

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
SEPTEMBER 21, 2004**

Mayor Simonian called the meeting to order in the Council Chamber at 7:03 p.m.

Council members present: Simonian, Cardenas, Shaw & Zadourian  
Council members absent: Fernandez

City staff present: City Manager Elias (arrived 7:19 p. m.), City Clerk Davis, Finance Director Wong, Police Chief Jamgochian, Community Development Director Deaver, Senior/Recreation Director Monis, City Attorney Wolfe, Planning Consultant O'Neal

Also present: Council candidate Rico Aguayo

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Mayor Pro-Tem Shaw.

**PUBLIC HEARINGS:**

**A) 1) FIRST READING OF ORDINANCE NO. 2004-10**

Planning Consultant O'Neal explained that Ordinance No. 2004-10 was for initiation of annexation proceedings for 37.82 acres of land (Shearn-Osborn property) located on the north side of South Avenue between Sunnyside and Stanford Avenues. The property is proposed to be pre-zoned to the R-1-10 and R-1-7 zone districts. He said that the Local Agency Formation Commission (LAFCO) suggested that the parcel be added to the annexation of the nearby Bousian property, which is proposed for the R. J. Hill subdivision project. There is no tentative tract map proposed for the Shearn-Osborn parcel. The Planning Commission has reviewed the proposal and recommended approval with conditions.

It was asked if LAFCO would be likely to not approve the Bousian property annexation without the inclusion of the Shearn-Osborn property. Mr. O'Neal indicated that there was a strong possibility that LAFCO would recommend denial, because the Bousian property alone does not meet annexation standards, and adding the Shearn-Osborne property would make the annexation more logical.

Mayor Simonian opened the duly noticed public hearing on the matter at 7:15 p. m. Developer Randy Hill, of Fresno, spoke in favor of the addition. He also felt that LAFCO would not approve the annexation without the Shearn-Osborn property because it would produce a County "island" that would not be desired. With no other public comments, Mayor Simonian closed the public hearing at 7:19 p. m.

Councilmember Cardenas made a motion to approve the first Reading of Ordinance No. 2004-10, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment No. 04-01 (Shearn-Osborn Property: R. J. Hill Company)." The motion was seconded by Councilmember Zadourian, and carried on a 4-0-1 roll call vote, with Councilmember Fernandez absent.

## **2) ADOPTION OF RESOLUTION NO. 1985**

Mayor Simonian opened the duly noticed public hearing concerning adoption of a resolution initiating the annexation of the Shearn-Osborn property at 7:23 p. m. With no public comments, the public hearing was closed at 7:23 p. m.

Mayor Pro-Tem Shaw made a motion to adopt Resolution No. 1985, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, in the Matter of the Fowler City Council Adoption of a Resolution of Application for the South-Sunnyside No. 2 Reorganization, an Annexation to the City of Fowler and the Selma-Kingsburg-Fowler County Sanitation District and Detachment from the Kings River Conservation District, the Consolidated Irrigation District, and the Fresno County Fire Protection District" (Shearn-Osborn Property: R. J. Hill Company). The motion was seconded by Councilmember Zadourian, and carried on a 4-0-1 roll call vote.

## **B) ADOPTION OF RESOLUTION NO. 1986**

Planning Consultant O'Neal gave an explanation regarding Resolution No. 1986 which sets forth Single Family Residential Design Criteria. The Planning Commission recommended that the Council approve the criteria with alternative language as contained in Exhibit A of the resolution. The amended language stated that only a five percent reduction in minimum house size on a maximum of five percent of the lots be allowed, instead of the original ten percent, respectively. Another amendment was that an exception to the requirement for ground-mounted mechanical equipment shall apply when the developer intends to use the house plans in a new subdivision, the plans have received previous approval by the City, and are being used in a subdivision approved on or before September 7, 2004.

Mayor Simonian opened the duly noticed public hearing on the matter at 7:29 p. m.

