low-income housing needs to be throughout the city, and the findings to be made.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2008-145 hereby adopted, the necessary findings hereby incorporated and the environmental assessment Finding of Conformity approved, and the Housing Element Advisory Committee to serve as the oversight and monitoring committee of the implementation of the Housing Element objectives, by the following vote:

Ayes : Calhoun Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
absent : None

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-06-40 AND ENVIRONMENTAL FINDINGS FILED BY MICHAEL SUTHERLAND AND ASSOCIATES ON BEHALF OF SPRADLING CONSTRUCTION, INC., SOUTHEAST CORNER OF E. SHEPHERD AND N. CHANCE AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. R-06-40/T-5408, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**
- 2. BILL NO. B-40 - ORDINANCE NO. 2008-39 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM**

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

Planner Trejo gave a brief overview and 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 Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby adopted, and the above entitled Bill No. B-40 adopted as Ordinance No. 2008-39, by the following vote:

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

(11:00 A.M.) CLOSED SESSION:

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

1. COF V. RAPS FRESNO, LLC, ET AL (ALSO KNOWN AS HOTEL FRESNO)
2. ROBERT HENDRICKS V. COF

(‘B’) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO POLICE OFFICERS’ ASSOCIATION (FPOA) BASIC AND MANAGEMENT

The City Council met in closed session in Room 2125 at the hour of 11:18 a.m. to consider the above matters and adjourned at 1:05 p.m.

RECESS - 1:05 P.M. - 2:03 P.M.

(2:00 P.M. #1) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 2:03p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JUNE 10, 2008

On motion of Acting President Sterling, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the Agency minutes of June 10, 2008, approved as submitted.

(‘A’) CONSIDER ACTIONS RELATING TO THE INSTALLATION OF PUBLIC IMPROVEMENTS WITHIN THE FREEWAY 99-GOLDEN STATE BOULEVARD REDEVELOPMENT AREA

1. **JOINT RESOLUTION NO. 2008-146/1721** - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE AGENCY’S INSTALLATION OF PUBLIC IMPROVEMENTS (TRAFFIC SIGNALS) AT THE INTERSECTION OF DAKOTA AND MARKS AVENUES (**Joint action**)
2. AWARD OF CONTRACT TO BILL MARVIN ELECTRIC IN THE AMOUNT OF \$266,772 FOR THE DAKOTA/MARKS TRAFFIC SIGNAL PROJECT (**Agency action**)

Executive Director Murphey reviewed the project, all as contained in the staff report as submitted, and recommended approval. President Xiong stated this was a great project and thanked staff and made a motion to approve.

On motion of President/Member Xiong, seconded by Acting President/Member Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2008-146/1721 hereby adopted, and the subject contract with Bill Marvin Electric awarded by the Agency as recommended, by the following vote:

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

(‘B’) CONTINUED CONSIDERATION OF THE FY 2008-2009 BUDGET

1. AGENCY RESOLUTION NO. 1722 - APPROPRIATING THE FY 2009 BUDGET TO THE REDEVELOPMENT AGENCY IN THE AMOUNTS SET FORTH HEREIN FOR APPROVED PROJECTS, ACTIVITIES, AND OTHER SUCH PURPOSES AND EXPENDITURES AS MAY BE BUDGETED BY THE AGENCY

Chair Calhoun introduced the item and made opening remarks, and Executive Director Murphey reviewed FY 2008 achievements and summarized the FY 2009 budget.

A motion and second was made to adopt the budget as presented. Ms. Murphey responded to questions and comments of Member Sterling at length relative to whether the budget provided for staffing, what the top three needs were and if they were included, multi-year projects and implementation status, if there were any major concerns the Agency Board needed to be aware of, recruiting difficulties, Merger 1 and Merger 2 areas including how/where funds are being used, commitments, and balance of funds, status of the Hope VI project, the Roeding Business Park including efforts, acquisition, commitments, the Agency's role **(4 - 0)**, and RFPs over the past year and plans for this year, where Fruit/Church GNRA funds are used, accomplishments of the Community Housing Partnership, rehabilitations and what can be done to expedite them and do more, need to rehab blighted homes, and the door-front facade program.

