

**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, Rodriguez

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 Rodriguez said he was approached by the manager at Panda Daycare center located at the corner of 6th 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. 6th 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.