

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
NOVEMBER 21, 2006**

Mayor Simonian called the meeting to order in the Edwin Blayney Senior Center at 7:01 p. m.

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

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

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Councilmember Cardenas. There were no public presentations.

COMMUNICATIONS

City Manager Elias mentioned an invitation to a holiday open house from Assemblymember Juan Arambula. He said that he, Mayor Simonian, Councilmember Aguayo, and staff will soon be meeting with Fresno County Library representatives to discuss the new Fowler library project.

STAFF REPORTS

A) SECOND READING OF ORDINANCE NO. 2006-06

Community Development Director Deaver asked the Council to approve the second reading and adopt Ordinance No. 2006-06, which amended the City's Zoning Map to allow a duplex project at 307 S. 7th Street.

After a discussion, Councilmember Cardenas made a motion to waive the second reading and approve Ordinance No. 2006-06, "An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Zoning Amendment No. 06-01 (307 S. 7th Street Rezoning - Grimaldo). The motion was seconded by Councilmember Aguayo, and carried on a 3-1-1 roll call vote, with Councilmember Nagata voting no, and Mayor Pro-Tem Shaw absent.

B) SECOND READING OF ORDINANCE NO. 2006-07

City Manager Elias stated that Ordinance No. 2006-07 calls for approval of the Highway Beautification Overlay District, which provides for landscaping and other requirements for property along Highway 99 in the City. Councilmember Aguayo reported that at a recent Highway 99 Beautification meeting, the committee spoke of the importance of ensuring Fresno County's participation in improvement efforts, so as to unify the entire corridor. A question arose regarding a section of the ordinance stating that landscape buffers would be deeded to the City, and how they would be maintained. The consensus was to table the second reading until the next regular meeting date to obtain more clarification.

C) SECOND READING OF ORDINANCE NO. 2006-08

City Attorney Wolfe explained that the purpose of Ordinance No. 2006-08 was to amend the City's existing claims procedures ordinance to clarify the procedure for class action lawsuits; and to clarify that the claims procedures in the Government Claims Act shall apply to all claims for money or damages filed against the City unless other more specific statutes control.

Councilmember Nagata made a motion, seconded by Councilmember Aguayo, to waive the second reading and approve Ordinance No. 2006-08, "An Ordinance of the City Council of the City of Fowler Repealing and Replacing Chapter 6 of Title 1 of the Fowler Municipal Code Relating to Claims Against the City." The motion carried on a 4-0-1 roll call vote.

CITY MANAGER'S REPORT

City Manager Elias reported that he and Community Development Director Deaver met with Fowler Unified Assistant Superintendent Eric Cederquist and received information on the architect and engineer that will be designing a new school west of Highway 99. The City plans to contact the same firms regarding plans for a future public sports and recreation facility, to ensure unity in design.

APPROVE SECOND AMENDMENT TO FIVE CITIES JOINT POWERS AGREEMENT

City Manager Elias explained that the City of Kingsburg has decided to become a full member of the Five Cities Economic Development Authority, joining the cities of Fowler, Selma, Sanger, Parlier, and Reedley. Fresno County also became a member in 2004. Councilmember Aguayo made a motion to approve the second amendment to the amended Joint Powers Agreement creating the Five Cities Economic Development Authority. The motion was seconded by Councilmember Cardenas and carried on a 4-0-1 roll call vote.

DISCUSSION ON SCHEDULING AB1234 ETHICS TRAINING

City Attorney Wolfe clarified the requirements regarding AB 1234 Ethics Training, which is a mandatory two hour training session for elected and appointed officials. The training must be completed by December 31, 2006, and will be conducted by Lozano Smith. After a discussion, the consensus was to have all FPPC form 700 filers attend the session along with the Council and Planning Commission. City Manager Elias stated that he would work with City Clerk Davis to contact everyone and coordinate a date. He also mentioned that the next Council meeting would be a special meeting held on December 4, 2006 instead of December 5, 2006.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver circulated a report from Fowler Unified School District showing the impact to student enrollment from new subdivision projects in the City over the past several years.

FINANCE DEPARTMENT REPORT

There was no report given.

POLICE AND FIRE DEPARTMENT REPORT

There was no report given.

CITY ATTORNEY'S REPORT

City Attorney Wolfe stated that although Proposition 90, concerning reform of Eminent Domain law, did not pass, there were some changes to the law that will take effect January 1, 2007. Formerly, the law allowed pre-judgment possession of property. There will now be a time lapse before a new owner can take possession, and the new owner must offer to pay the appraisal cost up to \$5,000. If the property is not used within ten years after acquisition, a new resolution of necessity must be adopted concerning the property or it will have to be sold at a surplus sale, after first giving the original owner the option to buy it back.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - November 21, 2006; B) Approve Minutes of the City Council Meeting - October 17, 2006; C) Approve Executing Program Supplement Agreement No. 008-M to Administering Agency-State Agreement No. 06-5173 (Fowler Ave.: Merced St. To South Ave.) and authorizing the City Manager and City Clerk to execute; D) Accept and authorize recording of the Merced Street, 8th Street to 10th Street Sidewalk Improvements, Project CML 5173 (013) PSPL 5173 (006); and E) Adoption of Resolution No. 2070, "Resolution of the City Council of the City of Fowler, County of Fresno, State of California for Funding from the Urban Forestry Grant Program Entitled, "Green Trees for the Golden State," as Provided Through Proposition 12." Councilmember Aguayo made a motion to approve the Consent Calendar, seconded by Councilmember Cardenas. The motion carried by a 4-0-1 roll call vote.

COMMITTEE REPORTS

Mayor Simonian made a motion to re-appoint Councilmember Cardenas to a four year term on the Consolidated Mosquito Abatement District Board, seconded by Councilmember Aguayo. The motion carried on a 4-0-1 roll call vote.

Councilmember Aguayo reported that he and Barbara Steck of COG had been helping to present the San Joaquin Valley Blueprint process to all of the local cities. He attended a recent awards luncheon recognizing National Raisin Company. He spoke of the well attended luncheon hosted by Fowler in honor of Yolanda Benson, California's Deputy Secretary for Transportation. He attended a "One Voice" meeting, noting that the Golden State Corridor remains on the list of priority projects. He said that the Peters Foundation has made donations to the new Fowler Library Fund: The Pete Peters Foundation will donate \$250,000 and Leon Peters Foundation will donate \$150,000. He attended a Five Cities social event in Reedley. He mentioned the Recreation Commission's upcoming Christmas Tree Lighting event on December 2, 2006. He thanked staff for the success of the Annual Employee Appreciation Dinner.

Councilmember Cardenas attended an S.K.F. meeting where the main topic of discussion was handling future impacts to sewer facilities due to growth, particularly with Selma's plan for several large development projects. Mayor Simonian asked that the matter of S.K.F.'s ability to accommodate growth be added to the next agenda for discussion. Councilmember Cardenas also attended a Consolidated Mosquito Abatement District Board meeting.

Councilman Nagata asked if the City would be interested in looking into purchasing the Grange Hall property.

ADJOURNMENT

Having no further business, Councilmember Aguayo made a motion, seconded by Councilmember Cardenas, to adjourn. The meeting adjourned at 8:20 p. m.