

**FOWLER CITY COUNCIL MEETING  
AGENDA  
OCTOBER 2, 2018  
7:00 P.M.  
CITY COUNCIL CHAMBER  
128 S. 5TH STREET  
FOWLER, CA 93625**

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Council Chambers or to otherwise participate at this meeting, including auxiliary aids or services, please contact City Clerk Jeannie Davis at (559) 834-3113 ext. 302. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council meeting. The City of Fowler is an equal opportunity provider and employer.

Any writing or document that is a public record and provided to a majority of the City Council regarding an open session item on the agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.fowlercity.org](http://www.fowlercity.org).

1. Meeting called to order
2. Flag Salute and Pledge of Allegiance
3. Invocation
4. Roll call
5. Public Presentations - (This portion of the meeting reserved for persons desiring to address the Council on any matter not described on this agenda. Presentations are limited to 5 minutes per person and no more than 15 minutes per topic.)

*With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.*

6. Approve request to close City streets for the Gurdwara Gur Nanak Parkash Parade on Sunday, November 25, 2018
7. Public Hearing:

- A) Approve/Authorize the City Engineer to Submit the 2019-20 Community Block Grant (CDBG) Application on Behalf of the City of Fowler
8. Communications
9. Staff Reports
- A) City Engineer's Report
    - ◆ Consider Approval, Development Impact Fee Reduction for Site Plan Review (SPR) 14-05 – Proposed Box Manufacturing Facility (Maxco) According to the Calculations Set Forth in a Specific Focused Fee Study
  - B) Growth Management Report – City Planner Dawn Marple
  - C) City Manager's Report
  - D) Public Works Report
  - E) Finance Department Report
  - F) Police Department Report
  - G) Fire Department Report
10. City Attorney's Report
11. Consent Calendar - *Items on the Consent Calendar are considered routine and shall be approved by one motion of the Council. If a Councilmember requests additional information or wants to comment on an item, **the vote should be held until the questions or comments are made, and then a single vote should be taken.** If a Councilmember **objects** to an item, **then** it should be removed and acted upon as a separate item.*
- A) Ratification of Warrants – October 2, 2018
  - B) Approve Minutes of the City Council Meeting – September 18, 2018
12. Committee Reports (No action except where a specific report is on the agenda)
- Mayor Cardenas  
 Mayor Pro-Tem Parra  
 Councilmember Hammer  
 Councilmember Kazarian  
 Councilmember Rodriquez
13. Closed Session:

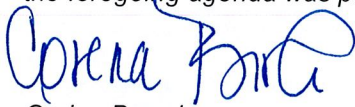
- ◆ Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators: Property: 125 N. 6<sup>th</sup> Street. Agency Negotiators: Jeannie Davis. Negotiating party: Alyssa Lewis. Under Negotiation: Price, terms.

14. Adjournment

Next Ordinance No. 2018-02

Next Resolution No. 2413

*CERTIFICATION: I, Corina Burrola, Deputy City Clerk of the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on Friday, September 28, 2018.*



Corina Burrola  
Deputy City Clerk

September 20th, 2018

City of Fowler  
128 S. 5th Street  
Fowler, CA 93625  
(559) 834-3113 ext. 121  
(559) 834-0185 Fax

Dear Mr. Lopez and Mr. Brand

I am writing to you on behalf of Gurdwara Gur Nanak Parkash (the "Gurdwara"), located at 4250 East Lincoln Avenue, just outside of the City of Fowler. The Gurdwara is a Sikh place of worship with many of its congregants being residents of Fowler.


As part of our outreach and public relationships program and to celebrate the Sikh holiday of the birth of the founder of the Sikh religion, the Gurdwara and its congregants would like to have our annual parade just like last few year, which will pass through the City of Fowler. The parade is planned to take place on Sunday, November 25th, 2018 and will leave the Gurdwara at 12:00 p.m., proceed in accordance with the proposed route attached to this letter, and return to the Gurdwara by 5:00 p.m. Part of the parade is proposed to pass through the City and stop at Panzak Park for about an hour just like last year.

We would like to obtain the City's approval to have our parade. I will be in touch with Caltrans in regards to obtaining the encroachment permits for that agency (as we are crossing their facility at the Adams Avenue overcrossing and Merced Street undercrossing).

Your help in this matter will greatly be appreciated. Please contact me at your earliest convenience and let me know what further steps I need to take to obtain approval. **As of now, I would like this parade to be on Council's agenda for the next council meeting.** I am also available to answer any questions or address any concerns you may have.

Thankyou,

Sincerely,



Harpreet Singh  
4250 East Lincoln Avenue  
Fresno CA 93728  
Ph. No. 559-859-0471  
harpreetb@sbcglobal.net



**Gurdwara Gurb  
Nanak Park**

**1**

**3**

Lincoln Avenue

Minnewawa Avenue

Hwy 99

Adams Avenue

Clovis Avenue

Summer Avenue

Golden State Blvd

**1** 12:00 noon – Depart Gurdwara

**2** 1:30 to 3:00 pm – Break at Panzak Park

**3** 5:00 pm Arrive at Gurdwara

**2**

Second Street

Panzak  
Park

Merced Street



**PARADE ROUTE**

**CITY OF FOWLER**



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MEMORANDUM

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** DAVID PETERS, CITY ENGINEER  
**SUBJECT:** 2019-20 CDBG PROJECT – PANZAK PARK RESTROOM ADA IMPROVEMENTS  
**DATE:** 9/27/2018  
**CC:** JEANNIE DAVIS, CITY MANAGER

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REQUESTED ACTION / RECOMMENDATION

Conduct Public Hearing and authorize the City Engineer to submit the 2019-20 Community Development Block Grant (CDBG) application on behalf of the City of Fowler.

DISCUSSION

The County of Fresno has been designated as the sponsoring agency to administer and implement the Community Development Block Grant (CDBG) program activities for the County, and its participating cities, in accordance with the provisions of Title I of the Housing And Community Development Act of 1974, as amended, and the laws of the state of California. As such, the County is accepting project applications for the 2019-20 funding cycle. The project identified by the City includes the installation of Americans with Disabilities (ADA) compliant restroom facilities at Panzak Park.

The application requires that a Public Hearing be held to garner public comment and input on the project and requires that the City Council authorize submission of the application and designate a staff person as authorized to sign on behalf of the City.

