

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
	Larry Westerlund	Acting Council President
	Blong Xiong	Councilmember
	Cynthia Sterling	Council President
Absent:	Henry Perea	Councilmember

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

Director Marta Rios Escarcega, Fresno House of Prayer, gave the invocation and President Sterling led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER BERGEAS

The pets of the month available for adoption, "Foxy" the cat and "River" a pet rat, were presented.

PROCLAMATION OF "FIRST CHINESE BAPTIST CHURCH 125<sup>TH</sup> ANNIVERSARY" - COUNCILMEMBER XIONG

PROCLAMATION OF "DISABILITY AWARENESS MONTH" - MAYOR'S OFFICE

1. PRESENTATION OF THE 1<sup>ST</sup> ANNUAL DAC ACHIEVEMENT AWARD

PROCLAMATION OF "LIVESTRONG DAY" - MAYOR'S OFFICE

PROCLAMATION OF "FRESNO'S LEADING YOUNG PROFESSIONALS" - COUNCILMEMBER BERGEAS

PROCLAMATION OF "CULTURAL ARTS MONTH" - PRESIDENT STERLING

The above proclamations and award were read and presented.

PRESENTATION OF "PRIME TIME FOR BUSINESS - ME-N-ED'S PIZZERIA" - PRESIDENT STERLING AND D&CR

President Sterling read and presented a Certificate of Commendation to Me-N-Ed's representative Tom Ferdinandi for being a Prime Time for Business Honoree, and Mr. Ferdinandi gave a PowerPoint presentation on the family business which included the History, What *IS* Your Secret?, Customer Base, Approval Rating and Success (2 - 0), and What Can The City Do?. Councilmember Borgeas and President Sterling commented briefly and again thanked Me-N-Ed's for their investment and contributions.

----

**APPROVE MINUTES OF SEPTEMBER 24, 2009:**

On motion of Councilmember Xiong, seconded by Councilmember Borgeas, duly carried, RESOLVED, the minutes of September 24, 2009, approved as submitted.

----

**COUNCIL MEMBER REPORTS AND COMMENTS:**

Councilmember Xiong (1) thanked Me-N-Ed's, The Landmark and the Tower Marketing Group for their help and participation with the Tower streetscape meeting this past weekend; (2) congratulated Tree Fresno on their annual dinner; (3) thanked John Hodges and the neighbors for the Michigan Avenue block party; and (4) congratulated the Fresno State Veterans Club on their open house.

Councilmember Dages reminded all of the upcoming Big Fresno Fair, about Senior Day on opening day, Wednesday, October 7<sup>th</sup>, and about city employees being able to enter the fair free through the Kings Canyon gate weekdays between 11am and 2pm for lunch.

Councilmember Borgeas (1) requested the city attorney's office keep council updated on any and all Redevelopment Agency litigation; (2) upon his question City Manager Souza confirmed a workshop would be held in December on Audubon Drive roundabouts; and (3) thanked all staff involved in attaining grants, especially for the badly needed Herndon Town infrastructure, stating they were a fantastic funding source.

President Sterling (1) commended Forest City advising the Redevelopment Agency received a check from them in the amount of \$399,012.27 for a commitment they made years ago relative to environmental work for the South Stadium Project and added the reimbursement was much needed in these difficult economic times (with Acting President Westerlund commenting on the issue and project and stating Forest City was a class act and he would welcome them back anytime); and (2) reported she attended the St. Rest Missionary Baptist Church 65<sup>th</sup> anniversary celebration, the Arte Americas event honoring Dolores Huerta, the Fellowship Missionary Baptist Church breakfast and block party, and the reception for UC Merced Fresno Regional Chancellors Associates at the law offices of Baker Manock & Jensen.

-----

**APPROVE AGENDA:**

**(10:00 A.M. #1)** CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-08-16, REZONE APPLICATION NO. R-08-26, AND ENVIRONMENTAL FINDINGS, FILED BY RIVERFRONT VENTURES, LLC, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. BRYAN AND W. HERNDON AVENUES (*Refer back to staff*)

Referred back to staff.

