

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 Greg Roper of the Trinity Southern Baptist Church gave the invocation, and President Sterling led the Pledge of Allegiance.

PROCLAMATION OF “AMBASSADOR PHILLIP V. SANCHEZ DAY” - COUNCILMEMBER BORGEAS

Read and presented.

ADD-ON: COMMENDATION TO THE FIRST GRADUATES OF THE FRESNO CITIZENS ACADEMY - MAYOR SWEARENGIN

Commendation made.

ADD-ON: COMMENDATION TO BUDGET DIRECTOR SMITH AND HER STAFF

Commendation made.

“MAKE A PROMOTION A COMMOTION” CEREMONY

Employees promoted and honored were: Mark Davis, Acoustical Program Coordinator, Airports Department; Laurie Avedisian and Katherine Bradley, Deputy City Attorneys III, City Attorney’s Office; Marvin Long, Water System Operator II, Leonard Safford, Collection System Maintenance Operator III, Brion Webster, Senior Water System Telemetry & Distributed Control Specialist, and Harold Western, Property Maintenance Worker II, all of the Public Utilities Department; Kathryn Tuckness, Management Analyst III, Information Services Department; Claudia Cazares, Housing & Neighborhood Revitalization Manager, Planning & Development Department; and Cynthia Desoto-Cooper and Spring Wilson, Identification Technicians III, Police Department. A reception was held immediately following.

RECESS - 9:06 A.M. - 9:17 A.M..

APPROVE MINUTES OF JULY 23, 2009:

On motion of Councilmember Brand, seconded by Acting President Westerlund, duly carried, RESOLVED, the minutes of July 23, 2009, approved as submitted.

Councilmember Xiong (1) thanked staff for working with Fresno Unified in getting the Fresno High School all-weather track and aquatic center completed; (2) advised he spoke at the North Fresno Rotary Club and thanked them for the invitation and work they are doing; (3) congratulated the Central California Asian Pacific Women on their successful scholarship luncheon; (4) thanked Holly Carter and Jerry Duncan for hosting the fund-raiser for Camp Challenge cancer survivors; (5) advised he participated with President Sterling in the Quiet Zone press conference and thanked Community Regional Medical Center for partnering; (6) advised he attended the Hispanic Youth symposium with Councilmember Perea; and (7) thanked Bill Kuebler with the Tower Marketing Committee and planning staff on the Tower streetscape plan.

Councilmember Borgeas thanked all involved in the first coordinated stakeholder meeting on river bluff issues and challenges stating it was a step in the right direction and expanded further on current efforts being made to address the problems.

Councilmember Perea (1) reported he was part of the COG lobbying trip to Sacramento on July 2nd during the time of the state budget; (2) advised he attended the Board of Directors meeting for the League of California Cities at Squaw Valley on July 16th, and (3) thanked PARCS staff for providing the most recent renderings of the Chestnut/180 park and advised he would be requesting staff's assistance with an upcoming community meeting.

Councilmember Brand advised Eye-Q Vision would conduct a marathon through northeast Fresno on November 8th and reiterated his request to staff that the traffic problem encountered last year with blocking off Shepherd Avenue not be repeated and requested he be kept involved.

Acing President Westerlund (1) thanked public works for removing the valley gutter at Cedar and Barstow heading into Fresno State; (2) congratulated Mayor Swearingin for her work and efforts with the gas tax issue and getting it removed from the state budget; and (3) advised he participated in Pelco's "Mission Continues", a program that helps injured/wounded service members become productive and find jobs, and stated it was a fabulous organization and elaborated further.

President Sterling (1) also thanked Mayor Swearingin and her team for their work on the gas tax issue and further elaborated; (2) advised a number of city employees are unable to participate in the Encourage Tomorrow mentoring program due to their work schedules and requested the city manager consider some kind of policy that will allow them to participate; (3) advised she attended the Firebaugh Cantaloupe Festival, the Camp Challenge fund raiser, participated in the Quiet Zone new conference and thanked all staff involved in that project, attended the Downtown Association board meeting, the mixer meeting at Arte Americas, and the Tower streetscape meeting last Tuesday; and (4) thanked public works for repaving Jensen Avenue west of Freeway 99.

