

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

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

Superintendent A.C. Oliver of the Greater Macedonia Church of God in Christ gave the invocation and President Sterling led the Pledge of Allegiance.

PROCLAMATION OF "THE 85TH ANNIVERSARY OF UNITED WAY OF FRESNO COUNTY DAY" - MAYOR AND CITY COUNCIL

Read and presented.

COMMENDATION BY THE FRESNO COUNTY EMPLOYMENT AND TEMPORARY ASSISTANCE DEPARTMENT HONORING THE FRESNO POLICE DEPARTMENT - PRESIDENT STERLING

Commendation made.

APPROVE MINUTES OF JUNE 2 AND 4, 2009

On motion of Councilmember Xiong, seconded by Councilmember Brand, duly carried, RESOLVED, the minutes of June 2 and 4, 2009, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) thanked Councilmember Borgeas for his work in bringing the Consulate General of Armenia to Fresno and advised the Redevelopment Agency partnered with the Hye Fest and had the opportunity to welcome the Consulate General to the Fulton Mall event; (2) commended the Fresno Area Crime Stoppers on their successful fund-raising event on June 6th; and (3) congratulated Mayor Swearengin on her presentation of an \$8,000 check to the Rescue Mission for community work.

Councilmember Brand (1) advised he held a district meeting last evening on water meters and issues and stated it was the largest attended district meeting he had ever seen, thanked Councilmember Borgeas for attending, and encouraged members to include water meters and issues in their district meetings as it was a priority issue for residents; and (2) stated he was used to taking a one-hour lunch break and questioned if members had an interest in changing the lunch break from 2-hours to 1½ hours, with President Sterling requesting members provide input and respond to Councilmember Brand with their preference.

Councilmember Borgeas (1) stated Councilmember Brand's district meeting was a great meeting and he was very impressed; and (2) commended the Hye Fest Committee and the D&CR department for spearheading the ethnic food festival which he stated was part of a much larger series and urged everyone to go to the Fulton Mall stating it was safe and events were fun.

Councilmember Dages (1) stated he would support a 1½ hour lunch break; (2) requested the city manager look into when the Notice to Proceed would be issued for the Balch/Chestnut traffic signal project stating it was his understanding it was going to be months before it is issued which will push the project's completion back even further, and stated this was a real safety issue as an elementary school was nearby and added this has been a priority since the school opened; (3) requested an update on airport parking services to see how things are going with the new vendor; and (4) advised a notice was placed on his door relative to tree trimming and what upset him was two people were in a city truck going house to house with one person getting out each time to place the door hangars, stated that was a tremendous expense and a waste of money, and added a person should be dropped off or go to a neighborhood and walk around placing the notices and requested the city manager look into the issue.

Acting President Westerlund (1) stated he would also support a 1½ hour lunch break; (2) spoke to the new biological opinion issued by the National Fisheries regarding the steel head salmon, stated there was a real opportunity for that to have a direct impact on water deliveries, and advised he and Councilmember Borgeas were working on, and would bring forth, a resolution of support for water deliveries and turning delta pumps back on as he felt it was time Council took a position as the leading city for the central valley and expanded further; and (3) spoke to and advised a blighted, boarded up building in El Dorado Park was finally going to be demolished after a long legal battle and thanked all involved.

Councilmember Perea requested the city manager provide a tray memo relative to the rising cost of alley closures.

