

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

Mark Scott, City Manager  
Bruce Rudd, Assistant City Manager  
Jim Sanchez, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pattie Lacefield of the Fresno Bahai Center gave the invocation, and President Westerlund led the Pledge of Allegiance.

**PRESENTATION OF THE SPCA PET OF THE MONTH – ACTING PRESIDENT BRAND**

The pet of the month available for adoption, a male doxie-terrier puppy, was presented.

**PROCLAMATION OF “DESIREE VINES DAY” – MAYOR’S OFFICE**

Read and presented.

**PROCLAMATION OF “BREAST FEEDING AWARENESS WEEK” – PRESIDENT WESTERLUND**

Read and presented.

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**APPROVE MINUTES OF JULY 22, 2010:**

On motion of Councilmember Xiong, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of July 22, 2010, approved as submitted.

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**APPROVE AGENDA:**

**(1:30 P.M. “C”)** RATIFY AND APPROVE A CONSULTANT CONTRACT WITH ROEM DEVELOPMENT CORPORATION IN THE AMOUNT OF \$225,262.46 FOR PRELIMINARY SCHEMATIC DESIGN WORK AND SECURING FUNDING RELATED TO THE TRANSIT VILLAGE TRANSIT FACILITY AND POCKET PARK

City Clerk Klisch advised the item was being presented by FAX and not the PARCS Department as listed on the agenda.

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

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

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**ADOPT CONSENT CALENDAR:**

Rick Morse stated the city of Bell “got it right”, he was here to ring the bell for the tower of Fresno, and he did not care what Council was thinking any more.

President Westerlund pulled Items **1-D** and **1-E** from the Consent Calendar for separate discussion/action.

**(1-A) ACTIONS RELATING TO A HANGAR AND SITE LEASE AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT**  
**#1 ADOPT A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITIES)**

**#2 AUTHORIZE (1) NEGOTIATION AND ENTRY OF AGREEMENT WITH FIXED BASE OPERATOR, SIGNATURE FLIGHT SUPPORT SERVICES CORPORATION, ALLOWING DEFAULT CURE AND ASSUMPTION OF THE MCDONALD AVIATION LLC HANGAR AND SITE LEASE AT FYI, AND (2) EXECUTION OF DOCUMENTS**

**(1-B) ADOPT RESOLUTION OF INTENTION NO. 1084-D FOR THE PROPOSED VACATION OF A PORTION OF THE SOUTHWEST SIDE OF S. RAILROAD AVENUE AT THE NORTH SIDE OF E. JENSEN, AND SETTING THE REQUIRED PUBLIC HEARING FOR SEPTEMBER 16, 2010**

**(1-C) RESOLUTION NO. 2010-159 - INTENT TO ANNEX FINAL TRACT 5966, ANNEXATION NO. 40, TO CFD NO. 11, AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR AUGUST 19, 2010**

**(1-F) APPROVE A ONE-YEAR AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT FOR \$327,679 FOR THE PARCS DEPARTMENT TO CONDUCT AN AFTER-SCHOOL PROGRAM RUNNING THROUGH JUNE 10, 2011, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**#1 RESOLUTION NO. 2010-160 - 8<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$285,300 IN THE PARCS BUDGET TO CONDUCT THE PROGRAM**

**(1-G) APPROVE AN AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT FOR \$12,562.50 FOR THE PARCS DEPARTMENT TO CONDUCT THE SUMMER FRESNO BEST PROGRAM AT BURROUGHS, MARTIN LUTHER KING AND GREENBERG ELEMENTARY SCHOOLS, AND AUTHORIZE THE PARCS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY**

**#1 RESOLUTION NO. 2010-161 - 10<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$11,300 IN THE PARCS BUDGET TO CONDUCT THE SUMMER COMMUNITY PROGRAM AT THE THREE ELEMENTARY SCHOOLS**

**(1-H) APPROVE A ONE-YEAR AGREEMENT WITH THE FRESNO COUNTY OFFICE OF EDUCATION FOR \$162,000 FOR THE PARCS DEPARTMENT TO CONDUCT THE FRESNO BEST, JR. BEST AND COMMUNITY SCIENCE PROGRAMS IN THE ORANGE CENTER ELEMENTARY SCHOOL DISTRICT RUNNING THROUGH JUNE 30, 2011, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**#1 RESOLUTION NO. 2010-162 - 11<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$145,800 IN THE PARCS DEPARTMENT TO CONDUCT THE PROGRAMS IN THE ORANGE CENTER ELEMENTARY SCHOOL DISTRICT**

