

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
AUGUST 2, 2005**

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

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

City staff present: City Manager Elias, City Clerk Davis, Police Chief Jamgochian, Finance Director Wong, Community Development Director Deaver, Senior/Recreation Director Monis, Building Inspector Navarrette, City Planning Consultant O'Neal, City Attorney Wolfe

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

PUBLIC PRESENTATIONS

City Manager Elias introduced new Building Inspector/Code Enforcement Officer David Navarrette to the Council. Chief Jamgochian introduced new Police Officer Joseph P. Miranda.

Mayor Simonian presented a plaque to Fowler High School student Jordan Maldonado in recognition of her efforts in organizing a special graduation ceremony to honor the 1942-45 Japanese American Nisei graduates. Mayor Simonian adjourned the meeting at 7:05 p. m. for a short reception in her honor. The meeting was reconvened at 7:18 p. m.

PUBLIC HEARING:

CONSIDER APPEAL OF PLANNING COMMISSION REVOCATION OF CONDITIONAL USE PERMIT (CUP) NO. 82-5 (JOHN SPILLMAN)

City Attorney Wolfe stated that because he represented City staff on the code enforcement matter related to the revocation of CUP No. 82-5, he recommended that he not advise the Council in a legal capacity during the public hearing, to ensure that Mr. Spillman had a fair hearing. He said that if the Council wished to have legal advice on the matter, the hearing should be continued to a later date so that they can obtain outside legal counsel. Councilmember Cardenas left the Council Chamber due to conflict of interest from having a business relationship with applicant John Spillman.

Planning Consultant O'Neal explained the reason for the appeal of the revocation of CUP No. 82-5. The CUP was originally issued in 1982 for a towing/storage of wrecked vehicles facility on 8th Street. There are three A.P.N. numbers at this location, and the CUP applies to the rear property. In July of 2003 the applicant had been notified of his failure to comply with the conditions of approval of the CUP, and a public hearing was set before the Planning Commission to consider revoking the CUP. The Planning Commission continued the public hearing several

times to allow Mr. Spillman sufficient time to comply with the conditions of the CUP. On June 2, 2005 the Planning Commission received evidence that the applicant had not complied with the conditions and they revoked the CUP. He stated that a significant amount of improvement had been made on portions of the property but violations of the CUP still remain. Mr. O'Neal noted that staff had prepared resolutions for the Council's adoption to either uphold the Planning Commission's decision to revoke the CUP, or to approve a modified CUP. Building Inspector/Code Enforcement Officer Navarrette then provided information on some of the code violations and hazards on the property.

Mayor Simonian opened the duly noticed public hearing on the matter at 7:30 p. m.

Property owner John Spillman spoke, saying that it was taking more time to comply with the conditions than he realized. He explained why some of the violations remained.

City Manager Elias stated that the Council adopted an ordinance allowing the City to recoup its costs when public funds are used for abatement and cleaning up property. The City had expended over \$6,000 to date in enforcement costs. He reminded the Council that there are other individuals who have purchased property in the area that are making significant improvements to their properties.

With no further comments, the public hearing was closed at 7:43 p. m.

A discussion ensued. It was stated that Mr. Spillman has had sufficient time to meet the CUP requirements, and there was concern with health and safety hazards that remained. Councilmember Aguayo made a motion to revoke the CUP pursuant to Resolution (No. 2015), "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California Revoking Conditional Use Permit No. 82-5 (Spillman Property). The motion was seconded by Mayor Pro-Tem Shaw, and carried on a 4-0-1 roll call vote, with Councilmember Cardenas abstaining from the discussion and vote due to a conflict of interest.

COMMUNICATIONS

City Manager Elias announced that the next League of Cities South San Joaquin Valley Division meeting would be held Wednesday, August 10, 2005 in Wasco. Mayor Simonian mentioned an invitation to the County of Fresno's workshop on "Weapons of Mass Destruction and Terrorism Preparedness" at the Woodward Park Regional Library on August 17-18, 2005. Chief Jamgochian said that a Police Department representative would be attending.

