

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
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council
	Henry Perea	Council President

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

Bishop Johnson of Bethesda Apostolic Church gave the invocation, and President Perea led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER WESTERLUND

PROCLAMATION OF "FRESNO CULTURAL ARTS MONTH" - MAYOR AND CITY COUNCIL

PROCLAMATION OF "STEP OUT FOR DIABETES WALK" - PRESIDENT PEREA

RESOLUTION OF COMMENDATION TO THE FLEET MANAGEMENT DIVISION FOR THEIR DODGE CHARGER PATROL CAR IN-HOUSE BUILD OUT PROGRAM

The above presentation, proclamations and resolution were made, read and presented.

APPROVE MINUTES OF SEPTEMBER 25, 2007:

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of September 25, 2007, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: Request for status/update on the 6/12/07, Council-approved direction to staff to return with a process for naming rights for City facilities for the purpose of securing facility revenue, with City Manager Souza responding.

COUNCILMEMBER DAGES: Invitation and encouragement to all to attend the Big Fresno Fair October 3 - 14, and thank you to ACM Rudd for arranging fair transportation for seniors at the Senior Citizen Village.

ACTING PRESIDENT XIONG: Report/comments on trip to Ontario, CA for RDA training and visit to Forest City's Victoria Park project.

COUNCILMEMBER WESTERLUND: (1) Report on the Downtown Billion Dollar tour last Saturday and thank you to the City of Fresno and Economic Development Corp. and partners for the event; (2) request staff look into and address the water shut-off situation at an apartment complex at 3345 E. Fairmont; and (3) request for status/update on prior request for a report on P&R bond spending, with Mr. Souza responding.

COUNCILMEMBER STERLING: (1) Comments on Downtown Billion Dollar Tour; and (2) District 3 concern with the proposed expansion of the Darling rendering plant and request for 30 day delay on action, with President Perea advising he would try to set up a meeting with the Air Board. (*Note - Citizens spoke further to the issue under "Public Comment - Unscheduled Communications".)

COUNCILMEMBER DUNCAN: Noise complaints received from Woodward Park area residents on concerts at the park and request staff place in writing and make public the policy to hold all future concerts at the park amphitheater.

PRESIDENT PEREA: Request for information/status on local match for the Earned Income Tax Credit including what it will take to provide a local match, with Mr. Souza responding.

APPROVE AGENDA:

(10:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

"A" JOINT RESOLUTION - APPROVING MATERIAL TERMS OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH LREG PARTNERS, L.P. TO DEVELOP A MIXED USE PROJECT ON THE SELLAND ARENA PARKING LOT, AND AUTHORIZING COMPLETION OF AN AGREEMENT, EXECUTION AND DELIVERY OF THE AGREEMENT AND RELATED DOCUMENTS, AND TAKING ALL NECESSARY ACTIONS RELATED TO THE TRANSACTION

City Manager Souza requested the item be held over to the end of the meeting to allow time to review the pro-formas which were submitted late. Councilmember Westerlund stated he wanted/needed additional time for review, whereupon Mr. Souza advised there was a timing issue involved with the tax credits. Councilmember Westerlund stated he appreciated that but he had more questions than answers and wanted to support the project, and made a motion to continue the item to the next meeting. Councilmember Dages stated he had no problem with continuing the matter but he had some questions he wanted answered in public this date. Brief discussion ensued with City Attorney Sanchez and Mr. Souza responding to comments and clarifying issues.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **10:30 a.m. "A"** Item laid over to October 16, 2007, by the following vote:

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

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

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

ADOPT CONSENT CALENDAR:

Councilmember Calhoun pulled Item **1-E**, and Councilmember Westerlund pulled Items **1-A, 1-F, 1-J, 1-K, 1-L** and **1-N** from the Consent Calendar for separate discussion/action at 11:00 a.m.

