

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

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

Reverend Keith Axberg of the Holy Episcopal Church gave the invocation and President Perea led the Pledge of Allegiance.

PRESENTATION BY THE CENTRAL CALIFORNIA SPCA OF A CHRISTMAS END OF THE YEAR THANK YOU

Presentation made.

APPROVE MINUTES OF DECEMBER 7 AND 11, 2007

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of December 7 and 11, 2007, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

ACTING PRESIDENT XIONG: Invitation to all to attend the Hmong New Year festivities beginning December 26th.

COUNCILMEMBER DUNCAN: Concern with the escape of a inmate work crew member in the Shepherd/Chestnut residential neighborhood and request for information on the incident, if nearby schools were notified, and what the city's standard procedure is, with City Manager Souza stating he would work with the police and sheriff departments and respond.

COUNCILMEMBER STERLING: (1) Commendation to all involved with the Community Food Bank and contributions encouraged for KMJ's food drive on Thursday at Palm and Shaw Avenues; (2) invitation to all to attend the Southwest Police Santa Village festivities Wednesday through Friday, and (3) thank you to the southwest police station for all their efforts and for making this a successful year.

COUNCILMEMBER CALHOUN: Request for update on prior direction given to staff to return with recommendations on addressing neglected and infected swimming pools.

COUNCILMEMBER DAGES: Concern with the mess left after the weekend street event on Butler Avenue in front of the Mosqueda Center and request a cleaning deposit be required in the future and the group be billed for clean-up costs, if possible.

PRESIDENT PEREA: Congratulations extended to Councilmember Westerlund on his recent marriage.

APPROVE AGENDA:

(1-A) AWARD A CONTRACT IN THE AMOUNT OF \$162,005.75 TO V & G BUILDERS, INC. FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 66

Removed from the agenda by staff.

(1-G) AWARD A CONSTRUCTION CONTRACT, INCLUDING THE BASE BID PLUS ADD ALTERNATES 1 AND 2, TO DAVE CHRISTIAN CONSTRUCTION, FOR IMPROVEMENTS TO CLOVIS AVENUE FROM KINGS CANYON ROAD TO MCKINLEY AVENUE

Removed from the agenda by staff.

(1-J) AWARD A CONTRACT IN THE AMOUNT OF \$82,000 TO DAVE CHRISTIAN CONSTRUCTION CO. FOR THE WHITESBRIDGE ROAD OVERLAY PROJECT

City Clerk Klisch advised the correct amount was \$659,893.90 (as noted in the staff report). So noted and corrected.

(2:00 P.M. #2 -B-1) CLOSED SESSION - EXISTING LITIGATION: COF V. THE DISCOVERY CENTER

Laid over to January 8, 2008, by the City Attorney to allow for finalization of details.

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

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent :	None

ADOPT CONSENT CALENDAR:

Councilmember Sterling pulled **Item 1-L** from the Consent Calendar for separate discussion/action at 2:00 p.m.

(1-B) RESOLUTION NO. 2007-419 - 5TH AMENDMENT TO THE SALARY RES. 2007-217 MODIFYING THE WAGES IN EXHIBIT 7 NON-REPRESENTED EMPLOYEES DUE TO INCREASE IN THE CALIFORNIA MINIMUM WAGE

(1-C) RESOLUTION NO. 2007-420 - TERMINATING THE CITY'S PARTICIPATION IN THE CALIFORNIA PUBLIC ENTITY INSURANCE AUTHORITY (CPEIA)

(1-D) DETERMINING THAT GOODYEAR TIRE & RUBBER COMPANY IS A NON-RESPONSIVE BIDDER AND AWARDED A FIVE-YEAR CONTRACT IN THE AMOUNT OF \$1,848,362.60 TO BRIDGESTONE FIRESTONE NORTH AMERICAN TIRES, LLC FOR LEASING OF TRANSIT RADIAL TIRES

(1-E) AUTHORIZE THE POLICE CHIEF TO ENTER INTO A THREE-YEAR CONTRACT WITH TURBOMECA USA, KNOWN AS SUPPORT BY THE HOUR (SBH), FOR MAJOR ENGINE MAINTENANCE AND OVERHAUL EXPENSES ASSOCIATED WITH THE TURBINE HELICOPTER ENGINE IN THE EUROCOPTER EC120

(1-F) APPROVE A COST SHARING AGREEMENT WITH THE COUNTY OF FRESNO IN THE AMOUNT OF \$27,625, WITH A CONTINGENCY OF UP TO \$14,839, FOR THE CITY'S SHARE OF ESTIMATED PROJECT COSTS FOR A NEW TRAFFIC SIGNAL BEING DESIGNED AND CONSTRUCTED BY THE COUNTY OF FRESNO AT THE INTERSECTION OF CLINTON AND SIERRA VISTA AVENUES

(1-H) RESOLUTION NO. 2007-421 - 58TH AMENDMENT TO THE AAR APPROPRIATING \$13,500 FOR MAINTENANCE OF CFD NO. 11 AND ELIGIBLE DEVELOPER DEPOSIT REFUNDS

(1-I) RESOLUTION NO. 2007-422 - 59TH AMENDMENT TO THE AAR APPROPRIATING \$37,500 FOR MAINTENANCE OF CFD NO. 2 AND ELIGIBLE DEVELOPER DEPOSIT REFUNDS

(1-J) AWARD A CONTRACT IN THE AMOUNT OF \$659,893.90 TO DAVE CHRISTIAN CONSTRUCTION CO. FOR THE WHITESBRIDGE ROAD OVERLAY PROJECT

(1-K) AWARD A CONSTRUCTION CONTRACT TO GEORGE DAKOVICH & SON, INC. IN THE AMOUNT OF \$277,770, FOR THE BLACKSTONE AVENUE SEWER REPLACEMENT PROJECT

