

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Paul Caprioglio	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Acting Council President
 Absent:	 Blong Xiong	 Council President

Andy Souza, City Manager
 Bruce Rudd, Assistant City Manager
 Dave Hale, Chief Assistant City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Lee Pointer gave the invocation and Acting President Sterling led the Pledge of Allegiance.

PRESENTATION OF FRESNO AREA EXPRESS DRIVER APPRECIATION CERTIFICATES

Presented.

PRESENTATION OF "IDEA\$ PAY" CHECKS TO FOUR SOLID WASTE DIVISION EMPLOYEES

Presented.

APPROVE MINUTES OF NOVEMBER 4, 2008

Laid over to next meeting.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Perea stated it was good to be back at work, he looked forward to working with this council for the next month and a half and next year with the new administration and council, congratulated mayor-elect Swearingin and the incoming members, and expressed his appreciation and thanked all the city employees who spent countless hours working on his campaign for all their time, effort and support.

Councilmember Duncan referenced a letter Council received from the attorney for the Fresno Art Museum relative to the roof being in dire need of repair stating it was very disturbing to him and added some of the art was in jeopardy, and upon his question ACM Rudd advised a response to the letter was being prepared, facilities staff had been directed to evaluate the roof situation, and an item would be coming to Council at the next meeting for funding to repair the roof at the museum as well as the Pinedale Community Center. Councilmember Duncan expressed concern with dealing with issues after they become a real problem and not before.

great job public safety employees do on a daily basis; and (2) spoke to an article in Business Week magazine entitled "Cheap Tech for Hard Times" relative to applications being used by the private sector that were not too expensive or sophisticated and stated the city should think about using them when upgrading.

Councilmember Caprioglio spoke to the successful Veterans Day parade and commended Mr. Dietzel and his staff/team for their work and encouraged everyone to attend next year.

Councilmember Dages requested (1) a staff report on December 9th relative to a city policy on UGM park facilities and fire impact fees, with Mr. Rudd responding; and (2) the city manager look into Tract 5891 development agreement wherein the City was having a difficult time getting comments back which was holding things up.

Acting President Sterling (1) requested staff provide Council with the City's response to the Fresno Art Museum's concerns; (2) requested a report to recap the outreach efforts done by PARCS to retirees and the disabled who have not yet filed for their 2008 economic stimulus payments as discussed by Council in July; (3) spoke to the passing of former Councilmember Chris Petersen on October 31st and requested the meeting this date be adjourned in his memory; and (4) spoke to her attendance/participation this past week at the tree planting ceremony with the Downtown Urban Forest, the COG Highway 99 Beautification Committee meeting, the Optimist Youth in Government Day event, the Youth Leadership Symposium at City Hall, and the Veterans Day parade.

APPROVE AGENDA:

(10:30 A.M.) MAYOR REQUEST FOR COUNCIL RECONSIDERATION THE FOLLOWING ITEMS:

1. RESOLUTION - 37TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$14,970, 000 FOR CONSTRUCTION OF THE FRESNO POLICE DEPARTMENT REGIONAL LAW ENFORCEMENT TRAINING FACILITY
2. RESOLUTION - 38TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$2,185,000 TO EXERCISE THE LEASE PURCHASE OPTION FOR THE NORTHEAST DISTRICT POLICE SUBSTATION
3. AUTHORIZE THE CHIEF OF POLICE TO EXERCISE THE LEASE PURCHASE OPTION AND EXECUTE DOCUMENTS FOR THE NORTHEAST POLICING STATION FROM ROGER PETERSEN INVESTMENTS IN THE AMOUNT OF \$2,184,150
(Continue to December 2, 2008)

Continued as noted.

(3:00 P.M.) HEARING ON ENVIRONMENTAL ASSESSMENT FOR THE PEACH AVENUE, BELMONT TO BUTLER, WIDENING PROJECT **(Continue to December 2, 2008, at 10:15 a.m.)**

Continued as noted.

(9:00 A.M. "A-1") SCHEDULED COMMUNICATION - APPEARANCE BY ROB DeFREES TO DISCUSS FEEDING OF THE HOMELESS

Request to appear withdrawn/removed from the agenda.

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

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

ADOPT CONSENT CALENDAR:

Councilmember Dages pulled items 1-N and 1-U, Councilmember Duncan pulled items 1-G and 1-M, and Acting President Sterling also pulled item 1-U from the Consent Calendar for separate discussion/action at 2:00 p.m.

