

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
JUNE 14, 2016**

Mayor Cardenas called the meeting to order at 7:03 p. m.

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

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

The Flag Salute and Pledge of Allegiance were followed by a moment of silence to remember the victims of a recent mass shooting in Orlando, Florida. Roll call was taken. There were no public presentations.

PRESENTATION TO FOWLER HIGH SCHOOL VARSITY GIRLS SOCCER TEAM

Mayor Cardenas presented a Certificate of Recognition to the Fowler High School Varsity Girls Soccer Team and congratulated them for their recent designation as Defending Section Champions - *Valley Champs* - at the 2016 CIF Southern California Regional Girls Soccer Championships.

PUBLIC HEARINGS

- **Consider the Appeal of the Planning Commission's Revocation of Conditional Use Permit (CUP) 92-3 at 130 W. Merced Street (Martin Aguilar)**

Planning Consultant O'Neal explained that at a recent public hearing, the Planning Commission revoked CUP 92-3 for failure to comply with the conditions of the CUP, and property owner Martin Aguilar has filed an appeal of their action. The original CUP, for an auto repair and painting shop at 130 W. Merced Street, dates back to 1992. In September 2015, Mr. Aguilar was sent a Notice of Violation and Intent to Revoke CUP 92-3 due to non-compliance with conditions, including: the site is being used for RV and boat storage, the paving is deteriorated, and no trash enclosure has been installed. The Planning Commission continued a public hearing on the proposed revocation for several months to grant Mr. Aguilar time to comply or sell the property. They directed that graffiti on the property be cleaned up, and onsite vehicle storage be eliminated. Mr. O'Neal said that the property had been cleaned up, but no progress has been made on the sale nor compliance with other CUP conditions. Mr. Aguilar asked the Commission for another time extension to complete projects or sell the property. The Commission decided that adequate time had been given. Mr. Aguilar stated in his letter of appeal that the CUP revocation is unfair, and has taken away his livelihood.

The alternatives for the Council to consider include: approving staff's recommendation to adopt a resolution upholding the Planning Commission's revocation of CUP No. 92-3; an alternative resolution modifying the CUP; or to consider an extension of time to comply with the conditions.

Property owner Martin Aguilar spoke, stating that he has listed the property for sale. He asked the Council to allow him to continue operating his business until the end of the year while he works to sell the property or comply with CUP conditions.

Mayor Cardenas opened the duly noticed public hearing at 7:13 p. m. There were no public comments and the hearing was closed at 7:13 p. m.

The Council discussed Mr. Aguilar's request. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to continue the public hearing on the appeal of the Planning Commission's revocation of CUP 92-3 to December 6, 2016, and allow Mr. Aguilar to continue his business under the existing CUP to give him time to sell the property or comply with conditions by that date. The motion carried by unanimous vote: Ayes: Cardenas, Parra, Monis and Simonian. Noes: Hammer. Abstain: None. Absent: None.

→ Approve Second Amendment to the City's Solid Waste Franchise Agreement

City Manager Elias said that Waste Management (WM) wishes to amend their solid waste franchise agreement with the City to incorporate a State mandated requirement for commercial organic recycling, and to change the annual CPI index to use an index that is closer to what is used for solid waste industries. Liz Gomez and Ken Maxey, representatives of WM, explained that the organic waste recycling mandate applies to customers who have 8 or more yards of this waste per week. Currently there are four of such customers in the City. The contract amendment includes a rate schedule for organic waste recycling.

The Mayor opened the duly noticed public hearing on the matter at 7:45 p. m. There were no public comments and the hearing was closed at 7:45 p. m.

Councilmember Hammer made a motion, seconded by Councilmember Monis, to approve Resolution No. 2347, "A Resolution of the City Council of the City of Fowler Approving a Second Amendment to the Contract for the Collection of Solid Waste in the City and Revising the Rates for Such Service." The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: None.

