

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
NOVEMBER 5, 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, Finance Director Wong, Public Works Director Weisser, City Attorney Cross, Fire Chief Lopez, City Engineer Peters, Planning Consultant O'Neal

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

PUBLIC PRESENTATIONS

Former Councilmember Rick Darling spoke about the Veteran's Day ceremony to be held at the Fowler Veterans Monument, and thanked staff for helping coordinate the event.

Fowler resident Melissa Rodriguez asked about the possibility of refurbishing the Christmas Tree that is placed on Merced Street each December, as it's showing signs of wear and tear. She suggested that citizens be given an opportunity to sponsor the purchase of new ornaments. City Manager Elias said that staff will check into costs on refurbishing the tree with new decorations.

COMMUNICATIONS

City Manager Elias mentioned the upcoming Veteran's Day event, and an invitation to meet with Senator Andy Vidak at the Fresno COG offices.

STAFF REPORTS:

CITY MANAGER'S REPORT

CONSIDER AMENDING AND APPROVING REVISED FOWLER CHAMBER USE AGREEMENT

City Manager Elias reported that after the City gave a 30-day notice to vacate their office space unless an executed Use Agreement was provided, the Fowler Chamber of Commerce delivered the signed agreement. The required insurance indemnification has not yet been received. Also, he learned that at a recent Chamber board meeting it was decided to solicit for a new board of directors, and the main reason they executed the

Use Agreement was to ensure that the new board would have an office. Mr. Elias notified Chamber President Craig Mellon that the City was negotiating the sale of the building, and it would be in the best interests of the Chamber to search for another location.

Mr. Elias said that though it is not certain what will happen with the Chamber, he recommends further revising the Use Agreement to reduce the office square footage to 930 feet. The additional 1,500 feet of space the Chamber occupies has not been used as a business incubator, which was the reason the additional space was granted.

The Council discussed the matter, noting that there were still unknowns about what the Chamber's plans are or how it will reorganize. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to approve revising the Fowler Chamber Use Agreement to reduce the office space to 930 square feet and not to allow any Chamber members into the facility until insurance indemnification is received. The motion carried by voice vote: Ayes: Parra, Hammer, Monis and Simonian. Noes: Cardenas. Absent: None.

SUMMARY OF FOWLER UNIFIED SCHOOL DISTRICT (FUSD) AND CITY RECREATION FACILITIES AD HOC COMMITTEE MEETING

City Manager Elias circulated a list of items discussed at a recent FUSD and City Recreation Facilities Ad Hoc Committee meeting that require Council direction or approval.

— Consider and Take Action to Approve Memorandum of Understanding (MOU) Between City of Fowler and FUSD for Contribution Towards Recreation Facilities

FUSD has asked the City to continue with an MOU, currently expired, for providing \$25,000 annually to assist with maintenance of facilities being used for community recreation needs, while the City seeks funding for a recreational sports facility. The duration of the MOU would be three years, as before, and the funds would come from the recreation portion of the Utility Users Tax.

Councilmember Simonian made a motion, seconded by Councilmember Monis, to approve a three year contract with FUSD in the amount of \$25,000 annually for contribution towards recreation facilities. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes: None. Absent: None.

— Direction/action Regarding In-kind Off-site Costs for Fowler Academy

City Manager Elias said that when FUSD was constructing their Fowler Academy project, an encroachment permit was needed, and during the review process it was determined that there were other requirements for the project to comply with City standards. This added to FUSD's costs for offsite improvements, and they asked that

the City help with the costs. The Ad Hoc Committee recommends that a total of \$27,153 that the City has incurred in professional services costs and fees related to the project be absorbed as a contribution, rather than passing them through to FUSD.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Hammer, to absorb the \$27,153 in costs. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes: None. Absent: None.

— **Discussion Regarding Eight-Acre Recreational Athletic Facility Property**

FUSD asked if the City is interested in their buying back the eight-acre property the City is purchasing from them for a future recreational facility. To date, the City has made three annual installment payments towards the purchase, and they would reimburse the City for those payments.

After a discussion, the consensus of the Council was to not sell the property back to FUSD, as the City has a commitment to the community to build a recreational athletic facility on the site.

PUBLIC WORKS DIRECTOR'S REPORT

— **Adoption of Resolution No. 2287**

City Engineer Peters said that Fresno COG initiated the 2013 Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) Call for Projects, for local cities to submit grant applications for street project funding. COG will review the applications and recommend awards for selected projects. Staff has developed a list of projects to submit, including construction or reconstruction of pavement, curbs, gutters, and sidewalks along areas of Manning, Fowler and Adams Avenues.

Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra, to adopt Resolution No. 2287, "A Resolution of the City Council of the City of Fowler Concerning Federal Transportation Project Selection and Implementing Timely Use of Funding." The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes: None. Absent: None.

— **Authorize Mayor to sign a Cooperative Work Agreement (CWA) Extension Request for the Manning Avenue Reconstruction Project**

City Engineer Peters explained that in 2008 the City was authorized to proceed with the reconstruction of Manning Avenue. Due to the recession, the City did not have the \$600,000 cash on hand to fund the project while waiting for reimbursement from the State. The delay caused the project to require updated documentation, plans, and agreements that are now completed, and the project is out to bid. The anticipated

project closeout date is April 15, 2014, however, Caltrans recently notified the City that the closeout date has been accelerated to April 1, 2014. As a result, a CWA time extension must be submitted to Caltrans for approval. One potential problem that staff is attempting to get more information on is that a decision on the time extension request may not be given until March 31, 2014 - the day before the project closeout deadline. If the City proceeds with the project and the time extension is not awarded, the City will be responsible to fund the remaining encumbrance balance on the project. Staff recommends submitting the CWA extension while more information is gathered.

City Manager Elias noted that a special meeting may be set in December to provide an update on the matter, along with a possible action item to award the project depending on the bid results.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Hammer, to authorize the Mayor to sign a CWA Extension Request for the Manning Avenue Reconstruction Project. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis and Simonian. Noes: None. Absent: None.

FINANCE DIRECTOR'S REPORT

Finance Director Wong circulated a quarterly sales tax report received from HDL Company.

POLICE DEPARTMENT REPORT

No report was given.

FIRE DEPARTMENT REPORT

Chief Lopez gave an emergency call report for the month of September. A CPR class is being scheduled for the firefighters. Smoke detectors that were funded by a grant have been received, and will soon be distributed to the community.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - November 5, 2013; B) Approve Minutes of the Fowler City Council Meeting - October 15, 2013; and C) Adoption of Resolution No. 2286, "A Resolution of the City Council of the City of Fowler, County of Fresno, State of California in the Matter Of Approving the Department of Forestry and Fire Protection Agreement #7FG13145 for Services from the Date of the Cooperative Forestry Assistance Act of 1978."

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

COMMITTEE REPORTS

Councilmember Monis reported on Halloween events at the Fowler Library.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to adjourn. The motion carried, and the meeting adjourned at 9:28 p. m.