President Sterling (1) advised she and Mayor Swearengin were working on a letter to President Obama concerning water issues, along with Mendota Mayor Silva, and requested Councilmembers Westerlund and Borgeas communicate with them while working on their resolution as it was important to be together and stay in step on this important issue, and added there would be a water demonstration by the coalition and county-wide elected officials on July 1st at City Hall. Acting President Westerlund confirmed the rally would be held July 1st at 12:00 noon, and requested he be allowed to sign on the letter as well; (2) requested an audit be made available to Council from the housing division on pre-allocated HOME funds for 2008-09 and 2009-2010 so when requests are made Council has a better understanding of what is available and what the projects are. City Manager Souza stated housing staff would provide a report on the level of financial commitments along with background information on pending projects, with President Sterling stating she looked for to receiving the report and expanded further on the issue; (3) advised she requested the SPCA provide financial details to Council Analyst Jones pertaining to the City's \$2 million allocation and how that money is spent prior to the SPCA's budget being heard. Mr. Souza advised staff was also seeking that same detailed information calling it a "program budget" which he stated would include the amount allocated/how dollars are used/impact of services/cost for reduced services (i.e. from 24/7 to 18/7), whereupon President Sterling requested all information be shared as soon as it is received; and (4) advised she attended the Big Brothers Big Sisters 40th annual event, was a participant in the PRIDE parade, was a participant at the Chicano Alumni Legacy Builder Ball honoring Ernesto Martinez, was a participant at the Crime Stoppers June Jam, was a program participant at the Rutherford B. Gaston Senior Youth Scholarship Recognition Banquet/Graduation Ceremony, sent a thank you to Chief Dyer for hosting the Southwest Policing District public forum, thanked all departments for participating in the 2nd Lowell community meeting, and she attended the Buffalo Soldiers Remembering event at the REI sports complex.

City Attorney Sanchez called for a moment of silence in memory of Don Neufeld who passed away on Saturday, advised Mr. Neufeld served in several positions in the City Attorney's Office including a time as Interim City Attorney, stated he ably advised on many significant projects that advanced the community including economic development and redevelopment, and stated the community had been made a better place because of his service, he would be missed, and a moment of silence was observed in honor of Mr. Neufeld.

APPROVE AGENDA:

(1-D) ACTIONS APPROPRIATING FUNDS TO THE PARCS DEPARTMENT SENIOR HOT MEALS PROGRAM TO COVER MEAL SITE OVERRAGES INCURRED THIS FISCAL YEAR

- 1. RESOLUTION- 85TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$37,000 OF PRIOR YEAR CDBG FUNDS**
- 2. RESOLUTION - 86TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$7,300 OF AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT FUNDS FROM THE FRESNO-MADERA AREA AGENCY ON AGING**

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City Clerk Klisch advised an MOU was included in the subject material by mistake and requested it be removed as it was not associated with the item.

(1-G) AWARD A CONTRACT TO KUCKENBECKER TRACTOR IN THE AMOUNT OF \$144,451.81 FOR THREE (3) TURF

TRACTORS

Removed from the agenda by staff.

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

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

ADOPT CONSENT CALENDAR:

Acting President Westerlund pulled Item **1-D** from the Consent Calendar for separate discussion/action.

(1-A) AUTHORIZING APPLICATION FOR GRANT AWARD FOR \$51,800 FROM THE STATE HOMELAND SECURITY GRANT PROGRAM TO PROVIDE FIRE DEPARTMENT HAZARDOUS MATERIALS TECHNICIAN TRAINING

1. RESOLUTION NO. 2009-130 - AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF FY 2008 CYCLE U.S. DEPARTMENT OF HOMELAND SECURITY/OFFICE OF DOMESTIC PREPAREDNESS "STATE HOMELAND SECURITY GRANT PROGRAM" FUNDING, THROUGH THE COUNTY OF FRESNO, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

2. RESOLUTION NO. 2009-131 - 87TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$51,800 OF STATE HOMELAND SECURITY GRANT FUNDS TO THE FIRE DEPARTMENT FOR HAZARDOUS MATERIALS TECHNICIAN TRAINING

(1-B) APPROVE THE THIRD AMENDMENT TO THE AGREEMENT WITH URS AMERICAS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ORGANIC UPGRADE PROJECT AT THE FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY FOR A NET INCREASE OF \$528,128.00

(1-C) APPROVE APPOINTMENTS OF CAM MALOY AND PAUL CAPRIOGLIO TO THE PLANNING COMMISSION - MAYOR'S OFFICE

(1-E) APPROVE APPLICATION FOR THE 2009 EDWARD BYRNE MEMORIAL ANNUAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE, FOR GRANT FUNDING OF \$551,306 TO BE ALLOCATED AS IDENTIFIED IN THE BUREAU OF JUSTICE ADMINISTRATION DISPARATE JURISDICTION LISTING