(1-B) APPROVE A SIDE LETTER AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, NON-MANAGEMENT, LOCAL 753 (FIRE BASIC), UNIT 5, TO MODIFY SICK LEAVE CASH OUT, MODIFY THE DEFERRED RETIREMENT OPTION PROGRAM (DROP), AND INCLUDE THE UNIT IN THE HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

(1-C) RESOLUTION NO. 2007-322 - 30TH AMENDMENT TO THE AAR APPROPRIATING \$10,000 TO SUPPORT THE ENHANCEMENT OF THE POLICE DEPARTMENT'S MEDICAL RESERVE CORPS PROGRAM THROUGH A CONTRACTUAL AGREEMENT WITH NACCHO (NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS)

(1-D) AWARD A CONTRACT IN THE AMOUNT OF \$499,986.25 TO JWT GENERAL ENGINEERING FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 23

(1-G) ITEM REMOVED FROM THE AGENDA

(1-H) AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$188,994.34 TO BUSH ENGINEERING, INC., FOR ASPHALT CONCRETE OVERLAY ON TULARE STREET FROM FREEWAY 41 TO ORCHARD AVENUE

(1-I) RESOLUTION NO. 2007- 323 - NOMINATING HERNDON AND SHAW AVENUES AT THE UNION PACIFIC RAILROAD COMPANY MAINLINE TRACKS FOR AN ALLOCATION FROM THE 2008-09 AND 2009-10 STATE GRADE SEPARATION FUND

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT THE NOMINATIONS TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION ON BEHALF OF THE CITY

(1-M) APPROVE AN AGREEMENT WITH PROVOST & PRITCHARD ENGINEERS, INC., IN THE AMOUNT OF \$159,300 TO PROVIDE FOR DESIGN PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR THE WIDENING OF HERNDON AVENUE FROM FOUR TO SIX LANES BETWEEN MARKS AND VALENTINE AVENUES

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

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

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

APPEARANCE BY MARY CURRY (**2 - 0**), TATE HILL, AND KEITH KELLEY, PRESIDENT/CEO OF THE FRESNO WEST COALITION FOR ECONOMIC DEVELOPMENT, EXPRESSING CONCERNS REGARDING THE PROPOSED CAPACITY EXPANSION OF THE DARLING RENDERING PLANT IN WEST FRESNO, AND REQUESTING A 30 DAY DELAY OF ACTION ON THE CUP

Appearances made with President Perea responding and requesting the speakers contact his office to relay the information to his staff so a meeting could be set up with the Executive Director of the Air District.

(9:15 A.M.) CITY COUNCIL:

(“A”) STATUS REPORT ON FIRE STATION NO. 16 RELOCATION, DISCUSSION REGARDING RELOCATION CONCERNS, AND RELATED DIRECTION TO STAFF - ACTING PRESIDENT XIONG

Acting President Xiong introduced the item and advised a community meeting was held with neighbors to discuss the issue and the impact of the closure, and thanked Chief Bruegman and everyone involved for their assistance and participation.

Chief Bruegman reviewed the issue, including the background and current status, all as contained in the staff report as submitted; clarified (1) the station was never designed to be a permanent facility and was inadequate, (2) the new station was designed to meet current health and safety standards, and (3) the relocation played into the long-term objective of the 2025 plan; and recommended, if it was Council's will to maintain the station at its current location, that it be torn down and rebuilt so that it meets current health and safety standards, and added a re-look would be required to see how that will impact the overall coverage of the west area.

Speaking in opposition to the relocation were: Sherry Smith, 4724 W. Swift, who also read a letter into the record from “Summer”; Jana Huey, 4678 W. Swift; Ziona (last name not given), 5308 W. Swift; Rick (last name not given); Gus Gomez, 4709 W. Swift; Janice Huey, 4678 W. Swift; and George Mack, 4017 N. Babigian.

Jerry Smith, Vice President of the Firefighters Association, spoke in support of the relocation and new station and to the inadequacy of the existing station and accommodations.

Acting President Xiong stated from a financial perspective he understood how difficult it would be to keep this station but he felt this was a unique situation as the station has been there for 25 years and had become part an integral part of the neighborhood, and made a motion to keep Fire Station 16 at its current location, which motion was seconded by Councilmember Dages.