**(2:30 P.M.)** CONTINUED HEARING TO CONSIDER THE FANCHER CREEK DEVELOPMENT AGREEMENT (*Continue to October 15, 2009, at 10:30 a.m.*)

Continued as noted.

**(1-G)** APPROVE AGREEMENT WITH CORNERSTONE STRUCTURAL ENGINEERING GROUP FOR THE FINAL DESIGN AND CONSTRUCTION DOCUMENT PHASES OF THE JENSEN AVENUE SEPARATION AND OVERHEAD REHABILITATION PROJECT (JENSEN BRIDGE)

Removed from the agenda by staff.

**(1-H)** APPROVE AN AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT (FID) TO TRANSFER VESTED INTEREST OF THE BULLARD CANAL PROPERTY ALONG HERNDON AVENUE BETWEEN MARKS AND VALENTINES AVENUES TO THE CITY THROUGH A QUITCLAIM PROCESS TO ALLOW FID THE RIGHT TO PRESERVE AN EASEMENT WITHIN THE LIMITS OF THE PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF CITY

City Clerk Klisch advised a packet of corrected exhibits had been distributed.

**(9:30 A.M. #1 - B)** WORKSHOP ON THE MAYOR/COUNCIL FORM OF GOVERNMENT

City Clerk Klisch advised the workshop was being rescheduled for October 22, 2009.

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

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

-----

**ADOPT CONSENT CALENDAR:**

Bruce Fryer of Fryer Roofing, 4877 W. Jennifer, spoke to Item **1-E** and requested council reconsider rejection of the bids and award the contract to them as the lowest bidder, and stated the weather concern was not a legitimate issue at this point and should not be a concern and further explained.

Acting President Westerlund registered a “no” vote on Item **1-E**, which vote was subsequently changed after the item was pulled and discussed.

Councilmember Borgeas advised his wife worked for the Workforce Investment Board and recused himself from Items **1-J** and **1-L**.

Councilmember Brand pulled Item **1-E** from the Consent Calendar for separate discussion/action.

**(1-A) RESOLUTION NO. 2009-207** - AUTHORIZING THE DIRECTOR OF AVIATION, OR AUTHORIZED REPRESENTATIVE, TO (1) EXECUTE ALL RELATED DOCUMENTATION FOR PRE-APPLICATION AND APPLICATION TO THE FAA FOR AIP GRANTS FOR FEDERAL FISCAL YEARS 2010 AND 2011 FOR BOTH THE FYI AND CHANDLER EXECUTIVE AIRPORTS AS SHOWN IN THE CITY’S FY 2010 BUDGET CAPITAL IMPROVEMENT PLAN; (2) ACCEPT FAA AIP GRANTS(S) FOR FY 2010 AND 2011 PROJECTS AT BOTH AIRPORTS INCLUDING ALL SUBSEQUENT AMENDMENTS THERETO OFFERED BY THE FAA; AND (3) APPLY FOR AND ACCEPT GRANTS AND ALL SUBSEQUENT AMENDMENTS THERETO OFFERED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION FOR MATCHING FUNDS SHOULD THEY BE MADE AVAILABLE ON FY 2010 AND 2011 FAA-APPROVED PROJECTS AT CHANDLER AIRPORT

**(1-B)** AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE AN AGREEMENT WITH DALE RUTHERFORD, AIA, IN THE AMOUNT OF \$775,000, TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR THE ACOUSTIC TREATMENT DESIGN OF 250 HOMES UNDER THE FAA-APPROVED SMART PROGRAM

**(1-C)** APPROVE THE SIDE LETTER OF AGREEMENT WITH FCEA (UNIT 3) REGARDING INCENTIVE FOR POLICE DATA TRANSCRIPTIONISTS IN THE POLICE DEPARTMENT RECORDS DIVISION

