

The City Council met in regular session at the hour of 1:00 p.m. in the Council Chamber, City Hall, on the day above written.

Present:	Lee Brand	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Councilmember
	Larry Westerlund	Acting Council President
	Blong Xiong	Councilmember
	Cynthia Sterling	Council President

*Absent: Andreas Borgeas Councilmember - *Present via teleconference for the 5:00 p.m. Hearing

Andy Souza, City Manager
Bruce Rudd, Assistant City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(1:00 P.M.) SPECIAL NOTICE CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(‘A’) PROPERTY: CHUKCHANSI PARK (MULTIPURPOSE STADIUM)
NEGOTIATING PARTIES: CITY MANAGER ANDREW SOUZA, CHRIS CUMMINGS, FRESNO BASEBALL CLUB, LLC, AND FRESNO BASEBALL CLUB, LLP
UNDER NEGOTIATION: PROPOSED AMENDMENT TO THE LEASE AGREEMENT

The City Council met in special closed session in Room 2125 at the hour of 1:00 p.m. to consider the above matter and convened in regular open session at 2:58 p.m. No announcements were made.

Pastor Joshua Irmeler, Ambassador of the Baptist Church and Academy, gave the invocation and President Sterling led the Pledge of Allegiance.

Birthday wishes were extended and “Happy Birthday” was sung to Councilmember Xiong.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER BRAND

Not held.

PROCLAMATION OF “NATIONAL RUNAWAY PREVENTION MONTH” - PRESIDENT STERLING

Read and presented.

PROCLAMATION OF “GOTTSCHALKS ALUMNI DAY” - MAYOR’S OFFICE

Read and presented.

APPROVE MINUTES OF OCTOBER 29, 2009:

On motion of Acting President Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of October 29, 2009, approved as submitted.

Councilmember Dages (1) requested an update on the public safety services JPA and any upcoming meetings; (2) upon his question ACM Rudd confirmed a concept was being considered and a meeting would be held about public works charging each council office for repairs/improvements requested by constituents, with Councilmember Dages requesting information be provided as soon as possible; (3) upon his question Mr. Rudd stated progress was being made on the Tutelian building at Inyo and Van Ness and he would provide an update by tray memo; and (4) upon his question Mr. Rudd stated issues with the personnel department relative to military leave and health insurance had been resolved and he would work with Councilmember Dages off-line on any cases that may be outstanding.

Councilmember Xiong thanked the mayor, staff and the Sister City committee for the great job on the Kochi, Japan event and the Lao Recognition Dinner.

Acting President Westerlund (1) also thanked the mayor for participating in the Kochi delegation meet and greet along with committee members for doing a great job; and (2) spoke to the need to start talking and educating the public about the upcoming 2010 census count and the importance of everyone being counted as that determines the amount of funds the city will receive for the next ten years.

APPROVE AGENDA:

(3:00 P.M. "B") ADOPT FINDING OF A CEQA CLASS 1 CATEGORICAL EXEMPTION (EXISTING FACILITIES)
1. APPROVE AN AMENDMENT TO THE FY 2008-2009 ANNUAL ACTION PLAN TO INCORPORATE FRESNO URBAN NEIGHBORHOOD DEVELOPMENT CORPORATION (FUND) INC., AS A SUB-RECIPIENT AND AWARD THE AGENCY A GRANT OF \$225,000 OF CDBG RECOVERY ACT FUNDS TO CARRY OUT REHABILITATION ACTIVITIES IN THE LOWELL COMMUNITY

City Clerk Klisch noted the agenda indicated the item was from the Downtown & Community Revitalization Department and clarified it would be presented by the Planning & Development Department.

On motion of Acting President Westerlund, seconded by Councilmember Xiong, duly carried, **RESOLVED**, the **AGENDA** hereby approved, *as corrected*, by the following vote:

Ayes : Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : Borgeas

ADOPT CONSENT CALENDAR:

Brunette Harris, HEAT for Southwest Fresno, POB 12571, spoke in opposition to Item **1-A** stating the funds could be better used and that was not the purpose of CDBG funds, and stated her opposition to using CDBG funds for any city project.