Lengthy discussion ensued. Councilmember Sterling referenced material and comments about the west side being ignored and clarified issues relative to the “west side” and the three Council districts that contain parts of the west area, and presented questions and comments at length relative to current locations of west area stations, affects of Mrs. Smith’s proposal on those stations, if a resident who lives west of Freeway 99 was on the Public Safety Commission, types of calls received by Stations 16 and 3, if Station 16 has been considered for use as a medical facility since the majority of its calls are medical, number of personnel at Stations 16 and 3 (**3 - 0**), if Chief Bruegman has ever met with Mrs. Smith, if neighborhood residents were aware of the station’s history and plan, if staff has received calls of concern from others besides Mrs. Smith, if most of the neighborhood concerns have been addressed, and there being area residents and organizations in agreement with the relocation. Councilmember Dages commended the Smiths’ and the neighborhood for their fight to keep the station and stated he seconded the motion with the hope that something could be worked out, and added although he understood the need for the move he also understood neighborhood concerns. Councilmember Duncan thanked everyone for their input and presented questions relative to whether location decisions entailed an analytical and strategic process, if a consequence of that process was a recent relocation of a fire station in northeast Fresno, what the benefit was of that relocation to the entire northeast area, and what the consequences would be if Station 16 were to be kept at its current location, with Chief Bruegman responding. Councilmember Duncan stated at issue was improved service and better response time, emphasized the station was temporary and was never meant to be permanent, cautioned Council about micro-managing and added this matter went through an open, public process and Council should stand behind the Chief on the new station, and stated he would not support the motion and added the residents will find that their fire service will not suffer with the relocation. Councilmember Westerlund stated he understood the attachment but felt Councilmember Duncan stated the facts succinctly; stated doing right for the entire community, the taxpayers and the firefighters had to be balanced; advised he visited Station 16 and stated it was a very inadequate facility that was supposed to be temporary; stated he empathized and sympathized with the neighbors but this needed to be thought about in a long-term sense; and added the standard of fire protection had to be increased and he would not support the motion. President Perea stated he would support the motion as it would keep discussion going, and added he wanted to see more data on how to balance the needs of the entire area.

A motion of Acting President Xiong, seconded by Councilmember Dages, to keep Fire Station 16 at its current location failed, by the following vote:

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

(9:30 A.M.) GENERAL ADMINISTRATION:

(“A”) RESOLUTION NO. 2007-324 - ADOPTING A POLICY TO PROVIDE FEE WAIVERS, CREDIT, OR REDUCTIONS FOR AFFORDABLE HOUSING DEVELOPMENT

Assistant Planning & Development Director Bergthold advised a reformatted resolution was submitted which removed the reference of an ordinance, and reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Jose Luis Barraza, 4243 E. Thomas, representing the Housing Partnership for the Disabled, spoke in support.

Councilmember Sterling commended staff and thanked all involved who worked with the 10x10 Committee, and spoke to the committee’s charge and in support of the issue and made a motion to adopt the resolution, which motion was seconded by Acting President Xiong.

Councilmember Westerlund stated he had requested information on what other cities do and although he wanted to support the policy he was not sure he had enough information to do so at this time, and added he was concerned with the law of unintended consequences and how this would play out and added a workshop would have been helpful. Councilmember Dages commended staff and spoke to the four projects in the southeast area and to the great job staff was doing. Mr. Bergthold responded to questions and comments of Councilmember Calhoun relative to how the \$2 million funding amount was arrived at, where those funds would come from, if a funding proposal would come to Council yearly, need for assurance that money will be there, support for a comparison study, and if staff would provide their proposal during budget hearings. President Perea spoke briefly to the issue and in support.

On motion of Councilmember Sterling, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2007-324 hereby adopted, by the following vote:

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

RECESS - 10:51 A.M. - 10:56 A.M.

(“B”) CONSIDER POSSIBLE CREATION OF AN INDUSTRIAL PARK WEST OF THE ROEDING BUSINESS PARK, TENTATIVELY REFERRED TO AS “STATE ROUTE 180 WEST INDUSTRIAL PARK”, UNDER SECTION 2.4 OF THE CITY/COUNTY MOU RELATED TO ECONOMIC DEVELOPMENT

Assistant Planning & Development Director Bergthold reviewed the issue, all as contained in the staff report as submitted (4 - 0), and recommended approval.

Steve Geil, President/CEO of the Economic Development Corporation, spoke in support.

Councilmember Sterling thanked staff stating this was good planning, stated the Roeding Business Park did not work as there were times when not everyone worked together and infrastructure improvements to the tune of \$14 million were made before land was assembled, and stated this would allow for proper studies/land banking/land assembly and promoting annexation, and made a motion to approve staff’s recommendation, which motion was seconded by Councilmember Duncan.