**(1-D)** AUTHORIZE AND APPROVE AN EXTENSION OF THE 2007-2009 NON-EXCLUSIVE TOW SERVICES AGREEMENT BETWEEN THE POLICE DEPARTMENT AND CURRENT ROTATIONAL TOW OPERATORS

**(1-F) RESOLUTION NO. 2009-208** - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR ACCEPTANCE OF THE CALTRANS LOCAL ASSISTANCE PROGRAM - HIGHWAY SAFETY IMPROVEMENT PROGRAM GRANT FUNDS, AND EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

**(1-H)** APPROVE AN AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT (FID) TO TRANSFER VESTED INTEREST OF THE BULLARD CANAL PROPERTY ALONG HERNDON AVENUE BETWEEN MARKS AND VALENTINES AVENUES TO THE CITY THROUGH A QUITCLAIM PROCESS TO ALLOW FID THE RIGHT TO PRESERVE AN EASEMENT WITHIN THE LIMITS OF THE PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF CITY, *as amended, with corrected Exhibits*

**(1-I) RESOLUTION NO. 2009-209** - AUTHORIZING SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF FUNDS THROUGH COG’S 2010 “ONE VOICE” CALL FOR PROJECTS, AND EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS, TRANSPORTATION, AND GENERAL SERVICES DIRECTORS OR DESIGNEES

**(1-K) APPROVE AN AGREEMENT IN THE AMOUNT OF \$28,000 WITH THE FRESNO COUNTY OFFICE OF EDUCATION FOR THE PARCS DEPARTMENT TO CONDUCT THE FRESNO BEST PROGRAM AT COOPER MIDDLE SCHOOL, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

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

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

**(1-J) RESOLUTION NO. 2009-210 - 20<sup>TH</sup> AMENDMENT TO AAR 2009-149 APPROPRIATING \$18,800 OF ARRA GRANT FUNDS FROM THE FRESNO COUNTY WORKFORCE INVESTMENT BOARD FOR COORDINATION OF SUMMER YOUTH EMPLOYMENT PROGRAM ACTIVITIES ACROSS CITY DEPARTMENTS**

On motion of Acting President Westerlund, seconded by President Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2009-210 hereby adopted, by the following vote:

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

**(1-L) APPROVE APPOINTMENT OF PAUL J. BAUER TO THE FRESNO REGIONAL WORKFORCE INVESTMENT BOARD - MAYOR'S OFFICE**

On motion of Acting President Westerlund, seconded by President Sterling, duly carried, RESOLVED, Paul J. Bauer appointed to the Fresno Regional Workforce Investment Board, by the following vote:

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

-----

**CONTESTED CONSENT CALENDAR:**

**(1-E) REJECT ALL BIDS TO RE-ROOF THE FRESNO ART MUSEUM BUILDING**

ACM Rudd explained the background of the issue which included staff's determination that low bidder Fryer Roofing did not comply, the proposal to award to the next lowest bidder, the appeal filed by Fryer, a review by the hearing officer and city attorney and determinations of a responsive and non-responsive bid, the appeal process/possible litigation/costs/timelines, and staff's position to not spend taxpayer dollars on legal fees and recommendation to reject all bids and rebid in the spring.

Bruce Fryer, Fryer Roofing, stated the hearing officer ruled in their favor determining a minor irregularity, stated his company could start work on Monday, and stated it made no sense to try to repair a roof that had no service life and reiterated his company was prepared to move forward.

City Manager Souza, Facilities and Major Projects Manager Riddle, Chief Assistant City Attorney Hale and Mr. Fryer responded to questions of Councilmembers Dages and Brand and/or clarified issues relative to Fresno Roofing's bid (next lowest bid) being \$30,000 higher than Fryer's, staff's disagreement with Fryer's perspective, the scope of work to mitigate/weather proof the roof not being "patch work", costs for the roof mitigation and possible litigation, the city attorney's ruling that Fryer's bid was inconsistent, the rejection of bids being the preferred recommendation as it was the most defensible, recommendation to award to Fresno Roofing if it is Council's

desire to move forward and award the project, if Fryer was willing to do the work for \$253,000, if it was known if Fresno Roofing would appeal, concern with Fresno Roofing being \$30,000 higher, probability of litigation, importance of relying on the professionalism of staff, if staff could support any decision council makes, and need to follow rules and support staff's recommendation. Councilmember Brand made a motion to reject all bids as recommended, which motion was seconded by Councilmember Borgeas.

