

## OFFICIAL COPY

Fresno, California

April 4, 2006

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:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

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

Reverend Bryan Martin, St. Patrick's Community Church, gave the invocation and Councilmember Sterling led the Pledge of Allegiance.

## SPCA PET OF THE MONTH - COUNCILMEMBER CALHOUN

The pet of the month available for adoption, a three month old domestic medium hair kitten, was presented.

## PROCLAMATION OF "DON L. DICK, TOWER BARBER SHOP DAY" - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF "NATIONAL TARTAN DAY AND THE BEGINNING OF SCOTTISH HERITAGE WEEK" -  
 COUNCILMEMBER WESTERLUND

## PROCLAMATION OF NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK"

The above proclamations were read and presented.

## PRESENTATION OF FAX DRIVER APPRECIATION AWARDS

Presented.

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**APPROVE MINUTES OF MARCH 28, 2006:**

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of March 28, 2006, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

OPENING OF THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT AND TRIP TO GUADALAJARA, MEXICO - COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated with the opening of the FIS FYI was now truly an international airport and thanked Airport Director Widmar, staff, and everyone else involved in getting it opened, and spoke to the trip that he, Acting President Perea and Mr. Widmar took stating they had a great time, they had an opportunity to speak with a lot of people on the way down, and after touring their ag stations and carry-in luggage check operation stated he was comfortable with what they had.

(1) REQUEST STAFF INFORM COUNCIL OF DATES THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) WILL MEET IN FRESNO AND DO EVERYTHING POSSIBLE TO PLACE THE BNSF PASSING LANE ISSUE ON THEIR AGENDA; AND (2) SECOND REQUEST TO STAFF TO LOOK INTO PROBLEM OF HOMELESS PEOPLE SLEEPING ON BENCHES ON THE MARIPOSA MALL - COUNCILMEMBER CALHOUN

Requests made.

(1) CONGRATULATIONS TO MAYOR AUTRY ON HIS PRESIDENTIAL APPOINTMENT TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION; (2) MOVE OF UNIVERSITY MEDICAL CENTER'S TRAUMA CENTER TO COMMUNITY REGIONAL MEDICAL CENTER; AND (3) CALIFORNIA REAL ESTATE JOURNAL ARTICLE BY EDC PRESIDENT/CEO DAVID SPAUR ON COMMERCIAL REAL ESTATE AND DEVELOPMENT IN THE CENTRAL VALLEY - COUNCILMEMBER STERLING

(1) Congratulations extended with Councilmember Sterling stating the appointment would keep Fresno on the map, (2) stated with the move Fresno would have a state-of-the-art trauma and burn center at the downtown campus which was very significant; and (3) stated this was also very significant as the article mentioned Northpointe, Fancher Creek and the Roeding Business Park as the place to be for employment, development and investment opportunities and elaborated.

(1) GUADALAJARA TRIP, AND (2) AND CONGRATULATIONS TO MAYOR AUTRY ON HIS PRESIDENTIAL APPOINTMENT - ACTING PRESIDENT PEREA

Acting President Perea stated Councilmember Westerlund thoroughly covered the trip and he had nothing to add, and extended his congratulations to Mayor Autry stating the appointment was huge, the mayor would use it wisely, and stated hopefully he would bring more attention to historic preservation in the central valley.

ANNOUNCEMENT OF BRIEFING AT 11:30 A.M. THIS DATE ON THE HEAVY RAIN'S IMPACT ON THE WILDWOOD MOBILE HOME PARK OFF FREEWAY 41 - CITY MANAGER SOUZA

Announcement made with City Manager Souza stating emergency operations staff were monitoring the situation closely. President Duncan stated he toured the area this morning and although the park was safe at this point he got word there might be increased releases on Thursday and that was a concern to him, and stated there was time to prepare and he would appreciate a detailed briefing.

COMMENDATION TO AIRPORT DIRECTOR WIDMAR AND STAFF FOR ALL THEIR WORK IN MAKING FYI A TRUE INTERNATIONAL AIRPORT AND ADDRESSING AGRICULTURAL CONCERNS - PRESIDENT DUNCAN

Commendation made.

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#### **APPROVE AGENDA:**

(1-N) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5205 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE NORTH SIDE OF E. COPPER AVENUE EAST OF FRIANT ROAD

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

Set for 4:55 p.m. this date at the request of staff.

(1-O) APPROVE DOCUMENTS RELATING TO THE FINAL MAPS OF TRACT NOS. 5313 AND 5374

1. RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5313 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

2. RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5374 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

3. RESOLUTION - 74<sup>TH</sup> AMENDMENT TO AAR 20005-286 APPROPRIATING \$38,700 FOR THE PURPOSE OF FUNDING RIGHT-OF-WAY ACQUISITION IN UGM TRACT NO. 5374

147-103

4/4/06

City Clerk Klisch advised the correct amount for Resolution #3 was \$28,700. So noted and corrected.

**(3:00 P.M. #1) REQUEST CITY MANAGER AND RDA EXECUTIVE DIRECTOR TO ISSUE A JOINT REQUEST FOR PROPOSALS (RFP) TO HIRE A PROFESSIONAL SERVICES FIRM TO PERFORM AN ANALYSIS WITH RECOMMENDATIONS OF THE REDEVELOPMENT AGENCY AND ECONOMIC DEVELOPMENT DEPARTMENT TO INCLUDE BEST PRACTICES AND PROJECT-SPECIFIC EVALUATIONS - COUNCILMEMBER CALHOUN AND ACTING PRESIDENT PEREA**

Councilmember Boyajian made a motion to remove the item from the agenda and the motion was seconded by President Duncan.

Councilmember Calhoun questioned why the courtesy was not being granted to two fellow members to bring a matter forth that deals with economic development, stated from a courtesy standpoint he would never do that and from a Council member standpoint he would give a reason why something was not important enough to discuss freely in public, stated he could only surmise this was either personal or there was something the motion-makers did not want to discuss, stated he had concerns about some of the serious underlying economic problems and possibly other problems that exist which he did not outline in his report to Council **(2 - 0)** and added this matter would come back and was not going to go away, and encouraged Council to have a frank open discussion on how economic development and the redevelopment agency, the Roeding Business Park, jobs, and other things are being looked at in this city stating that was what the public expects.

Acting President Perea stated he was real disappointed Council would not be able to at least discuss this in greater detail, stated he wanted an opportunity to talk about the RDA, the economic development department, and creating better efficiencies adding he receives calls weekly from individuals who are very concerned with the way some of the RDA practices are carried out and this would have been a chance to talk about that and correct it, and stated he would continue to work with Councilmember Calhoun to bring this matter back to least have an open, honest hearing.

