

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
	Paul Caprioglio	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Acting Council President
	Blong Xiong	Council President

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

Councilmember Dages gave the invocation and President Xiong led the Pledge of Allegiance.

APPROVE CITY COUNCIL MINUTES OF DECEMBER 16, 2008

On motion of Councilmember Dages, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the minutes of December 16, 2008, approved as submitted.

APPROVE REDEVELOPMENT AGENCY MINUTES OF DECEMBER 16, 2008

On motion of Member Xiong, seconded by Chair Duncan, duly carried, RESOLVED, the Agency minutes of December 16, 2008, approved as submitted.

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COMMENTS BY, AND PRESENTATIONS TO, OUTGOING COUNCILMEMBERS BRIAN CALHOUN AND JERRY DUNCAN

Councilmember Calhoun stated his first love was being an educator and his second love was City Hall and the people of Fresno which he had the honor of serving for eight years; thanked his district residents, his assistant Sherry Jones and Chief of Staff Ann Kloose, his wife Elaine, City Manager Souza and city staff, his council colleagues, and Mayor Autry; and welcomed the incoming mayor and council members, spoke to the importance of “trying” and working with the mayor to accomplish things, and dedicated an ancient oath of Athens to Council and city officials to “strive to transmit the city not less -- but greater, better and more beautiful -- than it was transmitted to us”.

Councilmember Duncan stated it had been an honor to serve the last eight years and thanked his district residents, his assistants Ginger Barrett and Kathy Calvert, and the many city employees he got to work with stating they were the best professionals he has ever worked with; stated these past eight years had been fun, they had their highs and lows, and he adored working with Mayor Autry; to the incoming members stated (1) the job of council member was important but it was not the most important thing -- family was, and (2) taxpayers were not customers of government -- they were the owners; and reiterated his thanks to everyone and congratulated and turned his district over to Councilmember-elect Brand stating he would do a great job.

On behalf of the City Council, President Xiong presented a plaque to Councilmember Calhoun for his service and his friendship. President Xiong thanked Councilmember Duncan for his service and advised Councilmember Duncan’s wish to have no public presentation was being honored.

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City Clerk Klisch administered the Oaths of Office to Councilmembers-elect Borgeas and Brand who then took their seats on the Council dais. Councilmembers Borgeas and Brand both thanked, introduced, and/or recognized their families, friends, supporters/campaigners, district residents, their new staff, outgoing members and their staff, and Mayor Autry, and spoke to their campaign journeys and stated it was an honor to be elected and they looked forward to serving their districts and the city.

APPROVE APPOINTMENT OF PAUL CAPRIOGLIO AS COUNCILMEMBER FOR DISTRICT 4

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, Councilmember Caprioglio reappointed District 4 Councilmember, by the following vote:

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

ELECTION OF COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT

(2 - 0) On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, Acting President Sterling elected Council President and Councilmember Caprioglio elected Acting Council President, by the following vote:

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

President Sterling took the President’s seat and retired and presented the 2008 President’s gavel to Councilmember Xiong.

PRESENTATION TO PRESIDENT STERLING AND MAYOR-ELECT SWEARENGIN BY THE BLACK WOMEN ORGANIZED FOR POLITICAL ACTION (BWOPA)

State President Dezie Woods-Jones and San Joaquin Valley President Gwen Morris, on behalf of the California statewide BWOPA and the Fresno local chapter of BWOPA, the black women of the valley and state, saluted, commended, and expressed their support for President Sterling on her election and for being the first black female Council President for the city of Fresno, and presented President Sterling with a floral bouquet.

Mrs. Woods-Jones and Mrs. Morris acknowledged former Mayor Karen Humphrey, Fresno’s first female mayor, and stated they were delighted to have another woman heading the city and congratulated Mayor-elect Swearengin and presented her with a floral bouquet.

