

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
OCTOBER 5, 2004**

Mayor Simonian called the meeting to order in the Council Chambers at 7:01 p.m.

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

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

Also present: Council candidates Rico Aguayo and Tom Nagata, City Auditor
Gus Corona

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

**AGENDA REQUEST FROM FOWLER RESIDENT CHRISTINE RUSK REGARDING:
WATER METER READING**

Fowler resident Christine Rusk spoke to the Council regarding a recent water bill showing a usage increase of about four times from what she normally uses. She said some of her neighbors had experienced a similar increase. She felt that she could not have used the amount of water that was billed for, and asked the Council if they could adjust her bill so that she could pay just an average amount.

City Manager Elias said that when a customer questions their water bill, the City checks the meter for leaks, and checks the meter book to be sure the meter was not over read. The meters of Mrs. Rusk and a neighbor had been tested and the results showed they were accurate. The City also compares the amount of water pumped from the well sites to the total amount billed, to make sure there is has been no excessive billing. He also said that because the City began using a new billing program in June/July, he would have staff review and compare the figures that were transferred into the new program. He noted that according to the Fowler Municipal Code, a homeowner is responsible to pay for the amount of water that goes through the meter.

Mayor Simonian asked that City Manager Elias and staff continue to investigate the matter and contact Mrs. Rusk with their findings.

**PRESENTATION BY TERRY STERLING REGARDING THE PROPOSED FOWLER
LIBRARY AND THE LIBRARY BOND ACT**

Fresno County Public Library representative Terry Sterling showed the Council a video that was included with the Fresno County Library funding application submitted to the State in January 2004. The video showed the Fowler Library's cramped conditions and the need for a new facility.

She thanked everyone for sending letters of support and for making a recent trip to the State Capitol to impress the need for funding upon various legislators. She stated that the committee will be meeting at the end of November in Sacramento to make the final decision on awarding the funds.

Mayor Simonian advised that a delegation of about six people will be returning to Sacramento on Wednesday, October 13, 2004 to meet with State Treasurer Phil Angelides. Ms. Sterling mentioned that SB 1161 would provide for up to \$600 million for library projects that do not get funded from the January 2004 application, however, this bill must go to the voters in March 2005.

PRESENTATION BY THE “YES ON MEASURE J” COMMITTEE: CONSIDER ADOPTION OF RESOLUTION NO. 1987

Cynthia Downing, of the Regional Jobs Initiative, spoke to the Council regarding “Yes on Measure J.” Measure J is a transit occupancy tax measure that would provide funding to promote tourism in Fresno County. Presently there is no entity that is able to put together tour packages for groups to visit points of interest in Fresno County. She said that promotion of tourism is a way to facilitate economic development, and that Fresno County is the only county in California that does not have this tax. The tax will not affect any of the cities that already have their own transit occupancy taxes. The funds received from Measure J will be used to provide grants for festivals and events, representation at key trade and travel shows, marketing, advertising and a full-time staff to run the tourism office.

Councilmember Cardenas made a motion to adopt Resolution No. 1987, “A Resolution of the City Council of the City of Fowler Supporting County of Fresno Transient Occupancy Tax Measure J.” The motion was seconded by Mayor Pro-Tem Shaw, and carried on a 4-0-1 roll call vote, with Councilmember Fernandez absent.

The meeting was adjourned to a break at 8:12 p.m. The meeting reconvened and adjourned to the Fowler City Council/Fowler Redevelopment Agency/Fowler Public Financing Authority Special Joint Meeting at 8:19 p. m. The City Council meeting reconvened at 8:45 p.m.

COMMUNICATIONS

City Manager Elias announced that Wednesday, October 13, 2004 is the upcoming League of California Cities South San Joaquin Valley Division meeting in Selma. He also announced that the League’s Legislative Days will be held on November 10, 2004 in Sacramento.

STAFF REPORTS

A) SECOND READING OF ORDINANCE NO. 2004-10

City Manager Elias noted that Ordinance No. 2004-10 provided for adding the Shearn-Osborn property to the annexation for the R. J. Hill subdivision project. The addition was recommended by LAFCO so that the annexation would be more contiguous to the City.

Mayor Pro-Tem Shaw made a motion to waive the second reading and approve 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: RJ Hill Company)." The motion was seconded by Councilmember Zadourian, and carried on a 4-0-1 roll call vote.

B) QUARTERLY FINANCIAL REPORT - FINANCE DIRECTOR WONG

Finance Director Wong gave the Financial Report for July through September 2004, noting that it is the first report using the new Pentamation software program. He explained the revenues and expenditures for the period. He said that future reports will be submitted to the Council on a monthly basis.

C) POLICE AND FIRE DEPARTMENT REPORT

There was no Police or Fire Department Report given.

D) CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on a case where the courts found the City of Fontana liable to pay \$37.5 million for a lack of sidewalks which posed a dangerous condition on public property for students walking to school.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants - October 5, 2004; B) Approve Minutes of the City Council Meeting - September 21, 2004; C) Adoption of Resolution No. 1981-A, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Amending Resolution No. 1981 in the Matter of the Fowler City Council Adoption of a Resolution of Application for the Sumner-Sunnyside Reorganization No. 3, 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" (West Star Construction); D) Approve Special Agreement for Engineering Services for Slurry Seal Application to Various City Streets; and E) Treasurer's Report.

Council candidate Tom Nagata requested that item 14D be removed from the consent calendar for discussion. Councilmember Cardenas made a motion to approve the consent calendar without 14D. The motion was seconded by Councilmember Zadourian and carried on a 4-0-1 roll call vote.

Mr. Nagata spoke regarding item D of the consent calendar, asking why the City is applying slurry seal to the streets proposed in the Engineer's Report since they are showing no signs of distress. He mentioned other streets that needed improvement.

City Manager Elias stated that when the City initially applied crack seal on those streets it had experienced financial difficulties that did not allow for following up with slurry seal. The City plans to begin the slurry seal process with the streets that had originally received the crack seal. City Manager Elias also said that streets have been identified that may need complete reconstruction, such as most of 3rd Street, Fresno Street from 4th to 3rd Streets, and 10th Street from Main to Fresno Streets. He is working with an engineer to get an estimate on either reconstructing or using another method to improve those streets. He said that he will ask the engineer to factor into the estimate the additional streets noted by Mr. Nagata. The City is proposing the improvements for the 2005-2006 fiscal year. Councilmember Zadourian made a motion to approve item D of the consent calendar, seconded by Mayor Pro-Tem Shaw. The motion carried on a 4-0-1 roll call vote.

COMMITTEE REPORTS

Mayor Simonian reported on the recent visit to Sacramento in support of funding a new Fowler Library.

City Manager Elias stated that the Cities of San Joaquin and Orange Cove have requested destination signs on Manning Avenue and Highway 99. There are concerns related to the Manning Avenue exit where the proposed signs will create an added traffic flow to an already congested area. Mayor Simonian said that Barbara Goodwin of the Council of Governments (COG) would be taking an inventory of the destination signs on Highway 99, and will report back to COG before they make a decision. He noted that there are only five cities in California that do not have a destination sign off of a major highway.

Councilmember Cardenas reported that he has been contacted about having a pine tree near the ponding basin in the Ahronian Tract removed. City Manager Elias said that the tree belongs to the City but staff would look into removing it, if possible.

Councilmember Zadourian announced that the Friends of the Library group will be meeting with State Treasurer, Philip Angelides on Wednesday, October 13, 2004.

ADJOURNMENT

Having no further business, Councilmember Cardenas made a motion, seconded by Councilmember Zadourian, to adjourn. The motion carried unanimously and the meeting was adjourned at 9:33 p. m.