**(1-I) APPROVE AN AGREEMENT THE WITH FRESNO COUNTY OFFICE OF EDUCATION FOR \$88,000 FOR THE PARCS DEPARTMENT TO CONDUCT THE FRESNO BEST PROGRAM AT COOPER MIDDLE SCHOOL RUNNING THROUGH JUNE 30, 2011, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**#2 RESOLUTION NO. 2010-163 - 12<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$72,000 IN THE PARCS DEPARTMENT TO CONDUCT THE PROGRAM AT COOPER MIDDLE SCHOOL**

**(1-J) APPROVE A CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT FOR \$128,000 FOR THE PARCS DEPARTMENT TO CONDUCT THE FRESNO BEST PROGRAM AT EDISON, FRESNO, McLANE AND SUNNYSIDE HIGH SCHOOLS AND AWAHNEE AND EDISON COMPUTECH MIDDLE SCHOOLS RUNNING THROUGH JUNE 30, 2011, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**#1 RESOLUTION NO. 2010-164 - 13<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$108,500 IN THE PARCS DEPARTMENT TO CONDUCT THE BEST PROGRAM AT THE SIX SCHOOLS**

**(1-K) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION, AND APPROVE A LICENSE AGREEMENT WITH WOODWARD SHAKESPEARE FESTIVAL FOR SEASONAL USE OF THE GENERAL AREA COMMONLY KNOWN AS “THE 13 ACRES” WITHIN WOODWARD REGIONAL PARK FOR THE PURPOSE OF STAGING, REHEARSING, AND PERFORMING LIVE THEATER, DANCE, ART, MUSIC AND OTHER CULTURAL PRODUCTIONS**

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

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

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**CONTESTED CONSENT CALENDAR ITEMS:**

**(1-E)** APPROVE AN AGREEMENT WITH THE CLOVIS UNIFIED SCHOOL DISTRICT IN THE AMOUNT OF \$4,224 FOR THE PARCS DEPARTMENT TO CONDUCT AN INFORMAL SCIENCE PROGRAM WITH CLOVIS CAMPUS CLUB THROUGH JUNE 30, 2011, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**#1 RESOLUTION NO. 2010-165 - 9<sup>TH</sup>** AMENDMENT TO AAR 2010-138 APPROPRIATING \$3,800 IN THE PARCS BUDGET TO CONDUCT THE PROGRAM WITH CLOVIS CAMPUS CLUB

Administrative Manager Melikian, ACM Rudd and Community Recreation Supervisor Schaefer responded to questions of President Westerlund and/or clarified/explained issues relative to (1) why the contract amount and amount being appropriated was different and (2) the contract term and reason for delay.

On motion of President Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled agreement with the Clovis Unified School District hereby approved and Resolution No. 2010-165 hereby adopted, by the following vote:

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

**(1-D)** APPROVE AND AWARD A SERVICES AGREEMENT TO VISIONONE, INC., FOR PROFESSIONAL TICKET SALES MANAGEMENT SERVICES FOR EVENTS TO BE HELD AT CHUKCHANSI STADIUM, ROTARY AMPHITHEATER AND VETERAN'S MEMORIAL AUDITORIUM

Upon questions of President Westerlund Events Manager Broomfield explained the contract provision on non-sufficient sales stating if one event falls short of minimum ticket sales a higher price will roll onto the next event with a \$2.25 cap, and confirmed there was no recourse to the City for a shortfall.