(1-A) RESOLUTION NO. 2009-229 - AUTHORIZING THE SUBMITTAL OF GRANT APPLICATIONS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ACCEPTANCE OF FUNDING FOR UP TO \$875,000 FOR THE HEALTHY HOMES DEMONSTRATION PROGRAM, AND AUTHORIZE THE DIRECTOR OF THE DOWNTOWN & COMMUNITY REVITALIZATION DEPARTMENT OR DESIGNEE TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

(1-B) RESOLUTION NO. 2009-230 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES AT THE POLICE DEPARTMENT'S SOUTHEAST SUBSTATION LOCATED ON THE NORTHWEST CORNER OF E. BELMONT AND N. DE WITT AVENUES

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(1-C) APPROVE AN AGREEMENT WITH CORNERSTONE STRUCTURAL ENGINEERING GROUP IN THE AMOUNT OF \$156,210, FOR THE FINAL DESIGN AND CONSTRUCTION DOCUMENT PHASES OF THE JENSEN AVENUE SEPARATION AND OVERHEAD (JENSEN BRIDGE) REHABILITATION PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-D) APPROVE A COMMUNITY SERVICE AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED

PERSONS (AARP) FOUNDATION SENIOR COMMUNITY SERVICE AGENCY TO PROVIDE STAFFING AT FRESNO CONNECT COMPUTER LABS AND SENIOR HOT MEAL SITES, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-E) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, IN THE ESTIMATED AMOUNT OF \$1,392,918.45, TO KEMIRA WATER SOLUTIONS, INC., TO PROVIDE FERRIC CHLORIDE (BULK DELIVERY) TO THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

(1-F) AWARD A CONTRACT IN THE AMOUNT OF \$468,514.50 TO INSTITUFORM TECHNOLOGIES, INC., FOR SEWER TRUNK REHABILITATION IN VASSAR, GLENN, WELDON AND WASHINGTON AVENUES

On motion of Councilmember Dages, seconded by Councilmember Brand, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : Borgeas

(2:30 P.M.) PUBLIC COMMENT PERIOD:

(‘A’) SCHEDULED COMMUNICATION:

1. APPEARANCE BY KENNETH FICK TO DISCUSS VARIOUS ISSUES

Not present when called.

2. APPEARANCE BY DAVID BORCHARDT, LAWRENCE GALEMBA AND MANUEL DIAZ TO DISCUSS ENFORCEMENT OF 4-FOOT FENCES IN THE LOWELL-JEFFERSON AREA

Mr. Borchardt and Mr. Galemba appeared and expressed concern with the city’s enforcement of the “antiquated” 3-ft. chain link fence height requirement and to there also being a public safety issue and explained. ACM Rudd stated appropriate staff would meet with the gentlemen. Councilmember Perea stated he wanted to be advised of the outcome of the meeting as he has similar issues in his district. President Sterling added a meeting was scheduled for November 16th wherein the mayor will address a lot of these issues.

(‘B’) UNSCHEDULED COMMUNICATIONS:

Russell “Rusty” Appling spoke to various issues.

Brunette Harris, HEAT for Southwest Fresno, POB 12571 spoke to CDBG funds stating they are to be used for the homeless and in low-income areas and not for street widening.

Denise McPeters, HEAT, expressed her concern with closed sessions and the lack of public input.

Eric Wardwell, POB 17055, thanked Acting President Westerlund for his military service and spoke to fences and code enforcement.

Reyes Garza, 412 “F” Street, spoke to the mentally ill and the homeless.

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Robert Williams, 1436 Beverly, Clovis, submitted written material and a DVD on 9/11 and spoke to the North American Union Act (**2 - 0**) and chemtrails.

Paula Savino, 7449 N. Mansionette, spoke to the upcoming Convoy of Hope event to help the poor and homeless.

Hester Hensley, 1122 Martin, spoke to the need to relocate the homeless encampment, the Poverello House and the Rescue Mission, and requested council members tour the encampment to see the bad atmosphere.