Councilmember Calhoun added he was surprised President Duncan was able to do some research and include a two page objection response in Council's packet as this matter was placed on the agenda late in the week and members usually do not know what is on the agenda until Friday, and stated something strange was going on -- maybe Brown Act violations -- and further elaborated. President Duncan stated the item was on Wednesday's preliminary agenda, he did his own research on Thursday, council members had a right to respond to anything on the agenda and provide additional information, and he took great exception with any innuendo that there was some great conspiracy to deny a member a chance to bring forth their item, and suggested a workshop be scheduled to discuss issues versus spending possibly over \$500,000 to hire a firm.

Councilmember Westerlund stated he would support the motion, there was nothing personal about this, as RDA Vice Chair last year he saw no evidence of any of the things being alleged here, he did not feel it was the appropriate time to go into a self-examination, and noted this matter was brought forth before and was ultimately rejected. Councilmember Sterling stated her concern was with spending almost a half million dollars for another study and she could not justify that with all the city's needs and projects at this time. Councilmember Boyajian stated although some members make things personal but he never does, stated the RDA did many positive things during his two years as chair, stated personal accusations about the RDA hurts its perception and encouraged members to get involved, stressed everything has been done with an open agenda with no Brown Act violations or secrecy, stated he did not appreciate the things that were said about him last year as RDA chair as they were personal, and stated the RDA was only pushing an agenda that is good for the city, that brings jobs, and that eliminates blight.

Councilmember Calhoun clarified \$500,000 was President Duncan's figure and he did not know where he got that from, stressed the matter needed to be discussed so an amount could then be determined, clarified Council did pass something similar to this in the past, stated it was a slight to the City to say the RDA knows more than the City, noted \$14 million has been invested in the Roeding Business Park and there was nothing to show for it contrary to what has been said, and stated it was strange the way things are being done and these were the types of issues that needed to be discussed.

Councilmember Dages stated any item a member puts on the agenda should be heard, noted he has two items on the agenda this date and stated he would be extremely disappointed if a council majority took them off before he had a chance to speak to it, stated at issue was a member's right to have their item heard and not whether one supports the matter or not, and stated members should show each other respect and added he had a difficult time understanding why some would want to cut off a member before he could speak.

President Duncan stated this was a big subject and one that all members had a lot of concerns about and strongly encouraged this be brought back as a workshop for full discussion and without the pressure of an action that may or may not make sense.

**147-104****4/4/06**

On motion of Councilmember Boyajian, seconded by President Duncan, duly carried, RESOLVED, Item 3:00 p.m. #1 removed from the agenda, by the following vote

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

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

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

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**ADOPT CONSENT CALENDAR:**

Councilmember Boyajian pulled Items **1-B**, **1-E** and **1-L** from the Consent Calendar for discussion/action at 10:30 a.m., and registered a "NO" vote on Item **1-P**.

Councilmember Westerlund registered a "NO" vote on Item **1-Q-2**.

**(1-A)** APPROVE THE ACQUISITION OF ONE 1,720 SQUARE FOOT TEMPORARY CONSTRUCTION EASEMENT FROM PROPERTY OWNED BY MARY LOU GUTIERREZ AND FRANCES H. GUTIERREZ FOR PLACEMENT OF A SEWER MAIN ALONG CENTRAL AVENUE BETWEEN CHERRY AVENUE AND MARY STREET, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE TEMPORARY CONSTRUCTION DEEDS OF EASEMENT

**(1-C)** APPROVE AN AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR REIMBURSEMENT OF MASTER PLAN FACILITIES INSTALLED WITH THE NO NEIGHBORHOOD LEFT BEHIND (NNLB) AREA 11 CONSTRUCTION

**(1-D)** AWARD A CONTRACT TO TRON CONSTRUCTION IN THE AMOUNT OF \$900,000 FOR ACOUSTICAL TREATMENT OF 43 HOMES UNDER THE FYI SMART PROGRAM, PHASE VII, FAA GRANT AIP 45

**(1-F)** CONDITIONALLY APPROVING A COMMITMENT OF ADDITIONAL HOME PROGRAM LOAN FUNDS IN THE AMOUNT OF \$416,000 TO SADI, LLC FOR THE CONSTRUCTION OF A 104-UNIT AFFORDABLE RENTAL HOUSING DEVELOPMENT IN SOUTHEAST FRESNO

**(1-G)** APPROVE A COST REIMBURSEMENT AGREEMENT FOR \$110,000 WITH THE KINGS RIVER CONSERVATION DISTRICT TO ENHANCE THE KINGS RIVER INTEGRATED GROUNDWATER AND SURFACE WATER MODEL, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1-H)** REJECT A REQUIREMENTS CONTRACT WITH ZIM INDUSTRIES IN THE AMOUNT OF \$119,460 TO DESTROY VARIOUS ABANDONED DOMESTIC WATER WELLS

**(1-I)** AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$219,400 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 321

**(1-J)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO PIONEER AMERICAS, LLC IN THE AMOUNT OF \$394,864.58 TO PROVIDE 12.5% SODIUM HYPOCHLORITE (BULK DELIVERY)

**(1-K)** AWARD A REQUIREMENTS CONTRACT TO PREFERRED PUMP & EQUIPMENT IN THE AMOUNT OF \$50,685.60 FOR CHEMICAL METERING PUMPS

147-105

4/4/06

**(1-M) RESOLUTION NO. 2006-109** - APPROVING THE FINAL MAP OF TRACT NO. 5356 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTH SIDE OF W. ASHLAN BETWEEN N. CORNELIA AND N. POLK AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

**(1-O)** APPROVE DOCUMENTS RELATING TO THE FINAL MAPS OF TRACT NOS. 5313 AND 5374

1. **RESOLUTION NO. 2006-110** - APPROVING THE FINAL MAP OF TRACT NO. 5313 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

2. **RESOLUTION NO. 2006-111** - APPROVING THE FINAL MAP OF TRACT NO. 5374 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

3. **RESOLUTION NO. 2006-112** - 74<sup>TH</sup> AMENDMENT TO AAR 20005-286 APPROPRIATING \$28,700 FOR THE PURPOSE OF FUNDING RIGHT-OF-WAY ACQUISITION IN UGM TRACT NO. 5374

**(1-Q)** AMEND THE FRESNO MUNICIPAL CODE RELATING TO THE REGULATION OF DOGS AND CATS IN THE CITY OF FRESNO

1. **BILL NO. B-34 - ORDINANCE NO. 2006-33 - EXHIBIT "A"** - AMENDING THE FMC RELATING TO ANIMALS AT LARGE AND DANGEROUS ANIMALS, EXCLUDING SECTION 9-225

(2. BILL NO. B-35 - SEE BELOW)

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

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

**(1-P) BILL NO. B-29 - ORDINANCE NO. 2006-32** - AMENDING SECTION 3-105 OF THE FRESNO MUNICIPAL CODE RELATING TO ADVERTISED COMPETITIVE BIDDING THRESHOLD (INCREASING THE THRESHOLD FROM \$50,000 TO \$100,000)