APPROVE AGENDA:

(10:00 A.M. #2) CONTINUED HEARING ON APPEAL FILED BY GARY McDONALD AND FORMER COUNCILMEMBER JERRY DUNCAN ON THE TRACT MAP AND CONDITIONAL USE PERMIT APPLICATION, APPEALING THE PLANNING COMMISSION'S DENIAL OF VESTING T.T. MAP NO. 5933, CUP NO. C-08-59 (Continue to August 20, 2009, at 10:30 a.m.)

Continued as noted.

(10:00 A.M. #1-C) DIRECT STAFF TO INITIATE PROPOSITION 218 HEARING PROCESS TO ENACT A WATER METER FEE

-and-

(1-G) AWARD A ONE-YEAR CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO FRESNO METRO MINISTRY FOR A COMMUNITY GARDEN LIAISON, IN AN AMOUNT NOT TO EXCEED \$35,000 ANNUALLY, FOR THREE COMMUNITY GARDEN SITES

City Clerk Klisch advised the **10:00 #1-C** item was being removed from the agenda by staff and Consent Item **1-G** would be moved to that time slot.

(10:20 A.M.) HEARING ON PLAN AMENDMENT NO. A-08-16, REZONE APPLICATION NO. R-08-26 AND ENVIRONMENTAL FINDINGS FILED BY RIVERFRONT VENTURES, LLC, NORTHWEST CORNER OF N. BRYAN AND

W. HERNDON AVENUES

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-08-16/R-08-26
2. RESOLUTION - AMENDING THE GENERAL PLAN AND BULLARD COMMUNITY PLAN
3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/EA/UGM/cz

City Clerk Klisch advised the hearing was being continued to August 20, 2009, at 10:45 a.m.

(10:35 A.M.) JOINT COUNCIL/AGENCY HEARING TO CONSIDER APPROVAL OF A DISPOSITION & DEVELOPMENT AGREEMENT (D&DA) BETWEEN THE REDEVELOPMENT AGENCY AND FRESNO HISTORIC CHINATOWN, LLC, PROPERTY LOCATED AT 718 "F" STREET AND THREE FUTURE DEVELOPMENT PARCELS ON "F", "G" AND MONO STREETS

1. JOINT RESOLUTION - APPROVING THE D&DA WITH FRESNO HISTORIC CHINATOWN, LLC

President Sterling advised she received a continuance request and continued the joint hearing to a special meeting on Monday, August 17, 2009, at 10:30 a.m. **(2 - 0)**.

(9:15 A.M. "D") PRESENTATION BY JON MORRIS OF THE BIG PICTURE HIGH SCHOOL - PRESIDENT STERLING

Removed from the agenda by President Sterling due to an emergency issue with Mr. Morris.

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, Perea, Westerlund, Xiong, Sterling
Noes	:	Dages
Absent	:	None

ADOPT CONSENT CALENDAR:

Paul Hurlbut, 4701 W. Swift, spoke in support of Item **1-C**.

Barbara Hunt spoke to Items **1-F**, **1-G** and **1-J**.

Acting President Westerlund pulled item **1-C** and President Sterling pulled Item **1-J** from the Consent Calendar for separate discussion/action.

(1-A) REJECT ALL PROPOSALS FOR INSTALLATION OF SOLAR PHOTOVOLTAIC GENERATING SYSTEMS AT VARIED CITY FACILITIES

(1-B) RESOLUTION NO. 2009-166 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF GRANT FUNDS TO THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) TRANSPORTATION ENHANCEMENTS PROGRAM, AND AUTHORIZE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE

(1-D) RESOLUTION NO. 2009-167 - APPROVING A FREEWAY AGREEMENT WITH CALTRANS FOR FREEWAY 180 FROM CHESTNUT TO WEST OF TEMPERANCE AVENUE, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-E) APPROVE MEASURE "C" COOPERATIVE AGREEMENTS FOR THE WILLOW AVENUE WIDENING PROJECT FROM SHEPHERD TO BEHYMER AVENUES AND THE HERNDON AVENUE WIDENING PROJECT FROM VALENTINE TO MARKS AVENUES

(1-F) RESOLUTION NO. 2009-168 - AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT AND REQUIRED DOCUMENTS WITH THE STATE OFFICE OF TRAFFIC SAFETY FOR THE DUI ENFORCEMENT AND AWARENESS PROGRAM (DEAP) GRANT

