

**MINUTES OF THE FOWLER CITY COUNCIL AND
FOWLER PUBLIC FINANCING AUTHORITY
JOINT MEETING
MAY 18, 2004**

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

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

City/PFA staff present: City Manager/Executive Director Elias, City Clerk/Secretary Davis, Finance Director/Treasurer Wong, Police Chief Jamgochian, Senior/Recreation Director Monis, City Attorney Wolfe

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

COMMUNICATIONS

City Manager Elias presented pictures of the new fire truck that will be delivered in about two weeks. He also reminded everyone of the Annual Mayor's Prayer Breakfast on Thursday, May 27, 2004, at the Fowler Presbyterian Church. He mentioned that he and Councilmember Zadourian will be attending the South San Joaquin Valley League of California Cities General Membership Meeting on Wednesday, May 19, 2004. They both attended the League of California Cities Legislative Days in Sacramento the previous week.

APPROVAL OF DOCUMENTS RELATED TO WATER WELL PROJECT FINANCING

City Council: Adoption of Resolution No. 1955

City Manager Elias said that the USDA loan application process for the water wells requires the issuance of participation bonds. Finance Director Wong explained the series of agreements pertaining to the loan that the Council and the Public Financing Authority (PFA) must authorize. He noted that the City would not receive all of the funds at one time but in increments as the project progresses. The agreements included an Acquisition Agreement between the City and the PFA. The City owns the water system, but the PFA is the agency that acquires the project to provide financing for the construction. The PFA sells the project back to the City once the project is completed. The Installment Agreement is the vehicle used to finance the construction of the project. The Assignment Agreement transfers the responsibility of the payments back to the City. The Trust Agreement outlines all the requirements between the City and the PFA. The City has set up a separate account for the debt service payments. There are also two resolutions authorizing the execution of the participation bonds and the related agreements for both the PFA and the Council.

City Manager Elias added that the bid opening for the project was delayed from the original date of May 18, 2004. This was due to a concern about making sure the bid documents specified that the wells be completed before any additional water system improvements, such as replacement of water lines, are constructed. The bid opening will take place on May 25, 2004.

Councilmember Fernandez moved to approve Resolution No. 1955, "A Resolution of the City Council of the City of Fowler Authorizing the Execution and Delivery of Certificates of Participation in an Aggregate Principal Amounts of Not to Exceed \$1,761,000 to Finance Water System Improvements and Approving Related Documents and Actions." The motion was seconded by Mayor-Pro-tem Shaw, and carried on a 5-0-0 roll-call vote.

Public Financing Authority: Adoption of Resolution PFA No. 2004-01

Director Fernandez moved to approve Resolution No. PFA 2004-01, "Authorizing the Execution and Delivery of Certificates of Participation in the Aggregate Principal Amount of Not to Exceed \$1,761,000 for the Purpose of Financing Water System Improvements, and Approving Related Documents and Actions." The motion was seconded by Vice-Chairman Shaw and carried on a 5-0-0 roll call vote.

City Council:

STAFF REPORTS

A. APPROVAL OF PARKING CITATION PROGRAM

City Attorney Wolfe explained the Police Department's proposed Parking Citation Program to the Council. The program included: an agreement with Judicial Data Systems Corporation to administer the program; policies and procedures for issuing citations; and a resolution establishing fines, fees and penalties for parking violations. He stated that the program addresses such matters as motor home parking, and the parking of vehicles for more than 72 hours in the same spot continuously.

Police Chief Jamgochian explained that presently police officers do not have the authority to give citations for any type of parking violations. The goal is to have the ability to cite for violations such as when someone has parked in a stall designated for a disabled person, or a vehicle is obstructing a street. He also explained that the officers will initially be giving warnings and that the program would not be in effect until July 1, 2004.

A discussion ensued. The Council considered the possibility of tabling the discussion until the next meeting to have more time to review the information, or implementing the program with a six month grace period or the reduction of the proposed fees.

The Mayor asked for public comment. Fowler resident Craig Mellon made comments in support of the program. He suggested that an article in Fowler Ensign and Selma Enterprise would be sufficient notice to the public instead of having a six month grace period.

