

**MINUTES OF THE FOWLER CITY COUNCIL
AND FOWLER REDEVELOPMENT AGENCY
JOINT MEETING
APRIL 18, 2006**

Mayor/Chairman Simonian called the meeting to order in the Council Chambers at 7:05 p.m.

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

City/Agency staff present: City Manager/Executive Director Elias, City Clerk/Secretary Davis, Police Chief Jamgochian, Senior/Recreation Director Monis, Finance Director/Treasurer 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/Vice-Chairman Shaw. Roll call was taken. There were no public presentations.

PUBLIC HEARING:

ADOPTION OF RESOLUTION NO. 2041 - VACATING A PORTION OF TUOLUMNE STREET

Mayor Simonian announced that he had a conflict of interest from owning property within 500 feet of the portion of Tuolumne Street proposed to be vacated, and also regarding agenda items 7 and 8, pertaining to construction of a storm drain and sidewalks near the area. He then left the Council Chamber.

City Attorney Wolfe stated that Resolution No. 2041 pertained to the City's abandonment of a portion of Tuolumne Street near 10th Street, and retaining a 30 foot public utility easement. The process required posting notices along the street to be vacated, followed by a public hearing. Community Development Director Deaver noted that the area to be vacated was no longer necessary for public use, and would be incorporated into a parking lot for the hotel project planned nearby.

Mayor Pro-Tem Shaw opened the duly noticed public hearing on the street abandonment at 7:16 p. m. There were no comments and the hearing was closed at 7:16 p. m. Councilmember Cardenas made a motion to adopt Resolution No. 2041, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Vacating a Portion of a Street Pursuant to Streets and Highways Code Sections 8300, et Seq." The motion was seconded by Councilmember Aguayo, and carried on a 3-1-1 roll call vote: Ayes: Shaw, Aguayo, Cardenas; Noes: Nagata; Absent (recused): Simonian.

JOINT PUBLIC MEETING: REDEVELOPMENT AGENCY AND CITY COUNCIL

ADOPTION OF RESOLUTION NO. RDA 2006-01 AND CITY COUNCIL RESOLUTION NO. 2042

City Attorney Wolfe explained that City/RDA staff have planned the construction of a storm drain along 10th and Tuolumne Streets, with the property currently being acquired through eminent domain proceedings. Due to the fact that the storm drain would provide needed infrastructure improvements to the Redevelopment Project Area, and because the City does not have funding resources for the project, the RDA would reimburse the City for both the property acquisition and construction costs. A reimbursement agreement was before both the RDA and the City Council for approval by resolution. The resolutions set forth findings required by law, namely, that the storm drain would benefit the Project Area; that there were no other reasonable funding sources available to pay for the public improvements; and that the project would eliminate blight and be consistent with the Redevelopment Plan.

Director Cardenas made a motion to accept Resolution No. RDA 2006-01, "A Resolution of the Fowler Redevelopment Agency Approving the Use of Agency Funds for the Acquisition of Right of Way in the Project Area and Construction Therein of a Storm Drain Easement; and Approval of Reimbursement Agreement." The motion was seconded by Director Aguayo and carried on a 4-0-1 roll call vote with Chairman Simonian absent (recused) due to a conflict of interest.

Councilmember Aguayo made a motion to adopt Resolution No. 2042, "A Resolution of the City of Fowler Consenting to the Use of Fowler Redevelopment Agency Funds for the Acquisition of Right of Way in the Redevelopment Project Area and Construction Therein of a Storm Drain Easement; and Approval of Reimbursement Agreement." The motion was seconded by Councilmember Nagata and carried on a 4-0-1 roll call vote.

ADOPTION OF RESOLUTION NO. RDA 2006-02 AND CITY COUNCIL RESOLUTION NO. 2043

City Attorney Wolfe stated that the City planned to construct a public sidewalk along both sides of Merced Street between 8th and 10th Streets, and along the east side of 10th Street north of its intersection with Merced Street. The Council recently awarded a contract for the sidewalk improvements to Granite Construction Company in the amount of \$535,609. Part of the project would be paid for by state and federal funds, except the balance of \$387,711.60, which must be provided by the City and/or the RDA.

Mr. Wolfe explained that, as with the storm drain project, the sidewalk project would provide needed infrastructure improvements to the Project Area. Since the City did not have the funding resources to pay for the improvements, an agreement for the RDA to reimburse the City for construction costs was before the City and RDA for approval. The findings required by California Health and Safety Code section 33445, which included

that the sidewalk would benefit the Project Area and help to eliminate blight, were set forth in the resolutions.

Director Aguayo made a motion to adopt Resolution No. RDA 2006-02, "A Resolution of the Fowler Redevelopment Agency Approving the Use of Agency Funds for the Construction of a Sidewalk in the Project Area; and Approval of Reimbursement Agreement." The motion was seconded by Director Cardenas and carried on a 4-0-1 roll call vote.

Councilmember Cardenas made a motion to adopt Resolution No. 2043, "A Resolution of the City of Fowler Consenting to the Use of Fowler Redevelopment Agency Funds for the Construction of a Sidewalk in the Redevelopment Project Area; and Approval of Reimbursement Agreement." The motion was seconded by Councilmember Aguayo, and carried on a 4-0-1 roll call vote.

