

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
SEPTEMBER 19, 2017**

Mayor Cardenas called the meeting to order at 7:02 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Parra, Hammer, Kazarian, Rodriquez

City Staff Present: Interim City Manager/City Clerk Davis, Interim Finance Director Sanchez, Police Chief Alcaraz, City Attorney Wolfe, Public Works Director Weisser, Fire Chief Lopez

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Pastor Bryan Mays.

PUBLIC PRESENTATIONS

There were no public presentations.

ADD SUBSEQUENT NEED ITEM

City Attorney Wolfe stated that a matter came to his attention after the agenda was posted that needs immediate action. Earlier that afternoon, he received information on the status of SB 649, know as the “Verizon Bill” which cities are opposing, as it will take away the authority from cities to regulate wireless telecommunications equipment placed on city light poles and property. The bill is ready to go before the Governor for signature. However, if the City contracts with a third party vendor before the law goes into effect, it would provide the City the ability to regulate the placement of wireless equipment and the associated fees. A third party contractor, 5 Bars Communities, has provided an agreement for the Council’s consideration. The item will be added to the agenda under City Manager’s Report.

Councilmember Rodriquez made a motion to add to the agenda the consideration and approval of a wireless marketing agreement with 5 Bars Communities. The motion was seconded by Mayor Pro-Tem Parra and carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriquez. Noes: None. Abstain/absent: None.

COMMUNICATIONS

Interim City Manager Davis mentioned an invitation to the Big Fresno Fair City Horse Race Day for Fowler, on Thursday, October 12, 2017. Also, the upcoming SSJV League of California Cities division meeting will be held in Delano on the same date. The topic will be Immigration and Sanctuary Cities.

STAFF REPORTS

CITY MANAGER'S REPORT

◆ Consider and Approve Agreement with 5 Bars Communities

City Attorney Wolfe again explained that the passage of SB 649 will take away the City's authority to regulate the placement of new wireless telecommunication equipment on City assets within public rights of way, or to receive income, other than a nominal fee, from licensing of the facilities. The bill is before the Governor for signature. This telecommunication equipment can be very large and unattractive. The City has the opportunity to enter into a contract with 5 Bars Communities, to have exclusive rights to market and license wireless telecommunication facilities in the public right-of-way for five years. All wireless vendors would then be required to work directly with 5 Bars. 5 Bars would analyze existing wireless facilities and city assets in order to market those to wireless carriers, cable companies, and internet service providers. They would determine what the fair market value would be for the location and negotiate with the telecommunications company. For this service, 5 Bars would receive 25 percent of fees paid to the City for an existing location and 35 percent of fees paid for a new location, by the telecommunication company. He said that because 5 Bars is the only known company that offers this service, an RFP would not be necessary. An agreement with the third party vendor, 5 Bars, must be in place before the bill is signed by the Governor.

The terms of the agreement are as follows: the City will grant 5 Bars the exclusive right to market and license wireless telecommunication facilities in the public right-of-way for a period of 5 years; all wireless vendors will be required to work directly with 5 Bars. 5 Bars would analyze existing wireless facilities and City assets in order to develop a plan to market those to wireless carriers, cable companies, and internet service providers. 5 Bars would manage all new applications to construct wireless facilities subject to ultimate approval by the City. All applications will be reviewed in accordance with applicable City ordinances.

Mayor Pro-Tem Parra made a motion to approve an agreement with 5 Bars Communities and authorize the City Manager to sign the agreement. The motion was seconded by Councilmember Kazarian, and carried by a unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/absent: None.

◆ Approve Appointment of Carlos Sanchez as Interim Finance Director/Treasurer for the City of Fowler

Interim City Manager Davis introduced Carlos Sanchez to the Council, and gave background information on his many years of experience in municipal finance. She recommended approval of appointing Mr. Sanchez as Interim Finance Director/Treasurer for the City of Fowler, at an hourly rate of \$50.00.

Councilmember Hammer made a motion to approve the appointment of Carlos Sanchez as Interim Finance Director/Treasurer for the City of Fowler. The motion was seconded by Councilmember Rodriguez, and carried on a unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez; Noes: None. Abstain/absent: None.

Interim City Manager Davis mentioned that City Engineer Peters has given staff an update on estimated construction costs of \$1.6 million for the fire station. There is some flexibility with some of the options that could reduce costs. Mr. Peters will give a full report at the October 3, 2017 Council meeting.