Chair Calhoun complimented staff on the foreclosure workshop held Saturday and Project Manager Martin expanded further on the workshop and the services that were provided. Chair Calhoun continued and presented questions and comments relative to ERAF repayment, if there were still payments to be made and if funds were budgeted, if the Agency was part of Community Medical Center's efforts to attract the UC Medical School, the homes that were going to be rehabilitated by One by One Leadership and if the Agency was now involved/if it should be involved, desire to see those homes turned into offices, the great job the Agency was doing but there being a need for a "best practices" evaluation and setting funds aside to hire a firm to look at how the Agency conducts business, and intent to bring forth a proposal for that evaluation in 1-2 months.

MOTION - Calhoun/Sterling - Allocate \$50,000 for a Best Practices Evaluation of the Redevelopment Agency

Member Duncan urged a "no" vote on the motion stating the Agency was understaffed and busy working on critical projects and added now was not the time to move forward on an evaluation. Brief discussion ensued on the motions on the floor and precedence, funding source for the evaluation, and if the matter could be brought back in the future if it fails.

A motion of Chair Calhoun, seconded by Member Sterling, to adopt the above entitled Resolution, *as amended*, adding \$50,000 for a best practices evaluation of the Redevelopment Agency failed, by the following vote:

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

On motion of Member Duncan, seconded by Member Dages, duly carried, RESOLVED, the above entitled Agency Resolution No. 1722 hereby adopted, by the following vote:

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

The joint bodies adjourned their meeting at 2:40 p.m. and the City Council convened in regular session.

(2:00 P.M. #2) CONTINUED CONSIDERATION/DISCUSSION/ACTION ON THE FY 2009 BUDGET AND MOTIONS

President Xiong reopened budget consideration.

MOTION - Duncan/Caprioglio - Fund \$45,500 for the Fresno Center for New Americans

Councilmember Calhoun presented questions and comments which included a request for clarification on the public relations budget, if that budget (\$120,000) was well spent money, if an RFP would be going out, and request for a report by Chief Dyer on the police patrol video cameras, with ACM Rudd and Chief Dyer responding and explaining issues.

MOTION - Sterling/Xiong - Reduce the Sports Council budget by \$100,000

MOTION - Sterling/Perea - Add \$100,000 to the Mayor's Job Initiative

MOTION (DIED) - Sterling - Reduce Code Enforcement's CDBG request by \$200,000 and allocate the money to the Low Income Code Compliance Grant Program. Upon call the motion died for lack of a second.

MOTION #6 WITHDRAWN - Xiong - Add \$300,000 for temporary staffing to maintain parks

DIRECTION - Xiong - Direct staff to look into turning current Fire Station 16 into a community center including potential funding sources

DIRECTION - Xiong - Direct staff to look into process/procedure/guidelines for neighborhood street calming measures

President Xiong opened public comment.

Speaking to various budget issues were: Tony Farmer, support for an Independent Police Auditor (IPA); Andy Hansen Smith of Creative Fresno, Cynthia Cooper, and Travis Sheridan, all opposed to de-funding the film commissioner position; Craig Scharton, Central Valley Business Incubator (CVBI), support for funding the CVBI; Justin McAleece, Gary Sconce, Mark Aro, who also submitted two discs on the work of Hyperactive Studios (**5 - 0**), Greg Amaro of Cinelook Film & Video Production Co., John Kelly, and Christie Mitchell with Tandem Productions, all opposed to de-funding the film commissioner position; Chris Schneider, Executive Director of Central California Legal Services, support for funding the EITC program; Bill Keubler, support for funding the Tower District Streetscape Plan; Harold Mead, Jaime Holt and Suzanne Bertz-Rosa, all opposed to de-funding the film commissioner position; and FPOA President Jacky Parks and Brian Burray, 994 N. Van Ness, support for funding salary increases for police officers. (**Note - Later during Motion #10 Mayor Autry addressed FPOAs comments*).

City Manager Souza stated good deliberations were held these past two weeks, noted staff put many hours of work into this budget and even though it was solid it was not invincible, and asked that Council continue to keep in mind that each motion incrementally would have an impact on this budget. President Xiong commended Mr. Souza, Budget Manager Smith and staff for all their work.

