

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

January 22, 2007

FROM: KEITH BERGTHOLD, Acting Director
Planning and Development Department

BY: CRAIG AGABASHIAN, Administrative Manager *CA*
Planning and Development Department

SUBJECT: PUBLIC HEARING TO CONSIDER COUNCIL DISTRICT REDETERMINATION REPORT AND INTRODUCTION OF ORDINANCE TO ADOPT NEW COUNCIL DISTRICT BOUNDARIES

KEY RESULT AREAS

Customer Service, Resource Management, One Fresno, Public Safety

RECOMMENDATION

Staff recommends Council approve the attached ordinance to modify the Council district boundaries. A final public hearing to adopt the approved ordinance is scheduled for February 6, 2007.

EXECUTIVE SUMMARY

Pursuant to Charter and Municipal Code requirements, Council District determination and redetermination proceedings shall be automatically initiated each decennial federal census. In addition, the Chief Administrative Officer is required to make a recommendation to the Council regarding the population of the City every five years. Council initiated Council district modification proceedings on November 14, 2006.

On January 4, 2007, the Planning and Development Director submitted the attached Council District Redetermination Report to the City Manager and filed it with the City Clerk. This report contains the initial staff proposal (Appendix C) for adjusting boundaries based upon allowable criteria in the Municipal Code.

Subsequent to the filing of the Redetermination Report, staff determined that one of the proposed boundary changes did not meet the Fresno Municipal Code Section 2-207(e)(2) requirement that territory of a Council district be contiguous. Staff then developed additional modifications to correct the contiguity issue. The revised populations are noted in the below Table and in Revision A (Appendix I) attached. The proposed Council boundary modifications recommended by staff as identified as Appendix I in this report are also attached as Exhibit A to the Ordinance.

PROPOSED POPULATION – Revision A

District	Council Member	"Revision A" Redetermined population 1/1/2006	Difference relating to 67,354 proposed average	Percent over/(under) one seventh of City population
1	Blong Xiong	68,656	+1,302	+1.9%
2	Brian Calhoun	66,132	-1,515	-2.2%
3	Cynthia Sterling	66,111	-1,243	-1.8%
4	Larry Westerlund	68,887	+1,533	+2.3%
5	Mike Dages	67,072	-282	-0.4%
6	Jerry Duncan	65,795	-1,559	-2.3%
7	Henry T. Perea	68,826	+1,765	+2.6%
		471,479		

Note: The Revision A adjustments result in a population deviation of less than 2.6 percent.

KEY OBJECTIVE BALANCE

The proper modification of Council District boundaries balances the three key objectives of employee satisfaction, customer satisfaction, and financial management. Customer satisfaction, employee satisfaction and prudent financial management will be achieved when resources are properly divided and utilized among the various Council Districts.

FISCAL IMPACT

None

Attachments: Council District Redetermination Report, including Appendices A-G
 Revision A - proposed boundary changes - Appendix H
 Revision A - proposed modification – Appendix I
 Draft Ordinance Bill – Appendix J



PLANNING AND DEVELOPMENT DEPARTMENT

DATE: January 3, 2007

TO: ANDREW T. SOUZA, City Manager

FROM: NICK YOVINO, Director 
Planning and Development Department

BY: CRAIG AGABASHIAN, Administrative Manager 
Planning and Development Department

SUBJECT: COUNCIL DISTRICT REDETERMINATION REPORT

BACKGROUND

The City of Fresno Council districts were originally formed in 1978. The most recent modification occurred in 2001, which revised the boundaries of the seven districts. A map of the current boundaries is attached as Appendix A.

Pursuant to Charter and Municipal Code requirements, Council district determination and redetermination proceedings shall be automatically initiated each decennial federal census. In addition, the Chief Administrative Officer is required to make a recommendation to the Council regarding the population every five years. Council initiated Council District Modification Proceedings on November 14, 2006.

