

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
DECEMBER 6, 2005**

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

Councilmembers 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, 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. Roll call was taken. There were no public presentations.

PRESENTATION BY DEBBIE OLSON - LEAGUE OF CALIFORNIA CITIES

Debbie Olson, a representative of the League of California Cities, gave the Council an overview of current issues in the legislature affecting cities, and distributed a list of the League's strategic goals for 2006.

COMMUNICATIONS

City Manager Elias mentioned an invitation to Assemblymember Juan Arambula's holiday open house.

STAFF REPORTS

A) SECOND READING OF ORDINANCE NO. 2005-05 (UCHIYAMA PROPERTY)

An ordinance changing the designation of property from the U-R (Urban Reserve) to the R-1-6 zone district was before the Council for a second reading and adoption. Councilmember Aguayo made a motion to waive the second reading and approve Ordinance No. 2005-05, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment No. 05-02" (Uchiyama Property at 339 S. Fowler Avenue). The motion was seconded by Councilmember Nagata, and carried on a 5-0-0 roll-call vote.

B) SECOND READING OF ORDINANCE NO. 2005-06 (ALVAREZ PROPERTY)

Mayor Simonian left the Council Chamber due to a conflict of interest from owning property within 500 feet of the subject property, located at 210 N. 6th Street, and having a business relationship with the owner. Mayor Pro-Tem Shaw then chaired the discussion.

Planning Consultant O'Neal explained that the second reading of an ordinance changing property from R-1-6 zoning to R-2-A, to allow for a proposed duplex project, was before the

Council for final approval. Pursuant to a discussion during the first reading, the requirement for an enclosed garage had been included.

Councilmember Cardenas made a motion to waive the second reading and approve Ordinance No. 2005-06, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment No. 05-01" (Alvarez Property at 210 N. 6th Street). The motion was seconded by Councilmember Aguayo, and carried on a 4-0-1 roll call vote, with Mayor Simonian absent from the Council Chamber and not participating due to a conflict of interest.

Mayor Simonian returned to the Council Chamber.

C) SECOND READING OF ORDINANCE NO. 2005-07

City Attorney Wolfe referred to the written summary in the agenda packet that listed the key provisions of a permanent ordinance governing Medical Marijuana (MM). The ordinance would prohibit the collective or cooperative cultivation of MM, limit patient and primary caregiver cultivation, and ban MM dispensaries.

After a brief discussion, Councilmember Cardenas made a motion to waive the second reading and adopt Ordinance No. 2005-07, "An Ordinance of the City Council of the City of Fowler: (1) Adding Chapter 18, of Title 5, of the Fowler Municipal Code pertaining to Medical Marijuana; (2) Adding Section 9.6.1207, of Article 12, of Chapter 5, of Title 9, of the Fowler Municipal Code Defining Prohibited Uses to Include Those Uses Prohibited With the Addition of Chapter 18, of Title 5; and (3) Adding Unchaptered Health, Safety, and Welfare Ordinance Pertaining to Medical Marijuana Businesses. The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0- roll call vote.

D) ADOPTION OF RESOLUTION NO. 2023

Community Development Director Deaver recommended Council approval of the Final Map and Subdivision Agreement for Tract No. 5212, Phase V of the Sumner Ranch Subdivision project, near Sunnyside and Sumner Avenues.

Councilmember Cardenas made a motion, seconded by Councilmember Aguayo, to adopt Resolution No. 2023, "A Resolution of the City Council of the City of Fowler Approving Final Tract Map No. 5212 and Subdivision Agreement, and Accepting Street Dedication and Easements." The motion carried on a 5-0-0 roll call vote.

E) APPROVE FUNDING FOR CHAMBER 4TH OF JULY CELEBRATION

City Manager Elias said that the City had helped pay for the fireworks at the last Fowler Chamber Fabulous 4th of July event. The Chamber requested that the City commit to providing approximately \$13,000 in funding for next year's event so that they could begin ordering the fireworks. After a discussion, Councilmember Aguayo made a motion, seconded by Councilmember Nagata, to provide funding of up to \$13,000 to pay for the Chamber's 2006 4th of July Celebration fireworks. The motion carried on a 5-0-0 roll call vote.

F) APPROVE BUDGET ADJUSTMENT FOR PURCHASE OF WOOD CHIPPER

City Manager Elias stated that although he had budgeted for a wood chipper last year, he had been unable to find one to purchase, so he had not included it in the 2005/06 budget. However, he was recently able to find an adequate used chipper which costs approximately \$15,000, and asked that a budget adjustment be approved for the purchase. He recommended that the funds budgeted for an unfilled public works supervisor position be used.

Councilmember Cardenas made a motion, seconded by Councilmember Aguayo, to approve a budget adjustment, not to exceed \$15,000, for the purchase of a wood chipper. The motion carried on a 5-0-0 roll call vote.

G) CITY MANAGER'S REPORT

City Manager Elias stated that City staff had recently met with S. K. F. Sanitation District to discuss Fowler's preferences for the use of a buffer area near their facility. One possibility mentioned was for the land to be developed into a public safety training facility that could be used by all three cities. City staff recommended that the land not be used for recreational facilities.

H) COMMUNITY DEVELOPMENT

Community Development Director Deaver mentioned a status report of projects that he had distributed at the earlier Redevelopment Agency meeting.

I) FINANCE DIRECTORS REPORT

Finance Director Wong gave a financial report of revenues and expenditures from July through October 2005. He also gave a report on investing funds with the Local Agency Investment Fund (LAIF) as compared to the benefits of using a rate finding service that could offer higher yield certificates of deposit.

J) POLICE AND FIRE DEPARTMENT REPORT

No report was given.

K) ADOPTION OF RESOLUTION NO. 2024 AND APPROVAL OF INDEMNIFICATION AGREEMENT

Planning Consultant O'Neal stated that the land annexation for Tract No. 5198, the RJ Hill Subdivision project, was ready for recording by LAFCO. LAFCO requires that the Council provide a resolution approving cancellation of a Williamson Act land contract that the property is currently under. Mr. O'Neal added that an indemnification agreement with LAFCO would also need approval, however, it was not yet ready for the Council's consideration. City Attorney Wolfe stated that if the agreement was substantially the same as prior indemnification agreements entered into, the Council could approve it subject to City Attorney approval.

Mayor Pro-Tem Shaw made a motion to adopt Resolution No. 2024, “A Resolution of the City Council of the City of Fowler Approving a Certificate of Land Conservation Contract Termination for Land Conservation Contract No. 6332.” The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0 roll vote.

Councilmember Aguayo made a motion to approve the indemnification agreement between the City of Fowler and LAFCO regarding the South-Sunnyside No. 2 Reorganization (subject to approval by the City Attorney). The motion was seconded by Councilmember Nagata and carried on a 4-0-1 roll call vote, with Councilmember Cardenas temporarily absent from the Council Chamber.

CITY ATTORNEY’S REPORT

City Attorney Wolfe reported on a case that confirmed that a council has the ability to limit public comment during meetings, due to time constraints.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - December 6, 2005; and B) Approve Minutes of the City Council Meeting November 15, 2005; C) Approve CDBG Loan Agreement in the amount of \$70,000 between the City of Fowler and Dale Brisco, Inc. Councilmember Aguayo made a motion to approve the Consent Calendar, seconded by Councilmember Cardenas. The motion carried on a 5-0-0 roll-call vote.

COMMITTEE REPORTS

Mayor Simonian attended a COFCG meeting, noting that the Board had recently approved a contract with Steve Samuelian for consulting services. Councilmember Aguayo attended a Planning Commission meeting. He reported that the Recreation Commission had several activities planned for December, including the Annual Children’s Christmas Shopping Day. Councilmember Cardenas commented on the success of the recent Christmas Tree Lighting Ceremony.

ADJOURNMENT

City Manager Elias mentioned that there were no items of business to discuss at the next regular meeting of December 20, 2005. The consensus of the Council was to cancel the meeting. Having no further business, Councilmember Aguayo made a motion to adjourn, seconded by Councilmember Cardenas. The meeting adjourned at 8:55 p.m.