

The City Council met in regular session at the hour of 2:00 p.m. in the Council Chamber, City Hall, on the day above written.

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

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

Captain Dwaine Breazeale of the Salvation Army gave the invocation, and President Sterling led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER BRAND

Not held.

PROCLAMATION OF "FRESNO BREAKFAST LIONS CLUB DAY" - MAYOR'S OFFICE

Read and presented.

PRESENTATION OF A CHECK IN THE AMOUNT OF \$3,250 TO CALWA COMMUNITY OUTREACH SERVICES "SOUTHEAST TOY DRIVE" - COUNCILMEMBER DAGES

Presentation made.

APPROVE MINUTES OF NOVEMBER 19, 2009

On motion of Acting President Westerlund, seconded by Councilmember Brand, duly carried, RESOLVED, the minutes of November 19, 2009, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) announced he had a phone conference meeting with the California Volunteer Commission and discussed main projects and the state's budget impact to the commission and the AmeriCorps program; and (2) thanked and congratulated COG on the great job they are doing, Darius Assemi on his appointment to the California Transportation Commission, and the new Caltrans Director stating they will be strong advocates for valley issues.

Acting President Westerlund (1) spoke to the official opening and groundbreaking for the Highway 180 East extension and thanked the FCTA, Caltrans, and the citizens of Fresno County; (2) spoke to the dirt-turning for the expressway from Temperance to Quality Avenue east of Sanger and commended all involved; (3) spoke to the Sponsor-A-Median Program and upon his question City Manager Souza advised Public Works Director Weimiller was the staff contact; and (4) spoke to the upcoming April 1st census date and the importance of all residents being counted, with President Sterling concurring and speaking to the PK Program.

President Sterling advised next Wednesday was the opening of Santa's Village at Kearney Palms Shopping Center and elaborated further on the event.

APPROVE AGENDA:

(1-B) APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH DESIGN LAB 252 IN THE AMOUNT OF \$22,410 FOR THE ALTERNATIVES DESIGN TO PROTECT THE EXISTING CAMPHOR TREE GROVE LOCATED WITHIN EATON PLAZA PARK

Removed from the agenda.

(1-E) RESOLUTION - SUPPORTING INSTALLATION BY CALTRANS OF NEW SIGNAGE ALONG FREEWAYS 41 AND 99 ANNOUNCING EXITS FOR DOWNTOWN FRESNO

Removed from the agenda.

(1-G) RESOLUTION - APPROVE THE REALLOCATION OF \$485,000 IN THE PARCS DEPARTMENT OF PREVIOUSLY APPROVED GRANT FUNDING FROM THE CHILDREN AND FAMILIES COMMISSION OF FRESNO COUNTY FOR THE CONSTRUCTION OF PLAY STRUCTURES AT THREE PARK SITES

Removed from the agenda.

(1-J) RESOLUTION - AUTHORIZING ACTIONS BY THE HOUSING AUTHORITY OF FRESNO COUNTY REGARDING PARC GROVE COMMONS IN THE CITY OF FRESNO

Removed from the agenda.

(3:00 P.M.) **CLOSED SESSION:**

(A) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. RAPS FRESNO, LLC, ET AL. (ALSO KNOWN AS HOTEL FRESNO), FRESNO COUNTY SUPERIOR COURT CASE

Continued to December 17, 2009.

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

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

ADOPT CONSENT CALENDAR:

Councilmember Dages pulled Item **1-F** and Councilmember Borgeas pulled Item **1-D** from the Consent Calendar for separate discussion/action.

