

OFFICIAL COPY

Fresno, California

March 4, 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

Ling Cho of the Taiwan Buddhist Church gave the invocation, and President Xiong led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER CALHOUN

The pet of the month available for adoption, a 6 year old male husky mix, was presented.

PRESENTATION BY THE GAP OF A \$10,000 CHECK TO "FUN" AND THE PARCS DEPARTMENT FOR THE TEEN FRESNO PROGRAM - COUNCILMEMBER PEREA

Presented.

PROCLAMATION OF "JON RUIZ DAY" - MAYOR AND CITY COUNCIL

Read and presented.

APPROVE MINUTES OF FEBRUARY 26, 2008

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the minutes of February 26, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DAGES: Invitation to all to attend the 5th Annual 'Flop Till You Drop' Texas Hold 'Em Charity Poker Tournament April 5th at Club One, with special guest and 2007 World Series of Poker Main Event Champion Jerry Yang, among other guests, and thank you to President Xiong for his assistance and follow up.

COUNCILMEMBER CALHOUN: (1) Commendation to City Manager Souza on his past leadership role in establishing the supervisory academy for city employees and comments on the beneficial program and his assistant's participation; and (2) comments on the City Manager's letter to Fresno County on the March 1977 fines and forfeitures agreement, and upon his request Mr. Souza spoke further to the agreement that will expire this month, the impact, and the shift in the sharing ratio of traffic ticket forfeitures.

PRESIDENT XIONG: (1) Congratulations to the City Manager and Mayor on funds received for gang activity; and (2) support for the Club One poker tournament as all proceeds go to charity and back into the community.

COUNCILMEMBER WESTERLUND: Thank you to Mayor Autry, President Xiong and Councilmember Perea for their leadership, work, and attendance in Sacramento for CARB's allocation of Proposition 1B funds, and upon his request Councilmember Perea and President Xiong reported on the \$250 million the valley will receive, the challenges faced on the additional \$40 million requested, and a meeting held yesterday with the Mayor on the issue.

APPROVE AGENDA:

(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY - CONSIDER ADOPTION OF AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT - RELOCATION OF HISTORICAL RESOURCES **(Continue to March 11, 2008, at 3:00 p.m.)**

Continued as noted.

(1-C) APPROVE CONSTRUCTION CONTRACT WITH MARK WILSON CONSTRUCTION, INC., FOR CONSTRUCTION OF STATION RENOVATIONS AND ADDITIONS AT FIRE STATIONS NO. 11 AND 13 (WITHIN DISTRICT 6)

Councilmember Duncan clarified Fire Station 11 was located in District 4, not District 6.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

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

ADOPT CONSENT CALENDAR:

Councilmembers Duncan and Westerlund registered "NO" votes on Item **1-O**.

(1-A) AWARD A CONTRACT TO PIONEER FARM EQUIPMENT CO., IN THE AMOUNT OF \$335,586.30 FOR ONE (1) SCRAPER TRACTOR WITH CARRY LOAD SCRAPER, AND REJECT ALL BIDS FOR ONE (1) MOTOR GRADER

(1-B) RESOLUTION NO. 2008-38 - SETTING A PUBLIC HEARING FOR APRIL 1, 2008, AT 10:00 A.M. TO CONSIDER THE FORMATION OF UUD NO. FRE 91 - WILLOW AVENUE SOUTH OF NEES AVENUE

(1-C) AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,932,871 TO MARK WILSON CONSTRUCTION, INC., FOR CONSTRUCTION OF STATION RENOVATIONS AND ADDITIONS FOR FIRE STATION NOS. 11 AND 13, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

(1-D) APPROVE AN ENCROACHMENT AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT TO ALLOW THE INSTALLATION AND MAINTENANCE OF LANDSCAPE TREES AND SHRUBS AND IRRIGATION SYSTEM WITHIN THE RIGHT OF WAY OF FID MILL DITCH NO. 36, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-E) AWARD A CONTRACT TO TRI-COUNTY GRADING AND PAVING, INC., IN THE AMOUNT OF \$449,973 FOR ASHLAN AVENUE WIDENING FROM BLYTHE AVENUE TO FREEWAY 99

