

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
JANUARY 3, 2012**

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

Councilmembers Present: Cardenas, Darling, Parra & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, Public Works Director Weisser, Police Chief Brand, Fire Chief Lopez, City Attorney Wolfe, Planning Consultant O=Neal

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Councilmember Darling. Roll call was taken. There were no public presentations.

City Manager Elias announced that Mayor Pro-Tem Rico Aguayo submitted a letter of resignation from the City Council effective January 2, 2012, as he is relocating out of state to pursue educational and career opportunities. Options for filling the vacancy will be placed on the January 17, 2012 agenda for discussion. Mayor Cardenas praised Mayor Pro-Tem Aguayo=s many years of dedicated service to the City of Fowler.

**PRESENTATION BY FRESNO COUNTY EOC: UPDATE ON VISION STATEMENT AND ACTIVITIES**

Brian Angus, Executive Director of the Fresno County EOC, spoke to the Council about outreach efforts to the local communities to assist with their needs. He mentioned several programs the EOC offers, such as nutrition, early education and small business assistance.

**PUBLIC HEARING -CONTINUED FROM DECEMBER 6, 2011**

**TO CONSIDER APPEAL OF THE PLANNING COMMISSION=S APPROVAL OF CONDITIONAL USE PERMIT (CUP) NO. 11-04**

Planning Consultant O=Neal explained the revised staff report for the appeal of CUP No. 11-04, which would allow alcohol sales at a restaurant located at 106A E. Merced Street. At the December 6, 2011 meeting, the Council continued the public hearing and directed staff to provide applicant Rosa Espinoza with all related documents in Spanish, so she could fully understand and comply with the CUP conditions. A revised resolution modifying the Planning Commission=s recommended conditions of approval listed further requirements that would provide greater control in monitoring the CUP requirements. These included: that no unauthorized expansion of the restaurant would be allowed; that the CUP would be reviewed for compliance in 6 months and one year of approval; that the owner or a designated responsible adult will be onsite during hours that alcohol is sold; and that proof of training in good business management practices be provided. Staff recommended approval of the CUP with the added conditions.

The Mayor opened the duly noticed public hearing on the matter at 7:22 p.m. Rosa Espinoza and son Steven Juarez affirmed that Ms. Espinoza understands and will comply with the modified CUP conditions. There were no further comments from the public, and the hearing was closed at 7:23 p.m.

Councilmember Simonian made a motion, seconded by Councilmember Parra, to approve (Alternative Resolution A, No. 11-2238), A Resolution of the City Council of the City of Fowler, County of Fresno, State of California, Modifying the Planning Commission=s Approval of CUP No. 11-04 (Espinoza).@ The motion carried on a 4-0-0 roll call vote.

## **COMMUNICATIONS**

City Manager Elias mentioned the upcoming employee appreciation dinner, to be held at Favoritos Restaurant.

## **STAFF REPORTS:**

### **CITY MANAGER=S REPORT**

#### **↔ Update on California Supreme Court ruling - Redevelopment Agencies**

City Manager Elias spoke of the recent California Supreme Court ruling upholding AB 1x 26, to eliminate redevelopment agencies as of February 1, 2012, and declaring AB 1x 27, to allow RDA=s to continue in a restricted way, as unconstitutional. City Attorney Wolfe stated that the ruling prompts further bureaucratic actions that the City and RDA will need to take, including designating the City to become a successor agency to handle the RDA=s remaining financial and other obligations.

#### **↔ Discussion on adjustment of CDBG revolving business loan payments - Fowler Hospitality (La Quinta Hotel)**

City Manager Elias received a letter from Fowler Hospitality requesting that the City lower their CDBG business loan payments by 50 percent during the months of November through February, which would help them during their slow season. The consensus of the Council was for staff to work on an amendment to the loan agreement and bring it back for approval.

#### **↔ Update: Proposed Motel 6 project - 10th & Main Streets**

City Manager Elias said that the Planning Commission will consider approval of a site plan for a Motel 6 project at their upcoming meeting. The applicant is asking for reimbursement for offsite improvements and other funding assistance from the City. He asked the applicant to provide documents verifying that the Motel 6 Corporation has approved the franchise, and that they have a commitment from their lender.

## **PUBLIC WORKS DIRECTOR=S REPORT**

Public Works Director Weisser said that he is working with Giersch and Associates to finalize the Fowler Avenue Reconstruction Project. He noted that there are a few remaining items that need to be completed on the Veterans Monument.

## **FINANCE DIRECTOR'S REPORT**

↔ **Approve loan payment modification: CDBG Loan Agreement between the City of Fowler and Rosa Espinoza and Remy Juarez**

Finance Director Wong stated that as the Council directed at the last meeting, staff has revised the payment schedule of the CDBG business loan agreement with Rosa Espinoza and Remy Juarez. The loan payments will now begin in January 2012.

Councilmember Simonian made a motion, seconded by Councilmember Parra, to approve the loan payment modification. The motion carried by unanimous voice vote.

## **POLICE DEPARTMENT REPORT**

Police Chief Brand reported that the Department is joining a DUI program that provides funding for patrol and checkpoints during high risk holiday weekends. The Department recently completed the processing of a total of 857 backlogged police cases that have been sent to the District Attorney.

## **FIRE DEPARTMENT REPORT**

Fire Chief Lopez said that the Fire Department responded to 64 emergency calls in November. He is working on a training schedule for 2012, and preparing the new fire vehicle for service.

## **CITY ATTORNEY'S REPORT**

City Attorney Wolfe said that he will be conducting a workshop on changes to the Brown Act at a future meeting.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - January 3, 2012; B) Approve Minutes of the Fowler City Council Regular and Special Meetings - December 6, 2011; C) Adoption of Resolution No. 2235, *AA* Resolution of the City Council of the City of Fowler Approving Development Fees for 2012<sup>@</sup>; D) Adoption of Resolution No. 2236, *AA* Resolution of the City Council of the City of Fowler Concerning Federal Transportation Project Selection and Implementing Timely Federal Transportation Act-Cycle III Use of Funding<sup>@</sup>; and E) Adoption of Resolution No. 2237, *AA* Resolution Before the City Council of the City of Fowler, County of Fresno, State of California In the Matter of Authorizing the Submittal of Phase V Expansion Proposal (City of Clovis, City of Kingsburg, County of

Fresno) to the California Department of Housing and Community Development. Councilmember Parra made a motion, seconded by Councilmember Darling, to approve the Consent Calendar. The motion carried by unanimous voice vote.

### **COMMITTEE REPORTS**

Councilmember Simonian attended a League of California Cities Latino Caucus event, where a presentation was given on events that occurred at the City of Bell.

### **CLOSED SESSION**

The meeting was adjourned to a closed session at 8:38 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: Ava Corkins. The meeting reconvened to open session at 8:55 p. m. with no reportable action taken.

### **ADJOURNMENT**

Having no further business, Councilmember Parra made a motion to adjourn, seconded by Councilmember Darling. The motion carried and the meeting adjourned at 8:56 p.m.