

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
SEPTEMBER 3, 2013**

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

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

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

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

PUBLIC PRESENTATIONS

Harcoover Bhatti spoke to the Council about developing a local community garden to help low income residents and benefit the Fowler Food Pantry. He asked for assistance with finding land in a central location with a water source, irrigation supplies, and other needs. Several school clubs and local organizations are committed to working with him on the project.

APPROVE CLOSING CITY STREETS FOR THE GURDWARA GUR NANAK PARKASH PARADE

Representatives of the Gurdwara Gur Nanak Parkash asked the Council to approve closing City streets for their annual parade on Sunday, October 27, 2013. Preparations have been made for traffic control and they will be meeting with City staff to finalize the details.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra, to approve closing City streets for the parade on Sunday, October 27, 2013. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None.

COMMUNICATIONS

City Manager Elias mentioned an invitation to a groundbreaking event for a new regional Household Hazardous Waste facility in Kerman.

STAFF REPORTS:

SECOND READING OF ORDINANCE NO. 2013-01

City Manager Elias stated that Ordinance No. 2013-01 provides an expanded list of land uses that will now be subject to a Conditional Use Permit (CUP), and contains the changes approved by Council at the first reading.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to waive the second reading and approve Ordinance No. 2013-01, "An Ordinance Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Zoning Ordinance Text Amendment No. 13-01." The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None.

CITY MANAGER'S REPORT

1) Consider Initiating an Amendment to the Zoning Ordinance for the Form Based Code (FBC) Area

City Manager Elias said that staff is recommending a Zoning Ordinance amendment to remove the FBC area from land west of Golden State Boulevard. The purpose of the FBC, put in place as part of the 2009 Zoning Ordinance update, is to foster a vibrant downtown through a mix of uses: store fronts and commercial uses at street level with upper story residences and offices. Issues have arisen with the FBC because it extends to the freeway and includes highway commercial and light industrial uses, which do not lend themselves to the mixed-use concept. The process to remove the FBC from this area will require public hearings before the Planning Commission and City Council.

Councilmember Hammer made a motion, seconded by Mayor Pro-Tem Parra, to initiate the removal of the FBC west of Golden State Boulevard. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None.

2) Update: Businesses Displaying Goods in Public Right-of-way

City Manager Elias gave an update on the matter of businesses displaying goods on the sidewalk, discussed at the previous meeting. The City has a process to allow placement of goods in the public right of way that carries a one-time fee of \$700 to cover the cost of review by the planning consultant and/or the City attorney. There are certain types of uses that the \$700 fee would be applicable to, however, for uses that would require a simple staff review, the fee would not be warranted. Staff will be working on an adjusted fee schedule to bring to the Council for their approval.

3) Consider and Approve No-kill Shelter Agreement Between the City of Fowler and Precious Animals Worth Saving (PAWS)

City Manager Elias explained that for the past few years, there has been an informal arrangement with City employee Krystle Rivera to care for and adopt out stray dogs picked up by animal control, with the use of City resources and facilities. Ms. Rivera subsequently developed her own non-profit no-kill animal shelter/adoption agency, PAWS. A formal agreement has been drafted for PAWS to take the dogs picked up by the City after the legally mandated holding period, at a cost of \$10,000 annually. The arrangement is cost-effective, and will relieve the City of liability and responsibilities

related to animal control. It will also help save the dogs from being taken to the SPCA and euthanized if they are not adopted.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to approve the No-Kill Shelter Agreement between the City of Fowler and Precious Animals Worth Saving (PAWS). The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None.

4) Update: 10th and Merced Street Intersection Improvements

City Manager Elias gave an update on proposed traffic improvements for the Merced and 10th Street intersection. CalTrans approved grant funding for the installation of a traffic roundabout, a subject of ongoing discussions between the Council, nearby property owners, and the community. Staff is taking another look at the possibility of implementing traffic signalization instead. By eliminating raised medians and other modifications to the signalization option, costs would be lowered, which would improve the cost-benefit ratio threshold that CalTrans requires. CalTrans could review the updated analysis to determine if signalization is feasible, possibly allowing the funds for the roundabout to be shifted to a signalized intersection project. He will update the Council on the results.

5) Consider and approve Government Affairs Consulting Agreement with California Consulting, LLC

City Manager Elias explained that when the Council approved the 2013-14 Fiscal Year budget, funding for California Consulting's grant writing services was eliminated, but days later the City was awarded \$60,000 in grant funds due to their efforts. Also, an office position was recently vacated, which has resulted in staff having less time to work on grant applications. In view of the situation, he recommended contracting again with California Consulting on a month to month basis. California Consulting representative Juan Garza spoke, stating that he will aggressively pursue as much grant funding for the City as possible, including an upcoming opportunity from the U.S. Soccer Foundation for new soccer fields.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to approve the Government Affairs Consulting Agreement with California Consulting, LLC. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None.

PUBLIC WORKS DIRECTOR'S REPORT

— Consider and Take Action to Reject All Bids Received for the Neighborhood Park Improvement Project

Public Works Director Weisser recommended rejecting the bids received for the Neighborhood Park Improvement Project, as they came in much higher than the Engineer's estimate. Adjustments will be made to the scope of the project and it will be rebid in early 2014, with lower bid results expected.

Councilmember Simonian made a motion, seconded by Councilmember Hammer, to reject the bids for the Neighborhood Park Improvement Project. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None

FINANCE DIRECTOR'S REPORT

Finance Director Wong stated that the field work for the 2012-13 F. Y. audit is done, and the audit report should be finished in a timely fashion.

POLICE DEPARTMENT REPORT

Chief Brand gave a statistical report for July and August, with 679 case numbers issued to date.

FIRE DEPARTMENT REPORT

Chief Lopez reported that as a result of a recent audit by the ISO insurance rating company, the City's ISO rating dropped to 6.9. The lower rating is due to improvements that have been made by the Fire Department, and benefits homeowners as it can lower their insurance costs.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on the Federal Government's stance on enforcement of Medical Marijuana matters.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - September 3, 2013; B) Approve Minutes of the Fowler City Council Meeting - August 20, 2013; C) Adoption of Resolution No. 2283, "A Resolution of the City Council of the City of Fowler Confirming Support for Pacific Gas and Electric Company's Application to Establish an Enhanced Economic Development Rate"; and D) Accept the City of Fowler HSIP Cycle 4 Traffic Signal Battery Backup System constructed by A-C Electric Company and authorize the City Engineer to file the Notice of Completion.

Councilmember Hammer made a motion, seconded by Councilmember Monis, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes/Absent: None.

COMMITTEE REPORTS

Mayor Cardenas reported on a CASA Sanitation District conference he attended.

Mayor Pro-Tem Parra attended the grand opening of Selma's new Arts Center.

Councilmember Monis reported on a Central California Regional Obesity Program

healthy food event at Lee's Market.

CLOSED SESSION

Mayor Cardenas adjourned the meeting to a closed session at 9:03 p. m. to discuss, 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); and Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators - Property: 111 S. 7th Street, Fowler, CA. Agency Negotiators: David Elias. Negotiating party: Ron Monis. Under Negotiation: Price, terms.

The meeting reconvened to open session at 9:19 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Monis made a motion, seconded by Mayor Pro-Tem Parra, to adjourn. The motion carried, and the meeting adjourned at 9:20 p. m.