Paul Hurlbut, 4701 W. Swift, spoke to fire trucks/apparatus being out of the area when used by firefighters for grocery shopping.

Marta Rios Escarcega, Senior Pastor of Fresno Hope, spoke to her mission and prayers for the city's transformation.

(3:00 P.M. "B") ADOPT FINDING OF A CEQA CLASS 1 CATEGORICAL EXEMPTION (EXISTING FACILITIES)
1. APPROVE AN AMENDMENT TO THE FY 2008-2009 ANNUAL ACTION PLAN TO INCORPORATE FRESNO URBAN NEIGHBORHOOD DEVELOPMENT CORPORATION (FUND) INC., AS A SUB-RECIPIENT AND AWARD THE AGENCY A GRANT OF \$225,000 OF CDBG RECOVERY ACT FUNDS TO CARRY OUT REHABILITATION ACTIVITIES IN THE LOWELL COMMUNITY

Housing Manager Cazares advised this was a joint item with the D&CR department, reviewed the issue and recommended approval, all as contained in the staff report as submitted, and noted the draft contract indicated the expiration date was June 2010 but the contract would expire next December as six months was not enough time for eight homes.

Bob Dittmar, Executive Director of FUND, thanked the city for considering the idea of working with a public benefit non-profit corporation that is grassroots driven, and expanded further on their work with the community.

President Sterling spoke briefly in support of the issue and FUND and made a motion to approve.

On motion of President Sterling, seconded by Councilmember Brand, duly carried, RESOLVED, the finding of a Class 1 Categorical Exemption hereby adopted, and the subject Amendment to the FY 2008-09 Annual Action Plan approved and a \$225,000 grant awarded to the agency, by the following vote:

Ayes : Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : Borgeas

(2:45 P.M. #1) PRESENTATION BY ROBERT TAKACS AND COUNCIL MEMBER STEVE RAPADA OF THE CITY OF REEDLEY, REGARDING MINING OPERATIONS ON JESSE MORROW MOUNTAIN - COUNCILMEMBER XIONG

Councilmember Xiong introduced the item, and Reedley council member Steve Rapada gave a brief overview of the issue stating the Jesse Morrow Mountain mining operation project would be going before the County Board of Supervisors and deals with air quality, water resources and transportation issues, and stated although the project would greatly affect the cities of Reedley and Sanger it would also affect Fresno as the project was only 20 miles east of the city's limits. Robert Takacs gave an in-depth PowerPoint presentation on the issue entitled "Morrow Mountain - Gateway to the Sierras", which consisted of Light Pollution, Start of Project - Profile from the South, 100 Year Profile from the South East, Aerial Views of Property Line, Bench Mining, Blasting, Top of Mountain Bench Mining, Disappearing Land Landscape, Groundwater Drop, Air and Traffic, Why the Concern with Increased Trucking?, Criteria (Truck) Pollutants, Health Effects of Particulate Matter, More than Aggregate, Affect on Local Native Americans, and Potential Project Impacts. Mr. Rapada concluded by stating he hoped the presentation peaked council's interest enough to call their county supervisor and ask how impacts will be mitigated.

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Councilmember Xiong thanked Mr. Rapada and Mr. Takacs for the presentation. Acting President Westerlund stated he appreciated the presentation and information but felt some of the numbers were misleading and spoke to the current demand for aggregate from Coalinga which is further out and the issue being the net affect. There was no further discussion.

(3:00 P.M. "A") APPROVE FIRST AMENDMENT TO THE AGREEMENT WITH BARRETT SPORTS GROUP, LLC, FOR SERVICES RELATED TO THE STADIUM LEASE AGREEMENT NEGOTIATIONS

Mayor Swarengin introduced the issue and Dan Barrett of Barrett Sports Group, whom she advised would make a presentation on the results of the lease analysis, findings from their review of comparable Triple A teams from across the country, and an overview of the financials of the team. Mr. Barrett gave an in-depth PowerPoint presentation on the issue entitled "Fresno Grizzlies Due Diligence Update" which consisted of an Introduction, Background, Lease Analysis - Methodology (3 - 0), Triple A Market Overview, Lease Analysis - Preliminary Findings, Fresno Grizzlies Operating Characteristics (to be completed/provided), General Observations, Comments and Conclusions, Triple A Overview, and Triple A Stadium Case Studies.