Mayor/Chairman Simonian returned to the Council Chamber.

COMMUNICATIONS

City Manager Elias mentioned the Fresno County Sesquicentennial "roll-call" event to be held the following day. He asked about available dates to schedule a goal-setting session, and also a joint workshop with the Planning Commission to discuss the update to the City's Zoning Ordinance. The consensus was to set the date of Thursday, May 4, 2006 for the Zoning Ordinance workshop and Thursday, May 11, 2006 for the goal-setting session.

STAFF REPORTS:

A) CITY MANAGER'S REPORT:

DISCUSSION REGARDING SALE OF SURPLUS VEHICLES

City Manager Elias stated that the City of San Joaquin had asked to purchase some of Fowler's surplus vehicles. He said that the vehicles were already used when the City originally bought them, and are not worth the cost and effort to prepare them for auction or to be offered for sale to the public. There were approximately five surplus vehicles, including two pick-up trucks that could be donated to the City of San Joaquin. After a discussion, the consensus of the Council was to give San Joaquin the two functional vehicles, and the remaining vehicles that were not in working condition could be sold for parts through the bid process.

B) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver reported on the new construction and sidewalk projects on Merced Street.

C) FINANCE DEPARTMENT REPORT

Finance Director Wong gave a report of revenues and expenditures through March 2006. With 75 percent of the budget year transpired, the revenues were at 87 percent and expenditures were at 70 percent. City Manager Elias noted that there were some capital improvement items that had not yet been expended that might need to be rolled into the next fiscal year's budget.

D) POLICE AND FIRE DEPARTMENT REPORT

Chief Jamgochian reported that repairs to the City's old siren were almost complete. It was planned for the siren to be sounded daily at noon, as in past years.

CITY ATTORNEY'S REPORT

City Attorney Wolfe noted that he had provided a copy of the updated Brown Act workbook to staff and Council.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - April 18, 2006; B) Approve Minutes of the City Council Meeting - April 4, 2006 and Minutes of the City Council/Fowler Redevelopment Agency/Fowler Public Financing Authority Special Joint Meeting - April 4, 2006; and Minutes of the Fowler Redevelopment Agency Special Meeting - December 6, 2005; C) Adoption of Resolution No. 2044, "A Resolution of the City Council of the City of Fowler Approving Vehicle Pursuit Policy"; D) Adoption of Resolution No. 2045, "A Resolution of the City Council of the City of Fowler, Fresno County, California, Approving Annexation to Landscaping and Storm Drainage Facilities Maintenance District No. - 1 of the City of Fowler"; and E) Approve granting a quitclaim deed (regarding abandonment of a portion of Tuolumne Street) to Martin James Marderosian, Co Trustee, and Michelle Ann Marderosian, Co Trustee, of the Marderosian Family Trust.

Mayor/Chairman Simonian stated that he had a conflict of interest, for the same reason stated earlier in the meeting, regarding item E of the Consent Calendar. He asked that it be removed from the Consent Calendar so that he could vote on the remaining items and leave the Chamber. Councilmember/Director Cardenas made a motion to approve the Consent Calendar without item E, seconded by Councilmember/Director Aguayo. The motion carried on a 5-0-0 roll call vote.

Mayor/Chairman Simonian left the Council Chamber, and Mayor Pro-Tem/Vice-Chairman Shaw asked for a motion on item E of the Consent Calendar. Councilmember/Director Cardenas made a motion to approve item E, seconded by Councilmember/Director Aguayo. The motion carried on a 4-0-1 roll call vote with

Mayor/Chairman absent (recused) from the Council Chamber. Mayor/Chairman Simonian then returned to the Council Chamber.

COMMITTEE REPORTS

Mayor Simonian recommended appointing Councilmember Cardenas to the vacancy on the Consolidated Mosquito Abatement District Board, due to the resignation of Councilmember Nagata. Mayor Pro-Tem Shaw made a motion to appoint Councilmember Cardenas to the Board. The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0 roll call vote.

Mayor Pro-Tem Shaw commented on the recent Fresno County Sesquicentennial wagon train event, with several local 5th grade students participating. Councilmember Aguayo attended City of Coalinga's Centennial Celebration. Councilmember Cardenas also attended the Centennial event and presented a proclamation to the City of Coalinga from the City of Fowler. He reported on a recent S. K. F. meeting.

CLOSED SESSION

The meeting was adjourned to a Redevelopment Agency and City closed session at 8:40 p. m. The items discussed were: (RDA) Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiators - Property: 117 S. 10th Street, Agency Negotiator: Executive Director David Elias, Negotiating parties: David Forsyth, Under Negotiation: Price/terms. (City) Pursuant to Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager. The meeting reconvened to open session at 10:12 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember/Director Cardenas made a motion to adjourn, seconded by Mayor Pro-Tem/Vice-Chairman Shaw. The motion carried by unanimous consent and the meeting adjourned at 10:14 p. m.