

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

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

Councilmembers present: Simonian, Shaw, Cardenas, Aguayo

Councilmembers absent: Nagata

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: Planning Consultant Bruce 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.

COMMUNICATIONS

City Manager Elias noted that the next general membership meeting for the South San Joaquin Valley Division of the League of California Cities will be held on April 13, 2005 in Coalinga.

STAFF REPORTS

A) CONSIDER ADOPTION OF RESOLUTION - KINGS RIVER CONSERVATION DISTRICT

City Manager Elias explained that at the previous meeting, Kings River Conservation District had asked that the Council reconsider, at the March 15, 2005 meeting, approving a Memorandum of Understanding (MOU) to participate in their Community Choice Aggregation program. The Council had decided not to take action on the MOU until it was determined that the 14 cities and 3 counties selected for the program would be participating. Mr. Elias said that to date, only 8 cities have approved the MOU, and recommended continuing the matter once again. The consensus of the Council was to place the matter on the April 5, 2005 agenda.

B) REPORT BY COUNCILMEMBER AGUAYO ON "ONE VOICE" DELEGATION TRIP TO WASHINGTON, D. C.

Councilmember Aguayo gave a report on his recent trip to Washington, D. C. to help solicit funding for projects of importance to cities in Fresno County. He was part of a delegation called "One Voice" that included representatives from local businesses, government officials and elected officials. Some of the projects presented to the

legislators and federal agencies in Washington were: the Golden State Corridor Improvement Project, State Route 180 improvements, Neighborhood Resource Centers, and the Fresno County Fruit Trail. The legislators expressed that they were impressed with the unity of the One Voice group, and would look into funding these projects.

C) CITY MANAGER'S REPORT

City Manager Elias said that the Fowler Chamber of Commerce had asked to meet with two Councilmembers to discuss details, such as the gate fee, for their annual 4th of July event. At the last meeting the Council had approved assisting the Chamber by agreeing to pay for the fireworks. Councilmembers Aguayo and Cardenas volunteered to meet with the Chamber.

D) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT - ANNUAL GROWTH MANAGEMENT REPORT

Community Development Director Deaver gave the Annual Growth Management Report. In 2004, 72 single-family residential permits and one permit for a duplex was issued. He noted that the permits were issued prior to adoption of the Growth Management ordinance, which calls for the housing growth rate to not exceed 3 percent over any 5-year period. No permits have been issued to date for 2005, although it is anticipated that 80 permits will be pulled for the Fowler Ranch subdivision project. There are 3 approved tentative tract maps that are subject to the Growth Management ordinance. The projects have been approved for annexation by LAFCO but will not be ready for building permits until 2006 or later. Planning Consultant Bruce O'Neal commented that the City can accept future tentative tract maps for processing as long as the subdivider agrees that the project will be subject to the Growth Management ordinance. A tentative tract map expires after two years, unless an extension is granted.

The report also showed the Fowler Unified School District enrollment breakdown, which indicated that the City's recent growth had not adversely affected the district. Assistant Superintendent Eric Cederquist confirmed that student enrollment is currently down by 30-40 students.

F) FINANCE DEPARTMENT REPORT

Finance Director Wong circulated a budget report from July 2004 through February 2005. It showed that the General Fund expenditures were on budget at 67 percent, and revenues were about \$200,000 over expenditures.

G) POLICE AND FIRE DEPARTMENT REPORT

There was no report given.

CITY ATTORNEY'S REPORT

There was no City Attorney's report given.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants - March 15, 2005; B) Approve Minutes of the Fowler City Council Special Meeting - March 1, 2005 and Fowler City Council and Fowler Redevelopment Agency Joint Meeting - March 1, 2005; and C) Adoption of Resolution No. 2004-1997, "A Resolution of the City Council of the City of Fowler, County of Fresno, Approving the Applicant to Apply for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002." Councilmember Aguayo made a motion to approve the Consent Calendar, seconded by Councilmember Cardenas. The motion carried on a 4-0-1 roll-call vote, with Councilmember Nagata absent.

COMMITTEE REPORTS

Mayor Simonian made a motion to appoint Councilmember Rico Aguayo to the Five Cities Economic Development Authority Board. The motion was seconded by Councilmember Cardenas, and carried on a 4-0-1 roll call vote.

Mayor Pro-Tem Shaw reported that there were some areas in town that graffiti had been noticed. Councilmember Aguayo reported that the Recreation Commission was holding its Annual Easter Egg Hunt on Saturday, March 26, 2005, and Springfest Celebration on Saturday, April 2, 2005. He attended a Five Cities Economic Development Authority meeting where goal-setting was discussed. Councilmember Cardenas attended a South San Joaquin Valley Division of the League of California Cities Executive Board meeting, and an S. K. F. meeting.

CLOSED SESSION

The Mayor announced the closed session item as listed on the agenda. The meeting adjourned to a closed session at 8:28 p. m. to discuss, pursuant to GC Section 54956.9(b) - Conference With Legal Counsel - Anticipated Litigation, Significant Exposure to Litigation, *1 case - *Consideration of a claim for damages received on 2/11/05, Claimant: John T. Moreno. The meeting reconvened to open session at 9:03 p. m. with a report of the following action taken: The Council voted 4-0-1, with Councilmember Nagata absent, to: (1) Reject the claim on the merits to the extent the claim alleges causes of action arising within 6 months preceding the date of filing the claim (February 11, 2005); and (2) return the claim for untimeliness to the extent the claim alleges causes of action occurring more than 6 months before the date of filing the claim (February 11, 2005).

ADJOURNMENT

Having no further business, Mayor Pro-Tem Shaw made a motion to adjourn, seconded by Councilmember Cardenas. The motion carried and the meeting adjourned at 9:05 p. m.