

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

*Absent:	Andreas Borgeas	Councilmember - *Present and voted via teleconference from Japan from the start of the meeting through the 9:00 a.m. budget presentation.
----------	-----------------	---

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

A moment of silence was observed on the passing of former Chief Raymond L. Williams from the police department and Virginia Cristando, Mother of former council member Linda Calandra.

Pastor William C. Nolte of the Fresno First Baptist Church gave the invocation, and President Sterling led the Pledge of Allegiance.

PRESENTATION OF AWARDS FOR THE MAYOR’S BUSINESS RECYCLING AND ZERO WASTE PROGRAM

Presented.

CERTIFICATE OF RECOGNITION TO LAWANDA DAVIS WITH HANDYRIDE - MAYOR’S OFFICE AND PRESIDENT STERLING

Read and presented.

PROCLAMATION OF “ED EAMES DAY” - COUNCILMEMBER PEREA

Read and presented.

PROCLAMATION OF “NATIONAL HUNGER & HOMELESSNESS WEEK” - PRESIDENT STERLING

Read and presented.

PRESENTATION OF “PRIME TIME FOR BUSINESS - ELECTRONIC RECYCLERS INTERNATIONAL (ERI)” - PRESIDENT STERLING AND D&CR DEPARTMENT

D&CR Business Initiatives Manager Huerta introduced John Shegerian of ERI, and President Sterling commended Mr. Shegerian as a premier business who hires and helps those with past criminal records to rebuild their lives, and read and presented a Certificate of Commendation to Mr. Shegerian as a Prime Time for Business honoree. Mr. Shegerian expanded further on his business and operation playing a video to illustrate (2 - 0). President Sterling again commended ERI and thanked staff.

APPROVE MINUTES OF NOVEMBER 5, 2009:

On motion of Councilmember Brand, seconded by Acting President Westerlund, duly carried, RESOLVED, the minutes of November 5, 2009, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) reminded all of the upcoming 2010 census, commended the census team, and spoke to the importance of the census and everyone being counted; (2) pursuant to AB 1234 reported he was in Oakland last Friday for an API Commission meeting as a committee member; (3) thanked the Clovis High North Education Center, clubs and future leaders for their work; (4) thanked Congressman Costa for attending the local API Leadership meeting; and (5) advised Hmong New Year events have started in the state and would culminate with Fresno’s celebration beginning December 26th.

Acting President Westerlund (1) echoed Councilmember Xiong’s comments on the 2010 census and stressed the importance as it would set the bar for the next ten years for a lot of issues the city will be dealing with; (2) spoke to a recent article about the city of Clovis’ median island ordinance and requested staff look into it to see if it is something Fresno can do; and (3) announced today was the grand opening of the Vallarta Foods grocery store at Cedar and Dakota and thanked Vallarta for coming in in these tough economic times and investing in Fresno.

President Sterling (1) announced the downtown Fresh and Easy would be opening in February and would be a great addition to the area; and (2) advised she would be leaving the meeting around 11:00 a.m. and reminded Council of the special closed session at 1:00 p.m.

APPROVE AGENDA:

(10:00 A.M.) CONTINUED HEARING TO CONSIDER VESTING TENTATIVE TRACT MAP NO. 5933/UGM, CUP NO. C-08-59 AND ENVIRONMENTAL FINDINGS FILED BY GARY GIANNETTA ON BEHALF OF GARY MCDONALD HOMES, PROPERTY LOCATED BETWEEN N. FRIANT ROAD AND E. COPPER AVENUE WITHIN THE COPPER RIVER RANCH MASTER PLANNED COMMUNITY (Refer back to staff - - to be rescheduled)

Referred back to staff.

(9:00 A.M.) MAYOR’S BUDGET PRESENTATION

Acting President Westerlund made a motion, which was seconded by Councilmember Xiong, to hear the Mayor’s budget presentation before the Consent Calendar.

