

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
JANUARY 6, 2004**

Mayor Simonian called the meeting to order in the Council Chambers at 7:00 p.m.

Councilmembers present: Simonian, Cardenas, Fernandez, Shaw & Zadourian

City staff present: City Manager Elias, Police Chief Jamgochian, Finance Director Wong, City Attorney Wolfe, Senior/Recreation Director Monis, Community Development Director Deaver, Administrative Assistant Mukai

Also present: Planning Consultant O'Neal, and City Engineer Giersch

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Mayor Pro-tem Shaw. There were no public presentations.

**PUBLIC HEARING: VESTING TENTATIVE TRACT MAP NO. 5198, R. J. HILL COMPANY - CONTINUED FROM DECEMBER 2, 2003**

Planning Consultant O'Neal recommended that the public hearing on a subdivision project proposed by the R. J. Hill Company be continued until the Council has had the opportunity to review the General Plan update, scheduled to be completed in March 2004. The project is comprised of 148 single family homes on approximately 40 acres, near South and Sunnyside Avenues. The average lot size would be 8,390 square feet. The General Plan Committee had recommended designating the property in the area as low density and medium-low density residential, and the project is generally consistent with that designation. Mr. O'Neal stated that the property is subject to a Williamson Act contract and it would have to be annexed into the City of Fowler. If the property is annexed, the contract would be terminated without penalty. He reminded the Council that water and sewer services are not yet in place, although a loan application for a new water well is currently being processed. The project would be developed in two phases. He said that approval of the project should be continued until the City Council resolves growth management issues, including the financing of infrastructure. He added that if the Council should wish to consider the project, a series of resolutions and an ordinance were ready for their adoption. Two conditions of approval had been specified: 1) The map be redesigned to reflect the R-1-10 zoning designation in the northeast ten acres; and 2) The project be subject to any growth management control mechanisms the Council adopts as part of the General Plan.

Randy Hill, President of the R. J. Hill Company, circulated drawings of the homes he is currently building in Fresno, which are similar to what is proposed in Fowler. The homes would range from 1,900 to 3,200 square feet, priced in the high \$200,000's. He said that he would work within the City's growth management policies and would also be willing to install any infrastructure needed for the project. He estimated that the homes would be ready to move into within two years. Project Engineer Gary Giannetta explained the subdivision map, pointing out the block wall, landscape buffer and the two main entrances.

Mayor Simonian opened the duly noticed public hearing on the matter at 7:05 p. m. Mr. Ernie Bedrosian of Fowler read written comments about the project, recommending what he believed the minimum home and lot sizes should be.

Fowler Unified School District Assistant Superintendent Eric Cederquist commented on the amount of new students from the increased housing in the area that the district could accommodate.

Fowler resident Cathy Hawk voiced concern about approving the R. J. Hill project or any other project until the General Plan update is complete.

Fowler resident Art Ramirez questioned the average lot size shown on the tract map compared to the average lot size Mr. Hill had spoken of, and wanted to know how a three car garage could be placed on a 60 foot wide lot. Mr. Hill stated that a three car garage could be placed on a 60 foot wide lot. Ernie Bedrosian also questioned the proposed size of the lots and how close the houses would be to each other. Mr. Hill explained that there would be five feet on either side of each home.

The Mayor asked if there were any other public comments. There were no other comments and the public hearing was closed at 8:02 p.m.

Planning Consultant O'Neal gave an update on the progress of the USDA water well loan. He said that the project is in a 30 day public environmental review period at this time. City Engineer Giersch added that the water well project will service more than Mr. Hill's proposed project area, noting that the City had applied for a loan for *two* water wells that will service several areas of the City. He said it wouldn't be possible for a developer to install the infrastructure at this point because it could jeopardize the loan application with USDA, which is in its final stages. He explained the timeline for development of the wells, including design of two test wells. The design of the upgrades to the sewer system and lift station have been approved by S. K. F. and the City.

City Manager Elias addressed the issue of being able to provide other services, such as police and fire, to the area. Due to the State budget crisis, the City could lose 28 percent of the General Fund revenues. He spoke of the possibility of establishing Community Facilities Districts that would help pay for increased services to new subdivision projects, as several other cities have done.

The Council commented on the importance of finishing the General Plan update before any new projects go forward. Ensuring that school facilities and public services can be provided was discussed, since there is a potential of having approximately 348 new homes constructed within about 5 years. Another consideration mentioned was that the citizens of the community needed to provide input on how the City should grow during public hearings that will be held as part of the General Plan update process. It was stated that, while the R. J. Hill project appeared to be a good project, the Council must consider the best interests of the entire community in the decisions they make.

