

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:	Andreas Borgeas	Councilmember
	Lee Brand	Councilmember
	Paul Caprioglio	Acting Council President
	Mike Dages	Councilmember
	Henry Perea	Councilmember
	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

Natalie Chamberlain of United Christian Church gave the invocation and President Sterling led the Pledge of Allegiance.

ADMINISTRATION OF OATH OF OFFICE TO ACTING PRESIDENT LARRY WESTERLUND

The Oath of Office was administered by City Clerk Klisch. Acting President Westerlund thanked Councilmember Caprioglio on behalf of District 4 for all he did for the district and the city and presented him with a T-shirt from his military unit and a plaque in appreciation of his distinguished service. Acting President Westerlund continued and thanked his staff, his wife Dora and newborn daughter, his parents, and everyone who participated in his re-election campaign for all their work and support during this past year, along with his friends and neighbors for taking care of his family while he was away, and stated he had time to reflect on what the City Council as a body, along with the Administration, does for the community, spoke to the tough times and challenges the city will be facing, and again thanked everyone for their support. William E. Dietzel, Retired Master Sergeant, U.S. Air Force, Chairman of the Veterans Day Parade and on behalf of the veterans and the military, commended Acting President Westerlund for serving overseas and standing up for our freedom and welcomed Acting President Westerlund home.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER WESTERLUND

The pet of the month available for adoption, a 4-month old female German Shepherd puppy, was presented.

PROCLAMATION OF "WEEK OF THE YOUNG CHILD" - PRESIDENT STERLING

PROCLAMATION OF "EARTH DAY" - MAYOR SWEARENGIN AND COUNCILMEMBER XIONG

The above proclamations were read and presented.

PRESENTATION OF CHECK BY WELLS FARGO BANK TO THE PARCS DEPARTMENT FOR "FAMILY FITNESS SATURDAYS" - COUNCILMEMBER XIONG

Check presented.

PRESENTATION OF "IDEA\$ PAY" CHECK TO FLEET MAINTENANCE EMPLOYEE ARNULFO "RAY" FLORES

Check presented.

ADD ON: PROCLAMATION OF “PUBLIC SAFETY TELECOMMUNICATIONS WEEK” - COUNCILMEMBER PEREA

Read and proclaimed.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE SPRING QUARTER

Certificates of Commendation were presented to: Edwina Hartwig with the Airports Department **(2 - 0)**; Peggy Heinemann with the Mayor/Council/City Manager/Call Center/City Clerk Departments; Phylis Nishida with the City Attorney’s Office; Ernest Ross and Alex Guerrero with the Finance Department; Nadia Salinas, Daniel Perkins and Dennis Garrett with the Fire Department; Carlos Duarte, Kevin Nichols and Pawan Kumar with Fresno Area Express (FAX); Tony Freitas with the General Services Department; Jimmie Roberts with the Information Services Department; Amanda Cogdill and Michael Vantassel with the PARCS Department; Seven Mukai with the Personnel Services Department; Richard Madrigal and Leonard Hupp with the Planning & Development Department; Michael Gomez, Katie Rayburn, Nick Keeley, Terri Cooper and police canine Kubo with the Police Department; Nick Tillis, Henry Gomez, Hector Lara, Max Gongora and Lucy Lujan with the Public Utilities Department; and Nick Tillery and Mandeep Chahal with the Public Works Department. A reception was held for the employees immediately following the presentation.

RECESS - 9:56 A.M. - 10:12 A.M.

(9:15 A.M. #1) PRESENTATION OF “PRIME TIME FOR BUSINESS”: POLLSTAR - MAYOR SWEARENGIN AND PRESIDENT STERLING

Downtown & Community Revitalization Director Scharton stated this was the launching of an initiative aimed at supporting entrepreneurs and helping locally owned and headquartered businesses in the city, and stated over the course of a year Council will be seeing a number businesses the city will be honoring and introduced the inaugural business, Pollstar. President Sterling presented a Commendation to Pollstar recognizing them as the city’s first “Prime Time for Business” honoree and wishing them continued success.