Discussion continued with Mr. Hale, Mr. Souza and Mr. Rudd responding at length to numerous questions/comments of Councilmember Xiong, and/or clarifying issues relative to the hearing officer and how that tool is used, what the city attorney's position was on the hearing officer's decision, if the hearing officer's decision is used when it benefits the city, roof repair and litigation costs, the possibility of receiving higher bids in the spring, if litigation after approval of staff's recommendation would stop the rebid process (**3 - 0**), the past airport issue of inconsistency and if there was confusion/lack of clarity with the process, Exhibit A clearly stating bidders must bid all items and bids not fully filled in will be considered incomplete, the issue here being Fryer leaving a blank and not complying, statements made in the letter from Fryer's attorneys, reason for staff/city attorney position, the point of "non-compliance" and need for staff to have stated that as the sole reason for their position, how bid specifications can be made clearer, if it was in the realm of the hearing officer to make determinations of "major/minor", and it not being appropriate for staff or a hearing officer to second guess specific bid language/instructions.

Councilmember Borgeas stated he had a great deal of empathy for Fryer but had a little more for Council and the position they were in, stated while this sounded like a policy issue the city attorney and staff were advising Council that possible problems could be mitigated by starting with a clean slate, stated the second Council starts getting into the minutia of bidder's proposals and intentions they will be lobbied daily for clerical errors on this structured process, agreed with the city manager that initialing each line may be necessary in the future to avoid these kinds of problems, and stated he felt the policy as it currently stood was clear and the city attorney's determination of a deficient bid entitled Council to start anew if desired and bidders could re-bid. Acting President Westerlund stated he was originally going to vote "no" due to the weather reason but stated the real issue was avoidance of litigation, stated unfortunately Fryer submitted a bad bid and the blank was a major deficiency, added language was clear and he felt the hearing officer made a mistake as he did not have the history of the past zero line item airport issue, and stated his support to reject all bids, start over, and stay consistent to internal policy. President Sterling agreed initialing was something that needed to be looked at, pointed out after the airport issue the idea was to be consistent, and spoke to the need to stay vigilant and challenge the position of Fryer's attorneys and the hearing officer who provides recommendations. Mr. Souza stated staff will probably take the initialing action and reminded all that even though everyone gets frustrated with red tape this was a classic example of how bureaucracies get started.

On motion of Councilmember Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, all bids to re-roof the Fresno Art Museum building hereby rejected and staff directed to re-bid the project in the spring of 2010 during favorable weather conditions, by the following vote:

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

-----

**(9:00 A.M.#1) PUBLIC COMMENT PERIOD:**

**(‘A’) SCHEDULED COMMUNICATION: APPEARANCE BY KENNETH FICK TO DISCUSS VARIOUS ISSUES**

Not present when called.

**(‘B’) UNSCHEDULED COMMUNICATION:**

Paul Hurlbut, 4701 W. Swift, read a quote by Chief Bruegman from a recent issue of Fire Chief Magazine, stated the Ashlan Cornelia corridor was not on board with the chief's facilitations and explained, stated Fresno deserved a fire chief that sees the fire department as a career and not as a line item on his resume, and spoke to the need for a fire station at Barcus and Gettysburg Avenues. (\*Note: City Manager Souza responded to comments after the next speaker).

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

\* City Manager Souza noted Mr. Hurlbut left the Chamber and stated although he appreciated the concerns expressed Mr. Hurlbut crossed the line in challenging the integrity of Chief Bruegman by stating the Chief looked at his job as a resume line item and added he would follow up with a letter to Mr. Hurlbut.

