

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

Pastor Pete Gavrillis of People’s Church gave the invocation and President Sterling led the Pledge of Allegiance.

PROCLAMATION OF “MCED CAREER COLLEGE DAY” - COUNCILMEMBER PEREA

PROCLAMATION OF “BINATIONAL HEALTH WEEK” - PRESIDENT STERLING

RESOLUTION OF RECOGNITION TO FRESNO HIGH SCHOOL ON IT’S 120<sup>TH</sup> ANNIVERSARY - COUNCILMEMBER XIONG

The above proclamations and resolution were read and presented.

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

On motion of Acting President Westerlund, seconded by President Sterling, duly carried, RESOLVED, the minutes of September 17, 2009, approved, *as amended*, on Page 154-66, Item 9:30 a.m. #1-E, 2<sup>nd</sup> sentence of the second paragraph, changing the wording to the following underlined wording: “...and he felt as part of open government the management letters with the management responses needed to be posted on the web...”.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

Councilmember Xiong (1) thanked and congratulated all involved in the Tamejavi Festival at the Fresno Art Museum this past weekend; (2) advised he attended his first hockey game on Sunday and encouraged all to support youth hockey; (3) reported he attended the California Volunteer Commission meeting Tuesday in Los Angeles and discussed state and federal AmeriCorp funding; (4) advised he participated along with other council members in the Veteran’s Stand Down event and commended VFW Post 8900 for stepping up and being a great host/partner; and (5) stated he hoped the city would participate in the redistricting issue coming up in Claremont to get informed and see how redistricting will impact the city, with City Manager Souza responding.

Councilmember Perea (1) reported he attended the LCC state conference in San Jose; (2) congratulated the St. Agnes Men’s Club on their successful race downtown and advised the Club stated they had a great experience and would make Chukchansi Park their home for their yearly venue; and (3) thanked his council colleagues for attending the Veterans Stand Down stating it is a great event adding personally it was very rewarding and professionally he was glad to see the city supporting our veterans.

district and resolving problems on Huntington Boulevard, and also commended Crystal Smith for assisting him without advance notice on Twilight Haven.

Acting President Westerlund thanked public works staff for the great job they did with concrete lift-ups along Clovis Avenue south of McKinley stating they went the extra mile.

Councilmember Brand stated it seemed like the left turn signal at Cedar and Shaw Avenues was getting shorter and shorter, thanked traffic engineering for informing him that was part of a signal synchronization project, and noted the next day he had twenty seconds to make the turn and added people around Fresno State appreciated that.

President Sterling (1) requested an update on the EOC neighborhood youth center stating it has been two years and noted the Todd Beamer and Fig Garden Loop parks have already been completed. City Manager Souza advised there were a significant number of legal and entitlement issues involved, it was a different project in scope and magnitude from the two parks mentioned, and he would work with the city attorney's office and report back to her, with President Sterling requesting staff keep her informed and updated on issues. President Sterling (2) congratulated all personnel honored yesterday for ten to forty years of city service with special congratulations to Billy Hicks and Patricia Hayden for their forty years; and (3) advised she attended the Water Environmental Committee meeting at the Chamber of Commerce, the block party at Providence Baptist Church, the Mt. Zion Community Health Fair, the reception for Gen. Vang Pao at the courthouse, the Central Valley Punjabi Youth Film Festival at Fresno State and commended the community on a great event, attended the Fresno Free College Foundation annual banquet with featured speaker Dolores Huerta, congratulated VFW Post 8900 on the successful Veterans Stand Down and advised executive receptionist Pete Munoz was one of the honorees and commended him, and advised she attended the Black Chamber of Commerce mixer at the Holiday Inn Sky Room and had the opportunity to introduce the city's new planning & development director John Dugan.

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**APPROVE AGENDA:**

**(1-I) REJECT LOW BID AND AWARD A CONTRACT IN THE AMOUNT OF \$287,900 TO FRESNO ROOFING COMPANY, INC., TO RE-ROOF THE FRESNO ART MUSEUM**

Removed from the agenda by staff.

**(9:30 A.M. #2 "A") APPROVE FUNDING AWARDS AND SELECTION OF SUB-GRANTEES FOR THE CITY'S HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM AS FUNDED BY HUD**

**1. RESOLUTION - ADOPTING AMENDMENT TO THE FY 2008-09 ANNUAL ACTION PLAN TO INCLUDE THE AWARDS, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL REQUIRED IMPLEMENTING AND CONTRACTUAL DOCUMENTS AS APPROVED AS TO FORM BY THE CITY ATTORNEY**

Relative to #1 City Clerk Klisch advised there was no resolution involved/associated with the amendment. So noted.