(1-F) RESOLUTION NO. 2008-39 - APPROVING ACCEPTANCE OF \$500,000 IN GRANT FUNDS FROM THE CHILDREN AND FAMILIES COMMISSION OF FRESNO COUNTY FOR CONSTRUCTION OF TWO PLAY STRUCTURES AT THE UNIVERSALLY ACCESSIBLE PARK, AND AUTHORIZE THE PARCS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

(1-G) APPROVE A CONSULTANT SERVICES AGREEMENT WITH JANE YOW FOR ASPIRE TO SUPERVISE TRAINING, AND AUTHORIZE THE PERSONNEL SERVICES DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-H) APPROVE SECOND AMENDMENT TO THE AGREEMENT WITH R3 CONSULTING GROUP, INC., IN AN AMOUNT NOT TO EXCEED \$37,750, TO PREPARE UPDATES AND MAKE PRESENTATIONS ON THE SOLID WASTE RATE MODEL AND UPDATE THE DEVELOPMENT IMPACT FEE NEXUS STUDIES, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-I) APPROVE SECOND AMENDMENT TO THE LEASE AND ADAPTIVE REUSE AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES/WATER DIVISION AND THE FRESNO CONVENTION AND VISITORS BUREAU (CVB) FOR USE OF THE HISTORIC WATER TOWER IN THE AMOUNT OF \$1.00 ANNUALLY

(1-J) APPROVE SECOND AMENDMENT TO THE CONTRACT WITH THE COUNTY OF FRESNO FOR FIRE DISPATCH SERVICES EXTENDING THE CONTRACT FOR 90 DAYS

(1-K) AUTHORIZE THE CHIEF INFORMATION OFFICER TO ENTER INTO A CONTRACT UNDER DLT SOLUTIONS, INC.'S, CALIFORNIA MULTIPLE ACQUISITION SCHEDULE AGREEMENT FOR ANNUAL ORACLE SUPPORT AND MAINTENANCE IN AN AMOUNT NOT TO EXCEED \$241,835.02

(1-L) RESOLUTION NO. 2008-40 - 75TH AMENDMENT TO THE AAR APPROPRIATING \$952,000 IN AVAILABLE HOME PROGRAM FUNDS FOR NEW CONSTRUCTION OF AFFORDABLE HOUSING

(1-M) BILL NO. B-10 - ORDINANCE NO. 2008-10 - ADOPTING TEXT AMENDMENT NO. TA-07-02 AND ENVIRONMENTAL FINDINGS AMENDING THE TEXT OF THE ZONING ORDINANCE CREATING THE "ANX" ANNEXED RURAL RESIDENTIAL TRANSITIONAL OVERLAY DISTRICT FOR MAINTAINING THE RURAL RESIDENTIAL LIFESTYLE FOR ANNEXED PROPERTIES

(1-N) BILL NO. B-6 - ORDINANCE NO. 2008-11 - AMENDING THE FRESNO MUNICIPAL DELETING THE PROVISION ALLOWING CERTAIN GOVERNMENT VEHICLES TO PARK FREE AT DOWNTOWN PARKING METERS OR TIMES ZONES

(1-P) BILL NO. B-8 - ORDINANCE NO. 2008-13 - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO EXEMPTION OF PRIVATE SECTOR PROFESSIONAL EMPLOYEES FROM BUSINESS LICENSE AND LICENSE FEE REQUIREMENTS

On motion of Councilmember Dages, seconded by Acting President Sterling, 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

(1-O) BILL NO. B-7 - ORDINANCE NO. 2008-12 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO LOCAL PREFERENCE IN THE PURCHASE OF MATERIALS, SUPPLIES AND EQUIPMENT

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Bill No. B-7 adopted as Ordinance No. 2008-12, by the following vote:

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

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

Steven Faulkner spoke to his ideas for a kayak park and an Earth Wind and Fire and Rain Museum to revitalize Fresno.