Deputy City Manager Zieba reviewed the proposed amendment to the agreement and recommended approval, all as contained in the staff report as submitted.

Councilmember Brand spoke to the divisive and controversial discussions/negotiations that took place in the past and the lack of professional consultation at that time and complimented Acting President Westerlund for suggesting a consultant be brought in due to the needed expertise and added a consultant brings a unique perspective to negotiations; stated although \$100,000 for a consultant was a lot of money it had to be put in the context that there were huge financial consequences at stake -- a potential to spend \$20 million or more; spoke to the city's Better Business Act (BBA) and stated the due diligence policies were being followed and at the end a bill would be sent to the Grizzlies for the cost of this consultant; and expressed his support for staff's recommendation due to what was at stake and what was missing ten years ago.

Acting President Westerlund thanked Councilmember Brand for his work on the negotiation team and Mr. Barrett for the vital and important work he has done stating this was a difficult and complex situation; spoke to past decisions made without the assistance of someone who knows the industry and agreed if professional assistance had been there in the past the city would not be in this situation today; stated a \$20 million supplement was being asked for but was not certain and \$100,000 was not too far reaching for that significant number; and presented numerous questions on the Sacramento and Memphis team's leases/payments/structures/terms/bond payments, and if presenting a bill to the Grizzlies under the BBA was contingent upon reaching a deal with them, with Mr. Barrett and City Manager Souza responding. Mr. Souza and Councilmember Brand further clarified issues relative to this cost and reimbursement under the BBA. Upon questions of Councilmember Xiong Ms. Zieba confirmed the consultant cost was capped at \$100,000, if any work comes up that exceeds that amount staff would bring another amendment back to Council, and along with Mr. Souza stated staff believed the \$100,000 was sufficient to get the city from where it is today to completion. President Sterling thanked Mr. Barrett, Mayor Swarengin and staff for all their work.

On motion of Councilmember Dages, seconded by Councilmember Brand, duly carried, RESOLVED, the subject First Amendment to the Agreement with Barrett Sports Group, LLC hereby approved, by the following vote:

Ayes : Brand, Dages, Westerlund, Xiong, Sterling
Noes : Perea
Absent : Borgeas

(3:45 P.M.) CLOSED SESSION:

(‘A’) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)

The City Council met in closed session in Room 2125 at the hour of 5:18 p.m. to consider the above matter and reconvened in open session at 5:46 p.m.

(2:45 P.M. #2) COUNCIL COMMUNICATIONS AND ASSIGNMENTS:

- (‘A’) COUNCIL OF GOVERNMENTS - SWEARENGIN, XIONG**
- COUNCIL SUB-COMMITTEE TASK FORCE FOR WATER (WATER TASK FORCE) - BERGEAS, BRAND, STERLING**
- FINANCIAL AUDIT COMMITTEE - BRAND, WESTERLUND, XIONG**
- FRESNO AREA WORKFORCE INVESTMENT CORPORATION - STERLING**
- FRESNO COUNTY COUNCIL OF GOVERNMENTS (COG) RAIL CONSOLIDATION COMMITTEE - XIONG**
- FRESNO COUNTY TRANSPORTATION AUTHORITY (FCTA) - SWEARENGIN, BERGEAS**
- FRESNO COUNTY WORKFORCE INVESTMENT BOARD - STERLING**
- FRESNO COUNTY ZOO AUTHORITY - SWEARENGIN, ALTERNATE - WESTERLUND**

