

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
MARCH 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, Senior/Recreation Director Monis, Finance Director Wong, Community Development Director Deaver, 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.

PUBLIC HEARING:

ADOPTION OF RESOLUTION NO. 2033 - LOCAL CEQA GUIDELINES

City Attorney Wolfe explained that State law requires that cities adopt local procedures to implement the California Environmental Quality Act (CEQA). The City of Fowler adopted procedures in 1973 that were amended in 1986. Due to the many changes to law since that time, which are still ongoing, staff recommended that Fowler simply adopt the State CEQA guidelines as the local guidelines for the City.

Mayor Simonian opened the duly noticed public hearing on the matter at 7:09 p. m. There were no comments and the hearing was closed at 7:09 p. m. Mayor Pro-Tem Shaw made a motion, seconded by Councilmember Cardenas, to adopt Resolution No. 2033, "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California, Adopting Local Procedures for Implementation of the California Environmental Quality Act." The motion carried on a 5-0-0 roll call vote.

HEARING TO CONSIDER AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR A STORM DRAINAGE EASEMENT - TUOLUMNE AND 10TH STREETS

Mayor Simonian left the Council Chamber due to a conflict of interest from co-owning the property involved in the proceedings. Mayor Pro-Tem Shaw conducted the public hearing to consider adoption of a resolution authorizing eminent domain proceedings to acquire property for a storm drainage easement near 10th and Tuolumne Streets.

Attorney Scott Cross of the Lozano Smith law firm explained that because Mayor Simonian had an ownership interest in the subject property, conflict of interest laws precluded him from entering into an agreement with the City for purchase of the property for the storm drain easement. Instead, the City would need to acquire the easement through eminent domain proceedings. City Manager Elias noted that the easement was in connection with storm drain improvements that were necessary to new development along Merced Street and 10th Street.

Mayor Pro-Tem Shaw opened the duly noticed public hearing on the matter at 7:15 p.m. There were no comments, and the hearing was closed at 7:15 p. m. Councilmember Cardenas made a motion, seconded by Councilmember Aguayo, to adopt Resolution No. 2034, “A Resolution of the City Council of the City of Fowler Determining That Public Interest and Necessity Require Acquisition of Property For Public Purpose and Authorizing Proceedings in Eminent Domain to Acquire a Storm Drainage Easement on Real Property Located on the East Side of 10th Street, North of Tuolumne Street in the City of Fowler, California.” 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.

Mayor Simonian returned to the Council Chamber.

COMMUNICATIONS

City Manager Elias mentioned arrangements for the upcoming “One Voice” trip to Sacramento with a group from the Council of Governments. He also reminded the Council that due to an upcoming League Conference, the next Council meeting would be held on Monday, March 20, 2006 instead of the regular date of March 21, 2006.

STAFF REPORTS:

A) APPROVE CDBG LOAN AGREEMENT BETWEEN CITY OF FOWLER AND KURT KARLE/FOWLER PHYSICAL THERAPY

City Manager Elias explained that Kurt and Laura Karle had applied for a CDBG business loan in the amount of \$70,000 to open a physical therapy office in the downtown area. Applicant Kurt Karle and his wife explained their proposed business plan to the Council, adding that the business would create new jobs for the community. City Attorney Wolfe noted that changes needed to be made to the security provisions of the loan agreement due to the applicants not owning the property where the business would be located.

Councilmember Cardenas made a motion, seconded by Councilmember Aguayo, to approve a CDBG loan agreement with Kurt and Laura Karle in the amount of \$70,000. The motion carried on a 5-0-0 roll call vote.

B) CITY MANAGER’S REPORT

City Manager Elias stated that he received the plans and specifications for expansion of the ponding basin in the Ahronian Tract. He gave a status report on the refurbishing of the old neon Fowler sign. He said that it would be costly to bring in a water line for landscaping the base of the sign and it would also require boring through Merced Street. He mentioned that he would soon be meeting with D. R. Horton and Del Valle Homes regarding their subdivision projects. He also met with Steve Samuelian to discuss his proposed contract with the City.

C) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver reported that the City was working on an agreement with the property owner of the former Exxon gas station on Merced Street to demolish the building.

No Police Report, Finance Department report or City Attorney's report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - March 7, 2006; B) Approve Minutes of the City Council Meeting - February 21, 2006; C) Approve Lease Agreement between the City of Fowler and Murry and Jan McManus - for office space in the old Fowler Hospital Building; D) Adoption of Resolution No. 2035, "A Resolution of the City Council of the City of Fowler in Support of Retaining the \$1 Billion Earmarked for Highway 99 Improvements Included in the Governor's Transportation Bond Proposal,"; and E) Adoption of Resolution No. 2036, "A Resolution of the City Council of the City of Fowler Urging Support of the Big Read: To Kill a Mockingbird from March 5, 2006 Through April 6, 2006."

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

COMMITTEE REPORTS

Councilmember Aguayo attended a Golden State Corridor meeting where they discussed possible funding sources for a master plan. As discussed at the prior Council meeting, he spoke to a representative of CalTrans to inquire about a statewide bike path plan. He was informed that although CalTrans has a set of guidelines, they only apply to CalTrans right-of-ways.

Councilmember Cardenas reminded the Council of the upcoming tour of S. K. F.'s facilities on March 23, 2006 at 10:00 a. m. followed by a barbecue luncheon.

Councilmember Nagata circulated the annual report from the Consolidated Mosquito Abatement District.

CLOSED SESSION

Councilmember Nagata left the Council Chamber due to a conflict of interest regarding the two closed session items. The meeting was adjourned to a closed session at 8:13 p. m. to discuss, pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators - Property: 220 E. Main Street, Fowler, CA 93625; Agency Negotiator: City Manager David Elias; Negotiating Parties: Harry & Miyo Honda, Craig & Tayoko Honda; Under Negotiation - Price, terms of payment. The second closed

session item was pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel - Existing Litigation, Name of case: Moreno vs. City of Fowler.

The meeting reconvened to open session at 9:00 p.m. with no reportable action taken on the first closed session matter. Regarding the second closed session matter, the Council unanimously approved a confidential settlement agreement with the plaintiff.

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 9:02 p. m.