

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
AUGUST 7, 2012**

Mayor Cardenas called the meeting to order at 7:00 p.m.

Councilmembers Present: Cardenas, Darling, Parra & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Police Chief Brand, Public Works Director Weisser, Fire Chief Lopez, City Attorney Cross, Planning Consultant O'Neal

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

PUBLIC PRESENTATIONS

Maria Villasenor, of Centro La Familia Advocacy Services, spoke to the Council about services they provide to help victims of human trafficking and other crimes, such as referrals for counseling and shelter.

COMMUNICATIONS

City Manager Elias mentioned the League of California Cities SSJV Division meeting in Lemoore on August 9, 2012. City Clerk Davis stated that the Farmers Market will begin on Wednesday, August 15, 2012, and that the date for the Lions Club Band Review has been changed to Saturday, October 20, 2012.

STAFF REPORTS:

FIRST READING OF ORDINANCE NO. 2012-01

Chief Brand explained proposed Ordinance No. 2012-01, which requires tobacco retailers to obtain an annual license to sell tobacco products. The ordinance contains a series of penalty provisions for violations such as selling tobacco to minors, and sets forth compliance monitoring and appeal procedures.

Leila Gholamrezaei-Eha, and other members of the Fresno County Tobacco-free Coalition, gave a presentation on the effectiveness of requiring retailers selling tobacco products to be licensed, as it helps prevent sales to minors. The group emphasized the severe health risks caused by lifelong tobacco use.

Mayor Cardenas asked for public comment on the ordinance. Several audience members spoke in favor, including Fowler Improvement Association representative Sandra Browning, Fowler Chamber President Craig Mellon, and Dr. Alex Sheriffs.

The Council discussed the ordinance, and asked that amendments be made to Section 5-20.14 A and B concerning the first and second violations, to increase the administrative fines to \$500 and \$750 respectively; to increase the time period for the revocation of the license from 30 to 60 days for the first violation; and to remove Section C calling for the City Manager to enter into a stipulation with a tobacco retailer for a lesser period of delayed license issuance due to a violation.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to waive the first reading and approve Ordinance No. 2012-01, "An Ordinance of the City Council of the City of Fowler Adding Chapter 20, to Title 5, of the Fowler Municipal Code Pertaining to Tobacco Retailers" with the amendments discussed. The motion carried by unanimous voice vote.

FIRST READING OF ORDINANCE NO. 2012-02

City Attorney Cross explained that the City's Cable Franchise agreement, currently with Comcast, will soon expire. Comcast is now seeking approval of a franchise with the State of California instead of with individual cities. In conjunction with the change, the City will receive an annual fee equal to five percent of gross revenue, and a one percent Public Educational and Government Programming fee. Ordinance No. 2012-02 sets forth these changes.

Councilmember Simonian made a motion, seconded by Councilmember Darling, to waive the first reading and approve Ordinance No. 2012-02, "An Ordinance of the City Council of the City of Fowler Adding Chapter 10.1, to Title 5, of the Fowler Municipal Code Pertaining to Special Provisions Applicable to State Video Service Franchise Holders." The motion carried by unanimous voice vote.

CITY MANAGER'S REPORT

- **Discussion/action: Possible Contribution of \$100,000 of Park/Utility Users Tax Funds for Recreational Athletic Facilities at Casa Blanca Alternative Education School**

City Manager Elias asked to remove the item from the agenda as it was not yet ready for consideration.

- **Discussion on Conditional Use Permits (CUP) for Project Approvals**

Planning Consultant O'Neal stated that the Council recently discussed the possibility of requiring a CUP for all projects, and directed staff to bring back more information. He gave an overview of the CUP process, explaining that land development projects requiring a CUP could include multifamily, commercial or industrial projects. These uses normally require staff approval unless there is a potentially controversial site plan. In that case, a public hearing before the Planning Commission (PC) is required. There

are also certain types of land uses that are permitted only upon approval of a CUP.

CUP's call for special consideration of a project so that adverse effects to the community and surrounding properties are minimized. CUP approval requires that certain findings are made, and include conditions that protect the public health and safety. The benefits of expanding CUP uses are that the PC (and Council on appeal) have more direct control over land use approvals. A CUP is revocable for non-compliance. Some of the negative effects of expanding CUP uses are that CUP approval is more costly and time consuming for applicants, and increases the uncertainty of the development process.

Mr. O'Neal said that alternatives could be to: leave the process as it is currently; expand the list of uses permitted by CUP; require that all CUP uses be subject to Council approval; or require that all non-single family uses be subject to a CUP. The consensus of the Council was to hold a future workshop to discuss the alternatives in more detail.

— **Update on Downtown Parking Notification**

City Manager Elias explained the proposed letter to downtown businesses regarding parking problems for their customers, as discussed at the previous meeting. The letter reminds the businesses to ask their employees to park in alternative areas, such as along North 7th Street, to provide more customer parking. Chamber President Craig Mellon recently visited the businesses to remind them to have employees use alternate parking areas, which has helped improve the problem. Mr. Mellon stated that it would be helpful for City staff to schedule a meeting with business owners on the issue. The consensus of the Council was to amend the letter to add an invitation to the businesses to meet with City staff and two Councilmembers to discuss alternatives.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser reported that he is applying to P. G. & E. for additional street lights along North 7th Street, to ensure the street is well-lit as an additional downtown parking area. The Department has been working on graffiti abatement. A new toddler swing has been ordered for Panzak Park.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Chief Brand gave the statistical report for July 2012, noting that the department is gearing up for school patrol with the new school year beginning.

FIRE DEPARTMENT REPORT

Fire Chief Lopez gave a report of responses outside of the City limits through the month of June, and that the two new firefighters are now on staff.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - August 7, 2012; B) Approve Minutes of the City Council Meeting - June 19, 2012, and July 17, 2012; C) Adoption of FPCC Form 806 - Agency Report of Public Official Appointments; D) Adoption of Resolution No. 2257, "A Resolution of the City Council of the City of Fowler of Authorization to Contract." Councilmember Darling made a motion, seconded by Councilmember Simonian, to approve the Consent Calendar. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Cardenas will be attending an upcoming S.K.F. Conference in Monterey. Mayor Pro-Tem Parra reported on the success of a recent League of California Cities Latino Caucus event. Councilmember Simonian attended a Southeast Regional Solid Waste Commission meeting.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to adjourn. The motion carried and the meeting adjourned at 9:18 p. m.