Councilmembers Dages and Westerlund spoke in support of the issue and to the importance of having land shovel ready, with Councilmember Westerlund adding maybe it was time to present a shovel-ready policy to the community and the Board of Supervisors. Councilmember Calhoun stated he had to talk about Roeding as what had *not* happened was an embarrassment and he was very disappointed, and presented questions relative to what was learned from Roeding, what will be done better this time, and what staff will tell the Board of Supervisors when asked about Roeding, with Mr. Bergthold and Mr. Geil responding throughout. Councilmember Duncan thanked everyone for working together.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to pursue a meeting with the Fresno County Board of Supervisors regarding the possible creation of an industrial park, by the following vote:

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

(“C”) BUDGET UPDATE INCLUDING COUNCIL DISCUSSION AND DIRECTION

1. RESOLUTION NO. 2007-325 - 18TH AMENDMENT TO THE AAR RE-BUDGETING \$631,000 FROM VARIOUS COUNCIL DISTRICT INFRASTRUCTURE FUNDS BASED ON THE CARRY-OVER BALANCES FROM FY 2007

2. AUTHORIZE THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE POVERELLO HOUSE TO EXPAND THEIR FACILITIES CAPACITY TO BETTER ADDRESS FRESNO’S HOMELESS POPULATION

(a.) RESOLUTION - 22ND AMENDMENT TO AAR 07-214 APPROPRIATING \$80,000 IN THE GENERAL SERVICES ADMINISTRATION FUND, AND \$170,400 IN THE POVERELLO HOUSE IMPROVEMENT CAPITAL FUND, TO PROVIDE FOR CAPITAL IMPROVEMENTS AND ADDITIONAL ADMINISTRATIVE COSTS AT POVERELLO HOUSE’S VILLAGE OF HOPE

(b.) AUTHORIZE WAIVER REQUEST FOR ALL ASSOCIATED CITY DEVELOPMENT AND ENTITLEMENT FEES

(c.) APPOINT A COUNCIL SUB-COMMITTEE TO CONSIDER PROPOSED ALLOCATIONS

Upon question, Budget Manager Smith clarified the actions that were being requested of Council and advised the staff report as submitted for Item #1 was complete and there was no new information to add.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-325 hereby adopted, by the following vote:

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

2. AUTHORIZE THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE POVERELLO HOUSE TO EXPAND THEIR FACILITIES CAPACITY TO BETTER ADDRESS FRESNO'S HOMELESS POPULATION

- (a.) RESOLUTION - 22ND AMENDMENT TO THE AAR APPROPRIATING \$80,000 IN THE GENERAL SERVICES ADMINISTRATION FUND, AND \$170,400 IN THE POVERELLO HOUSE IMPROVEMENT CAPITAL FUND, TO PROVIDE FOR CAPITAL IMPROVEMENTS AND ADDITIONAL ADMINISTRATIVE COSTS AT POVERELLO HOUSE'S VILLAGE OF HOPE
(b.) AUTHORIZE WAIVER REQUEST FOR ALL ASSOCIATED CITY DEVELOPMENT AND ENTITLEMENT FEES
(c.) APPOINT A COUNCIL SUB-COMMITTEE TO CONSIDER PROPOSED ALLOCATIONS

General Services Manager Nerland gave a PowerPoint presentation on the issue including key elements of the project, all as contained in the staff report as submitted.

Speaking to the issue were: Kiel Schmidt, 1426 N. Wilson; Mike Rhodes, 4773 N. Arthur; Rev. Larry Arce, CEO of the Fresno Rescue Mission; Alfonso Williams; Jose Luis Barraza, Housing Partnership for the Disabled; Sara Hedgpath-Harris, 5445 E. Lane, League of Women Voters and Housing Alliance; Luisa Medina; Debbie Hunsaker, Chamber of Commerce; Kelly Bolkert, 1515 N. Effie (5 - 0); and Diane Corbin, 3833 N. Thesta, who also submitted photos of the homeless into the record.

At this point proceedings were interrupted for the lunch recess.

LUNCH RECESS - 11:56 A.M. - 2:00 P.M.