After a discussion about the timeline to complete the General Plan update, Councilmember Fernandez made a motion to continue the matter to the April 20, 2004 Council meeting. The motion was seconded by Councilmember Cardenas and carried on a 5-0-0 roll call vote.

## COMMUNICATIONS

City Manager Elias informed the Council that staff had not found any documents that show action taken by the Council or the Planning Commission regarding reimbursement to Fresno Builders for improvements to the lift station in their Hye Park subdivision.

The Mayor adjourned the meeting to a short break at 8:37 p. m. The meeting reconvened at 8:51 p. m.

## STAFF REPORTS

### **A. REQUEST FOR LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR A TYPE 21 ALCOHOLIC BEVERAGE LICENSE**

A request had been received by Joginger Singh of Lee's Market, 204 Merced Street, for a letter of public convenience and necessity for the issuance of a Type 21 Alcoholic Beverage License. City Attorney Wolfe explained that due to the over-concentration of these licenses in the area, the Council must deem that public convenience would be served by allowing another license in the area or the Alcoholic Beverage Control would deny the license. City Manager Elias stated that due to the proximity of other Type 21 licenses in the area, staff's recommendation was to deny that the public convenience and necessity would be served by issuing another license.

After a brief discussion, Councilmember Fernandez moved to deny approval of the license. The motion was seconded by Councilmember Zadourian, and carried on a 5-0-0 roll call vote.

### **B. APPROVE SERVICE AGREEMENT - SUNGARD PENTAMATION, INC.**

Finance Director Wong explained that the agreement with Sungard Pentamation concerned converting to a new accounting software program that was superior to the current system and would better accommodate the accounting needs of the City. He circulated the payment schedule for the new program, noting that he had used the system in the past with very good results. City Manager Elias stated that approval of the agreement would be subject to a few changes, such as to the payment schedule. Payments would begin in July 2004 after the software is installed instead of beginning the payments now until the end of this fiscal year. City Attorney Wolfe added that another change would be to place a cap on the monthly fee, and to change the governing law from Pennsylvania, where Pentamation originates, to California.

Mayor Pro-Tem Shaw made a motion to approve the agreement with Sungard Pentamation, Incorporated. The motion was seconded by Councilmember Cardenas, and carried by unanimous voice vote.

### **C. DISCUSSION: USE OF UTILITY USERS TAX FUNDS FOR MUNICIPAL OPERATIONS**

City Manager Elias explained that in view of the State's budget crisis, it may become necessary to use other revenue sources, such as the Utility Users Tax funds, for general municipal operations. The tax was supported by the community, with their input that they would like the funds to be used to keep police and fire services at the current level. The City

has used the funds mainly for public safety capital improvements. He noted that the Council had the option to use the funds for City operations in lieu of cost cutting measures such as layoffs that may need to be implemented in the future.

The Council discussed that they have authorized that the Utility Users Tax be used to provide services that the community felt was a high priority, but noted that it was a general tax that could be spent on anything that the Council viewed as necessary. City Manager Elias recommended that a poll or survey be distributed to the community that also had an explanation of the situation if it became necessary to use the funds for general City operations.

There was no Police and Fire Department Report given.

### **CITY ATTORNEY'S REPORT**

City Attorney Wolfe reported on a court case that found that if a City has adopted an ordinance to recover attorney fees in matters such as code enforcement actions, the ordinance is lawful authorization to recover the fees.

### **CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants - December 16, 2003 and January 6, 2004; B) Approve Minutes of the City Council Meeting - December 2, 2003; C) Adoption of Resolution No. 1937, "A Resolution of the City Council of the City of Fowler Making Inflationary Adjustments to Existing Development Fees as Authorized by Ordinance No. 2000-06"; and D) Approve License Agreement between the City of Fowler and the County of Fresno - (To provide public parking space for the Fowler Library's future expansion). Councilmember Fernandez made a motion to approve the consent calendar. The motion was seconded by Councilmember Zadourian, and carried by unanimous voice vote.

### **COMMITTEE REPORTS**

Mayor Simonian announced that he had received a letter of resignation from Christine Barile from the Recreation Commission. Councilmember Zadourian announced that the Chamber of Commerce Annual Banquet is scheduled for February 20, 2004, at the Spike and Rail Restaurant in Selma. Recreation Director Monis reported on the success of their Toys-4-Tots distribution and their Annual Children's Christmas Shopping Day.

### **ADJOURNMENT**

Having no further business, Councilmember Fernandez made a motion to adjourn, seconded by Councilmember Cardenas. The motion carried unanimously and the meeting adjourned at 9:23 p.m.