PUBLIC WORKS DIRECTOR'S REPORT

◆ Annual Water Production Report

Public Works Director Weisser gave an annual Water Production Report, saying that he anticipates a reduction in usage as the weather continues to reach lower temperatures.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Chief Alcaraz reported that the City conducted a recent police officer recruitment, and two vacancies will be filled by qualified candidates. There has been an increase in property crimes from the prior year, and the Police Department is developing a Facebook page with crime tips and neighborhood watch information.

FIRE DEPARTMENT REPORT

Fire Chief Lopez provided a statistical report for the month of August. There were 67 call outs, 12 fires, and 26 medical aid calls. There were 9 accidents that took place on Highway 99.

CITY ATTORNEY'S REPORT

City Attorney Wolfe attended the Annual League of California Cities Conference where the topics included automated vehicles, body worn cameras, housing, and business improvement districts.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - September 19, 2017; B) Approve Minutes of the City Council Meeting - September 5, 2017, and Minutes of the City Council Special Meeting - August 29, 2017; C) Approve Amendment I to County of

Fresno CDBG Program Agreement 16-537, Project No. 16231 - Fowler ADA Improvements; and D) Approve Resolution No. 2380, "A Resolution of the City Council of the City of Fowler Supporting Our Dreamers and the Deferred Action for Childhood Arrivals (DACA) Program." Mayor Pro-Tem Parra made a motion, seconded by Councilmember Hammer, to approve the Consent Calendar. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/absent: None.

COMMITTEE REPORTS

Mayor Cardenas attended a Consolidated Mosquito Abatement District meeting where they discussed the presence of the mosquito that carries the West Nile Virus. There is a mosquito problem at the Clovis Cemetery which they are looking to control. He also attended the Tour-de-Fresno event, and thanked event coordinator Varoujan der Simonian for allowing the City of Fowler to host the event this year.

Mayor Pro-Tem Parra attended the League's Annual Conference and he was joined by Councilmember Kazarian at a press conference regarding the SB 649 "Verizon" bill. He spoke of the success of the Tour-de-Fresno event.

Councilmember Hammer said that Recreation Coordinator Hernandez reported that the Tour-de-Fresno had over 275 bicyclists participating. Bee Sweet, Fowler Packing, and Poindexter Nuts are to be thanked for their generous donations, as well as the Fowler Boy Scouts for preparing lunch. The Trunk or Treat event will be held October 25th. Fowler Youth Football has invited the Council to their last home game on September 16th, to be honored during half-time. He also joined Mayor Cardenas at a luncheon hosted by Fresno County, where they learned about County operations.

Councilmember Kazarian attended the League conference and the press conference regarding SB 649. He reported on a recent South Kings GSA meeting, where Lozano Smith was approved as their legal counsel. They have published their engineering RFP and have received some responses. They are working with other GSA's on the time line for the Groundwater Sustainability Plan, to meet the January 31, 2020, deadline.

Councilmember Rodriguez attended the League conference and received some helpful information for the City at the vendor Expo. He reported that citizens have asked about a recurring neighborhood property nuisance situation that the City has been dealing with. Councilmember Kazarian said he has received similar citizen concerns and after a discussion with Interim City Manager Davis and Code Enforcement Officer Baxa, was informed that steps are being taken to handle this situation. He was also asked by Frank Monis about his sidewalk matter. Public Works Director Weisser stated that staff could take care of the tree removal, but the concrete cost would be about \$10,000. He also stated that a pedestrian traffic study could be done in the area, but reminded the Council that the ADA curb returns should be the main focus.

CLOSED SESSION

The meeting adjourned at 8:00 p. m. to a closed session, to discuss, pursuant to Government Code Section 54957 Public Employee Evaluation - Title: Interim City Manager; Government Code Section 54957 - Public Employee Appointment/Employment - Title: City Manager; Government Code Section 54957.6 - Conference with Labor Negotiators - Agency designated representatives: Mayor, City Attorney. Unrepresented Employee: City Manager.

The meeting reconvened to open session at 9:06 p. m. with the following action taken: On a motion by Councilmember Mark Rodriguez, seconded by Mayor Pro-Tem Dan Parra, the City Council unanimously voted to appoint Jeannie Davis as City Manager/City Clerk, effective October 1, 2017, at Step B of the City Manager salary scale, \$10,657.29 per month, plus a \$500 per month car allowance, with a contract memorializing the terms to be presented to the City Council on October 3, 2017.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Hammer to adjourn. The motion carried and the meeting adjourned at 9:12 p. m.