Developer Randy Hill spoke, suggesting that the condition stating that landscaping will be provided prior to the issuance of the certificate of occupancy be changed to state just that "landscaping will be provided." He also noted that the requirement for staggered house setbacks would reduce the size of the backyards, and recommended that the minimum setback be changed from 20 to 18 feet to alleviate the problem. He also asked that the floor area ratio in homes for the R-1-5 and R-1-6 zoning designations not be restricted.

Developer David Crinklaw said that he agreed with Randy Hill on the staggered setback requirement, and that the R. J. Hill project was a good project.

City Manager Elias asked if the setback requirement could be handled by allowing a minor deviation. Planning Consultant O'Neal affirmed that a minor deviation could be allowed, with no fee to the developer.

Daniel Parra, a Fowler resident, agreed with Randy Hill regarding the floor area ratio in the R-1-5 and R-1-6 zoning designations.

With no further public comments, Mayor Simonian closed the public hearing at 7:38 p. m.

The Council discussed the residential design criteria and the suggested changes mentioned during the public hearing. It was asked why these suggestions were not made at the time of the Planning Commission's public hearing. Mr. Hill stated that he had not had time to study the criteria when it was brought before the Commission. City Manager Elias noted that staff recommended approval of the criteria as set forth by the Planning Commission.

With no further discussion, Councilmember Cardenas made a motion to adopt Resolution No. 1986, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Single Family Residential Design Criteria." The motion was seconded by Councilmember Zadourian and carried on a 4-0-1 roll call vote.

**C) CONSIDERATION OF ZONING TEXT AMENDMENT NO. 04-02 - RELATING TO RESIDENTIAL SECOND UNITS**

City Attorney Wolfe explained that an ordinance regulating residential second units had been prepared for a public hearing before the Planning Commission, but it has recently become evident that proposed new laws regarding second units are being considered by the legislature. Since it is not clear whether this new legislation, if passed, would require additional changes, the Planning Commission continued their public hearing on the matter to October 7, 2004. He recommended that the Council continue their hearing to after the Planning Commission's hearing.

Mayor Pro-Tem Shaw made a motion to continue the public hearing regarding Zoning Text Amendment No. 04-02 relating to residential second units, to October 19, 2004. The motion was seconded by Councilmember Zadourian, and carried on a 4-0-1 roll call vote.

**D) APPROVAL OF 2004/2005 COPS GRANT EXPENDITURE PLAN**

Mayor Simonian opened the duly noticed public hearing on the 2004/2005 COPS grant expenditure plan at 7:47 p.m. Chief Jamgochian affirmed that the grant funds would continue to be used to pay for the salaries and benefits of two full-time police officer positions. With no other comments, Mayor Simonian closed the public hearing at 7:47 p. m.

Councilmember Cardenas made a motion to approve the 2004/2005 COPS grant expenditure plan, seconded by Mayor Pro-Tem Shaw. The motion carried on a 4-0-1 roll call vote.

## **STAFF REPORTS**

### **A. SECOND READING OF ORDINANCE NO. 2004-08**

Planning Consultant O'Neal reported that Council had approved the first reading of Ordinance No. 2004-08 regarding Tentative Tract Map (TTM) No. 5212 at their last meeting on September 7, 2004. Mayor Pro-Tem Shaw made a motion to approve the second reading of Ordinance No. 2004-08, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment" (West Star Construction). The motion was seconded by Councilmember Cardenas, and carried on a 4-0-1 roll call vote.

### **B. SECOND READING OF ORDINANCE NO. 2004-09**

Planning Consultant O'Neal stated that the first reading of Ordinance No. 2004-09 regarding TTM No. 5090 was approved by the Council at their last meeting. Councilmember Zadourian made a motion to waive the second reading and approve Ordinance No. 2004-09, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment" (Mission Homes). The motion was seconded by Councilmember Cardenas, and carried on a 3-0-1-1 roll call vote, with Mayor Pro-Tem Shaw not participating in the discussion or vote due to a conflict-of-interest, and Councilmember Fernandez absent.