(1-F) (1) APPROVE THE SUBSTANTIAL AMENDMENT TO THE 2006-2011 CONSOLIDATED PLAN INCORPORATING THE NEWLY ENTITLED HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) GRANT PROGRAM FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; (2) TRANSFERRING THE CITY'S HOPWA GRANTEE STATUS TO THE STATE OF CALIFORNIA FOR PROGRAM YEAR 2009-2010; AND (3) AUTHORIZE THE CITY MANAGER TO SIGN ALL REQUIRED, IMPLEMENTING AND CONTRACTUAL DOCUMENTS AS APPROVED TO FORM BY THE CITY ATTORNEY

(1-H) AWARD A CONTRACT TO ALTECH INDUSTRIES IN THE AMOUNT OF \$127,271.06 FOR FOUR (4) TRUCK-MOUNTED AERIAL LIFTS

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, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR:

(1-D) APPROVE ACTIONS APPROPRIATING FUNDS TO THE PARCS DEPARTMENT SENIOR HOT MEALS PROGRAM TO COVER MEAL SITE OVERAGES INCURRED THIS FISCAL YEAR

1. RESOLUTION NO. 2009-132 - 85TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$37,000 OF PRIOR YEAR CDBG FUNDS TO THE SENIOR HOT MEALS PROGRAM

2. RESOLUTION NO. 2009-133 - 86TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$7,300 OF AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT FUNDS FROM THE FRESNO-MADERA AREA AGENCY ON AGING TO THE HOT MEALS PROGRAM

CDBG M.A. Smith, City Manager Souza, PARCS Director Cooper and ACM Rudd responded at length to numerous questions and comments of Acting President Westerlund and/or clarified issues relative to what happened to One by One's project, funding sources, contracts, amounts expended, status of One by One Leadership, stimulus funds, amount being appropriated to the Hot Meals Program, why program overages occurred, how oversight/costs can be controlled to prevent future overages, acknowledgment that overages were due to demand/the economy/increased participants but the city not having a bottomless fund, at what point it is determined enough is enough, if funds were sufficient to cover the remainder of the year, concern with overages and proper control over programs, and line items being the cap and what the City can afford.

Councilmember Dages made a motion to approve, which motion was seconded by Councilmember Perea.

Mr. Souza stated he agreed with the issue of how the city appropriates and budgets but what also needed to be kept in mind was Council tasked staff with a program of feeding seniors and staff is expected to meet those objectives, **(2 - 0)** and stated with an organization this size there will always be that give and take to try to stay focused on the objective and expanded further.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2009-132 and 2009-133 hereby adopted, by the following vote:

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

(9:00 A.M.) PUBLIC COMMENT PERIOD

(‘A’) SCHEDULED COMMUNICATION:

1. PRESENTATION BY PATRICIA CLARY, EXECUTIVE DIRECTOR OF THE UNITED WAY

Ms. Clary submitted an informational packet to Council and along with two board members spoke to how the City partners with the United Way and thanked Council and staff for their continued support.

2. APPEARANCE BY GEORGE AGUILAR REQUESTING THE CITY TEMPORARILY SUSPEND A TAXICAB REGULATION FOR ONE YEAR PERTAINING TO THE REMOVAL FROM SERVICE ALL 2000, 2001 AND 2002 VEHICLES EFFECTIVE JUNE 23, 2009

Appearance made/no action taken.

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(‘B’) UNSCHEDULED COMMUNICATION:

Big Sue, “G” Street sheds, spoke briefly to the Senior Hot Meals program and ways to fund it, and to her application and desire to become a member of the Fresno Citizen’s Academy stating he has earned the appointment.

Reyes Garza, 412 “F” Street, spoke to the need to help the mentally ill and homeless.