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Bill No. B-29 adopted as Ordinance No. 2006-32, by the following vote:

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

**(1-Q)** AMEND THE FRESNO MUNICIPAL CODE RELATING TO THE REGULATION OF DOGS AND CATS IN THE CITY OF FRESNO

(1. BILL NO. B-34 ADOPTED ABOVE)

2. **BILL NO. B-35 - ORDINANCE NO. 2006-34 - EXHIBIT "A"** - AMENDING THE FMC RELATING TO ANIMALS AT LARGE AND DANGEROUS ANIMALS, INCLUDES SECTION 9-225

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Bill No. B-35 adopted as Ordinance No. 2006-34, by the following vote:

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

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

147-106

4/4/06

**(A) SCHEDULED COMMUNICATION:**

APPEARANCE BY FRANK HERNANDEZ TO DISCUSS CONSTRUCTION OF A CHAPEL IN LA PAZ (KEENE, CA) COMMEMORATING THE LIFE OF CESAR CHAVEZ

Appearance/request made for financial assistance, with Councilmember Sterling requesting Mr. Hernandez contact her office when he leaves to speak with her staff stating district 3 wanted to participate and help.

**(B) UNSCHEDULED COMMUNICATION:**

Upon call after the following action, no one wished to be heard.

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**(9:15 A.M.) GENERAL ADMINISTRATION:**

**(A) APPROVE THE CITY'S NEW OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM AND RELATED DOCUMENTS**

**1. RESOLUTION NO. 2006-113** - 73<sup>RD</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$750,000 TO THE HOUSING AND COMMUNITY DEVELOPMENT DIVISION FOR THE NEW PROGRAM

**2. RESOLUTION NO. 2006-114** - 20<sup>TH</sup> AMENDMENT TO PAR 2005-287 ADDING THREE (3) NEW FULL-TIME EQUIVALENTS TO THE PLANNING & DEVELOPMENT DEPARTMENT FOR THE NEW PROGRAM

HCD Manager Sigala reviewed the issue as contained in the staff report as submitted and recommended approval.

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

Mr. Sigala responded to questions of Councilmembers Boyajian and Westerlund relative to when the program would start, if brochures would be available to hand out, explanation of the two programs, the process/loans/grant amounts/repayment/loan terms, if this was a one-time or multi-year program, why the Housing Authority no longer wanted to run the program, why the Authority wasn't being asked to continue to run it versus adding additional staff, if the money for the additional positions would come out of the grant funds, and desire to see the money go into rehabilitating homes rather than paying for positions.

Councilmember Sterling spoke in support stating this was a win-win and an opportunity to partner with businesses in the city, stated the program will be more cost effective by bringing it back to the city as the city administers the code and works the homeowners, and along with President Duncan presented questions relative to when brochures would be ready, the additional positions and if employees were promoting in-house, and if people could call the one-call center to reach the program, with Mr. Sigala responding.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-113 and 2006-114 adopted separately, by the following vote:

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

**(B) RESOLUTION NO. 2006-115** - AUTHORIZING AND APPROVING THE BORROWING OF FUNDS FOR FY 2006-07, THE ISSUANCE AND SALE OF A 2006-07 TAX REVENUE ANTICIPATION NOTES THEREFOR, AND PARTICIPATION IN THE CALIFORNIA COMMUNITIES CASH FLOW FINANCING PROGRAM

Senior Treasury Accountant Hardcastle advised there was a typographical error in the resolution and the amount of \$50 million was corrected to \$5 million, and gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-115 hereby adopted, by the following vote:

**147-107**

**4/4/06**

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

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**(10:00 A.M. #1) HEARING ON CFD NO. 2, ANNEXATION NO. 113, FINAL TRACT MAP NO. 5442**

- 1. RESOLUTION NO. 2006-116 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2006-117 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2006-118 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-36 - ORDINANCE NO. 2006-35 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS**

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question Senior Engineering Technician Paff advised the staff report as submitted was complete and there was nothing new to add.

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

Upon question of Councilmember Westerlund, Mr. Paff explained issues relative to the new CFD #11 and why this tract was under the old CFD #2.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-116, 2006-117 and 2006-118 hereby adopted, and the above entitled Bill No. B-36 adopted as Ordinance No. 2006-35, by the following vote:

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

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**(10:00 A.M. #2) HEARING ON CFD NO. 2, ANNEXATION NO. 114, FINAL TRACT MAP NO. 5445**

- 1. RESOLUTION NO. 2006-119 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2006-120 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2006-121 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-37 - ORDINANCE NO. 2006-36 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS**

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question Senior Engineering Technician Paff advised the staff report as submitted was complete and there was nothing new to add.

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

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-119, 2006-120 and 2006-121 hereby adopted, and the above entitled Bill No. B-37 adopted as Ordinance No. 2006-36, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None

Absent : None

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**(10:00 A.M. #3) HEARING ON CFD NO. 2, ANNEXATION NO. 115, FINAL TRACT MAP NO. 5446**

- 1. RESOLUTION NO. 2006-122 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2006-123 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2006-124 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-38 - ORDINANCE NO. 2006-37 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS**

**147-108**

**4/4/06**

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question Senior Engineering Technician Paff advised the staff report as submitted was complete and there was nothing new to add.

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

Councilmember Dages encouraged Council to view the homes if they had time stating this project was going to be a great enhancement to southeast Fresno.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-122, 2006-123 and 2006-124 hereby adopted, and the above entitled Bill No. B-38 adopted as Ordinance No. 2006-37, by the following vote:

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

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**(10:00 A.M. #4) HEARING ON CFD NO. 2, ANNEXATION NO. 116, FINAL TRACT MAP NO. 5211**

- 1. RESOLUTION NO. 2006-125 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2006-126 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2006-127 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-39 - ORDINANCE NO. 2006-38 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS**
- 5. RESOLUTION NO. 2006-128 - APPROVING FINAL TRACT MAP NO. 5211 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, THE PUBLIC UTILITIES DIRECTOR AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS**

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question Senior Engineering Technician Paff advised the staff report as submitted was complete and there was nothing new to add.

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

On motion of President Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-125, 2006-126, 2006-127 and 2006-128 hereby adopted, and the above entitled Bill No. B-39 adopted as Ordinance No. 2006-38, by the following vote:

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

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**(3-A) REPORT REGARDING HANDY RIDE CONTRACT WITH MV TRANSPORTATION - COUNCILMEMBER DAGES**

Councilmember Dages stated he had expected staff to provide something in writing but they did not, **(3 - 0)** noted the e-mail included in Council's packets from the lobbyist representing MV stated they were now reaching the 90% mark but he had a difficult time believing that as 2-3 weeks ago they were at 60-70%, spoke to the complaints he has received, and stated his main concern was people having to wait hours to be picked up and he wanted to know what was going on.



Assistant City Manager Rudd addressed issues relative to on-time performance, changes implemented/improvements made, and personnel, and stated MV was now meeting the expectations of Council and the city manager's office. John Siragusa of MV Transportation spoke to the challenges they faced with the transition, to how things were turned around the last two weeks, to how they were being held accountable by FAX staff and the ADA committee, and to staffing changes made at a higher level, and stated MV was trying to be responsible to everything in the contract and he expected this level of performance to continue.

**147-109**

**4/4/06**

Councilmember Dages noted he did not support MV taking over the service originally because he did not feel the system was broken, stated it looked like MV had overcome most of the hurdles, and upon his question Ed Eames, Chair of the ADA Advisory Committee, stated things seemed to have turned around, MV's feet needed to be kept to the fire, and there would be a meeting in two weeks and the committee would see if this was the fix they were looking for. MV transition team member Carol Casey, 1917 S. Chestnut, added MV was doing a good job.

Councilmember Sterling stated she was also opposed to MV taking over the contract and commended them for doing an excellent job in turning things around, and also commended Rick Steitz of the ATU, Mr. Eames, and the ADA group for their assistance and input.

City Manager Souza confirmed a report from staff was requested and apologized to Councilmember Dages stating he did not know how one did not get into the packet. Councilmember Westerlund stated Handyride was extremely important to the city and the people, acknowledged challenges with a transition but stated service levels being unacceptable was an understatement, and stated he was glad to hear things were working out. President Duncan thanked Councilmember Dages for bringing this matter forth and assured everyone that Council would continue to have oversight on the program and would expect the level of service to be maintained. There was no further discussion.

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**(10:15 A.M.) CONTINUED HEARING TO CONSIDER PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF A STREET AND IRRIGATION EASEMENT FROM RESIDENTIAL PROPERTY AT 2167 N. CORNELIA AVENUE, NORTHWEST CORNER OF CORNELIA AVENUE AND THE FUTURE UNIVERSITY AVENUE, APN 312-280-18s, OWNED BY ARTHUR AND HALAINE STEELEY - CORNELIA AVENUE STREET WIDENING PROJECT**

**1. RESOLUTION NO. 2006-129 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF A PERMANENT EASEMENT AND RIGHTS OF WAY AND AN IRRIGATION EASEMENT FOR PUBLIC PURPOSES OVER, UNDER, THROUGH AND ACROSS REAL PROPERTIES, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE**

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

Supervising Real Estate Agent Balch reviewed the issue, all as contained in the staff report as submitted and displaying photographs of the property, street, and the trees at issue on the overhead to illustrate, advised a request was received from the attorney for the property owners to delay action again as they believed they could prove the easements were not necessary, advised staff was recommending Council proceed and added if it is proved later on that the easements are not necessary that could be accommodated, and advised of the findings to be made and recommended the resolution be adopted.

Attorney Daniel Bruce, representing the property owners, stated after his clients received notice they sought and are paying for a civil engineer/consultant to determine if there are any alternatives to what is being proposed by staff, stated his clients feel the loss of the trees in front of their home would be very detrimental, and requested a two to three week delay to allow for the consultant to render an opinion or recommendation. Upon question of President Duncan, Mr. Balch stated the request for a delay could probably be accommodated but clarified if Council adopts the resolution staff could still work with the property owners and their attorney.

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

Public Works Director Healey and Mr. Bruce responded to questions/comments of Councilmember Sterling at length relative to whether the project had already started, what the process would be if the resolution is adopted, if the Steeleys were opposed to the project or if their main concern was the trees, if staff consulted with Tree Fresno about possibly relocating the trees, if staff could move forward with the resolution and the consultant, the acquisition and tree removal being a necessity, if staff would wait three weeks before moving forward on the Steeley property if the resolution is adopted, and the property owners having a right to time needed for a consultant review

as they are paying for it. Councilmember Sterling made a motion to adopt the resolution and wait three weeks before moving forward on the Steeley property to allow the consultant to render an opinion, which motion was seconded by President Duncan and later modified.

Councilmember Boyajian stated the motion sounded contradictory and Mr. Bruce and Interim City Attorney Sanchez responded to his questions and comments relative to whether the property owners were hoping the consultant will say it is not a necessity to take the property, Mr. Bruce's point being moot if the resolution is adopted (with Mr. Bruce clarifying he did not want the resolution adopted this date), if the Steeley's would have an ability to appeal, and support for Mr. Bruce's request to delay action.

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City Manager Souza and Traffic Engineering Manager Mozier stated there was a factual disagreement between staff and the property owners, staff's position was the trees were a safety hazard and it was not possible to align the street so the trees are not a safety hazard, it was unknown if there would be different information in three weeks, and staff believed the acquisition was necessary and for the public safety. Councilmember Sterling stated that was understood and she did feel the city was doing the right thing, stated although she has always supported what was best for property owners first this was a public safety issue and elaborated, noted this had been continued before and she wanted the motion to move forward but she still wanted to see what the consultant will say, and requested staff keep her informed.

**(4 - 0)** Mr. Bruce responded to questions of Councilmember Westerlund relative to whether the property owners would rather see no taking at all, if they would oppose maneuvering around the trees with property acquisition, if they would support leaving the trees but taking more property than what is being proposed, and when the property owners were noticed, when they retained Mr. Bruce, and when the consultant was retained. Councilmember Westerlund stated the Steeleys did not want any taking at all, he was hearing the trees were not really the issue, clarified staff has stated the trees are a safety issue, added it looked like there was room on the property to relocate the trees, and recommended Council move forward with the resolution. Mr. Mozier and Mr. Balch responded to questions and comments of President Duncan relative to the street alignment, if the trees were off the street, what the safety issue was with people at the intersection, if the trees would be in the street, if another serious pinch-point would result if this resolution is not adopted, and perception that the property owners are opposed to the acquisition with the trees being secondary. President Duncan stated he first thought this was an issue of concern with the trees, noted he later he heard it was a concern with the acquisition and the trees, and he was now hearing opposition to property acquisition, and stated traffic safety was the most important priority and requested Councilmember Sterling modify her motion to approve staff's recommendation stating to do anything that might hold up or hinder the elimination of what could be a very serious pinch-point would not be in the best interest of the public. Councilmember Sterling concurred this was a public safety issue all around and questioned if the property owners would be willing to give up more property with some other configuration, with Mr. Bruce speaking to and explaining alternatives his client's may accept and added he wanted an opportunity to present options to Council before a decision is made. Councilmember Sterling stated she still wanted staff to work with the consultant information when it comes forward, noted staff addressed her concerns relative to safety, and rescinded her first motion and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2006-129 stating the public interest and necessity require the easements and authorizing an eminent domain action to acquire the easements pursuant to the California Code of Civil Procedure hereby adopted, by the following vote:

