

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
OCTOBER 3, 2006**

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

Councilmembers present: Simonian, Shaw, Aguayo, & Nagata  
Councilmembers absent: Cardenas

City staff present: City Manager Elias, City Clerk Davis, Police Chief Jamgochian,  
Finance Director Wong, Community Development Director  
Deaver, Senior/Recreation Director Monis, City Attorney Wolfe,  
Public Works Superintendent Weisser

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Mayor Pro-Tem Shaw. There were no public presentations.

**PRESENTATION OF A PLAQUE TO ST. PAUL AFRICAN METHODIST EPISCOPAL  
(AME) CHURCH**

Mayor Simonian presented a plaque to Carl Jones, Pastor of the St. Paul African Methodist Episcopal Church in honor of their 82nd anniversary.

**COMMUNICATIONS**

City Manager Elias reminded the Council of the date for the Big Fresno Fair's opening ceremonies. He mentioned that the annual Employee Appreciation Dinner was scheduled for Friday, November 17, 2006. Mayor Simonian announced that the Buddhist Church would be celebrating it's 105th Anniversary on October 15, 2006.

**ADJOURN TO REDEVELOPMENT AGENCY MEETING**

The Mayor adjourned the meeting to the Fowler Redevelopment Agency meeting at 7:10 p. m. The Council meeting reconvened at 7:23 p. m.

**STAFF REPORTS**

**A) DISCUSSION: TREE SCAPE CHOICE FOR MERCED STREET  
IMPROVEMENT PROJECT**

City Manager Elias stated that because three Councilmembers have a conflict-of-interest from owning or leasing property near the tree scape area on Merced Street, the matter would need to be delayed until a full Council was present.

**B) DIRECTION REGARDING MICROSOFT CLASS ACTION SETTLEMENT**

City Attorney Wolfe explained that pursuant to a class action suit against Microsoft regarding a software product, the company was in the process of settling by issuing vouchers to those involved in the suit, including California public agencies. The vouchers could be used towards future purchase of computer software. He noted that the Council had the choice to opt-out of the settlement, although it was not recommended.

Councilmember Aguayo made a motion to continue on with the Microsoft class action settlement with California public agencies. The motion was seconded by Mayor Pro-Tem Shaw, and carried by a unanimous voice vote, with Councilmember Cardenas absent.

**C) ADOPTION OF RESOLUTION NO. 2067**

City Manager Elias stated that the recent passage of Assembly Bill 1234 mandated that elected and appointed officials now be subject to an expense reimbursement policy. He said that the Local Government Commission's model policy and the City of Clovis policy had been used to develop Fowler's proposed policy.

City Attorney Wolfe explained that AB 1234 came about after several instances of elected officials abuse of travel policies and exorbitant use of public agency resources had occurred. The State of California deemed that elected officials could only be reimbursed for actual and necessary expenses incurred, as set forth in an adopted policy. Elected officials no longer can receive per diems. The proposed policy allows only for cash advances or use of a City issued credit card under certain circumstances, and sets forth guidelines for expenditures on meals and hotel rooms. An expense report form must also be used, with receipts documenting each expenditure. The policy includes a requirement for a written or verbal report of the conference or meeting attended at the next meeting of the legislative body.

The Council discussed the policy. Councilmember Aguayo made a motion, seconded by Mayor Pro-Tem Shaw, to adopt Resolution No. 2067, "A Resolution of the City Council of the City of Fowler Adopting an Expense Reimbursement Policy for Elected and Appointed Legislative Body Officials." The motion carried on a 4-0-1 roll call vote.

**D) CITY MANAGER'S REPORT**

City Manager Elias stated that California Consulting requested that the City of Fowler host a luncheon on November 8, 2006, for Yolanda Benson, the Deputy Secretary of the California Business, Transportation and Housing Agency. The luncheon will be held at Favorito's Restaurant. He mentioned a newsletter that staff recently provided to the Council, highlighting some of the current activities in the various departments.

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

Community Development Director Deaver reported that the City was in the plan check process for the new hotel project. With the occupancy rate for the hotel projected at a 65 percent, the revenue from Transit Occupancy Tax would be approximately \$150,000 per year.

**E) FINANCE DEPARTMENT REPORT**

No report was given.

**F) POLICE AND FIRE DEPARTMENT REPORT**

No report was given.

**CITY ATTORNEY'S REPORT**

City Attorney Wolfe said that an opinion recently given by the Attorney General spoke of the importance of protecting criminal history information, and that certain records, such as RAP sheets, should not be released to the public.

**CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - October 3, 2006; B) Approve Minutes of the City Council Meeting - September 19, 2006 and Special Meeting - September 12, 2006; and C) Adoption of Resolution No. 2068, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, of Application for the Temperance-Adams No. 1 Reorganization (Temperance Avenue Right-of-Way), and 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 (City of Fowler)." Councilmember Aguayo made a motion, seconded by Mayor Pro-Tem Shaw, to approve the Consent Calendar. The motion carried on a 4-0-1 roll call vote.

**COMMITTEE REPORTS**

Mayor Simonian reported on a COG meeting where they discussed the City of Orange Cove's plans for building a water re-charge basin, with the assistance of federal funding. The \$23 million dollar pond may be located near Temperance and Lincoln Avenues. He mentioned the recent Fresno County Sesquicentennial Parade where he drove the tractor that pulled the City of Fowler's float.

Councilmember Aguayo attended a Valley Blueprint Committee meeting. He mentioned the upcoming COG Transportation Forum where they will be discussing the importance of the Measure C extension. He was appointed as an alternate for a committee representing Fresno County in a regional Council of Governments encompassing eight counties. He also commented on the success of the Recreation Commission's recent End of Summer Bash.

## **ADJOURNMENT**

Having no further business, Councilmember Aguayo made a motion to adjourn, seconded by Mayor Pro-Tem Shaw. The motion carried and the meeting adjourned at 8:17 p. m.