(1-M) AUTHORIZE THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH SMG FACILITY SERVICES, LLC IN AN AMOUNT NOT TO EXCEED \$40,000, FOR PREPARATION OF SPECIFICATIONS FOR PURCHASE OF THE JUMBOTRON/SCOREBOARD AND SPECIFIC HOCKEY RELATED EQUIPMENT FOR THE SELLAND ARENA, SUBJECT TO CITY ATTORNEY REVIEW AND APPROVAL

(1-N) AUTHORIZE THE PARCS DEPARTMENT TO DONATE \$2,000 IN PROCEEDS FROM THE COMCAST CHRISTMAS IN THE PARK EVENT AT EATON PLAZA TO THE FRESNO COMMUNITY FOOD BANK (\$1,500) AND THE FRESNO COUNTY OFFICE OF CHILDREN AND FAMILY SERVICES (\$500) TO ASSIST IN THEIR COLLECTION AND DISTRIBUTION OF FOOD/CLOTHES/ TOYS FOR CHILDREN AND FAMILIES DURING THE HOLIDAY SEASON

(1-O) APPROVE AMENDMENT FOR A 90-DAY EXTENSION OF THE CONTRACT WITH THE COUNTY OF FRESNO FOR COUNTY EMS COMMUNICATIONS TO PROVIDE FIRE DISPATCH SERVICES

(1-P) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ENTER INTO AN EXTENSION OF THE CURRENT HANDY RIDE LEASE AGREEMENT

(1-Q) RESOLUTION NO. 2007-423 - APPROVING THE FINAL MAP OF TRACT NO. 5556 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, W. THOMASON PLACE BETWEEN N. VAN NESS AND WEST AVENUES

1. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

(1-R) RESOLUTION NO. 2007-424 - APPROVING THE FINAL MAP OF TRACT NO. 5646 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. CHESTNUT AND E. ALLUVIAL AVENUES

1. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

(1-S) APPROVE A CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT (FUSD) TO PROVIDE FUNDS FOR THE PARCS DEPARTMENT TO CONDUCT A COLLABORATIVE INFORMAL SCIENCE PROGRAM RUNNING THROUGH JUNE 30, 2008, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

1. **RESOLUTION NO. 2007-425** - 60TH AMENDMENT TO THE AAR APPROPRIATING \$142,400 FROM THE FUSD TO CONDUCT THE PROGRAM

(1-T) APPROVE A CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT (FUSD) TO PROVIDE FUNDS FOR THE PARCS DEPARTMENT TO CONDUCT A COLLABORATIVE AFTER-SCHOOL HIGH SCHOOL PROGRAM (FRESNO BEST) RUNNING THROUGH JUNE 30, 2008, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

1. **RESOLUTION NO. 2007-426** - 61ST AMENDMENT TO THE AAR APPROPRIATING \$90,000 FROM THE FUSD TO CONDUCT THE PROGRAM

(1-U) APPROVE A SIX-MONTH CONTRACT WITH READING AND BEYOND TO PROVIDE ADDITIONAL FUNDS FOR THE PARCS DEPARTMENT TO CONDUCT A COLLABORATIVE AFTER-SCHOOL RECREATION PROGRAM RUNNING THROUGH JUNE 30, 2008, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

1. **RESOLUTION NO. 2007-427** - 62ND AMENDMENT TO THE AAR APPROPRIATING \$13,900 FROM THE FUSD TO CONDUCT THE PROGRAM

(1-V) APPROVE A SIX-MONTH CONTRACT WITH WEST FRESNO ELEMENTARY UNIFIED SCHOOL DISTRICT (WFEUSD) TO PROVIDE ADDITIONAL FUNDS FOR THE PARCS DEPARTMENT TO CONDUCT A COLLABORATIVE AFTER-SCHOOL RECREATION AND JR. BEST PROGRAMS RUNNING THROUGH JUNE 30, 2008, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

1. RESOLUTION NO. 2007-428 - 63RD AMENDMENT TO THE AAR APPROPRIATING \$35,800 FROM THE FUSD TO CONDUCT THE PROGRAM

Councilmember Sterling thanked PARCS Director Cooper and his staff for following up with her district on this and added this will help the kids in the Brookhaven area.

(1-W) AWARD A ONE-YEAR REQUIREMENTS CONTRACT FOR RE-TREADING OF COMMERCIAL TRUCK TIRES IN THE AMOUNT OF \$189,139.81 TO DELRAY TIRE AND RE-TREADING

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

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
 Noes : None
 Absent : None

(2-A) CONSIDER AND TAKE ACTIONS RELATIVE TO THE FULTON MALL:

1. DIRECT STAFF TO PROCEED WITH DEVELOPING THE CONCEPT OF RESTORING THE FULTON MALL, INCLUDING PREPARATION OF THE SECTION 108 APPLICATION TO FINANCE THE FULTON MALL PROJECTS

2. FORMATION OF A FULTON MALL ASSESSMENT DISTRICT TO CREATE A REVENUE STREAM FOR REPAYMENT OF THE LOAN

3. RESOLUTION NO. 2007-429 - APPROVING THE REALLOCATION OF \$60,000 WITHIN THE SECTION 108 DOWNTOWN ECONOMIC DEVELOPMENT-LAND ACQUISITION FUND FOR COSTS ASSOCIATED WITH THE FULTON MALL PROJECT

E.D. Coordinator Riddle reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Speaking in support of the issue were Coke Hollowell, and Bob Dwyer, 1000 Friends of Fresno.

Councilmember Duncan stated the issue of the work was good but the funding source was horrible and added this would destroy any chance of ever getting a PBID established, there were better uses for Section 108 money, the property owners had done nothing to improve their property, and he was extremely disappointed, elaborating throughout.