On motion of President Westerlund, seconded by Acting President Brand, duly carried, RESOLVED, the subject services agreement hereby approved and awarded to VisionOne, Inc., as recommended, by the following vote:

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

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**COUNCIL COMMUNICATIONS AND ASSIGNMENTS:**

**#1 COUNCIL OF GOVERNMENTS (COG) - SWEARENGIN, XIONG-EX-OFFICIO/ALTERNATE**  
**COUNCIL SUB-COMMITTEE TASK FORCE FOR WATER (WATER TASK FORCE) - BORGEAS, BRAND, STERLING**  
**FINANCIAL AUDIT COMMITTEE - BORGEAS, BRAND, XIONG**  
**FRESNO AREA WORKFORCE INVESTMENT CORPORATION - WESTERLUND**  
**FRESNO COUNTY COUNCIL OF GOVERNMENT'S RAIL CONSOLIDATION COMMITTEE - XIONG**  
**FRESNO COUNTY TRANSPORTATION AUTHORITY - SWEARENGIN, BORGEAS**

FRESNO REGIONAL WORKFORCE INVESTMENT BOARD - WESTERLUND  
FRESNO COUNTY ZOO AUTHORITY - SWEARENGIN, WESTERLUND-ALTERNATE  
FRESNO-MADERA AREA AGENCY ON AGING BOARD - STERLING  
JOINT POWERS FINANCING AUTHORITY - WESTERLUND  
LEADERSHIP COUNCIL ON ENDING HOMELESSNESS – SWEARENGIN, STERLING, XIONG  
PUBLIC SAFETY JOINT POWERS AUTHORITY - SWEARENGIN, WESTERLUND  
SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN, BRAND-ALTERNATE  
THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - STERLING  
UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JPA - BORGEAS  
PENSION REFORM TASK FORCE - BORGEAS, BRAND, XIONG

**#2 ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY – BORGEAS, EX-OFFICIO**  
FRESNO CITY & COUNTY CONVENTION & VISITORS BUREAU – SWEARENGIN, STERLING  
LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) – SWEARENGIN, BORGEAS-ALTERNATE

**#3 CITY COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS TO/FROM CITY AND NON-CITY BOARDS AND COMMISSIONS**

President Westerlund requested members inform him if they have any issue/concern with WIB application forms coming to Council for official sanctioning/approval stating he was of the opinion to just go ahead and do that and further explained.

Councilmember Sterling reported the Fresno-Madera Area Agency on Aging took over the food services for seniors from the city of Fresno and things were moving smoothly; and advised the Highway 99 Beautification committee did not meet in June due to lack of a quorum and would meet next month.

Acting President Brand stated the Financial Audit Committee was ready to meet to discuss the results of staff's report on the deficit funding on the parking enterprise fund when it is completed.

Councilmember Xiong stated he was unable to attend the COG meeting and upon his question ACM Rudd advised the only significant activity underway was an amendment to the Measure C expenditure plan which would allow for some flexibility in the allocation of approximately \$25 million to help subsidize the location of the high speed rail heavy maintenance facility, and reported on the braided ramp project on the 180/41 interchange and Veterans Boulevard. **(2 – 0)** Brief discussion ensued on the heavy maintenance facility and upcoming EDC-sponsored conference. Councilmember Xiong continued and reported on the Pension Task Force and the city's pension system.

Councilmember Borgeas reported the Water Task Force was working with the California Restaurant Association on a policy; the Upper Kings Basin JPA settled on a budget; and he was unable to attend the last LCC meeting.

President Westerlund reported on the Fresno County Zoo Authority's meeting stating an item on the sea lion exhibit with Measure Z dollars was delayed one month for additional information from staff.

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**RECESS (NURSING BREAK) – 9:30 A.M. – 9:42 A.M.**

**(CITY COUNCIL “A”) RESOLUTION NO. 2010-166 - SUPPORTING THE “CALIFORNIA CLASSIC WEEKEND” IN DOWNTOWN FRESNO – ACTING PRESIDENT BRAND**

Acting President Brand reviewed the issue, all as contained in the resolution as submitted, expanding on the course and the great opportunity this will be for all bike riders. Mike Herman, Director of Two Cities Marathon, spoke further to the event, corporate sponsors, and the event attracting athletes from around the country. A motion and second was made to adopt the resolution.

Councilmember Borgeas stated this was an exciting event and expressed his support, and along with President Westerlund presented questions relative to number of participants and how quickly this event could grow, if it would be possible to integrate the Tour of California into the pathway, if everyone will be allowed to participate, and if adoption of the resolution in no way entailed a financial commitment by the city at this time, with Mr. Herman and Acting President Brand responding.