STAFF REPORTS

A) CONSIDER FORGIVING BALANCE OF CDBG LOAN TO PICKER PARTS, INC. AND RECONVEYING THE LIEN

City Manager Elias stated that several years ago, the City provided Community Development Block Grant (CDBG) funds to Picker Parts, Inc. to assist them in making improvements to their

water system, which had been deemed contaminated by the Fresno County Health Department. Picker Parts is now out-of-business and the property is in escrow. The sale is contingent on the City forgiving the loan of approximately \$41,000, which is secured by a deed of trust on the property. There are tax liens from other agencies that have been released, and they are asking the City to do the same. Finance Director Wong noted that the City does not have to reimburse the Department of Housing and Community Development for the defaulted loan from the CDBG funds.

After a discussion, Mayor Simonian made a motion to not forgive the loan, seconded by Councilmember Nagata. The motion carried on a 5-0-0 roll-call vote.

B) CITY MANAGER’S REPORT

City Manager Elias reported that he had received a Notice of Preparation (NOP) for the Selma Specific Plan which will include expansion of the City of Selma’s Sphere of Influence north of Manning Avenue. The NOP provided for a comment period regarding the types of studies that should be included in the environmental process. He said Planning Consultant O’Neal would request information regarding the effects on transportation and other matters.

City Manager Elias gave an update on the Fowler sign at Golden State Boulevard and Merced Street. There has been a delay in completing the improvements because unless City employees perform the work, the City must have a right-of-way entry and liability agreement with the railroad. He said he would be discussing the matter further with City Attorney Wolfe on how best to proceed.

The parts for the new gazebo in Panzak Park have been delivered. The Public Works Department has completed restriping the crosswalks near all of the schools. They will be evaluating stop signs in the City to make sure they meet all standards. City Manager Elias also explained the delay in the completion of the water wells. The company that builds the electrical panel components had failed to order the equipment. Another company will now be ordering the equipment, with installation anticipated by mid-September.

C) COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Community Development Director Deaver reported that plans are in the works for a seven unit apartment complex at the corner of 4th and Merced Street.

D) FINANCE DEPARTMENT REPORT

Finance Director Wong reported that the hand held meter reading devices would be ordered shortly and should be up and running within 60 to 90 days. The 2004-2005 audit was proceeding smoothly.

E) POLICE AND FIRE DEPARTMENT REPORT

Police Chief Jamgochian noted that the March through June 2005 police and fire statistics were included in the agenda packet. He reported that there are now eight full-time officers and the Department discontinued contracting with the Sheriff's Department for assistance effective August 1, 2005. The improvements to the fire truck purchased from the City of Clovis have been completed and it has been painted to match the new fire truck.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported that a recent Brown Act case ruling stipulated that the minutes of a closed session are not subject to disclosure, even if open session items are touched on during the discussion.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - August 2, 2005; B) Approve Minutes of the City Council Meeting - July 19, 2005; C) Approve and Authorize City Manager to Execute Program Supplement Agreement No. 007-M to Administering Agency-State Agreement No. 06-5173 (Manning Ave. Reconstruction between State Highway 99 and 0.25 mi. east of Golden State Blvd.). 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 reported that COG has drafted a request for proposal policy for hiring a consultant to represent and lobby for local cities, which will be brought to the Council at the next meeting. He attended the League of California Cities Mayor and Councilmembers Conference, and said it was a great opportunity to interact with and learn from officials from other cities. Mayor Pro-Tem Shaw and Councilmember Cardenas also commented favorably on the League Conference.

Councilmember Aguayo mentioned that would be attending an upcoming Great Valley Center Leadership Conference.

City Manager Elias reported that the City was successful in receiving a grant from the Department of Conservation for \$5,000, to be used for recycling and clean up efforts during community events.

CLOSED SESSION

City Attorney Wolfe clarified the City Manager evaluation provisions in the Fowler Municipal Code. Mayor Simonian announced the closed session item and adjourned the meeting to a closed session at 8:53 p. m. The item discussed was pursuant to Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager. The meeting reconvened to open session at 9:43 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Cardenas made a motion to adjourn, seconded by Councilmember Aguayo. The meeting was adjourned at 9:44 p.m.