On motion of Acting President Westerlund, seconded by Councilmember Xiong, 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

(9:00 A.M.) MAYOR’S BUDGET PRESENTATION

Mayor Swarengin welcomed all and noted on October 22nd she advised significant adjustments to the 2010 budget would have to be made and thanked everyone for their patience this past month, stated 99% of the decisions being recommended in the upcoming presentation were very, very difficult to make, the structural imbalance was a significant problem, and the number one responsibility

of city officials before anything else was to be good fiscal stewards with taxpayer money, and along with City Manager Souza and City Attorney Sanchez gave an in-depth PowerPoint presentation which consisted of the Background/Major Factors Driving the Need for Reduction, 5 Year Projection - General Fund Revenues/Expenditures, 5 Year General Fund Projections, FY 2010 Mid Year Reduction Plan, Decision-Making Criteria (Face the Challenge/Protect Core Services/Minimize Impact to Employees/Begin the Plan to Address Escalating Retirement Costs), Overview of the FY 2010 Mid Year Budget Plan (\$10.034 Million of Reductions in 2010/Layoffs of 125 Full-Time Employees/Citywide Furlough), Details on the Citywide Furlough, What This Means for Employees, Department Service Impacts, General Fund Department Summary, Overviews of the Police Department, Fire Department, PARCS Department, Public Works Department, Downtown & Community Revitalization Department, Mayor and City Manager Offices, and City Council/City Clerk/Planning & Development Departments, Internal Service Funds, 5 Year General Fund Projections, Why Not Reduce More Now?, and Process --Next Steps including Charter Administrative Authority, Evaluation of Required Council Actions and Special Meeting on November 30th for Necessary Action. Mayor Swearengin stated she wished there was better news but the picture was pretty clear and changes could not be avoided, spoke briefly to the importance of providing city services, stated even though things can be discussed and tweaked the budget target had to be met, and stated she respected council's role in this process and looked forward to their input.

Councilmember Brand thanked the mayor and staff for the hard work put into this and presented questions relative to whether the \$2.5 million deductible would have any impact on this budget, status of the Blosser and Palm Lakes properties, if staff was comfortable with sales tax forecast numbers, if sales and property taxes make up over half of the general fund, property tax projections possibly being too cautious and that being a ray of hope, support for tackling the issue of retirement costs, **(3 - 0)** balancing the budget/need to think out of the box/suggestion to try to find ways to stimulate business in the city to generate more taxes, importance of continuing graffiti efforts, and the city going from one crisis to another/things falling through the cracks/need to consider an Office of Oversight in next year's budget, with Mr. Souza, Budget Director Smith and Mayor Swearengin responding throughout. Councilmember Borgeas stated what was feared was coming true and commended the administration for being proactive and taking an assertive role to try and balance the budget, and presented questions relative to the number of layoffs, the citywide furlough program, implementation date for the proposed changes, if budget discussions have ever occurred in closed session, and if the Blosser property was still an outstanding financial assumption, with Mr. Souza and Mr. Sanchez responding.

Acting President Westerlund spoke briefly to the state's past and upcoming budget shortfalls and stated they were not done and would be coming back, and spoke and presented questions relative to employee cuts, if staff was considering going back again and asking the bargaining units to make more sacrifices for the benefit of their fellow employees, need for all to work together, commendation to the units that stepped up and disappointment with those that did not and took advantage of cash outs, the "structural" imbalance and if that meant retirement at this point, the citywide furlough, why enterprise funds will be furloughed when they are not paid out of the general fund, closing of neighborhood parks/how decisions were made/concern with the closures of El Dorado and Melody parks in District 4, and suggestion to take a hard look at every purchase/expenditure over a certain threshold amount to find/save money as Fresno Unified does, with Mr. Souza responding throughout. Upon questions of Councilmember Perea Mr. Sanchez stated council would weigh-in/vote on the plan on November 30th and if members wanted to engage earlier they would have to comply with agenda requirements of the Brown Act, and council would take action on items that are non-administrative and explained. Councilmember Perea presented additional questions relative to what the definition was of a material change, if the closure of two fire stations would be material, police department layoffs and what positions/divisions were affected, need to know what functions will be lost/if police officers will take over functions/how service levels will be affected, if early retirement options were being looked at, if the public will be able to provide input, and if there will be any reduction in the tracking of sex offenders, with Mr. Souza responding. Upon questions of Councilmember Dages Mr. Souza stated there were no formal spending or hiring freezes but they were happening and explained, advised of the few recent hires, and stated the personnel department was currently working on filling vacant positions with those being laid off.

