

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
JANUARY 18, 2005**

Mayor Pro-Tem Shaw called the meeting to order in the Council Chambers at 7:05 p.m.

Council members present: Shaw, Cardenas, Aguayo, Nagata

Council members absent: Simonian

City staff present: City Manager Elias, City Clerk Davis, Finance Director Wong,
Police Chief Jamgochian, Senior/Recreation Director Monis, City
Attorney Wolfe

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Mayor Pro-Tem Shaw.

PUBLIC PRESENTATIONS

Craig Mellon of Fowler expressed concern regarding a recent shooting incident at Panzak Park. The incident happened after the Vineyard Worship Center's bus, transporting attendees from one of their youth programs, dropped the group off at the park. Gunshots were then fired from a passing vehicle at some of the youths. Mr. Mellon also said that he had witnessed a fight between some of the youths when they were dropped off at the park on another occasion.

Church board member and former Councilmember Gary Serrato spoke of the church's "F180" program, designed for at-risk youth. Approximately 300-500 youths from Fowler and nearby cities meet weekly, and are transported by bus to and from the church. He noted that the suspects involved in the incident may not have been a part of the church group, but were in the vicinity at the same time the group was dropped off at the park. He will be meeting with church board members and pastors along with Chief Jamgochian to work out a plan to ensure their safety.

City Manager Elias stated that he discussed the situation with Chief Jamgochian, Church Pastor Haro, and Mr. Serrato. Chief Jamgochian explained that an officer will now be on patrol at the park when the kids are picked up and dropped off, and will remain until all the youths have gone home. He noted that no one had been injured during the shooting and an arrest had just been made. An investigation is continuing.

COMMUNICATIONS

City Manager Elias announced that the South San Joaquin Valley Division of the League of California Cities General Meeting (SSJVLCC) will be held on Wednesday, February 9, 2005 in Selma.

STAFF REPORTS

A) APPROVE INCREASE TO POLICE DEPARTMENT SALARY RANGES

City Manager Elias explained that increasing the salary ranges for police officers would allow the City to recruit capable and qualified officers, which has been difficult under the present salary schedule. Finance Director Wong presented further information on the proposed five percent increase which included salary comparisons from other local cities. The salary comparisons showed that Fowler's salaries are lower than other communities. The proposed increase would not include the police chief range of the salary schedule. Finance Director Wong said that the current budget included funding for a chief, a lieutenant and five officers. The Council subsequently approved hiring two more officers. The impact to the budget for the increase would be an additional cost of \$4,478 for the current working officers for the remainder of the fiscal year. He said that it would cost approximately \$43,360 to cover salaries and benefits for two new officer positions for the remaining five months of the fiscal year.

Chief Jamgochian said that at the present time only two full-time officers are on full duty in addition to Lieutenant Soles and himself. The Department is in the midst of the hiring process, and plans on swearing in one new officer in February. City Manager Elias added that the City is also planning to enhance its current retirement formula, since its an important factor in recruiting and retaining quality employees.

After a discussion, Councilmember Nagata made a motion to approve the five percent increase to the salary range for officer and lieutenant positions and transfer \$48,100 from the contingency fund to the Police Department fund. The motion was seconded by Councilmember Cardenas, and carried on 4-0-1 roll call vote, with Mayor Simonian absent.

B) APPROVE ADJUSTING WATER BILLS PURSUANT TO RECENT COMPLAINTS AND RESULTING INVESTIGATION

City Manager Elias said that in November 2004 citizen complaints were brought before the Council regarding their October water bills. The complaints concerned readings for water usage from the months of June, July, and August 2004. He explained that the City's billing has historically been about two months in arrears because they were originally written out by hand, which was a lengthy process. Since then, a computerized system was installed which allows for a much quicker processing time. The option for the Council at that time was to either bring all accounts current, which would create a bill for three months of water usage; allow customers to pay over time to bring their accounts current; or, continue the billing with the two month arrearage. The third option was chosen.

Staff investigated complaints from about eight customers whose bills reflected very high water consumption by reviewing calculations and testing their meters for accuracy. It was determined that the meters were accurate. They also looked at the timing of the meter reading and found that there were some under-readings during the months of June and July 2004, which created a much larger bill for August. He noted that the City has not charged any finance charges on these large bills and have offered the customers a payment plan.

A discussion followed regarding the meter reading process and the possibility of implementing a “touch-read” system. Several Fowler residents spoke to the Council about the matter. Hector Gomez said he would like to have the City bill for current usage. Craig Mellon said he would also like to see the billing brought current and asked what impact it would have on senior citizens and businesses. Leo Cardenas stated his concerns regarding the large water bill he received, and believed that his meter is not being read on a regular basis. Raul Cardenas spoke of concerns over both his bill and his mother’s water bill also being very high. Marta Cardenas suggested that the City survey the utility customers regarding whether they prefer to be billed two months in arrears or if they are willing to pay to bring their bills current.