Councilmember Sterling elaborated on her efforts and options over the past year trying to find a long-term solution and stressed something permanent was needed that would provide for a stable quality of life, and stated the homeless situation needed to be taken seriously, it was time to take a stand, and she could not support another temporary fix and would not support this. Councilmember Westerlund presented questions and comments relative to the Village of Hope, the challenge of getting people off the streets and into Section 8 housing, winter approaching and this helping to get people off the street, how the city of Portland addressed their homeless problem, and the answer being non-profit public housing, with Jim Connell, Executive Director of the Poverello House, and staff responding throughout. Councilmember Westerlund made a motion to approve staff's recommendation stating this option was better than no option, and the motion was seconded by Councilmember Calhoun.

Extensive discussion continued. Councilmember Duncan commented on the issue, clarified this was not a permanent solution, expressed concern there was no community strategy and emphasized a joint city/county meeting was needed to start the process, presented numerous questions with Assistant City Manager Rudd and M.A. MacDonald responding throughout, and upon his request City Manager Souza spoke to the City's and the Mayor's challenges, efforts, and/or commitment. Councilmember Duncan concluded stating this was not about enabling, it was time to deal with the issue comprehensively and jointly, this project was for those who wanted help, and this was a compassionate first step and he was pleased to support it. Mr. Rudd, City Attorney Sanchez and Mr. Souza responded at length to questions and comments of Acting President Xiong and Councilmember Dages relative to what services the City has provided to the homeless in the past (6 - 0), the City's position on use of CDBG funds, concern that a long-term plan/commitment is not attached to this project, when this will be implemented if approved, if Fresno County has committed to participating, if a homeless czar position could be worked out at the November 7th joint meeting, if staff saw this as only a three-year plan, if warming centers will still be operational, the importance of the November 7th meeting and partnering, if waiving fees could set precedence, this being a multi-faceted problem requiring more than just one solution, the \$4 million that was budgeted to deal with the homeless issue, concern with people living in sheds and not being treated with respect, the sheds being half-full currently and additional sheds not being a solution, and concern with creating more of what already exists. President Perea stated the comment that this option was better than no option had little merit and stressed Council needed to provide leadership, spoke to the \$4 million that was set aside and the request for additional funds stating money could have gone towards a plan for transitional housing, and relative to comments on the importance of a joint meeting and partnering stated Council can do what it has control over which is investing in and creating housing for those who want it.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, (1) the City Manager or designee authorized to negotiate and enter into an agreement with the Poverello House to expand their facilities capacity to better address Fresno's homeless population; (2) the waiver request for all associated City development and entitlement fees authorized; and (3) the above entitled Resolution making the 22nd amendment to the AAR failed, due to the need for five affirmative votes, by the following vote:

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

(c.) APPOINT A COUNCIL SUB-COMMITTEE TO CONSIDER PROPOSED ALLOCATIONS

President Perea requested those members interested in serving on the committee to advise his staff and he would then make the appointments.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, a Council sub-committee to consider proposed allocations hereby approved with members to be appointed by President Perea, by the following vote:

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

The City Council recessed at 3:06 p.m. and convened in joint session with the Redevelopment Agency.

(10:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF SEPTEMBER 25, 2007

On motion of President Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of September 25, 2007, approved as submitted.

(“B”) APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE REDEVELOPMENT AGENCY AND AQUARIUS BRANDS, INC., FOR CONSOLIDATION OF THEIR FRESNO AND ONTARIO OPERATIONS TO 2851 E. FLORENCE AVENUE (AGENCY ACTION)

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR PREPARATION OF DESIGN PLANS AND SPECIFICATIONS FOR THE FLORENCE AVENUE STREET AND STORM DRAIN IMPROVEMENT PROJECT (COUNCIL/AGENCY ACTION)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted. A motion and second was made to approve staff's recommendation. Chair Sterling spoke briefly in support of the issue stating this was a good partnership and project.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled MOU with Aquarius Brands, Inc., and Professional Services Agreement with Boyle Engineering Corporation for the amount of \$130,730, hereby approved, and the Executive Director authorized to execute the MOU and the Agreement, by the following vote:

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

(“C”) JOINT RESOLUTION NO. 2007-326/1709 - FINDING THAT THE USE OF TAXES ALLOCATED FROM THE FRUIT/CHURCH REDEVELOPMENT PROJECT AREA FOR THE PURPOSE OF INCREASING, IMPROVING, AND PRESERVING LOW- AND MODERATE-INCOME HOUSING IN AREAS OUTSIDE THE PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT AREA

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2007-326/1709 hereby adopted, by the following vote:

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

Chair Sterling clarified tax increment will stay in the project area and/or adjacent areas.

