

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
MAY 17, 2005**

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

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

PUBLIC HEARING - GENERAL PLAN AMENDMENT NO. 04-01

Community Development Director Deaver gave a report on proposed General Plan Amendment No. 04-01 and Change of Zone Amendment No. 04-02 for property located at 201 W. Fresno Street. The applicant, David Wong, plans to build a retail shopping center on the property. The Planning Commission recommended Council approval to change the land use designation from Medium Density Residential to Community Commercial, and the zoning from M-1 (Light Manufacturing) to C-2 (Central Commercial). The proposal would be subject to site plan review and approval, and a traffic study would be required.

The Council discussed the proposed shopping center, including the landscaping, parking and sign requirements, and how it would be integrated with Highway 99 Beautification plans. Community Development Director Deaver noted that although the property had formerly been used as a waste materials storage yard, it had been thoroughly inspected and is free of contaminants.

After the discussion, Mayor Simonian opened the duly noticed public hearing on the matter at 7:29 p. m. There were no comments from the public, and the hearing was closed at 7:29 p. m.

Councilmember Nagata made a motion to adopt Resolution No. 2001, "A Resolution before the City Council of the City of Fowler, County of Fresno, State of California, Approving the Negative Declaration for General Plan Amendment No. 04-01 and Rezone No. 04-02" (David Wong). The motion was seconded by Councilmember Aguayo and carried on a 5-0-0 roll-call vote.

Councilmember Cardenas made a motion to adopt Resolution No. 2002, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving General

Plan Amendment No. 04-01" (David Wong). The motion was seconded by Councilmember Aguayo and carried on a 5-0-0 roll-call vote.

Mayor Pro-Tem Shaw made a motion to waive the first reading and approve Ordinance No. 2005-03, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment No. 04-02" (David Wong). The motion was seconded by Councilmember Cardenas and carried on a 5-0-0 roll call vote.

COMMUNICATIONS

City Manager Elias reported that the Annual Mayor's Prayer Breakfast was scheduled for Thursday, May 26, 2005 at Favorito's Restaurant.

Councilmember Aguayo stated that he would be attending the upcoming Economic Summit in Sanger, and the EDC's Investors Breakfast in Fresno.

STAFF REPORTS

C) CITY MANAGER'S REPORT

City Manager Elias reported that there had not been any additional cities that have approved Kings River Conservation District's Community Choice Aggregation proposal. He said that he would continue to monitor progress and keep the Council informed, noting that the City could join the program at a later date.

City Manager Elias also mentioned that some of the City's approved subdivision projects were being bought by major companies, such as D. R. Horton, who is the largest residential developer in the nation. Meritage Homes is looking to purchase the upcoming R. J. Hill project. The new companies will be retaining the subcontractors and using the same building plans. Mr. Elias stated that these companies have been informed about the City's Growth Management Policy.

E) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver reported that a conditional use permit application had been received for a proposed auto body/painting business, and a site plan review application had been received for expansion of the Union 76 gas station.

F) FINANCE DEPARTMENT REPORT

Finance Director Wong gave a brief financial update and the Treasurer's Report. He circulated the proposed budget for Fiscal Year 2005-06, noting that a workshop on the budget was scheduled for May 31, 2005 at 5:30 p. m.

G) POLICE AND FIRE DEPARTMENT REPORT

There was no Police or Fire Department report.

F) APPROVE PURCHASE OF NEW POLICE VEHICLE

Police Chief Jamgochian explained the need to purchase a new police vehicle, to be paid for by Development Impact Fee funds. He noted that he would like to purchase a new car for each of the two new officers the Council had previously approved hiring.

Councilmember Aguayo made a motion to approve the purchase of a new 2005 Ford Crown Victoria and related equipment with Development Impact Fee funds. The motion was seconded by Mayor Pro-Tem Shaw and carried on a 5-0-0 roll-call vote.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on a ruling which provides that a City Council can control items that are placed on the agenda.

CONSENT CALENDAR

Councilmember Aguayo requested that items A, C, D and F be removed from the Consent Calendar for discussion. He then made a motion to approve items B and E of the Consent Calendar. The motion was seconded by Councilmember Cardenas and carried on a 5-0-0 roll-call vote.

After clarification of item A, Councilmember Aguayo made a motion to approve the Warrants List as presented. The motion was seconded by Mayor Pro-Tem Shaw and carried on a 5-0-0 roll call vote.

After clarification of item C, Councilmember Aguayo made a motion to award the low bid of \$57,950.00 to Carsey West Star Construction to construct a new gazebo/picnic shelter at Panzak Park. The motion was seconded by Mayor Pro-Tem Shaw and carried on a 5-0-0 roll call vote.

After clarification of item D, Councilmember Aguayo made a motion to approve renewal of the contract with LK Designs, for website maintenance. The motion was seconded by Councilmember Cardenas, and carried on a 5-0-0 roll call vote.

After clarification of item F, Councilmember Aguayo made a motion to approve staff's recommendation to reject the following claims against the City of Fowler: Sally Rodriguez - Date of Claim: April 13, 2005 and Courtney Soto - Date of Claim: April 18, 2005. The motion was seconded by Councilmember Cardenas and carried on a 5-0-0 roll-call vote.

COMMITTEE REPORTS

Mayor Simonian reported on a COG meeting he attended where they discussed former Assembly member Steve Samuelian's lobbying services. He also attended the Highway 99 Beautification meeting where they are working on the overlay.

Mayor Pro-Tem Shaw spoke of the news that 2,750 new homes are proposed for Selma, and expressed concern that it could burden S. K. F. sewer facilities and create other growth related problems. Community Development Director Deaver added that there would be a greater traffic impact on Manning Avenue due to the increased development. City Manager Elias stated that he had discussed these issues with Selma officials.

Councilmember Aguayo attended the Highway 99 Beautification meeting. He reported that the Recreation Commission will begin their Summer Swim Program on June 8, 2005, and will have the "3rd Friday" events in Panzak Park from May through August. He attended a recent Planning Commission meeting, and a Five Cities meeting where they discussed the City of Parlier's recent flooding problem and the importance of shared resources for disaster relief.

Councilmember Cardenas attended an S. K. F. meeting where the 2005-06 budget was presented. Other topics for this meeting were service charge rates and the collection of service fees on the tax roll.

ADJOURNMENT

Having no further business, Councilmember Cardenas made a motion to adjourn, seconded by Councilmember Aguayo. The motion carried unanimously and the meeting was adjourned at 8:45 p. m.