

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
APRIL 19, 2011**

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

Councilmembers Present: Cardenas, Aguayo, Darling, Parra, & Simonian

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 Councilmember Darling. Roll call was taken.

PUBLIC PRESENTATIONS

Paul Logan, a representative of the upcoming *Serve Fowler* event, thanked City Staff for their assistance in preparing for the event.

COMMUNICATIONS

City Manager Elias thanked Erica Cabrera, a representative of Assembly Member Henry Perea's office, for being in attendance. He reminded the Council of the upcoming HEAL Cities event at the Downtown Club in Fresno.

STAFF REPORTS:

A) FIRST READING OF ORDINANCE NO. 2011-02

Planning Consultant O'Neal stated that at their previous meeting, the Council considered an ordinance amendment to lower the annual business license fee for fortune telling from \$1,200 to \$40, at the request of Bobby Williams, owner of Madam Sophia's Palmistry. At that time, the ordinance amendment was not approved, but it was suggested that it be changed to lower the fee to \$300, and brought back for consideration.

Fowler resident George Bacon commented on the origination of the \$1,200 fee, believing it was related to Madam Sophia's being allowed to have a large advertising sign at their home-based business, several decades ago.

Bobby Williams stated that he was not able to attend the last meeting when the Council did not approve lowering the fee to \$40, similar to other businesses. He asked to have it lowered to \$141, one dollar higher than the highest business license fee of \$140.

The Council discussed the matter. It was stated that the fee for fortune telling businesses should be no more than \$40, as paid by the majority of businesses. It was noted that all

business license fees needed adjustment, as the \$40 fee most businesses pay is too low and outdated. City Manager Elias added that a ballot measure to increase all business license fees could be prepared for the 2012 election. It was stated that a \$300 fee would be in line with fees of other local cities and still provide a significant reduction from the current fee.

Councilmember Parra made a motion, seconded by Mayor Cardenas, to waive the first reading and approve Ordinance No. 2011-02, "An Ordinance of the City Council of the City of Fowler Amending the Fowler Municipal Code Pertaining to Annual Business License Fees for Fortune Telling," (annual fee of \$300). The motion failed on a 2-3-0 roll call vote: Ayes: Cardenas and Parra. Noes: Aguayo, Darling, Simonian. Absent/Abstain: none.

Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to waive the first reading and approve Ordinance No. 2011-02 with the annual fee changed to \$40, as in the original ordinance amendment. The motion failed on a 2-3-0 roll call vote: Ayes: Aguayo, Darling. Noes: Simonian, Cardenas and Parra. Absent/Abstain: none.

Mr. Williams said that as a result of the discussion, he would be satisfied if the fee was lowered to \$300, rather than wait for the results of a business license fee ballot measure.

Councilmember Parra again made a motion to waive the first reading and approve Ordinance No. 2011-02, with the annual fee of \$300 for fortune tellers. The motion was seconded by Mayor Cardenas, and carried on a 3-2-0 roll call vote: Ayes: Cardenas, Parra and Simonian. Noes: Aguayo, Darling. Absent/Abstain: none.

B) FIRST READING OF ORDINANCE NO. 2011-03

Community Director Deaver explained that Ordinance No. 2011-03 adopts an Administrative Citation Program, as an alternate method of enforcement for violations of the Fowler Municipal Code. The program simplifies the handling of code violations, avoiding lengthy and expensive court proceedings for certain matters. The ordinance sets forth a civil fine schedule and collection processes for code violations, written notification procedures with a timetable to correct the violation, and appeal and hearing procedures. The City Manager designates who can issue administrative citations, likely a code enforcement officer or department head.

The Council discussed the program and process. Councilmember Parra made a motion, seconded by Mayor Pro-Tem Aguayo, to waive the first reading and approve Ordinance No. 2011-03 "An Ordinance of the City Council of the City of Fowler Adopting Chapter 8 of Title 1 of the Fowler Municipal Code Concerning Administrative Citations." The motion carried by unanimous voice vote.

C) CITY MANAGER'S REPORT

City Manager Elias mentioned that he and the City Clerk met earlier that day with a representative of Avery Associates to discuss the police chief recruitment. The timeline for having an individual hired is by the end of August 2011.

D) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver spoke of recent efforts to help Jet Plastica continue operations in Fowler, as they were struggling with labor and energy costs. Staff brought in representatives from the EDC and other agencies to offer assistance, such as Enterprise Zone vouchers. As a result, they will remain operating in Fowler.

E) PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser said that Staff has been working on planting trees. He also circulated a 2010 Public Water Systems Statistics Report.

F) FINANCE DIRECTOR'S REPORT

◆ Monthly Budget Summary

Finance Director Wong gave a financial summary for July 2010 - March 2011. To date, sales tax revenue has come in \$16,000 lower than budgeted, and Utility Users Tax revenue has come in higher than the prior year. Due to the State's proposal to take away redevelopment, he may prepare two budgets for fiscal year 2011/12, with and without a redevelopment budget.

G) POLICE DEPARTMENT REPORT

Acting Chief Snow reported on recent arrests by the officers for stolen cars and property. He mentioned the upcoming Peace Officer Memorial, where he hopes to have a mobile California Police Officer History Museum available for the public to view.

H) FIRE DEPARTMENT REPORT

Acting Fire Chief Lopez gave a report of Fire Department calls for March 2011, and said that he is working on a Firefighter Safety Program.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported that the courts reaffirmed that a city council, as a policy and decision making authority, cannot delegate this authority to an arbitrator or other entity.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - April 19, 2011; B) Approve Minutes of the Fowler City Council Special Meetings - March 23, 2011, and April 6, 2011; C) Approve Staff's recommendation to not participate in Fresno County's Urban County Community Development Block Grant Program for 2012-13, 2013-14, and 2014-15; D) Approve Proclamation Declaring April 2011 DMV/Donate Life California Month; E) Approve Staff's recommendation to reject: Claim against the City of Fowler - Ava Corkins; and F)

Adoption of Resolution No. 2213, "A Resolution of the City Council of the City of Fowler, Fresno County, Approving the Application for Statewide Park Program Grant Funds." Councilmember Parra made a motion, seconded by Councilmember Simonian, to approve the Consent Calendar. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Councilmember Darling reported that the San Joaquin Valley Air Pollution Control District will be having a meeting in June to fill a vacancy on the Special City Selection Committee.

Councilmember Parra mentioned that the Fresno County EOC will be hosting a series of forums throughout various locations, to solicit public input on their programs.

ADJOURNMENT

Having no further business, Councilmember Parra made a motion, seconded by Mayor Cardenas, to adjourn. The motion carried and the meeting adjourned at 8:40 p. m.