

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
OCTOBER 4, 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, City Attorney Wolfe, Public Works Director Weisser, 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 Joe Acosta spoke to the Council about problems with noise from a packing house near his home where trucks are parked on the street that are idling with their refrigeration units operating. City Manager Elias said that he would make sure that staff enforces the City's regulations that prohibit or limit truck parking on streets.

Chamber President Craig Mellon thanked the City for assistance with the agricultural booth at the Big Fresno Fair, and the recent Tour de Fresno event.

Andy Gonzales of Fowler spoke about many favorable comments he heard regarding the refreshment stop in Fowler at the Tour de Fresno event.

PRESENTATION BY FRESNO COUNTY SUPERVISOR JUDY CASE: UPDATE ON FRESNO COUNTY ACTIVITY

Fresno County Supervisor Judy Case gave an update on Fresno County activity. She spoke about Sheriff's Department and jail operations, recent Board actions concerning Medical Marijuana dispensaries, and the offering of a low income health care program for qualifying County residents.

The Mayor moved to item 8 on the agenda, adjourning to the Fowler City Council/Fowler Redevelopment Agency/Fowler Public Financing Authority Special Joint Meeting at 7:41 p.m. The Council meeting reconvened at 8:03 p.m.

APPEAL OF ACTING POLICE CHIEF SNOW'S DECISION NOT TO APPROVE A PERMIT FOR THE GURNANAK PARKASH GURDWARA'S ANNUAL PARADE

City Manager Elias said that staff had recently held a meeting with representatives of the Gurnanak Parkash Gurdwara to discuss the church's annual parade in Fowler. The first parade, held in 2010, resulted in several complaints from the public, mainly

related to the parade route, so staff suggested using an alternate route. Residents near Sumner Avenue complained that they were cut off from access to and from their subdivision. Also, food booths along the route created long delays for traffic. Due to these problems and conflicts with municipal code regulations concerning parades, Acting Chief Snow declined to approve the permit for their 2011 parade.

Church Representative Raj Singh explained their written parade proposal, noting that they want to keep the same route because it provides visibility and awareness of their church to the Fowler community. They are willing to implement further mitigation measures, such as placing the food booths at Panzak Park instead of along the parade route, and occupying only one lane along Sumner Avenue. He assured that safety professionals and law enforcement have been contracted to direct traffic.

Fowler residents Sandie Monis, Craig Mellon, Nico and Michelle Alo, and Any Gonzales, spoke of problems that the parade route had caused in barring access to and from their homes and local businesses. Suggestions were made about providing advance notice to residents, or finding a different parade route. Paul Logan stated that though these problems were true for last year's parade, the church has addressed them for the 2011 parade.

The Council spoke to Mr. Singh about the possibility of using another route, noting that the City is supportive of the event, but the best interests of the entire community had to be considered. After further discussion, the consensus was that the mitigation measures proposed by Mr. Singh, and the agreement to provide increased liability insurance and better notification to affected residents, would be acceptable.

Councilmember Parra made a motion, seconded by Mayor Pro-Tem Aguayo, to grant the appeal and approve the parade permit per the proposal, with the additional requirements for notice to the residents, and approval of the related street closures and any additional restrictions that were noted. The motion carried by unanimous voice vote.

COMMUNICATIONS

City Manager Elias mentioned the upcoming Fowler Horse Race Day at the Big Fresno Fair. City Clerk Davis mentioned the upcoming COG Transportation Forum in Fresno.

STAFF REPORTS:

FIRST READING OF ORDINANCE NO. 2011-05

City Manager Elias explained that there has been an ongoing problem with cars parked with "for sale" signs for long periods of time along Merced Street. Parking on Merced Street is already limited, particularly in the downtown area. The ordinance will prohibit parking cars for sale on Merced Street between Sumner and Adams Avenues, 5th through 10th Streets between Tuolumne and Main Streets, and on Sumner Avenue

between Merced Street and Sunnyside Avenue.

Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to waive the first reading and approve Ordinance No. 2011-05, "An Ordinance Adding Section 4-4.213, of Article 2, of Chapter 4, of Title 4, of the Fowler Municipal Code Pertaining to Prohibiting Vehicle Parking for Purposes of Sale." The motion carried by unanimous voice vote.

SECOND READING OF ORDINANCE NO. 2011-04

City Manager Elias noted that Ordinance No. 2011-04 calls for the continuation of the Fowler Redevelopment Agency, pursuant to recent legislation signed by Governor Brown to eliminate or severely limit redevelopment agencies. The ordinance is contingent on the validity of the legislation, which will soon be determined by the courts.

Councilmember Simonian made a motion to waive the second reading and approve Ordinance No. 2011-04, "An Ordinance of the City Council of the City of Fowler Determining That, Subject to Various Contingencies, it Will Comply with the Voluntary Alternative Redevelopment Program Pursuant AB1x27 in Order to Permit the Continued Existence of the Fowler Redevelopment Agency." The motion was seconded by Councilmember Parra, and carried by unanimous voice vote.

CITY MANAGER'S REPORT

No report was given.

PUBLIC WORKS DIRECTOR'S REPORT

No report was given.

FINANCE DIRECTOR'S REPORT

◆ Discussion: Costs to offer CalPERS 2-years Additional Service Credit as a Retirement Incentive to Certain Eligible Positions

Finance Director Wong explained the proposal to offer a CalPERS 2-year additional service credit benefit as a retirement incentive to five positions: two Maintenance Worker III, two Administrative Assistant, and one Building Official position. CalPERS requires the costs to be made public for two weeks prior to adoption of a resolution approving the incentive. Calculations showed that the estimated additional cost to the employer contribution rate would be 1.162 percent if all five positions chose to retire, effective two years after the end of a designated retirement period. The estimated annual savings in salaries and benefits if all chose to retire would be \$397,195. The consensus of the Council was to move forward with a resolution approving offering the

retirement incentive.

POLICE DEPARTMENT REPORT

Acting Chief Snow reported that the Police Department participated in an undercover sting operation by the Fresno County Department of Public Health concerning tobacco sales to underage customers. Of ten different stores tested in the City, only one sold tobacco to an underage decoy.

FIRE DEPARTMENT REPORT

Acting Fire Chief Lopez gave the August 2011 statistical report. The Department responded to a total of 57 emergency calls.

CITY ATTORNEY'S REPORT

City Attorney Wolfe stated that he has been working with Acting Chief Lopez on a Fire Department policies and procedures manual, that is almost complete.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - October 4, 2011; B) Approve Minutes of the Fowler City Council Meeting - August 16, 2011; Minutes of the Fowler City Council Special Meeting - August 30, 2011; and Minutes of the Fowler City Council Special Meeting - September 14, 2011; C) Adoption of Resolution No. 2230, "A Resolution of the City Council of the City of Fowler in the Matter of Approving a CalPERS Industrial Disability Retirement"; and D) Approve Use Agreement - Fowler Hospital offices (Fowler Chamber of Commerce).

City Manager Elias asked that item D be removed as it was not ready for approval. Councilmember Parra made a motion, seconded by Mayor Pro-Tem Aguayo, to approve the Consent Calendar without item D. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Councilmember Darling requested to represent the City at an upcoming Fresno County Board of Supervisors meeting to invite them to the Fowler Veterans Monument dedication. Councilmember Parra mentioned an upcoming CitiPac fund-raiser in Dinuba.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Aguayo made a motion to adjourn, seconded by Councilmember Parra. The motion carried and the meeting adjourned at 10:35 p.m.