Sherry Smith, 4724 W. Swift, spoke to firefighting and the importance of response time.

Dale Holcomb (**2 - 0**) spoke to the inadequate public transportation after 7 p.m. on weekends and the limitations of Line 28 to Clovis, with City Manager Souza he would put transportation staff in contact with him.

Kathy Omachi, 759 "F" Street, Reedley, representing Chinatown Revitalization, spoke to their desire to make a formal presentation to Council next month on the progress of Chinatown revitalization efforts, spoke to projects not supported by the community, their support for street maintenance and revitalization assistance to businesses, and other concerns. Councilmember Duncan stated Council and others were supportive of Chinatown revitalization and added there were rumors floating around and clarified the Forest City project would *not* make the Chinatown project stop dead in its tracks.

(9:15 A.M.) PRESENTATION BY BILL FINN REGARDING RIVERSIDE GOLF COURSE HISTORY AND STATUS - COUNCILMEMBER CALHOUN

Councilmember Calhoun introduced the item and spoke to the city's allocation of significant and much needed funding for Riverside improvements and the area around it, and stated the golf course had a long history and introduced Mr. Bill Finn who gave a presentation on his history with Riverside, with former city councils and their actions, and also a report on the Fresno City Amateur Golf Championship, and commended past and present Councils and suggested a plaque with names of the officials who helped Riverside be placed at the golf course to honor them. Mr. Finn was thanked for his presentation and there was no further discussion.

(9:30 A.M.) CITY COUNCIL:

(“A”) RESOLUTION NO. 2008-41 - ESTABLISHING THE DISTRICT 4 TEMPORARY APPOINTMENT COMMITTEE TO FILL THE REMAINDER OF COUNCILMEMBER WESTERLUND'S TERM OF OFFICE WHILE HE IS AWAY ON MILITARY LEAVE, AS AMENDED - PRESIDENT XIONG

President Xiong thanked Councilmember Westerlund for his service to the community and our country and expressed his hope that Councilmember Westerlund and all others serving would return home safely to their families; stated Councilmember Westerlund's call to active duty was unique and historical to the city of Fresno; spoke to the ability of Council to fill his seat and to the need to fill the seat as Council enters budget hearings in an uncertain economy; stated he was proposing an open, transparent and inclusive process and elaborated further on the issue/process/proposal, all as contained in his report to Council as submitted; and stated it was important that Councilmember Westerlund be directly involved in the process and selection of his temporary replacement and made a motion to adopt the above resolution, with an amendment to direct the committee to rank the top five (5) candidates without eliminating any candidates, and added all qualified applications would be submitted to Council for their review. The motion was seconded by Councilmember Duncan.

Speaking to the issue were: Susan Good, 2023 E. Palo Alto, District 4 resident and candidate for City Council, who expressed concern with the perception that the selection process was predetermined, stated an open and transparent process was of the utmost importance to District 4 residents and community, and urged the person selected be more interested in serving district residents than the campaign of any candidate in the June election; and Al Smith, President/CEO of the Chamber of Commerce, who spoke in support of the process and proposal stating it was fair and open.

Councilmember Westerlund spoke to his predicament and situation stating this was something families all over have to deal with; stated he would never apologize for having to put on his uniform but he was sorry that Council was in this situation and had to deal with this; thanked President Xiong for all his work and time spent on this matter and expressed his support for the process stating it was very open, transparent, and nothing seemed predetermined to him; and clarified the city attorney was involved in this and added everything Council does has to be legal and not contrary to the Charter. Councilmember Dages commented briefly on his military service, offered some advice to Councilmember Westerlund, and stated he never apologized for his service and Councilmember Westerlund did not have to either; stated Council had to do what was right for District 4 and the entire community, this would set a precedent for the future, and made a request that applicants *not* be asked about specific projects on the form or in interviews; and upon his questions President Xiong clarified the committee would establish the framework of questions to applicants, the Brown Act would be followed, and Council would receive applications on all the applicants -- not just the top five -- and all applicants would have an opportunity to address Council.