Councilmember Sterling thanked staff for explaining how the money would be used, spoke to the needed improvements and stated this would be a start to bring the Fulton Mall back and would spur an effort for property owners and downtown developers, clarified these funds were meant to be used on blighted and impoverished areas and stated the mall had become just that, and pointed out there would be a repayment process and made a motion to approve staff's recommendation, which motion was seconded by Acting President Xiong.

Upon the request of Councilmember Calhoun Ms. Riddle explained how the assessment district concept would work and why a PBID would not, and responded to his questions and comments relative to whether Council would be made aware of how the money would be spent/what it would be spent on, if a final report would be brought back before any funds are disbursed, importance of a true partnership, and if this would not exclude further mall improvements.

Referencing comments made, City Manager Souza stated it was unfortunate to categorize the use of this funding as immoral or unethical and clarified CDBG funds were intended to be used for projects that enhance the community, especially blighted and impoverished areas, and added there were specific requirements and expectations for the use of these funds which had been met, and along with Ms. Riddle responded to questions, comments and/or concerns of Acting President Xiong and Councilmember Westerlund relative to whether there has been discussion with the property owners, how HUD 108 funding works, what would be done to raise the \$10.5 million, what will happen if some property owners do not want to assess themselves, if Proposition 218 requirements are involved, if a 20 year assessment was being proposed, and concern that a PBID was not launched first and before asking property owners to assess themselves.

Councilmember Dages and President Perea spoke in support of the issue and thanked staff for explaining the proposal, and further commended staff for thinking out of the box **(2 - 0)** and for the progressive agenda for the Fulton Mall.

On motion of Councilmember Sterling, seconded by Acting President Xiong, duly carried, RESOLVED, staff directed to prepare a Section 108 loan application and proceed with formation of an assessment district, and the above entitled Resolution No. 2007-429 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong, Perea
 Noes : Duncan, Westerlund
 Absent : None

(2-B) RESOLUTION NO. 2007-430 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$200,000 AND ACCEPTANCE OF FUNDING FROM THE DEPARTMENT OF ENERGY (DOE) UNDER THEIR SOLAR AMERICA INITIATIVE MARKET TRANSFORMATION: SOLAR AMERICA CITIES 2008 FUNDING OPPORTUNITY ANNOUNCEMENT

Assistant P&D Director Berthold gave a brief overview of the issue, all as contained in the staff report as submitted.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-430 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
 Noes : None
 Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATION:

Sherry Smith, 4724 W. Swift, spoke to her efforts to save Fire Station No. 16 in the Ashlan/Cornelia area.

Charlie Waters stated he was saddened the Trump proposal was not going forward and spoke to a meeting of the Veterans Board and stated an industrial use at the Running Horse site would be opposed by the veterans and elaborated, with Councilmember Duncan and City Manager Souza responding.

Jose Luis Barraza, 4243 E. Thomas, Chair of the Housing Partnership for the Disabled, spoke to Council's previous direction to staff to return with a universal design policy and requested an explanation on the difference between the policy being in resolution or ordinance form, with Councilmember Sterling responding.

(9:15 A.M.) CITY COUNCIL:

(“A”) BILL NO. B-97 - ORDINANCE NO. 2007-105 - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO AN EARLY RETIREMENT OPTION OR ENTRY INTO THE DROP PROGRAM UNDER THE EMPLOYEES RETIREMENT SYSTEM - COUNCILMEMBER CALHOUN

Councilmember Calhoun noted this was discussed extensively when he originally proposed it and made a motion to adopt the ordinance bill. Councilmember Duncan stated lowering the retirement age to 50 was not the right thing to do. Councilmember Westerlund agreed and added the average rate of life spans continues to go up and it did not make sense to retire earlier and live longer, and stated he could support this if there were exceptional circumstances but not as a completely voluntary election.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-97 adopted as Ordinance No. 2007-105, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong, Perea
 Noes : Duncan, Westerlund
 Absent : None

("B") DISCUSSION AND DIRECTION REGARDING THE FRESNO COUNTY TRANSPORTATION AUTHORITY MEETING HELD ON DECEMBER 5, 2007 - COUNCILMEMBER WESTERLUND

Councilmember Westerlund clarified he scheduled this matter so Council could get an update on where planning was for Measure "C", to discuss whether or not consideration should be given to bonding as requested by the Mayor, and to discuss prioritizing the projects proposed for Tier I, and upon his request Barbara Goodwin of COG and Ron Peterson, Executive Director of the Fresno County Transportation Authority, spoke to the planning process, to support for prioritizing projects, and to the bonding option, and responded to questions of Councilmember Westerlund throughout.

Speaking to the issue were: Jeff Roberts, representing Granville Homes and the BIA, who spoke to the Veterans Boulevard developer fee issue and stated he would appreciate anything, including bonding, to move the Tier I projects forward; and Charlie Waters and Mike Berg, Central Unified School District, who spoke to the need for Veterans Boulevard and requested the project be expedited.

Lengthy discussion ensued with Councilmembers Calhoun, Sterling and Dages commenting on the issue and speaking to the need to discuss how Measure "C" funds should be expended, to the importance and need to construct Veterans Boulevard (**3 - 0**), suggestion that Councilmember Westerlund and staff facilitate the process and return to Council with appropriate items to discuss and then send direction to COG and the FCTA to assist them, need to determine which projects are in the engineering/design/ready phases and prioritize, need look at all financing options, importance of completing the California Avenue and Monterey Bridge projects, and importance of constructing the once-funded Peach Avenue project, with ACM Rudd and Ms. Goodwin responding throughout.

Councilmember Westerlund stated in January he and Mr. Rudd will work through priorities, meet with COG and the FCTA to get their perspective, and then return to Council for input. President Perea stated everyone wanted their projects completed and he felt more than one council members' perspective was needed and recommended at least three diverse perspectives on collective priorities, and spoke to the importance of presenting all the various financing scenarios to Council. Councilmember Westerlund stated agreed with the need for more voices but requested he and Mr. Rudd be allowed make the first cut and then add additional council voices, and further requested council members submit their priority projects from Urban Tier 1 to him. There was no further discussion.