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

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**(10:30 A.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1-B) APPROVE AN AGREEMENT WITH BLAIR, CHURCH & FLYNN FOR PREPARATION OF WORK PLANS FOR THE NO NEIGHBORHOOD LEFT BEHIND (NNLB) PROJECTS FOR YEAR 2**

Design Services Manager Andersen and Assistant City Manger Ruiz responded to questions/comments of Councilmember Boyajian relative Year 1 projects being unresolved, what would occur in the second year, if the projects not constructed in Year 1 would be taken into consideration, what the consultant would be doing, who will make decisions on work plans, what staff will look at, if first year projects that did not occur are incorporated here, and request for an update/schedule of first year projects to inform constituents. Councilmember Boyajian made a motion to approve staff's recommendation, which was seconded by Councilmember Sterling who

requested staff keep her office informed on what is going on and also requested her Year 2 projects continue to be completed satisfactorily and on time as was done last year. Mr. Ruiz and Mr. Andersen responded to questions of Councilmember Westerlund relative to design work cost for future years.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the agreement with Blair, Church & Flynn in the amount of \$514,400 for the preparation of work plans for the No Neighborhood Left Behind (NNLB) projects for Year 2 hereby approved, by the following vote:

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

**147-111**

**4/4/06**

**(1-E) APPROVE REAPPOINTMENT OF FRANK FRANCO TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT BOARD OF DIRECTORS - PRESIDENT DUNCAN**

Councilmember Boyajian questioned the procedure stating he thought the mayor made these appointments, with President Duncan stating he received a letter from the FMFCD and placed this matter on the agenda as he thought it was very routine and apologized if he was incorrect in his procedure. Action was delayed to determine who makes these appointments and after action was taken on the following item **(1-L)** City Clerk Klich advised the mayor appoints four members to the board with Council approval and the following action was taken.

On motion of Councilmember Boyajian, seconded by President Duncan, duly carried, RESOLVED, Frank Franco reappointed to the Fresno Metropolitan Flood Control District, by the following vote:

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

**(1-L) RESOLUTION NO. 2006-130 - ESTABLISHING RULES AND PROCEDURES TO IMPLEMENT THE CALIFORNIA LAND CONSERVATION ACT OF 1965 ("WILLIAMSON ACT")**

Upon question of Councilmember Boyajian, Planning Manager Haro stated the rules were being established to facilitate the annexation of the Central Unified super campus at Gettysburg and Grantland and explained.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-130 hereby adopted, by the following vote:

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

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**(3-B) RESOLUTION NO. 2006-131 - IN SUPPORT OF AB 2300 ESTABLISHING A CALIFORNIA CRIME STOPPERS COUNCIL - PRESIDENT DUNCAN AND ACTING PRESIDENT PEREA**

Briefly reviewed by Acting President Perea who stated the bill would give Crime Stoppers an opportunity to have an even greater impact on helping to solve crimes locally and statewide, and advised he would be in Sacramento to talk with different individuals tomorrow who are involved in this bill and encouraged Council's support so he could take the resolution to Sacramento.

Felina Sutton, Program Administrator of the Fresno area Crime Stoppers, gave a brief overview of the issue and stated Council's support for the program would be very favorable in their efforts.

President Duncan complimented Assemblywoman Parra for bringing this bill forward stating it was a big help.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled

Resolution No. 2006-131 hereby adopted, by the following vote:

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

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**RECESS - 11:40 - 11:50 A.M.** A briefing was held in Room 2125 on the rain and flooding impacts.

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**(10:45 A.M.) CLOSED SESSION:**

**(#1) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH LEGAL COUNSEL/ EXISTING LITIGATION - CASE NAMES:**

1. HERITAGE FRESNO, FRIENDS OF ARMENIAN TOWN V. REDEVELOPMENT AGENCY
2. HERITAGE FRESNO, FRIENDS OF ARMENIAN TOWN V. CITY OF FRESNO

**(#2) REGULAR CLOSED SESSION OF THE CITY COUNCIL - CONFERENCE WITH LEGAL COUNSEL/ EXISTING LITIGATION - CASE NAMES:**

1. CITY OF FRESNO V. MADERA COUNTY BOARD OF SUPERVISORS, ET AL (RIVER RANCH) STANISLAUS COUNTY SUPERIOR COURT CASE
2. COUNTY OF MADERA V. CITY OF FRESNO, FRESNO CITY COUNCIL (FANCHER CREEK) SACRAMENTO COUNTY SUPERIOR COURT CASE

The City Council met in joint and regular closed session in Room 2125 at the hour of 11:50 a.m. to consider the above matters and recessed for lunch thereafter.

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**LUNCH RECESS - 12:45 P.M. - 2:15 P.M.**

**(2:15 P.M.) REQUEST APPROVAL TO PARTNER WITH THE CENTRAL VALLEY HIGHER EDUCATION CONSORTIUM (CVHEC) TO PROVIDE A WALK-IN COLLEGE INFORMATION CENTER - COUNCILMEMBER CALHOUN AND ACTING PRESIDENT PEREA**

Councilmember Calhoun reviewed the issue, all as contained in his and Acting President Perea's report to Council as submitted, and made a motion to partner with the CVHEC and provide the center with first year funding in the amount of \$85,000, which motion was seconded by Acting President Perea. Upon question of President Duncan, Interim City Attorney Sanchez clarified an appropriation resolution was not included and one would have to come back for final approval. Councilmember Calhoun clarified his motion was not to take \$85,000 out of this year's budget (**5 - 0**) but was intended to tell the mayor, if this is approved and as the FY 2007 budget process moves forward, that Council would be looking for \$85,000.

Speaking in support of the issue were: FSU President John Welty, FUSD Board Member Janet Ryan, and UC Merced representative Brandy Ramos.

Councilmember Calhoun and Acting President Perea responded to questions and comments of Councilmember Sterling relative to whether the center would help students with tests such as the SAT, if Acting President Perea was looking to make modifications at the Manchester charter schools, suggestion to consider the Fulton Mall for the center, and support for partnering with the FUSD.

Acting President Perea thanked Councilmember Calhoun for taking the lead and staying focused on this issue, requested Council's support stating the numbers speak for themselves, stated this was a good opportunity for the City to partner with other entities in helping students get information and go to college, and thanked the speakers for being here and for their support.