Attachment: City of Fowler 2019-20 CDBG Application

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**SECTION I  
APPLICATION SUMMARY**

- A. Name of Applicant: City of Fowler
- B. Applicant Address: 128 S. Fifth Street  
City: Fowler County: Fresno Zip Code: 93625
- C. Applicant Tax ID No.: 94-600037
- D. Applicant DUNS No.: 056729825
- E. Contact Person Name and Title: Jeannie Davis  
Phone Number: (559) 834-3113 x101 E-Mail: jdavis@ci.fowler.ca.us
- F. Name of Activity Engineer: David Peters  
Phone Number: (559) 299-1544 x111 E-Mail: dpeters@peters-engineering.com
- G. Activity Name: Panzak Park Restrooms
- H. Provide a brief description of proposed activity (detailed description to be provided in Section IV): Replace existing Panzak Park restrooms with new prefabricated restroom unit in order to comply with American with Disability Act standards.
- I. Address of Activity Site (if any): Panzak Park
- J. Total Activity Cost: \$ 304,240
- K. Grant Amount Requested: \$ 155,768  
(Estimated 2019-20 allocation for City of xxxxxxxx, based on 2018-19 funds, is \$xxxxxxx. After adjustment for prior year advances, estimated 2019-20 allocation is \$xxxxxxx.)
- L. If another participating city chooses to not use its 2019-2020 CDBG allocation, those funds may be made available to other participating cities, as an advance against future-year CDBG funding (to be repaid from the 2020-2021 CDBG allocation). If available, what additional amount of CDBG funds (if any), would the City request? \$96,261

**SECTION II**  
**PUBLIC HEARING/CITIZEN PARTICIPATION**  
*(To Be Submitted After County Approves Eligibility  
and by October 15, 2018)*

Cities are required to conduct a noticed public hearing before their governing boards to provide interested citizens the opportunity to comment on all activities submitted for funding. **This hearing must be conducted by September 28, 2018**, but should not be held until after an eligibility confirmation letter is received from the County.

- A. Describe the means used to obtain citizen involvement, any accommodations made to encourage broad participation, and how all persons that may benefit from the activity were provided an opportunity to participate:

The City Council has had several discussions during council meetings regarding the need to replace the rest rooms at Panzak Park. The discussions have resulted out of public comments made regarding the need to provide ADA compliant rest rooms as well as agendized discussion items regarding alternatives for making these improvements. The park is under-utilized by some residents due to the lack of ADA compliance of the rest rooms. The replacement of these facilities will benefit the entire community of Fowler.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- B. The following supporting documentation will illustrate compliance with this Section. Submit as part of this application the following supporting documentation:

- Proof of publication notice.
- Certified Minute Order authorizing submission of application and naming person authorized to sign on behalf of the Applicant.

**Include all supporting documentation for this Section under Attachment B, Evidence of Public Hearing/Local Support.**

The public hearing has been scheduled for September 28, 2018. Proof of publication notice and Resolution will be provided by October 15, 2018.



**SECTION III  
APPLICANT CERTIFICATION AND COMMITMENT OF  
RESPONSIBILITY**

As the official designated by the governing body, I hereby certify that if approved by the County of Fresno for Community Development Block Grant Program funding, City of Fowler (Applicant name) assumes the responsibilities for carrying out the activity specified in this application in a timely manner and certifies that:

- It possesses the legal authority to apply for the grant funds and to execute the proposed activity;
- The Applicant does not have any unresolved audit findings for prior CDBG or other federally-funded activities or projects;
- There are no pending lawsuits that would impact the implementation of this activity;
- It will comply with all statutes and regulations governing the federal Community Block Grant Program;
- The information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct;
- The Applicant has the ability to perform the duties for the activity applied for in accordance with the CDBG program regulations.

I authorize the Department of Public Works and Planning, Community Development Division, to contact any agency, whether or not named in this application, which may assist in determining the eligibility of the activity. All information contained in this application is acknowledged to be public information.

Signature 

Title City Engineer

Type or Print Name David Peters, PE

Date 7-31-2018

**SECTION IV  
DETAILED ACTIVITY DESCRIPTION**

**A. Activity Description**

A complete description of the activity to be undertaken must include the activity or services to be provided, where the activity will be provided, how the activity will be provided, and whom the activity will benefit. Photographs of the project location may also be submitted and included in **Attachment F, Other Supporting Documentation/Maps/Photos**, or may be submitted by email to [jnimer@co.fresno.ca.us](mailto:jnimer@co.fresno.ca.us).

1. Provide a detailed description of the activity and the scope of work to be funded with CDBG grant:

The project would replace the existing restroom facility with a new  
ADA compliant prefabricated unit, improve utilities and lighting, and  
provide accessible access to the facility.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe how and who (i.e. low-moderate income persons, at risk youth, senior citizens, disabled persons, etc) the activity will benefit:

Currently the restroom serves the entire community including low-moderate  
income persons, at-risk youth and other disadvantages groups. Replacement  
of the restrooms will provide a public park that is inviting and accessible  
to these groups provided needed access to recreational space.  
\_\_\_\_\_

3. How many persons are expected to benefit from this activity 7,000  
or how many jobs will be generated or retained as a result of the activity,  
and how many low/mod income persons will be employed in those jobs?

Number of jobs 10      Number employed 10

**Note: Activities that are proposed to meet the Low/Moderate-Income National Objective by creating/retaining jobs for Low/Moderate-Income persons will require a Supplemental form to be provided by the Community Development Division after this application is submitted.**

4. Describe the activity location. Provide the street address and assessor's parcel number of the activity and/or the location of the improvements and street boundaries of the entire area that will benefit from the activity:

Panzak Park is located at the Northwest corner of Merced Street and  
3rd Street. The restroom facilities will benefit all users of the park.

Attach a site map (**Attachment A**) of the activity location that shows street boundaries for all areas that will benefit from the activity and outline the area around the activity that encompasses all areas that will benefit, and/or include a description of the persons that will benefit from the activity (i.e. low-moderate income persons, at risk youth, senior citizens, disabled persons, etc). Submit supporting documentation under **Attachment F, Other Supporting Documentation/Maps/Photos**.

5. Describe how the proposed activity will benefit the persons, neighborhood or community it will service:

The existing rest rooms are not ADA compliant. Replacement will provide  
inclusive access and openness to the park.

6. Are the proposed activities part of a targeted revitalization effort?

Yes       No

If yes, submit a copy of the neighborhood or community revitalization plan (**Attachment F, Other Supporting Documentation/Maps/Photos**).

7. Describe other activities proposed and/or needed in the community or neighborhood that are anticipated in the next five years should funding be available (include housing, infrastructure and/or economic activities):

Park lighting improvements are needed.

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8. List any other agencies currently active in the activity area:  
None.

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**B. Activity Funding**

List all sources of funds anticipated to be received for this activity, including other grants. If a letter of commitment from other funding sources has already been received, include a copy as supporting documentation, (**Attachment D, Other Funding Commitments**).