On motion of Acting President Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, the above entitled Resolution No. 2010-166 hereby adopted, by the following vote:

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

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**CLOSED SESSION:**

(“A”) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION – CASE NAME: GLEN BEATY V. COF, U.S. COURT CASE

The City Council met in closed session in Room 2125 at the hour of 9:52 a.m. to consider the above matter and reconvened in regular open session at 10:17 a.m. There were no announcements.

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(10:15 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-10-04 FILED BY BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS, ON BEHALF OF LONGS DRUG STORES CALIFORNIA, LLC, AND THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. SHIELDS AND N. WEST AVENUES

#1 CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION PREPARED FOR E.A. NO. A-10-04/TPM-2009-12

#2 **RESOLUTION NO. 2010-167** - AMENDING THE 2025 GENERAL PLAN AND THE FRESNO HIGH-ROEDING COMMUNITY PLAN CHANGING THE PLANNED LAND USE DESIGNATION

#3 **RESOLUTION NO. 2010-168** - ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT WEST OF N. WEST AND SOUTH OF W. SHIELDS AVENUES AS ORIGINALLY DEDICATED BY A RECORDED DEED

President Westerlund announced the time had arrived to consider the issue and opened the hearing.

Planner Tackett gave a PowerPoint presentation on the General Plan amendment which consisted of a Vicinity Map, Aerial Photo, Conditional Use Permit (CUP) No. C-09-202, Tentative Parcel Map No. 2009-12, Subdivision Map Act Requirement, Planned Land Use and Zone District Consistency Matrix, Plan Amendment Application No. A-10-04, and Staff Recommendation to Approve.

Roy Arnold, project engineer with Blair Church & Flynn, stated it was a pleasure to work with Long’s Drugs (CVS) and staff to create this project and he was available for questions.

Upon call, no one else wished to be heard and President Westerlund closed the hearing.

Councilmember Xiong stated he was supportive of staff’s recommendation as the project was needed in the area, advised there were some constituency issues he wanted to discuss with Long’s and he would schedule a meeting, and made a motion to approve, which motion was seconded by Acting President Brand.

Mr. Tackett, City Engineer Mozier and Planning Manager Fabino responded to questions and comments of President Westerlund relative to whether the public utility was unusual, how long the building has been in existence, if a public water main on private property was normal practice in the past, difference between the C-2 and C-1 zoning, why the land use designation for a fifty year old development needed to be changed, and rezones now needed to rehab fifty year old developments just adding time and costs.

On motion of Councilmember Xiong, seconded by Acting President Brand, duly carried, RESOLVED, the above entitled environmental finding and Resolution Nos. 2010-167 and 2010-168 hereby adopted, by the following vote:

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

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**(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-10-004 FILED BY THE PARCS DEPARTMENT ON BEHALF OF THE CITY OF FRESNO, PROPERTY LOCATED AT THE NORTHEAST CORNER OF W. GETTYSBURG AND N. VISTA AVENUES (UNIVERSALLY ACCESSIBLE PARK)**

**#1 CONSIDER AND ADOPT FINDING OF CONFORMITY TO THE 2025 GENERAL PLAN MEIR AND AIR QUALITY MND PREPARED FOR E.A. NO. R-10-004/C-08-235, DATED 5/14/10**

**#2 BILL NO. B-32 - ORDINANCE NO. 2010-34 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5 TO R-1**

President Westerlund announced the time had arrived to consider the issue and opened the hearing.

Planner Contreras gave a PowerPoint presentation on the issue which consisted of Rezone Application No. R-10-004, Aerial Photos of the Site, Rezone Application Proposal, Existing Zoning, Public Notice, Planned Land Use, Related Conditional Use Permit, Conceptual Plan of Universally Accessible Park, Planning Commission Meeting, and Staff Recommendation to Approve.

Rebecca Zumer, W. Norwich Avenue, stated she and her neighbors wanted to make sure this would remain a park and not some other use.

Upon call, no one else wished to be heard and President Westerlund closed the hearing.

Councilmember Xiong presented questions and comments relative to whether the City had officially accepted the property from Central Unified, the process of approving the rezone prior to acquisition, if Central Unified has taken all their official actions, the park project being in the works for five years now and the City continuing to move forward in that direction and include area residents, and commendation to staff for their work. Supervising Engineering Technician Vanderford responded to questions. Upon question of President Westerlund as to why this was a two-step rezone process to R-1 rather than a one-step entire rezone to a park, Planner Contreras and Planning Manager Fabino explained the process, the reason for the rezone, and the different allowable options that staff could have used.

On motion of Councilmember Xiong, seconded by Acting President Brand, duly carried, RESOLVED, the subject environmental finding hereby adopted and the above entitled Bill No. B-32 adopted as Ordinance No. 2010-34, by the following vote:

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

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**(10:45 A.M.) HEARING TO CONSIDER REQUEST OF STAFF AND THE HISTORIC PRESERVATION COMMISSION TO RESCIND THE HISTORIC RESOURCE DESIGNATION OF THE NEWMAN HOME (HP #117) LOCATED AT 1743 "L" STREET, DUE TO LOSS OF INTEGRITY**

**#1 RESOLUTION NO. 2010-169 - RESCINDING THE HISTORIC DESIGNATION OF THE NEWMAN HOME FROM THE LOCAL REGISTER OF HISTORIC RESOURCES**

President Westerlund announced the time had arrived to consider the issue and opened the hearing.

Historic Preservation Manager Hattersley-Drayton gave a PowerPoint presentation (**3 – 0**) which consisted of an Aerial Photograph, Newman Home Facts, Photographs of the 9/18/09 Fire/Loss, Inspections and Findings, Relevant Fresno Municipal Code Sections, "Integrity" Definition and Evaluation, Pre/Post Fire Photographs, Public Safety Issue, and Recommendation to Rescind the Designation.

Upon call, no one wished to be heard and President Westerlund closed the hearing.

Councilmember Sterling and President Westerlund spoke briefly to the issue stating there was no way to keep the home on the register, it was unfortunate this property was so severely destroyed, and this is what happens when buildings of significance are allowed to sit and deteriorate.

On motion of Councilmember Sterling, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2010-169 hereby adopted, by the following vote:

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

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**(10:50 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-09-06, REZONE APPLICATION NO. R-09-014, AND ENVIRONMENTAL ASSESSMENT (E.A.) NO. A-09-06/R-09-014 FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES ON BEHALF OF THE WATHEN GROUP, PROPERTY LOCATED ON THE SOUTH SIDE OF W. ASHLAN BETWEEN N. BLYTHE AND N. PARKWAY DRIVE**

**#1 APPROVE THE SUBSTITUTED PROJECT SPECIFIC MITIGATION MEASURES FOR E.A. NO. A-09-06/R-09-014 DATED NOVEMBER 13, 2009**

**#2 APPROVE THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR THE E.A.**

**#3 RESOLUTION NO. 2010-170 - APPROVING PLAN AMENDMENT APPLICATION NO. A-09-06, AS AMENDED**

**#4 BILL NO. B-33 - ORDINANCE NO. 2010-35 - AMENDING THE OFFICIAL ZONE MAP TO REZONE PROPERTY FROM C-6/UGM/cz, C-6/UGM AND R-3/UGM/cz TO C-2/UGM/cz; AND FROM R-3/UGM/cz TO R-1/UGM/cz, AS AMENDED**

President Westerlund announced the time had arrived to consider the issue and opened the hearing.

Planner Salinas gave a PowerPoint presentation on the Plan Amendment and Rezone Application which consisted of a Map of the Subject Site, Map of Surrounding Land Uses, Aerial Photographs, Proposed Land Use Changes, Proposed Zoning Changes, Conceptual Site Plan, Rationale for Supporting the Plan Amendment, District 1 Implementation Committee and Planning Commission Recommendations to Approve, Substituted Mitigation Measures and Requirements, Appeal Received and Withdrawn, and Staff Recommendation to Approve as outlined above, with amendments to the Resolution and Ordinance Bill to include a written finding on the mitigation measures.

Dirk Poeschel, on behalf of the Wathen Group, spoke further to the project, meetings with the neighborhood, planning commission support, and the litigation that was resolved, and entered into the record a letter in support from Dr. Alan Harlan who is a neighbor to the east of the site.

Upon call, no one else wished to be heard and President Westerlund closed the hearing.