(1-A) APPROVE APPOINTMENTS OF NICK YOVINO TO THE UTILITY ADVISORY COMMISSION, AND LUISA MEDINA TO THE PLANNING COMMISSION - MAYOR'S OFFICE

(1-C) RESOLUTION NO. 2009-247 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED "AN URBAN FOREST FOR EVERY CITY"K AS PROVIDED THROUGH PROPOSITIONS 40 AND 84, AND AUTHORIZING EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

(1-H) ACTIONS RELATED TO THE CONSTRUCTION OF A THREE MILLION GALLON WATER STORAGE TANK AND INTERIM SURFACE WATER TREATMENT PLANT

1. ADOPT FINDING, WITH THE PROJECT SPECIFIC MITIGATION IMPOSED, THAT THERE IS NO SUBSTANTIAL EVIDENCE IN THE RECORD THAT THE CONSTRUCTION OF THE WATER STORAGE TANK AND INTERIM SURFACE WATER TREATMENT PLANT MAY HAVE ADDITIONAL SIGNIFICANT EFFECTS ON THE ENVIRONMENT THAT WERE NOT IDENTIFIED IN THE GENERAL PLAN MEIR AND MITIGATED NEGATIVE DECLARATION NO. A-09-02/SCH NO. 2009051016 AND THAT NO ADDITIONAL MITIGATION MEASURES OR ALTERNATIVES MAY BE REQUIRED.
2. ADOPT FINDING, PURSUANT TO THE PUBLIC RESOURCES CODE, THAT NO SUBSTANTIAL CHANGES HAVE OCCURRED WITH RESPECT TO THE CIRCUMSTANCES UNDER WHICH THE MEIR WAS CERTIFIED AND THE MITIGATED NEGATIVE DECLARATION WAS ADOPTED AND THAT NO NEW INFORMATION, WHICH WAS NOT KNOWN AND COULD NOT HAVE BEEN KNOWN AT THE TIME THE MEIR WAS CERTIFIED AS COMPLETE AND MITIGATED NEGATIVE DECLARATION WAS ADOPTED, HAS BECOME AVAILABLE
3. ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION AS SET FORTH IN THE MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY BEARING STATE CLEARINGHOUSE NO. 2009101089

(1-I) APPROVE ACCEPTANCE OF \$999,468 FROM ARRA, PROVIDED THROUGH THE CALIFORNIA STATE WATER RESOURCE CONTROL BOARD, FOR CONSTRUCTION OF THE HERNDON TOWN SEWER PROJECT (\$729,968) AND THE CORTLAND/FOUNTAIN WAY SEWER PROJECT (\$269,500)

1. **RESOLUTION NO. 2009-248** - 25TH AMENDMENT TO AAR 2009-149 APPROPRIATING \$999,468 OF ARRA FUNDS FOR THE HERNDON TOWN AND CORTLAND/FOUNTAIN WAY SEWER PROJECTS

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

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

CONTESTED CONSENT CALENDAR:

(1-D) AWARD A CONSTRUCTION CONTRACT TO GEORGE DAKOVICH & SON, INC., IN THE AMOUNT OF \$564,996 FOR CONSTRUCTION OF IRRIGATION CANAL PIPING ON BULLARD CANAL NO. 124

A staff member, Purchasing Manager McDonald and ACM Rudd responded to questions of Councilmember Borgeas and/or clarified issues relative to why the lowest bidder's bid was determined to be non-responsive and if there was a pattern of non-responsive bidding.

On motion of Councilmember Borgeas, seconded by Acting President Westerlund, duly carried, **RESOLVED**, the subject contract awarded to George Dakovich & Sons, Inc., as recommended, and the Public Works Director, or designee, authorized to sign the contract on behalf of the City, by the following vote:

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

(1-F) APPROVE AN AGREEMENT BETWEEN THE CITY OF FRESNO, THE ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY (EDC), AND CALIFORNIA STATE UNIVERSITY FOUNDATION (CSUF) IN THE AMOUNT OF \$366,000 TO ALLOW CONTINUATION OF SERVICES BY EDC AND ONGOING MANAGEMENT OF THE INDUSTRY CLUSTERS BY CSUF