1. Community Development Block Grant (CDBG) funds:	\$ 155,768
2. Local funds: _____	\$ 148,472
3. Other federal funds: _____	\$ _____
4. State funds: _____	\$ _____
5. Other funds or in-kind services: _____	\$ _____
6. Total Activity Cost:	\$ 304,240

**SECTION V  
ACTIVITY READINESS**

CDBG funds are required to be spent in a timely manner; therefore, the City is required to complete this activity in a timely manner. CDBG funding for Program Year 2019-2020 will become available on July 1, 2019, and funded activities can commence upon completion of a fully executed activity grant agreement with Fresno County.

A. Activity Readiness to Proceed Once Funded:

1. If selected for funding, can the activity be completed within 12 to 18 months from the date of agreement?  Yes  No

2. Are there weather (rain, temperature, etc) conditions that could delay construction of the activity?  Yes  No

If yes, explain any potential delays:

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3. Will the activity require any PG&E activity?  Yes  No

If yes, explain any potential delays:  
None anticipated.

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4. Will the activity require CalTrans or any other outside agency review or approval?  Yes  No

If yes, explain any potential delays:

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5. Has environmental review subject to the California Environmental Quality Act (CEQA and/or the National Environmental Policy Act (NEPA) been completed or initiated for this activity?  Yes  No

Initial Study / Environmental Assessment No. \_\_\_\_\_

**CEQA**

**NEPA**

Initiated on: \_\_\_\_\_

Completed on: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Have any environmental reviews for CEQA and/or NEPA been completed within the last five years for other activities within 1/2 mile from the location of this activity?  Yes (Please list appropriate information below)  No

Initial Study / Environmental Assessment No. \_\_\_\_\_

Completed on: 

<b>CEQA</b>	<b>NEPA</b>
_____	_____

Activity Description/Geographical Area Reviewed:

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- B. Identify any known facts that could delay the implementation of this activity (for example, archeological or historical environmental concerns, right of way acquisition, easements, etc.):

None.

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- C. Does the applicant have site control as evidenced by supporting documentation (Attachment F, Other Supporting Documentation/Maps/Photos)?

Yes  No Site control is expected by \_\_\_\_\_

## SECTION VI ACTIVITY TIMELINE

Attach a timeline for the proposed activity, from application submittal to activity completion. Include milestones or key actions that will take place if the activity is approved for a CDBG grant by the County Board of Supervisors. Show the dates for each milestone and indicate the activity's completion date (the notice of completion date).

A **sample** timeline is below for your use. The first item on the timeline will be the submittal date of the application to the County. NOTE: If activity is recommended for approval, Community Development staff will contact you during preparation of the agreement. Any subsequent changes to agreement execution dates and/or timeline will be revised accordingly.

### PROPOSED CDBG ACTIVITY TIMELINE AND MILESTONES

Activity Milestones/Actions	Notes	Date
1. Application Submittal		7/31/18
2. Eligibility Confirmation Letter		8/31/18
3. Hold noticed public hearing		9/28/18
2. Section II (Public Hearing/Citizen Participation) items submitted		10/15/18
3. Environmental Review	Minimum 90-day review	April 2019
4. Agreement for CDBG Grant		July 2019
5. Engineer Selected/Hired	Must go through formal RFP process if not already secured, or if secured for more than 3 years	July 2019
6. Submit Plans/Specs/Current Cost Estimate (P/S/E)		10/18/19
7. County Review, Comment, Return of P/S/E	Period = 30 days from receipt of P/S/E	11/15/19
8. Submit Final Plans/Specs/Cost Estimate, if needed	Must be stamped, certified by ENG	01/10/20
9. County Review of Final P/S/E and issue Authorization to Advertise	Period = 30 days from receipt of Final P/S/E	02/14/20
10. Begin Advertising Project (Publication Date)	Advertise minimum of 2 weeks	03/07/20
11. Bid Opening	Submit bid canvas and low bid proposal within 7 days of bid opening	4/25/20
12. County Authorization to Award	Period = 21 days from receipt of Bid Package	5/16/20
13. Award of Contract	Must be the date of a City Council meeting	6/3/20
14. Preconstruction Meeting		6/16/20
15. Complete Construction of Project	Estimate construction days per contract	10/1/20
16. Complete Punch-List Items	Time for addressing post-construction items	11/3/20
17. Final Inspection	Walk-through with County / other parties prior to NOC	11/7/20
18. Record Notice of Completion (NOC)	Allow time for City Council meeting	12/5/20
19. Submit Final Invoice, Project Outcome Measurement Report, Project Cost Summary, etc.	Deadline is 60 days following filing of NOC	2/4/21

## SECTION VII ACTIVITY COST ESTIMATE

A. Construction Costs:

Work Item #	Description	Quantity	Unit of Measure	Unit Price	Total Cost of Work Item
			See Attached		
<b>SUBTOTAL</b>					<b>\$ 243,950</b>

B.	Estimated Engineering or Architectural Cost Including:	
	1. Design engineering and/or architectural fee	\$ 29,274
	2. Special requirements (conditional use permit/zone change/site plan review, foundation or archeological investigations, extensive environmental work)	\$ 0
	3. Construction Engineering	\$ 19,516
	4. Maintenance Plan Preparation	\$ 0
C.	Advertising/Award (printing and noticing)	\$ 1,500
D.	Property Acquisition (if applicable)	
	1. Real Property	\$ 0
	2. Appraisals, title work and related work	\$ 0
E.	Contingency	\$ 10,000
F.	Other (specify)	\$ 0
G.	<b>TOTAL ACTIVITY COST</b>	<b>\$ 304,240</b>

David Peters, City Engineer

Date 7-31-18

Prepared by: Name and Title (print or type)



**SECTION VIII**  
**ENVIRONMENTAL REVIEW QUESTIONNAIRE**  
 Participating Cities

The following information will be provided to the County's environmental staff to be used in the required environmental review, in accordance with Federal and State (NEPA and CEQA) regulations. All questions must be addressed and supporting documentation included. It is advised that the Activity Engineer answer the questions and sign the form. **This Section is a threshold requirement which will assist in determining activity readiness.**

1. Activity Name: Panzak Park Restroom Replacement

2. Existing Zone District: Park

3. Existing General Plan Land Use Designation: Park

4. Is the activity in conformance with local land use, circulation and drainage plans?

Yes  (include supporting documentation)      No       Unknown

5. Present land use: Park

6. Describe major vegetative cover: Existing park - turf and concrete

7. Proposed source of water: City

8. Proposed sewage disposal method: SKF Sanitation District

9. List existing physical site conditions to be improved by the activity, such as buildings, wells, pipelines, roads, etc. (if improvement is to an existing building, provide the age of the building(s) and indicate if any surrounding buildings may be 50 years or older):

Existing rest room replaced with prefabricated unit.