**(10:30 A.M.) CONTINUED HEARING TO CONSIDER APPEAL FILED BY GARY MCDONALD ON THE TRACT MAP AND FORMER COUNCILMEMBER DUNCAN ON THE CONDITIONAL USE PERMIT (CUP) APPLICATION APPEALING THE PLANNING COMMISSION'S DENIAL OF VESTING TENTATIVE TRACT MAP NO. 5933, CUP NO. C-08-59 (Continue to October 15, 2009, at 10:15 a.m.)**

Continued as noted.

**(10:45 A.M.) 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 (Continue to October 1, 2009, at 10:00 a.m.)**

Continued as noted.

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

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**ADOPT CONSENT CALENDAR:**

**(1-A)** APPROVE MODIFICATION TO THE CURRENT POLICY PERTAINING TO RETURN TO DUTY AND FOLLOW UP DRUG TESTING PROCEDURES ALLOWING FOR A DIRECT OBSERVATION COLLECTION IN ACCORDANCE WITH REVISED FEDERAL DEPARTMENT OF TRANSPORTATION REGULATIONS

**(1-B)** APPROVE THE PROPOSED SPENDING PLAN OF \$775,000 FOR THE FY 2009-10 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)

**(1-C)** ACCEPT GRANT AWARD OF \$243,645 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (Cal EMA) AND AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE ALL REQUIRED DOCUMENTS WITH THE CAL EMA FOR ESTABLISHMENT OF A SEXUAL ASSAULT SPECIALIZED RESPONSE UNIT PROGRAM AND ENTER INTO AN AGREEMENT WITH THE RAPE COUNSELING SERVICE OF FRESNO

**1. RESOLUTION NO. 2009-205** - 17<sup>TH</sup> AMENDMENT TO AAR 2009-149 APPROPRIATING \$144,6-00 FOR THE SEXUAL ASSAULT SPECIALIZED RESPONSE UNIT PROGRAM

**(1-D)** AWARD A CONTRACT TO TRON CONSTRUCTION, INC., IN THE AMOUNT OF \$1,050,000 TO ACOUSTICALLY TREAT 70 HOMES UNDER THE FYI SMART PROGRAM, PHASE XII, FAA AIRPORT IMPROVEMENT PROGRAM GRANT

**(1-E)** APPROVE THE SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH LAWRENCE, NYE, ANDERSON ASSOCIATES (LNA) IN THE AMOUNT OF \$15,000 FOR THE DESIGN OF A NEW HOT AISLE/IN-ROW AIR HANDLING SYSTEM FOR THE INFORMATION SERVICES DIVISION (ISD)

**(1-F)** ADOPT FINDING OF A CLASS 1 CATEGORICAL EXEMPTION PURSUANT TO CEQA, AND AWARD A CONTRACT IN THE AMOUNT OF \$973,758 TO HARRIS BUILDERS, INC., FOR THE PHASE I RENOVATIONS OF EXISTING FIRE STATIONS NO. 2, 10 AND 14, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

**(1-G)** APPROVE APPOINTMENT OF JOE MOORE TO THE HISTORIC PRESERVATION COMMISSION- MAYOR SWEARENGIN

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

**(1-H)** APPROVE THE REIMBURSEMENT AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS ALONG THE JEFFERSON CANAL UTILIZING UP TO \$431,030 OF A 20-YEAR SAFE DRINKING WATER STATE REVOLVING FUND LOW-INTEREST LOAN TO PROTECT SOURCE WATERS FROM POTENTIAL CONTAMINATING ACTIVITIES

Acting President Westerlund noted the agreement was not included with the report and he wanted to review it and registered a "no" vote.

On motion of Councilmember Dages, seconded by Councilmember Brand, duly carried, **RESOLVED**, the Reimbursement Agreement with the Fresno Irrigation District as outlined above hereby approved, and the Director of Public Utilities authorized to sign on behalf of the City, by the following vote:

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

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

**(“A”) SCHEDULED COMMUNICATION: APPEARANCE BY KENNETH FICK TO DISCUSS VARIOUS ISSUES**

Appearance made.

**(“B”) UNSCHEDULED COMMUNICATIONS:**

Kerri Brook, representing Voices of the Homeless, spoke to the plight of the homeless and need for assistance so they can become productive citizens, and presented questions relative to housing plans or programs. City Manager Souza stated staff would continue to work with the group adding Homeless Policy & Prevention Manager Barfield has been actively engaged.

Reyes Garza, 412 “F” Street, spoke to the need to help the mentally ill and homeless **(2 - 0)**.

Rick Morse, 210 E. Olive, spoke in support of medical marijuana and to his uncle’s situation with cancer and use of medical marijuana to deal with his pain and withdrawals.

Brandon Morse spoke to how medical marijuana saved his life, requested the word *federal* be removed from the city’s ordinance, and stated he had money that he has been trying to donate to PAL which was returned to him and questioned if Council could help him make the donation to PAL. City Manager Souza clarified PAL was a private entity, the PAL board decides whether to accept or deny donations and it was his understanding they chose not to accept the donation, and stated the city was not engaged in that process and had no jurisdiction over PAL. Mr. Morse continued, brief discussion ensued, and Mr. Souza stated the mayor’s office had not directed the PAL board, had no oversight related to that board, and had not spoken to PAL, and advised discussion did occur between the chief of staff and the police chief and the police chief stated he had not spoken with Mr. Morse.

Shield Krebs, 4116 N. Cornelia, spoke to the need for a fire station in their area, to signatures that were collected in support, to other fire stations and construction costs, and requested a response to the charge that the city willfully, if not criminally, failed to provide adequate fire protection for residents of the Ashlan Cornelia corridor.

Sherry Smith, 4724 W. Swift, spoke to Chief Bruegman being named Career Chief of the Year, to keeping citizens safe, and to the need for a fire station, firefighters and equipment in the Ashlan Cornelia corridor.

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**(9:30 A.M. #1) CITY COUNCIL:**

**(“A”) PRESENTATION BY THE CHICANO YOUTH CENTER ON THE MINORITY STUDENT DROP-OUT RATE IN THE CENTRAL VALLEY WITH A REQUEST THAT COUNCIL CONSIDER APPROVAL OF A JOINT DROP-OUT PREVENTION COMMISSION IN PARTNERSHIP WITH THE FRESNO UNIFIED SCHOOL DISTRICT - COUNCILMEMBER PEREA**

Councilmember Perea introduced the issue, and Javier Guzman, Executive Director of the Chicano Youth Center (CYC), along with student intern Leticia Estrada, gave a presentation entitled A Comprehensive Dropout Prevention Program which included an Introduction, High Risk Conditions and Factors, Building Blocks of Character, and Conclusion. Mr. Guzman stressed this was a complex problem and a program was needed to address it and requested Council consider the creation of a commission.

154-79

9/24/09

Speaking to the issue were: Paul H. Garcia, community activist and past board member of the CYC, who spoke to the responsibility parents have to guide their children; and Barbara Hunt, support for the request.

Councilmember Perea made a motion to direct staff to work with the CYC on a framework for a commission, begin the formation of a student dropout commission, and engage Fresno Unified to see what their interest may or may not be, which motion was seconded by Councilmember Dages.

Acting President Westerlund commented briefly on the importance of the issue and stated he understood the motion but was reluctant to support it without first hearing from Fresno Unified, stated the city was not in the education business and was in a limited role in the social service side, and stated Fresno Unified would be the appropriate initiators of a dropout commission, as well as Central and Clovis districts, and he would not support the motion. Councilmember Xiong agreed stating it would be challenging without first hearing from Fresno Unified, added this was an important issue and commented further on the need to have the district weigh in, and advised a graduation summit was coming up at Fresno State that would cover this topic including what other entities are doing about it and stated that may be an initial course for council to be briefed on. City Manager Souza stated if this motion goes forward it needed to be clarified that any action on the city's part would involve engaging with Fresno Unified early on as the city could not work independent of the major stakeholder in this issue. Councilmember Brand stated even though the city was not in the education business there was an unmistakable nexus between education, the school system and our city, and stated to really be successful Fresno Unified needed to be engaged in this process and suggested Councilmember Perea request Fresno Unified to give their opinion adding moving in that direction would accomplish a lot more.

Councilmember Perea stated he did not disagree with anything that was said, especially about collaboration; clarified his motion was not meant to work exclusively with the CYC but to have the CYC as the lead and also reach out and engage with the school district and other interested non- and for-profits who have a stake in this issue; and reiterated the intent of the motion was for the City, in conjunction with the CYC, to approach the school district together and work with them to put together the comprehensive team that is required.