Questions were asked about what the process would be to bring the bills current. City Manager Elias recommended that the Finance Committee discuss the matter and look into the best way to implement this change. They would also have to discuss what type of payment plan the City could offer and how it would affect the City’s financial status. They would then present their recommendations to the Council.

A question was asked about what the legal standpoint would be on dismissing a large utility bill that a customer does not want to pay. City Attorney Wolfe said that in discussing the matter with the City Manager, staff’s investigation showed that there were no errors in the total consumption of water, even if the meters were under-read one month and over-read the next. This being the case, the customer would be liable for the total balance. However, if there was a mistake in the reading or other dispute, then the City can work with the consumers in adjusting the bill.

City Manager Elias suggested scheduling a future workshop for the Council to further discuss the issue and consider the implementation of a more current billing system.

C) APPROVE AGREEMENT BETWEEN FRESNO COUNTY AND THE CITY OF FOWLER - TO USE INMATES FOR JANITORIAL AND FLEET MAINTENANCE

City Manager Elias said that the City has used the Fresno County inmates program for the past 12 years to assist with janitorial work and public works tasks. The County requested a new agreement with cities that use inmate labor that includes a change in liability and indemnification requirements. City Attorney Wolfe and the City’s Risk Management Authority have reviewed the contract and suggested that the duties of the inmates be modified and the number of inmates used at one time reduced to two. In the past, the City has used up to six inmates, all day, five days a week. Mr. Elias added that the City plans to now use the inmates three days per week, strictly for janitorial work and washing cars. An employee would pick them up, supervise them, and then return them to the jail. He noted that if the inmate program is not used, the City would have to contract with a janitorial service, which would create a cost.

Councilmember Cardenas made a motion to approve the Agreement between Fresno County and the City of Fowler to use inmates for janitorial and fleet maintenance approximately three days a week, seconded by Councilmember Aguayo. The motion carried on a 4-0-1 roll call vote.

D) CITY MANAGER'S REPORT

City Manager Elias commented on the recent Mayor & Councilmembers Leadership Academy he attended in Sacramento along with Councilmembers Aguayo and Nagata.

E) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

No report was given.

F) FINANCE DEPARTMENT REPORT

It was decided that the Finance Report would be given at the next meeting on February 1, 2005.

G) POLICE AND FIRE DEPARTMENT REPORT

There was no Police and Fire report given.

CITY ATTORNEY'S REPORT

City Attorney Wolfe commented on a recent slander case. An agency had met in closed session to discuss personnel issues, and decided to terminate an employee. Two of the board members talked to the media about the issue and were then sued for slander and violation of the Brown Act.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants - January 18, 2005; B) Approve Minutes of the City Council Meeting - January 4, 2005 and Special Meeting - January 7, 2005; C) Approve Fresno County Cooperative Agreement for Use of Radio Frequencies; D) Approve Agreement with Fresno County Sheriff's Office for Providing Supplemental Law Enforcement Services.

Councilmember Nagata made a motion to approve the Consent Calendar, seconded by Councilmember Aguayo. The motion carried on a 4-0-1 roll call vote.

COMMITTEE REPORTS

Mayor Pro-Tem Shaw reported on a Finance Committee meeting. Councilmember Aguayo reported that he attended the Mayor and Councilmember Leadership Academy. He will give a full report at the next Council meeting.

Councilmember Cardenas attended the SSJVLCC Executive Board meeting in Tulare. Mayor Alan Autry will be the guest speaker at the General Meeting on February 9, 2005 at Cattlemen's Restaurant in Selma. He attended an EDC meeting where the speaker, Mike Dozier from the City

of Clovis, spoke of Clovis' approach to economic development. He also attended an SKF meeting.

Councilmember Nagata suggested that staff look into the possibility of constructing a separate room for closed sessions, and provide information on what the cost would be.

ADJOURNMENT

City Attorney Wolfe announced the closed session item as listed on the agenda. The meeting was adjourned to the closed session at 10:11 p. m., to discuss, as specified under Government Code Section 54956.9 (a) Conference with Legal Counsel - Existing Litigation - Name of Case: Laurence "Russ" Russell vs. City of Fowler. The meeting reconvened to open session at 10:29 p. m. with no reportable action taken.

Having no further business, Councilmember Cardenas made a motion to adjourn, seconded by Councilmember Nagata. The motion carried unanimously, and the meeting was adjourned at 10:31 p. m.