Councilmember Dages spoke to past contracts, amounts, and accountability, stated he saw no accountability here such as the number of jobs created by the EDC and expansion & retention numbers, and stated he had a real difficult time approving this and presented questions and additional comments relative to why the contract price went from \$180,000 to \$416,000, performance metrics, what companies the EDC has brought to Fresno, perception that EDC does not come to the city or to council members for assistance, companies working on their own, lack of detailed information from, or contact with, the EDC, need to have further discussions on issues/concerns, and concern with the contract amount due to the numbers presented, with City Manager Souza and Steve Geil, President & CEO of EDC responding throughout. Mr. Souza and Mr. Geil responded briefly to questions of Councilmember Perea relative to what the funding relationship was between the EDC and Fresno State, if Fresno State was a subcontract for the EDC (**2 - 0**), if funding was still going to the RJJ, and the amount of funds going to Fresno State.

Acting President Westerlund spoke in support of the contract and the work EDC was doing and elaborated, and made a motion to approve staff's recommendation. Councilmember Borgeas seconded the motion stating it has been his pleasure to sit on the board in an ex-officio capacity and spoke briefly in support of EDC and how it has evolved, stated the questions presented by Councilmember Dages were valid in these tough economic times and added he was sorry the EDC was taking a cut, and stated in the future he would like to have EDC provide updates in a more formal capacity. President Sterling also thanked EDC for their work.

On motion of Acting President Westerlund, seconded by Councilmember Borgeas, duly carried, **RESOLVED**, the subject agreement between the City of Fresno, the Economic Development Corporation Serving Fresno County, and California State University Foundation hereby approved, and staff authorized to execute the necessary documents, by the following vote:

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

(2:15 P.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATIONS:

Reyes Garza, 412 "F" Street, submitted written material into the record and spoke to hard times and the homeless.

Kathy Omachi, 759 "F" Street, Reedley, spoke to (1) advocacy for Chinatown Revitalization, (2) to CR being the first recipients of a collection from the Western Hotel, and (3) to the "F" Street encampment and what residents in the area of Ventura and Freeway 99 have to deal with.

Paul Hurlbut, 4701 W. Swift, spoke to fire apparatus at shopping centers on a daily basis while fire crews shop and to the cost per hour to run that equipment.

Charlie Waters, Chairman of the Veterans Parade, thanked all who participated in the parade, and invited council to attend the SGU (Secret Guerilla Unit) Veterans and Families meeting to meet the Hmong that fought valiantly in Viet Nam for the United States.

Penny Raven with the Huntington Boulevard Homeowners Association presented Council with the annual Huntington Boulevard Historical Homes calendar and some chocolate treats. Councilmember Dages added the Christmas tree lighting ceremony would be held this Sunday and invited all to attend.

**(2:30 P.M. "A") CONSIDER APPROVAL OF A POLICY TITLED "TAXPAYER PROTECTION ACT" TO INSTITUTE FORMAL DEBT FINANCING MANAGEMENT POLICIES - COUNCILMEMBER BRAND
1. RESOLUTION NO. 2009-249 - ESTABLISHING THE "TAXPAYER PROTECTION ACT"**

Councilmember Brand acknowledged the assistance of City Attorneys Sanchez and Coyle, Retirement Administrator McDivitt, former Acting Controller Bradley, Principal Accountant Hardcastle, Budget Director Smith, new Controller Gray, City Manager Souza and Mayor Swearengin, reviewed the issue and his proposal, all as contained in his report to Council as submitted, and made a motion to adopt the resolution to establish the "Taxpayer Protection Act", which motion was seconded by Councilmember Borgeas. President Sterling stated this proposal was exceptional and commended Councilmember Brand for his work.

