

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
	Blong Xiong	Councilmember
	Cynthia Sterling	Council President
Absent:	Henry Perea	Councilmember

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

Pastor Abraham Rababy of the Fresno Worship Center gave the invocation, and President Sterling led the Pledge of Allegiance.

**PRESENTATION OF THE SPCA PET OF THE MONTH - ACTING PRESIDENT CAPRIOGLIO**

The pet of the month available for adoption, a six month old male puppy, was presented.

PROCLAMATION OF "NOROUZ DAY" - PRESIDENT STERLING  
 PROCLAMATION OF "MEDIATION WEEK" - ACTING PRESIDENT CAPRIOGLIO  
 PROCLAMATION OF "NATIONAL AGRICULTURAL WEEK" - MAYOR AND CITY COUNCIL  
 PROCLAMATION OF "FIX A LEAK WEEK" - MAYOR AND CITY COUNCIL

The above proclamations were read and presented.

**PROCLAMATION OF "READING AND BEYOND DAY" - MAYOR AND CITY COUNCIL**

Not presented.

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**APPROVE SPECIAL MEETING MINUTES OF MARCH 1, 2009:**

On motion of Councilmember Borgeas, seconded by Acting President Caprioglio, duly carried, RESOLVED, the minutes of the special City Council meeting of March 1, 2009, approved as submitted.

**APPROVE REGULAR MEETING MINUTES OF MARCH 3, 2009:**

On motion of Councilmember Brand, seconded by Acting President Caprioglio, duly carried, RESOLVED, the minutes of the regular City Council meeting of March 3, 2009, approved as submitted.

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Councilmember Xiong (1) reported on his participation March 5<sup>th</sup> with the downtown neighborhood revitalization department and their community partners at the small business development day; (2) commended the Chamber of Commerce as host of “Friends of the Chamber” on March 5<sup>th</sup>; (3) thanked California’s First Lady Maria Shriver for visiting Fresno in support of “We Connect” at Manchester and thanked all program partners; (4) congratulated Assemblyman Arambula for hosting the Latino Caucus; (5) thanked the Palm Avenue Community Church on their successful block party along with involved city staff who helped make it a success; (6) advised he and Acting President Caprioglio attended the Regional Sports Complex opening event; and (7) spoke to the Best of Valley Restaurant Awards event and congratulated Sam’s Deli and all the restaurants that participated.

Councilmember Brand (1) requested the city manager and security look into the parking lot thefts and vandalism as reported by Council staff; and (2) requested the 3/24/09 hearing on Tract 5933 be continued to May 7<sup>th</sup> stating the applicant was in agreement with the continuance, and stated this matter touched on the broader issue of city sidewalks and a group was currently working on a task force to address issues.

On motion of Councilmember Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, the March 24, 2009, Continued Hearing to consider an appeal filed by Gary McDonald and former Councilmember Duncan relative to denial of Tract No. 5933/CUP C-08-59 continued to May 7, 2009, at a time to be set, by the following vote:

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

Councilmember Brand announced he would be holding a district meeting Thursday at 5:30 p.m. at Clovis North High School wherein Willow Avenue improvements would be discussed and invited all interested to attend.

Councilmember Dages (1) requested staff notify Centex of their responsibility to widen Fowler and Belmont Avenues which was to have been done during phase one, with City Manager Souza stating staff has been working on that issue; and (2) spoke to the Blackie Gegeian 50<sup>th</sup> Autorama event and commended the mayor, staff and all involved in the granite monument at the new exhibit hall.

Acting President Caprioglio referenced a memo Council received from the city attorney’s office relative to the Independent Police Auditor policy proposal wherein a number of significant legal and potential liability issues for the city were flagged, and stated a more thorough review of those issues was in order and requested the city manager work with the city attorney to produce a definitive report addressing the concerns which he stated would help Council reach a more educated decision. City Attorney Sanchez spoke further to the issue and stated he could work with the city manager on issues and suspected it would take at least two weeks to return with implementing procedures. City Manager Souza stated he did not believe it would take two weeks as he did not see anything in the procedures that staff could not address, and stated it was staff’s goal to have the IPA proposal before Council on March 24<sup>th</sup> and he would work with the city attorney and staff on the issues.

President Sterling (1) reported on her One Voice trip to Sacramento last week along with Councilmembers Borgeas and Perea; (2) reported on her participation in the California Hispanic Chamber of Commerce Silver Gala along with the LCC Latino Caucus; (3) advised she was part of the California Miracle Network sponsored by Valley Children’s Hospital and the Walmart Foundation; (4) acknowledged the passing of long time activist and former Madera mayor Mark Scalzo; (5) advised she attended the Salinas Chinese Association and thanked them for hosting the Fresno Tai-Chi Club at the Chinese Consolidated Benevolent Association; and (6) advised she attended the Community Housing Council with Congressman Radanovich hosted by real estate industry members.

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**APPROVE AGENDA:**

On motion of Acting President Caprioglio, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved as submitted, by the following vote:

Ayes : Borgeas, Brand, Caprioglio, Dages, Xiong, Sterling  
Noes : None

Absent : Perea

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt spoke to various consent items and expressed her support.

Willie Shoemaker, owner of City Hall Café, spoke to Item **1-J** stating he was happy with the current company's work and their handling of his supplies, and stated his concerns were the unknowns of a new company coming in and how they will work out.

Councilmember Dages pulled Item **1-J** and Councilmember Xiong pulled Item **1-I** for separate discussion/action.

**(1-A)** APPROVE AMENDMENT NO. 4 TO THE LEASE AND AGREEMENT WITH CLUBCORP, INC., (FORMERLY SILBAND/GolfCorp, INC.) COVERING THE AIRWAYS GOLF COURSE AT FYI (CHANGING THE DATE WHEN GREEN FEE INCREASES ARE CONSIDERED AND CHANGING THE FEDERAL INDICATORS USED TO CALCULATE SUCH INCREASES)

**(1-B)** AWARD A CONTRACT TO BRAUN NORTHWEST, INC., IN THE AMOUNT OF \$143,497.30 FOR ONE EXPLOSIVE ORDINANCE DISPOSAL (EOD) TRUCK BODY

**(1-C)** AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO ACCEPT \$150,000 TO FUND THREE LIFESKILLS INSTRUCTORS TO TEACH IN THE MIDDLE SCHOOLS INTO THE FY 09 BUDGET

**(1-D)** APPROVE AN AGREEMENT WITH CORNERSTONE STRUCTURAL ENGINEERING GROUP IN THE AMOUNT OF \$1,825 FOR THE PRELIMINARY DESIGN PHASE OF THE JENSEN AVENUE SEPARATION AND OVERHEAD (JENSEN BRIDGE) REHABILITATION PROJECT, AND ALLOW THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1-E) RESOLUTION NO. 2009-55** - CONSIDERATION TO CHANGE THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR ANNEXATION NO. 24, FINAL TRACT NO. 5603 OF CFD NO. 11, AND SETTING THE REQUIRED PUBLIC HEARING FOR APRIL 21, 2009

**(1-F)** AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH HF&H CONSULTANTS FOR FACILITATION OF A NEW TIPPING FEE AGREEMENT WITH FRESNO COUNTY (LANDFILL AGREEMENT)

**(1-G)** APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH HDR ENGINEERING, INC. IN THE AMOUNT OF \$89,579 FOR ADDITIONAL WORK NECESSARY FOR THE DEVELOPMENT OF TECHNICAL PLANS AND SPECIFICATIONS FOR THE PROCUREMENT AND INSTALLATION OF RESIDENTIAL WATER METERS AND AN AUTOMATED METER READING (AMR) SYSTEM

**(1-H)** AWARD A CONTRACT IN THE AMOUNT OF \$855,097 TO WEST VALLEY CONSTRUCTION COMPANY, INC., FOR REQUIREMENTS CONTRACT NO. 2 TO INSTALL WATER METER BOXES WITHIN THE CITY OF FRESNO

**(1-K)** APPROVE APPOINTMENTS OF MICHELLE BRONSON TO THE FRESNO DISABILITY ADVISORY COMMISSION AND BEATRICE JOHNSON TO THE FRESNO-MADERA AREA AGENCY ON AGING - MAYOR SWEARENGIN

**(1-L) BILL NO. B-10 - ORDINANCE NO. 2009-9** - APPROVING THE 2009 WEED ABATEMENT PROGRAM

**(1-M) BILL NO. B-11** - BILL FOR INTRODUCTION REPEALING AND ADDING SECTIONS TO THE FRESNO MUNICIPAL CODE RELATING TO FLOOD PLAIN BUILDING REGULATIONS

**(1-N) BILL NO. B-12** - BILL FOR INTRODUCTION AMENDING SECTIONS AND SUB-SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO CARD ROOM PERMIT REGULATIONS

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

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

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**CONTESTED CONSENT CALENDAR:**

**(1-I) APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE LONG-TERM WATER CONTRACTORS AND CROSS VALLEY CANAL CONTRACTORS REGARDING MEDIATION SERVICES TO DEVELOP WATER ALLOCATIONS FOR RESTORING A SELF-SUSTAINING SALMON FISHERY IN THE SAN JOAQUIN RIVER, AND AUTHORIZE REIMBURSEMENT COSTS FOR MEDIATION SERVICES NOT TO EXCEED \$4,730**

Upon the request of Councilmember Xiong, Assistant Public Utilities Director Martin clarified how this MOU related to the current drought and CVP and gave a status report on the new water release.

On motion of Councilmember Xiong, seconded by Acting President Caprioglio, duly carried, RESOLVED, the subject MOU hereby approved, reimbursement costs for mediation services authorized in an amount not to exceed \$4,730, and the Director of Public Utilities authorized to sign the MOU on behalf of the City, by the following vote:

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

**(1-J) AWARD TWO (2) CONTRACTS TO PBC SolutionOne, INC., dba PACIFIC BUILDING CARE (PBC), FOR CUSTODIAL SERVICES AT CITY HALL AND VARIOUS CITY FACILITIES, IN A TOTAL AMOUNT OF \$832,218.72**

Councilmember Dages questioned if current employees would be absorbed stating it was not acceptable to put qualified employees in the unemployment line. Upon checking General Services Director Nerland advised there was a provision in the RFP wherein current employees would be absorbed.

On motion of Councilmember Dages, seconded by Councilmember Brand, duly carried, RESOLVED, two (2) three-year contracts, each with two (2) one-year extensions, hereby awarded to PBC SolutionOne, Inc., dba Pacific Building Care (PBC), for custodial services at City Hall in the amount of \$283,146.72, and at various city facilities in the amount of \$549,072, for a total amount of \$832,218.72, by the following vote:

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

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**(9:00 A.M. #1) WORKSHOP ON INDEPENDENT POLICE AUDITOR (IPA)**

City Manager Souza noted the Mayor's office released the IPA proposal last Tuesday and stated the document was the culmination of months of work by staff, stated it was the intent to present the best practices and a proposal that was unique and strong for the city, and stated even though the proposal was under consideration for next Tuesday he felt it was important for Council to have as much discussion and dissemination of information as possible.

Chief Dyer advised Bob Aaronson, an attorney who also serves as a part-time IPA for the cities of Santa Cruz and Davis, would be providing something this date that would be enlightening to all and elaborated on Mr. Aaronson's work, experience, expertise, and understanding of police departments, stated Mr. Aaronson had a lot of credibility in the state when it comes to law enforcement, police chiefs and civilian oversight, and introduced Mr. Aaronson.

Bob Aaronson stated he was a part-time IPA for the city of Santa Cruz, the police ombudsman in the city of Davis, and started out of law school as a deputy city attorney for the city and county of San Francisco, and spoke to his work and findings elaborating on the issues of civilian oversight, challenges, the nature of law enforcement, the opportunity for bridge building, and his finding that an IPA reduces liability.

