

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
NOVEMBER 6, 2007**

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

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

City staff present: City Manager Elias, City Clerk Davis, Finance Director Wong, Police Chief Jamgochian, City Attorney Wolfe, Community Development Director Deaver, Public Works Supervisor Weisser, City Engineer Giersch

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Mayor Pro-Tem Shaw.

PUBLIC PRESENTATIONS

Mark Stockwell, a local youth sports representative, spoke to the Council about the City's future plans to build a sports/recreation facility. He asked questions about Utility Users Tax (UUT) information that he had received from City staff. The information showed UUT fund balance information prior to and after the November 2006 election, where the voters approved that effective January 1, 2007, a portion of UUT funds should be used to improve City recreation facilities. He mentioned that he wanted to do all he could to make the new park become a reality. Resident Brian Hammer also asked questions related to the sports park. City Manager Elias noted that there would be upcoming meetings to discuss funding plans for the park.

The owner of Elena's Beauty Salon on Merced Street asked about problems with street lights being out near the business. Public Works Supervisor Weisser noted that staff was working on installing temporary lighting due to a recent failure of the aged lighting system.

PRESENTATION TO COUNCILMEMBER AGUAYO

The presentation from the South San Joaquin Valley Division of the League of California Cities was removed from the agenda.

PRESENTATION BY KINGS RIVER CONSERVATION DISTRICT (KRCD) - ADOPTION OF RESOLUTION NO. 2109

KRCD representative David Cone gave a presentation regarding the Integrated Regional Water Management Plan (IRWM). The purpose of the plan is to ensure sustainable water supply for the region, and protect surface and groundwater resources. He noted that KRCD encompasses three water districts in three counties. A regional approach will help in establishing goals and policies for the most economical and best use of water resources, and to manage the groundwater overdraft. He gave an overview of the plan, noting that with an adopted plan in place, KRCD will be eligible

for grants to address issues such as water supply reliability, improving and protecting water quality, protection of water rights, and preparing for urban development. Each agency is being asked to adopt a resolution approving the IRWM.

After a discussion, Councilmember Aguayo made a motion, seconded by Councilmember Zadourian, to adopt Resolution No. 2109, "Before the City Council of the City of Fowler in Support of the Upper Kings Basin Water Forum Integrated Regional Water Management (IRWM) Plan." The motion carried on a 5-0-0 roll call vote.

PUBLIC HEARING: ADOPTION OF RESOLUTION NO. 2108

Councilmember Cardenas and Mayor Simonian left the Council Chamber due to having a conflict of interest from owning property near the subject property of Resolution No. 2108.

City Engineer Giersch explained that the public hearing item pertained to the formation of an underground utility district on 7th Street from Merced Street to Vine Street, discussed at the prior meeting. The project is in conjunction with the construction of the new Fowler Library. He said that the project will take approximately two to three years, and there will be no cost to the nearby property owners. Mayor Pro-Tem Shaw opened the duly noticed public hearing on the matter at 7:57 p. m. There were no comments from the public and the hearing closed at 7:58 p. m.

Councilmember Aguayo made a motion, seconded by Councilmember Zadourian, to approve Resolution No. 2108, "A Resolution of the City Council of the City of Fowler, County of Fresno, Establishing Underground Utility District No. 07-01 and Setting Time for Completion of Undergrounding." The motion carried on a 3-0-2 roll call vote as follows: Ayes: Shaw, Aguayo and Zadourian; Noes: None; Abstain: None; Absent: (recused) Simonian and Cardenas.

Mayor Simonian and Councilmember Cardenas returned to the Council Chamber. Mayor Simonian adjourned the meeting to the Fowler Redevelopment Agency meeting at 8:05 p. m. The meeting reconvened at 8:16 p. m.

COMMUNICATIONS

City Manager Elias mentioned an upcoming EDC social event on November 8, 2007 at the Selma Cultural Arts Center. City Clerk Davis mentioned an upcoming ribbon cutting ceremony for the Mr. Appliance business on November 9, 2007.

STAFF REPORTS

A) ADOPTION OF RESOLUTION NO. 2110

Community Development Director Deaver stated that all cities located in the recently approved Enterprise Zone (EZ) are being requested to adopt a resolution approving the expansion of the EZ to include territory from the cities of Kingsburg, Coalinga and Huron. The new boundary will be submitted to the State of California's Housing and Community Development Department for their approval.

Councilmember Cardenas made a motion to approve Resolution No. 2110, "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California in the Matter of Authorizing the Submittal of Expansion Proposals Phase I and Phase II to the California Department of Housing and Community Development." The motion was seconded by Councilmember Aguayo, and carried on a 5-0-0 roll call vote.

