

**MINUTES OF THE FOWLER CITY COUNCIL SPECIAL MEETING  
JANUARY 24, 2017**

Mayor Cardenas called the meeting to order at 7:00 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Parra, Hammer, Kazarian, Rodriquez

City Staff Present: Acting City Manager/City Clerk Davis, Police Chief Brand, Public Works Director Weisser, City Attorney Wolfe, Finance Director McDonald, Fire Chief Lopez, Planning Consultants O'Neal and Marple, City Engineer Peters

The Flag Salute and Pledge of Allegiance were followed by a moment of silence and reflection. There were no public presentations.

The Mayor asked to come back to the public hearing on Vesting Tentative Tract Map No. 5952, to allow time for the applicant to arrive.

**COMMUNICATIONS**

Acting City Manager/City Clerk Davis mentioned the upcoming Blossom Trail Opening Ceremony on February 10, 2017 in Kingsburg; the S.S.J.V. Division of the League of California Cities General Membership meeting in Selma on February 16, 2017; and an invitation to an upcoming League of California Cities Proposition 64 informational briefing in Fresno on January 25, 2017.

**STAFF REPORTS**

**CITY MANAGER'S REPORT**

Acting City Manager Davis asked to schedule the biennial Ethics in Public Service joint training session with the Planning Commission on February 7, 2017 from 5:00 -7:00 p. m. The consensus was to schedule the training on that date. She reported that the Police Chief recruitment has been advertised and is well underway.

**PUBLIC WORKS DIRECTOR'S REPORT**

Public Works Director Weisser said that after some regulatory testing, he has determined that the City will need to abandon a non-functioning water well, Near Margaret Cowings Park.

**FINANCE DIRECTOR'S REPORT**

Finance Director McDonald announced that the City has received loan approval from USDA to build a new fire station.

The Mayor moved back to the public hearing item on the agenda.

## **PUBLIC HEARING:**

### **Consider Vesting Tentative Tract Map (TTM) No. 5952: General Plan Amendment No. 10-01, Zoning Ordinance Amendment (Rezone) No. 10-02, Conditional Use Permit (CUP) No. 10-03, and Annexation to the City of Fowler filed by R. J. Hill Homes and Associated Mitigated Negative Declaration**

Planning Consultant O'Neal gave the staff report regarding TTM No. 5952, proposed for 39.91 acres located at the Southwest corner of Sunnyside and South Avenues. The Planning Commission denied the project at a public hearing held on December 8, 2016, and staff also recommends denial of the project. He said that TTM No. 5952 is a complex application that involves several applications. The project proposes 171 single family lots from 5,000 - 7,000 square feet in size, with 58 of the lots being 5,000 - 5,500 square feet. A General Plan amendment is proposed to rezone the property to the R-1-5 district, providing for a minimum lot size of 5,000 feet. The project would require a CUP to permit a planned unit development to include 50 foot streets, which is less than the City's 60 foot standard, and reduced front yard setbacks ranging from 10 to 18 feet, as the City standard is 20 feet. Mr. O'Neal noted that the applicant has an undeveloped nearby property with an approved map dated back to 2009, which should precede the current proposal. The project will also require annexation procedures. Staff has met with the developer to express concerns about the project and ask for additional information, but it has not been provided.

Findings for denial of the project include: that the proposed project is not consistent with the 2004 Fowler General Plan (GP); annexation of the subject property is not consistent with the policies of the GP to develop lands already within the City limits; and several requests by staff of the developer to consider re-design and provide needed information have not been provided. Mr. O'Neal stated that a resolution to deny the project, and alternate resolutions and an ordinance to approve the project, have been provided for the Council's consideration.

Mayor Cardenas left the dais and the Council Chamber due to a conflict of interest from having a business relationship with a property owner related to the project.

Randy Hill, applicant, spoke about the project, explaining that the current housing trend is for smaller lots and road design. He said that the design of the project allowed for larger backyards. Project Engineer Gary Gianetta stated that his data shows that the density of the project conforms to the GP.

Mayor Pro-Tem Parra opened the duly noticed public hearing on the matter at 8:44 p. m.

Fowler resident Melissa Squeo spoke against the project, stating she was not in favor of the smaller lot design.

Fowler resident Judy Fegette spoke against the project, citing the smaller lot design.

Fowler business owner Kenneth Bedrosian spoke against the project, noting that the Planning Commission and City Planner have confirmed they do not support the project, and that the best interests of the community should be considered. He spoke of

concerns about the narrow streets being an obstacle for public safety vehicle access.

Charles Hancock, whose family owns property near the project, stated that he was not against the project, and that the increased population may allow for a decent sized grocery store in town.

With no other comments from the public, the hearing was closed at 8:53 p. m.

The Council discussed the project and asked questions of Mr. Hill. Councilmember Kazarian made a motion, seconded by Councilmember Rodriguez, to adopt Resolution (No. 2362), "A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Denying General Plan Amendment No. 10-01, Zoning Ordinance Amendment No. 10-02, CUP No. 10-03, Vesting Tentative Tract Map No. 5952, and Annexation to the City of Fowler (R.J. Hill Homes)" without prejudice. The motion carried by unanimous voice vote: Ayes: Parra, Hammer, Kazarian, Rodriguez. Noes: None. Absent: None. Abstain: None. Recused: Cardenas.

The meeting adjourned to a short recess from 8:57 - 9:02 p. m. Mayor Cardenas returned to the meeting.

#### **POLICE DEPARTMENT REPORT**

No report was given.

#### **FIRE DEPARTMENT REPORT**

No report was given.

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

No report was given.

#### **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - January 24, 2017; B) Approve Minutes of the City Council Special Meetings - January 10, 2017; C) Adoption of Resolution No. 2361, "A Resolution of the City Council of the City of Fowler Approving Development and Planning Fees for 2017"; and D) Appoint Finance Director Ken McDonald to the Oversight Board to the Fowler Successor Agency. City Clerk Davis said a correction had been made to the December 20, 2016 Special Meeting Minutes approved at the last meeting, to reflect Mayor Pro-Tem Parra being absent. Councilmember Hammer made a motion, seconded by Mayor Pro-Tem Parra, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/absent: None.

#### **COMMITTEE REPORTS**

The Mayor attended a CASA conference for sanitation agencies where a topic of discussion was turning bio solids into energy products.

Mayor Pro-Tem Parra attending a League of California Cities Transportation Committee meeting where they discussed a new Transportation Bill.

Councilmember Kazarian and Councilmember Rodriguez both spoke of attendance at a League of California Cities New Mayors and Councilmembers Forum. Councilmember Rodriguez reported on a Southeast Regional Solid Waste Commission meeting he attended, where a blended cost formula was approved for cities to contribute to the maintenance cost of a disposal site.

## **CLOSED SESSION**

The meeting adjourned to a closed session to discuss, pursuant to Government Code Section 54957:

Public Employee Performance Evaluation Title: City Manager  
(Specify position title of employee being reviewed)

Public Employee Appointment/employment  
Title: City Manager  
(Specify description of position to be filled)

Public Employee Discipline/Dismissal/ Release/Complaint

Government Code Section 54957.6:

Conference with Labor Negotiators - Agency designated representatives: Mayor, City Attorney. Unrepresented Employees: City Manager, City Clerk

The meeting reconvened to open session at 10:18 p. m. with the following reportable action taken:

On a motion by Councilmember Hammer, seconded by Councilmember Rodriguez, the City Council unanimously accepted the retirement of the City Manager, effective today. Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/Absent: None.

On a motion by Councilmember Rodriguez, seconded by Councilmember Hammer, the Council by unanimous vote approved a City Manager's Separation Agreement that provides the City Manager with salary and health care benefits through March 9, 2017 in exchange for the City Manager being available for consultation and other considerations. The agreement is effective today. Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/Absent: None.

On a motion by Councilmember Rodriguez, seconded by Councilmember Kazarian, the Council unanimously approved appointment of City Clerk Jeannie Davis as Interim City Manager with a recommendation to be placed at Step A of the City Manager range of the salary schedule, retroactive to January 16, 2017, to be approved at the next Council meeting. Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/Absent: None.

## **ADJOURNMENT**

Having no further business, Councilmember Rodriquez made a motion, seconded by Councilmember Kazarian, to adjourn. The motion carried and the meeting adjourned at 10:20 p. m.