On May 15, 2001, Council adopted Resolution No. 2001-158 stating their intent not to follow that portion of the Charter allowing up to 10% deviation between Council District populations. On May 22, 2001, the Council also adopted Ordinance No. 2001-47 amending Section 2-207 to conform to State and Federal Law, which among other changes, required population within the districts shall be as nearly equal in population as may be according to the more current of: (1) Population census of the Bureau of Census, (2) State of California Department of Finance City and County population estimates, (3) Statistics compiled by the City of Fresno Development Department based on (1) or (2) above, or any other census, estimate, survey and population projection may be considered. The procedures and associated time lines to adopt new district boundaries are as follows:

<u>Date</u>	<u>Required Action</u>
December 5, 2006	City Clerk publishes Notice of Modification of the Council Districts (Appendix G)
December 19, 2006	Public comment may be received in writing until this date
January 4, 2006	Proposed Council District Report identifying suggested boundaries filed with the City Clerk
January 14, 2006	City Clerk publishes Notice of Hearing with suggested boundaries
January 23, 2007	Public Hearing date: following close of public hearing, the council shall adopt boundaries within 15 days
February 6, 2007	Public Hearing to adopt new boundaries

The City published the Notice of Modification on December 5, 2006, which asked for public comment by December 19 2006. The following specific written public comments were received:

- Suggest moving NE boundary of District 3 from Olive to Belmont Avenue, so the Tower district is contained in one district and served by one Councilmember. Residents south of Olive seem to get overlooked (Appendix D).
- Suggest something be done with district seven that would not cut the McLane Community in two. The McLane Community was previously all in District 4. All communities that were cut off by District 7 could be returned to old Districts as the City expands; District 7 currently has no comprehensive boundary (Appendix E).
- Support realignment of Fresno Council district boundaries (Appendix F).

In order to commence the redistricting project, Planning and Development Staff performed calculations using April 1, 2000 Census data as a basis to derive population estimates for each Council District as of January 1, 2006. The additional council district population estimated for the time period between the Census date and January 1, 2006 was derived from building permit, annexation and group quarters data. The population from these sources was further adjusted to reflect the California Department of Finance' January 1, 2006 population estimate for the City.

Per the below chart, Staff determined as of January 1, 2006, Council Districts were out of balance ranging from 7% less then to 13% greater then 1/7th of the total City population.

CURRENT POPULATION ESTIMATES

District	Council Member	Year 2000 Redetermined population	(1.) Staff Estimates 1/1/2006	Percent over/(under) one seventh of City population
1	Blong Xiong	59,909	62,610	-7.0%
2	Brian Cainhour	61,742	73,147	+8.6%
3	Cynthia Sterling	61,922	66,111	-1.8%
4	Larry Westerlund	60,835	62,977	-6.5%
5	Mike Dages	61,441	67,414	+0.1%
6	Jerry Duncan	60,901	76,345	+13.3%
7	Henry T. Perea	60,902	62,874	-6.7%
		427,652	471,478	

Note (1.) - Includes applicable percentage of 10,000 adjustment to match staff estimates with California Department of Finance' January 1, 2006 control total of 471,479.

Planning and development staff developed a proposal that recommends minimal modifications to five of the seven Council districts. Attached in Appendix B is a map depicting the proposed boundary adjustments and Appendix C is a map depicting the proposed boundaries. The proposed districts contain the following population with a deviation percentage of less then 2.5%.

PROPOSED POPULATION

District	Council Member	Redetermined population 1/1/2006	Difference relating to 67,354 proposed average	Percent over/(under) one seventh of City population
1	Blong Xiong	68,656	+1,302	+1.9%
2	Brian Calhoun	66,132	-1,222	-1.8%
3	Cynthia Sterling	66,111	-1,243	-1.8%
4	Larry Westerlund	68,416	+1,062	+1.6%
5	Mike Dages	67,414	+60	+0.1%
6	Jerry Duncan	65,795	-1,559	-2.3%
7	Henry T. Perea	68,955	+1,601	+2.4%
		471,479		

The Staff developed its redetermination proposal based on the following criteria:

1. Population using 2000 Census data as a basis to derive population estimates for each Council District as of January 1, 2006. Current population estimates were derived from Building Permit, Annexation, and Group Quarters Data.
2. Comparison of Staff's estimates to the January 1, 2006 California Department of Finance' 471,479 population total for the City of Fresno.
3. Proposed district populations which are nearly equal as possible.
4. Proposed districts which are as compact as possible.
5. District boundaries, where practicable, include tract lines, street lines, streets, highways, railroad rights-of-way, waterways, or natural or artificial boundaries.
6. Districts were drawn taking into consideration the protection of communities of interest.

The staff proposal consists of several modifications which are specifically identified on the map attached as Exhibit B.