Councilmember Xiong spoke to the short time frame and suggested members either meet individually with departments or form committees of three to identify which issues are material and non-material and work diligently with the administration to be prepared on November 30th. President Sterling stated the impact was great and spoke in support of forming committees to work on sections of the plan, spoke to the importance of all working together and stepping up to the plate -- even those groups with contracts -- to take care of their own, and expressed her concern with the proposed layoffs of public safety personnel and concurred with Councilmember Dages on filling vacant positions with those laid off and train them if necessary as this was not the time to put people out in the street.

Councilmember Borgeas concurred everyone was in this together and hard decisions will have to be made, and upon his questions Mr. Sanchez stated he worked with the mayor and city manager's office on how the Charter plays out with regards to the manager's administrative and council's legislative authorities, relative to material and non-material items stated he advised the city

manager to bring forth the rationale as to how service reduction impacts are less than material from a citywide standpoint, and clarified at any point the city council has the ability to step in and deem a particular action to be one they want to take a formal position on. Councilmember Borgeas stated that would be confusing and suggested more involvement so that when proposals come to council they have already been vetted by the city attorney's office in a more meaningful way and council members will not have to "chase their own tails" trying to figure out the meaning of material adding that was not something council should be making legal determinations on. Mr. Sanchez stated as discussions have continued there has been more detail and clarity and explained, and stated if there are specific areas council members have concerns with his office could look at them individually and return with recommendations or work with a council sub-committee to develop some recommendations. Councilmember Borgeas concluded stating he felt council's role in this was to rely on determinations by the city attorney's office advising of materiality or non-materiality to get through the process as expeditiously as possible, and relative to closing fire stations stated he will welcome discussions with the city manager and fire chief but he did not see how that was not a material issue. President Sterling thanked Mayor Swearingin and staff stating council looked forward to working with them in the next few days. There was no further discussion.

ADOPT CONSENT CALENDAR:

(4 - 0) Councilmember Dages pulled Items **1-G** and **1-O**, Councilmember Brand pulled Item **1-A**, and Acting President Westerlund pulled Items **1-E**, **1-J** and **1-K** from the Consent Calendar for separate discussion/action at 1:30 p.m.

(1-O) APPROVE AN AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION (EDC) SERVING FRESNO COUNTY AND CALIFORNIA STATE UNIVERSITY FOUNDATION IN THE AMOUNT OF \$366,000, AND AUTHORIZE STAFF TO EXECUTE DOCUMENTS

City Manager Souza advised both the president and executive director of the EDC were out of the area and upon his request and by council consensus Item **1-O** was continued to December 3, 2009.

(1-B) APPROVE APPOINTMENT OF TOMMY NELLON TO THE FRESNO REGIONAL WORKFORCE INVESTMENT BOARD - MAYOR'S OFFICE

(1-C) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE FUNDING FOR SALARIES AND FRINGE FOR ONE LIFESKILLS OFFICER AND STRUCTURED YOUTH ACTIVITIES AT THREE ELEMENTARY SCHOOLS

1. RESOLUTION NO. 2009-233 - 26TH AMENDMENT TO AAR 2009-149 APPROPRIATING \$43,400 INTO THE POLICE DEPARTMENT'S BY 2010 BUDGET FOR THE LIFESKILLS OFFICER AND YOUTH ACTIVITIES

(1-D) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE POLICE DEPARTMENT'S 2009 CALIFORNIA 'CLICK IT OR TICKET' (CIOT) PROJECT

1. RESOLUTION NO. 2009-234 - 30TH AMENDMENT TO AAR 2009-149 APPROPRIATING \$40,000 INTO THE POLICE DEPARTMENT'S FY 2010 BUDGET FOR THE 'CIOT' PROJECT

(1-F) RESOLUTION NO. 2009-235 - DEDICATING CERTAIN CITY-OWNED PROPERTY ON THE SOUTH SIDE OF E. MCKINLEY AVENUE WEST OF N. MILLBROOK FOR PUBLIC STREET PURPOSES AT PUMP STATION NO. 37

(1-H) ADOPT SIDE LETTER OF AGREEMENT ON HOLIDAY LEAVE AND THE TERM OF THE MOU WITH OPERATING ENGINEERS, LOCAL UNION NO. 3 (AIRPORT PUBLIC SAFETY SUPERVISORS - UNIT 15)

(1-I) RESOLUTION NO. 2009-236 - 28TH AMENDMENT TO AAR 2009-149 RE-APPROPRIATING \$94,600 FOR CAPITAL PROJECTS FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009

1. RESOLUTION NO. 2009-237 - 33RD AMENDMENT TO AAR 2009-149 APPROPRIATING \$509,100 FOR A CAPITAL PROJECT FUNDED BY ARRA AND THE FRESNO REDEVELOPMENT AGENCY

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE ALL DOCUMENTS REQUIRED TO RECEIVE \$434400 IN HIGHWAY INFRASTRUCTURE FUNDS PROVIDED THROUGH ARRA

(1-L) APPROVE AN AGREEMENT WITH JP MARKETING FOR THE PRODUCTION AND SYNDICATION OF FIRE DEPARTMENT PUBLIC SERVICE ANNOUNCEMENTS (PSAs)

(1-M) APPROVE A CONTRACT IN THE AMOUNT OF \$20,985.50 WITH THE WEST FRESNO ELEMENTARY SCHOOL DISTRICT FOR A COMPREHENSIVE SATURDAY PROGRAM AT WEST FRESNO MIDDLE SCHOOL COMPRISED OF THE FRESNO BEST, INFORMAL SCIENCE AND LIFE/ENVIRONMENTAL SCIENCE PROGRAMS, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-N) **RESOLUTION NO. 2009-238 - 32ND** AMENDMENT TO AAR 2009-149 APPROPRIATING \$31,300 OF ARRA GRANT FUNDS FROM THE FRESNO COUNTY WORKFORCE INVESTMENT BOARD FOR COORDINATION OF THE “GREEN JOBS” ADULT WORKER EMPLOYMENT PROGRAM ACTIVITIES ACROSS CITY DEPARTMENTS

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

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

(9:30 A.M.) PUBLIC COMMENT PERIOD:

(‘A’) SCHEDULED COMMUNICATION:

1. APPEARANCE BY WILLIAM MILTON, SR., TO DISCUSS POLICE OFFICERS USING TASER GUNS

Mr. Milton requested the police department and police auditor look into their options and tactics stating there were options to using deadly force and explained, and submitted written material into the record.

2. APPEARANCE BY KENNETH FICK TO DISCUSS A WORKERS’ COMPENSATION CASE

Not present when called.

3. APPEARANCE BY PAUL SAITO TO DISCUSS VIOLATION OF THE CITY’S LOCAL PREFERENCE ORDINANCE ADOPTED IN 1994

Mr. Saito read his written statement into the record expressing concern with the consultant selection procedure used by the public works department for Universally Accessible Park and stating the city’s policy for local consultants needed to be a high priority in selection processes. Upon question of Councilmember Xiong, City Manager Souza stated he was made aware last week of Mr. Saito’s concerns and he would review the response from public works and PARCS to see if it addresses the specific questions presented.

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

(‘A’) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

PROPERTY: CHUKCHANSI PARK (MULTIPURPOSE STADIUM)

NEGOTIATING PARTIES: ANDREW T. SOUZA, CITY MANAGER, CHRIS CUMMINGS, FRESNO BASEBALL CLUB, LLC AND FRESNO BASEBALL CLUB, LLP

UNDER NEGOTIATION: PROPOSED AMENDMENT TO THE LEASE AGREEMENT

The City Council met in closed session in Room 2125 at the hour of 11:10 a.m. to consider the above matter and recessed for lunch thereafter.

LUNCH BREAK - 12:00 NOON - 1:10 P.M.