1. **RESOLUTION NO. 2009-169** - 4TH AMENDMENT TO AAR 2009-149 APPROPRIATING \$368,600 FOR THE DEAP

GRANT

(1-H) APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH THE HLA GROUP, INCREASING THE COMPENSATION AMOUNT OF \$69,405 TO \$97,695 FOR PROFESSIONAL LANDSCAPE ARCHITECT SERVICES FOR THE DESIGN OF PLANS AND GENERAL CONSTRUCTION DOCUMENTS FOR A WATER-WISE DEMONSTRATION GARDEN AT THE SURFACE WATER TREATMENT FACILITY, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES OR DESIGNEE TO SIGN ALL DOCUMENTS TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

(1-I) AWARD A CONTRACT IN THE AMOUNT OF \$1,910,000 TO LAWSON MECHANICAL CONTRACTORS TO INSTALL A NEW CHILLER SYSTEM AT CITY HALL

(1-K) APPROVE APPOINTMENT OF VIRGINIA RONDERO HERNANDEZ TO THE COMMISSION ON THE STATUS OF WOMEN - MAYOR'S OFFICE

(1-L) RESOLUTION NO. 2009-170 - 483RD AMENDMENT TO MFS RES. 80-420 ADJUSTING THE SOLID WASTE RESIDENTIAL FEES IN THE DEPARTMENT OF PUBLIC UTILITIES BEGINNING WITH THE SEPTEMBER 2009 BILLING CYCLE

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

CONTESTED CONSENT CALENDAR:

(1-C) APPROVE AN ACCESSIBLE PEDESTRIAN SIGNAL (APS) POLICY TO ESTABLISH A PRIORITY RANKING SYSTEM FOR THE INSTALLATION OF APS AT CITY INTERSECTIONS

Acting President Westerlund stated this was a good policy and he wanted the public to be informed, and upon his request City Engineer Mozier expanded further on the policy including priority rankings and how people can nominate intersections, and responded to his questions relative to cost to upgrade signals, if an advisory committee would oversee the process, and installation process.

On motion of Acting President Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, the Accessible Pedestrian Signal Policy hereby approved, by the following vote:

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

(1-J) RESOLUTION NO. 2009-171 - 5TH AMENDMENT TO AAR 2009-149 DE-FUNDING \$84,600 IN APPROPRIATIONS UNDER THE GENERAL FUND'S FY 2009-2010 BUDGET IN ORDER TO RESOLVE THE CURRENT BUDGETARY IMBALANCE

City Manager Souza stated there were some questions/speculations on how contingent the adopted budget was and what items were still open and gave an update including how the budget was dodged on the gas tax issue, the COPS grant, and the \$6.1 million of concessions that the budget was built on and the two units that were open and very close to agreement, and stated it was a tough year but the city was moving forward as an organization.

On motion of President Sterling, seconded by Councilmember Borgeas, duly carried, RESOLVED, the above entitled Resolution No. 2009-171 hereby adopted, by the following vote:

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

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

Reyes Garza, 412 "F" Street, spoke to the mental illness problem with the homeless and the need to help them.

Barbara Hunt, 2475 S. Walnut, spoke to various issues including the Redevelopment Agency, blight, tax increment, and needs of the community.

Gustavo Gomez, 4709 W. Swift, spoke to the issue of child deaths by fire.

Sherry Smith, 4724 W. Swift, stated the Fresno Citizens Academy was the greatest thing, and spoke to the need for prompt fire and emergency medical services for the Ashlan Cornelia corridor.

Paula Savino, 7449 N. Mansionette, spoke to the homeless.

(9:15 A.M. "A") APPEARANCE BY LINDA MOTSCHIEDLER, PRESIDENT OF SISTER CITIES INTERNATIONAL, TO REQUEST APPROVAL OF NEW SISTER CITY RELATIONSHIPS WITH NIMES, FRANCE, TAISHAN, CHINA, AND ECHMIADZIN, ARMENIA. ALSO, REVIEW RELATIONSHIPS WITH CURRENT AND FORMER SISTER CITIES AND DISCUSSION OF THE NEW "AMBASSADOR PROGRAM" - COUNCILMEMBERS BORGEAS AND PEREA

Councilmember Borgeas introduced the item and spoke to the important role of the Armenian community in the city, how the Fresno-Armenia Sister City Exploratory Committee came about, and the purpose of the committee; identified committee members; advised if this request is approved a small group will be sent to Armenia in August to make a presentation to the mayor and council of Echmiadzin; and thanked Mayor Swearingin for hosting the Consul General of Armenia from Los Angeles who came to Fresno recently to address the committee and get the relationship moving forward.

