

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
APRIL 19, 2005**

Mayor Simonian called the meeting to order in the Council Chambers at 7:02 p.m.

Council members present: Simonian, Shaw, Aguayo, Cardenas, & Nagata

City staff present: City Manager Elias, Finance Director Wong, Community Development Director Deaver, Police Chief Jamgochian, Senior/Recreation Director Monis, City Attorney Wolfe, Administrative Assistant Karen Mukai

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

PRESENTATION BY CONSOLIDATED IRRIGATION DISTRICT: UPDATE ON GROUND WATER FORUM AND REQUEST FOR FUNDING

Gene Branch and Randy McFarland, representatives of Consolidated Irrigation District (CID) and Kings River Conservation District (KRCD), gave a presentation on the Upper Kings Basin Water Forum. The Forum was established by CID, KRCD, Fresno Irrigation District (FID), the Alta Irrigation District (AID) and the Department of Water Resources, to address regional water resource concerns. One of the objectives of the Forum is to plan for and fund water management programs for the irrigation districts, cities, counties, and various environmental organizations. Each of these agencies are being asked to contribute \$30,000 over a three year period for creation of an integrated water management plan and other projects. Some of the projects being considered are water banking programs, water recharge programs and the future establishment of ponding basins at both American and Temperance Avenues. It was noted that the State of California would assist the Forum's efforts with Proposition 50 grant funds, but the funding would be contingent on evidence that a regional process is in place to handle water resource issues.

Gary Serrato, manager of FID, added that the Forum would be the proper vehicle to be used to submit an application for Proposition 50 funds, as an individual application would not likely be awarded.

After a discussion, Mayor Simonian suggested that a resolution supporting an integrated regional water management plan be placed on the next agenda.

COMMUNICATIONS

City Manager Elias announced the upcoming Chamber of Commerce Business Mixer on Tuesday, April 26, 2005 from 5:00 to 6:30 p. m. at the Dataworks Educational Research facility.

STAFF REPORTS

A) CONSIDER ADOPTION OF A RESOLUTION APPROVING AN MOU WITH KINGS RIVER CONSERVATION DISTRICT (KRCD)

City Manager Elias reported that since the last Council meeting, there have been no additional cities that have approved the Memorandum of Understanding (MOU) with KRCD regarding their proposal for Community Choice Aggregation. There are five cities and two counties that have not yet approved the MOU, and KRCD is scheduled to give a presentation to the cities of Parlier and Sanger in the next few weeks. He recommended that the matter be continued until the next meeting.

B) APPROVE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FOWLER AND DIABLO MOTORSPORTS

City Manager Elias explained that the Disposition and Development Agreement with Diablo Motorsports pertains to their request to use a portion of the City's ponding basin, located next to their facility, to allow them to expand by another 10,000 square feet. A parcel map had been approved several months earlier that divided the basin into two parcels. He noted that the proposed expansion would increase sales tax to the City and create additional jobs. He confirmed that the remaining portion of the ponding basin would be sufficient for water run-off and the City has an agreement with CID to pump excess water into their canal, if needed.

City Attorney Wolfe further explained that the agreement calls for selling the portion of the ponding basin to Diablo Motorsports for \$1.00 since the City does not need it and the cost to improve the basin is higher than the value of the land. The agreement states that the title to the property would revert back to the City if certain conditions were not met, such as: if Diablo Motorsports fails to complete improvements by January 1, 2007; if the business fails to complete the expansion project and hire at least three new employees by July 1, 2007; if the business moves its operations before January 1, 2010; or if the business does not operate for 60 consecutive days.

After a discussion, Councilmember Cardenas made a motion to Approve the Disposition and Development Agreement between the City of Fowler and Diablo Motorsports. The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0 roll call vote.

C) CITY MANAGER'S REPORT

City Manager Elias stated that the City would be going out to bid in the next two weeks for a new gazebo in the City park. The gazebo will be approximately 3,000 square feet and made of steel.

He reported that due to the recent rains, the slurry seal project was behind schedule, but would be back on track shortly after the crack seal was finished on north 7th Street. Also, the pedestrian walkways on Merced Street extending to Highway 99 are under construction.

He gave an update on refurbishing the old neon Fowler sign, noting that electrical power must be brought in from the signal pedestal across Golden State Boulevard at a cost of approximately \$1,300. Questions were asked about the ability to landscape around the base of the sign, and placing a dedication plaque near the sign. City Manager Elias said that he would investigate the matter.

E) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver circulated a building permit activity report. He said that as a result of a recent meeting with the City Manager and Planning Consultant Bruce O'Neal, it was recommended that a City Council workshop be held to discuss the types of businesses that could be proposed for the 10th and Merced Street area. It was also stated that a future community workshop should be scheduled to discuss the subject of downtown revitalization.

F) FINANCE DEPARTMENT REPORT

Finance Director Wong gave a financial update, stating that with 75 percent of the budget year transpired, the revenues had come in at 80 percent. He said that revenues are predicted to exceed what was budgeted by about \$220,000. He reported that staff had been trained on the new billing software in conjunction with implementing the hand-held water meter reading devices.

G) POLICE AND FIRE DEPARTMENT REPORT

Chief Jamgochian announced that a new police officer, Adam Garza, had been sworn in. He mentioned that beginning on April 22, 2005 the Police Department would have an officer on duty at all times, although the Sheriff's Department would continue patrolling during some shifts. He stated that a local church group had been a great help in cleaning up some graffiti vandalism that occurred.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported that the Superior Court of Stanislaus County declared the California Voting Rights Act as unconstitutional. It would have required that cities convert to district elections instead of at-large elections.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants - April 19, 2005; and B) Approve Minutes of the City Council Special Meeting - April 5, 2005 and Regular Meeting - April 5, 2005. Councilmember Aguayo 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 stated that he would be attending an upcoming COG meeting. He thanked Councilmember Nagata for providing the annual report from the Consolidated Mosquito Abatement District.

Mayor Pro-Tem Shaw asked about the status of the Del Hudson property. Community Development Director Deaver reported that Mr. Hudson had passed away, but the property is being sold and a General Plan amendment is underway.

Councilmember Aguayo reported that he attended a Five Cities meeting where they received more information on KRCD's Community Choice Aggregation proposal. He also attended the recent League of California Cities Division meeting in Coalinga.

Councilmember Cardenas attended a barbeque in honor of S.K.F. Sanitation District receiving the Collection System of the Year award. He attended an S.K.F. Board meeting where they discussed matters related to the City of Fowler and Western Waste being reimbursed for costs to extend the sewer line on Jefferson Avenue many years ago. He also reported that there were 10 schools that participated in the recent Lion's Club Band Review, and that the Lion's Annual Crab Feed will be held on May 7, 2005 in the Fowler High School Cafeteria.

CLOSED SESSION

The Mayor announced the closed session item as listed on the agenda. The meeting was adjourned to closed session at 9:14 p. m. to discuss, as specified under Government Code Section 54956.9 (a), Conference with Legal Counsel - Existing Litigation - Name of Case: Moreno vs. City of Fowler. Councilmember Nagata left the Council chamber before the closed session and did not participate, due to having a long term relationship with the claimant. The meeting reconvened to open session at 9:33 p.m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Aguayo made a motion, seconded by Councilmember Cardenas, to adjourn. The motion carried unanimously and the meeting was adjourned at 9:34 p.m.