

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
JUNE 7, 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, City Attorney Wolfe, Acting Fire Chief Lopez, Acting Police Chief Snow

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Councilmember Darling. Roll call was taken.

Councilmember Darling commended Acting Chief Snow and the Fowler Police Department for their hard work and efforts to bring department business current.

**PUBLIC PRESENTATIONS**

Fowler resident Murray McManus asked the Council and City Manager if they or their families had benefitted in any way from the unfiled police cases discussed at the previous meeting. Each of the Councilmembers and the City Manager replied that they had not.

**PRESENTATION: SAN JOAQUIN VALLEY WATER RELIABILITY ACT**

Anthony Ratekin, representing the office of Congressman Devin Nunes, asked for the Council's support of the San Joaquin Valley Water Reliability Act. The Act re-affirms the Bay-Delta Accord, which addresses water quality and reliability. It will restore water contracts, establish a cap that limits water diversions for fish and wildlife, save taxpayer money and create jobs. City Manager Elias noted that the matter was discussed at the Fresno County Board of Supervisor's meeting earlier that day, but no action was taken because they needed more time to evaluate it. At the meeting, a letter of opposition from Fresno State Environmental Science Professor Robert Merrill was circulated, and he provided a copy to the Council.

It was discussed that Councilmembers may need more time to study the matter before voting to support it. City Attorney Wolfe affirmed that a Councilmember could choose to abstain from voting, and should the resolution not be approved, it could be brought back for reconsideration.

Councilmember Darling made a motion, seconded by Councilmember Simonian, to adopt Resolution No. 2217, "A Resolution of the City Council of the City of Fowler Supporting the San Joaquin Valley Water Reliability Act." The motion failed on a 2-2-1 roll call vote: Ayes: Darling, Simonian. Noes: Cardenas, Aguayo. Abstain: Parra.

Councilmember Parra made a motion to bring the resolution back for reconsideration at the

next meeting, seconded by Mayor Pro-Tem Aguayo. The motion carried on a 5-0-0 roll call vote.

## **COMMUNICATIONS**

City Manager Elias mentioned several communications:

- ◆ A reminder of the upcoming League S.S.J.V. Division meeting on June 9, 2011 in Hanford
- ◆ The City's Summer Swim Program will begin June 20, 2011
- ◆ Blais & Associates is working on round two of the Proposition 84 parks grant application
- ◆ Staff will be meeting with the lenders of Tract No. 5090 to discuss calling the performance bonds
- ◆ Arrangements have been made for free sack lunches to be distributed this summer at the Senior Center to qualifying children in the community
- ◆ A proposal has been requested from a consultant who will perform an assessment of Police Department operations

## **CITY MANAGER'S REPORT**

### **◆ Approval of Revised Employment Agreement - City of Fowler and Russ Snow**

City Manager Elias recommended that the Council approve a revised employment agreement for Acting Chief Snow, as his current contract expires at the end of June. The agreement is on a month-to-month basis. Chief Snow has agreed to remain until the recruitment for a permanent Chief concludes, which should occur by early fall.

Councilmember Parra made a motion, seconded by Mayor Pro-Tem Aguayo, to approve the Revised Employment Agreement between the City of Fowler and Russ Snow. The motion carried by unanimous voice vote.

### **◆ Discussion on Contracting-out Building Inspection and Related Activities to Other Cities**

City Manager Elias said that some neighboring cities that have downsized their staff due to the economy, have asked if the City would consider contracting out building inspection services. After evaluating the City's needs, he determined that it would not create an impact as long as the contract services did not exceed two days per week. A formal agreement will be brought back for approval. The consensus of the Council was to move forward.

### **◆ Discussion on Recreation Commission Terms Ending June 30, 2011**

City Manager Elias stated that three Recreation Commission terms will be ending on June 30, 2011, and asked whether the Council wanted to reappoint them, or try to solicit for new applicants. There is also a vacancy on the Commission. One Commissioner has expressed the desire to be reappointed, but he reminded them that at the previous

meeting, a citizen read a letter complaining about the behavior of another Commissioner whose term is expiring. The consensus was for staff to speak to the Commissioners about reappointment at the Recreation Commission meeting the following week, and to try again to advertise for applicants in the Fowler Ensign.

