

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
NOVEMBER 1, 2016**

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

Councilmembers Present: Cardenas, Parra, Hammer, Monis

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

The Flag Salute and Pledge of Allegiance were followed by a moment of silence for Fresno County Sheriff's Deputy Rod Lucas, who died in a tragic accident in the line of duty. There were no public presentations.

COMMUNICATIONS

City Manager Elias mentioned the upcoming Veterans Day ceremony at the Fowler Veterans Monument.

STAFF REPORTS:

SECOND READING OF ORDINANCE NO. 2016-03

City Attorney Wolfe said that the update to the City's current Medical Marijuana (MMJ) ordinance expands it to address the likely passage of Proposition 64, approving recreational use of Marijuana. The City's existing MMJ regulations would apply to recreational use if it becomes lawful in California. The ordinance also bans all commercial Marijuana operations, and sets forth residential cultivation limitations.

Mayor Pro-Tem Parra made a motion to waive the second reading and approve Ordinance No. 2016-03, "An Ordinance of the City Council of the City of Fowler Amending Chapter 18, of Title 5, of the Fowler Municipal Code Pertaining to Medical and Recreational Marijuana." The motion was seconded by Councilmember Monis and carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis. Noes: None. Abstain: None. Absent: None.

CITY MANAGER'S REPORT

- **Consider and Take Action Regarding City Council Vacancy, to Fill an Unexpired Term Extending to November 2018**

City Manager Elias read the City Clerk's staff report regarding handling of the vacancy created by the passing away of Councilmember Jim Simonian. The California Elections Code provides that a City Council can appoint a registered voter from the City of Fowler within sixty days, or must call for a special election on the next regularly scheduled date no sooner than 114 days from the call. At the prior meeting, the Council directed staff to provide public notice to solicit applications from interested citizens, for consideration of appointment at the November 1st meeting. Five applications were received by the October 27, 2016 deadline and provided to the Council. Also provided for the Council's consideration was a resolution calling for a special election to fill the vacancy, to be consolidated with the General Election for the City of Clovis on March 7, 2017. The staff report noted that approximate costs for a special election range from \$10,000 to \$18,000.

The Mayor asked the five applicants, who were all present, if they wanted to speak about their qualifications and the reasons they wish to serve on the Council. The applicants who spoke were: Planning Commissioner Mark Rodriquez, Fowler resident Melissa Squeo-Rodriguez, Recreation Commissioner and retired Fowler teacher Jose Alvarez, and Planning Commissioners Juan Mejia and Craig Mellon.

The Council discussed the matter, and thanked all of the applicants for offering their service to the City. Mayor Pro-Tem Parra made a motion to appoint Juan Mejia to the vacancy, seconded by Mayor Cardenas. The motion did not pass on a 2-2-0 roll call vote as follows: Ayes: Cardenas and Parra. Noes: Hammer and Monis. Absent/Abstain: None.

Councilmember Hammer made a motion to appoint Mark Rodriquez to fill the vacancy, seconded by Councilmember Monis. The motion carried on a 4-0-0 roll call vote: Ayes: Hammer, Monis, Parra and Cardenas. Noes: None. Absent/Abstain: None.

City Attorney Wolfe stated that the official oath of office for appointment can take place at the November 15, 2016 Council meeting.

City Manager Elias gave a report on various matters: The Council may need to have a meeting late in December regarding the modification of the tentative map for the Valley Children's project. City managers and staff from Fowler, Selma, Sanger, Kingsburg and Parlier recently met to discuss having Consolidated Irrigation District serve as a Groundwater Sustainability Agency, to manage their groundwater basins. A Burger King restaurant is being planned for the City.

PUBLIC WORKS DIRECTOR'S REPORT

— Award Bid for the South Fowler Avenue Sidewalk Project to R. J. Berry, Jr. Construction

Public Works Director Weisser stated that a bid opening was held for the South Fowler Avenue Sidewalk Project, and five bids were received ranging from \$139,341 to \$297,856.50. The engineer's estimate for the project is \$145,077. Staff recommends

awarding the project to low bidder, R. J. Berry, Jr. Construction, in the amount of \$139,341.

Councilmember Hammer made a motion, seconded by Councilmember Monis, to award the bid for the South Fowler Avenue Sidewalk Project to R. J. Berry, Jr. Construction in the amount of \$139,341.00. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis. Noes: None. Abstain: None. Absent: None.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Chief Brand commented on the loss of Fresno County Sheriff's Deputy Rod Lucas, who he knew and worked with for many years. He also announced that he is planning to retire in the upcoming months, and gave a report of the many accomplishments achieved in the Police Department over the past five years. He spoke of his appreciation and fondness for the Fowler community.

FIRE DEPARTMENT REPORT

No report was given.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - November 1, 2016 and B) Approve Minutes of the City Council Regular and Special Meetings - October 18, 2016. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Monis, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Monis. Noes: None. Abstain: None. Absent: None.

COMMITTEE REPORTS

Councilmember Hammer attended the Trunk or Treat event, and a presentation on the Sikh culture at the Fowler Library.

CLOSED SESSION

Mayor Cardenas adjourned the meeting to a closed session at 8:29 p. m., pursuant to Government Code Section 54957.6 - Conference with Labor Negotiators - Agency designated representatives: City Manager. Unrepresented Employee: Chief of Police. The meeting reconvened to open session at 8:45 p. m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Hammer made a motion, seconded by Mayor Pro-Tem Parra, to adjourn. The motion carried and the meeting adjourned at 8:46 p. m.