Sheila Krebs, 4116 N. Cornelia, stated she was disappointed a fire station for the Ashlan Cornelia area was not considered in the fire department's budget, and spoke to fire statistics and to the need to conduct a feasibility study to have a fire station constructed at Gettysburg and Barcus Avenues.

Ed Harris, 5158 N. Ninth Street, spoke to the need to help the homeless and mentally ill.

Sherry Smith, 4724 W. Swift, hand-delivered a request for a feasibility study for a fire station at Gettysburg and Barcus Avenues and spoke to the need for a fire station in the area.

Russell Appling spoke to his inheritance money.

(9:15 A.M. "A") APPROVE FORMATION OF AN AD-HOC BOARDS AND COMMISSION COMMITTEE - COUNCILMEMBER XIONG, ACTING PRESIDENT WESTERLUND AND PRESIDENT STERLING

Councilmember Xiong noted discussion occurred previously on this matter, thanked President Sterling for wanting to be a part of the committee and Analyst Jones for his work and assistance, clarified at issue were boards/commissions council members are required to participate in or for voting rights, and stated this was a necessary housekeeping matter and made a motion to approve the formation of the committee, which was seconded by Acting President Westerlund. President Sterling left the meeting briefly at 9:45 a.m. during comments.

On motion of Councilmember Xiong, seconded by Acting President Westerlund, duly carried, RESOLVED, the formation of a City Council Ad-Hoc Committee to review all Boards, Commissions and any Standing Committees where City Council members and/or alternates are required/requested to serve on hereby authorized, by the following vote:

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

City Attorney Sanchez clarified the formation of this committee was done by an informal motion and that would be on the condition that this is an ad-hoc committee formed for a specific task and a limited period of time and would not come under the Brown Act formalities, with Councilmember Xiong and Acting President Westerlund stating that was the intent and understood.

(9:30 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF "C" STREET BETWEEN SAN BENITO AND E. CALIFORNIA AVENUE AND THE FREEWAY 99 - "C" STREET ALLEY BETWEEN E. CALIFORNIA AND THE SANTA CLARA STREET-SAN BENITO ALLEY

1. RESOLUTION NO. 2009-134 - ORDERING THE VACATION OF THE ABOVE

Acting President Westerlund announced the time had arrived to consider the issue and opened the hearing. President Sterling returned to the meeting at 9:48 a.m.

Senior Engineering Technician Polsgrove reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Sterling closed the public testimony portion of the hearing.

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Mr. Polsgrove and an EOC representative responded to questions of Acting President Westerlund and/or clarified issues relative to the FID facilities that will require relocation, the City being in the process of purchasing the EOC facility and who will pay relocation costs, what will go in the place of the alley that is being vacated, and this vacation being across the street from the recreational facility the city is purchasing and not related to the facility.

On motion of President Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2009-134 hereby adopted, by the following vote:

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

Absent : None

RECESS - 9:51 A.M. - 10:02 A.M.

(10:00 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-08-06, REZONE APPLICATION NO. R-08-012 AND ENVIRONMENTAL FINDINGS FILED BY SOL DEVELOPMENT ASSOCIATES, LLC, ON BEHALF OF HORIZON ENTERPRISES, NORTHWEST CORNER OF E. BRALY AVENUE AND S. SARAH STREET

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-08-006/R-08-012/S-08-036/C-08-179**
- 2. RESOLUTION NO. 2009-135 - AMENDING THE 2025 GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN**
- 3. BILL NO. B-23 - ORDINANCE NO. 2009-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M - 2 TO C-M/cz**

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

Planner Salinas gave a PowerPoint presentation on the project which included Site Maps/Surrounding Uses, Rationale for Supporting the Plan Amendment, Conceptual Site Plan, Proposed Elevations, and Planning Commission Hearing and Concerns, and concluded stating issues of concern were addressed in the environmental document and recommended approval.