-----

**(9:30 A.M. #1 - A) APPROVE APPOINTMENT OF JOE GRAY AS CITY CONTROLLER**

City Manager Souza spoke briefly to the process that was followed and commended Personnel Director Bond and her staff, and introduced and presented Mr. Gray who he stated was bringing experience and tremendous integrity and requested Council approve the appointment. President Sterling congratulated and welcomed Mr. Gray and stated she looked forward to working with him

Mr. Gray thanked council members for meeting with him yesterday, stated he looked forward to working with finance staff and the other city departments, and introduced his wife Tara in the audience.

Acting President Westerlund welcomed Mr. Gray and stated he appreciated meeting with him; stated it was important to highlight that the Charter states the appointment, removal or suspension of the Controller was subject to the approval of the City Council, unlike some of the other department directors, and he felt it would be a good idea for the Council Audit/Finance sub-committee to be involved in the interview process in the future to make recommendations; stated he discussed this with Mr. Gray and Mr. Gray appeared to be qualified but he felt it was important that the Controller position be filled by someone who has a certified public accountant (CPA) certificate; and stated to be consistent with his vote on the last candidate he would not support the appointment and clarified this was not personal and he looked forward to working with Mr. Gray.

Councilmember Brand stated this had been an exhaustive process and was confident it had been a good one, as suggested by Acting President Westerlund stated it would not hurt to have the Council Audit/Finance sub-committee involved in the process in the future, and stated he met Mr. Gray yesterday and was very impressed, he felt there was a major difference between private and municipal finance and for that reason he did not feel an CPA certificate was essential, and made a motion to approve the appointment stating the city was lucky to have Mr. Gray and he looked forward to working with him. The motion was seconded by Councilmember Dages. Councilmember Xiong spoke to the challenging times and the city's efforts the past couple of years to be proactive and balanced and stated the tough upcoming task should not be an obstacle in continuing to move the city forward and he looked forward to working with Mr. Gray to accomplish that task and welcomed him. Councilmember Dages thanked Interim Controller Bradley for all she did and along with Councilmember Borgeas welcomed Mr. and Mrs. Gray. President Sterling also commended Ms. Bradley and again welcomed Mr. Gray stating he had a committed staff and administration to work with.

On motion of Councilmember Brand, seconded by Councilmember Dages, duly carried, RESOLVED, Joe Gray appointed City Controller, by the following vote:

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

-----

**(9:30 A.M. #2) PRESENTATION BY FRESNO'S LEADING YOUNG PROFESSIONALS (FLYP) ON THE ORGANIZATION AND PROGRAMS - COUNCILMEMBER BORGEAS**

Councilmember Borgeas introduced the item along with incoming Chair Allison Bogart, and Ms. Bogart gave an oral presentation on FLYP which included a story on how FLYP helped a highly educated individual find a job, FLYP's goal and mission, membership (**4 - 0**), retaining and attracting young professionals, cost of losing young professionals, focus areas, partnerships, involvement in civic leadership, future plans, and research projects. Ms. Bogart offered to meet with each council member individually, advised of the upcoming awards banquet, and invited council to visit [www.flypinfo.com](http://www.flypinfo.com) for more information.

Councilmember Borgeas thanked Ms. Bogart for the presentation and stated FLYP was a real unique organization with community purpose and was well needed in the valley. Acting President Westerlund and President Sterling also commended FLYP for all they do and commented further, and requested Ms. Bogart provide contact information to all council offices. There was no further discussion.

-----

**(10:00 A.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 11:05 a.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF SEPTEMBER 17, 2009**

On motion of Acting President Westerlund, seconded by President Sterling, duly carried, RESOLVED, the Agency minutes of September 17, 2009, approved as submitted.