Committee members Barlow DerMugrdechian, Professor/Director of the Armenian Studies Program at CSUF, Hygo Ohanessian, Chair of the Armenian National Committee, and Nishan Derklousdian spoke to the contributions Armenians have made to the community and valley and in support of a relationship with Echmiadzin, and Ara Kendirjian read an article written by Fresno native William Saroyan.

Councilmember Borgeas recognized and thanked his staff and concluded stating the goal was to form a standing committee in the next month and send a full mission to Armenian within the next nine months.

Sister Cities International President Linda Motschiedler requested Council's and staff's support of the three new relationships and a presence on the city's website stating that was very important and explained, introduced supporters of Nimes, France in attendance and advised Nimes was the first Sister City they were asking for approval of.

Speaking in support of a relationship with Nimes were **(3 - 0)** Petanque Club member Larry Rozell and President Tim Channel.

Ms. Motschiedler continued and spoke further to the background of Sister Cities program and formation process.

Councilmember Perea thanked Ms. Motschiedler for her passion and leadership on this issue; stated the program has been dead for quite some time with little support from the city in moving it forward but he felt those times were changing; and spoke further to the issue, expressed his support, and urged Council's support stating this was an opportunity to engage with cultures and economies across the world. Councilmember Borgeas made a motion to accept the proposal by Sister Cities to begin the process of establishing

the relationships, which motion was seconded by Councilmember Perea.

Barbara Hunt, 2475 S. Walnut, spoke in support.

City Attorney Sanchez, Councilmember Borgeas and Ms. Motschieder responded to questions and comments of Acting President Westerlund at length relative to whether a resolution or something more formal was required to start the process , if the request was for Mayor Swearingin to send out letters, if there were any other exploratory committees, if the three cities currently had other sister city relationships, if any contact has been made with anyone in the three cities, and concern with the city’s lack of interest/commitment in the past and need to take these relationships seriously as other countries take them very seriously. President Sterling agreed and commented on past issues stating these were different times now and she was confident the city would move forward in a positive way. Councilmember Brand stated he also shared some of Acting President Westerlund’s concerns on reciprocation, and stated this was a great program, he wanted to see it go forward, and requested he be placed first on the list for Nimes, France. Ms. Motschieder and ACM Rudd responded to questions of Councilmember Xiong relative to the number of sister cities Fresno currently has, the de-activation process, if there was a process for evaluating success (4 - 0), what the plan was to improve the program, and the need for a liaison and if that issue has been discussed.

Councilmember Borgeas stated he appreciated concerns expressed and advised he also had them early on, and spoke to other issues including the recent visit by an Iraqi delegation and council being unaware, need to have a protocol in place for visiting dignitaries, commitment and need for a long-lasting committee of people who want to maintain sister city relations as city officials come and go, need for fund raising, de-activation of some relationships being appropriate as this time due to inactivity/dormancy, his intent to work with the mayor and staff to create a protocol, and concurrence that the city dropped the ball in the past in reaching out to countries, his confidence that a program will be created that is sustainable and ensure that Fresno is not embarrassed internationally, and thank you to Ms. Motschieder for her leadership with the local chapter. President Sterling also thanked all involved.

On motion of Councilmember Borgeas, seconded by Councilmember Perea, duly carried, RESOLVED, the proposal by Sister Cities International to begin the process of starting Sister City relationships with Nimes, France, Taishan, China, and Echmiadzin, Armenia, hereby accepted, by the following vote:

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

(9:15 A.M. “B”) RESOLUTION NO. 2009-172 - REQUESTING THE STATE OF CALIFORNIA PASS LEGISLATION AUTHORIZING THE CITY TO CREATE A NEIGHBORHOOD ELECTRIC VEHICLE (NEV) PLAN TO PROVIDE FOR AND ENCOURAGE THE USE OF ZERO-EMISSION VEHICLES - COUNCILMEMBERS BRAND AND PEREA

Councilmember Brand stated this was an opportunity for the city to take the lead on some green policies, stated NEVs were designed to travel on widened bike paths and there was some concern expressed if this is done city-wide in terms cost (widening/re-striping streets), noted Copper River was a model community set up to utilize this new technology, stated this would be a great step with the valley’s air problems, advised he would like to see a pilot program started at least in north Fresno and then migrate throughout the city and added the new SEGA plan being developed would be another opportune way to introduce this, and stated the city needed to encourage state legislators to pass legislation to allow the city to go forward with this. Councilmember Perea added he was very supportive of the project, this was a good thing to do, and thanked Councilmember Brand for his leadership.