Gary Smith, a principal of Pollstar, thanked Council for the recognition and commended Mr. Scharton for his passion, and gave a PowerPoint presentation on “Pollstar: The Concert Hotwire” which included the History of Pollstar, Market Niche, On-Line Home Page (www.pollstar.com); Customers, Employees, Pollstar Awards, and Future of Pollstar. Mr. Smith was again commended and thanked for his presentation.

RECOGNITION AND WELCOME OF FRESNO STATE-SPONSORED DELEGATION FROM IRAQ

(3 - 0) President Sterling welcomed the delegation to Fresno, introductions were made, Cindy Jackson from Fresno State advised the delegation, consisting of farmers, educators, businessmen and politicians, were here for one week at the suggestion of Congressman Costa to spend some time on the FSU campus and in the community to learn about our area’s agriculture, and photos were taken of the delegation, officials, and the City Council.

APPROVE CITY COUNCIL MINUTES OF MARCH 31, 2009:

On motion of Councilmember Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, the City Council minutes of March 31, 2009, approved as submitted.

APPROVE JOINT POWERS FINANCING AUTHORITY (JPFA) MINUTES OF MARCH 31, 2009

On motion of Member Xiong, seconded by Chair Sterling, duly carried, RESOLVED, the JPFA minutes of March 31, 2009, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) advised he joined with the State EDD and Workforce in their extended hours opening to assist those who have lost their jobs; (2) congratulated the PARCS department on their successful softball tournament; and (3) reported he attended the health care forum and thanked the city of Clovis for hosting the event.

Councilmember Borgeas (1) thanked the Iraqi delegation for their visit here, spoke to the area they represent and the purpose of their visit, and stated it was an honor anytime people from another country pay a visit to Fresno; (2)spoke to the Sister City relationship established with Baqubah, Iraq, and Brotherhood of the Badge; and (3) thanked Paula Savino for the animal blanket gift given to him and for her poems.

Councilmember Brand (1) spoke to the success of the “Walk for MS” event last weekend at Woodward Park and thanked Mayor Swearingin, the sponsors, and everyone else who participated/attended, and (2) also thanked Paula Savino.

Councilmember Dages (1) thanked public works Engineer Jim Polsgrove for all his work on the Kings Canyon underground utility project; (2) questioned if there were any plans to demolish the city-owned building at Ventura and Seventh that used to belong to FUSD, with City Manager Souza stating he would look into the matter; and (3) requested informational signs be put up at the Mosqueda Center for the public explaining what is going on with the BMX bike park and reasons for the delay/inconvenience.

President Sterling (1)advised Charles Maroot was interested in purchasing property at 1309 “H” Street and she would submit the information to the city manager; (2) advised Fresno was not successful in getting a seat on the San Joaquin Valley Air Pollution Board and would not get a seat until 2012 and further explained, and thanked Councilmember Perea for appointing her to the committee; (3) advised she threw out the first ball at the Edison Babe Ruth opening, she welcomed the Rainbow Girls delegation to the city, she attended the block party at Brook Haven, she was on the Western Regional White House Forum on Health Care Reform along with Councilman Xiong, and she attended the Lowell Neighborhood meeting and their concern was the 4' height fence violations in the area; (4) thanked the Local Conservation Corps for their cleanup efforts this past weekend; and (5) advised a photo would be taken of Council members at noon at the 2nd floor staircase.

APPROVE AGENDA:

(9:00 a.m. #1-A-3) APPEARANCE BY WALT FERRARI REGARDING THE CITY’S GARBAGE SERVICE

Request to appear withdrawn.

(1-C) AUTHORIZE A JOINT AGREEMENT WITH THE COUNTY OF FRESNO FOR THE 2009 RECOVERY ACT, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM, FROM THE US. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE, FOR GRANT FUNDING OF \$1,991,509

Removed from the agenda by staff -- to be rescheduled.

On motion of Councilmember Dages, seconded by Councilmember Brand, 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:

Barbara Hunt stated each consent item should be identified/discussed separately.

Councilmember Westerlund pulled Items **1-F**, **1-H** and **1-I** from the Consent Calendar for separate discussion/action.