COMMENTS BY OUTGOING MAYOR ALAN AUTRY

President Sterling commended Mayor Autry for being a man of his word and a man of great principle and love for family and introduced Mayor Autry. Mayor Autry stated he had to thank his Lord and Savior Jesus Christ for giving him the honor of serving and the strength and guidance to make it through the last eight years, congratulated Mayor-elect Swearengin, thanked his family and staff for all their support, work and dedication to the city, congratulated Councilmembers Borgeas and Brand and stated they had some big shoes to fill, commended Council members and staff, spoke to the importance of protecting the city and working together to do what is best for the city, and recognized former Mayor Jim Patterson for all he did, displayed a baton that was passed on to him when he was sworn into office by Mayor Patterson, and passed the baton onto Mayor-elect Swearengin.

ADMINISTRATION OF OATH OF OFFICE AND INSTALLATION OF MAYOR ASHLEY SWEARENGIN

City Clerk Klisch administered the Oath of Office to Mayor-elect Swearengin. Mayor Swearengin introduced her family and her staff/team members; congratulated new Councilmembers Borgeas and Brand, Councilmember Westerlund on his re-election and on becoming a father for the first time, and Councilmember Caprioglio on his reappointment; honored Councilmember Perea as her

opponent on the campaign trail and now her colleague for the six years he has invested in serving his district; stated she looked forward to working with Councilmembers Dages, Sterling and Xiong; commended Mayor Autry for his leadership, accomplishments, and positive impact he had on the city, the region and the state and stated she would see to it that all his efforts will not have been in vain; and spoke to her agenda/plans/goals and stated she looked forward to the journey ahead.

PRESENTATION BY DR. TOM NEWTON, PASTOR OF RIVER BLUFFS CHURCH

Pastor Newton, Mayor Swearingin's father, presented a prayer on the vision and hope for Fresno and Mayor Swearingin.

(10:00 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF N. STATE STREET NORTH OF W. FAIRMONT AVENUE (Continue to 2:00 p.m.)

Continued as noted.

RECESS - 9:59 A.M. - 2:00 P.M.

The City Council recessed to 2:00 p.m. and at 11:00 a.m. a reception was held to honor the outgoing/incoming mayors and council members, with the Kipp Academy Musical Ensemble performing.

(2:00 P.M.) ELECTION OF REDEVELOPMENT AGENCY CHAIR AND VICE CHAIR

President Sterling called for nominations and Acting President Caprioglio made a motion to elect Councilmember Xiong as Agency Chair stating he had the experience, interest and vitality necessary. The motion was seconded by Councilmember Brand.

President Sterling stated she also wanted to make a motion whereupon City Attorney Sanchez recommended Council first vote on the motion on the floor stating if it does not pass another motion could then be made.

On motion of Acting President Caprioglio, seconded by Councilmember Brand, duly carried, RESOLVED, Councilmember Xiong elected Chair of the Redevelopment Agency, by the following vote:

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

On motion of Councilmember Xiong, seconded by Councilmember Borgeas, duly carried, RESOLVED, Councilmember Brand elected Vice Chair of the Redevelopment Agency, by the following vote:

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

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) thanked Slater Elementary School for giving him the opportunity to read to their 2nd and 3rd grade classes; (2) commended staff and the police department for their work at the Hmong International New Year event and for making it (3 - 0) a safe environment; (3) commended all involved in the One City/One Future Inaugural event; and (4) commented on the War Memorial event and expressed his thanks for the support for the Hmong veterans.

President Sterling (1) congratulated the Hmong New Year committee and spoke to the successful event; and (2) thanked ACM Rudd for changing the scope of the homeless clean up around the Rescue Mission and requested staff meet with each council member to bring all up to date on the issue including issues that were of concern last year. ACM Rudd stated staff would meet with members and advised meetings have been occurring and staff was planning to present a new strategy to Council within the next 30-60 days.

APPROVE AGENDA:

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

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

ADOPT CONSENT CALENDAR:

President Sterling pulled Item **1-F** from the consent calendar for separate discussion/action.