("C") DIRECT CITY ATTORNEY TO RETURN WITH A MODIFICATION TO THE FMC PROVIDING FOR AN EXEMPTION TO LICENSED INDIVIDUAL PROFESSIONAL EMPLOYEES OF A PROFESSIONAL FIRM FROM THE CITY'S BUSINESS TAX, AND FURTHER DIRECT STAFF TO DETERMINE WHAT, IF ANY, FISCAL IMPACT THIS ACTION MAY HAVE ON THE GENERAL FUND - COUNCILMEMBER DUNCAN

Councilmember Duncan reviewed the issue, gave the example of a licensed nurse who is an employee at a doctor's office -- and not an independent contractor -- who found out she owed the city \$1,800 as a business tax and stated that was unfair and further elaborated, and added the City Manager was supportive of making this modification and made a motion to direct the City Attorney as outlined above, which motion was seconded by Councilmember Westerlund.

ACM Rudd, Councilmember Duncan and City Attorney Sanchez responded to questions and/or comments of Councilmembers Dages and Calhoun relative to whether the fiscal impact was known, if the existing ordinance was not being enforced, the modification being unfair to those who are abiding by the law and have paid the business tax all along, if the City Attorney was comfortable with this, if other cities were looked at/if other cities do this, and if this would relate to the private sector only or if it would affect public employees. Councilmember Westerlund left the meeting briefly during questioning.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the City Attorney and staff directed to return with a modification to the FMC and requested information as outlined above, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
 Noes : None
 Absent : Westerlund

(“E”) AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO NEGOTIATE AND EXECUTE A CONTRACT NOT TO EXCEED \$155,000 WITH MW STEELE GROUP TO CONDUCT A COMPREHENSIVE COMMUNITY PLANNING PROCESS AND DRAFT A SPECIFIC PLAN AND ENVIRONMENTAL ASSESSMENT FOR THE EL DORADO PARK NEIGHBORHOOD

Assistant P&D Director Bergthold reviewed the issue and recommended approval, all as contained in the staff report as submitted. Councilmember Westerlund returned to the meeting at 10:44 a.m.

Speaking further to the project and in support were: Rollie Smith, HUD Field Office Director; Vicky Healey, pastor of Wesley United Methodist Church; and Ronald Evans.

Councilmember Westerlund spoke to the history of El Dorado Park including the high concentration of poverty/crime/blight and efforts to revitalize the area, **(4 - 0)** commended staff, Wesley United Methodist Church and Stone Soup and noted Fresno State also wanted to be a partner in this project, and stated there was a tremendous opportunity here, this could potentially be a model for some of the city’s tougher neighborhoods, and made a motion to approve staff’s recommendation. Councilmember Duncan seconded the motion and along with members Calhoun and Xiong spoke briefly in support and commended all involved.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Planning & Development Director authorized to negotiate and execute a contract with MW Steele Group as outlined above, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(10:00 A.M.) PRESENTATIONS ON THE BLUEPRINT OUTREACH AND METRO RURAL LOOP

- 1. PRESENTATION ON THE BLUEPRINT OUTREACH BY THE COUNCIL OF GOVERNMENTS (COG)**
- 2. PRESENTATION BY THE METRO LOOP CORRIDOR PRESERVATION FEASIBILITY COMMITTEE TO GIVE AN UPDATE ON THE FEASIBILITY STUDY AND SEEK ADVICE OF THE CITY COUNCIL**

Kirk Hunter, Fresno County Blueprint Roundtable Chair, COG Executive Director Barbara Goodwin, and Assistant P&D Director Bergthold gave in-depth PowerPoint presentations on the Blueprint and Metro Rural Loop which consisted of the San Joaquin Blueprint, Why Blueprint?/Existing & Projected Population Growth, Blueprint Project Phases 1, 2 & 3, Fresno County’s Blueprint Vision Statement, Seven Growth Options (Status Quo/Base Scenario, High Density Urban Core (HDUC), HDUC - Rural Option, Corridor Development, New Cities, Environmental Resources Protections, Agricultural Land Protection), What was Learned? Next Steps, Metro Rural Loop (MRL): MRL Study, Partnership Grant, Potential Corridor Alternatives, Other Cities’ Systems, Potential Corridor Cross-Sections, Conceptual Plan, and Corridor Related Policies.

John Wright, City of Clovis and Co-Chair of the Eight County Professional Planners Group, spoke in support and further to the process.

Councilmembers Westerlund and Calhoun commented briefly on the issue and/or presented questions relative to Council’s role and at what point elected officials will make some decisions, with Mr. Bergthold and Ms. Goodwin responding **(5 - 0)**. President Perea thanked the presenters and stated the consensus was to keep going, and added Council looked forward to seeing the finished product and requested they be kept informed of the various steps taken in the process. There was no further discussion.

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(10:50 A.M.) HEARING TO CONSIDER THE “REFLECTIONS” CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5829, FILED BY DAVIDON HOMES, SOUTHEAST CORNER OF N. BRAWLEY AND W. BARSTOW AVENUES

- 1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR E.A. NO. T-5829**
- 2. RESOLUTION NO. 2007-431 - APPROVING (1) VESTING T.T. MAP NO. 5829 THAT WILL ALLOW FOR THE SALE OF UNITS FOR INDIVIDUAL AIRSPACE OWNERSHIP, AND (2) CONVERSION OF THE “REFLECTION” MULTIPLE FAMILY APARTMENT COMPLEX INTO A CONDOMINIUM OWNER-OCCUPIED COMPLEX**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun 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 Perea closed the hearing.

Councilmember Calhoun stated the project had been properly noticed and was well received and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of categorical exemption for the subject E.A. approved and the above entitled Resolution No. 2007-431 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(10:55 A.M.) HEARING ON REZONE APPLICATION NO. R-07-63 AND ENVIRONMENTAL FINDINGS FILED BY MARIO ROLANDO CAMPOS, WEST SIDE OF N. MARKET STREET NORTH OF W. SHAW BETWEEN PARKWAY DRIVE AND N. GOLDEN STATE BOULEVARD IN THE HIGHWAY CITY NEIGHBORHOOD COMMUNITY - 5165 N. MARKET STREET
1. CONSIDER AND ADOPT E.A. NO. R-07-63, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-108 - ORDINANCE NO. 2007-106 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C TO R-1

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planning Analyst Zuniga 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 Perea closed the hearing.

Councilmember Calhoun stated this was a small project with no problems and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for the subject E.A. approved and the above entitled Bill No. B-108 adopted as Ordinance No. 2007-106, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(11:00 A.M. #1) HEARING ON REZONE APPLICATION NO. R-07-65 AND ENVIRONMENTAL FINDINGS FILED BY BONADELLE HOMES, INC., ON BEHALF OF BN 5312 LP, WEST SIDE OF N. LOCAN BETWEEN E. ASHLAN AND E. SHIELDS AVENUES
1. CONSIDER AND ADOPT E.A. NO. R-07-65/T-5901/C-07-270, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-109 - ORDINANCE NO. 2007-106 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C TO R-1

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question 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 Perea closed the hearing.

Councilmember Westerlund advised the application to LAFCO and related items were approved and made a motion to approve staff's recommendation.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for the subject E.A. approved and the above entitled Bill No. B-109 adopted as Ordinance No. 2007-107, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(11:00 A.M. #2) PRESENTATION BY STAN OAKEN ON THE CONVENTION AND VISITORS BUREAU (CVB)

Stan Oaken, Chair of the CVB Board, gave an oral update on the CVB, spoke to the condition of the visitor industry and what the future looks like, and introduced Laura Whitehouse, the new President/CEO of the CVB, who introduced two new team members in attendance and spoke to their progress and plans.

The presentation and comments were duly accepted, and Councilmembers Duncan, Dages and Sterling commented on various related issues including a welcome to the new CEO, progress made, importance of private support, suggestion to have non-voting ad hoc members like the EDC, request to staff for update on the Convention Center Hotel, support for increased funding for the CVB, commendation to Mr. Oaken for his time and efforts, and intent of the room tax being to support the CVB. Acting President Xiong thanked Mr. Oaken and the team for their update and valuable information presented. There was no further discussion.

LUNCH RECESS - 12:15 P.M. - 2:01 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-L) RESOLUTION NO. 2007-243 - ESTABLISHING EMPLOYEE RECOGNITION AND INCENTIVE PROGRAMS AND DECLARING THAT SUCH PROGRAMS BENEFIT THE PUBLIC BY PROMOTING EFFICIENCY, INITIATIVE AND MORALE AMONG PUBLIC EMPLOYEES

1. AUTHORIZE THE CITY MANAGER OR DESIGNEE TO ESTABLISH SPECIFIC LIMIT EXPENDITURES FOR INDIVIDUAL DEPARTMENTS BASED ON THE NUMBER OF FULL-TIME EQUIVALENT (FTE) POSITIONS WITHIN THE DEPARTMENT IN SUPPORT OF SUCH PROGRAMS ON AN ANNUAL BASIS

GSD M.A./Resource Management Cabinet Member Todd and ACM Ruiz responded to questions of Councilmember Sterling relative to who will draft the administrative order (A.O.) in support of the program, if employees will have a voice, how employees will be involved in the process, if staff will keep Council informed throughout the process, future funding source, and department contingency plans and ability of departments to pay for the program. A motion and second was made to approve staff's recommendation. ACM Rudd and City Attorney Sanchez responded to questions/comments of Councilmember Westerlund relative to lack of explanation on the incentive program, how the program will work, why there was no draft A.O. yet, additional questions on the program/incentives/bonuses, and if the City Attorney was comfortable with this.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-243 hereby adopted, and the City Manager or designee authorized to establish specific limit expenditures for individual departments as outlined above, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(2:00 P.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

(‘A’) CITY COUNCIL - CASE NAMES:

- 1. COF V. RAPS FRESNO, LLC, ET AL.
- 2. HERITAGE FRESNO; FRIENDS OF OLD ARMENIAN TOWN V. REDEVELOPMENT AGENCY; [HERITAGE II], SUPERIOR COURT, THIRD DISTRICT COURT OF APPEALS

(‘B’) JOINT WITH THE REDEVELOPMENT AGENCY - CASE NAME: HERITAGE FRESNO, FRIENDS OF ARMENIAN TOWN V. COF; (REDEVELOPMENT AGENCY; OLD ARMENIAN TOWN LLC [REAL PARTIES IN INTEREST]); [HERITAGE III] SUPERIOR COURT

The City Council met in regular closed session and jointly with the Redevelopment Agency in Room 2125 at the hour of 2:14 p.m. to consider the above matters and reconvened in regular open session at 2:52 p.m.

No announcements were made.

(2:30 P.M.) AWARD AN INDEPENDENT FIVE-YEAR AUDIT CONTRACT TO MORELAND & ASSOCIATES, INC., AND AUTHORIZE THE INTERIM CONTROLLER TO EXECUTE THE CONTRACT FOR SERVICES, SUBJECT TO FINAL APPROVAL AS TO FORM BY THE CITY ATTORNEY’S OFFICE

Interim Controller Bradley reviewed the issue, all as contained in the staff report as submitted.

Councilmember Westerlund thanked staff for their work in the selection process and Acting President Xiong for working with him in audit committee interviews, spoke in support of the firm and asked that they attempt to meet with each council member individually when they get close to concluding their audit to discuss their findings, and spoke briefly to Council’s responsibility in the fiscal management/oversight of the city **(6 - 0)**.

