

**MINUTES OF THE FOWLER CITY COUNCIL SPECIAL MEETING  
DECEMBER 18, 2006**

Mayor Simonian called the meeting to order in the Council Chambers at 7:14 p. m. Roll call was taken.

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

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

There were no public presentations.

**CLOSED SESSION**

Mayor Simonian announced that he had a conflict of interest due to having a business relationship with the claimant involved in the closed session. Councilmember Aguayo, Cardenas and Nagata then adjourned to a conference room at 7:15 p. m., to discuss, pursuant to Government Code Section 54956.9(b): Conference with Legal Counsel - Anticipated Litigation, Significant Exposure to Litigation: One case, Claim against the City of Fowler - Eugene Kandarian. The meeting reconvened to open session at 7:43 p. m. with no reportable action taken.

Mayor Simonian again left the Council Chamber due to a conflict of interest from having a business relationship with a property owner across the street from the project, who has filed a claim against the City regarding adjoining property.

**PUBLIC HEARING:**

**CONSIDER GENERAL PLAN TEXT AND ZONING AMENDMENT - TRACT NO. 5779 - D.R. HORTON**

Planning Consultant O'Neal explained the proposed D. R. Horton condominium project, located on six acres near Sunnyside and Sumner Avenues. The Planning Commission recommended approval of the project at their recent meeting. The process requires a General Plan text amendment to rezone the property from R-2A to R-2. There will be 25 two-bedroom units and 54 three-bedroom units.

Tim Howard and Damon Polk, of D. R. Horton, explained the project in detail, and provided artist renderings. The project will take about two years to complete. Each unit will be structurally independent of the other and will have CC & R's enforceable by both a homeowners association and the City.

Councilmember Aguayo opened the duly noticed public hearing on the matter at 8:46 p. m. There were no comments from the public, and the hearing was closed at 8:47 p. m.

Councilmember Cardenas made a motion to adopt Resolution No. 2073, “ A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving General Plan Text Amendment (D.R. Horton).” The motion was seconded by Councilmember Aguayo, and carried on a 3-0-2 roll call vote, with Mayor Simonian absent (recused) from the Council Chamber due to a conflict of interest, and Mayor Pro-Tem Shaw absent.

Councilmember Cardenas made a motion to waive the first reading and approve Ordinance No. 2006-10, “An Ordinance of the City Council of the City of Fowler Amending the Official Zone Map: Ordinance Approving Zoning Amendment and Planned Unit Zone 1 (D.R. Horton).” The motion was seconded by Councilmember Aguayo and carried on a 3-0-2 roll call vote.

Councilmember Aguayo made a motion, seconded by Councilmember Cardenas, to adopt Resolution No. 2074, “A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Vesting Tentative Tract Map No. 5779 (D. R. Horton).” The motion carried on a 3-0-2 roll call vote.

Mayor Simonian returned to the Council Chamber.

## **STAFF REPORTS**

### **A. APPROVE FIRST READING OF ORDINANCE NO. 2006-11**

City Manager Elias explained that with the new R. J. Hill subdivision project being annexed into the City limits, it was found that the area is in the territory of Southern California Gas Company (SCG), who is the natural gas supplier. An ordinance must be adopted to provide for a franchise agreement with SCG, since the City has no agreement in place with this provider, as with P. G. & E. Finance Director Wong briefly explained the franchise agreement.

Councilmember Nagata made a motion, seconded by Councilmember Cardenas, to waive the first reading and approve Ordinance No. 2006-11, “An Ordinance of the City Council of the City of Fowler Granting to Southern California Gas Company, a Corporation, its Successors and Assigns, the Right, Privilege and Franchise to Lay and Use Pipes and Appurtenances for Transmitting and Distributing Gas for Any and All Purposes Under, Along, Across or upon the Public Streets, Ways, Alleys and Places, as the Same Now or May Hereafter Exist, Within Said Municipality.” The motion carried on a 4-0-1 roll call vote.

### **B. RATIFICATION OF WARRANTS**

Councilmember Aguayo made a motion, seconded by Councilmember Cardenas, to ratify the Warrants List - December 18, 2006. The motion carried on a 4-0-1 roll call vote.

## **COMMITTEE REPORTS**

Mayor Simonian made a motion to reappoint Sandie Monis and Astine Zadourian to another term on the Planning Commission. The motion was seconded by Councilmember Cardenas, and carried on a 4-0-1 roll call vote. Councilmember Aguayo attended a Blueprint Committee meeting and a Toys for Tots event. Councilmember Cardenas attended an S. K. F. meeting.

## **ADJOURNMENT**

Having no further business, Councilmember Aguayo made a motion, seconded by Councilmember Nagata, to adjourn. The meeting adjourned at 9:03 p. m.