FRESNO-MADERA AGENCY AGING BOARD - STERLING
JOINT POWERS FINANCING AUTHORITY - STERLING
LEADERSHIP COUNCIL ON ENDING HOMELESSNESS - SWEARENGIN, STERLING, XIONG
PUBLIC SAFETY JOINT POWERS AUTHORITY - STERLING
SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN, ALTERNATE - BRAND
THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - STERLING
UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY -
BORGEAS

(‘B’) ECONOMIC DEVELOPMENT CORPORATION (EDC) SERVING FRESNO COUNTY - EX-OFFICIO - BORGEAS
FRESNO CITY & COUNTY CONVENTION & VISITOR’S BUREAU (CVB) - SWEARENGIN, STERLING
LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) - SWEARENGIN, ALTERNATE - BORGEAS
SPECIAL CITY SELECTION COMMITTEE, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (AD
HOC) - STERLING, ALTERNATE - WESTERLUND

(‘C’) COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS TO/FROM CITY AND NON-CITY BOARDS AND
COMMISSIONS

Continued to November 19, 2009.

(3:30 P.M.) PRESENTATION BY COPPER RIVER RANCH PARTNERS ON THE FIVE (5) YEAR UPDATE

Continued to November 19, 2009, at a time to be set.

(4:00 P.M.) **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

The City Council recessed at 5:47 p.m. and convened as the Redevelopment Agency in regular session.

APPROVE AGENCY MINUTES OF OCTOBER 29, 2009

On motion of Member Sterling, seconded by Member Westerlund, duly carried, RESOLVED, the Agency minutes of
October 29, 2009, approved as submitted.

(‘A’) APPROVE A DEVELOPMENT AGREEMENT WITH PARC GROVE COMMONS PHASE II, A CALIFORNIA LIMITED
PARTNERSHIP, TO PROVIDE \$500,000 IN LOW- AND MODERATE-INCOME FUNDS FOR DEVELOPMENT OF A MULTI-
FAMILY HOUSING PROJECT NEAR THE SOUTHEAST CORNER OF CLINTON AND FIRST STREET

Executive Director Murphey stated there was nothing to add to the staff report and she was available for questions.

On motion of Member Perea, seconded by Vice Chair Brand, duly carried, RESOLVED, the above entitled Development
Agreement between the Redevelopment Agency and Parc Grove Commons Phase II hereby approved as recommended, by the
following vote:

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Ayes : Brand, Dages, Perea, Sterling, Westerlund, Xiong
Noes : None
Absent : Borgeas

The Redevelopment Agency adjourned its meeting at 5:48 p.m. and the City Council reconvened in regular session.

(5:00 P.M.) PUBLIC HEARING TO CONSIDER PROPOSED RESIDENTIAL METERED WATER RATES PURSUANT TO

PROPOSITION 218

1. PROTEST HEARING REGARDING RESIDENTIAL WATER RATES

2. **RESOLUTION NO. 2009-231** - RATIFYING THE PROPOSITION 218 PROCESS ACCORDING TO CALIFORNIA CONSTITUTION ARTICLE XIID AND ADOPTING A RESIDENTIAL METERED WATER RATE

3. **RESOLUTION NO. 2009-232** - 487TH AMENDMENT TO MFS RES. 80-420 ADOPTING RESIDENTIAL METERED WATER RATES IN THE WATER FEE SECTION UNDER THE DEPARTMENT OF PUBLIC UTILITIES

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

Councilmember Borgeas was present via teleconference.

Public Utilities Director Ramirez gave an overview of the matter and clarified this was not a rate increase, at issue was the creation of a metered water rate structure from the flat rate structure, and this hearing was being held pursuant to Proposition 218 to hear testimony, tally opposition votes, and then proceed if appropriate, all as contained in the staff report as submitted.

