

**MINUTES OF THE FOWLER CITY COUNCIL
AND FOWLER REDEVELOPMENT AGENCY JOINT MEETING
JANUARY 17, 2012**

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

Councilmembers/Directors Present: Cardenas, Darling, Parra & Simonian

City/Agency Staff Present: City Manager/Executive Director Elias, City Clerk/Secretary Davis, Finance Director/Treasurer Wong, Public Works Director Weisser, Sergeant Miranda, Fire Chief Lopez, City Attorney Cross, Planning Consultant O'Neal, Engineering Consultant Peters

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Councilmember/Director Darling. Roll call was taken.

PUBLIC PRESENTATIONS

Fowler Chamber President Craig Mellon thanked the Police and Fire Departments for their quick response to a recent fire at the Chamber office.

Fowler resident Ernest Mata spoke of the Planning Commission's recent approval of a site plan for a Motel 6 project on 10th Street, contending that he and other nearby residents were not notified of the hearing. He wishes to appeal the project, due to concerns that it will bring truck traffic, crime and other undesirable conditions. The Council's consensus was to discuss expanding the notification process for the appeal at the February 7, 2012 meeting.

ACKNOWLEDGMENT OF PARTICIPANTS IN MERCED STREET/GOLDEN STATE BOULEVARD BEAUTIFICATION PROJECT

Public Works Director Weisser said that with the help of City staff, Anna Cardenas, wife of Mayor Cardenas, and other volunteers, recently planted wildflowers in the medians near Merced Street and Golden State Boulevard. Anna Cardenas explained that with the adoption of the Blossom Trail City motto, she thought it would be fitting to plant flowers in areas of town. Ms. Cardenas acknowledged City staff, Paul Logan and the volunteers that assisted with the project. The Mayor and Council commended all for their efforts to beautify the City.

COMMUNICATIONS

City Manager Elias mentioned an upcoming SSJV League Division meeting in Visalia.

STAFF REPORTS:

REVIEW OF DRAFT HEALTHY EATING AND ACTIVE LIVING (HEAL) POLICIES FOR THE FOWLER GENERAL PLAN (GP)

Planning Consultant O'Neal said that several years ago, the League of California Cities adopted a resolution asking for all cities to adopt HEAL policies to promote healthier communities. In 2009, the Council adopted a resolution to become a HEAL city, and develop policies in support of the League's goals. He explained the draft policies proposed for the Fowler GP that would be set for public hearings before the Planning Commission and Council. They included: prioritization of projects that increase opportunities for physical activity such as with bike and pedestrian paths; allow zoning that will support community gardens and farmer's markets; and to increase citizen access to healthy food. The Council directed that the policies be set for public hearing and adoption into the GP.

DISCUSSION ON ESTABLISHING THE BASE FLOOD ELEVATION (BFE) IN FOWLER'S FLOOD ZONE "A"

Engineering Consultant Peters gave a presentation regarding the Zone A flood district in Fowler, as designated on FEMA's flood insurance rate maps. Several properties are paying increased insurance rates due to their location in Zone A. The Fowler Municipal Code states that the City must determine the BFE where no BFE has been established. There is no record of a BFE previously being established. Once the engineer establishes the BFE, a homeowner can have a surveyor or engineer determine if the finished floors in their homes are above or below it. It is believed that most homes in the area will be above the BFE, and if so, there could be a sizeable reduction to their insurance rates.

Victoria Dondlinger, Delores De La Rosa and other property owners in Zone A asked that the City move forward in establishing the BFE. The consensus of the Council was to move forward. Mr. Peters added that he will notify residents in the area with the results of his research, and with a process to obtain a flood elevation certificate to submit to their insurance companies.

ADOPTION OF RESOLUTION NO. 2239

City Attorney Cross said that the recent California Supreme Court ruling abolishing redevelopment agencies has prompted further actions, such as designating a successor agency to handle the remaining housing functions and other obligations. Staff recommends that the City become the successor agency to Fowler's RDA. The RDA board will be also take action to transfer the title of RDA assets, books and property to the City.

Councilmember Parra made a motion to adopt Resolution No. 2239, "A Resolution of the City Council of the City of Fowler to Express its Intent to Serve as the Successor

Agency of the Fowler Redevelopment Agency Pursuant to Health and Safety Code Sections 34171(j) and 34173 and to Elect to Retain the Housing Assets and Functions Previously Performed by the Fowler Redevelopment Agency Pursuant to Health and Safety Code Section 34176.” The motion was seconded by Councilmember Darling, and carried by unanimous voice vote.

Redevelopment Agency:

ADOPTION OF RESOLUTION NO. RDA 2012-01

Director Simonian made a motion, seconded by Director Darling, to adopt Resolution No. RDA 2012-01, “A Resolution of the Fowler Redevelopment Agency to Transfer All Assets, Properties, Contracts, Leases, Books and Records, Buildings, and Equipment upon Dissolution to the City of Fowler as Successor Agency Pursuant to Health & Safety Code Section 34175(B).” The motion carried by unanimous voice vote.

