

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
DECEMBER 10, 2013**

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

Councilmembers Present: Cardenas, Parra, Hammer & Simonian

Councilmembers Absent: Monis

City Staff Present: City Manager Elias, City Clerk Davis, Public Works Director Weisser, City Attorney Wolfe, Fire Chief Lopez, City Engineer Peters

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Mayor Cardenas. Roll call was taken. There were no public presentations.

COMMUNICATIONS

City Manager Elias mentioned the Recreation Commission's Children's Shopping Day event on Saturday, December 14, 2013.

STAFF REPORTS:

CITY MANAGER'S REPORT

→ **Update on Negotiations with Consolidated Irrigation District (CID) - Proposed Groundwater Impact Fees**

City Manager Elias reported on a productive meeting between staff and CID representatives to negotiate an agreement for implementing groundwater impact fees in the City. CID has agreed to recommend to their Board that the City be the steward of the groundwater impact fees it collects, rather than CID holding the funds until a required \$1 million is accumulated for groundwater recharge projects. They will also recommend that the City can use the impact fees to develop a groundwater management plan, and can have veto power on project approvals to ensure that they have a direct benefit to Fowler.

City Engineer Peters said that he is working on the revisions to the CID agreement, and on the calculations for ratepayer fees that will be collected for the \$1 million project fund. The revised agreement will soon be brought to both the CID Board and the City Council for approval.

→ **Consider and Approve Closing City Hall Between Christmas and New Years Holidays**

City Manager Elias said that the Administration office is currently short-staffed, and there has been a series of employee illnesses as well as requests for time off during the holidays. He is concerned that staffing levels may be too low to keep the office open during the four days between Christmas and New Years day. He suggested that the

office be closed if needed, as some other government offices do. The Council discussed the matter, and concern was expressed that it may be inconvenient to the public. City Manager Elias noted that the days between the holidays are customarily very slow for the public counter, and if the closure is approved, adequate notice will be given. He assured that public safety personnel will still be on duty.

Councilmember Hammer made a motion, seconded by Councilmember Simonian, to approve closing the office for the four days between the Christmas and New Years holidays, if necessary. The motion carried on a 3-1-1 vote: Ayes: Cardenas, Hammer & Simonian. Noes: Parra. Absent: Monis.

PUBLIC WORKS DIRECTOR'S REPORT

→ Consider and Take Action - Bids for the Manning Avenue Reconstruction Project

City Engineer Peters said that the recent bid opening for the Manning Avenue Reconstruction Project resulted in Granite Construction being the low bidder in the amount of \$659,980.80. The bid still exceeds the \$518,800 budgeted for the project so he contacted Fresno COG, who has identified residual RSTP funding that the City can utilize. This will increase the federal funding budget to \$670,474, and if these funds are used, the project would proceed immediately so as to meet the April 1, 2014 reimbursement deadline. In view of the tight timeline, he has asked CalTrans for a time extension but has not heard whether it will be granted.

Mr. Peters said that the Council could reject the bids and rebid the project, modifying the design to an overlay project that would cost less, but the pavement life would be reduced from 20 years to less than 10 years. Another option would be to reject the bids and abandon the project, but the City will likely be required to pay back \$90,000 in federal funds that have been used for the project's design phase.

The Council discussed the options, including the importance of adding Bid Alternate C for a needed center median near Vineyard Place at a cost of \$64,000. Mayor Pro-Tem Parra made a motion to reject all of the other bids and award the base bid to Granite Construction in the amount of \$659,980.80, and if the \$64,000 in funding can be found, to add Bid Alternate C for the center median. The motion was seconded by Councilmember Simonian and carried by unanimous voice vote: Ayes: Cardenas, Parra, Simonian & Hammer. Noes: None. Absent: Monis.

FINANCE DIRECTOR'S REPORT

City Manager Elias distributed a financial summary for July through November 2013.

POLICE DEPARTMENT REPORT

Chief Brand gave a statistical crime report for October/November 2013.

FIRE DEPARTMENT REPORT

Chief Lopez reported that there were 64 emergency calls and training sessions for the

month of November 2013. A list of holiday fire safety tips for citizens was included in their December utility bills.

CITY ATTORNEY'S REPORT

City Attorney Wolfe gave an update on changes to the Brown Act, including the mandate to report in the minutes the vote of each councilmember, to clearly identify how each member voted on items.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - December 10, 2013; B) Approve Minutes of the Fowler City Council Meeting - November 19, 2013; and C) Approve Amendment #8 to Fresno Council of Governments Joint Powers Agreement. Councilmember Simonian made a motion, seconded by Councilmember Hammer, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer & Simonian. Noes: None. Absent: Monis.

COMMITTEE REPORTS

Mayor Pro-Tem Parra and Mayor Cardenas attended a community presentation by Assemblymember Henry T. Perea on the Affordable Care Act.

CLOSED SESSION

The meeting was adjourned to a closed session at 8:24 p. m. to discuss, pursuant to Government Code Section 54956.9(d) (1), Conference with Legal Counsel - Existing Litigation: Name of Case: Derek Thomason vs. City of Fowler. The meeting reconvened to open session at 8:29 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Simonian made a motion to adjourn. The motion was seconded by Councilmember Hammer, and the meeting adjourned at 8:30 p. m.