(1:00 P.M.) SPECIAL NOTICE CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(‘A’) CONFERENCE WITH LEGAL COUNCIL/EXISTING LITIGATION - CASE NAME: HARRIS CONSTRUCTION COMPANY, INC., ET AL., V. FRESNO METROPOLITAN MUSEUM, ET AL., DOES 1 - 500, FRESNO SUPERIOR COURT CASE

(‘B’) CONFERENCE WITH REAL PROPERTY NEGOTIATOR:
UNDER NEGOTIATION: PROPOSED AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF FRESNO AND THE FRESNO METROPOLITAN MUSEUM OF ART AND SCIENCE
NEGOTIATOR: ANDREW T. SOUZA, CITY MANAGER

The City Council convened in special closed session in Room 2125 at the hour of 1:10 p.m. to consider the above matters.

RECESS - 1:29 P.M. - 2:02 P.M.

(9:30 P.M.#1) CONTESTED CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2009-239 - 18TH AMENDMENT TO AAR 2009-149 APPROPRIATING \$600,000 FOR THE RE-BUDGET OF ACTIVITIES AND PROJECTS ADDRESSING HOMELESSNESS IN THE CITY OF FRESNO

Councilmember Brand questioned, in lieu of the city’s budget and cuts that will have to made, if spending this money on the homeless should be reconsidered, with Homeless Prevention and Policy Manager Barfield clarifying this item was here because the money was not properly encumbered and it was owed to the Housing Authority. Councilmember Brand stated these types of issues needed to be questioned when they come up and if there is opportunity money should be moved to keep a vital service open. A motion and second was made to adopt the resolution. Mr. Barfield and City Manager Souza responded to questions of Councilmember Perea relative to whether all the \$600,000 had been encumbered, time line to encumber the funds, how much of the funds have actually been spent, accountability and when council will be receiving a report back on the expenditure of homeless funds, and the number of homeless that have been housed. President Sterling acknowledged the challenges but cautioned council about redirecting homeless funds stating a decision was made to address the issue as one of it’s priorities.

On motion of Councilmember Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2009-239 hereby adopted, by the following vote:

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

(1-E) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR FY 2009-2010

1. RESOLUTION NO. 2009-240 - 31ST AMENDMENT TO AAR 2009-49 APPROPRIATING \$378,100 INTO THE POLICE DEPARTMENT BUDGET FOR THE SOBRIETY CHECKPOINT PROGRAM

Upon questions of Acting President Westerlund Chief Dyer stated the department bills the agency quarterly and is then reimbursed, the funds were not in jeopardy, and the remaining funds from the \$509,262 grant award would be appropriated in FY 2011. Acting President Westerlund applauded and expressed his support for the department’s efforts and made a motion to approve.

On motion of Acting President Westerlund, seconded by Councilmember Brand, duly carried, RESOLVED, the Chief of Police authorized to enter into and execute the subject agreement and required program documents with the Regents of the University of California, and the above entitled Resolution No. 2009-240 hereby adopted, by the following vote:

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

**(1-G) ADOPT A FINDING OF MITIGATED NEGATIVE DECLARATION UNDER CEQA
1. APPROVE ACQUISITION OF ONE PARCEL TO CONSTRUCT A NEW WATER WELL LOCATED ON THE NORTHWEST CORNER OF E. VENTURA AVENUE AND S. SECOND STREET FROM PROPERTY OWNER ELLA M. ROSS**

Councilmember Dages stated to drill and then purchase property later made no sense and questioned why the property was being purchased, stated four feet from the sidewalk was an odd place for a well, and questioned what the cost was for a test well, with Assistant Public Utilities Director Querin explaining the process, reason for the well location, and advising the cost for a test well was \$50,000.

On motion of Councilmember Xiong, seconded by Acting President Westerlund, duly carried, RESOLVED, the subject finding of a Mitigated Negative Declaration hereby adopted, the fee simple acquisition of the parcel necessary for the construction of the water well for the appraised value of \$150,000 hereby approved, and the Public Works Director or designee authorized to sign all documents necessary to complete the transaction, by the following vote:

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

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

Fleet Manager Schaad and City Manager Souza responded to questions of President Westerlund relative to the funding source (with Acting President Westerlund noting the fiscal impact does not indicate if general fund, enterprise or grant dollars are being used), the city's budget situation and how necessary/needed this purchase was, and if this item had been presented to council previously.