Appendices:

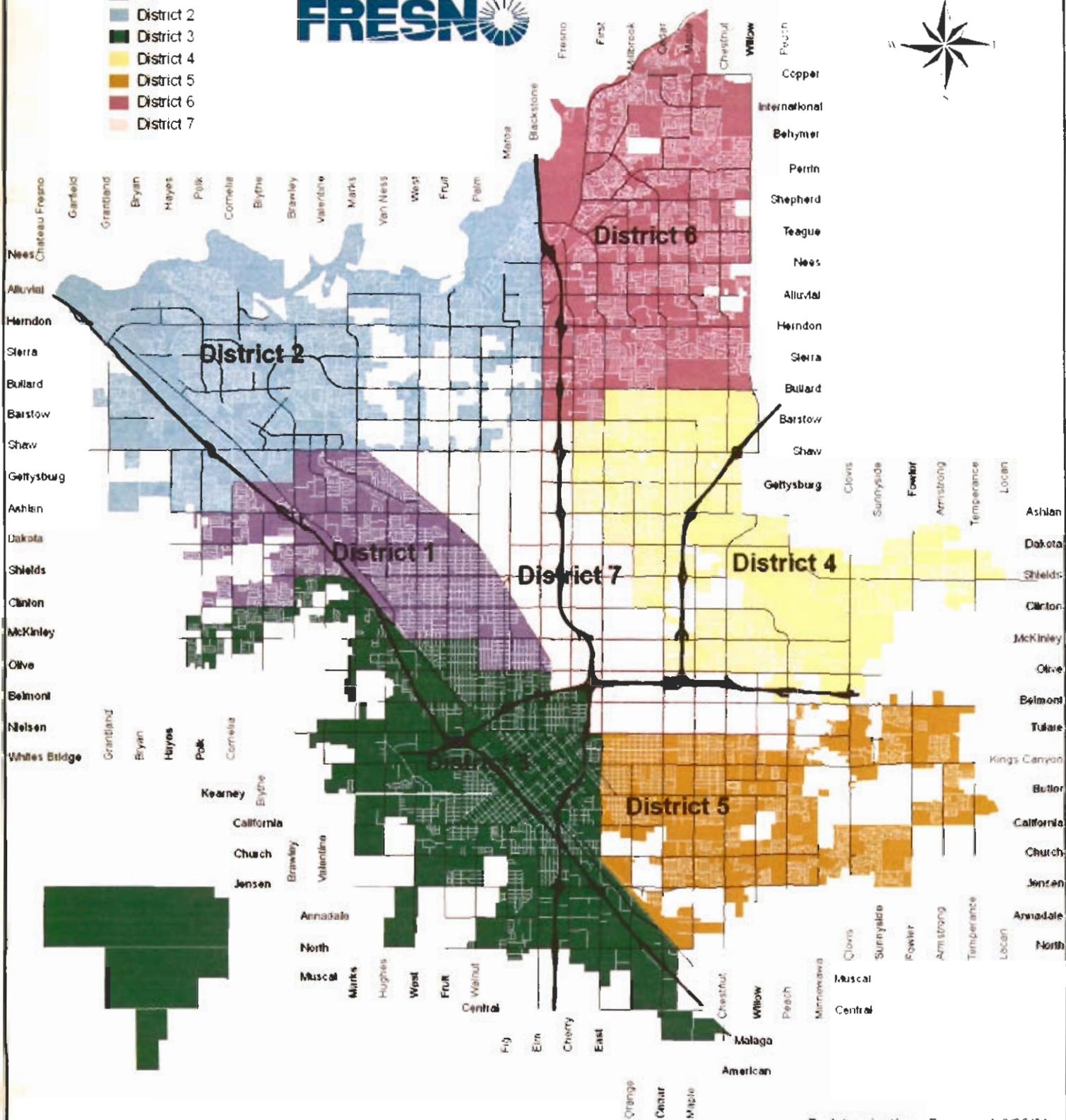
- A Map of current Council Districts
- B Proposed Council District Boundary adjustments
- C Proposed Council District Boundaries
- D Public comment letter – Tower District
- E Public comment letter – McLane Community
- F Public comment letter – El Concilio Organization