Councilmember Westerlund concurred higher education was very important but stated he was not sure this was the best use of the city's resources noting the city had many needs, and questioned how much use the center would get when there were already other facilities that provide this information. Councilmember Dages spoke in support stating this was an easy one for him, relative to resources stated the amount was a drop in the bucket, and stated his position was the higher educated a person is the less dependent they are on the government and requested Council's support. City Manager Souza noted education was a foundation that the mayor believed in and stands for, stated in addition to Councilmember Westerlund's concern another concern staff had was juggling all the many requests that are received, assured Council staff would be in contact with Dr. Welty and others to weigh this amongst all the other options and give it its due diligence, and added if for some reason it is not included in the budget staff would discuss with Council why that is the case. Councilmember Calhoun stated he understood the city had a lot of needs but noted education was one of the city's KRAs and it was his intent for the mayor to see this as part of that thinking process and elaborated further. Councilmember Westerlund stated after hearing the city manager and Councilmember Calhoun further expanding on the issue he would support the motion.

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President Duncan stated no one was disputing the need for higher education, referencing the report and what the center would provide stated other schools already provide those same services, and stated his concern was the need to get students prepared for college and stated he would rather see \$85,000 used for a computer center with teachers to provide training and SAT preparation. Councilmember Sterling commented additionally stating there was a need for this center as it would be open to everyone and especially the under-privileged or financially deprived who don't feel comfortable, who feel they have been defeated, or who may have not been encouraged to pursue their dreams adding she has had young people come to her and convey that.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, a partnership with the Central Valley Higher Education Consortium hereby approved, and an \$85,000 appropriation for the center's first funding approved and requested to be included in the FY 2007 budget, by the following vote:

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

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**(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-05-101 AND ENVIRONMENTAL FINDINGS FILED BY YAMABE & HORN ENGINEERING, INC., ON BEHALF OF DENISE GULIAN, PROPERTY LOCATED ON THE EAST SIDE OF N. CORNELIA JUST SOUTH OF W. CORNELL AVENUE**

**1. CONSIDER AND ADOPT E.A. NO. R-05-101/TPM-2005-18 FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**  
**2. BILL NO. B-40 - ORDINANCE NO. 2006-39 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM RR TO R-1/UGM**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Rodriguez advised the staff report as submitted was complete and there was nothing new to add.

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

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-101/TPM No. 2005-18, dated January 12, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-40 rezoning the subject property adopted as Ordinance No. 2006-39, by the following vote:

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

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**(3-C) PRESENTATION OF THE 2006-07 CITY OF FRESNO BUDGET HEARING SCHEDULE (AND LOCATIONS)**

President Duncan stated the budget was the most important thing Council does and he wanted to do something a little different

this year to see if there might be more public interest and participation, stated this was an opportunity to bring the budget to the people and he felt it was worthy of a try and further elaborated, stated he requested the city manager ask staff to minimize their presentations in terms of their departments' history and what they do and put that in writing as Fresno County does so Council can get right to the budget items stating would save a lot of time and Council could focus on the real issues.

Councilmember Calhoun stated trying to make the process more accessible was commendable but he felt that could be achieved in other ways without the risk of an experiment such as holding more evening meetings, stated when constituents are passionate about any given issue all the chairs in the Council Chamber are filled and people are here in force, noted budget meetings have often been held in the evenings in the past but it did not appear to increase attendance, stated he attributed the lack of public interest as a lack of concern with how the city was being run fiscally which he saw as a commendation to staff and the Council, elaborated further on his reasons for opposing meetings away from city hall, expressed concern with the statement that there was full support of the administration and a Council majority stating President Duncan did not get his support, and encouraged Council to accept the calendar as submitted but hold the hearings at city hall.

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Councilmember Boyajian concurred there had been an erosion of people coming to meetings and stated it was sad that people have seemed to become apathetic in a lot of areas, spoke in support of holding meetings in the districts, and stated another concern of his was the erosion of the city council and he really felt a Council budget committee was needed to determine where Council would be going on all the major issues and further elaborated. President Duncan recommended Councilmember Boyajian place that matter on the agenda so Council could vote on whether they want a council committee. Councilmember Westerlund spoke briefly in support of taking the meetings to the districts, and President Duncan clarified his intention was for Comcast to videotape the meetings and broadcast them the next day. There was no further discussion.

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

The City Council recessed at 3:11 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF MARCH 28, 2006**

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the Agency minutes of March 28, 2006, approved as submitted.

("A") CONTINUED HEARING ON PROPOSED 2006 PLAN AMENDMENTS TO THE CHINATOWN EXPANDED COMMUNITY REDEVELOPMENT PLAN (*Council/Agency deliberations and action only - public hearing closed 3/14/06*)

1. **AGENCY RESOLUTION NO. 1676** - APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL AND SUBMITTING THE REPORT TO COUNCIL
2. **COUNCIL RESOLUTION NO. 2006-132** - ADOPTING FINDINGS IN RESPONSE TO WRITTEN OBJECTIONS TO THE PROPOSED 2006 PLAN AMENDMENTS
3. **BILL NO. B-41 - ORDINANCE NO. 2006-40** - ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ENVIRONMENTAL FINDING FOR E.A. RDA-2005-05, DATED JANUARY 12, 2006, MAKING CERTAIN FINDINGS, AND APPROVING THE PROPOSED 2006 PLAN AMENDMENTS

Chair Sterling announced the time had arrived to consider the issue, opened the hearing for deliberations and action only clarifying the public hearing was closed, thanked the PAC, city and agency staff, and everyone else that participated in this process, and clarified development and the expansion of Chinatown was not to move people out and start a new community but was to continue the work that was started with the help of the businesses and the community.

RDA Project Manager Freeman noted there were three typographical errors in the ordinance bill which had been corrected, and gave an overview of the issue, all as contained in the staff report as submitted, **(6 - 0)** and recommended approval. Interim City Attorney Sanchez confirmed the public testimony portion of the hearing was closed when the matter was last before the joint bodies and it was time for deliberation and action. Executive Director Murphey spoke to the blight, vacancies and deterioration of the area, and stated the deterioration cycle was unlikely to reverse without help, the amendment was a rarely used tool but was important to have to provide and encourage reinvestment, and the overall plan objective has remained consistent and focuses on revitalization of the project area and retaining existing businesses through rehabilitation and expansion.

An unidentified gentleman in the audience requested public testimony be allowed stating not it was a violation of the Brown Act, with Mr. Sanchez responding, clarifying issues, and advising the joint bodies would be within the Brown Act if they chose to proceed.

Chair Sterling spoke to how she, PAC members and staff met with business/property owners to address concerns and advised there were approximately 32 signed owner participation agreements (OPAs) which she stated was phenomenal.

President Duncan complimented Chair Sterling, staff, and everyone that was involved for all the time they spent on this issue, noted there were going to be changes in state law relative to eminent domain that would impact the ability to use that tool and he felt a better understating of the changes was needed, and stated it would be clear by August if the changes would be on their way to becoming law or if they would be on the November ballot and made a motion to continue the hearing to August stating there was still a lot of work to be done and added there may be regrets later if this is approved. Upon call, the motion died for lack of a second.