(1-A) AWARD A CONTRACT TO TRON CONSTRUCTION, INC., IN THE AMOUNT OF \$177,000 TO ACOUSTICALLY TREAT 10 HOMES UNDER THE FYI SMART PROGRAM, PHASE I, FAA AIRPORT IMPROVEMENT PROGRAM GRANT NUMBER 52

(1-B) APPROVE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES IN THE AMOUNT OF \$84,211 WITH SOMAM, INC., D.B.A. INTEGRATED DESIGNS, FOR ARCHITECTURAL SERVICES FOR CERTAIN UNSPECIFIED FYI AND CHANDLER AIRPORT AIP FUNDED AND NON-AIP FUNDED CAPITAL PROJECTS, AND AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE THE AGREEMENT

(1-D) RESOLUTION NO. 2009-79 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF GRANT FUNDS TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) SAFE ROUTES TO SCHOOL (SR2S) PROGRAM (FOR MCKINLEY AND WILLIAMS ELEMENTARY SCHOOLS), AND AUTHORIZE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

(1-E) APPROVE AN AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC., IN THE AMOUNT OF \$474,900 FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR REHABILITATION OF THE MONTEREY STREET BRIDGE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-G) APPROVE APPOINTMENT OF PAMELA KALLSEN TO THE HOUSING AUTHORITY; ALLYSUNN WILLIAMS, BONNIE RUSKO, BRIAN DOMINGOS, JR., AND TONY MIRANDA TO THE 10 X 10 BLUE RIBBON COMMISSION; RE-APPOINTMENT OF KRISTI LAWRENCE TO THE FRESNO MOSQUITO AND ABATEMENT DISTRICT; APPOINTMENT OF KATHLEEN REYNA TO THE STREET IMPACT FEE BOARD; RE-APPOINTMENT OF STEVE MARTINEZ TO THE CIVIL SERVICE BOARD; RE-APPOINTMENT OF DON SIMMONS AND APPOINTMENT OF TERESA ESPANA TO THE HISTORIC PRESERVATION COMMISSION; AND APPOINTMENT OF JASDEEP SINGH TO THE HCDC - MAYOR SWEARENGIN

(1-J) APPROVE APPOINTMENT OF NICHOLAS WEBBER TO THE UTILITY ADVISORY COMMITTEE - COUNCILMEMBER BORGEAS

(1-K) RESOLUTION NO. 2009-80 - RESCINDING RES. 2002-164 AND ADOPTING A CITY POLICY ON THE DISTRIBUTION AND USE OF TICKETS AND SKYBOXES AT CHUKCHANSI PARK MULTIPURPOSE STADIUM

(1-L) BILL NO. B-16 - ORDINANCE NO. 2009-15 - ADOPTING AMENDMENTS TO TWO REDEVELOPMENT PROJECTS, INCLUDING THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA PROJECT AND THE REDEVELOPMENT PLAN FOR THE FRUIT/CHURCH PROJECT, DELETING THE DEBT INCURRENCE TIME LIMIT

(1-M) BILL NO. B-14 - ORDINANCE NO. 2009-16 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO LOCAL SMALL BUSINESS PREFERENCE IN CITY PROCUREMENT

On motion of Councilmember Dages, seconded by Councilmember Xiong, 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-F) ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE THE ACQUISITION OF ONE FEE SIMPLE PARCEL AT THE CORNER OF HERNDON AND WEBER AVENUE FROM PROPERTY OWNED BY XPORT ASIA, INC., FOR THE WIDENING OF HERNDON AVENUE BETWEEN SR-99 AND WEBER, INCLUDING TRAFFIC SIGNAL MODIFICATIONS AND INSTALLATION OF MEDIAN ISLANDS, CURBS, GUTTERS, SIDEWALKS, BIKE/PEDESTRIAN PATHS AND DRIVEWAYS

Councilmember Westerlund presented questions relative to why Council should approve this when the negotiated price was 35% above the property's appraised value and what the time line was to use the Federal funds for the project, with Assistant Public Works Director Mozier, Senior Real Estate Agent Caldwell and City Manager Souza responding and clarifying issues. Councilmember Borgeas stated this needed to move forward due to the time sensitivity and made a motion to approve staff's recommendation.