Appendix A

Current Council Districts *



- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7



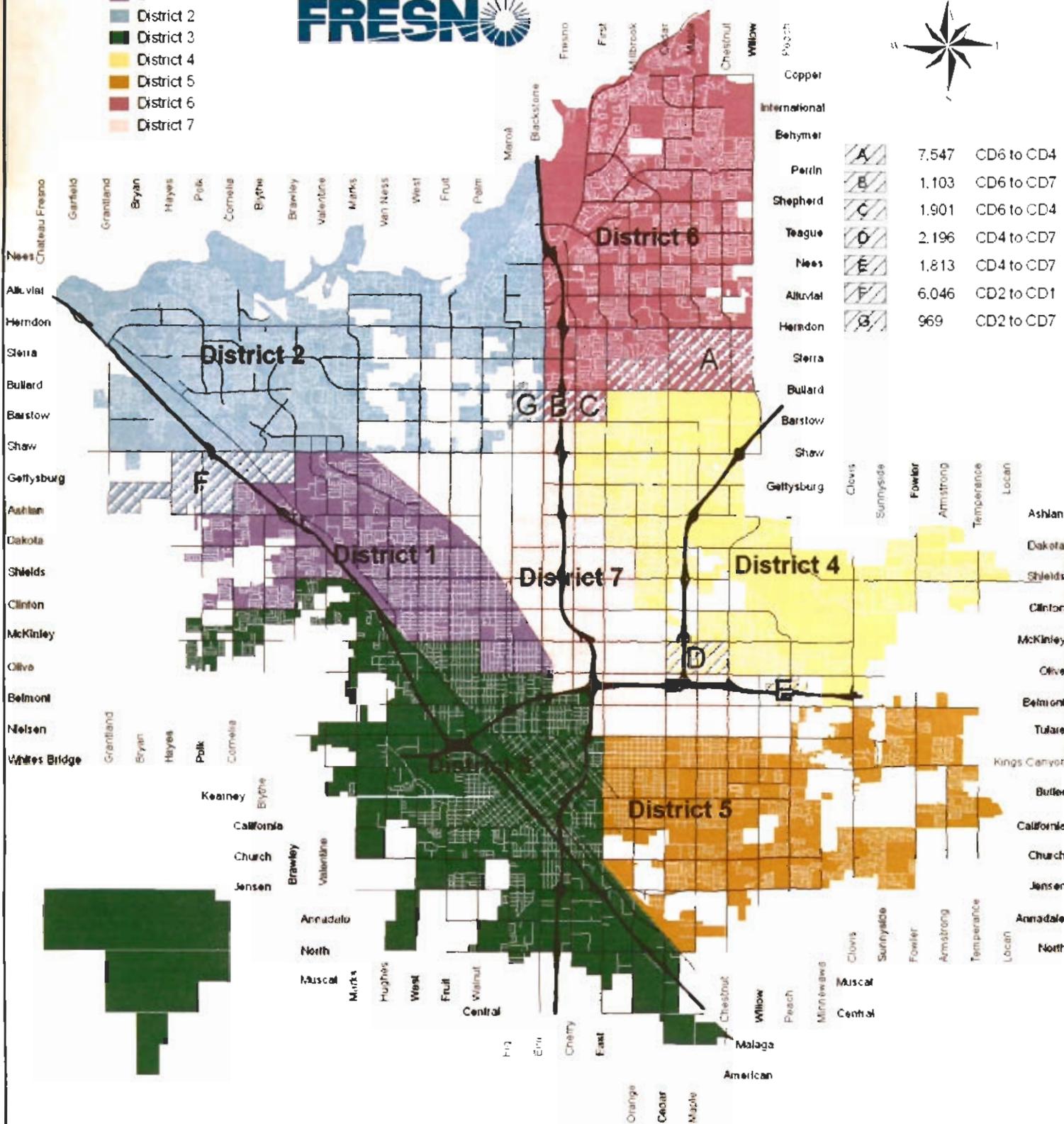
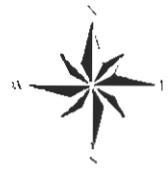
* Based on 2000 Census Data

Redetermination - Revision A 6/29/01
 Ordinance No. 2001-59
 Effective August 24, 2001

Proposed Council District Boundary Adjustments *



- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7



	7,547	CD6 to CD4
	1,103	CD6 to CD7
	1,901	CD6 to CD4
	2,196	CD4 to CD7
	1,813	CD4 to CD7
	6,046	CD2 to CD1
	969	CD2 to CD7

* Based on Jan. 2006, Cal. Dept. of Finance, population estimate for the City of Fresno

orig to NY
cc: Donn ✓
Craig

RECEIVED
DEC 15 2006
BY: _____

"APPENDIX E"

December 14, 2006

Nick Yovino
Development Director
City of Fresno
2600 Fresno Street
Fresno CA 93721

RE: Public Notice #65335 - Modification of Council Districts

Dear Mr. Yovino:

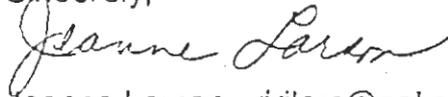
It was in October 1997, that I appeared at Mayor Autry's afternoon conference which you attended. At that time I asked that something be done with District 7 that would not cut the McLane Community in two. We had previously been in District 4 which included the whole of the McLane area.