## **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Community Development Director Deaver mentioned an upcoming community meeting regarding Quad Knopf's proposed Golden State Corridor re-alignment plan, to be held at Favoritos Restaurant on June 14, 2011.

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

### **◆ Approve Award of Bid for the Fowler ADA Sidewalk Improvements**

Public Works Director Weisser recommended that the Council approve awarding the bid for ADA sidewalk improvements to American Paving Company, the lowest bidder at a recent bid opening. The improvements will be located along Sumner Avenue from Wright Oil to the nearby residential subdivision, and in areas of damaged sidewalk along Fowler Avenue near Fresno Street.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to approve the award of bid for the Fowler ADA Sidewalk Improvements (Phase 1) CDBG Project No. 09231 to American Paving Company in the amount of \$105,999.00. The motion carried by unanimous voice vote.

Mr. Weisser reported that the annual Consumer Confidence Report has been completed, and that a bid opening was held that week for the Veterans Monument and Pickleball Court projects. The bids for the pickleball courts came in higher than what the Council originally approved, even after scaling down the project. Pickleball advocate John Browing spoke, stating that the community plans to help with the difference in cost through fund-raising activities.

## **FINANCE DIRECTOR'S REPORT**

Finance Director Wong said that after the State adopts its budget for fiscal year 2011-12 later in the month, he will have more information for finalizing the City's budget.

## **POLICE DEPARTMENT REPORT**

Acting Chief Snow said that the department is continuing to work on unfiled cases, and data is being compiled for a detailed report at the next meeting. Two officers, Adam Garza and Jeff Noble, recently received their P.O.S.T. Intermediate Certificates. The Council congratulated Officer Noble, who was present, on his achievement.

## **FIRE DEPARTMENT REPORT**

Acting Fire Chief Lopez gave a report on emergency calls for April 2011. He spoke of a recent meeting with the ISO, who will be conducting an audit so that the City's fire suppression rating can be updated. He received part one of his command certification, with two more courses ahead to complete.

## **CITY ATTORNEY'S REPORT**

City Attorney Wolfe said that courts have confirmed that if a public employee receives a civil subpoena to testify in a legal proceeding, the party issuing the subpoena must provide a deposit and pay the costs for the employee's time away from work.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - May 17, 2011; B) Approve Minutes of the Fowler City Council Regular Meeting - May 3, 2011 and Special Meetings - May 3, 2011, May 11, 2011 and May 24, 2011; C) Adoption of Resolution No. 2216, "A Resolution of the City Council of the City of Fowler Approving a Change of Time for the Fowler Recreation Commission Meeting"; and D) Approve Cooperative Agreement Between Fresno County Fire Protection District and the City of Fowler - F. Y. 2011-2012. Councilmember Simonian made a motion, seconded by Councilmember Parra, to approve the Consent Calendar. The motion carried by unanimous voice vote.

## **COMMITTEE REPORTS**

Mayor Cardenas attended a kick-off event for the Fresno County Fruit Trail, and toured the Fresno County EOC facility.

Mayor Pro-Tem Aguayo mentioned an upcoming event at the Fowler Library on June 16, 2011 to honor former Librarian Sara Brown and Representative Terry Sterling.

Councilmember Parra commented about efforts to restore a local food bank.

Councilmember Simonian attended a Workforce Investment Board meeting. He commended the local churches and everyone who participated in the recent "Serve Fowler" event. He also asked that Councilmember Parra be designated as the Southeast Regional Solid Waste (SERSW) representative, since they hold their meetings in conjunction with the Five Cities board meetings that Councilmember Parra serves on. The consensus was to designate Councilmember Parra as the SERSW representative.

## **ADJOURNMENT**

Having no further business, Councilmember Parra made a motion to adjourn, seconded by Mayor Pro-Tem Aguayo. The motion carried and the meeting adjourned at 9:08 p.m.