

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
FEBRUARY 21, 2012**

Mayor Cardenas called the meeting to order at 7:01 p.m.

Councilmembers Present: Cardenas, Darling, Parra & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, Public Works Director Weisser, Police Chief Brand, Fire Chief Lopez, City Attorney Cross

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

**PUBLIC PRESENTATIONS**

John Browning invited the Council to an upcoming Pickleball tournament in Panzak Park.

Erica Cabrera, a representative for Assemblymember Perea, thanked the Council for adopting a resolution that supports funding for the Fresno Veterans Home.

**COMMUNICATIONS**

There were no communications.

**STAFF REPORTS:**

**CONSIDER AND TAKE ACTION REGARDING CITY COUNCIL VACANCY**

City Manager Elias referred to information in the City Clerk's staff report on procedures to fill the Council vacancy, created by the January 2, 2012 resignation of Rico Aguayo. The Council has 60 days from commencement of the vacancy to either appoint a registered voter in the City, or call for a special election. The special election must be held at the next regularly established election date no sooner than 114 days from the call. At this point in time, the election date would fall to the November 6, 2012 General Election, when the term will be expiring.

The Council discussed that since there was not much time left on the term, it would be practical to leave the seat vacant and allow the voters to decide in November. It was stated that leaving the seat vacant for a few months would not create too much of a burden for the Council.

Fowler resident Murray McManus said that the decision to call for an election is the correct one, as the individual should be elected by the voters.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra, to fill the vacancy by calling for a special election, to be consolidated with the November 6, 2012 General Election. The motion carried by unanimous voice vote.

**CITY OF FOWLER AS SUCCESSOR AGENCY TO THE RDA:**

**1) Adoption of Resolution No. 2242**

Finance Director Wong explained that Resolution No. 2242 was related to the State's abolishment of redevelopment agencies. It sets forth the remaining financial obligations of the RDA that the City, as the successor agency, would be overseeing. The exhibit showed a Recognized Obligation Payment Schedule (ROPS), listing debt service and other existing financial obligations. The schedule will be updated every six months, and an Oversight Board will be formed that will review and monitor the schedule until all obligations and debts are paid.

Mayor Pro-Tem Parra made a motion to adopt Resolution No. 2242, "A Resolution of the City Council of the City of Fowler Acting as Successor Agency to the Former Fowler Redevelopment Agency Approving a Recognized Obligation Payment Schedule." The motion was seconded by Councilmember Darling, and carried by unanimous voice vote.

**2) Discussion/action: Adoption of Resolution No. 2243**

City Manager Elias explained that an Oversight Board, comprised of seven political appointees from affected local taxing entities and the community that established the RDA, will be formed to review and approve activities of successor agencies. One member is to be appointed by the Mayor for the city that formed the RDA, and one member, also appointed by the Mayor, will represent the employees of the former RDA.

After a discussion, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to adopt Resolution No. 2243, "A Resolution of the City Council of the City of Fowler Confirming the Mayor's Appointment of Members to the Oversight Board," with the City Manager appointed to serve as the Mayor's representative to the Oversight Board, and the Finance Director to serve as the representative for the employees of the former RDA. The motion carried by unanimous voice vote.

**CITY MANAGER'S REPORT**

No report was given.

**PUBLIC WORKS DIRECTOR'S REPORT**

— **Authorize Advertising the Fowler Avenue Resurfacing Project for Bids**

Public Works Director Weisser asked for authorization to advertise for bids for resurfacing Fowler Avenue from Merced Street to South Avenue. The Engineer's Estimate for the project is \$215,900, to be primarily funded with RSTP transportation

funds and an 11 percent local match. The bid opening date will be March 27, 2012.

Councilmember Simonian made a motion, seconded by Councilmember Darling, to authorize advertising the Fowler Avenue Repair and Resurfacing Project for bids. The motion carried by unanimous voice vote.

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

No report was given.

#### **POLICE DEPARTMENT REPORT**

Chief Brand said that the City hosted for the first time, a Fresno-Madera Chiefs Association meeting, that was well attended. He gave a report on local law enforcement concerns regarding AB109, legislation that allows non-violent, non-serious offenders to serve their sentence in county jails instead of state prisons.

#### **FIRE DEPARTMENT REPORT**

Fire Chief Lopez reported on the emergency call volume for January 2012. The Fire Department received a FEMA grant for \$27,000 which will be used to purchase vehicle extrication tools.

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

No report was given.

#### **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - February 21, 2012; B) Approve Minutes of the Fowler City Council Regular and Special meetings - February 7, 2012; C) Approve Use Agreement Fowler Hospital Offices - (Fowler Chamber of Commerce); and D) Approve proclamations regarding: "Colon Cancer Awareness Month and Dress in Blue Day" and "Lynch Syndrome Hereditary Cancer Awareness Day." City Manager Elias asked to remove item C, as it was not ready for approval. Mayor Pro-Tem Parra made a motion to approve the Consent Calendar without item C, seconded by Councilmember Darling. The motion carried by unanimous voice vote.

#### **COMMITTEE REPORTS**

Mayor Cardenas attended a Latino Mayors Coalition meeting where immigration law was the topic of discussion. Mayor Pro-Tem Parra was appointed to a League of California Cities task force that will be meeting to discuss and recommend new community development tools, due to the elimination of redevelopment agencies. Councilmember Darling reported on a Fresno County Library meeting where Fresno Mayor Ashley Swearingen was a guest speaker.

Having no further business, Councilmember Simonian made a motion to adjourn, seconded by Councilmember Darling. The motion carried and the meeting adjourned at 8:40 p. m.