You said at that time, that no redistricting could be done until after the 2000 census.

Fresno has grown a great deal and it would seem logical that all the districts that were cut off by District 7, (which has no comprehensive boundary since it runs from southeast Tulare Street northwest past Figarden encompassing varying different communities) could be returned to old districts as expanding City areas could be reconfigured for better Council Districts.

I would hope that this is an issue that will be explored in the redistricting study.

Sincerely,



Jeanne Larson <jrjlars@aol.com>
3457 E. Redlands Ave, Fresno 93703

cc: Roger Montero, Deputy Mayor
Andrew Sosa, City Manager



Venancio Gaona
Member, School Site Council
gaona@fas.edu

El Concilio de
Fresno, Inc.

César E. Chávez
Adult Educational Center
Fresno Unified School District

500 Stanislaus Street
Fresno, CA 93721-1223
Tel: 559/457-6000
Fax: 559/457-6001
www.fas.edu

"APPENDIX F"

Beetle:

represent El Concilio de Fresno,
Inc., a Latino consortium organization

We support the realignment of
boundaries of the Fresno Council
Districts because:

- 1) The U.S. Voting Rights Act of
1964-65 calls for "one man, one vote."
- 2) There is reapportionment of the
House of Representatives' Districts
every 10 years.
- 3) If we recall, the current
has had reapportionment due to
population growth every 5 and 10
years in the past.

The City of Fresno has grown
and will continue to grow in
population by 2010.

The City should not wait until
the problem has grown beyond
reasonable correct action!

#2

Act now so the City is in compliance before 2010 and do readjustments in 2010.

- 5 There are more minorities in the City's population. Realignment of boundaries will help ~~ensure~~ equitable and appropriate representation to all minorities.

Francisco Torres
251-2486

I am in Councilman's like
Pages' district.

"APPENDIX G"

CITY OF FRESNO

2600 FRESNO STREET

PLANNING & DEVELOPEMENT DEPT.

FRESNO, CA 93721

PROOF OF PUBLICATION

COUNTY OF FRESNO
STATE OF CALIFORNIA

EXHIBIT A.



The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee.

The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 22, 1994, Action No. 520052-9

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

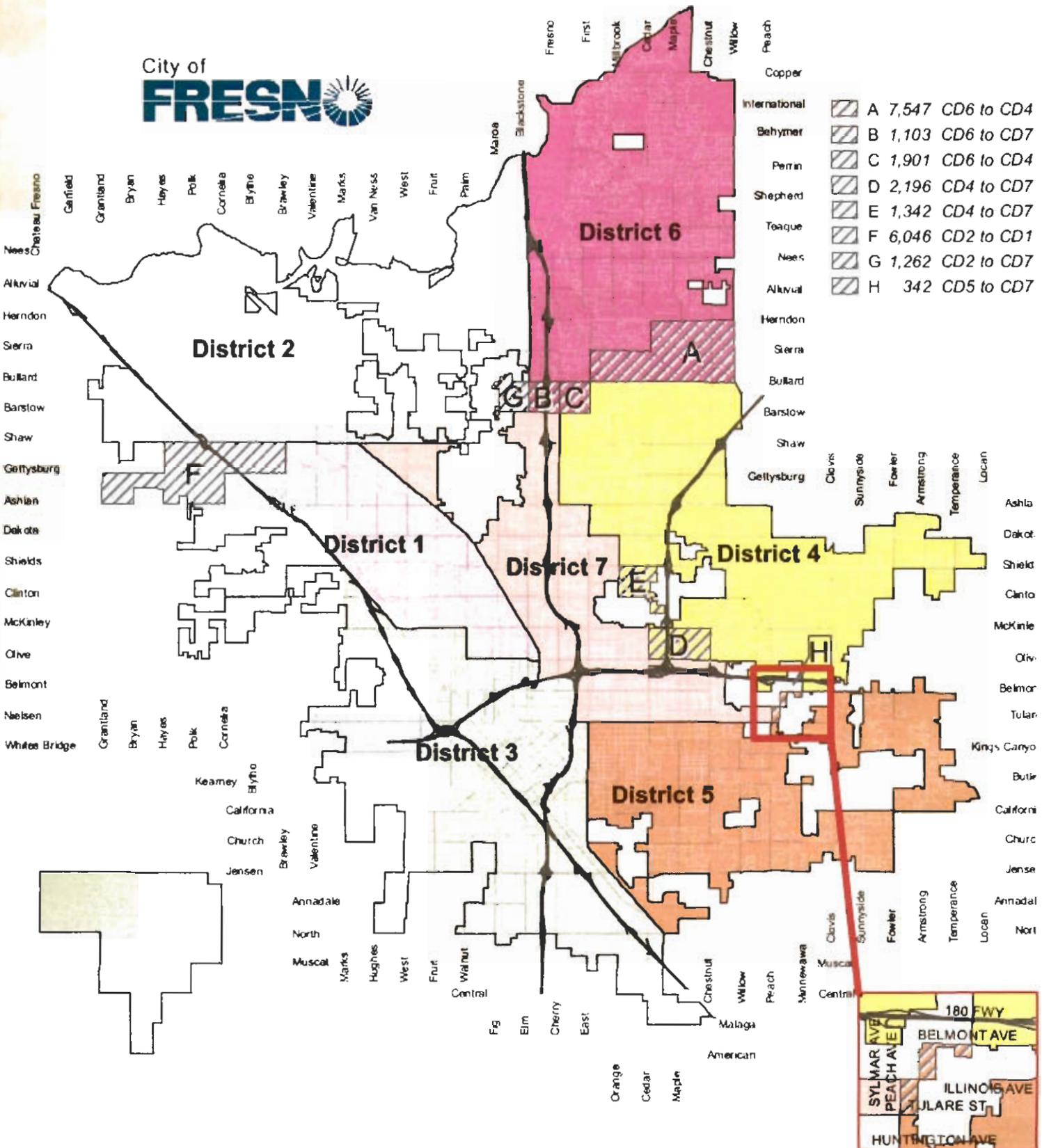
December 5, 2006

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated DECEMBER 5, 2006

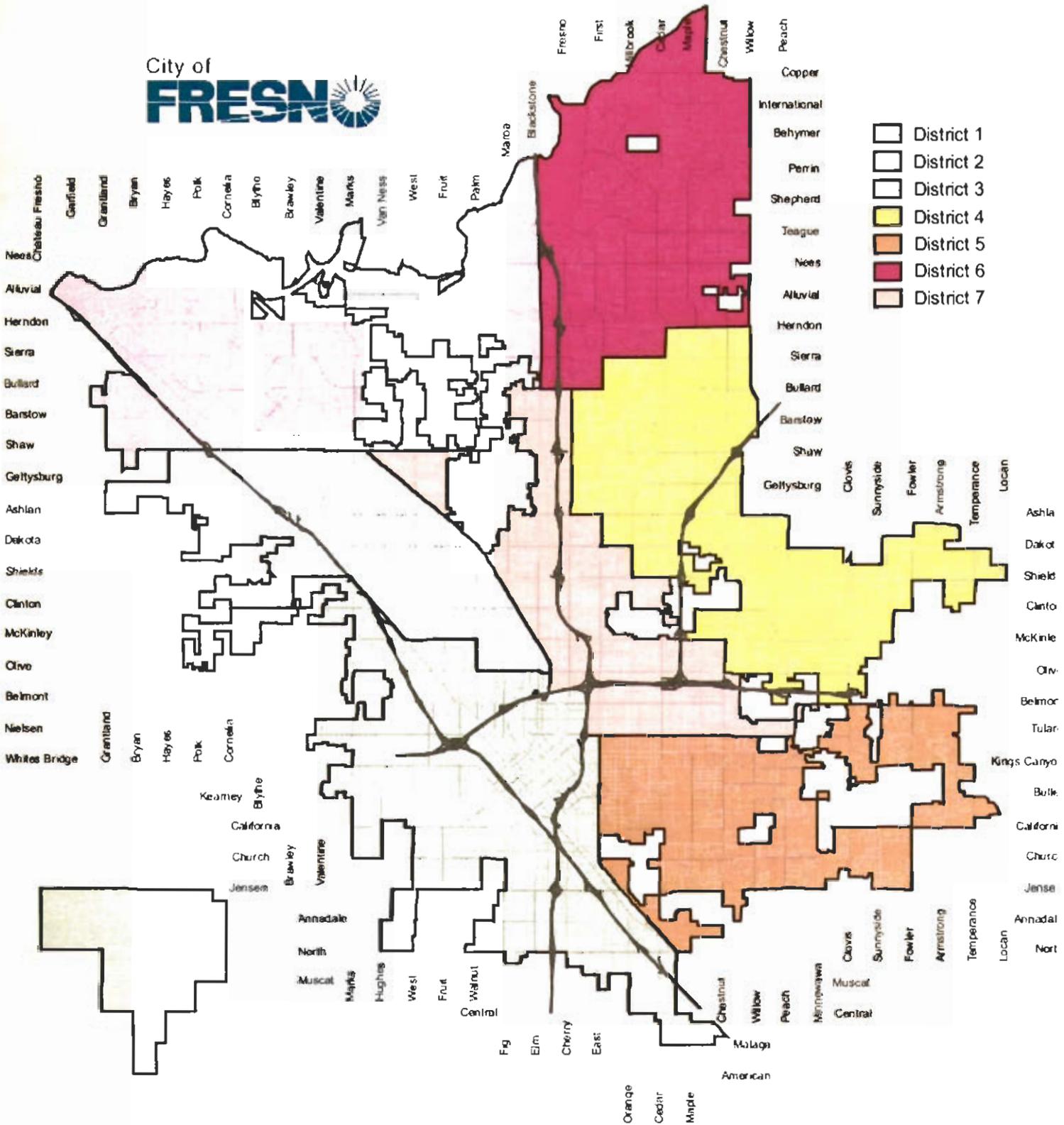
Cathy Anderson

Proposed Council District Boundary Changes* "Revision A"



* Based on Jan. 2006, Cal. Dept. of Finance, population estimate for the City of Fresno

Proposed Council District Modification * "Revision A"



* Based on Jan. 2006, Cal. Dept. of Finance, population estimate for the City of Fresno

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY _____ SECONDED BY _____

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
RELATING TO THE MODIFICATION OF BOUNDARIES OF
THE COUNCIL DISTRICTS OF THE CITY OF FRESNO.

WHEREAS, the Council districts boundaries were redetermined in 2001 to comply with Section 304.1 of the Charter of the City of Fresno ("Charter") and Section 2-204 of the Fresno Municipal Code ("FMC"); and,

WHEREAS, pursuant to FMC Section 2-204, the City Manager is required to make a recommendation to Council every five years on the population of the City; and,

WHEREAS, pursuant to Section 2-204, on November 14, 2006, the City Manager recommended that modification proceedings should be initiated by Council based on the current population estimates and the disparity between Council districts; and,

WHEREAS, on November 14, 2006, Council initiated modification proceedings for the Council district boundaries pursuant to FMC Section 2-204 which provides that modification proceedings may be initiated at any time by Council resolution; and,

WHEREAS, on January 3, 2007, the City Manager filed with the City Clerk a Council District Report pursuant to FMC subsection 2-206(d) setting forth proposed new Council district boundaries; and,

WHEREAS, the January 3, 2007 Council District Report provides that current population estimates of the various districts deviate from the mean population of the seven districts by up to 13%; and

