

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
FEBRUARY 15, 2005**

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

Councilmembers present: Simonian, Shaw, Cardenas & Nagata
Councilmembers absent: Aguayo

City staff present: City Manager Elias, City Clerk Davis, Finance Director 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.

PUBLIC PRESENTATIONS

Fowler resident Leo Cardenas inquired if a decision had been made about adjusting his water bill. He had requested an adjustment at a previous meeting where water bill complaints and the City's billing system was discussed. City Manager Elias said that it had been stated at that meeting that if there were no errors in the meter readings after testing the meters, then customers would be responsible for paying for the water usage documented by the meters. After a brief discussion, Mayor Simonian asked to meet with Mr. Cardenas the following day about the matter.

Selma resident Martha Acosta spoke to the Council about her property located in southwest Selma, asking that it be annexed to the City of Fowler. She circulated a letter providing personal reasons for her request. City Manager Elias said that the City's Memorandum of Understanding with Fresno County stipulates that property that is not contiguous to Fowler cannot be annexed. City Attorney Wolfe added that according to state law, the City would not be allowed to annex the property.

INTRODUCTION OF ASSEMBLY MEMBER JUAN ARAMBULA'S STAFF

Joan Conway, District Director for newly elected Assemblymember Juan Arambula, introduced staff member Otilia Figueroa, who will be attending future Council meetings. Ms. Conway conveyed Mr. Arambula's interest in helping Fowler and bringing jobs to the valley. Mr. Arambula has been named Chairman of the Jobs, Economic Development and the Economy Committee, who will be active in helping businesses to stay in California.

PRESENTATION BY KINGS RIVER CONSERVATION DISTRICT

David Orth, General Manager of Kings River Conservation District (KRCD), spoke to the Council about Community Choice Aggregation (CCA). He gave a brief background of KRCD and explained their proposal for CCA. He said that CCA allows cities and counties to directly purchase electrical power from wholesale energy providers. KRCD began investigating options to provide more reliable energy sources to its service area, and in 2002 was selected by the Department of Water Resources to construct a hydroelectric power plant. KRCD proposes to enter into a Memorandum of Understanding (MOU) with 14 cities in Fresno and Kings Counties to partner with them in submitting a CCA application to the California Public Utilities Commission. KRCD would eventually be established as a wholesale energy provider for the cities. The hydroelectric plant, which is proposed to be operational by 2009, would provide reliable power at lower rates to the cities. He noted that a percentage of the power savings could be passed on to the residents and a percentage could be retained by the City for General Fund support.

Mr. Orth added that the MOU calls for financial commitments to assist with planning and implementing the program, along with “off-ramps” in the event a city decided to withdraw from the MOU. There would be an initial payment of \$7,000 per participant, followed by a second payment of \$13,500 due in six months. A resolution approving execution of the MOU with KRCD was before the Council for approval. After a discussion, the consensus of the Council was to bring the issue to a future meeting for further investigation and discussion.

PRESENTATION BY S. K. F. GENERAL MANAGER DAVID MICHEL REGARDING: DISTRICT LAND USE STUDY

S. K. F. General Manager David Michel spoke to the Council regarding undertaking a study of the land surrounding their treatment facility to determine the feasibility of having a portion of it used for various community oriented activities. He explained that the District owns a total of 550 acres: 220 acres are being used for the treatment plant and 330 acres provide a buffer zone and land for future expansion. Some of the land could be available for subsidiary uses such as green zones, walking trails, or athletic fields. The S.K.F. Board is soliciting comments from the three cities concerning their interest in the proposed study.

Kingsburg resident and S. K. F. Retiree Norman Krebs spoke to the issue. He said that he is opposed to spending money on a study, and circulated a letter of opposition that he had presented to the S. K. F. Board. After a discussion, the consensus of the Council was for S. K. F. to move forward with the land use study.

The meeting was adjourned to a break from 8:21 p.m. to 8:26 p. m.

COMMUNICATIONS

City Manager Elias mentioned the upcoming EDC Annual Real Estate Forecast meeting to be held on February 24, 2005 in Clovis.

STAFF REPORTS

A) DISCUSSION REGARDING PROVIDING SANITATION SERVICES TO PROPERTIES ON NORTH 10TH STREET

City Manager Elias stated that Councilmember Nagata had asked that the subject of connecting properties on 10th Street to the City's sewer system be placed on the agenda. David Michel of S. K. F. showed a map of the area that indicated the properties that are not currently connected to sewer service. He showed where a line could be placed, and said that the best way to provide service is by a gravity sewer that would use the pump station located at the end of 10th Street. The cost would be between \$60,000 to \$80,000 to install the line. He further explained that S. K. F.'s connection cost per residence would be \$2,431, which could be placed on the tax roll. If the City chose to put the sewer line in, it would be designed by the City according to S. K. F.'s standards. City Manager Elias noted that the recent General Plan update has designated the area for future highway commercial uses.

B) ACCEPT PROPOSAL FROM CARSEY WEST STAR TO REBUILD PICNIC GAZEBO AT PANZAK PARK

The item was removed from the agenda.

C) SECOND READING OF (UNCODIFIED) ORDINANCE NO. 2005-02

Councilmember Nagata made a motion to approve the second reading of (uncodified) Ordinance No. 2005-02, "An Ordinance of the City Council of the City of Fowler Adopting Prima Facie Speed Limits in Excess of 25 Miles per Hour on Certain City Streets." The motion was seconded by Councilmember Cardenas and carried on a 4-0-1 roll call vote, with Councilmember Aguayo absent.

D) CITY MANAGER'S REPORT

City Manager Elias reported that a new water well site on the west side of town has shown the capacity of producing 1,500 gallons per minute. The water quality is currently being analyzed.

He reported that the Fowler Chamber of Commerce is talking about discontinuing their annual 4th of July celebration due to the high cost of the fireworks. The Chamber has asked if the City and/or the Recreation Department would consider taking over the program.

E) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

There was no report given.

F) FINANCE DEPARTMENT REPORT

Finance Director Wong gave the financial update for January 2005. General Fund revenues are at \$1,114,554 and expenditures have come in at approximately 58 percent. Sales tax received is \$39,000 short from what was received last year-to-date. The Utility Users Tax is up \$14,000 from the last year-to-date figure.

G) POLICE AND FIRE DEPARTMENT REPORT

There was no Police and Fire Department report given.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on a case where the California Court of Appeals held that employers are strictly liable for harassment by a supervisory employee.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants - February 15, 2005; B) Approve Minutes of the City Council Special and Regular Meetings - February 1, 2005; and C) Approve Grant Deed re-transferring well site property back to West Star Construction, Inc. Councilmember Cardenas made a motion to approve the consent calendar, seconded by Mayor Pro-Tem Shaw. The motion carried on a 4-0-1 roll call vote.

COMMITTEE REPORTS

Councilmember Cardenas reported on a recent S. K. F. meeting where the board was reorganized. He attended the South San Joaquin Valley League of California Cities General Meeting in Selma, where Fresno Mayor Alan Autry was the guest speaker.

CLOSED SESSION

Mayor Simonian announced the closed session item as listed on the agenda. The meeting was adjourned to the closed session at 9:12 p. m., to discuss, as specified under Government Code Section 54957 Public Employee Performance Evaluation - Title: City Manager. The meeting reconvened to open session at 10:03 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Cardenas made a motion to adjourn, seconded by Councilmember Nagata. The motion carried unanimously, and the meeting was adjourned at 10:05 p. m.