**(“A”) AGENCY BOARD APPROVAL OF AN AMENDMENT TO THE GROUND LEASE AGREEMENT AND AN AGREEMENT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS BETWEEN THE REDEVELOPMENT AGENCY AND UNIWELL FRESNO HOTEL, LLC, FOR SALE OF THE UNDERLYING FEE INTEREST OF LAND UNDER THE RADISSON HOTEL, 2223 VENTURA STREET, IN THE AMOUNT OF \$2,900,000; CITY COUNCIL APPROVAL OF AMENDMENT TO A SUBLEASE BETWEEN UNIWELL FRESNO HOTEL, LLC AND THE CITY PROVIDING FOR THE EXERCISE OF FOUR 5-YEAR OPTIONS AND EXTENDING A PURCHASE OPTION ON THE CONFERENCE CENTER AND PARKING STRUCTURE; JOINT APPROVAL OF A 2009 REIMBURSEMENT AGREEMENT AND PROMISSORY NOTE BETWEEN THE AGENCY AND THE CITY FOR DEBT IN THE CONVENTION CENTER PROJECT AREA, MERGER AREA 1; AND ADOPTION OF A CATEGORICAL EXEMPTION FROM CEQA, with an added provision**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted; advised for the record (1) the reimbursement was dated 10/1/09, for convenience but effective 7/1/09, (2) in Section 4 the date in brackets should read 9/30/10, for FY 2009-10, and (3) regarding CEQA noted the project was environmentally assessed and determined categorically exempt as there is no change in the existing use; and introduced Radisson and Uniwell officials in attendance and acknowledged and thanked her staff for all their work.

City Manager Souza stated he was also appreciative of the work that was done and added this was a great transaction for both the Radisson and the city of Fresno, and for the record advised the \$2.9 million coming to the city would be used to pay off the existing debt which he noted was right around that same number and part of the comprehensive approach.

Acting President Westerlund concurred this was a good deal as it would clean up an old transaction and help the hotel refinance, stated the CEQA exemption clearly applied here in that this was a finance arrangement, and relative to the dollars paying off the notes and upon his question Mr. Souza, Ms. Murphey and Chief Assistant City Attorney Hale stated staff had no objection to adding that to a motion. A motion and second was made to approve staff's recommendation with the added provision that the \$2.9 million will be used to pay off the notes as soon as available in April 2010. Councilmember Brand clarified there would be no commission and the actual net would be about \$2.8+ million, and added he did not see anything at all in this transaction that was not positive for the City, the RDA and the Radisson and this was the type of transaction that should be encouraged. Chair Xiong thanked the team and the partnership the Radisson has shown, and added he looked forward to moving this forward and offered assistance in any way in Radisson's vision.

On motion of Acting President/Member Westerlund, seconded by Councilmember/Member Borgeas, duly carried, RESOLVED, (1) an amendment to the Ground Lease Agreement and an Agreement for Purchase and Sale and Escrow Instructions between the Redevelopment Agency and Uniwell Fresno Hotel, LLC, hereby approved; (2) an amendment to the Sublease between Uniwell Fresno Hotel, LLC and the City hereby approved; (3) a 2009 Reimbursement Agreement and Promissory Note between the Agency and the City hereby approved; and (4) a categorical exemption from CEQA hereby adopted, and, in addition, the \$2.9 million to be used to pay off the notes as soon as available in April 2010, by the following vote:

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

-----

The joint bodies adjourned their meeting at 11:16 a.m. and the City Council reconvened in regular session.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

(‘A’) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: DARLING INTERNATIONAL, INC.

The City Council met in closed session in Room 2125 at the hour of 11:17 a.m. to consider the above matter and the meeting was adjourned thereafter.

-----

**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 12:04 p.m. having arrived and hearing no objection, President Sterling declared the meeting adjourned.

*Approved* on the \_\_\_15th\_\_\_ day of \_\_\_\_\_October\_\_\_\_\_, 2009.

\_\_\_\_\_/s/\_\_\_\_\_/s/\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Cynthia Sterling, Council President

\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk