

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
JANUARY 17, 2006**

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

Councilmembers present: Simonian, Shaw, Aguayo, Nagata. Councilmember Cardenas arrived at 7:12 p. m.

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 SANDRA AVEDISIAN TO DISCUSS WATER DRAINAGE PROBLEM

Fowler resident Sandra Avedisian spoke to the Council about an ongoing water drainage problem at her home. Due to a recent severe rainstorm, her home suffered flood damage and she asked what the City could do about the flooding problem. City Manager Elias stated that the recent flooding was caused by the unusual severity of the storm. He said that there might be a bottleneck in the drainage line, and he had spoken to a nearby property owner about obtaining an easement so that the line could be improved. It was noted that staff would look into the matter further.

PUBLIC HEARING: TENTATIVE TRACT (TTM) MAP NO. 5623

Mayor Simonian announced that he had a conflict of interest due to living within 500 feet of the property subject to TTM No. 5623, and left the Council Chamber. Mayor Pro-Tem Shaw then chaired the discussion, and read the titles of a series of resolutions and an ordinance pertaining to the project.

City Planning Consultant O'Neal stated that at a recent meeting, the Planning Commission recommended Council approval of TTM No. 5623. The project is located on 35.23 acres near Adams and Fowler Avenues. The proposed TTM would subdivide approximately 26 acres into 53 lots for a high-end, gated planned unit development, with approximately 9 acres at the corner to be developed at a later time. The property would be rezoned, with the 53 lots being zoned R-1-12 and the 9 acre area on the corner zoned R-1-6. The process included approval of annexation, a Conditional Use Permit and zoning amendment, and adoption of a Negative Declaration.

One of the developers, Leland Parnagian of Fowler, spoke about the project and showed some conceptual drawings. The subdivision will include decorative gated entryways, and the lot sizes will be 14,000 square feet and larger, with the average size being 17,000 square feet.

Mayor Pro-Tem Shaw opened the duly noticed public hearing on the matter at 7:43 p. m. Sandra Avedisian of Fowler asked questions about water drainage in the area. Victor Grisso of Fowler spoke in favor of the project but expressed concerns about the capacity of the nearby sewer line. With no further comments from the public, Mayor Pro-Tem Shaw closed the public hearing at 7:53 p. m.

Councilmember Cardenas made a motion to adopt Resolution No. 2026, “A Resolution Before the City Council of the City of Fowler Approving a Negative Declaration, Rezone No. 05-01, CUP No. 05-07, Vesting TTM No. 5623, and Annexation to the City of Fowler (Denken Farms).” The motion was seconded by Councilmember Aguayo, and carried on a 4-0-1 roll call vote, with Mayor Simonian absent (recused) from the Council Chamber due to a conflict of interest.

Councilmember Aguayo made a motion, seconded by Councilmember Nagata, to waive the first reading and approve Ordinance No. 2006-02, “An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment 05-01 (Denken Farms).” The motion carried on a 4-0-1 roll call vote with Mayor Simonian absent (recused).

Councilmember Aguayo made a motion to adopt Resolution No. 2027, “A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Conditional Use Permit No. 05-07 (Denken Farms).” The motion was seconded by Councilmember Cardenas, and carried on a 4-0-1 roll call vote with Mayor Simonian absent (recused).

Councilmember Aguayo made a motion to adopt Resolution No. 2028, “A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Tentative Tract Map No. 5623 (Denken Farms).” The motion was seconded by Councilmember Nagata, and carried on a 4-0-1 roll call vote with Mayor Simonian absent (recused).

Councilmember Cardenas made a motion, seconded by Councilmember Aguayo, to adopt Resolution No. 2029, “A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, of Application for the Fowler-Adams No. 1 Reorganization, An Annexation to the City of Fowler and the Selma-Kingsburg-Fowler County Sanitation District and Detachment from the Kings River Conservation District, the Consolidated Irrigation District, and the Fresno County Fire Protection District (Denken Farms).” The motion carried on a 4-0-1 roll call vote with Mayor Simonian (absent) recused.

Mayor Simonian returned to the Council Chamber.

COMMUNICATIONS

There were no communications.

STAFF REPORTS:

A) CONSIDER AND APPROVE SECOND READING OF ORDINANCE NO. 2006-01

As requested by the Council at the prior meeting, Roger Smith, designer of a proposed duplex project at 411 S. 7th Street, introduced property owners/managers Oletha Slade and Lela Johnson, who confirmed that the project would be family owned and operated.

Councilmember Aguayo made a motion to waive the second reading and approve Ordinance No. 2006-01, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment No. 05-03 (411 S. 7th Street, Middleton Financial, Inc.)." The motion was seconded by Councilmember Nagata and carried on a 5-0-0 roll call vote.

B) APPROVE AGREEMENT WITH LOZANO SMITH

City Manager Elias said that a new agreement with Lozano Smith called for a \$5 per hour incremental increase for legal fees. Effective July 1, 2006 the current fee would increase from \$150 to \$155 per hour, then to \$160 on July 1, 2007, and \$165 on July 1, 2008. The legal retainer would increase from \$450 to \$500 on July 1, 2006 along with an increase to law clerk and paralegal services. He stated that the fees were comparable to those of other local cities.

Mayor Pro-Tem Shaw made a motion, seconded by Councilmember Cardenas, to approve the agreement between the City of Fowler and Lozano Smith. The motion carried on a 5-0-0 roll call vote.

C) CITY MANAGER'S REPORT: DISCUSSION REGARDING COMMUNITY CHOICE AGGREGATION

City Manager Elias stated that Kings River Conservation District (KRCD) had met with City staff regarding their Community Choice Aggregation (CCA) program, which proposed to bring more reliable and cost effective electricity to local cities. KRCD originally had allowed for cities to join or leave the CCA program later in the implementation process, but new regulations from the Public Utilities Commission have now prohibited this provision. He noted that the success of the CCA program would rely heavily on the construction of a 100 million dollar power plant operated by natural gas. Although the CCA proposal may save cities money in electrical costs, natural gas costs are now beginning to escalate, creating unknowns about what savings, if any, could actually be realized. After a discussion, the Council asked that KRCD give another presentation to answer these concerns.

D) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

E) FINANCE DEPARTMENT REPORT

F) POLICE AND FIRE DEPARTMENT REPORT

No reports were given.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on a case that reaffirmed a city's ability to collect attorney fees for nuisance abatement proceedings related to property violations. Also, revitalizing or

rehabilitating the interior of a home, even if it is a historical structure, is not subject to CEQA requirements.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - January 17, 2006; and B) Approve Minutes of the City Council Meeting - January 3, 2006 and Special Meeting - January 5, 2006; C) Approve budget adjustment of \$656.37 for additional cost (sales tax) related to purchase of a wood chipper; and D) Approve Special Agreement for Engineering Services for Slurry Seal application to various City streets 2005/2006.

Councilmember Nagata asked that item D be removed from the Consent Calendar for further discussion. Councilmember Aguayo made a motion to approve the Consent Calendar, except item D. The motion was seconded by Mayor Pro-Tem Shaw, and carried on a 5-0-0 roll-call vote.

Councilmember Nagata asked about the streets that had been selected for Slurry Seal, pursuant to item D of the Consent Calendar. City Manager Elias gave explanation, and asked for further input from the Council on the streets that should be slated for Slurry Seal. Councilmember Nagata asked that the agreement be tabled until he and the City Manager could meet with the City Engineer to reevaluate the matter.

COMMITTEE REPORTS

Councilmember Aguayo attended a Planning Commission meeting, a Five Cities meeting and a League of California Cities Transportation Committee meeting in Sacramento.

Councilmember Cardenas attended an S. K. F. meeting where they discussed a rotation policy for audit services.

ADJOURNMENT

Having no further business, Councilmember Aguayo made a motion to adjourn, seconded by Councilmember Nagata. The motion carried unanimously and the meeting adjourned at 8:59 p.m.