### **C. SECOND READING OF ORDINANCE NO. 2004-06**

City Manager Elias stated that Ordinance No. 2004-06 sets forth all of the City streets that are designated as truck routes, and regulates parking of trucks on the routes. Councilmember Zadourian made a motion to waive the second reading and approve Ordinance No. 2004-06, "An Ordinance of the City Council of the City of Fowler Amending Section 4-4.602 and Adding Section 4-4.212, of Articles 6 and 2, of Chapter 4, of Title 4 of the Fowler Municipal Code Pertaining to Designated Truck Routes and Parking Restrictions." The motion was seconded by Councilmember Cardenas, and carried on a 4-0-1 roll call vote.

### **D. SECOND READING OF ORDINANCE NO. 2004-07**

City Manager Elias stated that the first reading of Ordinance No. 2004-07, pertaining to Council salaries, was approved by the Council at their last meeting. He reminded them that the salary increase would not go into effect until after the November election. Councilmember Cardenas made a motion to waive the second reading and approve Ordinance No. 2004-07, "An Ordinance of the City Council of the City of Fowler Amending Section 2-1.201 and 2-2.202 of Article 2, of Chapter 1, of Title 2, Pertaining to City Council Salaries." The motion was seconded by Councilmember Zadourian and carried on a 4-0-1 roll call vote.

### **E. CONSIDER ADOPTION OF RESOLUTION SUPPORTING COUNTY OF FRESNO TRANSIENT OCCUPANCY TAX MEASURE J**

Mayor Simonian stated that the item regarding Measure J will be considered at the next meeting.

**F. APPROVE INCREASING FULL-TIME OFFICER POSITIONS FROM SEVEN TO NINE**

Chief Jamgochian explained that there was a need to increase the number of police officers. Currently there are seven positions but one of the officers is on light duty. Additional full-time officers are needed to keep the department functioning. City Manager Elias said that the department wants to take a proactive approach to the City's safety, and noted that a staff of seven officers was considered to be a fully operational department back when the City's population was only 3,800. The population is now 4,600, and expected to increase to 5,000 by mid 2005. He affirmed that there is a contingency in the budget and other resources that will help fund the additional positions. If approved, an amendment to the budget will be brought before the Council.

Councilmember Cardenas made a motion to approve increasing full-time police officer positions from seven to nine. The motion was seconded by Mayor Pro-Tem Shaw, and carried on a 4-0-1 roll call vote.

**G. POLICE AND FIRE DEPARTMENT REPORT**

There was no report given.

**CITY ATTORNEY'S REPORT**

City Attorney Wolfe announced that his law firm was moving to a new location and circulated information with the new address.

**CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants - September 21, 2004; B) Approve Minutes of the City Council Meeting - September 7, 2004; and C) Approve revisions/modifications to City Standards. Councilmember Zadourian made a motion to approve the Consent Calendar, seconded by Mayor Pro-Tem Shaw. The motion carried by a unanimous voice vote.

**COMMITTEE REPORTS**

Mayor Simonian reported that he will be traveling with a group to Sacramento on September 30, 2004, to speak before a committee in support of the new Fowler Library project. City Manager Elias reported that a video showing the current library's conditions was submitted with the original application for funding in January, and letters of support have been sent. Mayor Simonian also commented that the recent League of California Cities Annual Conference in Long Beach was very informative. He announced that a Water Forum will be held at Fresno State on Friday, September 24, 2004. He attended a Five Cities meeting in Sanger where a presentation was given on planned housing developments.

Councilmember Cardenas reported that at the last S. K. F. Board meeting, they voted to waive the hook-up fees (approximately \$104,000) for the proposed Oaxaca Cheese Plant in Fowler, partially due to the fact that 17 jobs will be created. He also commented on the League Conference in Long Beach.

Councilmember Zadourian stated that she had the pleasure of meeting the U.S. Secretary of Transportation, Norman Mineta, at the League Conference.

## **ADJOURNMENT**

Having no further business, Councilmember Zadourian made a motion, seconded by Councilmember Cardenas to adjourn. The motion carried unanimously and the meeting was adjourned at 8:23 p. m.