On motion of Councilmember Westerlund, seconded by Acting President Xiong, duly carried, RESOLVED, staff’s recommendation to award an independent five-year audit contract to Moreland & Associates, Inc., hereby approved in the amount of \$210,000 for FY 2008 and increasing each year by approximately 4% to \$245,400 for FY 2012, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
 Noes : None
 Absent : None

(2-C) RESOLUTION NO. 2007-433 - AUTHORIZING (1) PARTICIPATION WITH COG AS A CO-APPLICANT IN THE SUBMITTAL OF FOUR GRANT APPLICATIONS FOR UP TO \$950,000; (2) ACCEPTANCE OF FUNDING UNDER CALTRANS FY 2008-09 TRANSPORTATION PLANNING GRANTS FOR THE FOLLOWING GRANTS: COMMUNITY-BASED TRANSPORTATION PLANNING, PARTNERSHIP PLANNING, STATEWIDE TRANSIT PLANNING STUDIES, AND TRANSIT PROFESSIONAL DEVELOPMENT; AND (3) EXECUTION OF ANY RELATED DOCUMENTS

Assistant Planning & Development Director Bergthold gave a brief overview of the issue, all as contained in the staff report as submitted.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, participation of the City of Fresno as co-applicant with Fresno COG to submit four grant applications to CALTRANS as recommended by staff hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
 Noes : None
 Absent : None

(3:00 P.M. #1) PRESENTATION TO CHRISTMAS PARADE SPONSORS AND AWARD WINNERS BY THE PARCS DEPARTMENT

PARCS Director Cooper and Parks Events Manager Broomfield acknowledged and presented commendations and awards to sponsors and float/entry winners of the 78th annual Christmas Parade.

(3:00 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:16 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF NOVEMBER 6, 2007

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of November 6, 2007, approved as submitted.

(‘A’) HEARING TO CONSIDER AGENCY ADOPTION OF RESOLUTION CERTIFYING SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE OLD ARMENIAN TOWN PROJECT (RELOCATION OF HISTORICAL RESOURCES)

1. RESOLUTION - CERTIFYING FINAL SEIR FOR THE OLD ARMENIAN TOWN PROJECT

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

Project Manager Lisecki gave a PowerPoint presentation on the issue which consisted of Previous Environmental Documentation, 2007 Old Armenian Town Project SEIR/Relocation of Historical Resources, Receiver Site Locations, Conceptual Site Plans for the “L” Street Site, Draft SEIR Conclusion, and Next Steps.

Speaking in opposition to “L” Street as the receiver site and certification of the SEIR were Charles Barrett of Heritage Fresno, Herb Arden, and Paula Mickalian.

Upon call no one else wished to be heard and Chair Sterling closed the public testimony portion of the hearing, and made a motion to direct staff to prepare a written response to all public comment and testimony presented this date and continue the matter to January 8th at a time certain.

On motion of Chair Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled hearing continued to January 8, 2008, at 3:00 p.m., by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
 Noes : None
 Absent : None

(‘B’) APPROVE A REQUEST FOR PROPOSALS AND QUALIFICATIONS (RFP/RFQ) TO DEVELOP AFFORDABLE HOUSING ON THE NORTHWEST CORNER OF ANNADALE AND ELM AVENUES

Project Manager Freeman and Director Murphey reviewed the issue, all as contained in the staff report as submitted.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, a RFP/RFQ to potential developers to develop affordable housing at Annadale and Elm Avenues hereby approved, and the Executive Director directed to proceed with the solicitation of proposals, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
 Noes : None
 Absent : None

(‘C’) AGENCY RESOLUTION NO. 1711 - AUTHORIZING THE AGENCY TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH RIVER FRONT VENTURES, LLC FOR PROJECT ASSISTANCE, INCLUDING AFFORDABLE HOUSING, NEAR HERNDON AND BRYAN AVENUES WITHIN THE FREEWAY 99/GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT AREA (TRACT NO. 5358), AND MAKING CERTAIN FINDINGS

Project Manager Freeman and Director Murphey reviewed the issue, all as contained in the staff report as submitted.

A motion and second was made to approve staff's recommendation.

Councilmember Calhoun, Chair Sterling, and Project Manager Larry Braun of Ingles, Braun & Associates, spoke in support of, and/or further to, the project.

On motion of Member Westerlund, seconded by Member Perea, duly carried, RESOLVED, the above entitled Agency Resolution No. 1711 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
 Noes : None
 Absent : None

The joint meeting was adjourned at 3:46 p.m. and the City Council reconvened in regular session.

(3:30 P.M.) RESOLUTION NO. 2007-434 - 54TH AMENDMENT TO THE AAR RE-BUDGETING CAPITAL FUNDS FOR MULTIPLE PARK IMPACT FEE PROJECTS AND ESTABLISHING TWO NEW PROJECTS IN THE PARCS CAPITAL IMPROVEMENT PLAN

City Manager Souza gave a brief overview of the issue, all as contained in the staff report as submitted.

Speaking in support of the issue were: the city's partner in developing the Woodward Park BMX race track; Attorney Chris Campbell of Baker, Manock & Jensen, Chair of Fresno United Neighborhoods and Board Member of the Woodward Shakespeare Festival, who also spoke to the Woodward Park Rotary Amphitheater **(7 - 0)**; Kevin Slater, TriSport Bicycles; and Dr. Michael Coburn, 7810 N. Blackstone, Outreach Specialist for REI.

PARCS Director Cooper and Mr. Souza responded to questions, comments and/or concerns of Councilmembers Duncan and Westerlund relative to why speakers came to talk about the BMX park when it was already built, frisbee golf players being unable to play due to cars parked on the golf course, maintenance costs/operational impact/if the city can afford these projects, why no information was included on maintenance costs, concern with increase in park entry fee, inability to support this until staff gets a handle on what these parks projects will cost, frustration with the perception of "having to yank information out", time line for bonding and why it has taken so long, and inability to support this due to work continuing off the resolution of reimbursement, adding/deleting projects, and lack of a decision on bonding. Referencing comments made Mr. Souza stated it was appropriate to disagree with a policy situation but it was inappropriate to accuse staff of not providing complete information and further elaborated, and added any decision made to increase a fee of any kind is not arbitrary and explained.

A motion and second was made to adopt the resolution. Councilmember Calhoun spoke briefly in support stating the city has been woefully short on park space and this was the right thing to do.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-434 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong, Perea
 Noes : Duncan, Westerlund
 Absent : None

President Perea advised he had a small emergency at home and left at 4:17 p.m. and was absent for the remainder of the meeting.

(3:45 P.M.) CONDITIONALLY AUTHORIZE NEGOTIATION AND ENTRY OF PROJECT DOCUMENTS WITH THE STATE OF CALIFORNIA, FRESNO COUNTY EOC, AND THE REDEVELOPMENT AGENCY FOR THE CITY'S PURCHASE AND USE OF THE EOC NEIGHBORHOOD YOUTH CENTER/GYMNASIUM AND LAND AT AN ACQUISITION COST NOT TO EXCEED \$4.5 MILLION

1. RESOLUTION - 52ND AMENDMENT TO THE AAR APPROPRIATING \$2 MILLION IN PARK IMPACT FEES FOR PURCHASE OF THE EOC NEIGHBORHOOD CENTER/GYMNASIUM ***(Failed due to the need for 5 affirmative votes)***

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted. Councilmember Sterling spoke in support of the project and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun.

Roger Palomino, EOC Executive Director, and Paul McLane of the Local Conservation Corps, responded to questions of Councilmember Westerlund relative to why the city was purchasing the center, why EOC does not want to operate the center itself, who will operate the child care center, when the proposal to purchase the property/facility was made, taxpayer dollars being used to build the facility and now taxpayer dollars being used to operate it and inability to support this, and if the center would close down if the city did not purchase it.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, negotiation and entry of project documents with the State of California, Fresno County EOC, and the Redevelopment Agency as outlined above conditionally authorized, and the above entitled Resolution appropriating funds to purchase the EOC center/gym failed, due to the need for five affirmative votes, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong
 Noes : Duncan, Westerlund
 Absent : Perea

(4:00 P.M.) HEARING/CONSIDERATION/ACTION ON 2007 CYCLE II TRIMESTER PLAN AMENDMENTS:

(A) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-01, REZONE APPLICATION NO. R-07-13, AND ENVIRONMENTAL FINDINGS FILED BY IRMA AND MARTIN GARCIA, NORTHEAST CORNER OF E. IOWA AVENUE AND N. FIRST STREET

(B) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-02, REZONE APPLICATION NO. R-07-24, AND ENVIRONMENTAL FINDINGS FILED BY JEFF ROBERTS ON BEHALF OF WEST FRESNO HOLDINGS, LLC, SOUTHEAST CORNER OF N. GRANTLAND AND W. DAKOTA AVENUES, INCLUDING DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO

(C) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-15, REZONE APPLICATION NO. R-07-46, AND ENVIRONMENTAL FINDINGS FILED BY MIKE DeALBA ON BEHALF OF GEE MOUA, NORTHWEST CORNER OF N. MARKS AND W. OLIVE AVENUES

(D) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-16, REZONE APPLICATION NO. R-07-58, AND ENVIRONMENTAL FINDINGS FILED BY AMBASSADOR BAPTIST CHURCH, NORTH SIDE OF W. CLINTON BETWEEN N. VALENTINE AND N. MARKS AVENUES

(E) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-14, REZONE APPLICATION NO. R-07-53, AND ENVIRONMENTAL FINDINGS FILED BY JAMES OAKES ON BEHALF OF SUNRINDER PARTAP SINGH, SOUTHEAST CORNER OF E. KINGS CANYON ROAD AND S. FOWLER AVENUE

1. RESOLUTION - DENYING P.A. A-07-14 WHICH PROPOSES TO AMEND THE 2025 GENERAL PLAN AND ROOSEVELT COMMUNITY PLAN (Planning Commission recommendation) ***(Withdrawn by applicant)***

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

Planning Manager Haro advised **Item 'E'** was withdrawn by the applicant, introduced the four remaining plan amendments using maps to illustrate, and requested Council act on each plan amendment separately and recommended approval of all four.

Jeff Sorensen of Planning Resource Associates gave a PowerPoint presentation on each application, all as contained in the staff reports as submitted, and recommended approval as also recommended by the Planning Commission.

Speaking to the issue were: Elias Saliba, who spoke further to **Item 'A'** and requested approval; Jeff Roberts of Granville Homes who spoke further to **Item 'B'** and concurred with staff's recommendation; Isacc Garza of Mike DeAlba & Associates, Architects for the project, who spoke further to **Item 'C'**; and Mark Ermler, Pastor of Ambassador Baptist Church, 3305 W. Whitesbridge, who spoke to **Item 'D'** and requested support.

Upon call, no one else wished to be heard and Acting President Xiong closed the public hearings.