Acting President Westerlund added he may have spoken too quickly and agreed there was a nexus and this was a very important issue but clarified he just felt the genesis of this should be the school district, **(3 - 0)** and upon his request Miguel Aria with the Fresno Unified School District spoke to the issue, concurred the dropout issue was everyone's issue and for that reason the district had been engaged the past several months with many stakeholders in planning a graduation summit that will be held October 10<sup>th</sup> at Fresno State, encouraged all to attend stating the dropout issue would be addressed, and further elaborated and stated he appreciated the interest of all and the offer to assist. Acting President Westerlund requested the motion be amended to direct staff to participate in the summit and then make a presentation to Council afterwards on how to proceed, with Councilmember Perea stating that was a good idea but he wanted a vote on his motion.

A motion of Councilmember Perea, seconded by Councilmember Dages, to direct staff to work with the CYC on a framework for a commission, begin the formation of a student dropout commission, and for the City and CYC to jointly engage Fresno Unified to see what their interest may or may not be failed, by the following vote:

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

On motion of Acting President Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, staff directed to participate in the Graduation Summit and report back to Council if there is a positive position the City can take, by the following vote:

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

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**(9:30 A.M. #2 - 'A')** APPROVE FUNDING AWARDS AND SELECTION OF SUB-GRANTEES FOR THE CITY'S HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM AS FUNDED BY HUD

**154-80**

**9/24/09**

**1. ADOPT AMENDMENT TO THE FY 2008-09 ANNUAL ACTION PLAN TO INCLUDE THE AWARDS, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL REQUIRED IMPLEMENTING AND CONTRACTUAL DOCUMENTS AS APPROVED AS TO FORM BY THE CITY ATTORNEY**

Homeless Policy and Prevention Manager Barfield reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt and Reyes Garza spoke in support

President Sterling congratulated staff and the eight organizations stating this was a great day for the city of Fresno to help those in need and made a motion to approve staff's recommendation, which motion was seconded by Acting President Westerlund.

Mr. Barfield and ACM Rudd responded to questions of Acting President Westerlund relative to the 3-year program and funding process, if the program would be deemed completed if the total funds are expended in the first year, additional funding sources, specifics of the program/future expectations, if the city will have to provide funds in the future to keep the program running, and process/timeline for the organizations to receive their allotments.

On motion of President Sterling, seconded by Acting President Westerlund, duly carried, RESOLVED, (1) Central California Legal Services, AspiraNet, Marjaree Mason Center, WestCare, Fresno County EOC, Angels of Grace Foster Family Agency, the Housing Authority-Rapid Re-Housing, and the Housing Authority-HMIS selected as sub-grantees to receive the funding awards set forth in the staff report to provide services as funded by the Homeless Prevention and Rapid Re-Housing Program grant awarded by HUD to the City of Fresno under ARRA; (2) the amendment to the FY 2008-2009 Annual Action Plan including the awards hereby adopted; and (3) the City Manager authorized to sign all required implementing and contractual documents as approved as to form by the City Attorney, by the following vote:

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

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**(9:30 A.M. #2 - 'B')** APPROVE FY 2008-09 ANNUAL ACTION PLAN AMENDMENT TO INCORPORATE FUNDING LEVELS AND ACTIVITIES FOR SELECTED SUB-GRANTEES UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND ADOPT THE NSP INCOME REUSE PLAN

Management Analyst Smith reviewed the two issues, all as contained in the staff report as submitted.

Barbara Hunt spoke in support.

Ms. Smith and ACM Rudd responded to questions, comments and/or concerns of Councilmembers Brand, Westerlund and Xiong relative to whether the allocations were "wild guesses"/if there was flexibility, this being a complex program with no signed contracts yet, the problem being systemic and concern the city would be in trouble if staff had to do something in a short period of time, need to move forward as quickly as possible with regular meetings, the small inventory of homes, need for a plan on how to operate more efficiently in the future, what was being audited by HUD, need for HUD to spend time assisting jurisdictions, the income reuse plan and program dollars, the frustrations of Council, and the process and if this was setting a framework on how to be more efficient in the future with all the different pots of money. President Sterling commended staff, stated there were a lot of questions out there, and requested staff keep Council informed as they were part of the city team.

On motion of Councilmember Brand, seconded by Acting President Westerlund, duly carried, RESOLVED, the 2008-2009 Annual Action Plan substantial amendment setting forth the specific activities and accompanying funding levels for the Council-approved sub-recipients of the federally funded Neighborhood Stabilization Program hereby approved, and the Neighborhood Stabilization Program Income Reuse Plan hereby adopted, by the following vote:

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

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154-81

9/24/09

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

**(‘A’) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAMES:**

1. ROBERT CARSON V. COF ET AL
2. MICHELLE MAHER V. COF ET AL.

**(‘B’) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753, BASIC UNIT**

(‘C’) 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

**(4 - 0)** The City Council met in closed session in Room 2125 at the hour of 11:00 a.m. to consider the above matters.

**LUNCH RECESS - 12:45 P.M. - 1:30 P.M.**

The City Council resumed in closed session discussions and reconvened in regular open session at 1:46 p.m.

