

**MINUTES OF THE FOWLER CITY COUNCIL SPECIAL MEETING
JULY 17, 2013**

Mayor Cardenas called the meeting to order at 5:02 p. m.

Councilmembers Present: Cardenas, Parra, Hammer, Monis & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Police Chief Brand, City Attorney Cross, City Planning Consultant O'Neal

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Reverend Raul Moreno of the Fowler Baptist Church. Roll call was taken. There were no public presentations.

CONSIDER/TAKE ACTION TO APPROVE: RESTATED COOPERATIVE AGREEMENT BETWEEN CONSOLIDATED IRRIGATION DISTRICT (CID) AND CITY OF FOWLER

City Attorney Cross gave an overview of the proposed Cooperative Agreement with CID, who intend to impose groundwater impact mitigation fees to cities within their district. CID's Agreement, already approved by the cities of Kingsburg, Parlier and Selma, calls for fees of \$130 per net acre foot (AF) of groundwater pumped, with the payment phased in at 10 percent over 10 years. The fee structure is broken down as follows: \$100 contributed into an account to be used for capital costs of recharge projects within CID boundaries; \$12 for administration costs, and \$18 to compensate CID for use of their recharge facilities. Once the fund balance reaches \$1 million, no payments need to be made until the fund dips below \$1 million.

He explained a memorandum listing the major deal points that staff proposes to add to CID's Agreement. The points included: within one year after the Agreement the City may prepare and approve a groundwater recharge plan that calls for completion of groundwater recharge improvements and facilities within one year after approval of the plan. The City would construct and maintain City recharge basins, calculate all water recharged into the basins and deduct the amount from the gross AF of water pumped, to determine the fee to be paid to CID. The goal is to provide enough recharge so that there is a balance between what is pumped and what is recharged, and the net AF would be zero. With the completion of construction of recharge facilities, the City would not be subject to the additional \$100 per AF fee that the other cities pay to CID. The City will pay \$30 per net AF phased over 10 years, or \$15,000 per year, whichever is greater, to cover administration and use of CID facilities for conveying surface water to City recharge basins. CID would agree to waive and release all rights and claims it has or may have to challenge any development project in the City under CEQA. If the City does not complete the facilities within one year after approval of the plan, then the City would pay \$130 AF phased in at 10 percent over 10 years, as the other cities do.

CID's agreement contains provisions for stormwater discharge into it's facilities, with a drainage fee assessed in the amount of \$150 per AF. Staff proposes to add terms related to stormwater discharge, including that the City may prepare a stormwater elimination plan, to be approved by CID, that calls for completion of improvements and facilities within three years to eliminate stormwater discharge into CID facilities. If the

City completes the improvements as specified, there will be no more use of CID facilities and no more payment of drainage fees.

It was discussed that the terms should be changed to allow for a three year time period to complete the recharge plan and improvements rather than two years. City Attorney Cross stated that he would also add clarifying language that if the City does not complete the improvements within three years, it will default to paying the \$130 AF fee, however, if the improvements are completed at a later date, then the \$130 AF will no longer apply.

After a discussion, Councilmember Simonian made a motion to approve the suggested terms listed in the City Attorney's memorandum to be added to CID's Cooperative Agreement, with a revision to allow for a three year time period to complete the groundwater recharge plan adoption and construction of facilities. The motion was seconded by Mayor Pro-Tem Parra, and carried by unanimous voice vote.

CLOSED SESSION

The meeting was adjourned to a closed session at 5:27 p. m., pursuant to Government Code Section 54956.9 (d) (1) Conference with Legal Counsel – Existing Litigation - Name of Case: Cities of Clovis, Fowler, Fresno, Kerman, Kingsburg, Sanger, and Selma v. County of Fresno - Property Tax Administration Fee (PTAF) Litigation.

The meeting reconvened to open session at 5:44 p. m. The reportable action taken was: on a motion made by Mayor Pro-Tem Parra, seconded by Councilmember Monis, the Council voted to accept Fresno County's PTAF settlement offer, provided payment is received by August 16, 2013. The motion carried by unanimous voice vote.

ADJOURNMENT

Mayor Cardenas adjourned the meeting by general consensus at 5:45 p. m.