On motion of Councilmember Borgeas, seconded by Councilmember Brand, duly carried, RESOLVED, a Mitigated Negative Declaration for the Herndon Avenue Widening Project from SR-99 to Weber Avenue hereby adopted, the acquisition of one fee simple parcel from property owned by Xport Asia, Inc., approved, and the Public Works Director or designee authorized to accept the grant deed from the property owner and execute the Agreement for Purchase and Sale of Real Property and complete the acquisition through escrow, by the following vote:

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

(1-H) APPROVE (1) THE 2009 NATIONAL EVENT LICENSE AGREEMENT AND (2) THE 2009 GOLDEN STATE BMX ASSOCIATION AGREEMENT FOR BMX RACING AT DESIGNATED CITY BMX TRACKS

Councilmember Westerlund stated although he applauded the fact that state and national events would be held here he was concerned with the actual costs to the city associated with putting on these events in these hard economic times, and also expressed his concern that a detailed breakdown on all the various costs, such as tents and EMS, were not included in the staff report, with PARCS Director Cooper and Assistant Director Haynes responding and clarifying issues. Councilmember Brand stated he appreciated the comments and concerns but stated world class events were developing here that would result in long-term, strong economic benefits for the city, made a motion to approve staff's recommendation, and concurred staff needed to include more detailed information in their reports in the future, especially in these extremely difficult economic times.

On motion of Councilmember Brand, seconded by Councilmember Dages, duly carried, RESOLVED, the 2009 National Event License Agreement for BMX racing at designated City BMX tracks and the 2009 Golden State BMX Association Agreement for BMX racing at designated City BMX tracks for allowance of competitive racing at City-owned facilities hereby approved, by the following vote:

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

(1-I) RESOLUTION NO. 2009-81 - 73RD AMENDMENT TO AAR 2008-162 FOR THE RE-APPROPRIATION OF \$260,500 IN CERTAIN CAPITAL PROJECTS PREVIOUSLY APPROVED BY COUNCIL IN THE PARCS DEPARTMENT (IMPROVEMENTS TO THE WOODWARD PARK BIKE COMPLEX)

PARCS Director Cooper, ACM Rudd, City Manager Souza and City Attorney Sanchez responded to comments and questions of Councilmember Westerlund relative to this item appearing to be related to the previous item, whether this resolution needed to be adopted to fulfill the previous item, if money had to be spent on the BMX tracks to make them acceptable to the National and State contracts just approved, funding/impact fees/bonds, ability to make debt service payments, the Granite Park situation and if these funds could be used for that **(4 - 0)**, if impact fees were a ready source to use, and the limited dollars and need to explore all funding options.

Upon question of Councilmember Perea, Mr. Cooper confirmed none of the other parks projects would be affected by this action whereupon Councilmember Perea made a motion to approve, which was seconded by Councilmember Dages. Upon questions of Councilmember Borgeas Mr. Cooper and Mr. Rudd clarified no general fund money would go towards events and the funding source was impact fees. Councilmember Brand stated although the city's dollars needed to be watched Council also needed to be careful in these next couple of difficult financial years to "not shut the engine down" and pull back so much that the city cannot continue to operate as an entity, and stated there was going to have to be a careful balance between fiscal responsibility/using available resources/being cautious about how revenues are projected and defining a way to move forward.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2009-81 hereby adopted, by the following vote:

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

(9:00 A.M. #1) PUBLIC COMMENT:

(‘A’) SCHEDULED COMMUNICATION:

1. APPEARANCE BY BARBARA HUNT REGARDING CECIL HINTON CENTER CONCERNS

Appearance made.

2. APPEARANCE BY WARREN ZIMMERLY REGARDING CITY DEVELOPMENT CONCEPTS

Appearance made.

(‘B’) UNSCHEDULED COMMUNICATION:

Aaron Alfaro, 4974 N. Fresno Street, on behalf of The Bill Smiley Aviation Center, spoke to the educational center and their plans, and submitted a brochure and asked for Council’s support in the future.

Jessica Carranco, 4121 E. Iowa, first green home recipient, spoke to the problem of window condensation that she has had and her problem with the builder who has not fully corrected the problem. Councilmember Perea stated he and the city attorney would meet with Ms. Carranco. Upon question of Councilmember Borgeas Ms. Carranco stated the builder was Alvis Projects, Inc.