Acting President Sterling stated things happen for a reason and she was privileged to have Councilmember Westerlund serve the country and her; relative to the process expressed concern with the committee make up stating it was not reflective of the diverseness of the community and suggested the committee stay as proposed but add a few more members to represent some of the other ethnic groups in the community; and upon her question President Xiong explained no formula was used in his selection, he was making these recommendations because of the different capacities in which these people have served the city before, and his driving force was the time frame in which to replace Councilmember Westerlund, and added making the committee larger would make it more difficult to handle/organize but he was open to suggestions.

Councilmber Perea thanked President Xiong for taking a "first crack" at this as this was something new; stated he wanted to see the committee increased to include Councilmember Westerlund's district implementation committee as they know what is happening in their district; stated the electoral process was being taken out of selecting the next council member and this was a very important decision Council would be making; and stressed it was important to add as many District 4 constituents as possible as involving those constituents was critical to adding more legitimacy to the process and to the temporary replacement.

Councilmember Duncan stated he strongly supported the work of President Xiong and commended him for making this process non-political as it had the potential of becoming extremely political; stated the process was very transparent, he had not heard from anyone who thought there was some secret agenda going on, and he believed that implication was based more on politics than reality; relative to adding the implementation committee stated each member is appointed individually by Councilmember Westerlund and he felt that would hurt the objectivity of the committee; stated the committee members as proposed were clearly outstanding and independent individuals who would do what is best for the district and the city and added his support for Councilmember Westerlund being involved; and wished Councilmember Westerlund the best of luck stating he would be in everyone's prayers and hope for a speedy and safe return. Councilmember Calhoun stated he appreciated Councilmember Perea's suggestion but after thinking about his implementation committee he did not think it was a good idea as members were somewhat beholden to the council member that appoints them; and added although he was now okay with having Councilmember Westerlund on the committee he was not originally due to the influence factor and expressed his support for the process as presented. President Xiong reiterated one of his major deciding factors on the size of the committee was the time frame and further explained **(3 - 0)**.

On motion of President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-41 hereby adopted, as amended, directing the Committee to rank the top five candidates without eliminating any candidates, by the following vote:

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

("B") RESOLUTION NO. 2008-42 - OPPOSING GOVERNOR SCHWARTZENEGGER'S PROPOSED 2008-09 BUDGET CUTS TO LAW ENFORCEMENT - COUNCILMEMBER PEREA

Councilmember Perea spoke to the proposed cuts, the release of 22,000 inmates statewide to balance the budget, the over 1,200 inmates estimated to come back into Fresno County, and the organizations opposing these budget cuts, all as contained in his report to Council as submitted, and made a motion to adopt the resolution, which motion was seconded by Councilmember Duncan.

Councilmember Calhoun stated he appreciated Councilmember Perea's suggestion but felt to target and ask for an exemption for one group and not another was counter-productive; stated although he would not, he, as an educator, could make the same case as the same cuts would be hitting public education; and reiterated he could not support one group at the expense of another and strongly urged -- if Council wanted to address the budget -- that it look at non-partisan state budget analyst Elizabeth Hill's wise, well thought out analysis/proposal to the legislature and further elaborated.

Acting President Sterling thanked Councilmember Perea for bringing this forth, concurred with Councilmember Calhoun that all areas of our economy and lives will be affected, and spoke to the issues of concentrated poverty, resulting high crime, the 1,200+ unsupervised parolees that would be coming into this area, and to what her district went through last summer with the unprovoked shooting that led to 100 additional police officers being placed her district to suppress the crime that was beginning to run rampant stating this was the right message to send to the governor.

Councilmember Dages expressed his amazement at the "low level" and "non-violent" labels and stated this message needed to be sent and commended Councilmember Perea. Councilmember Perea added for a person to make it to a state penitentiary they would have to break the law five times and stressed these were real offenders/criminals creating havoc that would come back to the community.