CONSIDERATION AND ACTION ON MOTIONS:

MOTION #1 - SUSPEND ENFORCEMENT OF CONTAINER IN VIEW REQUIREMENTS AS DEFINED BY FMC SECTION 6-205

Briefly reviewed by Councilmember Duncan who stated the program needed to be re-worked as it was getting a little out of hand. Upon question of President Xiong Mr. Souza stated staff would try to return with a report in 60 - 90 days. Upon question of Councilmember Calhoun Planning & Development Director Yovino advised the public utilities department was reviewing the program whereupon Councilmember Calhoun stated he had not heard any complaints and added there was always going to be issues with enforcement programs.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #1 hereby approved, by the following vote:

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

MOTION #2 - APPROVE THE CITY CLERKS BUDGET AS PROPOSED

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #2 hereby approved, by the following vote:

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

MOTION #3 - ADD \$200,000 FOR REPAIR AND MAINTENANCE OF STREET LAMPS

Briefly reviewed by Councilmember Duncan who stated this was a serious problem and a real safety issue.

On motion Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #3 hereby approved, by the following vote:

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

MOTION #4 - ADD \$275,000 TO FUND THE TOWER BUSINESS STREETScape PLAN

Briefly reviewed by President Xiong who advised the entire TD business community was involved in this and added this was truly a public-private partnership.

On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #4 hereby approved, by the following vote:

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

MOTION #5 - ADD \$50,000 FOR THE CENTRAL CALIFORNIA LEGAL SERVICES EARNED INCOME TAX CREDIT (EITC) PROGRAM

Briefly reviewed by President Xiong who requested support stating there was a \$30 return for every dollar, and along with Councilmembers Perea and Sterling responded to questions of Councilmember Dages relative to whether the IRS was already providing free tax service and if these funds would be going to different companies to get clients. Upon question of Mr. Souza President Xiong clarified CCLS would be the recipient agency.

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, Motion #5 hereby approved, by the following vote:

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

MOTION #6 WITHDRAWN BY PRESIDENT XIONG

MOTION #7 - ADD \$50,000 FOR IMPROVEMENTS AT QUIGLEY AND LIONS PARKS

Briefly reviewed by President Xiong. Councilmember Duncan suggested, should the motion fail, that President Xiong use a portion of his district infrastructure budget which is what he did in the past.

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, Motion #7 hereby approved, by the following vote:

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

MOTION #9 - REALLOCATE \$500,000 OF VIDEO POLICING FUNDS TO CONTINGENCY, *AS AMENDED*, TO ALLOCATE \$300,000 FOR OPERATIONS AND PLACE \$200,000 INTO CONTINGENCY UNTIL THE DEPARTMENT RETURNS WITH A RETIRED FEDERAL JUDGE IN PLACE FOR OVERSIGHT AND AN ASSESSMENT OF THE PROGRAM

Reviewed by Councilmember Calhoun who stated he was trying to build up a reserve, this program was moving too fast, more and more money was being poured into it every year, all the warning signs had not yet been put up nor had a retired judge been hired to evaluate the process, and requested support to place the money into contingency and put the department's feet to the fire to come back and show they have met all the requirements.

Councilmember Duncan noted this somehow became connected to efforts to develop a contingency to help police officers with their desire to see a salary increase and upon his questions Mr. Souza confirmed the lack of money being budgeted for police salary increases and Meet & Confer were both part of the 3-year labor-negotiated agreement and because no money was budgeted did not necessarily mean there was no chance of a raise.

Upon the request of Mr. Souza, Chief Dyer explained the \$500,000 was broken into two components: \$300,000 to fund positions within the department to monitor cameras (operations), and \$200,000 to add one more infrastructure area in southeast Fresno for wireless capability elaborating on both.

Acting President Sterling thanked DC Foster for providing information and a video of a shooting in her district and requested Council support this program and oppose the motion. **(6 - 0)** President Xiong stated an assessment has not been done and he felt the department needed to show the investment was effective and working, spoke to the need for oversight stating the community had concerns relative to privacy, and upon his request Councilmember Calhoun amended his motion to allocate the \$300,000 for operations and place \$200,000 into contingency until the department returns with oversight in place and an assessment of the program. Councilmember Duncan urged a "no" vote stating northeast Fresno was begging to get cameras installed and this would affect them and urged the program be fully funded. Chief Dyer responded to questions of Acting President Sterling relative to whether any cameras were still not installed and if funds were budgeted last year for installation. Councilmember Perea also urged a "no" vote and advised of hot spots in his district in need of cameras. President Xiong clarified the motion would not stop the program and would only make sure what is currently out there is working and added this was about efficiency and protection for all.