Speaking in support of the issue were: Tom Jordan, San Joaquin Valley Air District; Larry Powell, speaking as Fresno County Superintendent and as a private citizen; Barbara Hunt; and Jeff Roberts, Granville Homes, managing partner with Copper River.

Acting President Westerlund stated this looked like a program well worth supporting but his concerns were the associated costs and widening lanes even more for another lane of travel, spoke to the need to have walking-friendly communities and smart/sustainable growth, and stated the city already had oceans of asphalt, he hoped SEGA would be a smart-growth community, and NEVs being able to travel in existing lanes was something he could be supportive of. President Sterling added if this should pass she would hope the streets division would formulate a plan looking at what is being done at Copper River and incorporate that citywide.

ACM Rudd noted the city has been down this path before and staff has been observing what is happening across the state; advised the core issue was certain street widths and speed limits established in corridors would preclude the use of NEVs; stated downtown was compatible and this could possibly be feasible in Copper River; and stated he felt the goal was to try to provide some linkages from the development to other commercial sources, explaining throughout. Councilmember Brand reiterated he met with the public works director to discuss those same issues, the goal was not to implement this city-wide but to do a pilot program in areas that have the characteristics and design to work, and stated Fresno had developed a reputation as an innovator, he did not see why that could not continue, and this would be the first step in hopefully many other steps and urged support.

On motion of Councilmember Brand, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2009-172 hereby adopted, by the following vote:

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

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(1-G) AWARD A ONE-YEAR CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO FRESNO METRO MINISTRY FOR A COMMUNITY GARDEN LIAISON, IN AN AMOUNT NOT TO EXCEED \$35,000 ANNUALLY, FOR THREE COMMUNITY GARDEN SITES

PARCS Director Cooper gave an overview of the issue, all as contained in the staff report as submitted, and Richard Yanes, Executive Director of Fresno Metro Ministry **(5 - 0)**, and Summer Vue, community advocate, thanked Council and staff, expanded further on the issue including their involvement, negotiations, and benefits of the gardens for the community, and urged Council's support. Mr. Cooper added anyone in the city can apply to Metro for a plot and City Attorney Sanchez clarified this was a contract arrangement set up for all gardens in the city and was subject to the gardens having completed all necessary land use entitlements and CEQA analysis.

Barbara Hunt spoke in support.

Councilmember Dages stated he was happy to see the community gardens in Fresno, and his district, and made a motion to approve (which was seconded by Councilmember Perea and subsequently amended), but stated he was extremely disappointed that his office was not kept informed of what was going on throughout the process as two of the sites were in his district.

Acting President Westerlund noted Mr. Cooper indicated in his verbal report that there were two gardens and the staff report indicated three, whereupon Mr. Cooper explained the Melody Park site was on hold as the community had some concerns and added gardens would not be established in any community unless the community requests/wants them. Upon question of Acting President Westerlund Councilmember Dages agreed to amend his motion to indicate two gardens at this time, but not precluding a third site. Referencing the past Belmont garden issue Acting President Westerlund stated one of his concerns was people seem to think the plots/use of property was an entitlement and he wanted to see a policy attached to the contract stating each plot is a season-by-season gift/privilege and not an entitlement, and upon his request Mr. Sanchez agreed to add language stating it was a good idea for clarity and to avoid any arguments. Upon further questions Mr. Yanes stated he was supportive of the language addition and Mr. Cooper stated the \$35,000 was for a garden liaison to manage and maintain the gardens on a day-to-day basis and was not salary-based.