Acting President Westerlund also commended Councilmember Brand, along with staff, stating this was a major undertaking, and presented questions/comments/concerns at length relative to the stated goal/general policy/credit rating, natural disaster/extraordinary circumstances and credit rating sometimes not being the #1 goal to achieve, suggestions/issues previously discussed with staff and possibly bringing those back in the future, bond service payments/bond principal/net direct debt, debt term and requirement, general fund debt, future changes/this being a flexible policy, (3 - 0) bond market, this policy codifying past practice, if a pre-payment policy should be included, 50% debt reduction goal/lack of debt amount comparisons with peer cities, tax allocation bonds/non-support of redevelopment obligations, Debt Management Committee members, and suggestion to have issues such as this go through the Council Audit Committee in the future, with Mr. Gray, Councilmember Brand and City Manager Souza responding throughout and/or clarifying issues.

Councilmember Xiong stated his issues were flexibility to move away from the policy a little and look at whether the risk was worth the effort and the intent to add to the package prior to presenting this to council to make the policy stronger/better and questioned if those issues were included/accomplished, with Mr. Gray responding. Councilmember Dages commended Councilmember Brand for taking on this task stating it was very well written, and expressed his support stating this looked like the right thing to do. Councilmember Borgeas concurred, stated it was council's job to review policies, find areas to improve upon and fill in any vacant gaps, stated he appreciated the comments that this was a living document and the market would dictate how terms and lending arrangements are reached, and upon his question Mr. Souza stated this policy did not conflict with the mayor's and city's agenda in terms of decreasing the borrowing time from 30 years to 20 years and staff did not foresee any challenges, and added he felt this was a prudent practice to look at. President Sterling again commended Councilmember Brand stating this has been needed for a long time.

Councilmember Brand added some of the cities he looked at had extensive debt and were on the verge financial collapse and wrote their policies after the fact, stated he never implied the city did not have good policies in place but there was a difference between having an unwritten/informal practice and having a formal policy with strict guidelines, and stated he wanted to make it harder to borrow and to raise the threshold and explained, and he felt this was a good step in the right direction and would make a difference for the city and future councils and mayors.

On motion of Councilmember Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, the above entitled Resolution No. 2009-249 hereby adopted, by the following vote:

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

(2:30 P.M. "B") RESOLUTION NO. 2009-250 - IN SUPPORT OF THE "LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT" OF 2010 - COUNCILMEMBER PEREA

Councilmember Perea reviewed the issue, all as contained in his report to Council as submitted, and along with City Manager Souza responded briefly to questions of Councilmember Borgeas relative to what the act was/would do and what staff's position was on it. Councilmember Borgeas stated if need be he was all for taking any State-taking effort to court to see how the judicial system will respond and in concept he would support this. Acting President Westerlund concurred with Councilmember Borgeas, stated it was his understanding there were three versions of this act, and spoke to taxpayer-approved propositions requiring dollars to go here and there thus taking away the discretion of state legislator's to make adjustments.

On motion of Councilmember Perea, seconded by Councilmember Brand, duly carried, RESOLVED, the above entitled Resolution No. 2009-250 hereby adopted, by the following vote:

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

(2:30 P.M. “C”) PRESENTATION REGARDING A REQUEST TO RENAME THE NEW EXHIBIT HALL THE “LLOYD E. KENNEDY EVENT CENTER” - PRESIDENT STERLING

President Sterling introduced the item and advised a contingent of supporters would be providing information on Mr. Kennedy to the Council, and introduced Melanie Warner-Kennedy to start the presentation.

Melanie Warner-Kennedy, daughter-in-law of Lloyd Kennedy, stated Mr. Kennedy wanted to be present this date but was unable to due to some health issues, and along with Daral Kennedy, brother of Mr. Kennedy, Penny Raven, and Sarah Pilibos, on behalf of the Pilibos family, spoke in support of the renaming and to Mr. Kennedy’s work with the Convention & Visitor’s Bureau, to his contributions to the community, and to his personal and family history, with Mr. Kennedy reading a letter of support from developer and attorney Ben Ewell into the record.

(4 - 0) Brian Calhoun, former council member, advised while on council be brought forth a directive to staff to look into a policy of naming rights to not only to recognize the best of the best but to also look at paying for naming rights, suggested that directive be “dug up” in consideration of this issue, and added managers doing a good was not reason enough to name a facility after them as that was what they are paid to do and cautioned council about doing that.

President Sterling recognized Mr. Kennedy’s wife in the audience and thanked her also for her dedication, and thanked everyone for their input and information.

Acting President Westerlund stated he met Mr. Kennedy a couple of times in passing, thanked the presenters for the information provided, stated he remembered council member Calhoun’s item on when the city should or should not name a facility after someone, and stated, when this matter comes back for consideration, he wanted to make it clear now that he was not comfortable naming a building after someone unless that person passed has away and that was his internal policy and not personal and further elaborated.

Councilmember Dages stated he worked with Mr. Kennedy for some time not only as a council member but also as a council assistant and felt this was a rewarding tribute for him, stated he disagreed with Acting President Westerlund and felt namings should be done while a person is alive so they see their name on a building adding to name a building after someone was a monument to that person’s accomplishments and elaborated further, and stated he hoped money could be raised for the letters that will be put up. Councilmember Perea stated he agreed with Councilmember Dages and added Mr. Kennedy is a man with a lot of integrity who earned a lot of respect within the industry country-wide, and stated he would support the renaming as Mr. Kennedy was an integral part in getting the new exhibit hall built which says a lot about his job abilities and capabilities. Acting President Westerlund left the meeting during Councilmember Perea’s comments and returned later.

President Sterling stated she has known Mr. Kennedy for a long time meeting him through her father in his work and she was very aware of the important work Mr. Kennedy did and his contributions, and upon her request City Manager Souza and City Attorney Sanchez advised there was a process to follow, Council direction was needed, and a hearing would be held sometime in January, with President Sterling stating she would work with staff to do whatever was necessary.

On motion of President Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, staff directed to initiate the hearing process to rename the New Exhibit Hall the “Lloyd E. Kennedy Event Center”, by the following vote:

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

(3:00 P.M.) CLOSED SESSION:

(‘B’) CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

PROPERTY: CHUKCHANSI PARK MULTIPURPOSE STADIUM

NEGOTIATING PARTIES: ANDREW T. SOUZA, CITY MANAGER , CHRIS CUMMINGS, FRESNO BASEBALL CLUB, LLC AND FRESNO BASEBALL CLUB, LLP

UNDER NEGOTIATION: PROPOSED AMENDMENT TO THE LEASE AGREEMENT

The City Council met in closed session in Room 2125 at the hour of 4:46 p.m. to consider the above matter. All members were present. Council reconvened in regular open session at 6:44 p.m.

(4:00 P.M.) PRESENTATION REGARDING ROUNDABOUTS IN FRESNO

Traffic Engineering Manager Jones introduced and gave a PowerPoint presentation on the issue which consisted of What is a Roundabout?, Features, Key Dimensions, Amount of Right-of-Way Needed, Accommodating Large Vehicles, Benefits of Roundabouts for Motorists, Safety/Fewer Conflict Points, Benefits of Roundabouts for Pedestrians, Benefits of Roundabouts for Cyclists, Benefits for the Environment, History of Roundabouts, Examples (Copper River, Chestnut/Barstow, Palm/Herndon, Riverpark, Audubon Drive), General Concerns, Photographs of the ‘Z’ Crosswalk Feature, Video of Driving/Pedestrians/Cyclists in Roundabouts, Slower Speeds/Higher Tendency to Stop, Pedestrian Crossing, and Orientation & Mobility (O&M) Awareness for Public Works, O&M Discussions with Public Works, and O&M Training.

Brian Calhoun, W. Audubon, and Jay Steinman, W. Audubon Avenue, both spoke in support of roundabouts and one being installed on their street due to traffic and speeding and further explained.