B) ADOPTION OF RESOLUTION NO. 2111

Mayor Pro-Tem Shaw left the Council Chamber due to a conflict of interest from owning property near the subject property of Resolution No. 2111.

City Engineer Giersch explained that the resolution before the Council concerned the Del Valle Homes subdivision, Tract No. 5090. The subdivision agreement, approved by Council in May 2006, calls for the offsite improvements to be completed by December 15, 2007, however, the developer does not have adequate funding to complete the work and improvements. Del Valle has conveyed that the financing will be in order by the end of this year, and they are asking for an extension, to October 31, 2008, to complete the improvements. Staff recommended allowing the extension.

Councilmember Cardenas, made a motion, seconded by Councilmember Zadourian, to approve Resolution No. 2111, "A Resolution of the City Council of the City of Fowler, County of Fresno, Approving the Extension of Time for Completion of All Improvements for Tract 5090 Crestwood Estates of the Del Valle Capital Corporation, Inc. Per the Subdivision Agreement Map of Tract No. 5090 Crestwood Estates Phase I & II of Tentative Tract No. 5090, Dated the 17th Day of May 2006." The motion carried on a 4-0-1 roll call vote, with Mayor Pro-Tem Shaw absent (recused) from the Council Chamber.

Mayor Pro-Tem Shaw returned to the Council Chamber

C) CITY MANAGER'S REPORT

City Manager Elias stated that the draft agreement between the City and Chamber of Commerce had been sent to the Chamber for review.

D) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver said that the loan documents have been completed for the new La Quinta Hotel, and construction should begin by the end of the year. Construction on the new Carl's Jr. Restaurant is moving along quickly. The facade improvements to the former Save 'N Save Liquor Store on Merced Street is underway. Also, West Star Construction has plans to build a professional office center west of Highway 99.

E) PUBLIC WORKS SUPERVISOR'S REPORT

Public Works Supervisor Weisser reported that the staff has been working on improvements to street lighting as a priority.

F) FINANCE DEPARTMENT REPORT

No report was given.

G) POLICE AND FIRE REPORT

Chief Jamgochian reported on the public safety response to a recent highway traffic accident near Fowler that involved nearly 100 vehicles, and another accident where a big rig was completely burned. The Council commended the professional response of the Fire, Police and Public Works Departments during the incidents. Chief Jamgochian also asked to schedule a date in the near future for the Council and staff to receive emergency response training, in conjunction with the update to the City's Emergency Plan.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - November 6, 2007; B) Approve Minutes of the City Council Meeting - October 16, 2007 and Minutes of the Fowler City Council and Fowler Planning Commission Special Joint Workshop - October 4, 2007; C) Accept and authorize recording of the Notice of Completion for the 10th Street Sidewalk and Landscape, Fowler HS Area Pedestrian Facilities; D) Approve CDBG Agreement between City of Fowler and Fresno County Regarding Implementation of 2007/2008 CDBG Fund Allocation, authorize the Mayor and City Clerk to execute the Agreement on behalf of the City and authorize the City Manager to execute any amendments to the Agreement, should they occur; E) Approve Staff's recommendation to reject claim against the City of Fowler - Dolores Alcazar; F) Adoption of Resolution No. 2112, "A Resolution of the City Council of the City of Fowler, County of Fresno, Supporting Submittal of an Application for Cycle 7 of the State Safe Routes to School (SR2S) Program"; and G) Approval and Acceptance of the Water Supply Wells and Appurtenances project, authorization to make pay request to USDA Rural Development.

Mayor Simonian noted that Item C would be removed from the Consent Calendar as it was not ready for approval. Councilmember Aguayo made a motion, seconded by Councilmember Cardenas, to approve the Consent Calendar, (without item C). The motion carried on a 5-0-0 roll call vote.

COMMITTEE REPORTS

Councilmember Aguayo attended meetings related to the "One Voice" trip to Washington, D. C., where the group will present the Golden State Corridor project. He reported on the success of the Recreation Commission's recent "Trunk or Treat" Halloween festivity.

Councilmember Cardenas attended a recent EDC Investor luncheon along with Councilmember Zadourian and Community Development Director Deaver.

Councilmember Zadourian attended a Community Service Forum for the students at Sutter Middle School.

CLOSED SESSION

The meeting adjourned to a closed session at 9:09 p. m. to discuss, pursuant to Government Code Section 54957: Public Employee Performance Evaluation - Title: City Attorney. The meeting reconvened to open session at 9:20 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Aguayo made a motion to adjourn, seconded by Councilmember Zadourian. The meeting adjourned by unanimous consent at 9:20 p. m.