

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
DECEMBER 4, 2006**

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

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

City staff present: City Manager Elias, City Clerk Davis, Finance Director Wong,
City Attorney Wolfe, Community Development Director Deaver

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

ADOPTION OF RESOLUTION NO. 2071

City Clerk Davis reported on the final certification of the November 7, 2006 election results, from the Fresno County Elections office.

Out of 1820 registered voters, there were 1,056 ballots cast. Total votes cast in the City of Fowler for two City Council positions were:

	<u>David T. Cardenas</u>	<u>Jim Simonian</u>	<u>Craig J. Mellon</u>	<u>Daniel T. Parra</u>
Precinct 0600	243	224	118	137
Precinct 0601	<u>326</u>	<u>259</u>	<u>162</u>	<u>146</u>
TOTAL	569	483	280	283

Total votes cast in the City of Fowler - Measure F Utility Users Tax (Advisory):

	<u>Yes</u>	<u>No</u>	<u>Blank Votes</u>
Precinct 0600	368	69	49
Precinct 0601	<u>446</u>	<u>79</u>	<u>45</u>
TOTAL	814	148	94

Total votes cast in the City of Fowler - Utility Users Tax - Measure G:

	<u>Yes</u>	<u>No</u>	<u>Blank votes</u>	<u>Over votes</u>
Precinct 0600	237	138	111	0
Precinct 0601	<u>313</u>	<u>147</u>	<u>108</u>	<u>2</u>
TOTAL	550	285	219	2

Councilmember Aguayo made a motion to adopt Resolution No. 2071, "A Resolution of the City Council of the City of Fowler Declaring Result of Municipal Election Held on November 7, 2006," seconded by Councilmember Nagata. The motion carried by a 5-0-0 roll call vote.

INSTALLATION OF NEWLY ELECTED COUNCILMEMBERS - OATH OF OFFICE

City Clerk Davis gave the Oath of Office to newly elected Councilmembers David Cardenas and Jim Simonian.

REORGANIZATION OF CITY COUNCIL:

ELECTION OF MAYOR

City Clerk Davis conducted the election for the office of Mayor, and asked for nominations. Councilmember Nagata nominated Councilmember Aguayo. Councilmember Aguayo thanked Councilmember Nagata for the nomination. The motion died for lack of a second. Councilmember Cardenas nominated Jim Simonian for the Office of Mayor, seconded by Councilmember Shaw. The motion carried on a 5-0-0 roll call vote.

Mayor Simonian thanked the Council for the opportunity to continue as Mayor. He then opened nominations for Mayor Pro-Tem, and nominated Councilmember Mac Shaw. There were no other nominations. The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0 roll call vote.

Mayor Simonian called for a recess to a brief reception at 7:15 p. m. The meeting reconvened at 7:20 p. m.

COMMUNICATIONS

Councilmember Aguayo reported on an upcoming land buffer task force workshop.

City Clerk Davis reminded everyone of the upcoming AB 1234 Ethics Training scheduled for Monday, December 18, 2006. She also asked if a Special Meeting could be held immediately following the training to conduct a public hearing and a few items of business, instead of having the regularly scheduled Council meeting the following day.

STAFF REPORTS

A) DISCUSSION ON SELMA’S GROWTH PLAN AND S.K.F. FACILITIES

City Manager Elias explained concerns related to the City of Selma’s growth plan and the impact to sewer capacity for the cities of Fowler and Kingsburg. Councilmember Cardenas noted that it had been a main topic of discussion at recent S.K.F. Board meetings, and they are working to ensure a good solution for all affected communities.

B) CITY MANAGER’S REPORT

Discussion on Demolishing City Hall Annex

City Manager Elias discussed demolishing the annex property (a house owned by the City next door to City Hall). The structure has severe foundation damage. He wanted to look into the costs to bring in a modular building to house some additional staff. Community Development Director Deaver stated that the cost to put the Building Department modular in place was close to \$50,000. It was mentioned that adding on to the Police Department side of the building should also be considered. After a discussion, the consensus of the Council was to move forward with the process.

Discussion: Developing a job description/salary range for associate planner and engineer

City Manager Elias asked for the Council’s direction on developing a job description and salary schedule for the positions of associate planner and associate engineer. The positions/salary ranges would come back to the Council for approval, and then be filled in the next fiscal year. He clarified that the City would still use consultants for large projects, but in-house staff would handle the daily tasks. The costs that the City is currently paying for consultants would easily pay for in-house staff, and projects could be completed in a quicker fashion. The consensus was to move forward.

Discussion regarding the Fowler Grange Hall

City Manager Elias looked into the possible purchase of the Grange Hall pursuant to Council request. He contacted the Grange and they indicated that they had recently been made aware of the poor condition of the property, and will be conducting an assessment. The Grange can either sell or lease the property, but prefer to lease to a public agency with the option that they be allowed to use the property to meet if they become a functioning group again. The building could be designated as a community center, used for after school programs, etc. Staff will follow up with a letter of inquiry to the California State Grange.

C) COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Discussion Regarding Offsite Improvements for the New Fowler Library

Community Development Director Deaver stated that in meeting with Fresno County Library representatives, they had asked for assistance from the City in funding offsite improvements for the new Fowler Library. One of the items would be undergrounding power lines, which could cost approximately \$50,000. Another concern was making an adjustment to allow for additional parking, as they felt they were a few stalls short. They asked whether the City could build a parking lot nearby, possibly where the City's old fire trucks are being parked on 7th Street. Community Development Director Deaver clarified that all the offsite work they are requesting is right-of-way work. City Manager Elias stated that RDA funds would be available for this project. It was suggested that Fresno County handle the design work, which would save the City time and money. The consensus of the Council was to proceed with assisting the County with the project.

Approve Minor Adjustment to City Standards

Mayor Simonian left the Council Chamber due to a conflict of interest from owning property near the property being discussed.

Community Development Director Deaver asked the Council to approve a minor adjustment to City Standard parking lot requirements for the La Quinta Hotel project. The City had allowed for some changes to the parking lot according to Fresno City standards, and the project's architect believed that the City had also adopted the 9' x 18' parking stall requirement, as in Fresno. However, the City did not adopt that stall size and still requires a 9' x 20' stall. The 9' x 18' is an adequate size, but since it does not conform to City Standards, the change on this project must be approved by the Council.

Councilmember Nagata made a motion to approve a minor adjustment to City Standard parking lot requirements for the proposed La Quinta Hotel project, seconded by Councilmember Cardenas. The motion carried on a 4-0-1 roll call vote, with Mayor Simonian absent (recused).

Mayor Simonian returned to the Council Chamber. Community Development Director Deaver also reported on the projects utilizing the RDA's 20 percent Set-Aside funds for housing rehabilitation.

D-E) FINANCE DEPARTMENT REPORT - POLICE AND FIRE REPORT

There were no reports given.

CITY ATTORNEY'S REPORT

City Attorney Wolfe stated that they are working with the Police Department on providing a uniform response to records requests.

CONSENT CALENDAR

Items C and D of the Consent Calendar were removed due to a conflict-of-interest for Mayor Simonian from having a business relationship with the claimant on item C, and from owning property near the property related to item D. Item E was removed due to a conflict-of-interest for Mayor Pro-Tem Shaw, who owns property near the project.

The remaining Consent Calendar consisted of: A) Ratification of Warrants - December 4, 2006; B) approve Minutes of the City Council Special Meeting - October 24, 2006; F) Adoption of Resolution No. 2072, "A Resolution of the City Council of the City of Fowler Approving Final Map - Tract No. 5198, and Accepting Street Dedication and Easements." Councilmember Aguayo made a motion, seconded by Mayor Pro-Tem Shaw, to approve items A, B and F of the Consent Calendar. The motion carried on a 5-0-0 roll call vote.

The Mayor left the Council Chamber. Councilmember Aguayo made a motion to approve item C: Approve Staff's recommendation to reject claim against the City of Fowler - Eugene Kandarian, seconded by Councilmember Cardenas, and the motion carried by a 4-0-1 roll call vote with Mayor Simonian absent (recused).

Councilmember Aguayo made a motion to approve item D) Approve Special Agreement for Engineering Services for 10th Street Sidewalk & Landscape Improvements - Fowler High School Area Pedestrian Facilities (CDBG Proj. No. 06177) and authorize City Manager and City Clerk to execute the agreement, with an amendment to include handicapped access on the Southeast and Southwest corners at 9th and Main Street to meet ADA requirements. The motion was seconded by Councilmember Nagata, and carried on a 4-0-1 roll call vote with Mayor Simonian absent (recused).

Mayor Simonian returned to the Council Chamber and Mayor Pro-Tem Shaw left the Chamber due to a conflict of interest on item E. Councilmember Cardenas made a motion to approve item E) Approve and accept the Stormwater Basin Improvements and Extension for Tract #2977 and Tract #4572 Ahronian Estates and authorize staff to record Notice of Completion. The motion was seconded by Councilmember Aguayo and carried by a 4-0-1 roll call vote with Mayor Pro-Tem Shaw absent (recused).

Mayor Pro-Tem Shaw returned to the Council Chamber.

COMMITTEE REPORTS

Councilmember Aguayo stated that he attended a Library Committee meeting with Fresno County. He attended a conference regarding the Blueprint process. He commented that the recent Christmas Tree lighting event went very well.

Councilmember Cardenas commented on the success of the Christmas Tree Lighting Ceremony. He congratulated Mayor Simonian and Mayor Pro-Tem Shaw on their re-election to their Council positions.

Councilman Nagata asked about the status of the Zoning Ordinance update. City Manager Elias stated that he had recently asked Planning Consultant O'Neal about the status and found that it is not quite complete.

Mayor Pro-Tem Shaw commented on the success of the Utility Users Tax measure, and said that he would be meeting with City Staff and the School District to talk more specifically about new recreational facilities.

ADJOURNMENT

Having no further business, Councilmember Aguayo made a motion, seconded by Mayor Pro-Tem Shaw, to adjourn. The meeting adjourned at 8:49 p. m.