Speaking to the issue were: Ann Kromberg, W. Beechwood, request hearing be continued due to lack of proper notification (**4 - 0**); Barbara Marshall, E. Fallbrook, President of Mansionette Homes PUD (planned unit development)/concerns with shared meter; Bill Smedley, N. Fifth Street, opposed to metered rates and mandatory service charge; Dorothy Nystrem, W. Swift PUD, concerns with shared meter; Kerri Gans, E. Fallbrook PUD, opposed to shared meter; Marjorie Knight, E. Sussex Way, questions regarding number of quadrants/quadrant selection process/how older parts of the city that encounter problems will be dealt with; Loran Harding, W. Browning, opposed to Proposition 218 and process/need to place matter on the ballot/need for senior discount/concern with Utility Advisory Commission and their recommendations; Robert Ware, N. Palm, meter and pipe size concerns; Barbara J. Dunn, N. Van Ness Blvd., concerns regarding different rates for different areas of the city/for-profit water department/paying to go through the sewer system; John Rose, N. Wilson, water wastage concerns; Doug Vagim, N. Poplar, concern with Proposition 218/deficient noticing/violations/need to restart process; Larry Mullen, N. Prospect, need to delay billing until 2013 and educate people/concerns with lot sizes, conservation, unfairness and discrimination; Esther Garcia, N. San Pablo, need for clarity/questions on how the process will work/how homes will be charged; and Carlos Medrano, W. San Bruno, concern/unfairness with some having meters before others/need to start all meters at the same time.

Upon call, no one else wished to be heard and President Sterling closed the public testimony portion of the hearing.

Brief discussion ensued on the process and protocol to be followed. City Clerk Klisch advised a total of 128 protests were received with 87 of them meeting all requirements and 41 invalid whereupon the hearing proceeded.

Mr. Ramirez and City Attorney Sanchez responded to/addressed questions/comments/concerns expressed by speakers and/or clarified issues relative to the requirements and process used to notify property owners of record, process for tenants, Proposition 218 process and requirements, PUDs and property owner responsibility, ready to serve charge, metered water rates, where meters will be installed, installation process (**5 - 0**), activating all meters at the same time, senior discount, size of pipes and meters, different charges for different neighborhoods, sewer cost, metered rate in county islands, notification process/non use of utility bills, waiting until 2013 to bill and state mandates, side-by-side billing system, privatizing water/water districts, water conservation and water supply, billing cycle, timing for metered rate from flat rate, the Charter provision prohibiting water meters and subsequent state law mandating installation of meters, and the federal government's imposition of metering as a pre-condition to the city's annual receipt of up to 60,000 acre feet of surface water.

Extensive discussion ensued. Upon the request of Councilmember Borgeas via teleconference Mr. Ramirez explained the rationale for the different sized piping, confirmed the rates were meant to be revenue-neutral and not a money-making enterprise, and confirmed the city was obligated by state legislation to start charging in 2010 where meters are installed, and along with Mr. Sanchez responded to Councilmember Borgeas' questions relative to options for PUD residents with shared meters and the local "home rule" argument against meters. Councilmember Borgeas added he was supportive of a senior discount. Councilmember Brand clarified all rates are established by nexus and there was no profit motive here, and presented questions and additional comments relative to how Fresno's rates compare with other cities with metered rates, how long the city has gone without any rate increases, why some PUDs have meters and some do not, and his desire for staff to explore the cost of installing separate meters for PUD residents, with Mr. Ramirez responding and using PowerPoint slides to illustrate related issues/numbers/costs. Acting President Westerlund thanked everyone for their interest and input noting most were in favor of meters and there were more questions than anything so this becomes

a function of education; reiterated this was not an increase, based on usage stated some people will have an increase and some will not but on balance this is to be revenue neutral, and stated adjustments will be made later if projections are off; spoke to the issue of PUDs, other cities who are on meters and have been for some time, and to state law mandating meters being pretty clear; and presented questions relative to the selection of neighborhoods for meter installation/criteria/how they will selected, the recession and if those on fixed incomes can receive meters first, if the contractor will select the order of quadrants for installations, missing areas/if monitoring will be done, and the state and federal mandates for water conservation, with Mr. Ramirez and Assistant Public Utilities Director Andersen responding and clarifying issues.