On motion of Councilmember Calhoun, seconded by President Xiong, duly carried, RESOLVED, Motion #9 hereby approved, as amended as outlined above, by the following vote:

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

MOTION #10 - REALLOCATE \$600,000 FOR THE STRATEGIC NARCOTICS ENFORCEMENT TEAM TO CONTINGENCY
(Failed)

Councilmember Calhoun stated the department and staff had not made the case for this, noted a lot of money (\$1.2 million) had been expended on the gang task force that deals with gang members that are actively involved in drugs, clarified the funds would go into contingency and not be eliminated, and stated the gang task force was just now jelling and he wanted a report back from staff at a later time on where the task force was going along with an explanation on why six more officers were needed to deal with street level drugs when the gang task force should be addressing that issue and further elaborated. President Xiong clarified he seconded the motion for discussion purposes as his concerns had been where the officers would come from and how/if services would be affected and after discussions with staff advised he was now more comfortable with his understanding of the issue. Councilmember Duncan thanked Chief Dyer for adding these officers stating street level drugs were a cancer on the community.

Mayor Autry first addressed comments made by FPOA President Parks stating he valued the police department, stressed the issue was not a pay increase but was a budget-busting pay increase and about fiscal survival, and stated he "loved his cops" and further elaborated further; and relative to the subject motion emphasized the city had a drug crisis and advised 100% of offenders in juvenile hall were there because of drug-related offenses and spoke to the number of drug-related suspensions/expulsions at Fresno area schools, and along with Chief Dyer further expanded on why this team was needed.

Councilmember Calhoun clarified he was trying to deal with the issue at hand and place the money into contingency so it could be withdrawn at a later time and police contract negotiations was not the issue to him.

A motion of Councilmember Calhoun, seconded by President Xiong, to approve Motion #10 failed, by the following vote:

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

(MOTION #11 - NO SECOND)

MOTION #12 - ELIMINATE THE INDEPENDENT POLICE AUDITOR (IPA) POSITION, WITH THE \$200,000 BACK INTO THE GENERAL FUND

Councilmember Calhoun stated there was a long history to this, stated if he felt the police department was out of control, could not be trusted, or a large number of his constituents were complaining he would support an IPA but he was not hearing that as the city had a good department lead by a very effective Chief and a Mayor that cared very much about the department, and stated all large organizations will experience problems once in awhile and some people will make mistakes and further elaborated.

Mayor Autry stated Fresno will end up with civilian oversight and the city either needed to do it itself or have it imposed, and clarified a survey conducted showed 59% of people supported an IPA, this was not "anti-cop", and an IPA would insure future trust was there.

Acting President Sterling expressed her support for an IPA stating the IPA would mediate community concerns and help with healing and added oversight was necessary in all areas. Councilmember Duncan stated he respected the Mayor's position but noted he spoke with a lot of people along with the few who say an IPA is needed and in asking them what an IPA would do advised he did not get one answer that was consistent and stated there was no consistency in what the responsibilities or duties would be (7 - 0), and the community was unclear, and stated he respected Mayor Autry's opinion and tenacity. Discussion ensued on where the money would go if the motion is approved and it was determined the \$200,000 would remain in the budget. President Xiong stated he always felt the IPA should be under the Council's supervision and not the city manager and upon his question City Attorney Sanchez advised that would require a Charter amendment.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #12 hereby approved, by the following vote:

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

Brief discussion ensued on continuing with the motions or adjourning the meeting and continuing the remaining motions to Thursday, June 19th, and by majority consent the remaining motions were continued to the officially scheduled June 19, 2008, 8:30 a.m. budget meeting date, with Councilmembers Dages and Perea opposed.

ADJOURNMENT

The hour of 5:00 p.m. having arrived President Xiong declared the budget adjourned to Thursday, June 19, 2008, at 8:30 a.m.

Approved on the 24th day of June, 2008.

_____/s/_____
Blong Xiong, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk