

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
FEBRUARY 7, 2006**

Mayor Simonian called the meeting to order in the Council Chambers at 7:05 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, City Attorney Wolfe, City Engineers Giersch and Hutchings

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 KINGS RIVER CONSERVATION DISTRICT (KRCD)  
REGARDING COMMUNITY CHOICE AGGREGATION (CCA)**

KRCD General Manager David Orth gave a presentation regarding CCA, which proposes to stabilize and lower electricity costs, provide more reliable energy sources, and bring greater local involvement and control in energy planning for the region. To date, 13 cities and counties have approved KRCD's Memorandum of Understanding (MOU) for the CCA program. Fresno County, and the cities of Fowler and San Joaquin, are the remaining entities that have not yet approved the MOU. He said that Fresno County may join during the second tier, in approximately one year.

He went on to explain that KRCD's program included the construction of a new power plant, although P. G. & E. would still control the distribution of the power. He showed a graph that compared KRCD's forecasted energy rates to P. G. & E.'s energy rates over a 20 year study period. He noted that to be conservative, the feasibility study had purposely underestimated P. G. & E.'s future electrical prices, and overestimated KRCD's projected costs to provide service under CCA. These figures were tested through independent analysis, and they show that the regional savings could range from \$780 million to approximately \$1.5 billion.

Mr. Orth stated that the Joint Powers Authority (JPA) is developing an agreement that would provide for the JPA board to approve a standard rate setting formula applicable to all of the member communities. This would avoid creating competition among the cities regarding economic development incentives. Questions were asked about the voting structure of the JPA Board, since larger cities would have a larger control of the vote. Mr. Orth replied that sensitivity to voting strength was a key concern that the smaller cities have voiced. A structure is being developed that would still require a majority vote, but it would be required to come from a minimum number of communities.

Mr. Orth showed the power plant construction schedule, with operation anticipated to begin by 2010. The construction cost for the plant is estimated to be between 400 to 450 million, but it

would not be a financial obligation of the JPA members. KRCD would be developing a business plan, and he explained that there would be “off-ramps” in the event a city decided they no longer wanted to participate in CCA. A question was asked about periodic “cash calls” mentioned in the MOU. Mr. Orth said that the “cash call” provision was not to be used for long-term operating costs, but mainly for administrative costs to develop and implement the program.

He added that KRCD would not be allowing cities to sign on for the first phase of CCA after March 2006 because the application must soon be finalized for submission to the Public Utilities Commission. If a city waits to join on the second tier, the cost would be between \$150,000 to \$200,000, to be divided between any cities/counties that join at that time.

After a brief discussion, the Council asked that the matter be placed on the next agenda for formal consideration.

## **COMMUNICATIONS**

City Manager Elias mentioned that the Five Cities Economic Development Authority had scheduled a workshop on water issues, and they are requesting that two councilmembers from each city attend. He reminded the Council about the SSJVD League general meeting to be held in Kingsburg the following day.

## **STAFF REPORTS:**

### **A) CONSIDER AND APPROVE SECOND READING OF ORDINANCE NO. 2006-02**

Mayor Simonian left the Council Chamber due to a conflict-of-interest from owning property near Adams and Fowler Avenues, which is proposed for a gated residential subdivision. Mayor Pro-Tem Shaw chaired the matter and asked for public comments. Fowler resident Sandra Avedisian asked questions about the project.

After a brief discussion, Councilmember Aguayo made a motion, seconded by Councilmember Nagata, to waive the second 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) from the Council Chamber due to a conflict-of-interest.

### **B) AWARD OF CONTRACT, AUTHORIZE CITY MANAGER AND CITY CLERK TO EXECUTE - AND AUTHORIZE CONTINGENCY FUND - MERCED STREET SIDEWALK PROJECT**

City Manager Elias stated that the City held a recent bid opening for the Merced Street sidewalk project - from 8th to 10th Street. All of the bids came in much higher than the engineer’s estimate, with the lowest, submitted by Granite Construction, being \$535,609.00. City Engineer Ken Hutchings said that the reason for the high bids was

because of the steep escalation of concrete and plastic pipe prices in the past few months. City Engineer Giersch stated that it was unlikely that any cost savings could result from rejecting the bids and re-bidding the project. A delay could also jeopardize the federal and state funds slated for the project, since they must be used within a certain time frame.

Councilmember Nagata made a motion to accept the low bid from Granite Construction for the price of \$535,609.00. The motion was seconded by Councilmember Cardenas and carried on a 5-0-0 roll call vote.

**C) DISCUSSION REGARDING STREET PROJECTS - OVERLAY, RESURFACING AND SLURRY SEAL**

City Manager Elias said that he, staff, and Councilmembers Aguayo and Nagata had met with City Engineer Giersch's staff to discuss the slurry seal project and other budgeted street improvement projects. They also discussed getting a cost estimate for a pavement management program. Approval of the slurry seal project had been tabled at the last meeting. He explained that the streets currently listed for slurry seal were based on City Council direction from prior years, but the project was not finished because of budgetary constraints. He said that the Fresno and 3rd Street overlay project was very necessary due to the high volume of traffic near Sutter School. Another project, resurfacing Merced Street from 5th to Adams Avenues, could either be done during the current fiscal year or could wait until the 2006-07 budget year. He recommended that the Council provide direction to move forward with the Fresno and 3rd Street overlay project and approve the slurry seal project as submitted.

After a discussion, the consensus of the Council was to proceed with the budgeted Fresno and 3rd Street overlay project, and move forward with plans for the Merced Street resurfacing project.

Councilmember Cardenas made a motion to approve the Special Agreement for Engineering Services for Slurry Seal application to various City streets - 2005/2006. The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0 roll call vote.

**D) APPROVE FIRST READING OF ORDINANCE NO. 2006-03**

Chief Jamgochian reported that Fresno County and all of the local cities were adopting ordinances restricting the display of medications containing Pseudoephedrine, a key ingredient in the manufacturing of methamphetamine.

Mayor Pro-Tem Shaw made a motion, seconded by Councilmember Aguayo, to waive the first reading and approve Ordinance No. 2006-03, "An Ordinance of the City Council of the City of Fowler Adding Chapter 7, of Title 4, of the Fowler Municipal Code Pertaining to the Display of Products Containing Pseudoephedrine." The motion carried on a 5-0-0 roll call vote.

**E) APPROVE ANNUAL CONTRIBUTION TO SUPPORT FRESNO COUNTY FRUIT TRAIL**

City Manager Elias stated that the Fresno County Office of Tourism had requested the City to provide an annual contribution of \$500 to promote the Fresno County Fruit Trail. Mayor Simonian made a motion to approve the annual \$500 contribution, seconded by Mayor Pro-Tem Shaw. The motion carried on a 5-0-0 roll call vote.

**F) CITY MANAGER'S REPORT**

City Manager Elias reported that the Public Works Department had almost finished the installation of the new flashing stop signs, and are working on weed abatement and pot hole repair. He also said that he would give an update on the hotel project near Merced Street and Highway 99 at the next meeting. He attended a recent City Manager's Conference where a discussion on the Governor's transportation bill was discussed.

**G) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Community Development Director Deaver said that he would be meeting with developers regarding the site plan for the hotel project, and to discuss the possibility of utilizing the City's CDBG revolving business loan program. He reported that the Starbucks building is underway, and that Planning Consultant O'Neal is working on development guidelines for downtown revitalization.

**H) FINANCE DEPARTMENT REPORT**

Finance Director Wong gave a mid-year financial summary. At 50 percent of the budget year, the General Fund revenues had come in at 55 percent, and the expenditures were under 50 percent. He said that sales tax revenue to date had exceeded the last two prior years, and was estimated to total over \$900,000 by fiscal year end.

**I) POLICE AND FIRE DEPARTMENT REPORT**

Chief Jamgochian stated that the 2005 year end statistics for the Police and Fire Departments had been submitted in the agenda packets.

**CITY ATTORNEY'S REPORT**

City Attorney Wolfe reported on a case dealing with wireless antennas. Cities could formerly regulate the antennas based on aesthetics, but the courts have deemed that cities can only regulate such matters as their interference with right-of-ways.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - February 7, 2006; B) Approve Minutes of the City Council Meeting - January 17, 2006; C) Approve staff's recommendation to reject claim against the City of Fowler - Sandra Avedisian; D) Adoption of Resolution No. 2030, "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California Designating Authorized Agents for Office of Emergency Services Applications"; and E) Approve Amendment No. 1 to Engineering Services Agreement - Merced Street sidewalk improvements between 8th Street and 10th Street.

Mayor Pro-Tem Shaw asked to remove item C of the Consent Calendar for discussion because the claimant, Sandra Avedisian, wished to comment on the item. Ms. Avedisian explained that she hadn't intended to file a claim regarding flood damage to her home from a recent storm, but had submitted a written complaint to ask that something be done to prevent flooding in the future. When she was advised of the City's claim procedures, she submitted the claim, but said she still did not have the total figure on the damages to her home. City Manager Elias stated that the City's claims adjuster was in the process of investigating the matter.

Councilmember Aguayo made a motion to approve staff's recommendation to reject the claim against the City of Fowler from Sandra Avedisian. The motion was seconded by Councilmember Cardenas and carried on a 4-1-0 roll call vote, with Councilmember Nagata voting no.

Councilmember Aguayo made a motion to approve the remaining items on the Consent Calendar. The motion was seconded by Mayor Pro-Tem Shaw, and carried on a 5-0-0 roll call vote.

## **COMMITTEE REPORTS**

Mayor Simonian attended a COFCG meeting where they discussed the Governor's transportation proposal.

Councilmember Aguayo attended a League Division meeting, and a Planning Commission meeting. He reported that he would be traveling with the "One Voice" group to Washington, D. C. at the end of the week to present the Golden State Corridor project.

Councilmember Cardenas attended a conference in Indian Wells as a board member of S. K. F. Sanitation District. He mentioned an upcoming tour of the District's facilities followed by a barbecue in the month of March.

## **ADJOURNMENT**

Having no further business, Councilmember Cardenas made a motion to adjourn, seconded by Councilmember Aguayo. The motion carried by unanimous consent and the meeting adjourned at 9:33 p. m.