

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

Mayor Cardenas called the meeting to order at 7:07 p.m.

Councilmembers Present: Cardenas, Darling, Parra & Simonian

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

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

**PUBLIC PRESENTATIONS**

Harpreet Singh, representing the Gurnanak Parkash Gurdwara, gave information on their upcoming annual parade in the City on Sunday, October 28, 2012.

**PRESENTATION BY DEBBIE RAVEN OF THE VALLEY SMALL BUSINESS DEVELOPMENT CORPORATION (VSBDC)**

Representative Debbie Raven gave information on the VSBDC, who provide technical assistance and support for small businesses. They help find grants or loans for small business start-up and expansion. VSBDC recently nominated Talene Kasparian Cleveland, owner of Fowler Floral, for an award as being one of the top 100 entrepreneurs in the nation.

**PUBLIC HEARING:**

**SECOND READING AND APPROVAL OF ORDINANCE NO. 2012-02**

City Manager Elias stated that Ordinance No. 2012-02 was related to the City's Cable Franchise, currently with Comcast. Comcast is seeking a franchise with the State rather than individual cities, and as part of the change, the City will receive a fee equal to five percent of gross annual revenue, and a one percent Public Educational and Government Programming fee.

Mayor Cardenas opened the duly noticed public hearing on Ordinance No. 2012-02 at 7:25 p. m. There were no comments, and the hearing was closed at 7:25 p. m.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to waive the second 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.

## **COMMUNICATIONS**

City Manager Elias requested that the September 4, 2012 meeting be canceled due to the majority of the Council attending the League of California Cities Annual Conference in San Diego, and to also cancel the September 18, 2012 meeting as he will be away on City business. The consensus was to cancel the meetings and set a special meeting for Tuesday, September 11, 2012.

## **STAFF REPORTS:**

### **SECOND READING OF ORDINANCE NO. 2012-01**

City Attorney Wolfe said that at the last meeting, the Council chose to make changes to the penalty provisions of Ordinance No. 2012-01, which requires tobacco retailers to obtain an annual license to sell tobacco products. One of the changes was to remove a subsection giving the City Manager flexibility to address the length of a license suspension. He recommended placing the language back in, as it would provide the ability to alleviate lengthy legal procedures and costs related to challenges and appeals, if warranted. If the Council approves the change, the ordinance will come back for a third reading.

Leila Gholamrezaei-Eha, of the Fresno County Tobacco-free Coalition, stated that their group is willing to conduct a collaborative training with local tobacco retailers to ensure they are educated on the City’s regulations.

After a discussion, the consensus was to add back in Subsection C of Section 5-20.14 providing for the City Manager to have flexibility concerning suspensions, with additional language that flexibility would only apply to first offense violations within any five year period.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to waive the second 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 changes discussed. The motion carried by unanimous voice vote.

## **CITY MANAGER’S REPORT**

City Manager Elias reported that Woodside Homes will start construction of homes in their subdivision project near Temperance and Adams by the end of the year.

## **PUBLIC WORKS DIRECTOR’S REPORT**

Public Works Director Weisser attended a meeting with representatives from Fresno County concerning plans to use a private animal control service that can be utilized by all of the cities in the County.

## **FINANCE DIRECTOR'S REPORT**

Finance Director Wong continued the discussion on the City's proposed 2012-13 fiscal year budget. He explained Resolution No. 2259, which establishes the annual appropriations limit of \$6,045,477, as required by the California Constitution.

### **— Adoption of Resolution No. 2258**

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra, to adopt Resolution No. 2258, "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California, Adopting the City Annual Budget and Appropriating Revenue of the City for the 2012-2013 Fiscal Year." The motion carried by unanimous voice vote.

### **— Adoption of Resolution No. 2259**

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to adopt Resolution No. 2259, "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California, Establishing the Appropriation Limit For Fiscal Year 2012-2013 Pursuant to Article XIII B of the California Constitution." The motion carried by unanimous voice vote.

## **POLICE DEPARTMENT REPORT**

Chief Brand reported on research he conducted on tobacco retailer licensing fees in other cities, in conjunction with the City's adoption of the tobacco retailer ordinance. He also reported on various training opportunities scheduled for the police officers.

## **FIRE DEPARTMENT REPORT**

Fire Chief Lopez reported that there was a total of 82 emergency calls for July 2012. He mentioned a list of pending grants for the Fire Department.

## **CITY ATTORNEY'S REPORT**

City Attorney Wolfe gave a report on the status of negotiations with Fresno County on Fire Protection Transition agreements.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - August 21, 2012; B) Approve Minutes of the City Council Meeting - August 7, 2012; and C) Approve Cooperative Agreement between the City of Fowler and Fresno County Fire Protection District - Fiscal Year 2012-13. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to approve the Consent Calendar. The motion carried by unanimous voice vote.

## **COMMITTEE REPORTS**

Mayor Cardenas reported on attending a recent C.A.S.A. sanitation district conference. He also attended a Consolidated Mosquito Abatement District meeting where they discussed that there were four reported cases of the West Nile Virus in Fresno County this year. Councilmember Darling reported on presenting a Certificate of Recognition on behalf of the Council to local veteran Alfred Licon, who fought in the Battle of the Bulge.

## **ADJOURNMENT**

Having no further business, Councilmember Simonian made a motion, seconded by Councilmember Darling, to adjourn. The motion carried and the meeting adjourned at 9:00 p. m.