Speaking to the issue were: Bill Robinson with Sol Development Associates, representing Horizon Enterprises and principal Steve Weil, who stated this was a comprehensive project, a lot of work was done in the area of air quality, safety and parking and explained, and requested Council's support; Marla Jeffrey, "M" Strep property owner, manufacturing/distribution operator, who stated she supported efforts to improve downtown but was concerned with the rezone, specifically how it will impact businesses such as hers, and long term whether this was a signal/indication that her business will ultimately be forced to relocate; and Christie Deroshay, property owner at 1803 S. Van Ness, who expressed her excitement about the project and her support.

Upon call, no one else wished to be heard and President Sterling closed the public testimony portion of the hearing.

Acting President Westerlund presented questions/comments/concerns relative to the proposed zoning, his continued issues with having a skate park in that area, a skate park not being appropriate in an area with heavy industrial uses, the area zoned/planned for heavy industrial and needing to remain that way, skate parks being a magnet for young people, there being no sidewalk in a large portion of the area, and this being a safety issue and inability to support staff's recommendation.

President Sterling questioned if the developer met with property owners in the area to address concerns and requested he do so if he had not **(3 - 0)**, with Mr. Robinson responding. PARCS Director Cooper thanked Mr. Weil for donating the land and expanded further on the project, amenities proposed, companies willing to invest in the area due to the project, and the background of the Vagabond Motel pool and how it got to this site. Upon the request of President Sterling Ms. Salinas responded to Ms. Jeffrey's comments stating at this time there were no plans to change land uses in the future. President Sterling requested staff establish a relationship with the speakers for direct communication, spoke to how the Vagabond Motel was abandoned, the pool was used by skaters, the idea was to do something like Lion's Skate Park in the downtown area, and how the land was donated by Mr. Weil. President Sterling thanked Mr. Weil for making this contribution to the city of Fresno and thanked the businesses in the area for remaining there and added the city was also looking to develop and put roof tops in the south part of the area to bring other activity and interest towards area businesses.

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On motion of President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2009-135 hereby adopted, and the above entitled Bill No. B-23 adopted as Ordinance No. 2009-23, by the following vote:

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

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(‘A’) EXISTING LITIGATION - CASE NAMES:

1. ROBERT HARRIS V. COF
2. COF V. COUNTY OF FRESNO, MARGARET MIMS, ET AL.

The City Council met in closed session in Room 2125 at the hour of 10:30 a.m. to consider the above matters and recessed for lunch thereafter.

LUNCH RECESS - 11:25 A.M. - 2:05 P.M.

(11:00 A.M.) SPECIAL NOTICE CLOSED SESSION

(‘A’) EXISTING LITIGATION - CASE NAME: PACIFIC COAST FEDERATION OF FISHERMAN ASSOCIATION, ET AL. V GUITIERREZ, ET AL. (Related to recent opinion)

(‘B’) ANTICIPATED LITIGATION - CASE NAME: COF V. NATIONAL MARINE FISHERIES SERVICE, ET AL. (Related to recent opinion)

(‘C’) EXISTING LITIGATION - CASE NAME: HARRIS CONSTRUCTION COMPANY INC., ET AL., V. FRESNO METROPOLITAN MUSEUM, ET AL.

(‘D’) ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: COF V. METROPOLITAN MUSEUM OF ART AND SCIENCE, ET AL.

The City Council continued in closed session to consider the above matters and thereafter reconvened in regular open session at 3:19 p.m. (*Note - City Attorney Sanchez made an announcement on **Item ‘B’** later in the meeting prior to the 5:38 p.m. recess.)

(2:00 P.M.) CONTINUED CONSIDERATION OF THE FY 2009-2010 ANNUAL BUDGET

DOWNTOWN & COMMUNITY REVITALIZATION DEPARTMENT:

D&CR Director Scharton gave a PowerPoint presentation on his department’s budget which included the department’s three primary focus areas: Downtown Revitalization, Neighborhood Revitalization, and Local Business Initiatives, Funding Requests for the proposed Fulton Corridor Specific Plan and the Downtown Neighborhood Specific Plan, and FY 2010 Budget Highlights.

Speaking in support of funding for the Office of the Film Commissioner and/or to the department’s budget/proposed Specific Plans were: Gary Sounce, Chief Financial Officer of Aftershocks Studios and executive producer of the movie “Stricken” currently being filmed in Fresno; Roque Rodriguez, local independent film-maker; Hollywood actor Michael Badalucco, star of the movie “Finding Hope Now” being filmed in Fresno; Vince Cosentino, local film-maker; Christine Mitchell, Fresno Film-Makers Alliance; Joe Moffitt, local producer/director, Irish One Films; Jaime Holt, 847 E. Yale; Daniel Pena, 4461 N. Colledge; Khetphet Phagnasay, film industry member; Skin Mead, 10641 Coronado Circle; Jennifer Ramos, 1323 W. Cambridge; Jeff Meacham, Cast & Crew Films, 16301 Coyote Pass lane, Clovis; Barbara Hunt; **(4 - 0)** Lee Ayres, 5132 N. Palm; Jonathan Ashe, writer/producer, Prime Films, 1267 Coventry; Jon Hollis,

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705 N. Elm, Clovis, independent film maker; Justin McAleece, 1150 E. Herndon; Kyle Kirkland, Club One Casino; Rev. Roger Minassian, Founder of Hope Now for Youth, 330 E. Everglade; Kerri Ginis, Chamber of Commerce Governmental Affairs Manager; Mike Wells, 845 N. Van Ness, independent film maker and site coordinator for the Weed & Seed project; Jan Minami, Executive Director of the Downtown Association; Greg Amaro, 4100 E. Lowe, producer/director/local entrepreneur; Jennifer Tadlock, Willow Avenue, Clovis; Kurt Madden, EDC Board Chair and WIB and Fresno Business Council board member; and Suzanne Bertz-Rosa, film-maker, 320 E. Simpson.

Council discussion ensued with Mr. Scharton responding to comments and/or questions of Councilmembers Borgeas and Dages relative to commendation to staff on the Rev Fest and Hye Fest, why it was important to do the specific plans together and if the same EIR would be used, what form-based coding was/why deviate from the Fresno Municipal Code, support for the specific plans, the film commission motion including the motion and appreciation for this kind of debate/request for information on amount of business stimulated by or brought forth by the film commission office/Fresno County’s role/jurisdictional issues/duplication of

services/and these hard economic times and need to consider all options, commendation to Club One Casino for matching funds on poker tournament proceeds for charities, if staff was working with the Redevelopment Agency on the EIR and economically, the downtown neighborhoods map and boundary area, and downtown parking and parking meters being an obstacle for the success of downtown.

MOTION - Dages/Sterling - Eliminate metered parking downtown after 6:00 p.m. Monday-Friday and all day Saturday and Sunday (excluding parking structures)

(5 - 0) Councilmember Dages stated he was an advocate to eliminate the film commissioner years ago but Mr. Arthur had proven him wrong which he stated was great, added it was the person that makes the film commissioner and not the position, and requested staff provide Council with information on what the film commissioner has accomplished the last two years adding members will be pleasantly surprised at all that happens with an experienced film commissioner.

Councilmembers Brand and Xiong presented questions and comments relative to how EDC funding has changed over the past five years, how EDC's funding compares with other peer cities, support for the two specific plans, the office of the film commissioner including why the city, Clovis and Fresno County can not work together to save costs/what other cities do/when the film commission was established/past movies filmed in Fresno without the film commission and what the process was/and if the office of the film commissioner provides for more efficiency, the challenging economic times and the charge of the city being to provide core services, the importance of and need for Council to determine funding priorities, the film commission motion having no reflection on Mr. Arthur, the effectiveness of the film commissioner being proven in the numbers and data, the specific plans and PIPES project, if there was overlapping in terms of work in the area, priorities and process, Sustainable Fresno/ordinance changes/duplications/leveraging dollars/inter-relationships, specific plan goals, and the social conscience side inter-relating heavily on core services and need to balance things. Budget Analyst Smith, City Manager Souza, Mr. Scharton and Film Commissioner Arthur responded and clarified issues throughout. Councilmember Dages presented Mr. Arthur with the November 1986 copy of the TV Guide depicting the movie "Fresno" on the front cover.

