

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
OCTOBER 1, 2013**

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

Councilmembers Present: Cardenas, Parra, Monis, & Simonian

Councilmembers Absent: Hammer

City Staff Present: City Manager Elias, City Clerk Davis, 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 Pastor Rod Haro. Roll call was taken. There were no public presentations.

PRESENTATION: REEDLEY COLLEGE

Newly appointed Reedley College President Sandra Caldwell spoke to the Council about their mission, vision and values. She gave an overview of the quality educational programs and facilities they offer, including a student managed 800 acre forest and a 300 acre farm, the largest community college farm in California.

PRESENTATION: FRESNO COUNTY ASSESSOR-RECORDER

Fresno County Assessor-Recorder Paul Dictos gave a Powerpoint presentation explaining the assessment and collection of property taxes, and how the funds are distributed to various agencies.

PRESENTATION: P. G. & E.

The presentation was moved to the October 15, 2013 meeting.

COMMUNICATIONS

City Manager Elias announced upcoming events: Fowler Fall Festival and Lions Club Band Review; a Local Government Commission presentation on downtown revitalization, and a League of California Cities S.S.J.V. Division general membership meeting in Selma on October 10, 2013.

STAFF REPORTS:

CITY MANAGER'S REPORT

- **Request for Authorization to Terminate Use by the Fowler Chamber of Commerce of the Old Fowler Hospital**

City Manager Elias explained that after several reminders to Fowler Chamber of Commerce President Craig Mellon, to date, the Chamber has not executed the

agreement for use of office space in the old Fowler Hospital building, nor the 2012-13 Funding Agreement with the City. The Use Agreement is important as it sets forth the obligations of the Chamber and the rights the City retains regarding the building. Due to the Chamber's refusal to execute the agreement, it is recommended that a 30 day notice be given them to vacate the premises. City Manager Elias said that Mr. Mellon was invited to attend the Council meeting to discuss the matter.

Chamber Board member Connie Khasigian spoke to the matter, stating that the Use Agreement was just recently brought to the Board by President Mellon, who pointed out items of concern: a 10 day notice to vacate clause tied to a \$200 per day fine, and that the Chamber is liable for items related to the building itself, such as having ADA compliant restrooms. City Manager Elias and City Attorney Wolfe provided clarification on the two items, which defused the concerns expressed. Ms. Khasigian said that the information would be given to the Chamber Board.

City Attorney Wolfe said that the Use Agreement should be amended so that it no longer ties into the separate Funding Agreement between the Chamber and the City, as the Use Agreement expires when the Funding Agreement expires.

After a discussion, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to separate the Use Agreement from the Funding Agreement, and give notice to the Chamber to vacate the premises within 30 days unless they sign the Use Agreement. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Monis and Simonian. Noes: None. Absent: Hammer.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser reported that the Fowler Avenue Reconstruction Project is underway. A contract from P.G. & E. will be brought to the Council at the next meeting for an LED street light project.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Chief Brand reported on Police Department activities. A new police reserve officer, Cody Wells, has been hired. Also, 31 cases to date have been filed using the new online crime reporting system.

FIRE DEPARTMENT REPORT

Chief Lopez reported on August 2013 emergency calls. The department has been conducting gear inspections, and will be participating in a "flashover" fire training exercise.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - October 1, 2013; B) Approve Minutes of the Fowler City Council Meeting - September 3, 2013; and C) Approve Proclamation Declaring October 20 - 26, 2013 as Freedom from Workplace Bullies Week. Councilmember Monis made a motion, seconded by Councilmember Simonian, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Monis and Simonian. Noes: None. Absent: Hammer.

COMMITTEE REPORTS

Mayor Cardenas and Mayor Pro-Tem Parra gave a report on sessions they attended at the League of California Cities Annual Conference, with water issues being a featured topic.

Councilmember Monis reported on the recent Tour de Fresno refreshment stop at Panzak Park, where over 600 cyclists came through.

CLOSED SESSION

Mayor Cardenas adjourned the meeting to a closed session at 9:13 p. m. to discuss:

1) Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators:

A) Property: 111 S. 7th Street, Fowler, CA. Agency Negotiators: David Elias. Negotiating party: Ron Monis. Under Negotiation: Price, terms.

B) Property: 108 N. 3rd Street, Fowler, CA. Agency Negotiators: David Elias. Negotiating party: Adventist Health. Under Negotiation: Price, terms.

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)

Mayor Cardenas left the Council Chamber and did not participate on closed session item 1A) due to owning property near the subject property. Mayor Cardenas rejoined the closed session for the remaining items.

The meeting reconvened to open session at 10:00 p. m. with the following reportable action taken on item 1A): Councilmember Monis made a motion, seconded by Councilmember Simonian, to approve a Real Property Purchase and Sale Agreement and Joint Escrow Instructions. The motion carried by unanimous voice vote: Ayes:

Monis, Simonian and Parra. Noes: None. Absent: Hammer. Recused: Cardenas.

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 10:01 p. m.