On motion of Councilmember Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the subject contract hereby awarded to Kuckenbecker Tractor as recommended, by the following vote:

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

(1-K) AWARD A CONTRACT IN THE AMOUNT OF \$392,958.30 TO CUMMINS WEST, INC., TO FURNISH AND INSTALL TWENTY-EIGHT (28) ACTIVE DIESEL PARTICULATE FILTERS

Fleet Manager Schaad responded to questions and comments of Acting President Westerlund relative to the funding source, regulatory requirements and associated costs, if the air board or air pollution control district were helping financially, and grant funding requirement deadlines.

On motion of Acting President Westerlund, seconded by Councilmember Brand, duly carried, RESOLVED, the subject contract hereby awarded to Cummins West, Inc., as recommended, by the following vote:

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

(9:30 A.M. "B") PUBLIC COMMENT - UNSCHEDULED COMMUNICATIONS:

Reyes Garza, 412 "F" Street, spoke to the homeless; and "Rusty", homeless, spoke to various issues.

(10:00 A.M.) COUNCIL COMMUNICATIONS AND ASSIGNMENTS:

- (‘A’) COUNCIL OF GOVERNMENTS - SWEARENGIN, XIONG
COUNCIL SUB-COMMITTEE TASK FORCE FOR WATER (WATER TASK FORCE) - BORGEAS, BRAND, STERLING
FINANCIAL AUDIT COMMITTEE - BRAND, WESTERLUND, XIONG
FRESNO AREA WORKFORCE INVESTMENT CORPORATION - STERLING
FRESNO COUNTY COUNCIL OF GOVERNMENTS (COG) RAIL CONSOLIDATION COMMITTEE - XIONG
FRESNO COUNTY TRANSPORTATION AUTHORITY (FCTA) - SWEARENGIN, BORGEAS
FRESNO COUNTY WORKFORCE INVESTMENT BOARD - STERLING
FRESNO COUNTY ZOO AUTHORITY - SWEARENGIN, ALTERNATE - WESTERLUND
FRESNO-MADERA AGENCY AGING BOARD - STERLING
JOINT POWERS FINANCING AUTHORITY - STERLING
LEADERSHIP COUNCIL ON ENDING HOMELESSNESS - SWEARENGIN, STERLING, XIONG
PUBLIC SAFETY JOINT POWERS AUTHORITY - STERLING
SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN, ALTERNATE - BRAND
THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - STERLING
UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY - BORGEAS
- (‘B’) ECONOMIC DEVELOPMENT CORPORATION (EDC) SERVING FRESNO COUNTY - EX-OFFICIO - BORGEAS
FRESNO CITY & COUNTY CONVENTION & VISITOR’S BUREAU (CVB) - SWEARENGIN, STERLING
LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) - SWEARENGIN, ALTERNATE - BORGEAS
SPECIAL CITY SELECTION COMMITTEE, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (AD HOC) - STERLING, ALTERNATE - WESTERLUND
- (‘C’) COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS TO/FROM CITY AND NON-CITY BOARDS AND COMMISSIONS

President Sterling reported on the Workforce Investment Board, the Fresno-Madera Area on Aging, the Joint Powers Financing Authority, **(5 - 0)** the Highway 99 Beautification Committee, the CVB, and the San Joaquin Valley Air Pollution Control District, and advised Acting President Westerlund was the appointee to the Metropolitan Museum along with the mayor and the administration.

Upon the request of Councilmember Xiong, City Manager Souza reported on the COG issue to amend the Measure C Expenditure Plan relative to the high speed maintenance yard and the dollars that are being targeted. Discussion ensued with Councilmember Xiong speaking to the need for council to weigh-in and Mr. Souza responding to questions and comments of Acting President Westerlund and Councilmember Brand relative to the shifting of funds, what the process was to change the expenditure plan, the maintenance facility and number of jobs it will create, support for looking at all options on the table, rail consolidation dollars and expenditure time line, need for council and the administration to be on the same page, time line for responses, if an informational workshop was needed on options, and the facility site and need for the city and county to be on board. President Sterling added an update was scheduled to be given to council on December 3rd. Councilmember Xiong added the maintenance yard was going to be a very competitive project, and concluding his reports stated he had nothing to report on the Rail Consolidation Committee.