WHEREAS, Council finds that FMC subsection 2-207(c) provides that "[p]opulation within the districts shall be as nearly equal in population as may be;" and,

WHEREAS, the January 3, 2007 Council District Report included a map titled "Appendix C – Proposed Council District Redetermination" (hereinafter referred to as "Proposed Map") which proposed new Council district boundaries; and,

WHEREAS, on January 30, 2007, the Council conducted a duly noticed public hearing pursuant to FMC subsection 2-206(f) on the Council District Report; and

WHEREAS, at the January 30, 2007 public hearing, the Council considered the Council District Report; and,

WHEREAS, at the January 30, 2007 public hearing, the Council also considered a Staff Report which included the Proposed Map and a second map (hereinafter referred to as, "Revised Proposed Map" and attached to this Ordinance as Exhibit "A") which revised the Council district boundaries in the Proposed Map; and,

WHEREAS, at the January 30, 2007 public hearing, the Council also considered a staff presentation, and public testimony of the modification to Council district boundaries; and,

WHEREAS, on January 30, 2007, after closing the public hearing, the Council deliberated on the proposed new Council district boundaries and moved to introduce this Ordinance; and,

WHEREAS, Council finds that the procedural requirements of the Charter and the FMC have been met and the proposed new Council district boundaries in Revised Proposed Map (Exhibit "A" to this Ordinance) are in accord with the criteria and guidelines set forth therein.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council hereby accepts the Council District Report.

SECTION 2. The Council, in accordance with Sections 2-206 and 2-207 of the FMC, hereby **modifies the** Council district boundaries as delineated in the **Revised Proposed Map**, attached to this Ordinance as Exhibit "A."