Are there any buildings or structures of historical or cultural value in the surrounding area?

Yes       No

Please describe structure and location:

\_\_\_\_\_  
 \_\_\_\_\_

10. What are the existing, surrounding land uses (e.g., agriculture, residences, school, factory)? Include photographs as **Attachment E, Environmental Supporting Documentation**:

North: Residential      East: Residential

South: Residential/Church      West: Senior Center / Church

11. What land uses in the area may be impacted by the project?

None.

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12. What land uses in the area may impact the project?

None.

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13. If any of the following items are located within 3,000 feet of activity location, please describe and include photographs as **Attachment E, Environmental Supporting Documentation**:

Major roads/highways: Local streets only.

Railroad tracks: UPRR tracks are located 2,100 feet away but will have no impact on the project.

Water resources: None

Storage tanks: None

Hazard sites: None

Airports: None

14. During the next two years, if there are other similar or related activity(s) under consideration in the same geographical area, describe the activity and its proposed location.

Attach summary as **Attachment G, Other Activities**

15. Identify any agencies from which a permit is required for this activity (i.e. County of Fresno, San Joaquin Valley Air Pollution Control District, CRWQCB, etc.):

Fowler Building Department

16. Please identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Indicate why those actions were not selected.

Staff evaluated the existing rest rooms for rehabilitation and it was determined that it would be more costly to rehab than to replace the facility.

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**Information requested in questions 17 and 18 below must be provided in Attachment E, Environmental Supporting Documentation**

17. Provide a written description and map (or maps) illustrating (in detail) the location and size of **existing** sewer, water and/or drainage lines to be replaced or installed and/or location and size of **existing** curb, gutter and/or sidewalk improvements to be improved or constructed.  
See Attachment E
18. Provide a written description and map (or maps) illustrating (in detail) the location and size of **proposed** sewer, water and/or drainage lines to be replaced or installed and/or location and size of **proposed** curb, gutter, and/or sidewalk improvements to be improved or constructed, and size and location of material or equipment staging areas.  
See Attachment E
19. Provide a written statement of purpose and need for the project.  
See Attachment E
20. Complete the Environmental Supplemental Questionnaire on the following page.

## ENVIRONMENTAL SUPPLEMENTAL QUESTIONNAIRE

In order to determine if this activity is ready to proceed, and meet HUD's timeliness of expenditure requirements for the CDBG Program, funded activities must be ready to proceed once an agreement with the County is executed. Please answer all of the following questions. This information will assist in determining whether the activity is ready to proceed.

- |  | <u>Yes</u>                          | <u>No</u>                           | <u>N/A</u>                          |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. Is the activity in conformance with your local land use, circulation, and drainage plans?<br><b>(NOTE: An activity may not be accepted or processed if it does not conform to the appropriate General or Community Plan.)</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 2. Will the activity require rezoning, a conditional use permit, variance, parcel map, or subdivision map?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a. Will required entitlement clearances be completed by October 1, 2018?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Does the applicant have clear title to all properties involved in the activity?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| a. Will the applicant need to acquire real property, road rights-of-way, or easements as part of the activity?<br><b>(NOTE: HUD requires compliance with its acquisition procedures.)</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Will the activity cause displacement of residents, businesses, or farms?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Can an alternate site be selected to avoid displacement?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Does the applicant's operating budget include revenues and/or mechanisms in place to maintain improvements?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 5. Does the applicant have sufficient, qualified personnel to properly maintain the activity upon completion?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| a. If not, are local service fees sufficient to hire additional staff to properly maintain the activity?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. If not, is the applicant willing to raise local service fees to meet this obligation?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- |   | <u>Yes</u>                          | <u>No</u>                           | <u>N/A</u>                          |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| c. Does the applicant have a written maintenance plan for improvements made with CDBG funds? If yes, attach Plan as <b>Attachment F, Other Supporting Documentation/Maps/Photos.</b>                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. If required by the County, will the applicant set up a depreciation fund to replace the activity?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a. Would this requirement cause an increase in service fees?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. If so, is the applicant willing to increase service fees to set up a fund?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Are all improvements affixed to the property?<br>(NOTE: Furniture, and other equipment and improvements, [except for fire equipment] not affixed to the property are ineligible for CDBG funding.) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 8. Is all of the property in the activity area within the applicant's jurisdictional limits (i.e. the activity area will not require annexation prior to activity construction)?                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 9. Is the activity designed to eliminate slum and blight?<br>(Answer N/A if the activity predominantly serves low and moderate income persons.)   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 10. Will all other funding needed to complete the activity be in place by July 1, 2019?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| a. If no, can the activity be completed without all the funding?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 11. Can the activity be designed with deduct items if bids exceed budget?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| a. If no, is the applicant able to cover cost overruns from local resources?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b. If no, can the activity proceed in phases using the CDBG funds in the initial phase?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- |   | <u>Yes</u>                          | <u>No</u>                           | <u>N/A</u>                          |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| 12. Will the activity require the formation of an assessment district?<br>(NOTE: There may be Federal eligibility problems when an applicant intends to form an assessment district. Discuss with County staff.)                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 13. Does the applicant have a current contract with an engineering firm to perform engineering work?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| a. If yes, attach a copy of the contract as <b>Attachment F, Other Supporting Documentation/Maps/Photos.</b>  |                                     |                                     |                                     |
| b. If no, will the applicant contract with an engineer and/or architect to design this activity?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c. Will the applicant complete the contract process prior to July 1, 2019 with its own local resources?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (NOTE: Contact County staff for required federal procedures for hiring consulting engineers/ architects.)   |                                     |                                     |                                     |
| 14. If necessary, has the applicant received all clearances, and/or funding commitments, from any public utilities or railroads that may be involved in the activity?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a. Will the applicant have these clearances, and/or commitments, by the date for beginning construction as indicated in your time schedule?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 15. If the activity involves a water well, has the applicant received necessary permits from the Health Department?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 16. Will all drainage, as a result of the activity, be contained on-site or in applicant-owned drainage basins?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| a. If no, has the applicant paid required State permit fees for storm water discharges into rivers and streams? If fees have been paid, attach proof of payment as <b>Attachment F, Other Supporting Documentation/Maps/Photos.</b> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

- |   | <u>Yes</u>               | <u>No</u>                           | <u>N/A</u>               |
|---|--------------------------|-------------------------------------|--------------------------|
| 17. Will the activity correct or address any serious health and/or safety issues? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, attach correspondence the agency has received from a health or regulatory agency to demonstrate the seriousness of the problem with **Attachment F, Other Supporting Documentation/Maps/Photos.**

- |   |                          |                                     |                          |
|---|--------------------------|-------------------------------------|--------------------------|
| 18. Is any of the land to be improved by the activity under an agricultural land conservation contract (Williamson Act)?                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Is any of the land to be improved subject to the approval of the Airport Land Use Commission due to the property's proximity to an airport? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

To the best of my knowledge, the foregoing information is true.