(1-A) AWARD A ONE YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR FOUR (4) ONE-YEAR EXTENSIONS, TO SCELZI ENTERPRISES, INC. IN THE AMOUNT OF \$326,230.27 FOR TRUCK MOUNTED SERVICE AND UTILITY BODIES

(1-B) RESOLUTION NO. 2008-305 - 23RD AMENDMENT TO AAR 2008-162 APPROPRIATING \$447,100 IN FEDERAL GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR IMPROVEMENTS WITHIN THE ROEDING BUSINESS PARK REDEVELOPMENT PLAN PROJECT AREA

1. RESOLUTION NO. 2008-306 - 24TH AMENDMENT TO AAR 2008-162 RE-APPROPRIATING \$569,100 OF PREVIOUSLY APPROVED HUD FUNDS FOR IMPROVEMENTS WITHIN REDEVELOPMENT PLAN AREAS

(1-C) APPROVE A TWO (2) YEAR AGREEMENT WITH THE RUB CLUB FOR MASSAGE SERVICES AT THE FYI AIRPORT, WITH ONE (1) ONE-YEAR OPTION TO EXTEND

(1-D) APPROVE A SUPPLEMENTAL SERVICE CONTRACT TO THE EXISTING 5-YEAR CONTRACT WITH AIR-TRANSPORT IT SERVICES, INC., TO PROVIDE COMMON USER AIRLINE INTERFACE FOR TERMINAL CHECK-IN DYNAMIC LCD SCREENS AT THE FYI AIRPORT IN THE AMOUNT OF \$100,411, AND AUTHORIZE THE DIRECTOR AVIATION TO EXECUTE THE CONTRACT

(1-E) AUTHORIZE THE CITY MANAGER TO PREPARE AND ENTER INTO A 2-YEAR EXTENSION OF THE INTERIM AGREEMENT WITH CALTRANS FOR THE IDENTIFICATION OF MEASURES TO MITIGATE IMPACTS TO THE STATE HIGHWAY SYSTEM RESULTING FROM CITY-APPROVED PROJECTS

(1-F) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE SOBRIETY CHECKPOINT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES

1. RESOLUTION NO. 2008-307 - 45TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$285,500 FOR THE CHECKPOINT PROGRAM

(1-H) AUTHORIZE THE CITY MANAGER TO SIGN A GRANT DEED AND CERTIFICATE OF PARCEL MERGER ON BEHALF OF THE CITY FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. HAMILTON AVENUE AND S. SARAH STREET (VAGABOND POOL SKATE PARK)

(1-I) ADOPT A CEQA CATEGORICAL EXEMPTION, AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$368,700 TO AMERICAN PAVING COMPANY FOR TRAFFIC SIGNAL MODIFICATIONS AT THE INTERSECTION OF BLACKSTONE AND DAYTON AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(1-J) RECOGNITION OF E.A. NO. 92-80, AND AWARD A CONSTRUCTION CONTRACT TO VICTORY ENGINEERS, INC., IN THE AMOUNT OF \$186,460 FOR CONSTRUCTION OF THE WOODWARD PARK ROTARY AMPHITHEATER SEATING ADDITION

1. RESOLUTION NO. 2008-308 - 40TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$240,000 IN THE PARCS DEPARTMENT FOR CONSTRUCTION OF THE ROTARY AMPHITHEATER SEATING ADDITION

(1-K) RESOLUTION NO. 2008-309 - 47TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$203,000 FOR REPLACEMENT OF COPPER WIRE STOLEN FROM CITY STREETLIGHTS

(1-L) AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$73,554.22 TO MATTOS UNDERGROUND CONSTRUCTION, INC., FOR INSTALLATION OF A NEW 12" WATER MAIN ALONG "O" AND MARIPOSA STREETS, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ON BEHALF OF THE CITY

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(1-O) RESOLUTION NO. 2008-310 - APPROVING THE FINAL MAP OF TRACT NO. 5549 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, W. CALIFORNIA AND S. WEST AVENUES

1. AUTHORIZE THE PUBLIC WORKS AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

(1-P) ADOPT MOU WITH THE FRESNO CITY EMPLOYEES ASSOCIATION (FCEA) (UNIT 03), COVERING THE PERIOD JULY 1, 2008, THROUGH JUNE 30, 2009

1. RESOLUTION NO. 2008-311 - 7TH AMENDMENT TO SALARY RES. 2008-165 ADJUSTING THE SALARY RANGE OF

CHIEF SURVEYOR IN EXHIBIT 2/SECTION 2.4, AND AMENDING EXHIBIT 3/UNIT 03, NON-SUPERVISORY WHITE COLLAR

2. APPROVE AMENDMENT TO THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT TO INCLUDE AN APPENDIX FOR NON-SUPERVISORY WHITE COLLAR UNIT

3. **RESOLUTION NO. 2008-312** - APPROVE APPLICATION TO THE STATE EMPLOYMENT DEVELOPMENT DEPARTMENT FOR STATE DISABILITY INSURANCE FOR EMPLOYEES IN UNIT 03

(1-Q) RESOLUTION NO. 2008-313 - 44TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$216,600 FOR WATER TRANSMISSION GRID MAIN REIMBURSEMENTS FROM AVAILABLE FUNDS FOR DEVELOPER CONSTRUCTED FACILITIES

(1-R) RESOLUTION NO. 2008-314 - 34TH AMENDMENT TO AAR 2008-162 RE-APPROPRIATING \$329,800 IN STATE GRANT FUNDS FROM THE DEPARTMENT OF CONSERVATION BEVERAGE RECYCLING PROGRAM, FOR EXPANSION OF MULTI-FAMILY RECYCLING SERVICES

(1-S) AWARD A CONTRACT IN THE AMOUNT OF \$2,725,396 TO FLOYD JOHNSTON CONSTRUCTION, INC., FOR NORTH/POLK AVENUES SEWER IMPROVEMENTS AT THE REGIONAL WASTEWATER RECLAMATION FACILITY

(1-T) RESOLUTION NO. 2008-315 - 36TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$1,000,100 IN THE PROPERTY AND LIABILITY SELF-INSURANCE FUND PER THE TERMS OF THE KINCAID CASE SETTLEMENT AGREEMENT

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

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

(9:00 A.M. "A") SCHEDULED COMMUNICATION: APPEARANCE BY LESLIE HOBODY REGARDING LACK OF SERVICES IN WEST FRESNO AND CONCERN WITH THE MONTEREY STREET BRIDGE STILL NOT BEING FIXED

Appearance made (*Note - the first portion of Ms. Hobdy's comments were not tape recorded due to equipment malfunction).

(9:00 A.M. "B") UNSCHEDULED COMMUNICATIONS:

James Thompson spoke to Fire Station 16 building/property and suggested the building be torn down and turned into a "green" area to beautify the area.

Dessie Knight expressed concern with Fire Station 16 being relocated and suggested it be moved to Gettysburg and Barcus Avenues to keep it in the neighborhood.

Gwendolyn Williams, 537 W. Weldon, expressed concerns with vending machines.

Sharen "Big Sue" Bobbitt spoke to the successful Veterans Day parade and attendance by officials.

Paul Hurlbut spoke to Fire Station 16 issues including community meetings, proposed uses, **(2 - 0)** and building contamination.

Barbara Hunt spoke to private enterprise, the Sphere of Influence, and Hinton Center issues.

(9:15 A.M. 'A') APPROVE MAYORAL APPOINTMENTS OF LINDA CALANDRA, RAY ARTHUR AND GENE MAYER TO THE JOINT POWERS AUTHORITY OF THE COMMUNITY MEDIA ACCESS COLLABORATIVE (CMAC)

ACM Rudd reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, expressed concerns.

Mr. Rudd responded briefly to questions/requests of Acting President Sterling and Councilmember Perea relative to number of applications received, if any people of color applied, who was involved with CMAC, Clovis' appointments, request for information on outreach, current members, and request for a copy of the MOU.

On motion of Councilmember Caprioglio, seconded by Acting President Sterling, duly carried, RESOLVED, Linda Calandra, Ray Arthur and Gene Mayer appointed to the CMAC Joint Powers Authority, by the following vote:

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

(9:15 A.M. 'B') ADOPT THE FY 2008-2009 ANNUAL ACTION PLAN SUBSTANTIAL AMENDMENT FOR THE NEIGHBORHOOD STABILIZATION PROGRAM

Budget Director Smith gave an in-depth review of the issue, all as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, concerns; Sharen "Big Sue" Bobbitt, G Street Sheds, concerns; Allison Williams, EOC, 1920 Mariposa Mall, support; Terrance Frazier, TFS Investment, 7643 N. Ingram, support; Preston Prince, Executive Director of the Housing Authority, 1331 Fulton Mall, support; and Nathan Magsig, CURE Executive Director, support.

Ms. Smith responded to comments and questions of Councilmember Calhoun relative to the use of funds and target areas, there being needs city-wide, how areas outside the core area (i.e., Pinedale, Highway City/Herndon Town) will be addressed, and if county islands within the city will be eligible. Councilmember Calhoun commended staff on a great job and made a motion to approve, which was seconded by Councilmember Dages. Ms. Smith responded to comments/questions of Councilmember Perea relative to accountability being critical, organizations that did not work out in the past and what provision was in place to ensure that does not happen again, and need for the city to be strong in determining the capacity of organizations.

**A visiting 3rd grade class from Maple Creek School was recognized and welcomed.

Councilmember Dages commended staff for their work on this in such a short period of time and also Mr. Frazier for his work in addressing blighted areas in the community, and spoke briefly to his concern with homes in new growth/construction areas in need of assistance. M.A. Smith responded briefly to questions of Acting President Sterling relative to assisting the homeless and capturing all categories, whereupon Acting President Sterling expressed her support and commended staff.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the substantial amendment to the FY 2008-2009 Annual Action Plan incorporating the Neighborhood Stabilization Program application for assistance as required by HUD hereby adopted, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling

Noes : None
Absent : Xiong

(9:15 A.M. 'C') ACTIONS RELATING TO THE TRANSFER OF THE NORTH FRESNO WASTEWATER RECLAMATION FACILITY (NFWRF) AND DISPOSAL OF EFFLUENT, AND ADOPTION OF AAR AMENDMENT

1. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH COPPER RIVER DEVELOPMENT COMPANY, INC., FOR THE TRANSFER TO THE CITY THE NFWRF, INCLUDING REIMBURSEMENT TO THE DEVELOPER IN THE AMOUNT OF \$3,628,221 FOR PAYMENT OF EXCESS IMPACT FEES AND FOR CONSTRUCTION OF EXPANSION CAPACITY IN THE NFWRF
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH CONSOLIDATED LAND COMPANY, COPPER RIVER COUNTRY CLUB, AND CONSOLIDATED INDUSTRIES, INC, FOR THE DISPOSAL OF TREATED WASTEWATER EFFLUENT ON THE COPPER RIVER COUNTRY CLUB GOLF COURSE, INCLUDING REIMBURSEMENT IN THE AMOUNT OF \$252,000 FOR PREVIOUSLY INCURRED OPERATING EXPENSES IN PREPARATION FOR RECEIVING DISPOSAL OF EFFLUENT
3. **RESOLUTION NO. 2008-316** - 48TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$3,880,200 FOR REIMBURSEMENT OF CONSTRUCTION COSTS OF THE NFWRF AND OPERATING COSTS OF DISPOSAL OF TREATED WASTEWATER EFFLUENT

Assistant PUD Director Hogg made clarifications to the staff report as follows: under "Subject/#2", added the Copper River Country Club entity to the agreement, and "Subject/#1", added authorization for the PUD director to accept the grant deed for the property, and gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Jeff Roberts, on behalf of Granville Homes, managing partner for the Copper River Ranch Development Company, support; and Barbara Hunt.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Director of the Department of Public Utilities authorized (1) to negotiate and enter into an agreement with Copper River Development Company for the transfer to the city of Fresno of the North Fresno Wastewater Reclamation Facility (NFWRF), including reimbursement to the developer in the amount of \$3,628,221 for payment of excess impact fees and for the construction of expansion capacity in the NFWRF, (2) accept the grant deed for the property; and (3) negotiate and enter into an agreement with Consolidated Land Company, Consolidated Industries, Inc., and Copper River Country Club for the disposal of treated wastewater effluent on the Copper River Country Club Golf Course, including reimbursement in the amount of \$252,000 for previously incurred operating expenses in preparation for receiving disposal of effluent; and the above entitled Resolution No. 2008-316 hereby adopted, by the following vote:

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

(9:15 A.M. 'D') **BILL NO. B-69** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO STANDARDS FOR BLIGHTED BUILDINGS, as amended, eliminating the \$500 initial vacant building plan fee

Assistant P&D Director Bishop advised the matter was being brought back as staff met with industry representatives and addressed their concerns, clarified code enforcement actions were not arbitrary by nature and code enforcement only enforced local ordinances and state laws which all included appeal processes, and reviewed the issue and proposed amendments, all as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, and Paul Hurlbut, 4701 W. Swift.

Mr. Bishop responded to comments and questions of Councilmember Duncan relative to concern with the use of the word “may”, what processes are followed before a building is defined as blighted, what would be included in a plan, when the \$1,000 citation fee would be imposed, how a building that is both blighted and occupied would be dealt with, and concern with the vague standards and opposition to the \$500 vacant building plan fee.

Councilmember Calhoun stated what was before Council was good and elaborated on the history of the issue, the problems encountered, and how now the city would now be able to go after negligent owners with a hammer, and made a motion to introduce the ordinance bill, which as seconded by Councilmember Caprioglio.

Councilmember Perea stated overall the ordinance looked good but he also did not like the first \$500 “fine”, advised of a recent situation with a constituent who was cited for a blue tarp instead of the city working with the home owner and the situation quickly grew and turned into fines, and stated he would prefer to see the \$500 fine be the second step. Mr. Bishop and Chief Assistant City Attorney Hale responded to comments and clarified several steps needed to be followed before a building is determined blighted and the \$500 was not a “fine” but was an administrative fee for the cost of services performed. Mr. Bishop responded to questions/comments of Acting President Sterling relative to staff’s meeting with the real estate industry, what their position was/if they were supportive at this time, what the process was before fees are imposed, and support for the ordinance as this will get the attention of property owners.

A motion of Councilmember Calhoun, seconded by Councilmember Caprioglio, to introduce the above entitled Bill as submitted failed, due to the following tie vote:

Ayes	:	Calhoun, Caprioglio, Sterling
Noes	:	Dages, Duncan, Perea
Absent	:	Xiong

Councilmember Perea made a motion to delete the \$500 plan fee and move the scale down, which motion was seconded by Councilmember Duncan. Brief discussion ensued with Mr. Hale reiterating this was a fee for actual costs to process the plan and the amount could be amended, whereupon Councilmember Perea clarified his intent was when someone comes in with their plan they will not be charged \$500. Councilmember Calhoun stated this should not be free and no cost was inappropriate, and offered an amendment to the motion to set the vacant building plan fee at \$250. Upon call, the motion died for lack of a second.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-69 introduced before the City Council and laid over, as amended, deleting the \$500 Vacant Building Plan fee, by the following vote:

Ayes	:	Caprioglio, Dages, Duncan, Perea, Sterling
Noes	:	Calhoun
Absent	:	Xiong

Upon question of Mr. Souza, Mr. Hale stated the mayor would have the opportunity to ask Council to reconsider the 3-3 tie vote, *and made a further clarification during the next item.

(9:15 A.M. ‘E’) BILL NO. B-70 - ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO REGISTRATION OF VACANT FORECLOSED PROPERTIES

(4 - 0) Assistant P&D Director Bishop reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt spoke to the issue and expressed concerns.

A motion and second was made to introduce the Ordinance Bill.

Mr. Bishop responded briefly to questions of Councilmember Duncan relative to what triggers registration and if this would

not apply to vacant homes not in foreclosure.

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*Relative to prior item "D", Chief Assistant City Attorney Hale further clarified the mayor had the authority to veto the ordinance if adopted as it was amended, and as to the originally initiated ordinance stated the mayor also had a Charter reconsideration right to bring that back.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-70 introduced before the City Council and laid over, by the following vote:

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

(9:15 A.M. 'F') APPROVE A CONSTRUCTION CONTRACT WITH GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$3,904,456 FOR THE FIGARDEN BASEBALL COMPLEX

Assistant Public Works Director Banuelos reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt spoke in support.

A motion and second was made to approve staff's recommendation.

District 2 Council Assistant Kloose responded to questions of Councilmember Duncan and clarified issues relative to the consent calendar splash park item, why Council infrastructure funds have to be used, if the splash park was fully funded, and the project coming in under budget and why the excess funds could not be used.

On motion of Councilmember Calhoun, seconded by Councilmember Caprioglio, duly carried, RESOLVED, a construction contract in the amount of \$3,904,456 hereby awarded to Granite Construction Company for the Figarden Baseball Complex, and the Public Works Director or assignee authorized to sign the contract on behalf of the City, by the following vote

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

(9:15 A.M. 'G') PRESENTATION OF THE EMPLOYEE SURVEY REPORT

Deputy City Manager Watahira gave a PowerPoint presentation on the 2008 Employee Satisfaction Survey which included Number of Surveys Completed, Overall Satisfaction Ratings, City-Wide Communications, Communication Between Departments, Proud to Work for the City of Fresno, Employees Knowing What is Expected, Employee Sense of Empowerment, Good Work Leading to Promotion, Leverage Analysis, and conclusion.

Speaking to the issue were: Barbara Hunt, and FCEA representative Alex Correa.

*Another visiting 3rd grade class from Maple Creek School was recognized and welcomed.

Councilmember Calhoun expressed his support for conducting the survey and concurred progress was being made, and presented questions and comments relative to the consultant used, if the consultant contract came before Council, request staff provide information on the consultant, the consultant's interpretation and reporting, the City not being "upside down" and there not being many cities in the black like Fresno, and importance of staff realizing the City is not perfect but employees are treated well. Councilmember Perea requested staff provide a copy of the survey results to him, thanked management for doing this and added it was

good to have an objective third party, and encouraged management to utilize unions and work as a team to get past barriers and improve employee morale. Acting President Sterling also commended staff and there was no further discussion.

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(9:15 A.M. 'H') APPROVE EVENT GUIDELINES AND CODE OF CONDUCT FOR CITY PARK FACILITIES

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted, and also spoke to the city's success with events and venues and stated this policy would make the city competitive with other cities.

Councilmember Calhoun thanked staff for their work but stated he still felt this was not looked at as in-depth as it should have been, encouraged the next administration to do that stating he felt input should have been requested from neighbors and the general public and the whole question of how much of a money machine this was for the city needed to be looked at, and made a motion to adopt the guidelines, as amended, adding "g" to prohibit physically combative contests. Upon call, the motion died for lack of a second.

Councilmember Duncan complimented staff on the policy, stated staff has done a great job in providing entertainment options for a lot of people and even though some of the events have been in the media lately he was glad to see staff stayed the course and were able to provide those different venues, added if someone did not want to see an event they did not have to go and elaborated further on the issue and on comments he received about the general category of fans which he stated he was offended by, and emphasized the parks were owned by every citizen and they had a right to enjoy them as long as they followed the guidelines and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Caprioglio.

Councilmember Perea presented questions relative to definition of "obscene material", if the industry standard was used for music, attire and cage fights, and if staff had a list of what is considered obscene material, with Mr. Cooper responding throughout. Councilmember Perea stated he would not support the motion on the floor and had hoped Council would have had the opportunity to vote on Councilmember Calhoun's motion after he asked his questions, and relative to guideline "f", obscene material, stated some general guidelines were needed to specify what is/what is not acceptable to make the process more transparent.

Councilmember Calhoun acknowledged he would be on the losing end here and reiterated he hoped the new administration coming in will look at things a little differently, and stated he hoped in the future he does not see the city of Fresno profiled with a physically combative event as he would be very embarrassed and added he wanted his friends and relatives throughout the country to see Fresno as a city that does not have an activity like that taking place in its parks.

ACM Rudd responded to Councilmember Perea's comments on obscene material and spoke to legal definitions and challenges the city runs into due to the constant changes in our culture and society.

(5 - 0) Acting President Sterling thanked staff for their work on this policy stating it was universal for the entire city, there was a chain of command, and it was a starting point and changes could be made in the future if necessary.

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the existing "Customer Code of Conduct" hereby amended and the formal "Event Guidelines for City Park Facilities" policy hereby implemented, by the following vote:

Ayes : Caprioglio, Dages, Duncan, Sterling
Noes : Calhoun, Perea
Absent : Xiong

Councilmember Duncan suggested the **11:00 a.m. workshop** be postponed until next year for the new council as SB 375 would have a huge impact on them, brief discussion ensued, and it was determined to have the presentation this date at 2:00 p.m.

LUNCH RECESS - 11:49 A.M. - 2:00 P.M.

(11:00 A.M.) WORKSHOP ON SENATE BILL (SB) 375

Interim P&D Director Bergthold gave an informational PowerPoint presentation entitled "SB 375 - Another Step Toward Climate-Sparing Strategy with Multiple Payoffs", which included an Introduction, Background, Key Components, Regional Greenhouse Gas Emissions Target, Traffic Models to Account for Land Use Relationships, Regional Transportation Plans/Sustainable Communities Strategy, Housing Needs Allocations, New CEQA Limitation for Certified Residential Projects, Transit Priority Projects, SB 375-Related

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Developments of Interest, Impacts & Planning Implications, and 2050 Activity Center and Intensity Corridor, and responded briefly to questions of Councilmember Calhoun relative to the SEGA air pollution numbers and reductions. There was no further discussion.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-G) RESOLUTION NO. 2008-317 - 43RD AMENDMENT TO AAR 2008-162 APPROPRIATING \$121,700 IN COUNCIL DISTRICT TWO INFRASTRUCTURE FUNDS TO THE PARCS DEPARTMENT FOR CONSTRUCTION OF THE NORTHWEST SPLASH ZONE LOCATED AT FIGARDEN LOOP PARK

Councilmember Duncan stated upon his question he was told the splash park was fully funded but that was not the case, and upon further questions/comments Assistant PARCS Director Haynes and ACM Rudd clarified issues relative to funding, confirmed with passage of this item the project would be fully-funded, and apologized for the confusion in the staff report.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2008-317 hereby adopted, by the following vote:

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

(1-M) RESOLUTION - INTENT TO ESTABLISH A SPECIAL TAX DISTRICT (CFD NO. 9) AND TO AUTHORIZE LEVY OF A SPECIAL TAX FOR THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH FINAL TRACT MAP NO. 5717, AND SETTING THE REQUIRED PUBLIC HEARING FOR DECEMBER 9, 2008

Councilmember Duncan stated a new CFD was being implemented and he was stunned to see this item scheduled on Consent, and presented questions relative to whether the business community had been informed of this, if this was a brand new facilities district, and this being a huge issue and why this item was placed on Consent. City Engineer Mozier and City Manager Souza responded and clarified this item was before Council at the request of Granville Homes and this district was a framework that would not apply to anyone else besides Granville. Councilmember Duncan stated something of this magnitude needed to be discussed fully and made a motion to continue the matter to the next meeting so staff could make a full presentation on the issue and impacts.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Item 1-M tabled two weeks for a staff presentation including information on impacts, by the following vote:

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

(1-N) ACTIONS RELATING TO THE CITY OF FRESNO BICYCLE TRANSPORTATION PLAN

1. RESOLUTION NO. 2008-318 - ADOPTING FINDINGS AND DETERMINATIONS, AND ADOPTING THE AMENDED BICYCLE TRANSPORTATION PLAN

2. RESOLUTION NO. 2008-319 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR, AND ACCEPTANCE OF, GRANT FUNDS FROM THE CALTRANS LOCAL ASSISTANCE PROGRAM - BICYCLE TRANSPORTATION ACCOUNT, AND AUTHORIZING THE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

Councilmember Dages stated his concern has always been homes/businesses that will be losing their on-street parking and presented questions relative to whether people/businesses were notified of this, why no notification was made when 20 streets are involved, if any bicycle racks were involved similar to the Tower District, and concern with businesses losing valuable on-street parking and customers, with Traffic Engineer Jones and City Engineer/Assistant Director Mozier responding and clarifying issues. Councilmember Dages spoke additionally to the need to protect small business and requested staff notify affected businesses about the proposed plan.

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On motion of Councilmember Dages, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-318 and 2008-319 hereby adopted, by the following vote:

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

(1-U) RESOLUTION - 39TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$100,000 IN THE PARCS DEPARTMENT FOR THE DEVELOPMENT OF CITY-WIDE COMMUNITY GARDENS

PARCS Director Cooper responded to questions/comments of Councilmember Dages relative to whether the Al Radka Park neighborhood had been notified, need to notify people before—not after—the fact and concern with taking action this date, and need for staff to schedule a community meeting. ACM Rudd stated there was a process involved here and no money needed to be expended at this time and recommended the matter be tabled two weeks so staff could meet with the community and continue with the process.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Item 1-U tabled two weeks to allow staff to meet with the community/neighborhood, by the following vote:

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

The City Council recessed at 2:39 p.m. and convened in joint session with the Redevelopment Agency.

(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF NOVEMBER 4, 2008

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the Agency minutes of November 4, 2008, approved as submitted.

(“A”) JOINT RESOLUTION NO. 2008-320/1731 - APPROVING A 90-DAY EXTENSION OF THE DDA WITH THE LEGACY REAL ESTATE GROUP (LREG) TO ALLOW FOR DUDLEY VENTURES TO COMPLETE DUE DILIGENCE WORK FOR POSSIBLE ASSIGNMENT OF CONTRACT

Deputy City Manager Watahira reviewed the issue as contained in the staff report as submitted.

Councilmember Dages stated he knew nothing about Dudley Ventures and there was no information on them in the staff report, and along with Acting President Sterling presented questions relative to whether this action would put Dudley Ventures in a position to come back to Council in 90 days, if the DDA would be come back to Council in 90 days, and what the prognosis was for the due diligence, with Chief Assistant City Attorney Hale, a staff member, and Chris Cummings responding throughout.

City Clerk Klisch advised a joint resolution was associated with this matter that was not listed on the agenda but was included in council's packet.

On motion of Acting President Sterling, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2008-320/1731 hereby adopted, by the following vote:

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

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(“B”) JOINT RESOLUTION NO. 2008-321/1732 - (1) APPROVE AN AMENDMENT TO THE STADIUM SUBLEASE BETWEEN THE CITY AND FRESNO BASEBALL CLUB (FBC); (2) APPROVE AN AMENDMENT TO THE DDA BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY; (3) APPROVE AN AMENDMENT TO THE CONCESSIONS AGREEMENT BETWEEN FBC, OVATIONS FOOD SERVICES AND THE CITY; (4) AUTHORIZING THE CITY MANAGER, AGENCY EXECUTIVE DIRECTOR, AND THE CITY ATTORNEY’S OFFICE TO NEGOTIATE TO REACH FINAL AGREEMENTS; AND (5) AUTHORIZING THE EXECUTION AND DELIVERY OF THE AGREEMENTS AND RELATED DOCUMENTS AND TAKING ALL NECESSARY ACTION RELATED TO THE TRANSACTION, CONSISTENT WITH THIS RESOLUTION

1. RESOLUTION NO. 2008-322 - 476TH AMENDMENT TO MFS RES. 80-420 ADDING THE ‘ARTS, PARKS, ENTERTAINMENT AND SPORTS’ (APES) TICKET FEE AT CHUKCHANSI STADIUM

City Manager Souza reviewed the issue, all as contained in the staff report as submitted, along with SMG Manager Overfelt and Brian Glover with the FBC responded to questions of Councilmembers Dages and Calhoun relative to ability to book events on the additional days, the \$1.00 APES fee and why a rent credit was being done, who currently receives the tax increment, who the stuckee will be when the RDA no longer gets that revenue, if SMG feels they will be able to book events to make up the lost revenue, what it cost to operate the stadium for an event, if cage fighting was an appropriate event for the stadium, and if SMG will be able to handle events deemed inappropriate for park facilities and events Fresno has not had before. Councilmember Calhoun expressed his support stating this was a good deal and anything the City could do to help the Grizzlies become more profitable was a win-win, and made a motion to approve staff’s recommendation, which was seconded by Acting President Sterling.

Mr. Souza and Mr. Glover responded to questions and comments of Councilmember Perea and Chair Duncan relative to what the APES fee currently goes to, what enhancements people will see at Chukchansi with the fee, if there will be a subsidy for the first five years, what will happen if the FBC does not get the subsidy, who owns the stadium/who is responsible for maintenance, concern with the APES fee going towards enhancement of the facility and not the subsidy, the \$1.5 million annual rent being a burden for the FBC, importance of the FBC being economically viable, concern with the FBC being unable to thrive and what the City can do as a partner to help the organization thrive, importance of the City doing all it can to help, it being a tragedy if the city were to lose the Grizzlies as a viable business and baseball team, and encouragement to Council to keep in mind the overall economic impact the Grizzlies bring and the impact they have on downtown.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2008-321/1732 and Council Resolution No. 2008-322 hereby adopted, by the following vote:

Ayes : Calhoun, Caprioglio, Duncan, Sterling
Noes : Dages, Perea
Absent : Xiong

The joint bodies adjourned their meeting at 3:10 p.m. and the City Council reconvened in regular session.

(2:00 P.M. #2) CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: ANTONIA ESPINOSA V. COF, ET AL.

The City Council met in closed session in Room 2125 at 3:12 p.m. to consider the above matter and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:30 p.m. having arrived and hearing no objection, Acting President Sterling declared the meeting adjourned.

Approved on the 2nd day of December , 2008.

_____/s/_____
Cynthia Sterling, Acting Council President

ATTEST

_____/s/_____
Yolanda Salazar, Assistant City Clerk

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