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SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of 2007.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2007

Mayor Approval/No Return: _____, 2007

Mayor Veto: _____, 2007

Council Override Vote: _____, 2007

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

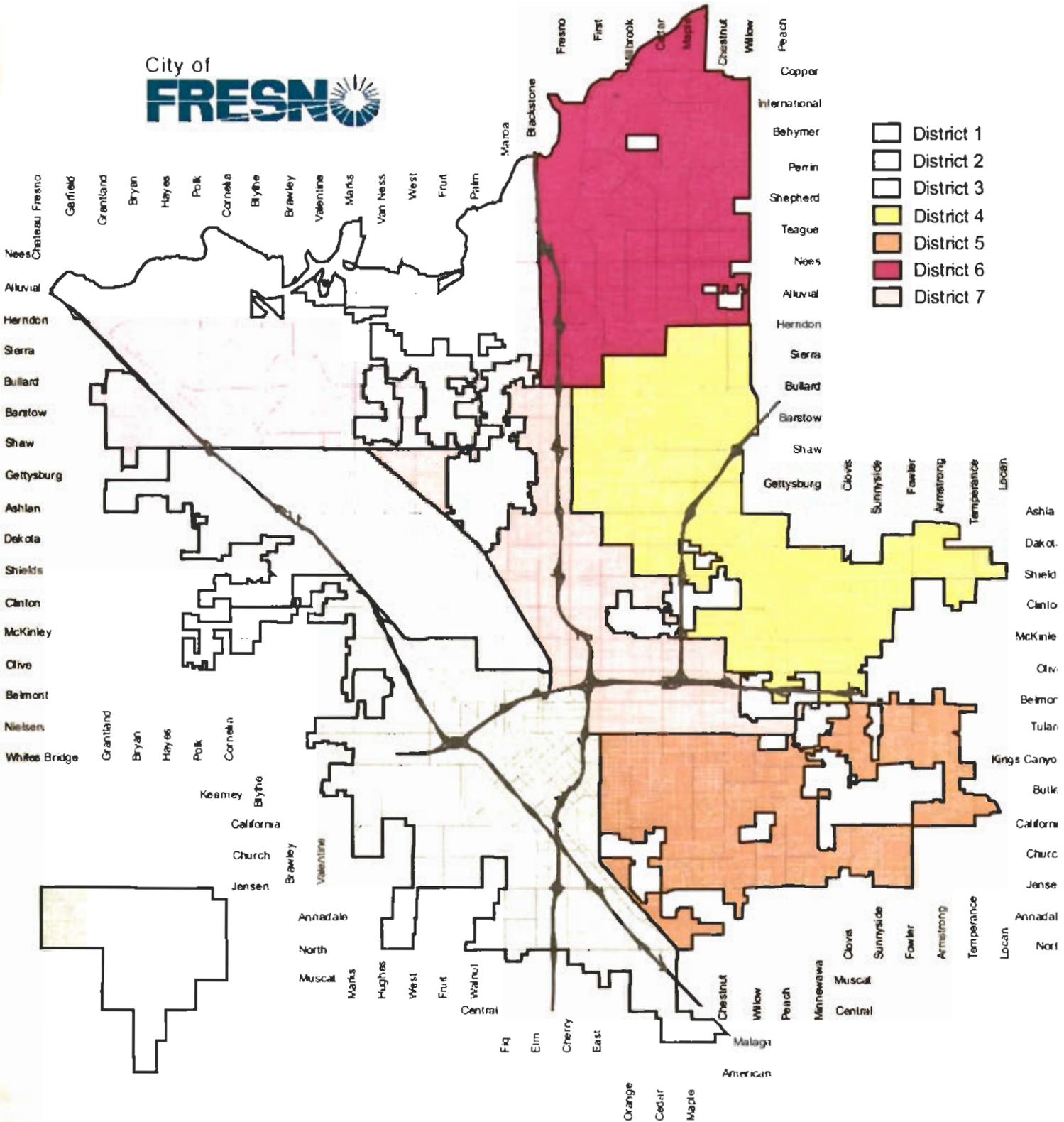
BY: 
Deputy

Attachment:
• Exhibit A - Revised Proposed Map

KCP:sz[39980sz/ord] 1/25/07

EXHIBIT A

Proposed Council District Modification * "Revision A"



* Based on Jan. 2006, Cal. Dept. of Finance, population estimate for the City of Fresno