  
 \_\_\_\_\_  
 Signature - Activity Engineer

7-31-2018  
 \_\_\_\_\_  
 Date

David Peters, PE  
 \_\_\_\_\_  
 Name

City Engineer  
 \_\_\_\_\_  
 Title





# EXHIBIT 1

TOULUME STREET

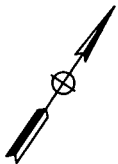
REPLACE  
RESTROOMS

N. 3RD STREET

N. 2ND STREET

PANZAK PARK

E. MERCED STREET



NO SCALE: 1" = 60'

CITY OF FOWLER  
PANZAK PARK  
RESTROOM REPLACEMENT

PETERS ENGINEERING GROUP

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**STAFF REPORT**

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** DAVID PETERS , CITY ENGINEER  
**SUBJECT:** SPR 14-05 (MAXCO) DEVELOPMENT FEES  
**DATE:** 9/28/2018  
**CC:** JEANNIE DAVIS, CITY MANAGER

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REQUESTED ACTION

Approve development impact fee reduction for Site Plan Review (SPR) 14-05 – Proposed Box Manufacturing Facility (Maxco) according to the calculations set forth in a specific focused fee study.

DISCUSSION/RECOMMENDATION

On August 29, 2017, upon an appeal, the Council approved SPR 14-05 for the Maxco box manufacturing facility. A condition of approval required the payment of City development impact fees prior to issuance of a building permit. Those fees were subsequently calculated to be \$1,030,301.44. At the developer's request, on June 13, 2018, the parties entered into a Development Impact Fee Deferment Agreement ("Deferment Agreement"). Under the Deferment Agreement, the Developer agreed to pay \$500,000 prior to issuance of the building permit and the balance prior to issuance of a certificate of occupancy. The Developer signed the Deferment Agreement "Under Protest" and on June 20, 2018, timely filed an application for a reduction of the development impact fees pursuant to Fowler Municipal Code section 3-8.09. That section allows a developer to apply for a fee reduction or adjustment based upon the absence of any reasonable relationship or nexus between the impacts of the project and either the amount of the fee or the facilities to be financed by the fee.

The Developer waived time to have the application heard by the Council within 60 days while staff researched the issue. Staff determined that a box manufacturing facility is unique and agreed that the project did not fit neatly within the City's existing Development Fee Study and Justification Report. In that regard, on August 7, 2018, the City Engineer prepared a focused Development Impact Fee Study ("Focused Study") to determine appropriate development impact fees for the project. The Focused Study calculated development impact fees at \$560,945.25, an almost 50% reduction.

Staff provided the Focused Study to the Developer and its representative and met with them to further review the Focused Study on August 28, 2018. Thereafter, on September 14, 2018 the City Engineer prepared a final fee determination letter, which established the development impact fees at the amount set forth in the Focused Study. The Developer is in concurrence with the City's final determination.

Staff recommends approval of the revised development impact fees in accordance with the calculations set forth in the Focused Study.

Attachments:

Maxco Focused Fee Study

Final Fee Determination Letter

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**MEMORANDUM**

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**TO:** JEANNIE DAVIS, CITY MANAGER  
**FROM:** DAVID PETERS, CITY ENGINEER  
**SUBJECT:** MAXCO DEVELOPMENT FEES  
**DATE:** AUGUST 7, 2018

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Due to the unique nature and size of the proposed Maxco Box Manufacturing Facility (SPR 14-05), staff has performed a specific development impact fee assessment in order to appropriately calculate the development impact fees for the project. The specific analysis and fee calculations is presented below.

**Fee Methodology**

The City's Development Impact Fee Study (Fee Study), dated June 20, 2000, presents methodologies for calculating the impact fees for specific projects proposed to be constructed in the City. The methodology converts proposed projects to equivalent dwelling units (EDU's) based on the size of the parcel being developed. The methodology does not consider the size of the proposed building relative to the size of the parcel or specific operational uses of the proposed facility. While this methodology is reasonable for some of the development fees related to this project, modifications are appropriate for some fees due to the building to parcel ratio and specific use characteristics.

**Standard EDU Calculation**

The parcel proposed to be developed is 25.80 acres. Based on methodology presented in the Fee Study, the standard EDU for this project is calculated as  $25.80 \text{ acres} \times 5 \text{ EDU/acre} = 129 \text{ EDU's}$ .

**Unmodified Fees**

Staff has determined that the City Management & General Services, Law Enforcement, and Fire Protection development fees shall be calculated based on the standard EDU of 129.

**Modified Fees**

Due to the disproportionate size of the proposed building structure to the developed parcel size, staff has determined that it is appropriate to modify water and wastewater fees as follows:

Water Supply

The project proposed to use 230,000 gallons per month based on information contained in the project's operational statement. A typical residence of 4 persons using 150 gallons/person per day equates to 600 gallons per residence per day (18,000 gallons per month). Using these values, the standard water use of the proposed facility would equate to 12.8 EDU's. Applying a 2.0 fire protection supply factor to the 12.8 EDU's yields a proposed water supply EDU of 25 to the project.

Water Connection

Staff determined that due to the large warehouse use of the proposed building, it would be appropriate to calculate the water connection fee EDU's based on the square footage of office area and 25% of the warehouse area which equated to 81,022 square foot.

Wastewater Interceptor Sewer and Pump Stations

Since there is a direct correlation to water use and wastewater production, it is proposed to utilize the Water Supply EDU of 25 for calculation of wastewater impact fees.