Chief Jamgochian asked whether the issuance of the parking citations should be moved to August 1, 2004. City Attorney Wolfe stated that the program could still be implemented July 1, 2004, with a grace period being allowed before the officers issue the citations.

With no further comments, Councilmember Fernandez moved to approve the agreement with Judicial Data Systems. The motion was seconded by Mayor Pro-tem Shaw and carried on a 4-0-0-1 roll call vote, with Councilmember Zadourian abstaining.

Councilmember Cardenas moved to approve the policies and procedures for implementation of the parking citation program. The motion was seconded by Councilmember Fernandez, and carried on a 5-0-0 roll call vote.

Mayor Pro-tem Shaw moved to approve Resolution No. 1957, "A Resolution of the City Council of the City of Fowler Establishing Fines, Penalties, Administrative Fees, and Related Charges for Parking Violations." The motion was seconded by Councilmember Cardenas, and carried on a 4-0-0-1 roll call vote, with Councilmember Zadourian abstaining.

B. DISCUSSION REGARDING PROVIDING A LETTER TO ABC - RESTAURANT AT 208 N. 8TH STREET

Chief Jamgochian said that the City received notification from the Department of Alcoholic Beverage Control (ABC) that a restaurant located at 208 N. 8th Street had applied for an alcoholic beverage license. He explained that he would be providing a letter of objection to ABC regarding their proposed hours of operation, which states that they will close at 2:00 a. m. The late hours are more typical to a nightclub/bar and there is a concern because the restaurant is next to a nightclub/bar facility and near a liquor store. He wanted a condition imposed that requires them to keep normal restaurant hours and close at 9:00 p. m. City Manager Elias noted that similar objections were issued for the El Alegre Restaurant. The Council expressed agreement with Chief Jamgochian's objections and recommendations.

C. APPROVE ADJUSTMENT TO ANNUAL CAP - HEALTH INSURANCE

City Manager Elias explained that there would be a 24 percent increase in employee health insurance rates beginning in June. He also stated that the City is looking at options regarding the proposed health care plans that will be offered through the City's Risk Management Authority. Due to the increased premiums, he requested that the annual cap amount that the City pays for employee or employee/dependents be increased from \$600 to \$800 per month. He noted that the majority of the employees who participate in the health insurance plan will not need to use the entire amount.

Councilmember Fernandez moved to approve changing the health insurance cap to \$800 per month. The motion was seconded by Councilmember Zadourian and carried on a 5-0-0 roll call vote.

D. POLICE AND FIRE DEPARTMENT REPORT

Chief Jamgochian reported that the City has applied for a grant from the Department of Justice to hire a school resource officer. The grant period would be three years and the officer would have to be retained for one year after the grant concludes.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported that an employer should be careful about making derogatory comments about employees that have left employment, as they could be given a name clearing hearing. He reported on the recent City Attorney's Conference where prevailing wage issues and sign ordinances were discussed.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants - May 18, 2004 (updated); B) Approve Minutes of the City Council Meeting - May 4, 2004; C) Adoption of Resolution No. 1956, "A Resolution of the City Council of the City of Fowler Supporting a Joint League/CSAC Policy Statement to Decrease Impacts on Public Health and Safety Resulting from Wildland Urban Interface Fires." Councilmember Zadourian made a motion to approve the Consent Calendar, seconded by Mayor Pro-tem Shaw. The motion carried on a 5-0-0 roll call vote.

COMMITTEE REPORTS

Mayor Simonian reported that Marcia Dennis is in failing health and unable to make the Mosquito Abatement Board meetings, and had asked him if she should submit a letter of resignation. Mayor Simonian told Ms. Dennis that he would cover the meetings for her until she regained her health. Councilmember Cardenas offered to be the alternate.

Councilmember Cardenas reported on attending a Five Cities meeting in Parlier last month. Sandie Monis mentioned that she would be representing the Edwin Blayney Senior Center at the Senior Resource Fair in Selma. She also reported that the Recreation Department had began their Third Friday Night in the park and they will continue through the month of September. They are also planning a bus trip to San Francisco in July.

ADJOURNMENT

Having no further business, Councilmember/Director Fernandez made a motion, seconded by Mayor Pro-tem/Vice-Chairman Shaw, to adjourn. The motion carried unanimously and the meeting was adjourned at 9:15 p. m.