Councilmember Xiong thanked staff for their work and Mr. Poeschel for the community meetings, and spoke in support of the issue stating this multi-use project was important to him and tied in well with the area, and made a motion to approve as recommended with the amendments laid out by staff.

On motion of Councilmember Xiong, seconded by Acting President Brand, duly carried, RESOLVED, the substituted project specific mitigation measures and the environmental finding for the subject E.A. hereby approved, and the above entitled Resolution No. 2010-170 hereby adopted and above entitled Bill No. B-33 adopted as Ordinance No. 2010-35, both as amended to include a written finding that the new measures are equivalent or more effective in mitigating or avoiding potential significant effects and that the measures themselves will not cause any potentially significant effects on the environment. by the following vote:

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

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**RECESS – 11:11 A.M. – 1:30 P.M.**

(1:30 P.M. “A” – REMOVED FROM THE AGENDA)

**(1:30 P.M. “B”) AUTHORIZE THE PARCS DIRECTOR TO ENTER INTO A 20 YEAR LEASE WITH THE MEUX HOME CORPORATION FOR THE PURPOSE OF OPERATING AND MAINTAINING THE MEUX HOME MUSEUM AT 1007 “R” STREET, AS AMENDED FOR A 6-MONTH LEASE**

Administrative Manager Melikian reviewed the issue, all as contained in the staff report as submitted.

Councilmember Sterling expressed her support stating this was a good partnership especially in these difficult times, this lease would allow and guarantee some stability, and this was a great history benefit for school children and made a motion to approve, which motion was seconded by Councilmember Dages and subsequently withdrawn and remade.

Mr. Melikian and City Manager Scott responded to questions of Councilmember Perea relative to cost for the repairs the City will be making and if repair funds were budgeted, leases with non-profits, if the Meux Home board was paying rent to the City, the past audit conducted on leases with non-profits and talks to revisit the \$0 to \$1 rent policy, when staff would be providing a report and recommendation back to council on the overall policy of non-profits in city-owned buildings, and if approval of the lease this date will take the Meux Home out of the upcoming policy discussion.

President Westerlund acknowledged the Meux Home was a treasure and he appreciated all the work volunteers do but stated he has always had a concern with leases with organizations for \$1 or less and further explained, and presented questions relative to whether staff has looked at the Meux Home’s books and how much revenue they generate for operations, when the lease expired, lack of language in the lease on sharing of expenses, and request to see the financial reports from the Meux board, with Mr. Melikian responding throughout. President Westerlund stated he had concerns with the rent issue and the 20-year lease with an automatic renewal, whereupon ACM Rudd recommended a motion be made modifying the terms for a month-to-month or 6-month lease until staff submits a report and council get its hands around the policy and impacts to organizations, and elaborated further. President Westerlund stated that would be a prudent thing to do if staff will be reporting back in a couple of months, whereupon Councilmember Sterling withdrew her motion on the floor and made a motion to approve a month-to-month lease until all particulars are in place. Mr. Melikian explained why staff was proposing a 20-year lease, stated part of the fundraising plan was applying for grants and granting agencies typically look for long-term leases to know that the corporation will be there and be a good steward of those grant funds, and stated a month-to-month lease could potentially impact the fundraising efforts. Councilmember Sterling suggested adding a provision to her motion for staff to return to council if grant opportunities come up stating she did not want to stop any money activity, and amended her motion for a 6-month lease with that provision, which was seconded by President Westerlund. President Westerlund clarified this was not about the Meux board stating they’ve done a fine job but was about a larger policy issue that council needed to address and requested staff convey that to the board.

On motion of Councilmember Sterling, seconded by President Westerlund, duly carried, RESOLVED, the PARCS Director authorized to enter into a 6-month lease with the Meux Home Corporation, a California non-profit corporation, with staff to return to Council to request a longer lease term if any realistic grant opportunities arise, by the following vote:

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

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**(1:30 P.M. “C”) RATIFY AND APPROVE A CONSULTANT CONTRACT WITH ROEM DEVELOPMENT CORPORATION IN THE AMOUNT OF \$225,262.46 FOR PRELIMINARY SCHEMATIC DESIGN WORK AND SECURING FUNDING RELATED TO THE TRANSIT VILLAGE TRANSIT FACILITY AND POCKET PARK**

Administration Manager Healy read into the record minor changes to the contract (**4 – 0**), and Transportation Director Hamm gave an in-depth review of the issue, all as contained in the staff report as submitted. City Attorney Sanchez clarified this action was a ratification of already-approved work and council needed to ratify back to the first actual date of work, with Mr. Hamm stating the date would be August 2007.