Mayor Swearingin stated it was her intent to bring forth all the best information possible to the public debate, advised of Mr. Aaronson's meetings while here, stated she appreciated the concern express earlier by Acting President Caprioglio's on whether this proposal had been thoroughly investigated and if more time was needed and added Mr. Aaronson's visit here was one more example of how she and staff were trying to get all questions answered, and requested Council take advantage of the opportunity to meet with Mr. Aaronson. President Sterling stated she had the opportunity to meet with him and hoped all members would do the same.

Extensive discussion ensued with Mr. Aaronson and Mayor Swearingin responding to numerous questions and/or comments of Councilmembers Dages, Caprioglio and Brand relative to the contention that the city already had plenty of oversight with the police department's internal affairs bureau, the district attorney's office, the attorney general, the grand jury with subpoena ability, Council and police chief ability to ask for investigations, and the FBI, how the \$360,000 annual cost for an IPA weighed against the \$237,000 average annual amount paid out over the past 12 years for 185 lawsuits, how a community concludes that there is not as much trust as they may want with their police department **(3 - 0)**, if a "great communicator" would be sufficient rather than taking the form of an auditor, definition of "independent"/what an IPA is independent of, if Mr. Aaronson has conducted any studies/evaluations on Fresno's trust level, if IPAs reduce a city's legal liabilities, if any statistics were available to support the claim of reduced liability, how the effectiveness of an IPA is evaluated in terms of public trust level, if the "silent majority" were stakeholders in this process, if any statistics were available showing that external oversight was more effective than internal oversight/internal affairs, if external and internal oversight work well with each other, if 180 days was a reasonable amount of time to evaluate the effectiveness of an IPA, budget concerns and if there was an effective less expensive way to go than the \$360,000 IPA cost, if Mr. Aaronson reviewed the proposal and if he felt there was any way to trim it back at least for the first six months to measure effectiveness or non-effectiveness, Mr. Aaronson's staffing at Davis and Santa Cruz, if Mr. Aaronson feels his service to those jurisdictions has been effective, if Mr. Aaronson characterized his role as an ombudsman position to bring stakeholders together, what Mr. Aaronson's position was on the issues flagged by the city attorney, what cities with IPAs have seen or experienced, desire to see some baseline data in terms of satisfaction/number of complaints/lawsuit dollars paid out to have some objective measurements for evaluation time, if a funding source has been found for the United Way, the quick process in finding \$360,000, and if a 90 day program with phasing in of an IPA was possible.

Discussion continued with Mr. Aaronson and City Attorney Sanchez responding to questions and/or comments of Councilmember Borgeas relative to whether IPA budgets increase or decrease over time, the city of San Jose's IPA budget, if IPAs are eliminated once it is determined public trust has been established, the possible \$2 million budget over five years if it is likely that the program cost will be on-going and not be disbanded, if there was increased exposure to legal liability in this creation in terms of legal discovery and loss of confidentiality, chain of command/documents/protections for the city manager and IPA, discovery requests, and request for Mr. Aaronson to participate if he can help define the proposal to help Council better understand the potential legal liabilities. Councilmember Xiong stated listening to the questions and comments he was hearing a want for a guaranteed win and based on his conversations with attorneys stated there is never a guarantee of win, and stated he hoped questions would be answered within the week. There was no further discussion.

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**(9:00 A.M. #2) PUBLIC COMMENT -UNSCHEDULED ORAL COMMUNICATION:**

Barbara Hunt stated an Independent Police Auditor was not needed and spoke to west Fresno issues and concerns including lack of notification.

David Wells spoke to Consent Calendar Item **1-G** (water meters) and suggested Council direct staff to develop a comprehensive plan for a unified fiber optic system for the city.

153-72

3/17/09

Paula Savino spoke to the homeless **(4 - 0)**.

Paul Hurlbut spoke to fire trucks including trips to grocery stores, how it is known when trucks are out of their districts, and what the policy was for personal use of fire trucks/public equipment which he stated was observed.

Shelby Johnson, 11605 Old Friant Road, AmeriCorps and CCC program member, spoke to the program and what they are doing in Fresno.

Russell Appling stated he was pulling his money offer that he made yesterday off the table and put another one on the table, and expressed his support for an Independent Police Auditor.

