

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
NOVEMBER 1, 2011**

Mayor Cardenas called the meeting to order at 7:06 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, Police Chief Brand, Fire Chief Lopez

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Father George Arakelian. Roll call was taken.

PUBLIC PRESENTATIONS

Recreation Commission Chairman Craig Mellon thanked the City for assistance with the "Trunk or Treat" Halloween event. He mentioned an upcoming Fowler Chamber mixer and the Veterans Monument dedication event.

Fowler resident John Marquez spoke about making arrangements to meet with City staff on various matters.

PRESENTATION BY THE MUSCULAR DYSTROPHY ASSOCIATION: "FILL THE BOOT" EVENT

Renee Contreras, a representative of the Muscular Dystrophy Association, thanked the City for support of their recent "Fill the Boot" fund raising event in Fowler. Members of the Fowler Fire Department and their families participated, and the group raised over \$1,200.00. Funds will be used to help send local children with the disease to a summer camp or pediatric clinic. The Association plans to hold the event annually in Fowler.

PRESENTATION BY FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH: TOBACCO SALES IN THE CITY OF FOWLER

Dr. Edward Moreno, Leila Gholamrezaei-Eha, and Julio Romero, representatives of the Fresno County Department of Public Health, spoke to the Council about adopting an ordinance to help prevent the sale of tobacco to minors. The ordinance would require tobacco retailers to obtain a license that could ultimately be suspended in the event of a violation, and would impose fees to defray costs to enforce tobacco laws. American Lung Association representative Melanie Ruvalcaba noted that the minimal fees collected for California State tobacco licenses does not provide enough funding for enforcement, so communities are being urged to adopt local ordinances. Those that have adopted regulations have reported that illegal tobacco sales rates have dropped. A recent undercover operation was conducted on local stores that sell tobacco, and of ten stores visited, one sold tobacco to a minor. Opinion polls taken in Fowler regarding concerns of tobacco being sold to minors showed that many are in favor of a regulatory

ordinance.

Fowler residents Sandra Browning, Sandie Monis, Father George Arakelian, and Craig Mellon spoke in favor of the City adopting tobacco sales regulations. After a discussion, the consensus of the Council was for staff to draft an ordinance that will be considered at a future meeting.

COMMUNICATIONS

City Manager Elias asked that the November 15, 2011 Council meeting be canceled due to a lack of business. An open house has been scheduled the same evening for citizens to meet new Chief of Police Michael Brand.

STAFF REPORTS:

SECOND READING OF ORDINANCE NO. 2011-06

City Manager Elias stated that Ordinance No. 2011-06 updates the City's animal control ordinance, providing regulations for the spaying and neutering of pets, microchip identification, breeding, animals at-large, and limiting the amount of household pets to four per residence.

Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to waive the second 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." The motion carried by unanimous voice vote.

CITY MANAGER'S REPORT

City Manager Elias reported on plans to bring a family style restaurant to property near the La Quinta Hotel on Merced Street.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser said that staff has been cleaning ponding basins and performing other winter preparation tasks. The pavement maintenance project is underway, and the Veterans Monument is nearly complete.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Police Chief Brand gave a statistical report for September and October 2011.

FIRE DEPARTMENT REPORT

Acting Fire Chief Lopez gave a report on emergency calls for October 2011, and commented on the "Fill the Boot" event.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on changes to the law regarding the ten percent payment retention held from contractors on public works projects, which will soon be limited to five percent.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - November 1, 2011; B) Approve Minutes of the Fowler City Council Regular and Special Meetings - October 18, 2011; C) Adoption of Resolution No. 2232, "A Resolution of the City Council of the City of Fowler in the Matter of Approving a CalPERS Industrial Disability Retirement"; D) Adoption of Resolution No. 2233, "A Resolution of the City Council of the City of Fowler to Grant Another Designated Period for Two Years Additional Service Credit"; and E) Adoption of Resolution No. 2234, "A Resolution of the City Council of the City of Fowler - Accepting Fowler ADA Sidewalk Improvements - Phase I CDBG Project No. 09231." 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

Councilmember Parra reported on recent discussions with the group "Keep Indian Gaming on Indian Lands," and will be writing a letter to Governor Brown in support of their efforts.

CLOSED SESSION

The meeting adjourned to a closed session at 8:25 p.m. to discuss, Pursuant to Government Code Section 54956.9 (b) Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation: 1 Case; Threat of litigation from Lawrence Muller regarding Recreation Commission appointments in letters received on September 29 and October 25, 2011. The meeting reconvened to open session at 8:45 p.m. with no reportable action taken.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Aguayo made a motion to adjourn, seconded by Councilmember Simonian. The motion carried and the meeting adjourned at 8:46 p.m.