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**(9:30 A.M. #2 - ‘C’) RESOLUTION NO. 2009-206 - 19<sup>TH</sup> AMENDMENT TO AAR 2009-149 ESTABLISHING APPROPRIATION OF \$5,305,300 FOR THE PURCHASE OF THE BANK OF THE WEST FIRST TRUST DEED POSITION ON BEHALF OF THE GRANITE PARK KID’S FOUNDATION PURSUANT TO THE LOAN AGREEMENT AND TRANSFER OF FUNDS BUDGETED IN CONTINGENCY RELATED TO ACQUISITION OF THE METROPOLITAN MUSEUM (MET) AND GRANITE PARK**

Interim Finance Director Bradley advised this was a housekeeping item, gave a brief overview of the issue and recommended approval, all as contained in the staff report as submitted, and responded to questions/comments of Councilmember Brand relative to the funding source, the June 30<sup>th</sup> timeline and need to start the bond process in the spring, and if staff would be returning to council with alternatives.

On motion of Councilmember Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2009-206 hereby adopted, by the following vote:

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

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**(9:30 A.M. #2 - ‘D’) WORKSHOP ON ENFORCEMENT AND PROSECUTION OF GRAFFITI VIOLATORS**

Police Lt. Laband gave a PowerPoint presentation on the issue which consisted of Historical Data of Graffiti Reports/Arrests, Juvenile v. Adult Arrests, What Happens with Adult Arrests?, What Happens with Juvenile Arrests?, School Youth Court, Victim Offender Reconciliation Program, Juvenile Court Common Sentences, Is Graffiti a Gateway Crime?, Some Graffiti MAGEC (combined Graffiti and MAGEC Teams), Using the Fresno Municipal Code, Deputy City Attorney, and a Prosecution Process Flow Chart.

Chief Dyer spoke to the importance of continuing graffiti efforts and the zero tolerance approach, stated the department was starting to see a trend between graffiti and violence and explained, and elaborated on what was happening out in the city with graffiti and gangs.

Chief Dyer and Lt. Laband responded to numerous questions/comments of Acting President Westerlund relative to adult offenders, early releases and jail terms, citation and court process, failures to appear and issuance of warrants, accountability, number of times juveniles go through the system before actually serving time, restitution/if options are being looked at, need to go after the parents or guardian, what staff’s position was on merchants/business owners allowing murals, and suggestion to use utility inserts to keep people engaged/informed on the issue to help themselves.

Councilmember Dages stated he was glad prosecutions would continue and thanked the department for the great work they are doing in southeast Fresno stating it was a tough, never-ending job. Councilmember Brand also applauded the department’s efforts,

questioned if there has ever been success with holding individuals responsible, and spoke to the limited options on criminal prosecution, with Lt. Laband responding. President Sterling stated this was an excellent report and thanked staff and there was no further discussion.

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**(10:35 A.M.) HEARING ON REZONE APPLICATION NO. R-07-002 FILED BY DON PICKETT & ASSOCIATES, INC., ON BEHALF OF CHURCH AVENUE INVESTORS, LLC, PROPERTY LOCATED ON THE NORTH SIDE OF E. CHURCH BETWEEN S. EAST AND S. ORANGE AVENUES**

**1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING FOR E.A. NO. R-07-002/TPM-2007-01 THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR**

**2. BILL NO. B-35 - ORDINANCE NO. 2009-35 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M - 3 (HEAVY INDUSTRIAL, FRESNO COUNTY) TO M - 3 (HEAVY INDUSTRIAL)**

President Sterling announced the time had arrived to consider the issue and opened the hearing. Councilmember Borgeas left the meeting at 2:31 p.m.

Planner Tackett advised the staff report as submitted was complete and there was no new information to add.

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

On motion of Councilmember Dages, seconded by Acting President Westerlund, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby adopted, and the above entitled Bill No. B-35 adopted as Ordinance No. 2009-35, by the following vote:

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

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 2:32 p.m. having arrived and hearing no objection, President Sterling declared the meeting adjourned.

*Approved* on the \_\_\_1st\_\_\_ day of \_\_\_\_\_October\_\_\_\_\_, 2009.

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

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

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Yolanda Salazar, Assistant City Clerk