The joint bodies adjourned their meeting at 3:13 p.m. and the City Council reconvened in regular session.

Upon question, it was the consensus of Council to go into closed session due to the presence of outside counsel before addressing Contested Consent items. Councilmember Westerlund noted he pulled some Consent items and did not think the meeting would last this long, and advised he would have to leave for family member surgery at 4:00 p.m. Brief discussion ensued on possibly laying the contested items over to the next meeting.

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAMES:

1. PIZZO V. COF, ET AL.
2. EYA DEAN V. COF
3. VINCENT LOPEZ, ET AL. V. COF

The City Council met in Closed Session in Room 2125 at the hour of 3:15 p.m. to consider the above matters and reconvened in regular open session at 3:40 p.m. Councilmember Westerlund left the meeting as he noted above and was absent for the remainder of the meeting.

(11:00 A.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-A) RESOLUTION NO. 2007-327 - APPROVING REGULATORY RELIEF MEASURES FOR THE BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN) GRANT APPLICATION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (PROPOSITION 1C) FOR THE PROPOSED MAPLE VALLEY SUBDIVISION IN CENTRAL WEST FRESNO, as amended

City Attorney Sanchez advised the Resolution was being amended to delete language relative to the finding of conformity and being replaced with language that states before any dollars are expended the CEQA finding will be returned to Council.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-327 hereby adopted, as amended, by the following vote:

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

(1-E) RESOLUTION - AUTHORIZING THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE LETTER AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, ASSOCIATED WITH THE LONG-TERM WATER SERVICE CONTRACT

Councilmember Calhoun referenced the executive summary of the staff report stating he did not remember “approving and directing staff to begin the process to change the governance structure”, also expressed concern with the sentence that the City would be responsible to “pay for staff time for the Bureau of Reclamation to investigate the City’s proposal to assign the CVP contract to the MWD”, and added this matter was written as a slam-dunk. City Attorney Sanchez and City Manager Souza clarified direction was given to proceed with the feasibility studies, a decision would be made upon completion of the studies, these were valid concerns, and the process would entail multiple hearings and decisions before any final decision and change occurs.

Councilmember Calhoun made a motion to approve staff's recommendation with language changes to the executive summary of the staff report as follows: 1st sentence, adding the italicized wording: "... Council approved and directed staff to begin the process *of exploring* the change of governance structure ..."; and adding to the end of the 6th sentence: "...assign the CVP contract to the MWD *in the event an MWD is established.*" The motion was seconded by Councilmember Duncan.

Alex Correa, representing FCEA, spoke to the issue and requested Council delay action on this matter until October 16th when the MWD issue is brought forth. Upon question of Councilmember Sterling, Mr. Sanchez stated a delay was permissible if that was Council's will.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Item **1-E** tabled to October 16, 2007, in conjunction with the Municipal Water District (MWD) issue, by the following vote:

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

**(1-F) REJECT ALL BIDS FOR LANDSCAPE MAINTENANCE SERVICES AT CITY HALL AND THE SANTA FE DEPOT
1. AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT TO LEASE-PURCHASE A TRUCK FOR THE MAINTENANCE OF CITY HALL AND THE SANTA FE DEPOT USING THE CITY'S MASTER LEASE AGREEMENT**

Alex Correa, representing FCEA, spoke to the great work city employees do and in support of the employees taking over contracts.

Councilmember Calhoun stated he looked forward to the change and expected improvement, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Sterling.

