

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
SEPTEMBER 14, 2011**

Mayor Cardenas called the meeting to order at 6:00 p.m.

Councilmembers Present: Cardenas, Aguayo, Darling, Parra & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Community Development Director Deaver, 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 residents Cirilo Medina and John Browning presented each Councilmember with a pickleball racquet gift, for their support of the pickleball court project in Panzak Park.

PRESENTATION TO HONOR COMMUNITY DEVELOPMENT DIRECTOR

Mayor Cardenas presented a plaque of appreciation to Community Development Director Randy Deaver, who will be leaving employment after eight years of service. The Council expressed gratitude to Mr. Deaver for his dedication to the City. The Mayor called for a brief recess to a reception in his honor.

COMMUNICATIONS

Communications included:

- ◆ Invitation to Big Fresno Fair Opening Ceremonies - Wednesday, October 5th and Fowler Horse Race Day - Sunday, October 9th
- ◆ The 3rd Annual Tour De Fresno Charity Bike Ride will have a major rest/refreshment stop in Panzak Park - Saturday, September 17th
- ◆ Upcoming SSJV League Division Meeting - Downtown Club - Fresno, Thursday, October 13th
- ◆ Economic Development 101 Workshop - Monday, September 26, 2011 - at the Reedley Community Center
- ◆ Fowler Fall Festival - Saturday, October 8th
- ◆ Staff will meet the following day to discuss and coordinate the Gur Nank Parkash Annual Parade in November
- ◆ Reminder: September 20th Council Meeting canceled due to League Annual Conference

STAFF REPORTS:

FIRST READING OF ORDINANCE NO. 2011-04

City Manager Elias and City Attorney Wolfe explained the reason for Ordinance No. 2011-04. Governor Brown signed AB 1x26 and AB 1x27, dissolving redevelopment agencies in California, unless an agency adopts a voluntary continuation ordinance that authorizes payment of tax increment to the county auditor-controller, who will administer the funds. The ordinance provides that the City shall make a remittance in the amount of \$589,731.00 for Fiscal Year 2011-12, and subsequent annual remittances as specified by law. In previous discussions with the Council, staff recommended adopting a continuation ordinance so that accumulated RDA housing funds could be used for community projects, rather than being surrendered to a housing authority. The California Redevelopment Association and League of California Cities has filed a lawsuit against the State asking the California Supreme Court to overturn the legislation as being unconstitutional. A partial stay has been granted on the required remittance payments until a court decision is made, and the ordinance itself is also contingent on the validity of the legislation.

Councilmember Simonian made a motion to waive the first 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.

The Mayor adjourned the meeting to the Fowler City Council and Fowler Redevelopment Agency Special Joint Meeting at 6:34 p.m. The Council meeting reconvened at 6:38 p.m.

CITY MANAGER'S REPORT

No report was given.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Deaver reported on the upcoming Business to Business Trade Fair that will be held on October 27, 2011 at the Worship Centre in Fowler. He mentioned that the Design Review Committee would soon be meeting for the first time to discuss two upcoming projects.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser reported that the Veterans Monument project is well under way, and staff is preparing for the upcoming Tour de Fresno refreshment stop in Panzak Park.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Acting Chief Snow said the department is preparing for the Fowler Fall Festival, Tour de Fresno, and Gur Nank Parkash annual parade events. Officers will be attending a training on the use of tazers. He mentioned that the DA's office will be filing charges on 9 of 146 backlogged cases submitted. Also, officer Marco Solian will be receiving an award for his efforts in stopping D.U.I. drivers.

FIRE DEPARTMENT REPORT

Acting Fire Chief Lopez gave the July 2011 statistical report. He said that \$108,000 in grant funds have been received for the department from 2009 to date.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - September 14, 2011; B) Approve Agreement between the City of Fowler and the Fowler Chamber of Commerce - Fiscal Year 2011-2012; C) Approve Assignment and Assumption Agreement between Scott and Allison Turner, Remy Juarez, and the City of Fowler; D) Approve Amendment II to Agreement 10-153 between the County of Fresno and the City of Fowler - Fowler ADA Improvements Phase I CDBG project; and E) Adoption of Resolution No. 2228, "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California Approving Submittal of Application(s) for All CalRecycle Grants for Which the City of Fowler Is Eligible."

Items B and C were pulled for further discussion.

Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to approve items A, D, and E of the Consent Calendar. The motion carried by unanimous voice vote.

City Attorney Wolfe stated that item B, the agreement with the Fowler Chamber, could be approved with some changes. The references allowing use of the City's facility to assist new start-up businesses should be removed. A formal lease agreement will be drafted that directly addresses use of the facility for the Chamber office, and brought to the Council at a future meeting.

Mayor Pro-Tem Aguayo made a motion, seconded by Councilmember Darling, to approve item B with the changes discussed, contingent on approval of a formal lease agreement. The motion carried by unanimous voice vote.

The Council briefly discussed item C. Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Aguayo, to approve item C. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Cardenas made a motion to reappoint Jim Martin and Janet Daniels, and appoint Jose Alvarez to a term on the Recreation Commission extending to June 30, 2013; and appoint Leticia Rubio to a vacancy - term extending through June 30, 2012. The motion carried on a 3-2-0 roll call vote: Ayes: Cardenas, Darling and Parra. Noes: Aguayo and Simonian. Absent/Abstain: none.

Mayor Cardenas, and Councilmembers Darling and Parra, each commented that the Fowler Chamber's event to commemorate the ten year anniversary of September 11, 2001 was very well done.

CLOSED SESSION

The meeting was adjourned at 8:59 p.m. to a closed session pursuant to Government Code Section 54957: Public Employee Appointment/Employment - Title: Chief of Police. The meeting reconvened to open session at 9:15 p.m. with no reportable action taken.

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 9:20 p.m.