Relative to the amended motion for two gardens ACM Rudd clarified the contract rate was negotiated to manage/oversee/monitor up to three gardens and recommended Council approve the contract as submitted as it provided flexibility to add a third garden in the future without increasing the contract amount. Councilmember Dages then revised his motion to approve the contract for three garden sites, with the third site not being exclusive to Melody Park. Councilmember Xiong commended Mr. Yanes for stepping up and spoke briefly to the diverse community and need for the liaison to be sensitive to that diversity and provide opportunities for all to participate. President Sterling noted this started with the Hmong garden and thanked the Hmong community and all involved throughout the process.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the subject contract hereby awarded to Fresno Metro Ministry for a Community Garden Liaison for three community garden sites, with the third site not exclusive to Melody Park, by the following vote:

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

(9:15 A.M. “C”) DIRECT STAFF TO IMPLEMENT A TWITTER APPLICATION TO WORK WITH THE CITY’S ‘621-CITY’ CALL-IN HOTLINE - COUNCILMEMBER PEREA

Councilmember Perea stated 621-CITY has been a great success in streamlining calls and he was asking Council to take the next step with new technology to improve communication with constituents, added a twitter application was a simple and innovative way of improving communication, all as explained in his report to Council as submitted, and made a motion to direct staff to return with a twitter program including staffing and cost, which motion was seconded by Councilmember Brand. ACM Rudd stated staff supported the concept and spoke briefly to changing technology and how some city accounts have the ability to send information out, and stated staff could return in thirty days with a proposed plan and he looked forward to it.

Barbara Hunt spoke in support.

On motion of Councilmember Perea, seconded by Councilmember Brand, duly carried, RESOLVED, staff directed to return in 30 days with a twitter program including staffing and cost, by the following vote:

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

(10:00 A.M. #1-A) RESOLUTION - ADOPTING A POLICY TO PROVIDE CERTAIN FEE WAIVERS FROM CITYWIDE IMPACT FEES FOR FINAL MAPS PURSUANT TO THE RECOMMENDATIONS OF THE ECONOMIC STIMULUS COMMITTEE

(Discussed again later)

Councilmember Brand recused himself from the proceedings due to a potential conflict of interest and left the meeting at 11:56 a.m. City Engineer Mozier reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking in support of the issue were: Mike Prandini, Building Industry Association, who added this was a follow-up to the committee’s work and requested support; and Barbara Hunt.

At this point Council broke for lunch and proceedings were continued to after Closed Session.

LUNCH RECESS - 12:00 NOON - 1:30 P.M.

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

(‘A’) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:
1. ORLANDO JAVIER GONZALEZ V. COF, ET AL., USDC CASE, CIV-F-04-6371 OWW/SMS
2. ORLANDO JAVIER GONZALEZ V. COF, ET AL., USDC CASE, 1:07-CV-01623-AWI

(‘A-1’) *SPECIAL NOTICE* - CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION:
AMALGAMATED TRANSIT UNION (ATU)

The City Council met in closed session in Room 2125 at the hour of 1:30 p.m. to consider the above matters and reconvened in regular open session at 2:55 p.m. No announcements were made.

(10:00 A.M. #1-A) RESOLUTION NO. 2009-173 - ADOPTING A POLICY TO PROVIDE CERTAIN FEE WAIVERS FROM CITYWIDE IMPACT FEES FOR FINAL MAPS PURSUANT TO THE RECOMMENDATIONS OF THE ECONOMIC STIMULUS COMMITTEE (Continued from earlier)

Proceedings continued with Councilmember Brand recused. Upon the request and questions of Acting President Westerlund City Engineer Mozier and Public Works Director Weimiller expanded on issues and/or responded to questions relative to calculation of impact fees, the nexus study, impact for parks being unclear, the economic stimulus committee, policy/lack of incentives to build quicker, and the policy actually extending the time for homes to be built without consequences. Councilmember Borgeas stated he was pleased to have been part of the stimulus committee and spoke briefly to their intent and work, **(6 - 0)** thanked the mayor for her leadership and the administration for their support and involvement, and stated the stimulus might not be direct dollars into pockets to promote business but the policies put into place provided vesting protections which was a step in the in the right direction. President Sterling thanked staff and the development industry and spoke briefly in support stating the important part was people keeping their jobs.

On motion of Councilmember Borgeas, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2009-173 hereby adopted, by the following vote:

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

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-09-07 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, PROPERTY LOCATED ON THE EAST SIDE OF N. BRYAN AND THE WEST SIDE OF N. HAYES BETWEEN W. ASHLAN AND W. GETTYSBURG AVENUES

- 1. CONSIDER AND ADOPT AN ENVIRONMENTAL FINDING FOR E.A. NO. R-09-07 THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR**
- 2. BILL NO. B-31 - ORDINANCE NO. 2009-31 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR (COUNTY) TO R-1/UGM/ANX AND R-2/UGM/ANX**

President Sterling announced the time had arrived to consider the issue and opened the hearing. Councilmember Brand returned to the meeting at 3:12 p.m. Planner Braun gave a brief overview of the issue and recommended approval, all as contained in the staff report as submitted.