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Vice Chair Boyajian stated this was going to be a good development and he hoped the developer understood there were tremendous businesses in the area, relative to eminent domain concerns stated he hoped all would go well and added during his term he has seen it used minimally, stated it was time to move forward and added with Running Horse a viable commercial area was needed, made a motion to approve staffs recommendation, and stated he hoped the developer would inform people on what is going on and what the project would entail. Councilmember Westerlund stated it was unknown how the state law changes would play out, this needed to be moved forward, and the tool of eminent domain may not ever be used, and stated he reviewed and listened to all written and oral testimony, concurred with the findings, spoke to the issue of blight, and seconded the motion on the floor. Chair Sterling encouraged everyone to visit Chinatown and its businesses and added Chinatown was going to become a historic site and tourist attraction, spoke to some of the existing businesses and structures and their plans, and stated this project would right some wrongs and this was a chance to build the old with the new.

On motion of Vice Chair Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 1676 and 2006-132 hereby adopted, and the above entitled Bill No. B-41 adopted as Ordinance No. 2006-40, by the following vote:

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

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The joint bodies adjourned their meeting at 3:36 p.m. and the City Council reconvened in regular session.

(3:15 P.M.) CONTINUED HEARING ON CFD NO. 11, ANNEXATION NO. 2, TRACT NO. 5316

1. **RESOLUTION NO. 2006-133** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. **RESOLUTION NO. 2006-134** - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. **RESOLUTION NO. 2006-135** - DECLARING ELECTION RESULTS
4. **BILL NO. B-42 - ORDINANCE NO. 2006-41** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS
5. **RESOLUTION NO. 2006-136** - APPROVING THE FINAL MAP OF TRACT NO. 5316 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, THE PUBLIC UTILITIES DIRECTOR AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

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

Senior Engineering Technician Paff advised a few minor changes were made in that all references to street furniture and street structures were removed, and upon question of President Duncan stated the changes would have no impact on the cost.

Dennis Gaab, Centex Homes, developer of the tract, further clarified the changes/deletions that were made to the features map and exhibit page and requested they be approved.

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

Mr. Paff responded to questions of Councilmember Boyajian relative to the city trying to include streets and why this was going back to maintenance only, who allows conditions to be placed on the tract, if Council would be seeing streets included from now on, and if a 75 year old road was a real possibility. A motion and second was made to approve staff's recommendation.

Discussion ensued. Councilmembers Westerlund and Calhoun presented questions, comments and/or concerns relative to whether this tract was originally put under CFD 2 or 11, items that are included, the changes that were made, if the developer was satisfied with this under CFD 11, if this was the same tract that was continued from last week with a tax decrease from \$1600 to \$400, and concern with the efforts made to get this tract through the process including the flip flops and hope that a precedent is not being set, with Mr. Paff, Mr. Gaab and Public Works Director Healey responding throughout and clarifying issues. Councilmember Calhoun stated there was an assumption at the staff level that Council was not smart enough to figure things out or that Council did not need to know all the details and stated he would oppose this on general principal. President Duncan and City Manager Souza requested attacks not be made on staff and explained. Mr. Healey responded briefly to additional questions/comments of Councilmember Boyajian relative to what was being accomplished here, if staff was trying to incorporate streets in CFDs and if Council would be seeing more of that, and support for development paying its own way and hope that it continues.

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On motion of Councilmember Boyajian, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-133, 2006-134, 2006-135 and 2006-136 hereby adopted, and the above entitled Bill No. B-42 adopted as Ordinance No. 2006-41, by the following vote:

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

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**(3-D) DIRECT STAFF TO RESEARCH AND DEVELOP A DRAFT ORDINANCE CREATING "PARK-AND-RIDE" FACILITIES AT MAJOR SHOPPING CENTERS AND "BIG BOX" RETAIL CENTERS CITYWIDE - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund gave an in-depth overview the issue, all as contained in his report to Council as submitted, spoke to the importance of encouraging and making opportunities available to people to get out of their vehicles, clarified he wanted staff to determine the best model to use and the best locations for the park-and-rides, and made a motion to direct staff to research and develop a draft ordinance creating "park-and-ride" facilities at major shopping centers and "big box" retail centers citywide.

Councilmember Calhoun seconded the motion, stated this was outstanding and commended Councilmember Calhoun for identifying a need and coming up with a possible solution, commented briefly on his use of public transit and why some people don't or won't use it, and **(7 - 0)** spoke to the amount of money the city has spent on studies and questioned if staff has looked at this issue before, with Assistant City Manager Rudd responding and advising of the programs/projects the city has tried.

Interim City Attorney Sanchez, Planning & Development Director Yovino and Councilmember Westerlund responded to questions of Councilmembers Dages and Boyajian relative to whether the city could force this on current shopping centers, if a condition for these facilities could be placed on new entitlements, what the city's current parking space requirement was, support for this if it is not applied to existing shopping centers as that would not be business-friendly, if the van-pool program has been successful, air pollution and if providing these facilities would be a rationalization for grant funds, if Councilmember Westerlund researched the issue of existing shopping centers (with Councilmember Westerlund stating he did and his intent was for this to be implemented on a voluntary basis), and if air quality could be used as leverage. President Duncan expressed his support concurring this would encourage people to car or van-pool, and added he felt there would be a rush of grocery/big box stores volunteering to be a site as people who are being dropped off would more than likely patronize the business.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff directed to research and develop a draft ordinance creating "park-and-ride" facilities at major shopping centers and "big box" retail centers citywide, by the following vote:

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



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**(3-E) DISCUSSION OF THE SOLID WASTE PROGRAM (TRASH CONTAINERS/BINS IN VIEW) - COUNCILMEMBER DAGES**

Councilmember Dages apologized for the lack of written material but clarified he scheduled this matter for discussion purposes only, elaborated on the complaints he has received and on his numerous concerns, stated when he voted for this ordinance he thought it was intended to be used on problem areas, spoke to citations and warnings being handed out and stated that was not appropriate and this seemed like a police state, stated containers could be seen in side yards only if someone is looking for them, and questioned what type of approach code enforcement is making on people, requested Council's input, and stated he was in a frame of mind to rescind the ordinance. Interim Public Utilities Director Ramirez advised solid waste employees were handing out warnings—not citations, advised of problems encountered by staff, and responded to concerns/frustrations expressed and advised of options considered and the special handlings the city offers.

Councilmember Calhoun spoke in support of the ordinance, stated there would be push-back any time something like this is enacted, emphasized Council did not pull this out of the air and clarified complaints were made about people leaving their cans out so Council responded, stated there were many very happy people and people were complying due to the publicity, and acknowledged this was painful for some but stated this was a break-in period, time was needed, and urged Council to let staff work through this.