ADOPTION OF RESOLUTION NO. RDA 2012-02

City Attorney Cross explained additional adjustments that Finance Director Wong will make to the RDA’s Enforceable Obligation Payment Schedule (EOPS) attached as an exhibit to Resolution No. RDA 2012-02. The EOPS sets forth the RDA’s financial obligations, such as debt service payments. The EOPS must be periodically updated and forwarded to the Fresno County Auditor.

Director Parra made a motion to adopt Resolution No. RDA 2012-02, “A Resolution of the Fowler Redevelopment Agency Amending and Adopting the Enforceable Obligation Payment Schedule Required by AB 1x 26,” with the corrected payment schedule. The motion was seconded by Director Simonian, and carried by unanimous voice vote.

City Council:

DISCUSSION ON FILLING CITY COUNCIL VACANCY

City Manager Elias referred to the staff report prepared by the City Clerk with information and a timeline of the various options to fill the vacancy created by the resignation of Mayor Pro-Tem Rico Aguayo. The options included appointment of an individual to the vacancy, which must be done within 60 days, or calling for a special election. The election must be set for the next established election date no sooner than 114 days from the call. If the Council calls for an election before February 13, 2012, the vacancy must be placed on the June 5, 2012 ballot, which may cost up to \$10,000, according to an estimate from the elections office. If the call for an election is made after February 13th, it will be set for the November 6, 2012 ballot, which is also when the term expires.

The Council discussed possibilities for appointing an individual, such as a candidate from a prior election, or calling for a special election in either June or November. It was noted that setting it for the June 5th election would be too costly. The consensus was to

bring the matter back for further discussion and possible action at an upcoming meeting.

CONSIDER AND TAKE ACTION: APPOINTMENT OF MAYOR PRO-TEM

Councilmember Simonian made a motion to nominate Dan Parra to be appointed as the Mayor Pro-Tem. The motion was seconded by Councilmember Darling, and carried by unanimous voice vote.

CITY MANAGER'S REPORT

Update on Tract No. 5090 - Crestwood Estates

City Manager Elias said that he and staff recently met with representatives of ARCH Insurance, insurers of the performance bond for Tract No. 5090, to discuss plans for the unfinished subdivision and to determine what is covered by the bond. He asked that a workshop be set for the Council to discuss the various options.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser reported on efforts to repair the damage caused by a recent fire at the Fowler Chamber of Commerce office. He is also working with the engineer in preparing to go out to bid for the Fowler Avenue Reconstruction project.

FINANCE DIRECTOR'S REPORT

Approve CDBG Business Loan Agreement between the City of Fowler and Fortune House, LLC

Finance Director Wong explained the CDBG revolving business loan agreement in the amount of \$35,500 between the City and Fortune House, LLC for a Chinese restaurant in Fowler. The owner, who also operates a Chinese restaurant in Hanford, has invested \$118,000 of his personal funds into the project. The CDBG loan funds will be used for necessary business equipment. The loan term is seven years with no interest.

Councilmember Darling made a motion, seconded by Councilmember Simonian, to approve the CDBG business loan with Fortune House, LLC in the amount of \$35,500. The motion carried by unanimous voice vote.

POLICE DEPARTMENT REPORT

Sergeant Miranda gave the December 2011 statistical report for the Police Department.

FIRE DEPARTMENT REPORT

Fire Chief Lopez reported that the Fire Department responded to 51 calls in December.

He spoke of the response to the recent fire at the Chamber office, noting that three arson investigators were dispatched to the scene.

CITY ATTORNEY'S REPORT

City Attorney Cross mentioned that he and City Attorney Wolfe will continue to monitor legislation regarding redevelopment agencies and keep the Council informed of any new developments.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - January 17, 2012; B) Approve Minutes of the Fowler City Council Regular and Special Meetings - January 3, 2012; and C) Approve CDBG business loan payment modification - Fowler Hospitality (La Quinta Hotel). Councilmember Simonian made a motion, seconded by Councilmember Darling, to approve the Consent Calendar. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Cardenas reassigned committee liaison duties previously held by Mayor Pro-Tem Aguayo as follows: liaison to the Recreation Commission and Friends of the Fowler Library - Councilmember Darling. COG Board alternate and Highway 99 Beautification Committee representative - Mayor Pro-Tem Parra.

The meeting adjourned to a closed session at 9:29 p. m. to discuss, pursuant to Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager. The meeting reconvened to open session at 10:16 p. m. with no reportable action taken.

Having no further business, Mayor Pro-Tem/Vice-Chairman Parra made a motion to adjourn, seconded by Councilmember/Director Darling. The motion carried and the meeting adjourned at 10:17 p.m.