Speaking to the issue were: Dirk Poeschel, 923 Van Ness, representing the applicant, who requested support and thanked City Manager Souza for his assistance on some technical issues; and Barbara Hunt, 2475 S. Walnut.

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

On motion of Councilmember Perea, seconded by Councilmember Brand, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby adopted, and the above entitled Bill No. B-31 adopted as Ordinance No. 2009-31, by the following vote:

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

(10:00 A.M. #1-B) AUTHORIZE NEGOTIATION AND ENTRY OF AMENDMENT NO. 1 TO THE DISPOSITION AND DEVELOPMENT AGREEMENT (D&DA) AND HOME PROGRAM AGREEMENT WITH ROEM DEVELOPMENT CORPORATION REGARDING DEVELOPMENT OF PALM VIEW GARDENS SENIOR HOUSING DEVELOPMENT ON

KINGS CANYON ROAD BETWEEN WILLOW AND PEACH AVENUES

HCD Manager Cazares gave an in-depth review of the issue, all as contained in the staff report as submitted, and recognized and commended her staff for all their work.

Barbara Hunt spoke in support.

Councilmember Dages spoke to his past efforts and push for senior housing and in strong support of the project, thanked all involved, and made a motion to approve, which motion was seconded by Councilmember Perea. Ms. Cazares responded briefly to questions and comments of Councilmember Brand relative to the funding source, number of units, and the construction cost being more in-line than some past projects.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, negotiation and entry of Amendment No. 1 to the D&DA and HOME Program Agreement with ROEM Development Corporation hereby authorized, and the City Manager/designee authorized to sign the amendment, subject to approval as to form by the City Attorney, by the following vote:

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

(10:10 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-09-01 AND ENVIRONMENTAL FINDINGS FILED BY PROPERTY OWNERS MINH THE TRAN AND NUONG H. VU, WEST SIDE OF S. CEDAR BETWEEN E. BUTLER AND E. HAMILTON AVENUES

- 1. CONSIDER AND ADOPT A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR PREPARED FOR E.A. NO. R-009-01/C-07-152./T-5912**
- 2. BILL NO. B-32 ORDINANCE NO. 2009-32 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-3 TO R-2**

President Sterling announced the time had arrived to consider the issue and opened the hearing. Planner Tackett stated there were no changes from last week and recommended approval.

Barbara Hunt spoke in support.

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

Councilmember Dages stated he still felt uncomfortable with this and would not support it and added as far as he was concerned the applicant was working the system as Fresno Unified was going to take the property.

Mr. Tackett and Councilmember Dages responded to questions of Acting President Westerlund relative to what the necessity was for the rezone, zone designations/density requirements, why R-2 zoning was being proposed, concern with the number of rezonings occurring, what Councilmember Dages' concern(s)/opposition was, if this would increase the value of the property, and what staff's position was. Councilmember Xiong stated the rezone question was more relevant than the school question, Fresno Unified had taken no position for or against this project, added if this property was that important to the district they would have been more pro-active and engaged with the land owner, and stated the applicant went through the proper process and made a motion to approve.

On motion of Councilmember Xiong, seconded by Councilmember Borgeas, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby adopted, and the above entitled Bill No. B-32 adopted as Ordinance No. 2009-32, by the following vote:

154-31

7/30/09

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

(10:30 A.M. #1) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:37 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JUNE 23 AND 25, 2009

On motion of Acting President Westerlund, seconded by Councilmember Brand, duly carried, RESOLVED, the Agency minutes of June 23 and 25, 2009, approved as submitted.

(“A”) AWARD A CONTRACT IN THE AMOUNT OF \$963,685 TO BUSH ENGINEERING, INC., FOR THE CALIFORNIA AND WALNUT AVENUE RECONSTRUCTION PROJECT, GENERALLY LOCATED AT CALIFORNIA AND PLUMAS AVENUES IN THE SOUTHWEST FRESNO GNRA PROJECT AREA (Joint action)

1. JOINT RESOLUTION NO. 2009-174/1745 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE AGENCY’S EXPENDITURE OF TAX INCREMENT TO INSTALL PUBLIC STREET IMPROVEMENTS

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, support; Brunette Harris, HEAT for Southwest Fresno, POB 12571, opposed, and stated there were no community meetings on this and requested an explanation of the project; and Riviera Someral, 211 E. Weldon, who questioned how Bush Engineering was able to bid this amount which was much lower than the estimate.