**Development Impact Fee Calculation**

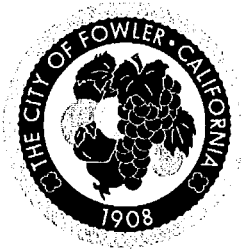
Based on the revised methodologies presented above, staff has determined the appropriate development impact fees for the project are as follows:

Fee Category	EDU/SF	Unit Fee	Fee
City Management & General Services	129	\$258.11	\$33,296.19
Law Enforcement	129	\$829.19	\$106,965.51
Fire Protection	129	\$1,068.01	\$137,773.29
Water Supply	25	\$2,563.60	\$64,090.00
Water Connection	81,022	\$0.83	\$67,248.26
Wastewater	25	\$2,849.28	\$71,232.00
Traffic	---	---	\$80,340.00

Total = \$560,945.25

Notes:

1. Determined by traffic impact study
2. Storm drainage and recreation fees do not apply to this project.



# City of Fowler

28 S. 5TH STREET - FOWLER, CA 93625 - VOICE: (559) 834-3113 - FAX: (559) 834-0185

David Cardenas  
Mayor

Daniel T. Parra  
Mayor Pro-Tem

September 14, 2018

Mr. Max Flaming  
MAXCO  
P.O. Box 814  
Parlier, CA 93648

Council Members:  
Leonard Hammer  
Mark Rodriguez  
Karnig Kazarian

Jeannie Davis  
City Manager

**Subject: SPR 14-05 – Proposed Box Manufacturing Facility**

Your request for a focused impact fee study has been prepared and is presented in the attached memorandum dated August 7, 2018. The summary of the fees determined to be appropriate to offset costs of providing City infrastructure and services for the proposed project is presented below.

Fee Category	EDU/SF	Unit Fee	Fee
City Management & General Services	129	\$258.11	\$33,296.19
Law Enforcement	129	\$829.19	\$106,965.51
Fire Protection	129	\$1,068.01	\$137,773.29
Water Supply	25	\$2,563.60	\$64,090.00
Water Connection	81,022	\$0.83	\$67,248.26
Wastewater	25	\$2,849.28	\$71,232.00
Traffic	---	---	\$80,340.00

Total = \$560,945.25

In our meeting on August 28, 2018 your representative requested that additional fee reductions be considered. Based on a review of the operational statement submitted and utilized in the Site Plan approval for the project and the costs of infrastructure for providing essential services, such as fire protection, the City has determined that the fees listed above are appropriate and no further adjustments will be made.

Please use this letter as reference for the impact fees due prior to issuance of the Certificate of Occupancy for the project.

We look forward to the successful completion of your project and Maxco becoming part of the City of Fowler community.

Sincerely,

David Peters, PE  
City Engineer

Cc: Jeannie Davis, City Manager  
David Wolfe, City Attorney

CITY OF FOWLER  
 WARRANTS LIST  
 October 2, 2018

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	34321-34350	Sept 14 thru Sept 28	\$ 38,917.05
<b>TOTAL ACCOUNTS PAYABLE CHECKS</b>			<u>\$ 38,917.05</u>
<u>PAYROLL COSTS</u>			
Second September Bi-Monthly Payroll		September 30, 2018	77,959.43
<b>TOTAL PAYROLL COSTS</b>			<u>\$ 77,959.43</u>
<b>TOTAL CASH DISBURSEMENTS</b>			<u>\$ 116,876.48</u>

ITEM 11A

SUPERION  
 DATE: 09/28/2018  
 TIME: 12:36:26

CITY OF FOWLER  
 CHECK REGISTER - BY FUND

PAGE NUMBER: 1  
 ACCTPAZ1

SELECTION CRITERIA: transact.check\_no between '34321' and '34350'  
 ACCOUNTING PERIOD: 3/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	DESCRIPTION	SALES TAX	AMOUNT
1001	34321	09/14/18	10001	WASTE MANAGEMENT	6200	5220	SERVICES	0.00	2,500.00
1001	34324	09/28/18	11149	ADMINISTRATIVE SOLU	6020	5080	COBRA	0.00	35.00
1001	34325	09/28/18	13925	ALCARAZ, RUDY	6120	5300	PER DIEM	0.00	375.00
1001	34326	09/28/18	10007	ALERT-O-LITE, INC	6120	5200	SUPPLIES	0.00	97.84
1001	34327	09/28/18	10549	AT&T MOBILITY	6120	5220	SERVICES	0.00	205.81
1001	34328	09/28/18	10022	BORCHARDT, CORONA &	6030	5220	2017 AUDIT	0.00	2,250.00
1001	34329	09/28/18	11291	THE BUSINESS JOURNA	100	2060	PUBLICATION 2018-01	0.00	140.00
1001	34329	09/28/18	11291	THE BUSINESS JOURNA	100	2060	GPA17-01 2A 17-01	0.00	300.00
1001	34329	09/28/18	11291	THE BUSINESS JOURNA	6150	5150	PUBLICATION	0.00	380.00
	TOTAL CHECK							0.00	820.00
1001	34330	09/28/18	13914	CALIFORNIA TRENDZ	6260	5130	HATS & SHIRTS	0.00	275.34
1001	34331	09/28/18	11970	CENTRAL VALLEY TOXI	6120	5220	SERVICES	0.00	215.00
1001	34332	09/28/18	11585	DURON, ARTHUR	6120	5715	REIMBURSEMENT	0.00	65.05
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	6130	5110	SUPPLIES	0.00	33.71
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	6700	5110	SUPPLIES	0.00	42.70
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	6120	5110	SUPPLIES	0.00	65.69
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	6020	5110	SUPPLIES	0.00	85.09
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	6200	5110	SUPPLIES	0.00	366.71
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	6260	5110	SUPPLIES	0.00	391.89
	TOTAL CHECK							0.00	985.79
1001	34334	09/28/18	13127	HEALTHWISE SERVICES	6020	5220	SERVICES	0.00	200.00
1001	34335	09/28/18	14008	KUCKENBECKER TRACTO	6260	5715	MOWER	0.00	6,046.60
1001	34336	09/28/18	13981	LEIST AND ASSOCIATE	6020	5220	SERVICES	0.00	1,733.50
1001	34337	09/28/18	10195	MAACO	6120	5205	PAINT UNIT #65	0.00	750.00
1001	34338	09/28/18	14009	MAGIL, TOM	6400	5110	10/3 FRMRS MRKT BAN	0.00	400.00
1001	34339	09/28/18	10201	METRO UNIFORM & ACC	6120	5715	SUPPLIES	0.00	56.26
1001	34340	09/28/18	10885	NELSONS POWER CENTE	6260	5200	SERVICES	0.00	35.51
1001	34340	09/28/18	10885	NELSONS POWER CENTE	6260	5200	SERVICES	0.00	45.95
1001	34340	09/28/18	10885	NELSONS POWER CENTE	6260	5200	SERVICES	0.00	124.69
	TOTAL CHECK							0.00	206.15
1001	34341	09/28/18	10216	NEW ENGLAND SHEET M	6120	5190	SERVICES	0.00	526.98
1001	34341	09/28/18	10216	NEW ENGLAND SHEET M	6120	5220	SERVICES	0.00	540.00
	TOTAL CHECK							0.00	1,066.98



SUPERION  
 DATE: 09/28/2018  
 TIME: 12:36:26

PAGE NUMBER: 2  
 ACCTPAZ1

CITY OF FOWLER  
 CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check\_no between '34321' and '34350'  
 ACCOUNTING PERIOD: 3/19