Councilmember Duncan stated city employees do great work and that was not an issue at all but added from information received he was not convinced this had been a fair and reasonable process, added the 15% overhead factor was an extremely unusual number and difficult to believe, and questioned where the other bidders and an RFP were if Clean Cut was not doing the job **(7 - 0)**, with City Manager Souza responding and clarifying the 15% was for contract administration and overhead costs were already built into labor and fringe.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, (1) all bids for landscape services at City Hall and the Santa Fe Depot hereby rejected, (2) the services to be performed by Parks Division staff, and (3) the lease-purchase of a truck using the City's Master Lease Agreement hereby authorized, by the following vote:

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

(1-J) REJECT ALL BIDS FOR CONSTRUCTION OF SITE IMPROVEMENTS AT THE SANTA FE DEPOT

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, all bids for site improvements at the Santa Fe Depot hereby rejected, by the following vote:

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

**(1-K) APPROVE AN ASSIGNMENT/ASSUMPTION OF THE PROFESSIONAL SERVICES AGREEMENT WITH VERDE DESIGN, INC., FORMERLY BEALS ALLIANCE, INC., RELATED TO THE SKATE PARK DESIGN OF TODD BEAMER PARK
1. APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH VERDE IN THE AMOUNT OF \$70,000 FOR THE PROJECT**

Upon question of Councilmember Duncan, PR&CS Director Cooper advised the \$70,000 for the project would come from the \$29 million reimbursement funds.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the assignment/assumption of the 5/9/06, Professional Services Agreement with Beals Alliance, Inc., to Verde Design, Inc., hereby approved, and the first amendment to the agreement with Verde approved and the Public Works Director authorized to sign on behalf of the City, by the following vote:

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

(1-L) APPROVE AN AGREEMENT WITH MOORE IACOFANO GOLTSMAN, INC., (MIG) IN THE AMOUNT OF \$468,662 FOR PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR PHASE TWO OF THE FIGARDEN BASEBALL COMPLEX

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Agreement with MIG, Inc., hereby approved, by the following vote:

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

(1-N) ACTIONS RELATING TO THE DICKEY YOUTH DEVELOPMENT CENTER PROJECT

- 1. AWARD A CONTRACT IN THE AMOUNT OF \$42,537.18 FOR BID PACKAGE 01 TO BRINER & SONS, FOR LANDSCAPE AND IRRIGATION**
- 2. AWARD A CONTRACT IN THE AMOUNT OF \$218,500 FOR BID PACKAGE 05 TO DMG CONSTRUCTION, INC., FOR CASEWORK AND MILLWORK**
- 3. AWARD A CONTRACT IN THE AMOUNT OF \$42,300 FOR BID PACKAGE 07 TO WESTERN BUILDING MATERIALS, FOR ACOUSTICAL CEILINGS**
- 4. AWARD A CONTRACT IN THE AMOUNT OF \$84,714 FOR BID PACKAGE 09 TO DAVIS MORENO CONSTRUCTION FOR FIRE SPRINKLERS**
- 5. REJECT BID FOR BID PACKAGE 11 FROM NOLTE SHEET METAL INC., FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC)**

A motion and second was made to approve staff's recommendation. PR&CS Director Cooper and Capital Projects Manager Krauter responded to questions and comments of President Perea relative to this facility being one of the city's first to be built Green, what level of Green it was, if the building was just a few points under LEED certification, and request staff to do all it can to make the building LEED certified which would be an important milestone for the City.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled contracts awarded as recommended, and the bid for Bid Package 11 hereby rejected, by the following vote:

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

(11:00 A.M. #2) WORKSHOP ON CONTRACT COMPLIANCE PROGRAM

City Attorney Sanchez introduced the item, acknowledged Legal Assistant Quinn and Chief Assistant Hale for their work and efforts, and stated the program has become a successful resource to the department.

Chief Assistant City Attorney Hale gave a PowerPoint presentation on the program which included the History, Program Operation, Department Participation Compliance, Contract Compliance Coordination v. Contract Management, Results, Suggestions for Improvements, Contract Compliance Benefits, Department's Comments, and Conclusion that the program was working well and dollars were being well spent.

City Manager Souza, Mr. Hale and Mr. Sanchez responded to questions of Councilmember Calhoun relative to contracts known/unknown not being enforced, how the program works, if there were any policy recommendations on Council's role based on experience, and if there was any value to internal audit looking at the contract area to move the process along. Staff was commended and there was no further discussion.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:57 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the ____ 16th _____ day of ____ October _____, 2007.

_____/s/_____
Henry T. Perea, Council President

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