

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
APRIL 4, 2017**

Mayor Cardenas called the meeting to order at 7:01 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Kazarian, Rodriquez

Councilmembers Absent: Hammer, Parra

City Staff Present: Interim City Manager/City Clerk Davis, Public Works Director Weisser, City Attorney Wolfe, Fire Chief Lopez, City Engineer Peters

The Flag Salute and Pledge of Allegiance were led by Girl Scout Troop No. 3664, followed by a moment of silence for the blessings of law enforcement given by Mayor Cardenas.

**PUBLIC PRESENTATIONS**

Fowler resident Murray McManus spoke about receiving late charges on his water bill, though he mails his payments at least four days before the due date. He requested that a grace period be given. He spoke of a problem with pigeons being kept by a nearby property owner, flying around his home and neighborhood. City staff will look into the matter.

**COMMUNICATIONS**

Interim City Manager Davis reminded the Council of the S.S.J.V. Division League of California Cities general meeting in Hanford on April 13, 2107, and the Recreation Commission's Easter Egg Hunt on Saturday, April 8th, at 1:00 p. m.

**STAFF REPORTS**

**Update on formation of Groundwater Sustainability Agency (GSA); discussion and direction on options, and on proposed Memorandum of Understanding (MOU) with Consolidated Irrigation District (CID) with respect to implementation of the Sustainable Groundwater Management Act (SGMA) proposed for the Cities of Fowler, Kingsburg, Parlier, Sanger and Selma**

City Engineer David Peters began the discussion on CID's proposed MOU, (an updated version was distributed to the Council just before the meeting), by introducing Gary Serrato, General Manager of Fresno Irrigation District (FID), Phil Desatoff, General Manager of CID, and Bernard Jimenez of the Fresno County Public Works and Planning Department.

Mr. Peters gave an update on options concerning the City forming its own GSA, due to concerns of having no board representation on CID's proposed GSA that cities have been invited to join. He met with Mr. Serrato of FID to discuss the possibility of the City partnering with them in some manner, as the City's boundaries will eventually grow into FID's boundaries. However, it was determined that it is not feasible to join FID's GSA at this time. It may be feasible for the City to construct a recharge basin north of Jefferson and Fowler Avenues with the purchase of FID's water, which would be at a rate of \$300-\$500 per acre foot. He gave information on costs for the City to implement a 500 acre foot recharge facility, which would total about \$6.5 million. Averaged annually over 20 years, the cost would be about \$321,500 for the facility. Adding \$200,000 annually for water, total annual costs for a facility would be \$521,500. City Engineer Peters noted that the City signed a ten year Cooperative Agreement with CID in 2014 for groundwater recharge. Annual costs for the City's current Agreement with CID, at a calculation of 900 acre feet of overdraft, is \$130,000. Also, a one-time cost for the City of Fowler to form a GSA and develop a GSP is estimated to be \$425,000. It is likely that a water rate increase, similar to one implemented in 2014, would be required to fund a City GSA and recharge program. It is possible that other nearby cities may want to partner with the City to build joint facilities and be a co-member of a City GSA, thereby reducing costs for all members. If the City forms a GSA to its Sphere of Influence, there will likely be an overlap with CID's GSA, requiring intervention from the State of California to eliminate this overlap.

Bernard Jimenez stated that Supervisor Buddy Mendes asked him to attend the meeting to provide perspective on the County's role in the GSA process. The County has participated with every GSA formation in Fresno County, and is either a part of their governing board or participating in an MOU. He noted that the governance issue is important, however, some agreements and negotiations are being made in good faith, and there are no guarantees. Supervisor Mendes supports an MOU that is good for the cities and CID, but attempting to form a GSA by the June 30, 2017 deadline would be difficult.

FID General Manager Gary Serrato spoke to the issue, noting that they are nearly finished with the formation of their GSA, with the boundaries already determined. He said that the law clearly states that no water entitlements or water contracts are to be impacted by SGMA. The water stays with the irrigation districts and is not placed on the table for the GSA board to divide up. The development of the GSP for groundwater sustainability is where the real effort will take place. He said that CID's MOU does give cities an opportunity to participate in the process, and that very difficult decisions must sometimes be made to determine the best options that cities have. FID and CID are currently working on a partnership to develop new water supplies, as the State has designated the entire Central Valley as severely over-drafted, which means that GSP's need to be expedited. Mr. Serrato concluded by stating that the most viable option for the City is to work through the issues with CID and join their GSA.

Phil Desatoff, CID General Manager, stated that he was present to answer possible questions from the Council, and to provide CID's perspective on the matter. The District had originally wanted to simply expand their Cooperative Agreements with the cities to include coverage in their GSA. Their GSA would cover the cities at no additional cost to

the rate payers in each city, and CID will handle water quality and other issues. He stated that if the cities do go their own way, CID may choose to exercise its option to terminate the Cooperative Agreements on the basis of changed circumstances. This would bring back the problem of halting future developments in the cities due to CEQA impacts. Mr. Desatoff said that CID's intent is to not have the cities pay any more, or be treated any differently, than the growers.

Councilmember Kazarian commented that the cities are bringing forth 90 percent of funds for the formation of CID's GSA, yet they will not have voting rights such as allowed in other GSA's. He said that the City's Cooperative Agreement with CID cannot be canceled until after 10 years from the effective date. Mr. Desatoff responded that they will not allow voting rights to cities because it would be allowing a vote on a resource that belongs to CID. The funding contribution for cities would come from their collected Coop funds for recharge facilities based on a pro rata share of total acres, but CID would bear the majority of the costs. He said that he did not foresee an issue regarding limitation on groundwater pumping, due to the prevalence of sandy soil within the GSA boundaries and CID's plentiful water resources. CID will provide language in the MOU ensuring that cities will not be treated any differently than growers. The cities would also have the opportunity to sit on the technical advisory board where GSP and other decisions will be made.

City Attorney Wolfe suggested that based on the discussion, he would review CID's MOU, keeping in mind the concerns and questions that have been raised, and work on including language that might address some of the concerns. Mr. Desatoff stated that CID is open to language changes.

Fowler resident George Bacon commented that Fowler seems to be fairly secure in their water position, but should have a legal evaluation and risk analysis of the MOU.

Mayor Cardenas thanked everyone for their comments on a matter of such importance, noting that common ground will need to be reached related to CID's position, and the position of the cities.

## **CITY MANAGER'S REPORT**

### **◆ Discussion: Annual Employee Appreciation Dinner**

Interim City Manager Clerk Davis said that it was approaching the time of year for the annual Employee Appreciation Dinner, and asked that a date be selected. Mayor Cardenas suggested that there be a change of venue for this year's event. He spoke to Cattleman's Restaurant about holding the event there, and received banquet information and costs. After discussion, the consensus was to schedule the event for Friday, April 28, 2017 at Cattleman's Restaurant.

### **◆ Update on Police Chief Recruitment**

Interim City Manager Davis stated that interviews for the police chief position were recently held, and a date for the Council to interview the top three candidates should be

set. The consensus was to set the date of May 9, 2017 as a tentative special meeting date for the interviews, to be confirmed with the two Councilmembers who not present.

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

No report.

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

No report.

#### **POLICE DEPARTMENT REPORT**

No report.

#### **FIRE DEPARTMENT REPORT**

No report.

#### **CITY ATTORNEY'S REPORT**

City Attorney Wolfe said that he will review CID's most recent MOU and work on editing and providing qualifiers that might be added to clear up some of the issues.

#### **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - April 4, 2017; B) Approve Minutes of the City Council Meeting - March 21, 2017. Councilmember Rodriquez made a motion, seconded by Councilmember Kazarian, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Kazarian, Rodriquez. Noes: None. Abstain none: Absent: Hammer, Parra.

#### **COMMITTEE REPORTS**

Mayor Cardenas reported on attendance at a California COG conference, representing Fresno COG. He attended a Consolidated Mosquito Abatement District meeting where they discussed the new \$6 million facility planned for Parlier.

Councilmember Kazarian attended the Relay for Life event in Fowler. He was also interviewed about Fowler for the Central Valley Ledger, KFSR radio, and gave an upcoming airing date.

Councilmember Rodriquez also attended the Relay for Life event. He also reported that Borga was recently recognized as a local Small Business of the Year.

#### **CLOSED SESSION**

The meeting adjourned to a closed session at 8:46 p.m. pursuant to Government Code

Section 54957: Public Employee Appointment/employment; Title: Interim Chief of Police (Specify description of position to be filled). The meeting reconvened to open session at 8:59 p.m. with no reportable action taken.

## **ADJOURNMENT**

Having no further business, Councilmember Rodriquez made a motion, seconded by Councilmember Kazarian, to adjourn. The motion carried and the meeting adjourned at 8:59 p. m.