Councilmember Dages presented questions/comments/concerns at length relative to the senior discount, concern with shared meters, if Ms. Gans was currently receiving a utility bill, why a master meter was needed if people are receiving individual bills, pipe size, why there is no universal pipe rate, notification process/pamphlet and cost, **(6 - 0)** size of quadrants/platts, if there was a plan for or if there will be any assistance for large, low-income families, conservation and landscaping, need to look into providing incentives for developers to build with desert landscaping if true conservation is desired, concern that issues were not thought out completely such as PUDs, Proposition 218 being a “farce”, and non-support for any motions, with Mr. Ramirez, Ms. Gans, ACM Rudd and Mr. Andersen responding throughout. Councilmember Perea also expressed concern with master/shared meters and stated the issue was equity and it seemed separate meters could be installed, and presented questions and comments relative to the number of people currently in the PUD scenario, support for a council policy directing installation of meters on each property, preference to see all issues/concerns addressed this date, a drought surcharge including if there will ever be one and if staff could commit to never establishing one in the future, implementation process, number of homes that will be metered by 2010, which areas will receive meters first, if there was or was not a 10% discount for seniors, if there was no dedicated discount at all for any group, large families south of Shaw Avenue being a reality and need for the city to consider a discount, and how renters of absent landlords that encounter water problems/leaks will be dealt with, with Mr. Ramirez, Mr. Rudd and Mr Andersen responding throughout. Councilmember Xiong spoke to the diverse community and encouraged staff to continue their public outreach and stay engaged as much as possible, and presented questions and additional comments relative to which languages were more prominent and if those avenues were used to educate the public, the Proposition 218 process, notices sent out and quantity, need to continue education/outreach efforts due to the number of questions still out there, consequence if these resolutions are not approved, the five-year rate plan currently in place, concurrence on the need to address the PUD issue but that issue in itself not being sufficient to delay action/stop this process, staff conducting a study on the number of PUDs and mobile homes with master meters/what those rates would be/what meter installation costs would be, and request for staff to conduct that study and bring information back as quickly as possible for council discussion, with Mr. Ramirez responding throughout.

Councilmember Brand spoke further to tenant responsibility for utilities, mobile home park meters, and apartment master meters and installation of individual meters being cost prohibitive; relative to PUDs stated there was not only a cost factor involved but also the legal issue of access as noted by the city manager; and stated although those issues were important he felt Council had a bigger obligation to move this forward or the city would be in violation of state law and made a motion to approve staff’s recommendation and direct staff to conduct an assessment on mobile home parks and PUDs in terms of master meters and individual meters and return before the end of the year with cost estimates and legal issues, which motion was seconded by Acting President Westerlund (and the time line for staff to report back subsequently changed to December 10th). President Sterling stated great strides have occurred, meters were inevitable, and many questions/concerns were raised, elaborating throughout, and upon her request for the benefit of the public City Manager Souza stated staff could provide their assessment report on December 10th. President Sterling continued and stated her desire for staff to look into a mechanism to assist seniors, those on limited incomes and those with hardships **(7 - 0)**, requested staff look at CDBG or federal funds as the funding source, and include the requested information in the December 10th report. Mr. Souza suggested the two issues be separated stating the discount issue was significantly different and would require legal research which result in a longer process. President Sterling urged staff to return with the information earlier than January as her constituents will have to make hard decisions on whether to pay for food, PG&E or their utility bill.

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On motion of Councilmember Brand, seconded by Acting President Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2009-231 and 2009-232 hereby adopted; and staff directed to (1) conduct an assessment on mobile home parks and PUDs in terms of master meters and individual meters and report back on December 10, 2009, with cost estimates and legal issues, and (2) look into and report back sooner than January 2010 on a mechanism to assist seniors, those with limited incomes, and those with hardships, by the following vote:

Ayes : Borgeas, Brand, Westerlund, Xiong, Sterling
Noes : None
Absent : Dages, Perea

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:20 p.m. having arrived and hearing no objection, President Sterling declared the meeting adjourned.

Approved on the ____19th____day of November, 2009.

_____/s/_____. ATTEST _____/s/_____

Cynthia Sterling, Council President

Yolanda Salazar, Assistant City Clerk