Jacquetta Lucero, 1558 N. Brooks, spoke on behalf of Violet Blajos to a case with Child Protective Services involving Delaney and Savannah Hernandez, noted this was their second appearance before Council, advised their being referred to Fresno County was of no help and explained, and requested the city’s assistance. President Sterling and City Attorney Sanchez advised the city of Fresno had no authority over Fresno County, the city attorney’s office put them in touch with county officials which was as far as the City could go, and suggested Ms. Lucero and Ms. Blajos contact their State representatives.

Russell Appling spoke to the loss of lives and money.

Paula Savino spoke to animal abuse.

Reyes Garza spoke to the homeless and encampments.

(9:15 A.M. #2 “A”) RESOLUTION NO. 2009-82 - APPROVING THE RE-ALLOCATION OF \$28,200 IN THE PARCS DEPARTMENT FOR AN EXTENSION OF THE PREVIOUS LEASE WITH THE CECIL B. HINTON CENTER THROUGH JUNE 30, 2009 - PRESIDENT STERLING

Council Analyst Jones gave an overview of the issue stating Council took action last June to fund the lease for four months and hold the balance of the funds in contingency until a full functional community board was established and correspondence from PARCS Director Cooper was sent to the Hinton Board requesting evidence demonstrating legal compliance with all corporate formalities, and advised documentation as requested was received and reviewed the city attorney and assistant city manager and recommended the Resolution be adopted, all as contained in a written handout he submitted to Council at the dais.

Speaking further to the issue and in support, and/or commending President Sterling and Mr. Jones for their efforts were: Bob Mitchell; Clara Smith, Board Member; and (5 - 0) Barbara Hunt.

Councilmember Westerlund noted the Hinton Center had a long history whereupon President Sterling clarified the center had always been privately run and expanded further on the issues that transpired to get to this point. Councilmember Westerlund continued stating he recalled the city's internal audit looking into the center's operation in the past and finding a number of issues and suggested this action be delayed 30-45 days so internal audit could go back out and review the operation again. ACM Rudd stated staff was supportive of this action, it was a sign of good faith, a new lease would be negotiated including some important provisions and be presented to Council by the end of June, and he reviewed the documents and this item would not have been presented to Council this date if he had not been satisfied. Councilmember Westerlund stated in the next four months he would like to see internal audit follow up on their past audit. Councilmember Borgeas concurred there was much history involved and stated all that was before him was a request for an extension and a Resolution asking for money, and presented questions and comments relative to lease expiration, why payments were withheld, the lack of information on the documentation requested, and the informational hand out that was just received and his hesitancy to approve this item without reviewing the information, with Mr. Rudd and City Attorney Sanchez responding to questions and further clarifying issues. President Sterling stated Analyst Jones would provide Councilmember Borgeas with a full update on all the issues including the history, concurred the information just handed out should have been included in Council's packets for earlier review, and thanked Mr. Rudd and Mr. Sanchez for all their work before Analyst Jones arrived. Mr. Jones added there was a plan afloat to fund other programs that would support the center and get it to where it needs to be and added this Resolution was a catalyst to grow and develop the area.

Councilmember Dages stated members needed to have faith in their council colleague, President Sterling placed the money in contingency and was now saying it was time to fund it, the bottom line here was having faith in a council member to do the right thing as this was in her district, and this was overseen by the assistant city manager and needed to be funded. Councilmember Borgeas concurred members had to have a degree of faith in their colleagues who know what is best for their district and upon his question President Sterling stated an update would be provided to him but she did not want to delay this action, whereupon Councilmember Borgeas stated he would support the request.

On motion of President Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2009-82 hereby adopted, by the following vote:

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

LUNCH RECESS - 12:28 P.M. - 2:00 P.M.