Councilmember Westerlund stated this was a tough issue stating Councilmember Calhoun made some valid points, the state was facing a dire situation, and law enforcement was the first function of government and further explained; stated across the board cuts was a posturing/positioning of the governor in his first round against the legislature; and stated although this was a mixed bag he would support the motion with reservations and added he hoped the governor and legislature would do what is right for the state.

To provide Council with more specific information to agree or disagree with Councilmember Calhoun advised of the recommendations from the Legislative Analyst's plan through 2012 - 2013, and made an amendment to the motion on the floor to include a request to the State to adopt/think about the Legislative Analyst's approach.

An amended motion of Councilmember Calhoun, seconded by President Xiong, to adopt the above entitled Resolution and request the State adopt/think about Legislative Analyst Elizabeth Hill's proposal/approach failed, by the following vote:

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

President Xiong cautioned Council on the motion and sending this message in this direct way; clarified Councilmember Calhoun was trying to send a message but also provide an alternative solution but this motion was saying "we don't like it but we don't have a solution" and he felt the city needed to be careful about that; added Council had not yet heard from our assemblyman who is on the budget oversight committee on where the needs are; stated although public safety was extremely important to him he had a lot of concerns with this motion; and added education and prevention were equally important to the concentration of poverty and that important piece was being neglected.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-42 hereby adopted, by the following vote:

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

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(9:45 A.M.) APPROVE AGREEMENT WITH SHANE'S INSPIRATION, INC., IN THE AMOUNT OF \$79,725 FOR PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR PORTIONS OF THE UNIVERSALLY ACCESSIBLE PARK

Public Works Director Weimiller reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Councilmember Westerlund corrected the staff report stating the Reimbursement Resolution (RR) was approved in 2006, not 2007; stated this project may very well be a great one but this was spending on the RR (credit card) which he had an objection to; and added until the bond package comes to Council he could not support this. Acting President Sterling spoke in support of the project and stated although she shared Councilmember Westerlund's concerns she felt this was the right thing to do. Councilmember Duncan presented questions relative to the time line for 1½ year old parks bond to come to council, reason for the delay, and if the list of projects had changed or been added to since the RR was adopted, with City Manager Souza responding. Councilmember Duncan stated his concerns were the city moving forward when they were not sure if certain city property could be used as collateral and the bond package being delayed so specific projects could be added, and stated he was disappointed in the process, other things were going on besides the inability of our financial team, the bond needed to be brought forth with a list of projects, and he could not support this and it was time to put a stop to these actions until things are cleared up.

Mr. Souza and Project Manager Vanderford responded to questions of President Xiong relative to whether approval of this would impact other projects, what projects were on the bond list, if projects were included in every district, and if all projects

would be held up if Council decided to delay approvals until receipt of the bond package. President Xiong made a motion to approve the agreement as recommended whereupon City Attorney Sanchez advised of an inconsistency in Exhibit A/Section 5.1 of the agreement and recommended an amended motion, which was accepted by President Xiong.

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled agreement with Shane's Inspiration hereby approved, as amended, eliminating Section 5.1 of Exhibit A of the agreement and having any necessary changes/modifications delegated to staff to finalize consistent with the overall terms of the agreement, and the Public Works Director or designee authorized to sign the agreement on behalf of the City, by the following vote:

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

Councilmember Duncan left the meeting briefly at 10:42 a.m.

(10:00 A.M.) HEARING ON THE ANNUAL WEED ABATEMENT ASSESSMENT AND INTRODUCTION OF BILL APPROVING THE PROGRAM

1. BILL NO. B-14 - APPROVING THE 2008 WEED ABATEMENT PROGRAM

President Xiong announced the time had arrived to consider the issue, opened the hearing, and Code Enforcement Manager Lopez gave an overview of the issue, all as contained in the staff report as submitted.