Acting President Westerlund stated there was nothing to report on the Financial Audit Committee and advised a meeting of the Zoo Authority would be held on Friday. Councilmember Brand stated he had nothing to report on the Water Task Force and the San Joaquin River Conservancy and there was no further discussion.

(1:30 P.M. #2 - ‘A’) PRESENTATION REGARDING HOMEOWNER FUNDING OPTIONS FOR SEWER CONNECTIONS

Assistant Public Utilities Director Hogg gave a PowerPoint presentation on the issue which consisted of the City’s Sewer Ordinance, County Sewer Ordinance, Drawings Depicting Septic Tank and Sewer System Connection to Homes, Cost to Convert from Septic System to Sewer Service, City Financing of Connection Charges, Funding Alternatives, and Clovis’ Sewer Connection Ordinance.

Councilmember Xiong stated he was hoping to see some funding mechanisms/options, and along with Acting President Westerlund presented questions relative to Clovis’ and other cities’ programs/processes, number of areas left to upgrade/connect to the

system, if connections occur only as situations/problems arise, requirements/time line for homeowners to connect, reason for the three year threshold, health and safety issues, desire for staff to provide financing options, numerous questions on Clovis' program/lateral hook-ups/homeowner responsibilities, financial impact for Fresno to follow Clovis's program, if the city monitors the mandatory three year hookup requirement, and lack of an enforcement mechanism and need for an ordinance to place liens on those properties that do not hookup as required within the three years. Staff was thanked for the presentation and there was no further discussion.

(1:30 P.M. #2 'B') RESOLUTION NO. 2009-241 - AUTHORIZING AND APPROVING THE DEFEASANCE OF FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA) 1991 CERTIFICATES OF PARTICIPATION (STREET IMPROVEMENT PROJECTS), AND AUTHORIZING OTHER MATTERS RELATING THERETO

1. RESOLUTION NO. 2009-242 - 29TH AMENDMENT TO AAR 2009-149 APPROPRIATING \$825,000 FOR DEFEASANCE OF THE JPFA CERTIFICATES

Assistant Controller Bradley gave an in-depth overview of the issue, all as contained in the staff report as submitted, and along with a staff member responded to comments and questions of Acting President Westerlund relative to this being an appropriation of gas tax funds, early payoff of bonds, savings, if these were the only bonds covered by gas tax, and other bonds partially covered by gas tax/payment amounts/due dates/if there was any way to defease them.

On motion of Acting President Westerlund, seconded by Councilmember Brand, duly carried, RESOLVED, the above entitled Resolution Nos. 2009-241 and 2009-242 hereby adopted, by the following vote:

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

President Sterling advised she would have to leave shortly and left the meeting at 3:23 p.m. at the start of the following presentation.

(2:00 P.M.) PRESENTATION BY COPPER RIVER RANCH PARTNERS ON THE FIVE YEAR UPDATE- GRANVILLE HOMES

Jeff Roberts of Granville Homes, on behalf of Copper River Ranch, gave a PowerPoint update which consisted of **(6 - 0)** Aerial Views/Photos of the Site, Friant Road, Paving of Friant Road, Grading of Homes, Copper River Country Club, Site from the East, Amenities Maintained by CFD 12, Model Homes, Features Added to the Park, Tot Lot Ribbon-Cutting, Movies in the Park, Alzheimer Walk Event, Sports Court, Neighborhood Electric Vehicles (NEVs), NEV Lanes, Bike Lanes, Copper River Trailhead, Vista Point/Eaton Trail, Trailhead Grove Monument, Public Art, Tree Planting, Round Abouts, Public Streets and Sidewalk Sizes, Bus Stops, Variety of Homes, Shopping Center at Maple and Copper, Trail Views, Median Islands, Marathon Runners, Awards Received, Photos of the Sewer Plant, and the Project in Final Stages.

Councilmember Brand thanked Mr. Roberts, Copper River and Granville Homes stating this was a perfect example of good design and mixed-use development and there was no further discussion.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:38 p.m. having arrived and hearing no objection, Acting President Westerlund declared the meeting adjourned.

Approved on the ____3rd____ day of December, 2009.

_____/s/_____
ATTEST _____/s/_____

Larry Westerlund, Acting Council President

Yolanda Salazar, Assistant City Clerk