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**(9:15 A.M. “A”) WORKSHOP AND UPDATE ON CALIFORNIA HIGH SPEED RAIL**

President Sterling introduced the item and stated a process would be starting soon and she wanted Council and the community to be informed.

Erik Bromberg with URS Corporation gave a PowerPoint presentation entitled “California High Speed Train” which included Approval of Proposition 1A, System Backbone, Next Steps, Environmental Scoping, Opportunities for Downtown Fresno, Map of Station Location Alternatives, Grade Separations (conceptual at Shaw Avenue), and Scoping Meetings for the Merced to Bakersfield Segment. Mr. Bromberg responded briefly to questions of Councilmember Xiong relative to what the chance was to make sure the central valley piece will be built first, the available land and what the valley has to do to get its’ due consideration, and if the valley’s state legislators were supportive/on the same page. President Sterling thanked Mr. Bromberg for the update and there was no further discussion.

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**(9:15 A.M. “B”) CONSIDERATION OF APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE CONVENTION AND VISITORS’ BUREAU (CVB) - PRESIDENT STERLING (*\*Discussed again at the end of the meeting\**)**

President Sterling stated per the CVB bylaws it was time to make the appointment and questioned if any council member was interested in serving on the CVB. Councilmember Dages questioned when the CVB meets and the matter was laid over to later in the meeting so staff could check on the meeting date.

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President Sterling advised an alternate needed to be appointed the Joint Powers Finance Authority and upon her question ACM Rudd stated he would work with the city attorney’s office and report back on the process.

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**(9:30 A.M. “A”) APPROVE AMENDMENT NO. 1 TO THE DOWNTOWN FRESNO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID) GRANT FUNDING AGREEMENT TO INCREASE CTY FUNDING ASSISTANCE BY \$56,139 TO A TOTAL OF \$96,139, OF WHICH THE CURRENTLY UNEXPENDED AMOUNT OF \$84,309 SHALL BE A NO-INTEREST, NO-MATCH LOAN REPAYABLE FROM PBID ASSESSMENTS, TO FINANCE CONSULTING SERVICES AND OTHER COSTS INCURRED IN THE FORMATION OF THE PBID**

Downtown & Community Revitalization Director Scharton noted the matter was back again and gave an overview of the issue as done before, all as contained in the staff report as submitted, and spoke to the work that staff has put into this matter and the efforts to ensure the department ends up with a great database of property owners to keep everyone informed as the process moves forward.

Speaking to the issue were: Barbara Hunt, concerns; Jan Minami, Downtown Association, support; Zarkis Martirosian, owner of Bud Eberwein Brake Service, 1559 Broadway, opposed due to lack of knowledge/no contact with him; Dirk Poeschel, 923 Van Ness, support; Andrew Lee, co-owner of Fresno Discount Mall, concern with cost/need for the city to finance the PBID initially; Joe Moore, Downtown Association Board President, support; Art Farkas, Engineer and Executive with Krazan and Associates, support; Mike Bashian, Downtown Association board member, support; Morgan Doizaki, Central Fish Co. & Board Chair of Chinatown Revitalization, support (**5 - 0**); Steve Geil, 2463 E. Soquel, downtown property owner, support; Al Smith, CEO, Chamber of

Commerce, support; and David Wells, concerns/need to show some tangible benefits.

Councilmember Dages stated he agreed with Mr. Geil wholeheartedly and made a motion to approve staff's recommendation, which motion was seconded by President Sterling. Councilmember Borgeas stated the staff report answered some of the questions that remained outstanding and explained, clarified Council's action this date would move the PBID process forth and intensive constituent outreach would be forthcoming, and stated he was in complete support. Councilmember Brand thanked staff for answering the concerns he raised two weeks ago and also expressed his support. President Sterling thanked everyone for their input, urged Mr. Scharton and Ms. Minami to get together and meet with those who have concerns and to also be considerate of these difficult economic times, and thanked Mr. Geil for his input and agreed this was about property owner responsibility with the city trying to offer some assistance.

