

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
APRIL 16, 2013**

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

Councilmembers Present: Cardenas, Parra, Hammer, Monis, & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, Public Works Director Weisser, City Attorney Wolfe, Police Sergeant Miranda, City Engineer Peters

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

PUBLIC PRESENTATIONS

Rick Darling thanked the Council for supporting the successful effort to name the Fowler Post Office after longtime Postmaster Cecil Bolt. He also said that Andrea Clift, who regularly takes care of animals picked up by the City's animal control, should receive recognition. He spoke of several published authors who live in or near Fowler, and showed the books they have written.

PRESENTATION BY CENTRO LA FAMILIA

Maria Villaseñor, of the non-profit organization Centro La Familia, gave a presentation on the services they offer to low income and non-citizen families throughout Fresno County. They find resources and provide referrals for health and medical services, parenting classes, mental health support, and other needs. They also help victims of serious crimes such as domestic violence, and human trafficking. Ms. Villaseñor circulated informational brochures to the Council and staff.

COMMUNICATIONS

City Manager Elias mentioned the upcoming League of California Cities SSJV Division meeting in Woodlake on April 18, 2013, and the Serve Fowler community clean-up event on April 20, 2013.

STAFF REPORTS:

ADOPTION OF RESOLUTION NO. 2272: POLICY FOR DISTRIBUTING TICKETS AND PASSES TO CITY OFFICIALS

City Manager Elias said that the Fair Political Practices Commission (FPPC) has adopted regulations that allow an agency to distribute tickets or passes to officials for attending entertainment or sporting events, or similar, that would not result in a gift to the official - if the governing body adopts a written policy identifying the governmental or public purpose served in distributing them. The tickets would not be subject to reporting

on the official's economic interest statements, nor to the FPPC's annual gift limit regulations.

Staff prepared a written policy for tickets and passes acquired by the City. The policy states that the gift reporting exemption would apply under certain conditions such as: that the ticket or pass is to be distributed to an official or an employee by the City Manager; that the agency determines in its sole discretion who may use the ticket; and that the distribution of the ticket furthers a specific public purpose. Tickets can also be distributed to an agency or individual outside of the City at the behest of an official. A ticket used for an event where an official performs a ceremonial role or function would also be exempt.

The public or governmental purposes stated in the policy include: Promotion of City-operated, sponsored or supported community programs and events; promotion of City facilities or landmarks; promotion of City tourism on a local, state, national or worldwide scale; encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses; enhancement of City employee performance or morale; and attracting or rewarding volunteer public service. The distribution and use of tickets must be documented on an FPPC Form 802: Agency Report of Ceremonial Role Events and Ticket/Pass Distributions. The form is to then be forwarded to the FPPC within 45 days for posting on its website.

Mayor Pro-Tem Parra made a motion to adopt Resolution No. 2272, "A Resolution of the City Council of the City of Fowler Approving a Policy for Distributing Tickets and Passes to City Officials." The motion was seconded by Councilmember Monis, and carried by unanimous voice vote.

CITY MANAGER'S REPORT

— Update Regarding Future Traffic Improvements at the Merced and 10th Street Intersection

City Engineer Peters gave a presentation summarizing various traffic improvements being considered for the Merced/10th Street intersection, including traffic signals, a roundabout, or a 4-way stop. He compared the alternatives in several categories, noting that the most beneficial and safest improvement would be a roundabout, as it would have the least vehicle conflict points, create slower speeds, and provide the best traffic flow. The comparison showed that traffic signals or stop signs would create a queuing problem, and would not lessen vehicle conflict.

John Liu, a representative of CalTrans District 6, spoke, saying that their primary interest in the project is how it will interface with Merced Street and Highway 99. They would not want to have a situation where slow moving local road traffic would be mixing into a high speed freeway. He showed a simulation of what the intersection and traffic flow would look like in 20 years with the use of traffic signals. The simulation showed cars stacking into long queues backing up to the highway ramps. Mr. Liu said that due to the queuing problems, more traffic lanes on Merced Street would be necessary. He also showed a simulation of how a roundabout would operate, noting that CalTrans is in

favor of them due to the safety benefits, lower maintenance and lessened environmental impacts.

The Council discussed the matter. It was stated that there are still many unanswered questions about the improvements being considered. Several citizens have expressed to the Council that they do not want a roundabout at the intersection. Also, nearby property owners need to be on board with the improvements, and the public needs to have more information and opportunities for input. The need to make effective traffic improvements for long term future development in the area was also mentioned. The Council's consensus was to hold future workshops with property owners and businesses to address their concerns, and provide more opportunities for public discussion.

PRESENTATION BY FOWLER REDCAT BASEBALL BOOSTERS

Fred Valle and Mark Stockwell, of the Fowler Redcat Baseball Boosters, presented a framed photo of the baseball team and the new scoreboard purchased with the help of a donation from the City. They thanked the City for its support of youth sports programs for the Fowler community.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser said that staff is busy preparing for the "Serve Fowler" community clean-up event.

FINANCE DIRECTOR'S REPORT

Finance Director Wong said that due to the late hour, he would postpone the financial report until the next meeting. City Manager briefly mentioned recent communications with the Department of Finance concerning the obligations of the former Fowler Redevelopment Agency.

POLICE DEPARTMENT REPORT

Sergeant Miranda circulated the March 2013 statistical report, showing a total of 266 cases to date.

FIRE DEPARTMENT REPORT

The March 2013 report of emergency calls was included in the agenda packet.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on a trial court case that determined that communications regarding city business with the use of private cell phones and personal email are deemed public records.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - April 16, 2013; B) Approve Minutes of the Fowler City Council Regular and Special Meetings - March 19, 2013; and C) Adoption of Resolution No. 2273, "A Resolution Before the City Council of the City of Fowler, State of California, Authorizing Submittal of Application(s) for All CalRecycle Household Hazardous Waste Program Grants the County of Fresno is Eligible to Apply for as Regional Applications." Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to approve the Consent Calendar. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Pro-Tem Parra said that he received information that the Governor may take action to eliminate Enterprise Zones.

Councilmember Hammer reported on attending the Fowler Chamber of Commerce Community Awards event.

Councilmember Monis gave information on the upcoming Serve Fowler event.

Councilmember Simonian attended the ceremony for naming the Fowler Post Office after longtime Fowler resident and Postmaster Cecil E. Bolt.

CLOSED SESSION

The meeting adjourned to a closed session at 9:46 p.m. to discuss: 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation - Title: Chief of Police, and 2) Pursuant to Government Code Section 54956.9, Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: 1 case (January 11, 2013 letter from Waste Management regarding billing dispute and demand for payment).

The meeting reconvened to open session at 10:30 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to adjourn. The motion carried, and the meeting adjourned at 10:31 p. m.