

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

Mayor Cardenas called the meeting to order at 7:02 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, City Attorney Wolfe,  
Acting Police Chief Snow, Acting Fire Chief Lopez

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

**PUBLIC PRESENTATIONS**

Fowler resident Andy Gonzales thanked City staff for their quick response to a broken water line in an alleyway.

Fowler resident Craig Mellon asked if the City had provided a response to Fresno County's proposed ordinance allowing Medical Marijuana cultivation in unincorporated areas of the County. City Manager Elias said that a letter had been sent to the Board of Supervisors and County Planning Commission requesting that modifications be made, due to possible impacts to the City.

Paula Donnelly, of the Cornerstone Theater Group in Los Angeles, mentioned the upcoming play they developed about the Fowler community. Performances will be held at Panzak Park on August 11-13, 2011, with Fowler citizens cast as the characters.

Ron Wathen, of Quad Knopf Engineering, mentioned an upcoming public outreach meeting for their proposed Golden State Corridor realignment plan.

Mayor Cardenas asked to move to the badge pinning ceremony item on the agenda.

**BADGE PINNING CEREMONY - NEWLY APPOINTED SERGEANTS**

Acting Chief Snow stated that Corporals Keith Berry, Chris Bergthold and Joe Miranda have been promoted to the position of sergeant. He gave a brief bio on each, followed by a badge pinning ceremony for their new sergeant badges. Mayor Cardenas commended them on the job they do for the community.

**PRESENTATION BY SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) - HEALTHY AIR LIVING OUTREACH CAMPAIGN**

Morgan Lambert, a representative of the SJVAPCD, gave an update on District activities and efforts to develop programs to improve air quality. The efforts have resulted in the last

two winters being the cleanest on record. He noted that additional federal clean air mandates will need to be met within the next few years. The District's aim is to develop a partnership with cities to help them do all they can to implement air quality measures, including securing grant funds for clean air technology and programs.

## **APPROVAL OF YOUTH SPORTS FUNDING APPLICATION - FOWLER BABE RUTH BASEBALL**

Fowler resident Leonard Hammer explained that the funding request in the amount of \$3,500 for Fowler Babe Ruth Baseball is to assist them with hosting an upcoming regional tournament. The tournament will bring in many visitors and boost the local economy. City Manager Elias stated that the funds would come from the Recreation portion of the Utility Users Tax.

Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to approve the Youth Sports Funding Application in the amount of \$3,500 for Fowler Babe Ruth Baseball. The motion carried by unanimous voice vote.

## **COMMUNICATIONS**

City Manager Elias mentioned an upcoming budget roundtable with Senator Michael Rubio on Wednesday, July 27, 2011 in Fresno, followed by a scheduled meeting with officials and business leaders in Fowler.

## **STAFF REPORTS:**

### **APPOINT VOTING DELEGATE/ALTERNATE - LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

City Manager Elias said that each year the League requires cities to appoint a delegate and alternate to vote on resolutions at their annual conference business meeting. The conference will take place September 21-23, 2011 in San Francisco, and Mayor Cardenas is the only City official attending.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to appoint Mayor Cardenas as the voting delegate at the League's annual conference. The motion carried by unanimous voice vote.

## **CITY MANAGER'S REPORT**

### **◆ Update on City Engineer RFP Process**

City Manager Elias said that the City Engineer RFP process brought in proposals from several different firms. After staff review, they were narrowed down to the top five. He noted that they all have very impressive qualifications and offer distinctly different opportunities. Staff's foremost consideration is to determine which firm best meets current challenges during the difficult economic times. A formal recommendation and contract will be brought to the Council for approval at the next meeting.

◆ **Update on Police Chief Recruitment**

City Manager Elias reported that a total of 53 applications for police chief have been received, and the recruiting consultant will be providing a summary of information on the candidates.

**COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Community Development Director Deaver reported that Mid Valley Packaging is planning an expansion, and that a C.U.P. for an auto repair shop on 7th and Tuolumne Streets was approved by the Planning Commission.

**PUBLIC WORKS DIRECTOR'S REPORT**

◆ **Consider/Approve Award of Bid for 2011 Pavement Maintenance Project**

Project engineer Dave Peters explained the bid process for the 2011 Pavement Maintenance Project. The project had first went out to bid in the fall of 2010, but the scope exceeded the funds for the project. The Council rejected the bids and gave direction to rebid a smaller project in the spring. This bid opening was held the previous day. Only one bid was received, and it was significantly higher than the project cost estimate. In reviewing the bid, it was found that the cost of rubberized cape seal had greatly increased since last fall. Staff recommended that the Council reject the bid, and approve rebidding the project with the addition of a bid alternate for a type III slurry seal which would still work well, but cost much less than the cape seal.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to reject the bid for the 2011 Pavement Maintenance Project, and rebid the project adding the bid alternate. The motion carried by unanimous voice vote.

**FINANCE DIRECTOR'S REPORT**

No report was given.

**POLICE DEPARTMENT REPORT**

Acting Chief Snow received a copy of a response letter from the Fresno County District Attorney's office to the Grand Jury's report on the backlog of unfiled cases, noting that the letter was positive for the City. The DA's office met with staff concerning further review of some of the cases. He also reported that the department received the new handguns that were part of a recent trade, and that Randy Deaver completed required field training and is now a Level 1 Police Reserve Officer.

**FIRE DEPARTMENT REPORT**

Acting Fire Chief Lopez gave a statistical report on emergency calls for May 2011. Craig Mellon asked why some of the firefighters continue to receive stipends, since the report

shows they have not responded to emergency calls or attended training. The Council briefly discussed the issue, and City Manager Elias said that he would investigate.

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

City Attorney Wolfe reported on a recent court case that determined that project opponents on CEQA matters must first come before an agency to express their objections so that the agency has a chance to respond, rather than waiting to provide the objections when court proceedings take place.

### **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - July 19, 2011; B) Approve Minutes of the Fowler City Council Meeting - June 21, 2011; C) Approve Agreement Between the City of Fowler and City of Kingsburg for Building Inspection and Plan Check Services; and D) Approve letter of support to appoint Dr. Alexander Sherriffs, M.D. to the San Joaquin Valley Air Pollution Control District Board and California Air Resources Board. City Manager Elias said that check #21664 had been removed from the warrants list. 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**

Mayor Cardenas invited the Council to attend S.K.F.'s annual staff barbecue on July 21, 2011.

### **ADJOURNMENT**

Having no further business, Councilmember Simonian made a motion to adjourn, seconded by Mayor Pro-Tem Aguayo. The motion carried and the meeting adjourned at 9:10 p.m.