Arthur Servin, 1040 S Street, requested council go through the each item of work performed by ROEM and the cost and questioned if there were any negotiations currently for future work.

Councilmember Dages stated this was a project that seemed to be going on and on and he wished it would come to fruition, but added it was starting to move along a little bit faster than it was two years ago and made a motion to approve, which motion was seconded by Councilmember Sterling.

President Westerlund stated an ENA is usually not a contract to perform services but an opportunity for a developer to look into whether or not it is feasible to enter into a contract, and presented questions and comments relative to whether staff was saying the City is now obligated to pay ROEM for going through the ENA timeframe, the project consisting of senior housing and the transit facility, if this request was for work on the transit side, if the \$3 million grant received was for the transit facility or housing, if there were state or federal grant funds for the transit side, if a contract with ROEM was never entered into for the work performed, when it was discovered there was no contract, when the decision was made to split the project into two, if ROEM was requested to do the work that was done, if there was a DDA or any other agreement on the transit side, who the construction contractor for the transit facility will be, when it became clear to ROEM that there was no contract to do the work on the transit side, when ROEM became aware a separate agreement was needed for reimbursement, when the DDA was signed, and how much work ROEM did after December 2008. Mr. Hamm, ACM Rudd and ROEM project manager Tung Tran responded to questions and clarified issues throughout. President Westerlund stated somewhere along the line this one got away and he did not like coming back and trying to fix things like this, with Mr. Hamm responding and further clarifying issues. Mr. Hamm responded to questions of Councilmember Perea relative to the action being requested this date, and commented further on council being told back in 2008 that staff would return with a contract reflecting costs that had been expended on the transit side, this being a legitimate expense owed ROEM, and the funding source being 5309/CMAC funds and not the general fund or the department's operating budget.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the subject consultant contract with ROEM Development Corporation hereby ratified and approved as recommended, by the following vote:

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

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**(1:35 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 2:23 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF JULY 22, 2010**

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of July 22, 2010, approved as submitted.

**(“A”) APPROVE A REIMBURSEMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND TRIPLE “A” BURGER FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS AT 1014 FRESNO STREET (Joint action)**

Project Manager Cox reviewed the issue, all as contained in the staff report as submitted.

Councilmember Sterling spoke to the issue and to her support stating this was a wonderful addition for the community and thanked the owners for their commitment, and made a motion to approve.

On motion of Councilmember/Member Sterling, seconded by President/Member Westerlund, duly carried, RESOLVED, the subject reimbursement agreement between the Redevelopment Agency and Triple “A” Burger hereby approved, by the following vote:

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

**(“B”) AWARD A CONTRACT TO NICK’S TRUCKING, INC., FOR DEMOLITION AND CLEARANCE OF A RESIDENTIAL HOME AT 2304 S. WALNUT AVENUE (Agency action)**

Project Manager Cox reviewed the issue and recommendation, all as contained in the staff report as submitted.

Member Sterling expanded further on the issue and the area and stated this will compliment all the development that is going on the area, and made a motion to approve and thanked Agency staff for their work and being persistent.

On motion of Member Sterling, seconded by Member Dages, duly carried, RESOLVED, a contract hereby awarded to Nick's Trucking, Inc., in the amount of \$8,583 as recommended, by the following vote:

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

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The joint bodies adjourned their meeting at 2:33 p.m. and the City Council reconvened in regular session.

**UNSCHEDULED COMMUNICATION:**

Arthur Servin, 1040 S Street, requested a formal update be given at a future meeting on the proposal to privatize commercial solid waste and stated his opposition to privatization.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 2:37 p.m. having arrived and hearing no objection, President Westerlund declared the meeting adjourned.

*Approved* on the \_\_\_\_19th\_\_\_\_ day of \_\_\_\_August\_\_\_\_\_, 2010.

\_\_\_\_\_/s/\_\_\_\_\_  
Larry Westerlund, Council President

ATTEST: \_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk