

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
FEBRUARY 15, 2011**

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

Councilmembers Present: Cardenas, Aguayo, Darling, & Simonian

Councilmembers Absent: Parra

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, Community Development Director Deaver, Public Works Director Weisser, Acting Police Chief Snow, City Attorney Wolfe, Acting Fire Chief Lopez, Planning Consultant O'Neal

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Father Theo of St. Lucy's Church. Roll call was taken.

PUBLIC PRESENTATIONS

Fowler resident Remy Juarez introduced his mother Rosa to the Council, mentioning that she will be a partner in the new seafood restaurant they plan to open in town.

Erica Cabrera, District Representative for Assembly Member Henry T. Perea, introduced herself to the Council and provided contact information.

Fowler Chamber of Commerce President Craig Mellon reminded the Council of the upcoming Community Awards Banquet on February 22, 2011, and Blossom Trail event on March 12, 2011.

Justin Steele, a representative for Senator Michael Rubio, introduced himself to the Council.

Fowler Postmaster Mary Anne Ward spoke of her concerns related to loose dogs roaming the streets, noting the hazard they create for mail carriers.

PRESENTATION BY THE FOWLER CHAMBER OF COMMERCE: ADOPTION OF A CITY MOTTO

Chamber President Craig Mellon asked that the Council adopt *"The Blossom Trail City"* as the City's official motto. He explained that Fresno County's annual Blossom Trail event is ranked 5th in the world, and the motto would help make Fowler a "destination" City. This could help attract tourism dollars to the local economy. The motto could be used in conjunction with the City's annual events.

Chamber board members Jim Martin and Mary Anne Ward, and a representative of the La Quinta Hotel, made comments in favor of the motto. Fowler resident Astine Zadourian

asked that the Council first give the citizens an opportunity for input on what the City's motto should be, before they take any action. City Attorney Wolfe said that the City should investigate trademark issues concerning the motto.

After a discussion, Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to move the item to the next meeting to give opportunity for public input before the Council takes action. The motion carried on a 4-0-1 roll call vote, with Councilmember Parra absent.

COMMUNICATIONS

City Manager Elias reported that he and other local government officials spoke to representatives of Governor Brown's office about adverse impacts that would result from the State's proposal to eliminate redevelopment. City Manager Elias also mentioned that as chair of the COG Policy Advisory Committee, he has formed a subcommittee to review their overall budget and work plan.

STAFF REPORTS:

The Mayor moved to agenda item C of Staff Reports.

C) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

◆ Discussion: Request to Lower the Business License Fee for Madam Sophia's Palmistry

Planning Consultant O'Neal said that Bobby Williams, of Madam Sophia's Palmistry, had asked the City to reduce their annual business license fee of \$1,200. Mr. O'Neal explained that business license fees are set by ordinance, and the majority of them are at a flat rate of \$40 dollars annually. The staff report showed a survey of what other cities charge for similar businesses, ranging from \$80 per year to \$888 per week, with some basing the fee on gross receipts. He noted that historically, fortune telling businesses were considered to be undesirable, and two nearby cities prohibit them entirely.

The staff report provided alternatives for the Council to consider, including: not changing the fee, reducing the fee, or basing the fee on annual gross receipts. Another alternative, recommended by staff, would be a fee based on gross receipts, along with requiring a special permit and the posting of a \$10,000 surety bond. The bond would ensure good-faith and fair dealing and indemnification for loss, damage, theft, etc. suffered by patrons. Bobby Williams spoke to the matter, asking the Council to reduce the fee to \$40 annually, similar to other businesses.

It was stated that Fowler's business license fees were much lower than other cities and should be increased overall. City Attorney Wolfe explained that since Proposition 218 came into effect, raising business license fees requires voter approval, which is the reason the fees have remained outdated.

The Council discussed the request. Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to direct staff to bring back an ordinance amendment to change the business license fee for fortunetellers in the City of Fowler to the rate of \$40 annually. The motion carried by unanimous voice vote.

A) SECOND READING OF ORDINANCE NO. 2011-01

Ordinance No. 2011-01 authorizes the City to collect County Capital Facilities Fees, similar to development impact fees, on behalf of Fresno County. Collection of the fees is a requirement of the recently approved tax-sharing MOU with the County.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to waive the second reading and adopt Ordinance No. 2011-01, "An Ordinance of the City Council of the City of Fowler Adopting Chapter 9 of Title 3 Concerning Collection of County Capital Facilities Fees." The motion carried on a 4-0-1 roll call vote.

B) CITY MANAGER'S REPORT

◆ Discussion: Method of Recruitment and Salary Range for Police Chief

City Manager Elias asked that the Council provide input on the recruiting method and salary range for the upcoming police chief recruitment. City Attorney Wolfe stated that the municipal code provides for the City Manager to handle staff recruitment tasks, with the Council's confirmation on the hiring of department heads. However, since the police chief is a high profile position, the Council may wish to have an opportunity to evaluate some of the top candidates, before a final selection is made.

City Manager Elias said he had not yet received written quotes from two recruiting firms he had contacted, but would bring information to the next meeting. A recruitment firm could perform tasks such as the job announcement, screening, background checking and preliminary interviews. He recommended using a panel of retired city managers and police chiefs to help with the interview process, once a list of top candidates is determined.

City Manager Elias also showed a salary comparison from surrounding cities for the position, in the event the Council wanted to make any adjustments to Fowler's salary range. The survey showed Fowler's scale to be comparable, though the lowest, of the cities surveyed.

The Council discussed the matter, and the consensus was to provide a written quote for the costs of a professional recruitment to the next meeting.

D) PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser said the department has been working to install additional road signs near the area where 8th Street ends at South Avenue, to help prevent future accidents.

E) FINANCE DIRECTOR'S REPORT

Finance Director Wong gave an update on the status of the Citywide WIFI project.

F) POLICE DEPARTMENT REPORT

Acting Chief Snow reported that the department is looking for grants to help fund public safety needs.

G) FIRE DEPARTMENT REPORT

Acting Fire Chief Lopez gave a brief report, noting that the department has recently been experiencing a high emergency call volume.

CITY ATTORNEY'S REPORT

City Attorney Wolfe circulated the recently updated Brown Act Workbook, noting that he added some reference material on ethics for public officials and the Public Records Act.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - February 15, 2011; B) Approve Minutes of the Fowler City Council Regular and Special Meetings - February 1, 2011; C) Approve providing a letter of support for the 2011 "One Voice" Recommended Regional Priorities Projects and Policy Issues. Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to approve the Consent Calendar. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

No reports were given.

ADJOURNMENT

Having no further business, Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to adjourn. The motion carried and the meeting adjourned at 9:16 p. m.