

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
OCTOBER 18, 2011**

Mayor Cardenas called the meeting to order at 7:01 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 John Browning commented favorably on the recently completed pickleball courts in Panzak Park.

Fowler resident Arpie Dick thanked the Council for removing the planters near the parking spaces in the downtown area.

Fowler resident John Marquez made brief comments about the City of Fowler.

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

**PRESENTATION TO ACTING CHIEF RUSS SNOW**

Mayor Cardenas presented a plaque to Russ Snow for his dedicated service to the City of Fowler, and expressed gratitude for the outstanding job he did during the past year as the Acting Chief of Police.

**OATH OF OFFICE AND BADGE PINNING CEREMONY: CHIEF OF POLICE**

The Council welcomed newly appointed Police Chief Michael Brand to the City of Fowler. The badge pinning ceremony followed. City Clerk Davis administered the Oath of Office to Chief Brand.

The Mayor called a recess for a reception in honor of Chief Brand and Acting Chief Snow.

**COMMUNICATIONS**

City Manager Elias mentioned the upcoming COG Transportation Forum in Fresno, and the Five Cities Business Trade Show in Fowler. He said that the Department of Parks and Recreation will be coming to Fowler to conduct a site visit regarding the City's grant application for new park facilities.

## **STAFF REPORTS:**

### **SECOND READING OF ORDINANCE NO. 2011-05**

City Manager Elias explained that Ordinance No. 2011-05 prohibits the parking of cars "for sale" along Merced Street.

Councilmember Simonian made a motion, seconded by Councilmember Parra, to waive the second 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.

### **FIRST READING OF ORDINANCE NO. 2011-06**

City Attorney Wolfe explained that Ordinance No. 2011-06 updates the City's animal control ordinance which has not been changed since 1979. The ordinance calls for regulations concerning: the spaying and neutering of pets, microchip identification, breeding, the feeding of wild birds and feral cats, menacing animals, and animals at-large. Existing zoning requirements limit household pets to 4 animals, and Ordinance No. 2011-06 places a further limit on the number of dogs (3), cats (2) and Vietnamese potbellied pigs (2). The Planning Commission considered the zoning text changes, and recommended that the limits be removed to simply allow a total of 4 household pets. After a discussion, the consensus was to follow the Planning Commission recommendations to allow a total of 4 of any combination of household pets, except no more than 2 potbellied pigs.

After a discussion, Councilmember Parra made a motion to waive the first reading and approve Ordinance No. 2011-06, "An Ordinance of the City Council of the City of Fowler Amending Chapter 1 of Title 6 of the Fowler Municipal Code Pertaining to Animal Regulations; and Making Related Conforming Amendments to the City's Zoning Code, Article 2, Section 9-5.202, Article 5, Section 9-5.503, Article 6, Section 9-5.603, and Article 7, Section 9-5.703," with the changes discussed. The motion was seconded by Councilmember Darling, and carried by unanimous voice vote.

## **CITY MANAGER'S REPORT**

No report was given.

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

Public Works Director Weisser reported that the department is working on tree trimming and filling potholes to prepare for the upcoming Lions Club Band Review. The slurry seal project will begin after the Band Review takes place.

#### **FINANCE DIRECTOR'S REPORT**

◆ **Discussion: Costs to offer CalPERS 2-Years Additional Service Credit as a Retirement Incentive to Certain Eligible Positions - to Include Community Development Director**

Finance Director Wong said that costs were presented at the last meeting for offering a CalPERS 2-year additional service credit benefit as a retirement incentive to five employment positions, and the consensus was to move forward. Thereafter, the former Community Development Director (CDD), whose position was recently eliminated, asked that the CDD position be added to the list, as he had applied for retirement and wished to receive the benefit. Mr. Wong gave an update to the calculations presented at the prior meeting of the estimated additional cost to the employer contribution rate if all six positions chose to retire, which would be 1.685 percent. The estimated annual savings in salaries and benefits would be \$503,369. The consensus of the Council was to add the CDD position to the list of positions that will be offered the incentive.

◆ **Financial Summary: Fiscal Year 2010-11, and First Quarter of Fiscal Year 2011-12**

Finance Director Wong gave a financial summary for F. Y. 2010-11. Total General Fund (GF) revenues were \$30,000 over expenditures for the period. Utility Users Tax revenue totaled \$380,692, and expenditures totaled \$136,541. He also gave a summary for the first quarter of F.Y. 2011-12, showing GF revenues at 13.9 percent, and expenditures at 19.1 percent, of budget.

#### **POLICE DEPARTMENT REPORT**

Acting Chief Snow thanked the Council for the opportunity to work for the City of Fowler over the past year. He stated that it has been an honor to work with the dedicated, hard working officers of the Fowler Police Department.

#### **FIRE DEPARTMENT REPORT**

Acting Fire Chief Lopez gave the statistical report for September 2011. The Department responded to a total of 58 emergency calls. They are in the process of planning for the upcoming Sikh religious parade in Fowler.

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

City Attorney Wolfe reported that several cities in Orange County have adopted ordinances to ban registered sex offenders from visiting city parks.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - October 18, 2011; B) Approve Minutes of the Fowler City Council Meeting - October 4, 2011; and Minutes of the Fowler City Council/Redevelopment Agency/Public Financing Authority Special Joint Meeting - October 4, 2011; C) Consider and approve staff's recommendation to reject claims against the City of Fowler: Nachhattar Kaur, and Harvey McCullar; and D) Adoption of Resolution No. 2231, "A Resolution of the City Council of the City of Fowler Nominating Oliver Baines to the Special City Selection Committee for Appointment to the San Joaquin Valley Air Pollution Control District Governing Board." Councilmember Simonan 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 attended an event where Fowler Police Officer Marco Solian was recognized along with officers from other local communities who have made a large number of D.U.I. arrests. Mayor Pro-Tem Aguayo mentioned the Recreation Commission's upcoming "Trunk or Treat" Halloween event. Councilmember Darling said that he has received many positive comments on the City's removal of the planters in the downtown area. Councilmember Parra reminded the Council of the upcoming CitiPac golf tournament fundraiser. Councilmember Simonian commented on the success of the Fowler Fall Festival and the City's assistance with the event.

## **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 8:46 p.m.