

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
APRIL 20, 2004**

Mayor Simonian called the meeting to order in the Council Chambers at 7:05 p.m.

Councilmembers present: Simonian, Fernandez, Shaw & Zadourian

Councilmembers absent: Cardenas

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

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 – TENTATIVE TRACT MAP NO. 5198

Planning Consultant Bruce O'Neal gave the staff report regarding Tentative Tract Map (TTM) No. 5198, a 40 acre residential subdivision project proposed by the RJ Hill Company. A series of resolutions and an ordinance were before the Council for approving the TTM. He explained that the item had been continued from the January 6, 2004 meeting. The Council had wanted to delay the matter until the General Plan (GP) update was completed, which had been estimated to be early April 2004. Due to the lengthy environmental review period and other factors, the public hearing to consider and approve the update has been delayed to the end of May 2004. Mr. O'Neal noted that the Council had the option of continuing the matter again, if they so wished, but staff recommended approving the project subject to certain conditions. These conditions included: that none of the lots be less than 7,000 square feet, that a portion (10 acres) of the project be designated Low-Density in conformance with the proposed GP update, and that the project be subject to a final growth management policy to be adopted as part of the GP update.

Mayor Simonian opened the duly noticed public hearing on the matter at 7:12 p.m. Peggy Blayney, who lives near Fowler, said that it would be in the best interests of the public if the GP update hearings took place before the Council approves the project. Project Developer Randy Hill spoke, saying that he was in full agreement with the recommended conditions of approval, except for the requirement of designating a portion of the project as Low-Density. Although the proposed density requirements for the entire site could accommodate a total of 171 single family units, Mr. Hill proposed to build only 148 units by dividing all of the lots on an overall equal basis. Fowler resident Ernie Bedrosian spoke, saying he was in favor of the project if it was kept high quality with large lot sizes.

With no further comments, the public hearing was closed at 7:34 p.m. The Council discussed whether or not to approve TTM No. 5198 at the current time. Their consensus was to continue the matter until after the scheduled public hearings for adoption of the GP update took place.

Councilmember Fernandez made a motion that the Council continue the public hearing regarding Tentative Tract Map No. 5198, RJ Hill Company, to June 15, 2004. The motion was seconded by Mayor Pro-Tem Shaw, and carried on a 4-0-1 roll call vote, with Councilmember Cardenas absent.

The Mayor adjourned the meeting for a break from 7:57 p. m. to 8:09 p. m.

COMMUNICATIONS

City Manager Elias mentioned some upcoming activities in recognition of National Library Week. He announced that the water well project has been advertised for bids. Mayor Simonian mentioned an upcoming S. K. F. Sanitation District public hearing regarding increasing the sewer service rate from \$19.15 per month to \$20.54 per month. He noted that he and Councilmember Zadourian would be attending the Central Valley Mayors Conference on Wednesday, April 21, 2004, in Fresno.

STAFF REPORTS

A. FIRST READING - ORDINANCE NO. 2004-01

City Manager Elias explained that Ordinance No. 2004-01 pertained to a tax sharing MOU under which the City shares certain taxes, such as sales tax, with Fresno County. If the sales tax revenue meets certain criteria under a specified formula, the County receives an additional portion of the increase during the next fiscal year. The sales tax revenue grew enough in the last fiscal year to require a change from the .9550 that the City currently receives, to .9500. The change requires an ordinance amendment.

It was moved by Councilmember Fernandez and seconded by Councilmember Zadourian to waive the first reading and approve Ordinance No. 2004-01, "An Ordinance of the City Council of the City of Fowler Amending the Municipal Code as it Relates to Local Sales and Use Tax." The motion carried on a 4-0-1 roll call vote.

B. THIRD QUARTER FINANCIAL UPDATE

Finance Director Wong presented a financial report for January through March 2004. He said that with 75 percent of the budget year transpired, the General Fund revenues were at 70.2 percent, but the second installment of a major revenue, property tax, has not yet been received. The expenditures were at 76 percent. The report showed that sales tax revenues have increased significantly from the prior year. The Water Fund showed the revenues at 107 percent, largely due to the increase in water rates, and the expenditures at 71.9 percent. He said that the 2004-2005 budget has not been finalized because of all of the unknown factors related to the State's financial crisis.

CITY ATTORNEY'S REPORT

City Attorney Wolfe mentioned that the City should be aware of the liability of "third party" sexual harassment issues.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants, B) Approve Minutes of the City Council Meeting - April 6, 2004; C) Approval of budget adjustment for purchase of Massey Ferguson Tractor and disc to assist Public Works, RDA projects - \$10,200; and D) Approve Website Maintenance Contract with LK Designs – (Plan A). Councilmember Fernandez made a motion, seconded by Mayor Pro-Tem Shaw, to approve the consent calendar. The motion carried on a 4-0-1 roll call vote.

COMMITTEE REPORTS

Mayor Pro-Tem Shaw commented on the Vietnam Veteran's Memorial "Moving Wall" and extended a thank you from Fowler School Superintendent John Cruz for the City's assistance in bringing it to Panzak park. Mayor Simonian commented on the excellent assistance provided by the Public Works Department to construct the Wall. Councilmember Fernandez thanked David Crinklaw for his presentation at the recent S. K. F. meeting regarding their proposed rate increase for sewer connections. The result was that the board decided to increase the fee incrementally. Recreation Director Monis announced that the Recreation Commission's Third Friday Night in the Park event will begin in May. The Fowler High School Jazz Band is scheduled to perform.

ADJOURNMENT

Having no further business, Councilmember Fernandez made a motion, seconded by Councilmember Zadourian, to adjourn. The motion carried unanimously and the meeting was adjourned at 8:35 p. m.