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

On motion of Acting President Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-14 introduced before the City Council and laid over, by the following vote:

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

(10:15 A.M.) WORKSHOP ON THE DOWNTOWN LINEAR WATER FEATURE PRESENTED BY THE CITY MANAGER'S OFFICE AND CALTHORPE ASSOCIATES

Councilmember Duncan returned to the meeting at 10:46 a.m. E.D. Coordinator Riddle and Calthorpe principal Dehan Glanz gave a PowerPoint presentation on the "Downtown Fresno Water Feature Study" which consisted of: Downtown Revitalization: Two Approaches, Two Approaches and a Comprehensive Approach, Context of a Downtown Water Feature, Why Now?, Districts and Projects in Need of Connection, Why a Water Feature?, Design Criteria **(4 - 0)**, Downtown Water Feature Re-Imagined: Fountain Walk, Fountain Walk Concept and Elements, and Unifying the Fulton Mall.

**Visiting students from Mr. View Elementary School were recognized and welcomed.

Councilmember Duncan commended staff and Calthorpe for all their work and presented comments, questions and concerns at length relative to the cost of the project, cost for maintenance, funding sources/plans, inability to maintain what is already on the mall, the Fulton Mall not legally designated a park, concern with the lack of plans to maintain the feature/need to have some concept of the cost and how to pay for it, if there has been any interest or reaction from the private sector, the last thing the city needing is to undergo an expenditure like this without knowing the cost or funding source, concern with the one-half million dollars to maintain the feature and that being an extraordinary challenge, the popularity of Portland's fountain being due to a lot of other things going on and not just the fountain, the project's two phases, and the need to include Forest City in Phase I and give that project its proper attention, with Ms. Riddle, Mr. Glanz, City Attorney Sanchez and City Manager Souza responding throughout.

Councilmember Calhoun spoke to the studies that have already been conducted, stated the mall will be a failure unless it has some vehicle access and explained, and expressed his concern with continuing to "reinvent the wheel" and hiring consultants to tell us what we already know and stated he was tired of it.

Councilmember Perea thanked staff, stated there were some good possibilities and his mind was open, and stated he wanted to see this project in the context of bigger plans for the Fulton Mall and private investment. Acting President Sterling stated this was a great report and requested she be kept informed, and stated her continuing concern was what is already on the mall is being overlooked and revamping the old needed to be looked at, and also spoke to the need to include Forest City in Phase I. There was no further discussion.

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-07-50 AND ENVIRONMENTAL FINDINGS FILED BY GAYLE SHERRILL ON BEHALF OF BOB G. TAYLOR OF HARMONY FREE WILL BAPTIST CHURCH, WEST OF THE SOUTHWEST CORNER OF E. BELMONT AND N. MINNEWAWA AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-50/C-07-197, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. **BILL NO. B-15 - ORDINANCE NO. 2008-14** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A/cz AND R-1 TO R-2/cz

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question staff 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 Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-15 adopted as Ordinance No. 2008-14, subject to the recommended condition of zoning stipulated in the staff report, by the following vote:

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

(10:35 A.M.) HEARING ON REZONE APPLICATION NO. R-07-78 AND ENVIRONMENTAL FINDINGS FILED BY TAMIE EGO ON BEHALF OF WARNER FRESNO PROPERTIES LLC, SOUTHWEST CORNER OF N. FRESNO STREET AND E. WARNER AVENUE (363 AND 373 E. WARNER AVENUE)

1. CONSIDER AND ADOPT E.A. NO. R-07-78, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. **BILL NO. B-16 - ORDINANCE NO. 2008-15** - AMENDING THE OFFICIAL ZONE MAP TO REZONE LOT 116 FROM R-A TO C-P/cz, AND LOT 115 FROM C-P/cz TO C-P

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Zuniga 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 Perea, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-16 adopted as Ordinance No. 2008-15, subject to the recommended condition of zoning stipulated in the staff report, by the following vote:

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

(11:00 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-06-39 AND ENVIRONMENTAL FINDINGS FILED BY HARBOUR AND ASSOCIATES ON BEHALF OF RIVERFRONT VENTURES, LLC, NORTHWEST CORNER OF THE W. HERNDON AND N. BRYAN AVENUES INTERSECTION