(A) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-01, REZONE APPLICATION NO. R-07-13, AND ENVIRONMENTAL FINDINGS FILED BY IRMA AND MARTIN GARCIA, NORTHEAST CORNER OF E. IOWA AVENUE AND N. FIRST STREET

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-01/R-07-13/V-07-03/C-07-78
2. **RESOLUTION NO. 2007-435** - AMENDING THE 2025 GENERAL PLAN DAN ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-110 - ORDINANCE NO. 2007-108** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2 TO C-5

Councilmember Calhoun stated he liked what he was seeing, spoke to the density issue, and upon his question Mr. Haro stated response and feedback on the plan amendment process had been favorable.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the subject E.A. approved, the above entitled Resolution No. 2007-435 hereby adopted, and the above entitled Bill No. B-110 adopted as Ordinance No. 2007-108, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
 Noes : None
 Absent : Perea

(B) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-02, REZONE APPLICATION NO. R-07-24, AND ENVIRONMENTAL FINDINGS FILED BY JEFF ROBERTS ON BEHALF OF WEST FRESNO HOLDINGS, LLC, SOUTHEAST CORNER OF N. GRANTLAND AND W. DAKOTA AVENUES, INCLUDING DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-02/R-07-24
2. **RESOLUTION NO. 2007-436** - AMENDING THE 2025 GENERAL PLAN AND WEST AREA COMMUNITY PLAN
3. **BILL NO. B-111 - ORDINANCE NO. 2007-109** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-2/UGM UPON ANNEXATION TO THE CITY

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the finding for the subject E.A. approved, the above entitled Resolution No. 2007-436 hereby adopted, and the above entitled Bill No. B-111 adopted as Ordinance No. 2007-109, subject to the site plan review application or conditional use permit application being reviewed and acted on by the Planning Commission, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
 Noes : None
 Absent : Perea

(C) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-15, REZONE APPLICATION NO. R-07-46, AND ENVIRONMENTAL FINDINGS FILED BY MIKE DeALBA ON BEHALF OF GEE MOUA, NORTHWEST CORNER OF N. MARKS AND W. OLIVE AVENUES

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-02/R-07-24
- 2. **RESOLUTION NO. 2007-437** - AMENDING THE 2025 GENERAL PLAN AND WEST AREA COMMUNITY PLAN
- 3. **BILL NO. B-112 - ORDINANCE NO. 2007-110** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/UGM TO C-5/UGM

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the finding for the subject E.A. approved, the above entitled Resolution No. 2007-437 hereby adopted, and the above entitled Bill No. B-112 adopted as Ordinance No. 2007-110, subject to uses on the site being limited to church-related uses, as determined by the P&D Director, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
 Noes : None
 Absent : Perea

(‘D’) CONSIDER PLAN AMENDMENT APPLICATION NO. A-07-16, REZONE APPLICATION NO. R-07-58, AND ENVIRONMENTAL FINDINGS FILED BY AMBASSADOR BAPTIST CHURCH, NORTH SIDE OF W. CLINTON BETWEEN N. VALENTINE AND N. MARKS AVENUES

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-02/R-07-24
- 2. **RESOLUTION NO. 2007-438** - AMENDING THE 2025 GENERAL PLAN AND WEST AREA COMMUNITY PLAN
- 3. **BILL NO. B-113 - ORDINANCE NO. 2007-111** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/UGM TO R-2/UGM

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the subject E.A. approved, the above entitled Resolution No. 2007-438 hereby adopted, and the above entitled Bill No. B-113 adopted as Ordinance No. 2007-111, subject to the site plan review application or conditional use permit application being reviewed and acted on by the Planning Commission, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
 Noes : None
 Absent : Perea

(2-D) CONSIDER AND PROVIDE DIRECTION REGARDING A “STAND-ALONE” TAX SHARING AGREEMENT BETWEEN THE CITY AND THE COUNTY OF FRESNO RELATING TO THE MCKINLEY-HAYES NO. 3 REORGANIZATION - NEW URBAN STRATEGIES PROJECT

Planner Braun reviewed the issue, all as contained in the staff report as submitted, and advised it was staff’s goal to return to Council on January 8th with an agreement with the County.

Councilmember Calhoun stated this was one of the most complicated things he has seen and he was frustrated and concerned with the inability to not understand something, stated he hoped the city does not go down some precedent-setting path and added a huge amount of trust was being placed in staff that they know what they are doing in negotiations with the county, and presented questions and comments relative to whether this was an informational item and staff would continue negotiating and return in January unless Council has some major issues, if the City Attorney will watch this closely, why a stand-alone agreement was being done if this is so unusual, if LAFCO has any involvement in this, if the city of Clovis did something similar, and intent to speak further with staff for educational purposes, with Mr. Braun, City Attorney Sanchez and Planning & Development Director Yovino responding throughout. Councilmember Sterling stated this had been an extreme learning experience and spoke to her understanding of the situation, stated there were lots of challenges in the west area and commended staff for all their work, and requested she be kept informed and made a motion to direct staff to conclude a stand-alone agreement consistent with indemnification, which motion was seconded by Councilmember Calhoun.

Councilmember Duncan stated a stand-alone agreement seemed petty and questioned why the county was doing this and if this would open the door for changes to the MOU money formula (with Mr. Yovino responding), and acknowledged this was a good project but stated the general plan meant something and he could not support the motion. Councilmember Westerlund stated he understood the challenges but felt the city needed to be careful before going down this road adding this is how islands are created, and stated he also could not support the motion at this time but he would keep his mind open.

Mr. Yovino and Mr. Sanchez responded to questions and comments of Acting President Xiong relative to the precedent-setting aspect and what will be done with upcoming projects, number of upcoming projects anticipated, if staff is looking at a more comprehensive approach, if the project was time sensitive, if this was a procedural step and if staff would be bringing something back, and importance of looking at this in a more comprehensive approach and obtaining a commitment for the entire west area.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff directed to conclude a stand-alone agreement on the McKinley-Hayes No. 3 Reorganization consistent with the indemnification, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong
Noes : Duncan, Westerlund
Absent : Perea

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:17 p.m. having arrived and hearing no objections, Acting President Xiong declared the meeting adjourned.

Approved on the 8th day of January , 2008.

/s/
Blong Xiong, Acting Council President

ATTEST:

/s/
Yolanda Salazar, Assistant City Clerk

150-204

12/18/07