**147-117**

**4/4/06**

Councilmember Boyajian stated there was a real problem with homes built in west area in that there was not sufficient room to get the containers through the gates, and upon his question Mr. Ramirez clarified staff was taking that into consideration and was working with the homeowners. Councilmember Westerlund stated he has also received calls and he tells his constituents that staff is trying to find solutions, added he has also found that the ordinance has been well-received so far, acknowledged change was difficult but stated a lot of thought went into the ordinance, and spoke in support of staff continuing to work with homeowners and added the ordinance was needed.

City Manager Souza expressed his appreciation to staff and thanked them for all their work, stated any change is transitional and awkward and added this has been an educational process, and stated staff would continue to work with people and the city would get through this.

President Duncan stated Councilmember Calhoun's comments were right on, noted when the city went to the 3-can system the same thing happened, stated Council made a decision to make the city look good and he felt this was a positive change, and added he has received a number of compliments as people were noticing improvements in their neighborhoods and expressed his appreciation to staff for their excellent work. There was no further discussion.

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**LUNCH RECESS - 4:50 P.M. - 4:57 P.M.**

**(1-N) RESOLUTION NO. 2006-137 - APPROVING THE FINAL MAP OF TRACT NO. 5205 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE NORTH SIDE OF E. COPPER AVENUE EAST OF FRIANT ROAD; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS**

Planning & Development Director Yovino advised this item was pulled from the consent calendar as final corrections to the map were received earlier in the morning and additional time was needed to finish work on the agreement, and stated everything was now in order and recommended approval.

Jeff Roberts, Copper River Ranch, stated this was the culmination of five years of effort, acknowledged and commended staff and stated he supported their recommendation, relative to a private park being noted in the staff report clarified it would be a public park, and stated things would now begin to happen very quickly **(8 - 0)**, advised what the map would do and what would happen next, and requested support. Upon question of President Duncan, Mr. Yovino stated he concurred with the park change mentioned by Mr. Roberts.

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

Councilmember Boyajian stated he never supported this project as an EIR was never done to determine impacts and this project does not pay its own way adding growth-induced projects should pay their own way.

On motion of President Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-137 hereby adopted, by the following vote:

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

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**(5:00 P.M. #1) HEARING ON REZONE APPLICATION NO. R-05-22, AN APPEAL OF THE PLANNING COMMISSION'S ACTION APPROVING T.T. MAP NO. 5449, AND ENVIRONMENTAL FINDINGS, FILED BY VALLEY PACIFIC BUILDERS, INC., PROPERTY LOCATED ON THE NORTH SIDE OF E. BUTLER BETWEEN S. PEACH AND S. MINNEWAWA AVENUES**

**1. CONSIDER AND ADOPT E.A. NO. R-05-22/T-5449, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-43 - ORDINANCE NO. 2006-42 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AL-20 TO R-1**

**3. ACCEPT WITHDRAWAL OF THE APPEAL FILED ON MARCH 24, 2006, AS RELATED TO THE PLANNING COMMISSION'S ACTION APPROVING T.T. MAP NO. 5449**

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

147-118

4/4/06

Planning Manager Haro advised this was originally an appeal of the tentative tract related to the rezoning but a lot of issues had been withdrawn/resolved and the appeal had been withdrawn, requested Council accept the withdrawal of the appeal and then consider the rezone, added stated staff was prepared to make a full presentation if Council wanted one, and recommended Council take action on item #3 first. Upon question of President Duncan, Councilmember Dages stated a full presentation was not necessary noting seven or eight meetings had been held and issues were worked out.

Dr. William Henry, 5395 E. Butler, stated he wanted a full presentation as he felt all the issues were not completely resolved. Councilmember Dages stated Mr. Henry never contacted his office and upon further question reiterated he would not ask for a full presentation. President Duncan added Council received and read the staff report with all the information.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, withdrawal of the appeal hereby accepted, by the following vote:

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

Upon question of President Duncan, Planner Marple advised staff's report relative to the rezone was complete and there was no new information to add, and a motion and second was made to approve staff's recommendation.

Ms. Marple, Councilmember Dages, Planning & Development Director Yovino and Traffic Engineering Manager Mozier responded to numerous questions, comments and concerns of Councilmember Boyajian relative to the traffic study, street public safety issues and concerns due to the nearby park and schools, street widening plans, mitigation measures, signal locations, egress points, traffic study ratings, if the olive trees had to be retained, and if there were any concerns with the trees.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-22/T-5449 dated September 29, 2005, that the project proposal conforms to the provisions of the 2025 General Plan MEIR hereby approved, and the above entitled Bill No. B-43 adopted as Ordinance No. 2006-42, by the following vote:

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

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**(5:00 P.M. #2) HEARING ON PLAN AMENDMENT NO. A-05-06, REZONE APPLICATION NO. R-05-35, CONDITIONAL USE PERMIT NO. C-05-114, AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES LLC ON BEHALF**

OF KERNBACK LP, PROPERTY LOCATED ON THE SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. PEACH AND S. MINNEWAWA. THE PROJECT ALSO INCLUDED THE DETACHMENT OF THE PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND FRESNO COUNTY FIRE PROTECTION DISTRICT FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-06/R-05-35/C-05-114
- 2. **RESOLUTION NO. 2006-138** - AMENDING THE 2025 FRESNO GENERAL PLAN AND ROOSEVELT COMMUNITY PLAN
- 3. **RESOLUTION NO. 2006-139** - APPROVING CUP NO. C-05-114
- 4. **BILL NO. B-44 - ORDINANCE NO. 2006-43** - AMENDING THE OFFICIAL ZONE MAP TO REZONE A 10.81 ACRE PORTION OF THE SUBJECT PROPERTY FROM AE-20 TO S-L/UGM/cz

President Duncan announced the time had arrived to consider the issue and opened the hearing. Planner Fabino gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Bill Robinson, Sol Development Associates, representing the applicant, noted the parcel for this project would be created by the previous action and thanked staff for all their work and requested approval.

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

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A motion and second was made to approve staff's recommendation. Mr. Fabino responded to questions of Councilmember Boyajian relative to number of access point and locations, number of vehicle trips per day, if there would be a road between Kings Canyon and the project, and if there would be both right and left turn lanes into the project.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for E.A. No. A-05-006/R-05-035/C-05-114, dated September 8, 2005, with mitigation measures hereby approved, the above entitled Resolution No. 2006-138 hereby adopted, the above entitled Resolution No. 2006-139 authorizing the construction and operation of a self-storage facility with caretaker's residence subject to the Special Permit, Conditional Use Permit No. C-05-114, dated February 15, hereby adopted, and the above entitled Bill No. B-44 rezoning the northern 10.81 acres of the subject property adopted as Ordinance No. 2006-43, by the following vote:

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

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 5:29 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

**Approved** on the 18th day of April, 2006.

/s/  
Jerry Duncan, Council President

ATTEST: /s/  
Yolanda Salazar, Assistant City Clerk

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