On motion of Councilmember Dages, seconded by President Sterling, duly carried, RESOLVED, Amendment No. 1 to the existing Grant Funding Agreement to fund the next steps in the formation of a PBID with an additional \$56,139 hereby approved, by the following vote:

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

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**(9:30 A.M. "B")** APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH FEHR & PEERS IN THE AMOUNT OF \$475,000 TO PREPARE A BICYCLE, PEDESTRIAN AND TRAILS MASTER PLAN FOR THE CITY  
**1. RESOLUTION NO. 2009-56** - APPROVING THE REALLOCATION OF \$392,000 IN THE MEASURE C FUND CAPITAL PROJECTS FOR PREPARATION OF THE MASTER TRAILS & BIKE PLAN  
**2. RESOLUTION NO. 2009-57** - ESTABLISHING THE CITY OF FRESNO BICYCLE, PEDESTRIAN AND TRAILS MASTER PLAN ADVISORY COMMITTEE

Traffic Engineer Jones reviewed the issue, all as contained in the staff report as submitted.

Speaking in support of the issue were: David Lighthall, 664 E. Keats, Chair of the Fresno County Bicycle Coalition, Health Science Advisor for the SJVAPCD, and member of the city's Bicycle and Pedestrian Advisory Committee; Nicholas Paladino, 8735 N. Cedar, Fresno Cycling Club; and Barbara Hunt.

Mr. Jones responded briefly to a question and comments of Councilmember Dages relative to size of the committee/number of potential members, concern that large size committees are unproductive, desire to have an appointment to the committee, and request staff consider older businesses' limited parking especially in the downtown area. A motion and second was made to approve staff's recommendation. As a fellow cyclist Councilmember Brand thanked Mr. Paladino for all his tireless work for cyclists and expressed his support for the plan.

On motion of Councilmember Dages, seconded by Acting President Caprioglio, duly carried, RESOLVED, the subject Professional Services Agreement with Fehr & Peers hereby approved and the above entitled Resolution Nos. 2009-56 and 2009-57 hereby adopted, by the following vote:

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

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153-74

3/17/09

Acknowledging this was discussion only Councilmember Brand advised he had a conflict with one item and would be voting on at least two-thirds of the item when action is taken.

**(9:30 A.M. "C")** REPORT ON LOCAL ECONOMIC STIMULUS INITIATIVES

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

Speaking to the issue were: Mike Prandini, BIA, who spoke in support of staff's recommendations and requested Council move forth with implementation; Mayor Chief of Staff White, who thanked everyone who participated on behalf of the mayor; David

Wells, POB 1733, who suggested business license taxes be suspended for one year to give businesses a chance to succeed; and Barbara Hunt, who stated developers needed to contribute more to the community.

Mr. Weimiller responded briefly to questions and comments of Councilmember Dages relative to enhancement of the current down payment assistance program, how the local preference ordinance (LPO) was going to be amended to promote increased local purchasing by the city, if the existing LPO \$250,000 limit would be increased, request staff notify him beforehand if any changes are planned to the LPO, and there possibly being a need to look again at the definition of "local business".

President Sterling thanked all involved and there was no further discussion.

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**(9:30 A.M. "D") AWARD A PARKING LOT MANAGEMENT CONTRACT FOR THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT TO STANDARD PARKING CORPORATION**

Aviation Director Widmar reviewed the issue, all as contained in the staff report as submitted (**6 - 0**), and advised Ace Parking Management was provided with all the information they requested as directed by Council when this matter was last presented, plus more, and recommended Council award the contract to Standard Parking Corporation.

Speaking to the issue were: Barbara Hunt; and Dirk Poeschel, on behalf of Ace Parking and President Steve Burton, and Steve Burton, who spoke to Ace's commitment and service to the city and their concerns with the process and selection outcome, and requested this contract be re-bid.

Mr. Widmar responded to questions and comments of Councilmember Dages relative to whether Standard would make an attempt to hire current employees, the \$20 million in parking revenues over five years, if Ace won the competition five years ago, and his request to delay action when this was last before Council and assumption that the issue was resolved as Ace did not meet with him. A motion and second was made to approve staff's recommendation. Mr. Widmar responded briefly to questions of Councilmember Brand and President Sterling relative to the applicant evaluation process, if this airport contract was separate from all the other contracts Ace has with the city of Fresno, and if approval as recommended would not affect the other contracts.

