

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
AUGUST 4, 2015**

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

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

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, City Attorney Wolfe, Public Works Director Weisser, Planning Consultant O'Neal, City Engineer Peters

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

**PUBLIC HEARINGS:**

**CONSIDER GENERAL PLAN (GP) AMENDMENT NO. 15-01 AND REZONE NO. 15-01**

Planning Consultant O'Neal stated that applicant Jaime Chavero proposes to rezone property at 522 S. 6th Street from RM-2 to RM-3, to build a six unit multi-family housing project. A five unit structure is the maximum allowed under the current zoning. The Planning Commission has recommended that the Council deny the GP amendment and rezone due to the problem of "spot zoning" where a specific parcel within a larger zoned area has zoning that is at odds with the GP. Such rezoning may provide unjustified special treatment that benefits a particular owner, while undermining the pre-existing rights and uses of adjacent property owners. Staff recommendation is that the Council deny the GP amendment and rezone. A resolution to deny the project, along with a resolution and ordinance to approve the project, were provided for the Council's consideration.

Contractor Cesar Rodriguez explained the design of the project and answered various questions.

Mayor Cardenas opened the duly noticed public hearing on the matter at 7:23 p.m. There were no comments from the public and the hearing was closed at 7:23 p.m.

The Council discussed that the project will enhance the area and provide needed housing in the City. Councilmember Simonian made a motion, seconded by Councilmember Hammer, to approve (Resolution No. 2331) "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving General Plan Amendment No. 15-01 (Chavero)." The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: Parra.

Councilmember Hammer made a motion, seconded by Councilmember Monis, to waive the first reading and approve (Ordinance No. 2015-07) "An Ordinance of the City Council of the City of Fowler, County of Fresno, State of California Approving Zoning Ordinance Amendment No. 15-01 (Chavero)." The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: Parra.

## **CONSIDER GENERAL PLAN (GP) AMENDMENT NO. 15-02 AND REZONE NO. 15-02**

Planning Consultant O'Neal stated that applicant Jaime Chavero proposes to amend the GP to High Density and rezone a 7,500 square foot parcel at 314 S. 5th Street to RM-3, to allow up to three units on the site. The property is currently zoned R-1-6 and permits one single family home. An existing home on the parcel would be remodeled and a duplex would be constructed to the rear of the lot on the alley. The Planning Commission has recommended that the Council deny the GP amendment and rezone due to the problem of "spot" zoning, as both sides of 5th Street between Fresno and Vine Streets are zoned R-1-6. Staff recommendation is that the Council deny the GP amendment and rezone. A resolution to deny the project, and a resolution and ordinance to approve the project, were provided for the Council's consideration.

Contractor Cesar Rodriguez explained and answered questions about the proposed project.

Mayor Cardenas opened the duly noticed public hearing on the matter at 7:36 p. m. There were no comments from the public and the hearing was closed at 7:36 p. m.

After a discussion, it was decided that the matter be continued to the next meeting so that applicant Jaime Chavero could be present. Councilmember Hammer made a motion, seconded by Councilmember Simonian, to continue the public hearing on GP Amendment No. 15-02 and Rezone No. 15-02 to the August 18, 2015 meeting. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: Parra.

## **CONSIDER ACTIVE TRANSPORTATION PROGRAM (ATP) GRANT APPLICATION - FRESNO COUNTY COUNCIL OF GOVERNMENTS (COG) CALL FOR PROJECTS**

City Engineer Peters said that the City can apply for funding for various projects through the ATP grant program, administered by Fresno COG. Staff recommends two projects for submittal, and the process requires a public hearing to solicit comments and receive Council direction. One of the projects is a bicycle and pedestrian path on Golden State Boulevard from the north side of Adams Avenue to the south side of Clayton Avenue. The project will be in conjunction with a bike path planned as part of the Golden State Corridor Improvements. The other project is for pedestrian crossing improvements at the intersection of South Temperance Avenue and East Walter Avenue.

Mayor Cardenas opened the duly noticed public hearing on the application to Fresno COG for an ATP Grant - Golden State Boulevard Bicycle and Pedestrian Path at 7:46 p. m. There were no public comments and the hearing was closed at 7:46 p. m.

Mayor Cardenas opened the duly noticed public hearing regarding the application to Fresno COG for an ATP Grant - South Temperance Avenue and East Walter Avenue Pedestrian Improvements at 7:51 p. m. There were no comments and the hearing was closed at 7:51 p. m.

The Council gave direction to staff to move forward with the ATP grant application for both projects, and if the City is awarded funding, that the South Temperance Avenue pedestrian improvements commence as soon as possible.

## **COMMUNICATIONS**

City Manager Elias mentioned the general membership meeting for the S.S.J.V. Division of the League of California Cities on August 13, 2015 in Clovis.

## **STAFF REPORTS:**

### **CITY MANAGER'S REPORT**

#### **— Discussion/direction: Review Process for the Draft Southwest Development Transportation Impact Analysis Report**

City Manager Elias asked for direction on how to proceed with setting a workshop for presentation of the draft Southwest Development Transportation Impact Analysis Report, including who should be invited to attend. After a discussion, the consensus was to set a special meeting in early October, and send a notice to the property owners affected by the study and an announcement to the public on the citywide phone messaging system.

### **PUBLIC WORKS DIRECTOR'S REPORT**

Public Works Director Weisser reported that the 7th Street Parking Lot Project has been completed.

### **FINANCE DIRECTOR'S REPORT**

#### **— Approve CDBG Loan Agreement with Borga Steel Buildings & Components, Inc.**

City Manager Elias stated that Borga has requested financial assistance from the City's CDBG revolving business loan program. The funds will be used to purchase additional equipment needed to keep up with the increasing demand for orders. The loan is for a ten-year term at zero percent interest. Richard Tapley, accountant for the company,

spoke about their business expansion and the equipment needed. The loan will result in the creation of 2.5 jobs.

After discussion, Councilmember Simonian made a motion, seconded by Councilmember Monis, to approve the CDBG Loan Agreement with Borga Steel Buildings & Components, Inc. in the amount of \$100,000. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: Parra.

## **POLICE DEPARTMENT REPORT**

No report was given.

## **FIRE DEPARTMENT REPORT**

No report was given.

## **CITY ATTORNEY'S REPORT**

City Attorney Wolfe reported on a Public Records Act case that determined that if a city accidentally releases to the public a confidential record exempt from disclosure, it can be called back or rescinded.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - August 4, 2015; B) Approve Minutes of the City Council Meeting - July 21, 2015; C) Accept the 7th Street Parking Lot Improvements constructed by B & B Construction, Inc. and authorize the City Engineer to file the Notice of Completion; and D) Accept the Reclamite Project - Various Locations constructed by Talley Oil, Inc. and authorize the City Engineer to file the Notice of Completion.

Councilmember Monis made a motion, seconded by Councilmember Hammer, to approve Items A-C of the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Monis & Simonian. Noes: None. Abstain: None. Absent: Parra.

Consent Calendar Item D was discussed. Councilmember Hammer made a motion, seconded by Councilmember Monis, to approve Item D. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Monis & Simonian. Noes: None. Abstain: None. Absent: Parra.

## **COMMITTEE REPORTS**

Councilmember Monis attended a Friends of the Fowler Library meeting and mentioned some upcoming Library events.

## **ADJOURNMENT**

Having no further business, Councilmember Hammer made a motion, seconded by Councilmember Monis, to adjourn. The motion carried and the meeting adjourned at 8:33 p. m.