Upon request of Chair Xiong Ms. Murphey responded to speaker comments and explained/expanded further on the project/scope of work, public outreach/noticing and contract/bid process. President Sterling spoke in support of the project, to how it was needed for the district and the Hope VI project, and to noticing issues and meetings held.

On motion of President/Member Sterling, seconded by Acting President/Member Westerlund, duly carried, RESOLVED, the subject contract awarded as recommended to Bush Engineering, Inc., and the above entitled Joint Resolution No. 2009-174/1745 hereby adopted, by the following vote:

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

(“B”) AWARD A CONTRACT TO H.D. MATTHEWS DEMOLITION & EXCAVATION FOR THE DEMOLITION AND CLEARANCE OF ALL STRUCTURES LOCATED AT 4007 & 4015/4017 E. VENTURA STREET (Agency action)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt spoke in support.

On motion of Member Dages, seconded by Vice Chair Brand, duly carried, RESOLVED, the subject contract awarded as recommended to H.D. Matthews Demolition & Excavation in the amount of \$14,900, by the following vote:

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

154-32

7/30/09

(10:30 A.M. #2) JOINT COUNCIL/AGENCY HEARING TO CONSIDER APPROVAL OF A DISPOSITION & DEVELOPMENT AGREEMENT (D&DA) BETWEEN THE REDEVELOPMENT AGENCY AND AMCAL SUMMER HILL FUND, L.P., A CALIFORNIA PARTNERSHIP, PROPERTY LOCATED AT 430 & 436 “B” STREET AND 2150 S. ELM AVENUE (Joint action)

1. JOINT RESOLUTION NO 2009-175/1746 - APPROVING THE D&DA WITH AMCAL SUMMER HILL FUND, L.P., EXECUTION OF RELATED DOCUMENTS, AND MAKING CERTAIN FINDINGS

Chair Xiong announced the time had arrived to consider the issue and opened the hearing. Assistant Executive Director Raymond reviewed the issue, all as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, support; and Brunette Harris, HEAT for Southwest Fresno, POB 12571, opposed, who also requested a written response on who the California Tax Credit Allocation Committee was, and expressed numerous concerns relative to lack of noticing, past Hope VI proceedings, and Member Sterling recusing herself.

Upon call, no one else wished to be heard and Chair Xiong closed the public hearing.

Ms. Murphey and (7 - 0) Craig Smith of AMCAL responded to speaker comments and concerns stating all processes (noticing/outreach) were followed and elaborated, and spoke to the conditions of approval.

President Sterling thanked the Fresno West Coalition for Economic Development, the Redevelopment Agency, city staff, and AMCAL for all their work and efforts; spoke to past problems that occurred after a planning commission meeting and her effort to facilitate a meeting between AMCAL, HEAT and community members, which meeting was cancelled by HEAT; spoke to meetings held on projects, her presence/non-presence, her legal responsibilities and documented records, and making that information available to the public; and stated this project will be a benefit to the community and elaborated and made a motion to approve. Councilmember Brand commended AMCAL on a quality project and for building in a cost efficient way. City Attorney Sanchez clarified there was no conflict here with President Sterling, President Sterling brought the Hope VI issue to their attention and his office recommended she recuse herself due to ownership of adjacent property, President Sterling maintained that position until the property was sold, and those conflicts were not presented here this date.

On motion of President/Member Sterling, seconded by Councilmember/Member Borgeas, duly carried, RESOLVED, the above entitled Joint Resolution No. 2009-175/1746 hereby adopted, by the following vote:

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

The joint bodies adjourned their meeting at 4:05 p.m. and the City Council reconvened in regular session.

President Sterling reminded Council a special meeting would be held on Monday, August 17, 2009.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:05 p.m. having arrived and hearing no objection, President Sterling declared the meeting adjourned.

Approved on the 20th day of AUGUST , 2009.

_____/s/_____
Cynthia Sterling, Council President

ATTEST _____/s/_____
Yolanda Salazar, Assistant City Clerk