

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
OCTOBER 2, 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, Finance Director Wong, Fire Chief Lopez, City Attorney Wolfe

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

PUBLIC PRESENTATIONS

Eddie Ocampo, of Self-Help Enterprises, invited the Council to an upcoming meeting of the Kings Basin Water Authority to discuss regional water projects.

Fowler Chamber President Craig Mellon gave an update on the Fowler booth at the Big Fresno Fair, noting that the theme is "Your Passport to Fun."

Murray McManus, a member of the COG Measure C Citizens Oversight Committee, addressed comments he made at a prior meeting about the City's reports being overdue. He since received clarification that there are no overdue reports for the City of Fowler.

PRESENTATION BY THE CHILDREN'S MOVEMENT OF FRESNO - ADOPTION OF RESOLUTION NO. 2261

Tom Crow, a representative of the Children's Movement of Fresno, spoke to the Council about renewal of Measure B, a tax to support Fresno County Libraries that will be on the November 6, 2012 ballot. Measure B will help ensure that libraries are kept open, which will enhance reading and educational opportunities for children.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to Adopt Resolution No. 2261, "A Resolution of the City Council of the City of Fowler, California, Supporting the Renewal of Measure B for Our Libraries on the November 6, 2012 Ballot." The motion carried on a 3-1-0 roll call vote: Ayes: Cardenas, Parra and Simonian. Noes: Darling. Absent/abstain: None.

PUBLIC HEARING:

THIRD READING OF ORDINANCE NO. 2012-01 - TOBACCO RETAILER LICENSE

City Manager Elias stated that due to recommended changes, Ordinance No. 2012-01, providing for tobacco retailers to obtain an annual license, was before the Council for a third reading and adoption. The ordinance contains a series of penalty provisions in the event of a violation, such as selling tobacco to minors. Fresno County Tobacco Prevention Program Representative Leila Gholamrezaei-Eha stated that their

organization would be willing to provide training resources for law enforcement and the tobacco retailers.

Mayor Cardenas opened the duly noticed public hearing on the matter at 7:23 p.m. Doctor Alex Sherriffs, American Lung Association Representative Susie Rico Vasquez, and a medical student, spoke in favor of the ordinance. With no further comments, the hearing was closed at 7:26 p. m.

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

ADOPTION OF RESOLUTION NO. 2260

Chief Brand explained that Resolution No. 2260 sets forth a \$30 annual fee for the issuance of a tobacco retailer license. The fee is designed to recover costs of license administration.

Mayor Cardenas opened the duly noticed public hearing on the fee at 7:33 p.m. Melanie Rubalcava, of the American Lung Association, stated that it was good that the annual license fee was minimal, as tobacco licensing is not intended to burden businesses, but to ensure compliance with tobacco laws. With no further comments, the hearing was closed at 7:37 p.m.

Councilmember Simonian made a motion, seconded by Councilmember Darling, to adopt Resolution No. 2260, "A Resolution of the City Council of the City of Fowler Establishing a Fee for the Issuance of a Tobacco Retailer's License in Accordance with Chapter 20, of Title 5, of the Fowler Municipal Code." The motion carried by unanimous voice vote.

COMMUNICATIONS

City Manager Elias reported on upcoming events: The Big Fresno Fair opening ceremonies and Fowler Horse Race Day; an invitation to a rural community summit hosted by Assembly Member Henry T. Perea - October 9, 2012 in the Fowler City Council Chambers; Fowler Fall Festival - Saturday, October 6, 2012; and the SSJV League of California Cities Division meeting in Tulare - October 11, 2012.

STAFF REPORTS:

CITY MANAGER'S REPORT

City Manager Elias reported that a dry cleaners is in the works for the former Verizon cell phone store on Merced Street. Also, an industrial park is being planned on 14 acres located on East Valley Drive.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser said that staff has been busy preparing for the Fowler Fall Festival and assisting the Fowler Chamber with their agricultural display booth at

the fair. Staff recently held a meeting with the City Engineer to discuss plans for a new fire station.

FINANCE DIRECTOR'S REPORT

Finance Director Wong reported that the auditors are working on a Due Diligence Review for the Successor Agency that will be submitted to the Oversight Board, then to the Department of Finance.

POLICE DEPARTMENT REPORT

Chief Brand gave a monthly statistical report. He mentioned that citizens can now go online to view a local crime analysis report at crimemapping.com.

FIRE DEPARTMENT REPORT

Fire Chief Lopez mentioned an upcoming firefighter "Fill the Boot" event to benefit the Muscular Dystrophy Association. Also, the City was notified that they did not receive a FEMA grant that was to be used to install smoke detectors in homes that need them.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on recent legislation confirming that before a public agency can be sued for a possible Brown Act violation, it must first be given a cease and desist demand, giving an opportunity to correct the violation.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - October 2, 2012; B) Approve Minutes of the City Council Special Meeting - September 11, 2012. Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra, to approve the Consent Calendar. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Pro-Tem Parra attended an EDC workshop on the subject of biotech engineering.

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 8:32 p. m.