Councilmember Borgeas stated Audubon was a fast thoroughfare and agreed something needed to be done, and upon his request Mr. Jones explained what transpired at a neighborhood meeting held last year on the Audubon issue and options, and along with City Manager Souza responded to questions of Councilmember Borgeas and/or clarified issues relative to whether it was stated at the meeting that implementation of roundabouts on Audubon was imminent, if roundabouts were in the pipeline, where the issue stood given the city’s financial circumstances, the change in the city’s funding situation from November of 2008 when the meeting was held to the present time, and if there were other options for consideration/implementation in the interim such as digital radar signs. Councilmember Borgeas stated given the city’s financial situation staff was still looking at if roundabouts were desired by the neighborhood and if so how they could be implemented and stated speed concerns were noted and he appreciated the input. There was no further discussion.

RECESS - 7:12 P.M. - 7:17 P.M.

(5:30 P.M.) PRESENTATION OF TERM SHEET RELATED TO A PROPOSED AMENDMENT TO FRESNO BASEBALL CLUB, LLC STADIUM SUBLEASE (CHUKCHANSI PARK STADIUM)

(5 - 0) Consultant Dan Barrett advised his presentation would consist of two parts, a review/summary of the due diligence on the lease analysis previously presented to council, and then a review of the financial that was shared by the Grizzlies, and gave an in-depth PowerPoint presentation on the Lease Analysis Methodology which included Stadium Occupancy Costs, Stadium Revenue Potential, Triple A Market Overview, Triple A Base Demographics, Lease Analysis/Preliminary Findings, Grizzlies Operating Characteristics, Grizzlies Rankings, Graph of Total Revenues/Net, Graph of Total Expenses/Team, and General and Administrative Expenses. Mr. Barrett continued with part two, the Term Sheet, which included the Primary Goals & Objectives, Proposed Term Sheet (Extend Lease by 5 Years, Rent Stays at \$1.5 million Paid in Monthly Installments of \$125K, Annual Maintenance & Repair, Capital Repairs, Replacements & Improvements, Team Failure to Perform, Team Obligation to Reimburse the City, New Video Board/Scoreboard, and the Arts, Parks, Entertainment [APES] Fee), Parking, Concessions, Advertising, Profit Sharing - Operations, Profit Sharing - Team Sale, Renegotiation of Lease Triggers Purchase Right, Team Transfer, Team Hosting of a San Francisco Giants game and All Star game, Outstanding Obligations, Audit Rights, Better Business Act Compliance, Transactions with Affiliates, Miscellaneous Issues, Sublease Amendment Process, Potential Impact on Grizzlies, Potential Impact on City of Fresno, and **(6 - 0)** Letter from Outside Consultant Confirming the Numbers.

Speaking in support of the Grizzlies and urging the City to do all it can to keep them here were: Diana Keith, Minarett Avenue, Clovis; Gary Lalanne, W. Michigan Ave.; Susan Early, owner of Dumont Printing; Tom Sommers, W. San Ramon; Brian Snyder, E. El Paso; Gus Zernial, Coventry Avenue, Clovis; Dennis Plann, E. Robinson; Dr. Susan Geringer, FSU Craig School of Business, FS & Sports Marketing Director; Heather Dunn, Lake Street, Kingsburg; and Jack Ahars, Sr.

President Sterling thanked everyone in attendance and all who provided input, also thanked Mr. Barrett and Mayor Swearingin for all their work, and acknowledged Mr. Cummings in the audience and thanked him for working with the city. Mayor Chief of Staff White also thanked the consultant, Councilmember Brand, and all others involved in the process, and thanked the public for their input. President Sterling added the plan was to have this matter back to council for action on December 17th and also commended Councilmember Brand for his work.

Acting President Westerlund thanked everyone for their input and interest, spoke briefly to the city's financial situation stating this was the toughest economic time ever seen and the decision council was going to make was going to be a very difficult one, and commended Mr. Barrett for this work. There was no further discussion.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:40 p.m. having arrived and hearing no objection, President Sterling declared the meeting adjourned.

Approved on the ___10th____ day of December, 2009.

_____/s/_____
ynthia Sterling, Council President

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

C