FUND - 100 - GENERAL FUND									
CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	DESCRIPTION	SALES TAX	AMOUNT
1001	34342	09/28/18	10249	QUILL	6020	5110	SUPPLIES	0.00	6.47
1001	34342	09/28/18	10249	QUILL	6020	5110	SUPPLIES	0.00	10.92
1001	34342	09/28/18	10249	QUILL	6020	5110	SUPPLIES	0.00	11.87
1001	34342	09/28/18	10249	QUILL	6020	5110	SUPPLIES	0.00	17.27
1001	34342	09/28/18	10249	QUILL	6030	5110	SUPPLIES	0.00	17.28
1001	34342	09/28/18	10249	QUILL	6030	5110	SUPPLIES	0.00	73.18
1001	34342	09/28/18	10249	QUILL	6020	5110	SUPPLIES	0.00	104.19
1001	34342	09/28/18	10249	QUILL	6020	5110	SUPPLIES	0.00	241.18
TOTAL CHECK									
1001	34343	09/28/18	10251	R & R AUTO REPAIR S	6160	5205	AUTO MAINTENANCE	0.00	368.29
1001	34343	09/28/18	10251	R & R AUTO REPAIR S	6160	5205	AUTO MAINTENANCE	0.00	577.14
1001	34343	09/28/18	10251	R & R AUTO REPAIR S	6160	5205	AUTO MAINTENANCE	0.00	945.43
TOTAL CHECK									
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	120.82
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	216.69
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	6130	5210	FUEL	0.00	226.53
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	58.56
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	113.59
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	736.19
TOTAL CHECK									
1001	34346	09/28/18	10282	SELMA, CITY OF	6120	5205	VEHICLE SALE #169	0.00	1,000.00
1001	34347	09/28/18	11060	SOLIAN MARCO	6120	5110	REIMBURSEMENT	0.00	41.40
1001	34348	09/28/18	13543	UNIFIRST CORPORATIO	6700	5220	SERVICES	0.00	16.43
1001	34348	09/28/18	13543	UNIFIRST CORPORATIO	6700	5220	SERVICES	0.00	18.15
1001	34348	09/28/18	13543	UNIFIRST CORPORATIO	6020	5110	SUPPLIES	0.00	25.83
1001	34348	09/28/18	13543	UNIFIRST CORPORATIO	6200	5130	SUPPLIES	0.00	108.51
1001	34348	09/28/18	13543	UNIFIRST CORPORATIO	6200	5130	SUPPLIES	0.00	168.92
TOTAL CHECK									
1001	34349	09/28/18	14010	UPS	100	2060	SHIPPING	0.00	47.47
1001	34350	09/28/18	10346	ZOOM IMAGING SOLUTI	6700	5220	SERVICES	0.00	5.73
1001	34350	09/28/18	10346	ZOOM IMAGING SOLUTI	6150	5220	SERVICES	0.00	5.73
1001	34350	09/28/18	10346	ZOOM IMAGING SOLUTI	6120	5220	SERVICES	0.00	103.10
1001	34350	09/28/18	10346	ZOOM IMAGING SOLUTI	6020	5220	SERVICES	0.00	171.83
1001	34350	09/28/18	10346	ZOOM IMAGING SOLUTI	6020	5220	SERVICES	0.00	286.39
TOTAL CHECK									
TOTAL CASH ACCOUNT									21,751.30
TOTAL FUND									21,751.30

SUPERION  
DATE: 09/28/2018  
TIME: 12:36:26  
CITY OF FOWLER  
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check\_no between '34321' and '34350'  
ACCOUNTING PERIOD: 3/19

FUND - 500 - WATER										
CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	----	DESCRIPTION----	SALES TAX	AMOUNT
1001	34322	09/28/18	11638	A1 NATIONAL FENCE	5000	5110		SUPPLIES	0.00	12.47
1001	34323	09/28/18	10562	A-C ELECTRIC COMPAN	5000	5220		WELL SITES	0.00	5,260.00
1001	34323	09/28/18	10562	A-C ELECTRIC COMPAN	5000	5190		WELL 7 & 8A	0.00	10,587.60
	TOTAL CHECK								0.00	15,847.60
1001	34333	09/28/18	10113	FOWLER ACE HARDWARE	5000	5110		SUPPLIES	0.00	546.19
1001	34342	09/28/18	10249	QUILL	5000	5110		SUPPLIES	0.00	77.90
1001	34344	09/28/18	12672	R&B COMPANY	5000	5110		SUPPLIES	0.00	32.22
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	5000	5210		FUEL	0.00	115.14
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	5000	5210		FUEL	0.00	228.73
1001	34345	09/28/18	11195	ROBERT V JENSEN INC	5000	5210		FUEL	0.00	305.50
	TOTAL CHECK								0.00	649.37
	TOTAL CASH ACCOUNT								0.00	17,165.75
	TOTAL FUND								0.00	17,165.75
	TOTAL REPORT								0.00	38,917.05

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
SEPTEMBER 18, 2018**

Mayor Cardenas called the meeting to order at 7:00 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Parra, Kazarian, Rodriquez

Councilmember Absent: Hammer

City Staff Present: City Manager/City Clerk Davis, Public Works Supervisor/Fire Chief Lopez, Attorney Wolfe, Police Chief Alcaraz, City Planner Marple, Deputy City Clerk Burrola

The Flag Salute and Pledge of Allegiance were followed by a moment of silence and reflection.

**PUBLIC PRESENTATIONS**

Adriana Prado, Fowler resident, introduced herself to the Council; she is employed by Brown and Brown Realty as a Realtor and is serving the Fowler Community.

**COMMUNICATIONS**

City Manager Davis mentioned an invitation to the Big Fresno Fair City Horse Race Day for Fowler, on Sunday, October 14, 2018.

**STAFF REPORTS****UPDATE/DIRECTION ON PROPOSED R.J. HILL SUBDIVISION APPLICATION FEES**

City Manager Davis said this is related to R.J. Hill's tentative subdivision Map No. 5952. On January 24, 2017 a public hearing was held which Council denied the project without prejudice, since then the Planning department has been working with Mr. Hill on revising the project.

Mayor Cardenas left the dais and the Council Chamber due to a conflict of interest from having a business relationship with the property owner related to the project.