(9:15 A.M. #2 "B") REQUEST THE CITY MANAGER RETURN WITH A COMMUNICATIONS PLAN NO LATER THAN APRIL 23, 2009, REGARDING EFFORTS BY THE CITY TO CREATE JOBS AND PROVIDE HOUSING OPPORTUNITIES UTILIZING FEDERAL STIMULUS AND NEIGHBORHOOD STABILIZATION PROGRAM FUNDS - COUNCILMEMBER BRAND, PRESIDENT STERLING AND COUNCILMEMBER/RDA CHAIR XIONG

Councilmember Brand stated with the recession that started two years ago unemployment and housing foreclosure numbers continue to creep up and expanded further on the issue and intent of the item, all as contained in the report to Council as submitted. President Sterling thanked City Manager Souza and the administration for the opportunity to meet with the city's Washington lobbyist who she stated provided valuable information on the stimulus package and what it was going to do/could do for the city. ACM Rudd stated as was done with the other stimulus dollars staff was vetting through the significant strings and requirements attached to a lot of the dollars and staff looked forward to the opportunity to present the list of projects and the criteria used to determine the recommended list. City Attorney Sanchez stated this request involved an actual communications plan and was therefore subject to the mayor's veto. Councilmember Borgeas commended Members Brand, Sterling and Xiong stating this was a step in the right direction and suggested a website of some sort be developed that will identify how the money is being appropriated and where it is being spent stating it was important to communicate to constituents and that was a smart way to do it.

On motion of Councilmember Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, the City Manager requested to return with a communications plan no later than April 23, 2009, regarding the City's efforts to create jobs and provide housing opportunities utilizing Federal stimulus and Neighborhood Stabilization Program funds, by the following vote:

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

(9:30 A.M.) ADOPT A SEWER SYSTEM MANAGEMENT PLAN AS REQUIRED BY STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER COLLECTION SYSTEMS

Assistant PUD Director Hogg presented the issue by PowerPoint which included the Background, Sanitary Sewer Overflows (SSOs), Causes of SSOs, Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems, Elements of the Sewer System Management Plan, Plan Deadlines, and Conclusion, and responded to questions of Councilmember Westerlund relative to what the specific monetary remedies were for violations of the WDR, if the remedies were for non-completion of the certification process, who sets up the fining structure, if this plan was CEQA exempt, and importance of the plan.

On motion of Councilmember Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, the Sewer System Management Plan to prevent and/or reduce sanitary sewer overflows hereby adopted, by the following vote:

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

(9:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 2:18 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE MINUTES OF MARCH 31, 2009

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of March 31, 2009, approved as submitted.

(‘A’) AGENCY RESOLUTION NO. 1741 - (1) AUTHORIZING PARTICIPATION OF THE REDEVELOPMENT AGENCY AS A CO-APPLICANT WITH THE BELMONT MERCHANTS ASSOCIATION IN A GRANT APPLICATION TO CALTRANS OF UP TO \$200,000 FOR A “BELMONT CORRIDOR PROJECT” UNDER THE CATEGORY COMMUNITY-BASED TRANSPORTATION PLANNING, AND ACCEPTANCE OF FUNDING, AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS NECESSARY, SUBJECT TO PRIOR CITY ATTORNEY APPROVAL AS TO FORM

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and advised if the grant is awarded there would be a local match of 20% and staff would work with the Merchants Association on the match.

(6 - 0) Member Perea thanked Ms. Murphey for working with the newly-formed Merchants Association which was established to work on various Belmont Avenue issues ranging from prostitution to undergrounding of utilities, and stated supporters were present this morning but had to leave, the association had their act together and was doing a good job, and requested the Agency's support and made a motion to approve.

On motion of Member Perea, seconded by Vice Chair Brand, duly carried, RESOLVED, the above entitled Agency Resolution No. 1741 hereby adopted, by the following vote:

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

The joint bodies adjourned their meeting at 2:21 p.m. and the City Council reconvened in regular session.

President Sterling noted the next meeting would be Thursday, April 23rd and advised Councilmember Perea would not be in attendance due to a prior commitment.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(‘A’) EXISTING LITIGATION - CASE NAMES:

1. SEAN WILKINS V. COF, ET AL.
2. HARRIS CONSTRUCTION COMPANY, INC., ET AL. V. FRESNO METROPOLITAN MUSEUM, ET AL., DOES 1 - 500

(‘B’) ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION: COF V. FRESNO METROPOLITAN MUSEUM OF ART AND SCIENCE, ET AL., DOES 1 - 100

The City Council met in Room 2125 at the hour of 2:23 p.m. to consider the above matters and the meeting was adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:33 p.m. having arrived and hearing no objection, President Sterling declared the meeting adjourned.

Approved on the ___23rd___ day of ___April___, 2009.

_____/s/_____
Cynthia Sterling, Council President

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