(‘A’) RESOLUTION NO. 2009-1 - 61ST AMENDMENT TO AAR 2008-162 APPROPRIATING \$2,231,800 FOR STREET IMPROVEMENT RECONSTRUCTION ON THE WILLOW-SHEPHERD INTERSECTION

1. ADOPT CEQA CATEGORICAL EXEMPTION

2. AWARD CONSTRUCTION CONTRACT, INCLUDING BASE BID PLUS ADD ALTERNATES ‘B’ AND ‘C’, IN THE TOTAL AMOUNT OF \$1,504,517.70, TO JWT GENERAL ENGINEERING, FOR THE WILLOW-SHEPHERD PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(‘B’) RESOLUTION NO. 2009-2 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET AND PUBLIC PEDESTRIAN PURPOSES AT PUMP STATION NO. 76 LOCATED AT THE NORTHEAST CORNER OF SIERRA AND MILLBROOK AVENUES

(‘C’) APPROVE THE ACQUISITION OF TWO PUBLIC PEDESTRIAN EASEMENTS FOR DRIVEWAY APPROACHES FROM JANICE TALANOVA AND PAUL TALANOVA for \$1,000, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. HARVEY AND N. FIFTH STREET (3480 E. HARVEY), AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(‘D’) ADOPT RESOLUTION OF INTENTION NO. 1071-D SETTING A PUBLIC HEARING FOR JANUARY 27, 2009, FOR THE VACATION OF THE CALIFORNIA-ATCHISON ALLEY BETWEEN WALNUT AND PLUMAS AVENUES, THE ATCHISON-LORENA ALLEY BETWEEN WALNUT AND PLUMAS, E. ATCHISON AVENUE BETWEEN WALNUT AND PLUMAS, AND A PORTION OF E. LORENA AVENUE BETWEEN WALNUT AND PLUMAS AVENUES

(‘E’) AWARD A CONTRACT IN THE AMOUNT OF \$694,550 TO MYERS BROTHERS WELL DRILLING, INC., FOR A REQUIREMENTS CONTRACT TO DRILL NEW RECLAMATION WELLS AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRf)

(‘G’) APPROVE AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO ALLOW PARCS TO RECEIVE UP TO \$2,188.75 TO COVER PERSONNEL AND OPERATING COSTS ASSOCIATED WITH PROVIDING AN AFTER SCHOOL LIFE AND ENVIRONMENTAL SCIENCE PROGRAM AT AWAHNEE MIDDLE SCHOOL THROUGH JUNE 30, 2009

(‘H’) APPROVE THE CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2009

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

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

CONTESTED CONSENT CALENDAR:

(‘F’) RESOLUTION NO. 2009-3 - CONDITIONALLY ACCEPTING A GRANT (IF FUNDED) FROM THE DEPARTMENT OF WATER RESOURCES, DIVISION OF PLANNING AND LOCAL ASSISTANCE, FOR AN URBAN STREAMS URBAN RESTORATION PROGRAM, AND AUTHORIZE THE PARCS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS AS AGENT OF THE CITY OF FRESNO

President Sterling noted this would be a joint effort and presented questions relative to how the funds will be awarded, if staff was comfortable with the arrangement, age range for the hires, if any city equipment will be used, and what the insurance arrangement was, with PARCS Director Cooper responding.

On motion of President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2009-3 hereby adopted, by the following vote:

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

RECESS - 2:12 P.M. - 2:15 P.M.

(2:15 P.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATIONS:

Arnold Lawrence, 2250 E. Solar, questioned who owned the Fresno Falcons, stated he previously worked for the Falcons and advised he had a team and \$1.6 million in a fund currently to restart the Falcons and further elaborated, and stated he has been unable to get any responses/answers to his inquiries which were needed by January 10th. City Attorney Sanchez advised Fresno Hockey Club was the owner of the Falcons, stated his office has taken a number of steps since the contract was breached, stated options would be presented to Council on January 13th, added his office was not aware of any proposal and requested any proposal be provided in writing including resources available, and upon the request of President Sterling stated his office would connect with Mr. Lawrence.

Sherry Smith, 4724 W. Swift, stated the north/south “tale of two cities” also existed east and west and spoke to difference in public services between her area west of Freeway 99 and her friend who resides in northeast Fresno.

Paul Hurlbut, 4701 W. Swift, spoke to fire stations, the 2008-09 and 2012-13 strategic plan, and ISO ratings.

Paula Savino, 7449 N. Mansionette, spoke to animal abuse.