City Planner Marple gave the staff report regarding TTM No. 5952. The project was brought before the Planning Commission and City Council in late 2016 and early 2017; both Planning Commission and City Council denied the project. On January 24, 2017 City Council denied the project without prejudice. Since then the applicant has revised the project in accordance with the Council's direction, and has been working with City staff. Staff has reviewed the revisions but since the project was denied, the resubmittal constitutes a new project that would be subject to processing fees in the amount of \$22,741.83. The applicant has requested that City staff complete the processing using a time-and-materials fee schedule. Staff has outlined all the tasks and provided a proposal to the applicant with a revised time-and-materials fee of \$15,500. Mayor Pro-Tem Parra asked City Planner Marple to clarify for the audience the definition of "Denial without Prejudice" when it relates to a project.

Ms. Marple explained that denial without prejudice means that within one year of the denial of a project the applicant can bring the project back without waiting an entire year.

Councilmember Kazarian said that it's important to highlight that it was the intent of the Council to have the applicant revise the project and resubmit it without having the applicant go through a whole new application process again.

David Weiland, Attorney representing Mr. Hill, spoke about the project. He expressed that there seems to be a disagreement regarding the definition of "denied without prejudice" related to the project. He stated that at the original hearing five applications were submitted for review and approval, which were denied. He was provided a copy of the meeting recording and noted the comments that were made by Council members as to what they liked and did not like about the project. Mr. Hill has addressed all the issues and made revisions to the current project map. He stated once the revised map is presented to City Council for approval the only requirements will be to apply for a rezone and an annexation. Mr. Hill is compliant with staffs' requirements but he is unclear as to what he is required to submit and expressed that he is willing to pay for additional staff costs but does not want to resubmit a new application because the review requirements will delay the approval. Applicant, Randy Hill, spoke and expressed his concerns on submitting the revised map to other agencies for review and how it will prolong the project from moving forward in a timely manner.

Ms. Marple said it was explained to the applicant, that whether it's an amended map or a new map, the changes that were provided would still need to be reviewed by City and engineering staff and all other entities that projects are normally routed to for review and comments. Mr. Hill can still continue to use Tract No. 5952 but it would just be called "revised" however it would still need to go through the review process of being routed and reviewed by the internal and external agencies so that's it's ensured to City standards and it meets all requirements. Ms. Marple said there is a mandatory 30 day comment period on CEQA documents that cannot be waived, but staff will do their best to work with the other agencies to speed up the review process and have group meetings on the status of the project.

The Council directed that the City Planner make every effort and work as efficiently as possible, with the exception of CEQA, to expedite the process and provide updates on the project.

The meeting adjourned to a short recess from 7:53 – 7:57 p.m. Mayor Cardenas returned to the meeting.

## **CITY MANAGER'S REPORT**

City Manager Davis reported staff met with Maxco, to discuss a specific focused study of their development fees that will be presented to City Council for consideration on October 2, 2018.

She mentioned that City Planner Marple has prepared the Growth Management update report and will provide this report at the next City Council meeting on October 2, 2018.

She also stated that staff met with Bruce O'Neal and Lee Ayres of Tree Fresno to discuss the Highway beautification grant that was awarded to the City. A series of meetings and workshops will be scheduled. The first workshop is scheduled for Tuesday, October 16, 2018 at 6:00 p.m.

## **PUBLIC WORKS REPORT**

Public Works Supervisor Lopez circulated the Well Site Production Monthly Report for the month of August. He said this week testing will be done for lead and copper, this is conducted every two years.

He mentioned the pet waste stations he ordered have arrived; one will be placed at each park.

He provided an update on the Adams Avenue project, it was asked at the last meeting if the road will be closed during construction. He said the road will possibly be closed for about three or four days. Councilmember Rodriquez said he was approached by the manager at Panda Daycare center located at the corner of 6<sup>th</sup> and Fresno Street requesting diagonal parking in front of the school. Public Works Supervisor Lopez said he will contact the manager and speak to her about her request.

## **FINANCE DIRECTOR'S REPORT**

No report was given.

## **POLICE DEPARTMENT REPORT**

Chief Alcaraz circulated crime statistics for the month of August. He mentioned that the Police Department will be presenting a Seconds 2 Survive program with the Fowler Unified School District on September 26, 2018 and October 10, 2018. It primarily focuses on active shooter situations. A goal of the course is to make people think ahead of time about how they will react in an emergency to ensure they become a survivor and not a victim. The program also identifies response plans by examining the students' specific facilities. Practice drills will be administered to the schools at a later time.

## **FIRE DEPARTMENT REPORT**

Fire Chief Lopez circulated fire call statistics for calendar year 2018, calls are down. He said he will be sending five firefighters to a week-long training in Fresno scheduled in November.

## **CITY ATTORNEY'S REPORT**

### **APPROVE CITY MANAGER SUPPLEMENTAL AGREEMENT**

City Attorney Wolfe stated that a new two year contract for City Manager Davis be will in effect October 1, 2018. It is similar to the terms to the existing contract; City Manager will be placed at Step C of the adopted salary schedule. Mayor Pro-Tem Parra made a motion to approve the City Manager Supplemental Agreement, seconded by Councilmember Rodriquez. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Hammer.

City Attorney Wolfe mentioned, Governor Brown, on Monday signed a bill legalizing street vending of food and other goods on sidewalks and in parks in California. The legislation,

introduced in January, prohibits criminal penalties for sidewalk vending. Vendors will also be able to clear pending citations and be retroactively relieved of previous convictions. Under the law, which goes into effect January 1, 2019 cities will be able to establish a permit program for sidewalk vending. Vendors may also be required to abide by the same laws as other business, such as having a business license to operate and following state tax laws.

## **CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants – September 18, 2018; B) Approve Minutes of the City Council Meeting – September 4, 2018.

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

## **COMMITTEE REPORTS**

Mayor Pro-Tem Parra attended the 2018 Annual League of Cities Conference in Long Beach. He stated he has served his two year term as President on the Latino Caucus board and was asked to continue his term; he will be serving another year.

Councilmember Kazarian attended a multi GSA coordination meeting and also met with the Central Kings GSA to discuss the agreement on water.

Councilmember Rodriquez attended the Friends of the Library event, Police Chief Alcaraz was at the event to provide the community information on his job duties.

## **CLOSED SESSION**

The meeting adjourned to a closed session at 8:12 p.m. pursuant to Government Code Section 54957 – Public Employee Performance Evaluation. Title: City Manager, and pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators: Property: 125 N. 6<sup>th</sup> Street. Agency Negotiators: Jeannie Davis. Negotiating party: Alyssa Lewis. Under Negotiation: Price, terms.

The meeting reconvened to open session at 8:28 p.m. with no reportable action taken.

## **ADJOURNMENT**

Having no further business, Mayor Pro-Tem Parra made a motion, seconded by Councilmember Kazarian to adjourn. The motion carried and the meeting adjourned at 8:29 p.m.