On motion of Councilmember Dages, seconded by Councilmember Xiong, duly carried, RESOLVED, a three-year contract, with two one-year extension options, for the operation and management of the public and employee parking lots at the FYI Airport hereby awarded to Standard Parking Corporation, and the Director Aviation authorized to execute the same on behalf of the City and thereafter exercise either or both of the extension options in his discretion, by the following vote:

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

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**(10:00 A.M.) HEARING ON ADDENDUM TO THE FINAL EIR FOR THE METROPOLITAN WATER RESOURCES MANAGEMENT PLAN THAT CHANGES THE LOCATION FOR THE PROPOSED SOUTHEAST SURFACE WATER TREATMENT FACILITY (SSWTF)**

**153-75**

**3/17/09**

**1. ADOPT FINDING THAT NONE OF THE CHANGES AND ADDITIONS TO THE FINAL EIR GIVE RISE TO ANY OF THE CONDITIONS SET FORTH IN CEQA GUIDELINES THAT WOULD CALL FOR THE PREPARATION OF A SUBSEQUENT EIR**

**2. ADOPT ADDENDUM TO THE 1996 FINAL EIR, STATE CLEARINGHOUSE NO. 95022029, FOR THE FRESNO METROPOLITAN WATER RESOURCES MANAGEMENT PLAN THAT CHANGES THE LOCATION FOR THE PROPOSED SSWTF**

Assistant Public Utilities Director Martin reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt spoke to the issue.

On motion of Councilmember Dages, seconded by Councilmember Brand, duly carried, RESOLVED, (1) the finding that

none of the changes and additions to the final EIR give rise to any of the conditions set forth in CEQA guidelines that would call for the preparation of a subsequent EIR hereby adopted, and (2) the Addendum to the 1996 Final EIR for the Fresno Metropolitan Water Resources Management Plan that changes the location for the proposed Southeast Surface Water Treatment Facility hereby adopted, by the following vote:

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

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**(10:15 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 12:49 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF MARCH 3, 2009**

On motion of Acting President Caprioglio, seconded by Councilmember Borgeas, duly carried, RESOLVED, the Agency minutes of March 3, 2009, approved as submitted.

**(‘A’) CONSIDERATION AND ACTION ON DOCUMENTS PERTAINING TO CHANGING THE CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING DAYS FROM TUESDAYS TO THURSDAYS**

- 1. BILL NO. B-7 - ORDINANCE NO. 2009-10 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO DEADLINES FOR DELIVERY OF AGENDA MATERIALS (Council action)**
- 2. AGENCY RESOLUTION NO. 1736 - RESCINDING PRESENT REDEVELOPMENT AGENCY BYLAWS AND ADOPTING NEW BYLAWS CHANGING THE RDA MEETING DAY FROM TUESDAY TO THURSDAY**
- 3. APPROVE PROPOSED AMENDED CITY COUNCIL MEETING SCHEDULE CHANGING THE MEETING DAY TO THURSDAY BEGINNING APRIL 23, 2009 - ACTING PRESIDENT CAPRIOGLIO (Council action)**

Acting President Caprioglio stated this issue had been discussed at length already and made a motion to approve Items 1 through 3 as outlined above, which motion was seconded by Councilmember Borgeas.

As he asked earlier in the meeting Councilmember Dages questioned if it was found out when the Convention & Visitors Bureau (CVB) meets, with President Sterling advising they met every fourth Thursday except for this month. Councilmember Dages stated that was his whole point for opposing this item, stressed the City would not be represented on many items, added the San Joaquin River Conservancy was another conflict which he stated a council member should be sitting on, and stated there was going to be a lot of non-representation out there and he would not support this. Executive Analyst Jones spoke further to the change and concerns expressed and stated conflicts were being dealt with currently and they would continue to be dealt with and explained. Councilmember Borgeas noted a great amount of deliberation and negotiation went into this matter, stated he respected Councilmember Dages’ concerns and special consideration would be given to members that may be unable to attend a meeting due to a conflict, added council members were elected to serve the citizens of Fresno and that was their primary responsibility, and stated he felt next year Council would see a shift with some of the other bodies that members serve on and those bodies would make accommodations as well. Councilmember Brand advised he spoke with Councilmember Perea about this and stated any major issues such as land use or budget could be deferred to another date to avoid conflicts.

**153-76**

**3/17/09**

Councilmember Dages stated he was amazed at the comment that other bodies would make a change because Council was making a change stating it showed a lack of respect, and added to send the message that other bodies would have to change if they wanted council members to serve on their board was just wrong.

On motion of Acting President/RDA Member Caprioglio, seconded by Councilmember/RDA Member Borgeas, duly carried, RESOLVED, the above entitled Bill No. B-10 adopted as Ordinance No. 2009-10, the above entitled Agency Resolution No. 1736 hereby adopted, and the amended City Council meeting schedule changing the meeting day to Thursdays beginning April 23, 2009, hereby approved, by the following vote:

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

**(‘B’) COUNCIL RESOLUTION NO. 2009-58 - APPROVING A ONE YEAR EXTENSION OF THE CHINATOWN EXPANDED COMMUNITY REDEVELOPMENT PLAN PROJECT AREA COMMITTEE**

Upon question of Chair Xiong, Executive Director Murphey stated the staff report as submitted was complete and there was no new information to add.

Speaking in support of the issue were: Mike Yada, founding member of Chinatown Revitalization (CR), 3-time president of CR, and Chinatown Pac Member; Morgan Doizaki, representing CR as board chair and Central Fish Co.; Barbara Hunt; and David Wells.

President Sterling advised she received over twelve letters of support from various members of the Chinatown PAC and the community.

On motion of President Sterling, seconded by Acting President Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2009-58 hereby adopted, by the following vote:

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

**(‘C’) APPROVE A MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT OF REAL PROPERTY IN THE CHINATOWN EXPANDED PROJECT AREA (Agency action)**

Executive Director Murphey advised Fresno Historic Chinatown representatives, Mr. Glover and Mr. Anderson, were present, and gave a brief overview of the issue, all as contained in the staff report as submitted.

Speaking in support were: Kathy Omachi, Chinatown Revitalization (CR), who also spoke to the history and diversity of Chinatown; Barbara Hunt (**7 - 0**); and Morgan Doizaki, CR Board Chair.

Member Sterling advised letters of support from the Chinatown community that she acknowledged receipt of in the previous item were also in support of this item, thanked the speakers for their comments and stated she also grew up in the area and knew the significance of Chinatown and its’ historic beauty, and made a motion to approve, which motion was seconded by Member Caprioglio. Ms. Murphey clarified issues and responded briefly to comments of Vice Chair Brand relative to the developers applying for Proposition 1-C funds, the guidelines/timelines and learning lessons from Forest City, and the 200 units and known water problem and need for the city to stay in sync this time and provide essential infrastructure.

On motion of Member Sterling, seconded by Member Caprioglio, duly carried, RESOLVED, the MOU for the development of real property in the Chinatown Expanded Project Area hereby approved, by the following vote:

**153-77**

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

**3/17/09**

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The joint bodies adjourned their meeting at 1:17 p.m. and the City Council reconvened in regular session.

**(11:00 A.M.) WORKSHOP ON THE AMERICAN RECOVERY AND REINVESTMENT ACT (FEDERAL ECONOMIC STIMULUS PACKAGE)**

ACM Rudd introduced the item and Deputy City Manager Arechiga gave a PowerPoint presentation on the issue entitled “American Recovery and Reinvestment Act of 2009” which consisted of the Background, Requirements for Usage of Funds, Highway Infrastructure Funds (\$9.4 million), Transit Capital Assistance (\$12 million), Byrne Justice Assistance Grant (JAG), Homeless Prevention (\$3.1 million), Community Development Block Grant (CDBG) (\$2 million), Energy Efficiency Conservation Block Grant (EECBG) (\$10.5 million), and Additional Opportunities.