COMMUNICATIONS

City Manager Elias mentioned the upcoming Fabulous 4th of July event. City Clerk Davis said that the nomination period for the November 8, 2016 General Election is July 18 - August 12, 2016.

STAFF REPORTS:

Adoption of Resolution No. 2348 - Annual Assessments for Landscaping and Storm Drainage Facilities Maintenance District No. 1"

City Engineer Peters stated that Resolution No. 2348 sets a public hearing to consider approval to collect the annual assessments for Landscaping and Storm Drainage Facilities Maintenance District No. 1. The Engineer's Report reflected that the assessments increased by 2% from the prior year to cover increases in maintenance and operation costs.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra, to adopt Resolution No. 2348, "A Resolution of the City Council of the City of Fowler of Intention to Levy and Collect the Annual Assessments for Landscaping and Storm Drainage Facilities Maintenance District No. 1." The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: None.

CITY MANAGER'S REPORT

➤ Consider Approval of Fresno Housing Authority's Request for Waiver of Fees: Magill Terrace Project

City Manager Elias said that the Housing Authority of Fresno County (HAFC) has requested that the City waive approximately \$385,000 in development fees to help boost the competitiveness of a tax credit application for Magill Terrace, a new 60-unit housing project in the City. He noted that the HAFC does have an adequate pool of funding, and that it would be best not to waive the fees, as they provide needed services to the community. The consensus of the Council was not to waive the development fees.

➤ Approve Rate Increase: Peter's Engineering Services

City Manager Elias said that Peter's Engineering Services has not asked for a rate increase since 2011, and recommended approval of a rate increase, effective July 1, 2016. City Engineer Peters stated that the increase is competitive with rates in surrounding cities, and will help cover an increase in operating costs.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to approve the rate increase for Peter's Engineering Services. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis, & Simonian. Noes: None. Abstain: None. Absent: None.

PUBLIC WORKS DIRECTOR'S REPORT

No report was given.

FINANCE DIRECTOR'S REPORT

Finance Director McDonald said he will be presenting a draft budget in July.

POLICE DEPARTMENT REPORT

Chief Brand gave a brief report on the California Police Chief's Association's views regarding various problems with the Adult Use of Marijuana Act legislation.

FIRE DEPARTMENT REPORT

Fire Chief Lopez gave a report of 60 emergency calls, training sessions and stand-by's for May 2016.

CITY ATTORNEY'S REPORT

City Attorney Wolfe distributed a Brown Act workbook update, noting some minor changes that were made over the past year.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - June 14, 2016; B) Approve Minutes of the City Council Meeting - May 17, 2016; C) Adoption of Resolution No. 2349, "A Resolution of the City Council of the City of Fowler of Authorization to Contract" - Fresno-Madera Area Agency on Aging (FMAAA)"; D) Adoption of Resolution No. 2350, "A Resolution of the City Council of the City of Fowler Ordering an Election, Requesting County Elections to Conduct the Election, Requesting Consolidation of Election and Determining Payment for Candidate's Statements, and for the Appointment to Office if No One or Only One Person is Nominated"; E) Adoption of Resolution No. 2351, "A Resolution of the City Council of the City of Fowler Granting the City Manager Budgetary Authority to Continue City Operations Pending Budget Adoption for Fiscal Year 2016/2017"; F) Receive and file FPPC Biennial Notice that no amendments are necessary to the Conflict of Interest Codes for the City/Successor Agency and Public Financing Authority; G) Accept the Merced Street Sidewalks from 3rd to 5th Streets Project constructed by Witbro, Inc. DBA Seal Rite Paving & Grading and authorize the City Engineer to file the Notice of Completion."

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

COMMITTEE REPORTS

Mayor Cardenas made a motion to reappoint Sonia Smith, Patric Jones, Roy Alatorre and Wilson Parker to a new term on the Recreation Commission. The motion was seconded by Mayor Pro-Tem Parra, and carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis & Simonian. Noes: None. Abstain/Absent: None.

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.