1. CONSIDER AND ADOPT E.A. NO. R-06-39/T-5558/C-06-143, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. **BILL NO. B-17 - ORDINANCE NO. 2008-16** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/EA/UGM

President Xiong announced the time had arrived to consider the issue, opened the hearing, and Planner Tackett reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Timothy Jones, 2445 Capitol Street, representing Riverfront Ventures, stated he was aware of the past continuances and concerns expressed about Patriot Homes, advised he did not represent Patriot Homes, did not in the past, and being mindful of the concerns would not now, and stated good conditions were placed on the project to ensure things are done right and requested Council's support.

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

Councilmember Calhoun noted his concerns were made clear previously, stated the delay helped and with the conditions added this was not the same rezone previously presented to Council, and thanked city attorney and planning staff and the developer for working together for a better community and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-17 adopted as Ordinance No. 2008-16, by the following vote:

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

LUNCH RECESS - 11:41 A.M. - 3:00 P.M.

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

(A) EXISTING LITIGATION - CASE NAME: ROBERT PALACIOS V. CENTRAL VALLEY GMC, CA CORP., ET AL.

The City Council met in closed session in Room 2125 at the hour of 3:01 p.m. to consider the above matter and adjourned at 3:03 p.m. No announcements were made.

RECESS - 3:03 P.M. - 3:30 P.M.

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

APPROVE MINUTES OF FEBRUARY 5 AND 26, 2008

Meeting not held; minutes laid over to the next meeting.

(3:30 P.M.) REQUEST COUNCIL DIRECT STAFF TO WORK WITH VARIOUS YOUTH GROUPS TO ESTABLISH A FRESNO CITY COUNCIL YOUTH ADVISORY BOARD - COUNCILMEMBER PEREA

Councilmember Perea spoke to the history of the City's Youth Advisory Board, how at some point it was discontinued, and to a council vote a few years ago to reestablish the board or revive it with nothing happening; stated when the River Park curfew issue came to light it energized the youth, talks ensued, and this was one of the recommendations that came out of meetings held; and spoke to the desire of youth to be more involved and made a motion as outlined above, which motion was seconded by Councilmember Duncan.

Speaking in support of the issue and further to their work/involvement in the community were: Tate Hill, 2120 N. Winery, Youth Leadership Institute, **(5 - 0)**; Lance Agosto, 199 N. Argyle; and Malaysia Rico, 2120 N. Winery.

Councilmember Duncan suggested a time line be placed and upon question City Manager Souza stated the PARCS department and education office would work on the issue and return with a game plan within 30 to 60 days. Councilmember Perea requested staff start with the Youth Leadership Institute and contacts would then be given for the other youth groups. Upon question of Councilmember Calhoun Mr. Souza stated the level of staffing and frequency of meetings would be flushed out over the next 30-60 days and added he did not see this board rising to the magnitude of the planning commission. Councilmember Calhoun spoke to how some boards/commissions meet on an irregular basis, "dribble away", or lose their purpose even though they are started with the best of intentions and strongly recommended a more informal-type organization be looked at with no heavy burdens on the youth or staff stating realistically some young people will come and go and move on with their lives. Councilmember Dages spoke to how the Youth Leadership Institute opened his eyes by their work and involvement in issues of importance to the youth and the community, stated he liked the name "City Council Youth Advisory Board" and the idea stating it would be great to prepare youth to run for elective office someday, and stated this was a good direction to head into and requested the board keep Council informed of issues and needs. President Xiong spoke to the diversity in the community and how he looked forward to seeing the types of youth groups that will be involved, and commended the youth for their commitment to serve.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to work with various youth groups to establish a City Council Youth Advisory Board and report back within 30 to 60 days, by the following vote:

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

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:49 p.m. having arrived and hearing no objections, President Xiong declared the meeting adjourned.

Approved on the ____ 11th ____ day of ____ March _____, 2008.

_____/s/_____
Blong Xiong, Council President

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

151-70

03/04/08