Mr. Scharton, Interim P&D Director Bergthold and Mr. Souza responded to questions of Acting President Westerlund at length relative to the specific plans taking a huge chunk of the budget and CDBG dollars, the plans being more than specific plans and the term "specific plan" being a misnomer-- particularly in the redoing of codes, outcome desired for neighborhood homes, why two EIRs may be needed, if a specific plan has to have a full EIR, having great plans and the resulting implementation headache, how actual changes come about for residential neighborhoods after infrastructure improvements are made, support for form-based coding, the \$900K of CDBG funding proposed and need to look hard at that number, the code enforcement side/arrangements/services rendered, assistance to businesses, shepherding development projects/concern with losing projects, the EDC partnership and contract numbers, **(6 - 0)** and the MRZ and request for information on measures of success. President Sterling requested staff provide comparison information on the city and county's film commissions; spoke to and expressed her support for the proposed specific plans; stated she was looking forward to discussions on HOME fund allocations; and spoke to her apprehension when the Economic Development Department was dismantled and the D&CR Department was created and added she shared the concerns expressed by Acting President Westerlund and explained, and thanked Mr. Scharton for his presentation and his department's work and efforts and there was no further discussion.

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CLOSED SESSION ANNOUNCEMENT:

City Attorney Sanchez announced in the matter of **Item 11:00 a.m. 'B'**, COF v. National Marine Fisheries Services, et al., the City Council voted unanimously to authorize Fresno to be included in amicus support opposing the National Marine Fisheries opinion and its impacts on water allocations.

RECESS - 5:38 P.M. - 5:49 P.M.

PLANNING & DEVELOPMENT DEPARTMENT:

Interim Planning & Development Director Bergthold, along with PIPES Consultant John Wright, gave an in-depth PowerPoint presentation on the department's budget which included Department Responsibilities, Historical Preservation Accomplishments, Housing & Community Development Accomplishments, Code Enforcement Accomplishments, Focus on Enterprise Divisions, Constraints, Opportunities, State Regulations and Agencies Actions & Advocacy, Regional Engagements, Metropolitan Engagements, Measuring up to Sustainability, The SEGA, Ways to do Things Differently in Existing Corridors & Centers, Bus Rapid Transit, Sustainable Fresno, Community-Neighborhood Engagement, PIPES (Process Improvement and Permitting Enhancement Strategy), Organizational Structure, History of Enterprise Divisions, Historical Budget, FY 2009/FY 2010 Operating Fund Comparisons, FY 09/FY 10 Enterprise Results Comparison, FY 08-FY 10 Positions, FY 2010 Enterprise - Streamlining Staffing Costs, Potential Effect of Further Loss of Planning Staff, Inspection Staff Comparison, and Plan Check Staffing Impact.

Speaking to the department's budget were: Barbara Hunt, 2475 S. Walnut, who spoke to enterprise departments and the direction of growth, and Mike Prandini, Building Industry Association, who requested no reductions be made in the inspection division and spoke to the critical times and the importance of meeting inspection targets.

Upon call, no one else wished to be heard.

Acting President Westerlund suggested proceedings be continued to Tuesday, June 16th due to the lateness of the hour and with Council consensus President Sterling stated the planning & development department's budget would be continued to June 16, 2009, at 8:30 a.m. for Council deliberation, to be followed by the scheduled Public Works Department, CDBG, and PARCS Department.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:30 p.m. having arrived and hearing no objection, President Sterling continued budget proceedings to June 16, 2009, at 8:30 a.m. and adjourned the meeting.

Approved on the ___18th___ day of ___June___, 2009.

_____/s/_____
ATTEST _____/s/_____

Cynthia Sterling, Council President

Yolanda Salazar, Assistant City Clerk