



**FOWLER CITY COUNCIL MEETING
AGENDA
NOVEMBER 6, 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.fowlerciv.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.

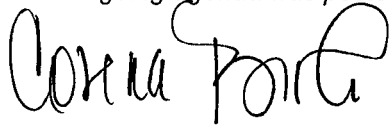
6. Communications
7. Staff Reports

- A) City Engineer's Report
 - ♦ Approve Award of Bid for Adams Avenue Reconstruction Project to Witbro Inc. DBA Seal Rite Paving and Grading in the Amount of \$323,968.00
- B) Consider Second Reading of Ordinances:
 - 1. Second Reading of Ordinance No. 2018-02, "An Ordinance of the City Council of the City of Fowler Adding Section 3-5.12, to Chapter 5, of Title 3 of the Fowler Municipal Code Pertaining to the Imposition of an Additional Transactions and Use Tax"
 - 2. Second First Reading of Uncodified Ordinance No. 2018-03, "An Ordinance of the City Council of the City of Fowler Imposing an Additional Transactions and Use Tax to Be Administered by the California Department of Tax and Fee Administration"
- C) City Manager's Report
- D) Public Works Report
- E) Finance Department Report
- F) Police Department Report
- G) Fire Department Report
- 8. City Attorney's Report
- 9. *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 – November 6, 2018
 - B) Approve Minutes of the City Council Meeting – October 16, 2018
- 10. Committee Reports (No action except where a specific report is on the agenda)
 - Mayor Cardenas
 - Mayor Pro-Tem Parra
 - Councilmember Hammer
 - Councilmember Kazarian
 - Councilmember Rodriguez

Next Ordinance No. 2018-04

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, November 2, 2018.

A handwritten signature in black ink, appearing to read "Corina Burrola". The signature is fluid and cursive, with the first name "Corina" being more prominent than the last name "Burrola".

Corina Burrola
Deputy City Clerk

MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: DAVID PETERS, CITY ENGINEER
SUBJECT: ADAMS AVENUE RECONSTRUCTION FEDERAL PROJECT NO.
STPL 5173 (028)
DATE: 11/1/2018

REQUESTED ACTION / RECOMMENDATION

Award the Adams Avenue Reconstruction project to Witbro Inc. DBA Seal Rite Paving and Grading in the amount of \$323,968.00.

DISCUSSION

On October 30, 2018, the City received 11 bids for the City's Adams Avenue Reconstruction project. The project proposes to reconstruct Adams Avenue from Golden State to 5th Street including repairs to curbs, gutters, sidewalks and roadway resurfacing. The bids received for the Base Bid ranged from \$323,968.00 to \$495,130.14. The Engineer's Estimate for this project was \$331,047.

Project is funded by federal highway grant funds and local match funds budgeted in FY 2018-19.

Attached is the summary of the 11 bids received.

CITY OF FOWLER - ADAMS AVENUE RECONSTRUCTION STPL 5173 (028)

BID SUMMARY 10/31/18

#1

#2

#3

#4

#5

#6

#7

#8

#9

#10

#11

				#5		#6		#7		#8		#9		#10		#11									
Seal Rite Paving and Grading				Don Berry Construction, Inc.		Central Valley Asphalt		R.J. Berry Jr. Inc.		American Paving Co.		Emmett's Excavation		Dawson-Mauldin		Dave Christian Construction		Asphalt Design (As Design)		Granite construction Co.		Bush Engineering			
BASE BID SCHEDULE: ADAMS AVENUE RECONSTRUCTION CML 5173 (028)																									
Item No.	Quantity	Unit	Item Description	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount		
1	1	LS	Mobilization (10,000 maximum)	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$2,000.00	\$2,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$7,605.00	\$7,605.00	\$10,000.00	\$10,000.00		
2	1	LS	Traffic Control	\$28,784.00	\$28,784.00	\$12,000.00	\$12,000.00	\$11,875.00	\$11,875.00	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00	\$20,000.00	\$20,000.00	\$40,000.00	\$40,000.00	\$22,400.00	\$22,400.00	\$28,583.10	\$28,583.10	\$24,000.00	\$24,000.00		
3	1	LS	Dust Control	\$3,360.00	\$3,360.00	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$5,000.00	\$5,000.00	\$7,000.00	\$7,000.00	\$6,720.00	\$6,720.00	\$10,725.62	\$10,725.62	\$1,800.00	\$1,800.00		
4	1	LS	Lead Compliance Plan	\$1,680.00	\$1,680.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$2,000.00	\$2,000.00	\$2,750.00	\$2,750.00	\$1,111.50	\$1,111.50	\$2,400.00	\$2,400.00		
5	1	LS	Clearing and Grubbing	\$10,587.67	\$10,587.67	\$13,000.00	\$13,000.00	\$24,200.00	\$24,200.00	\$50,000.00	\$50,000.00	\$85,000.00	\$85,000.00	\$22,000.00	\$22,000.00	\$10,000.00	\$10,000.00	\$40,600.00	\$40,600.00	\$31,187.15	\$31,187.15	\$27,000.00	\$27,000.00		
6	560	CY	Roadway Excavation (F)	\$15.54	\$8,702.40	\$48.00	\$26,880.00	\$86.75	\$48,580.00	\$15.00	\$8,400.00	\$20.00	\$11,200.00	\$29.00	\$16,240.00	\$40.00	\$22,400.00	\$57.20	\$32,032.00	\$32.18	\$18,020.80	\$90.00	\$50,400.00		
7	6,700	SY	Grind-In-Place Asphalt Concrete (F)	\$1.95	\$13,065.00	\$1.65	\$11,055.00	\$1.40	\$9,380.00	\$6.50	\$43,550.00	\$6.00	\$40,200.00	\$5.00	\$33,500.00	\$3.00	\$20,100.00	\$3.80	\$25,460.00	\$12.70	\$85,090.00	\$6.00	\$40,200.00		
8	6,700	SY	Subgrade Recompectation & Grading (F)	\$2.37	\$15,879.00	\$1.35	\$9,045.00	\$7.32	\$49,044.00	\$2.50	\$16,750.00	\$2.00	\$13,400.00	\$12.00	\$80,400.00	\$6.00	\$40,200.00	\$3.00	\$20,100.00	\$3.12	\$20,904.00	\$6.00	\$40,200.00		
9	1,200	TN	Hot Mix Asphalt (F)	\$93.47	\$112,164.00	\$88.00	\$105,600.00	\$81.60	\$97,920.00	\$90.00	\$108,000.00	\$90.00	\$108,000.00	\$93.00	\$111,600.00	\$140.00	\$168,000.00	\$98.85	\$118,620.00	\$92.90	\$111,480.00	\$128.00	\$153,600.00		
10	16	EA	Concrete Ramp	\$4,057.76	\$64,924.16	\$6,000.00	\$96,000.00	\$3,623.00	\$57,968.00	\$3,900.00	\$62,400.00	\$3,800.00	\$60,800.00	\$3,900.00	\$62,400.00	\$2,800.00	\$44,800.00	\$4,885.00	\$78,160.00	\$4,305.60	\$68,889.60	\$4,000.00	\$64,000.00		
11	120	LF	Concrete Curb & Gutter	\$33.60	\$4,032.00	\$38.00	\$4,560.00	\$30.00	\$3,600.00	\$32.00	\$3,840.00	\$40.00	\$4,800.00	\$33.00	\$3,960.00	\$80.00	\$9,600.00	\$63.00	\$7,560.00	\$36.80	\$4,416.00	\$37.00	\$4,440.00		
12	180	SF	Concrete Sidewalk	\$6.72	\$1,209.60	\$12.00	\$2,160.00	\$6.00	\$1,080.00	\$6.50	\$1,170.00	\$7.00	\$1,260.00	\$7.00	\$1,260.00	\$7.00	\$1,260.00	\$20.50	\$3,690.00	\$6.14	\$1,105.20	\$6.00	\$1,080.00		
13	1	EA	Concrete Valley Gutter	\$4,737.60	\$4,737.60	\$7,300.00	\$7,300.00	\$4,230.00	\$4,230.00	\$4,500.00	\$4,500.00	\$9,500.00	\$9,500.00	\$5,000.00	\$5,000.00	\$5,800.00	\$5,800.00	\$6,400.00	\$6,400.00	\$3,878.55	\$3,878.55	\$3,500.00	\$3,500.00		
14	7	EA	Adjust Sewer Manhole to Grade	\$952.00	\$6,664.00	\$1,650.00	\$11,550.00	\$1,280.00	\$8,960.00	\$1,000.00	\$7,000.00	\$1,700.00	\$11,900.00	\$1,400.00	\$9,800.00	\$1,000.00	\$7,000.00	\$1,725.00	\$12,075.00	\$1,055.33	\$7,387.31	\$1,200.00	\$8,400.00		
15	7	EA	Adjust Valve Frame and Cover to Grade	\$840.00	\$5,880.00	\$1,100.00	\$7,700.00	\$1,200.00	\$8,400.00	\$600.00	\$4,200.00	\$900.00	\$6,300.00	\$1,000.00	\$7,000.00	\$1,000.00	\$7,000.00	\$1,165.00	\$8,155.00	\$338.24	\$2,367.68	\$750.00	\$5,250.00		
16	4	EA	Relocate Existing Sign & Post	\$336.00	\$1,344.00	\$325.00	\$1,300.00	\$300.00	\$1,200.00	\$300.00	\$1,200.00	\$900.00	\$6,300.00	\$1,000.00	\$7,000.00	\$1,000.00	\$7,000.00	\$1,165.00	\$8,155.00	\$338.24	\$2,367.68	\$750.00	\$5,250.00		
17	1	LS	Traffic Striping, Pavement Markings & Pavement Markers	\$13,324.64	\$13,324.64	\$13,000.00	\$13,000.00	\$11,897.00	\$11,897.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$13,000.00	\$13,000.00	\$20,550.00	\$20,550.00	\$22,600.00	\$22,600.00	\$26,486.46	\$26,486.46	\$12,000.00	\$12,000.00		
18	1	LS	Miscellaneous Facilities	\$17,692.93	\$17,692.93	\$3,000.00	\$3,000.00	\$18,140.00	\$18,140.00	\$10,000.00	\$10,000.00	\$20,000.00	\$20,000.00	\$15,200.00	\$15,200.00	\$4,400.00	\$4,400.00	\$7,140.00	\$7,140.00	\$7,632.00	\$7,632.00	\$1,500.00	\$1,500.00		
TOTAL:					\$324,031.00		\$338,150.00		\$352,874.00		\$356,010.00		\$405,560.00		\$419,060.00		\$421,710.00		\$426,702.00		\$438,273.97		\$450,970.00		\$495,130.14



MEMORANDUM

DATE: November 6, 2018

TO: Honorable Mayor and City Councilmembers

FROM: Jeannie Davis, City Manager *JD*

SUBJECT: Alternatives for Oversight of Fowler Sales Tax Override

For the Council's consideration, the City Attorney has prepared some possible options for oversight of the Fowler Sales Tax override, should Ballot Measure "N" be approved by the voters at the November 6, 2018 General Election:

1. Formation of committee: Additional language to codified sales tax ordinance.

Section 3-5.12 - Additional transactions and use tax rate.

Notwithstanding anything in this Chapter 5 to the contrary, effective on April 1, 2019, there shall be existing in the City a Transactions and Use Tax of one percent (1.00%). This tax is in addition to the City's existing sales and use tax as set forth in Chapter 5, of Title 3 of the Fowler Municipal Code. The purpose of this Transactions and Use Tax is to fund general governmental services as set forth in Resolution No. 2413 and uncodified Ordinance No. 2018 - 03, and this tax shall be subject to the provisions of uncodified Ordinance No. 2018 - 03. The voters approved the Transactions and Use Tax at a special election held for that purpose on November 6, 2018, by a majority of the voters.

New optional text that could be added as a second paragraph. Will require a third reading.

A citizens advisory committee shall be created to annually review how the voter approved Transactions and Use tax was spent in the prior year and provide a report to the Council on or before March 31st, beginning in 2020. The committee shall consist of five (5) members of the community appointed by and at the pleasure of the Council who are not officials or employees of the City. The Finance Director shall serve as secretary to the Committee, schedule appropriate meetings, and provide supporting documents.

2. Priorities workshop: Direction from Council.

Council direction that can be included with the motion to approve the Ordinance, or just direction from the Council separate from the Ordinance.

If the sales tax measure is approved by the voters, the Council shall hold a public workshop where the Council shall establish priorities for use of the sales tax proceeds. The workshop shall be held prior March 31, 2019. The workshop may be held over multiple sessions as needed. The Council shall regularly review with the budget process revenues received from the sales tax, how the sales tax is being used to meet Council priorities, and make any desired adjustments.

ORDINANCE NO. 2018 - 02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER
ADDING SECTION 3-5.12, TO CHAPTER 5, OF TITLE 3 OF THE FOWLER
MUNICIPAL CODE PERTAINING TO THE IMPOSITION OF AN
ADDITIONAL TRANSACTIONS AND USE TAX**

WHEREAS, the voters of Fowler qualified for a ballot initiative ("Initiative"), a one percent (1%) sales tax override, to be submitted to the voters of the City at the November 6, 2018 election; and

WHEREAS, should the voters approve the Initiative, the California Department of Tax and Fee Administration ("Department") requires that an ordinance be in place for the collection of that tax; and

WHEREAS, the City Council desires to adopt two ordinances, one codified (reflecting the additional tax rate) and one uncoded (reflecting the additional tax rate and Department requirements), both contingent on the voters approving the Initiative.

NOW, THEREFORE, the City Council of the City of Fowler does hereby ordain as follows:

Section 1. Codification of Additional Transactions and Use Tax.

Section 3-5.12, of Chapter 5, of Title 3, is hereby added to the Fowler Municipal Code to read as follows:

Section 3-5.12 - Additional transactions and use tax rate.

Notwithstanding anything in this Chapter 5 to the contrary, effective on April 1, 2019, there shall be existing in the City a Transactions and Use Tax of one percent (1.00%). This tax is in addition to the City's existing sales and use tax as set forth in Chapter 5, of Title 3 of the Fowler Municipal Code. The purpose of this Transactions and Use Tax is to fund general governmental services as set forth in Resolution No. 2413 and uncoded Ordinance No. 2018 - 03, and this tax shall be subject to the provisions of uncoded Ordinance No. 2018 - 03. The voters approved the Transactions and Use Tax at a special election held for that purpose on November 6, 2018, by a majority of the voters.

Section 2: Effective and Adoption Date; Contingency on Voter Approval.

This ordinance relates to the levying and collecting of City transactions and use taxes and shall take effect immediately after its second reading, but shall have no force or effect, and shall not be sent for publication or considered adopted, unless a majority of the voters approve the Initiative at the November 6, 2018 election.

The foregoing ordinance was introduced at a regular meeting of the City Council held on October 16, 2018, and was adopted at a regular meeting of said Council held on _____, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

Dated: _____

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER
IMPOSING AN ADDITIONAL TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE
ADMINISTRATION**

WHEREAS, the voters of Fowler qualified for a ballot initiative ("Initiative"), a one percent (1%) sales tax override, to be submitted to the voters of the City at the November 6, 2018 election; and

WHEREAS, should the voters approve the Initiative, the California Department of Tax and Fee Administration ("Department") requires that an ordinance be in place for the collection of that tax; and

WHEREAS, the City Council desires to adopt two ordinances, one codified (reflecting the additional tax rate) and one uncoded (reflecting the additional tax rate and Department requirements), both contingent on the voters approving the Initiative.

NOW, THEREFORE, the City Council of the City of Fowler does hereby ordain as follows:

Section 1. Title. This ordinance shall be known as the Additional Transactions and Use Tax Ordinance. The City of Fowler hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date of this ordinance, as set forth below.

Section 3. Purpose. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose an additional retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. Contract with State. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1.00%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 6. Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 7. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1.00%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. Limitations on Adoption of State Law and Collection of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. Exemptions And Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. Amendments. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. Effective and Adoption Date; Contingency on Voter Approval. This ordinance relates to the levying and collecting of City transactions and use taxes and shall take effect immediately after its second reading, but shall have no force or effect, and shall not be considered adopted, unless a majority of the voters approve the Initiative at the November 6, 2018 election.

The foregoing ordinance was introduced at a regular meeting of the City Council held on October 16, 2018, and was adopted at a regular meeting of said Council held on _____, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

Dated: _____

CITY OF FOWLER
WARRANTS LIST
November 6, 2018

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	34396-34482	Oct 15 thru Nov 2	\$ 180,073.93
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 180,073.93</u>
<u>PAYROLL COSTS</u>			
Second October Bi-Monthly Payroll		October 31, 2018	86,624.59
TOTAL PAYROLL COSTS			<u>\$ 86,624.59</u>
TOTAL CASH DISBURSEMENTS			<u>\$ 266,698.52</u>

ITEM

9 A

CITY OF FOWLER
CHECK REGISTER - BY FUND

SUPERION
DATE: 11/02/2018
TIME: 14:34:38

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	DESCRIPTION	SALES TAX	AMOUNT
1001	34396	10/15/18	14030	FRANKIE MURRIETA	6120	5080	VACATION PAY OUT	0.00	445.59
1001	34397	10/15/18	12089	DAVID BLACK	6130	5080	10/15 PAYCHECK	0.00	226.26
1001	34398	10/15/18	14031	ANDREW VENEGAS	6130	5080	10/15 PAYCHECK	0.00	217.02
1001	34399	10/17/18	11874	MSA CENTRAL VALLEY	6200	5300	MEETING	0.00	50.00
1001	34400	10/19/18	12454	CORTEZ, RAY	6120	5300	TRAINING	0.00	150.00
1001	34401	10/19/18	10346	ZOOM IMAGING SOLUTI	6150	5220	SERVICES	0.00	9.73
1001	34401	10/19/18	10346	ZOOM IMAGING SOLUTI	6700	5220	SERVICES	0.00	23.43
1001	34401	10/19/18	10346	ZOOM IMAGING SOLUTI	6120	5220	SERVICES	0.00	35.61
1001	34401	10/19/18	10346	ZOOM IMAGING SOLUTI	6020	5220	SERVICES	0.00	174.05
TOTAL CHECK								0.00	242.82
1001	34402	10/29/18	14028	CONNOR BRANDERHORST	6120	5300	TRAINING	0.00	75.00
1001	34403	10/29/18	10854	FRESNO CITY COLLEGE	6120	5300	TRAINING	0.00	72.00
1001	34404	10/29/18	13742	YANG, FONG	6120	5300	TRAINING	0.00	45.00
1001	34405	11/01/18	14029	JOHN PEMBERTON	6400	5110	FRMERS MKRT ENTRTNM	0.00	200.00
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6200	5130	SERVICES	0.00	92.20
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6260	5130	SERVICES	0.00	92.56
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6200	5130	SERVICES	0.00	92.56
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6200	5130	SERVICES	0.00	92.65
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6200	5130	SERVICES	0.00	93.40
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6260	5130	SERVICES	0.00	93.49
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6260	5130	SERVICES	0.00	100.01
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6200	5130	SERVICES	0.00	103.44
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6200	5130	SERVICES	0.00	109.35
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	6260	5130	SERVICES	0.00	92.20
TOTAL CHECK								0.00	961.86
1001	34408	11/02/18	12809	49ER COMMUNICATIONS	6130	5110	SUPPLIES	0.00	251.90
1001	34409	11/02/18	11689	A & C TIRE SERVICE	6200	5200	SERVICES	0.00	30.00
1001	34409	11/02/18	11689	A & C TIRE SERVICE	6200	5200	SERVICES	0.00	43.19
TOTAL CHECK								0.00	73.19
1001	34410	11/02/18	11149	ADMINISTRATIVE SOLU	6020	5080	COBRA	0.00	35.00
1001	34411	11/02/18	13925	ALCARAZ, RUDY	6120	5300	PER DIEM	0.00	375.00
1001	34413	11/02/18	10549	AT&T MOBILITY	6120	5220	SERVICES	0.00	259.58
1001	34414	11/02/18	12285	ATT	6120	5220	SERVICES	0.00	499.16
1001	34417	11/02/18	12489	BATTERY SYSTEMS INC	6120	5205	AUTO MAINTENANCE	0.00	124.95

SUPERIOR
DATE: 11/02/2018
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CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	DESCRIPTION	SALES TAX	AMOUNT
1001	34418	11/02/18	10026	BCT CONSULTING	6030	5230	SERVICES	0.00	277.20
1001	34418	11/02/18	10026	BCT CONSULTING	6020	5220	SERVICES	0.00	500.00
1001	34418	11/02/18	10026	BCT CONSULTING	6030	5220	SERVICES	0.00	500.00
1001	34418	11/02/18	10026	BCT CONSULTING	6020	5715	SUPPLIES	0.00	1,936.19
TOTAL CHECK								0.00	3,213.39
1001	34419	11/02/18	10176	BERRY, KEITH	6120	5205	REIMBURSEMENT	0.00	30.75
1001	34420	11/02/18	14020	BRYANT L. JOLLEY, C	6030	5220	AUDIT PREP SERVICES	0.00	4,275.00
1001	34422	11/02/18	11291	THE BUSINESS JOURNA	6025	5150	PUBLICATIONS	0.00	230.00
1001	34423	11/02/18	10080	CARDENAS, DAVID	6010	5260	REIMBURSEMENT	0.00	62.65
1001	34424	11/02/18	10045	CASCADE FIRE EQUIPM	6130	5130	SUPPLIES	0.00	281.23
1001	34424	11/02/18	10045	CASCADE FIRE EQUIPM	6130	5110	SUPPLIES	0.00	331.66
TOTAL CHECK								0.00	612.89
1001	34426	11/02/18	13894	COMCAST	6120	5160	SERVICES	0.00	23.91
1001	34427	11/02/18	12654	COMCAST CABLE	6120	5220	SERVICES	0.00	670.90
1001	34428	11/02/18	11226	COMMUNITY MEDICAL C	6120	5220	SERVICES	0.00	350.00
1001	34429	11/02/18	11163	COOK'S COMMUNICATIO	6120	5205	AUTO MAINTENANCE	0.00	113.21
1001	34429	11/02/18	11163	COOK'S COMMUNICATIO	6130	5205	SUPPLIES	0.00	282.15
TOTAL CHECK								0.00	395.36
1001	34431	11/02/18	13084	CREEPY CRAWLIES EXT	6020	5220	SERVICES	0.00	90.00
1001	34431	11/02/18	13084	CREEPY CRAWLIES EXT	6200	5220	SERVICES	0.00	190.00
TOTAL CHECK								0.00	280.00
1001	34432	11/02/18	10613	DAPPER TIRE CO, INC	6260	5205	2 TIRES	0.00	222.60
1001	34433	11/02/18	12582	DARLEY	6130	5110	SUPPLIES	0.00	1,863.63
1001	34434	11/02/18	10088	DEPARTMENT OF CONSE	6150	5220	QTRLY RPRT	0.00	536.43
1001	34436	11/02/18	10101	ELECTRIC MOTOR SHOP	100	3103	REIMBURSEMENT	0.00	64.00
1001	34437	11/02/18	10792	FASTENAL COMPANY	6200	5110	SUPPLIES	0.00	131.41
1001	34438	11/02/18	10113	FOWLER ACE HARDWARE	6700	5110	SUPPLIES	0.00	31.03
1001	34438	11/02/18	10113	FOWLER ACE HARDWARE	6130	5110	SUPPLIES	0.00	71.68
1001	34438	11/02/18	10113	FOWLER ACE HARDWARE	6020	5110	SUPPLIES	0.00	107.57
1001	34438	11/02/18	10113	FOWLER ACE HARDWARE	6200	5110	SUPPLIES	0.00	185.81
1001	34438	11/02/18	10113	FOWLER ACE HARDWARE	6260	5110	SUPPLIES	0.00	407.27
TOTAL CHECK								0.00	803.36
1001	34439	11/02/18	10488	FOWLER UNIFIED SCHO	6120	5210	FUEL	0.00	2,888.21
1001	34440	11/02/18	10104	FPOA	100	2045	EMPLOYEE DEDUCTION	0.00	550.00

SUPERION
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CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	34441	11/02/18	10124	FRESNO COUNTY TREAS	6120	5220	RMS/JMS FEES	0.00	71.06
1001	34441	11/02/18	10124	FRESNO COUNTY TREAS	6120	5271	DISPATCHING SERVICE	0.00	7,415.79
TOTAL CHECK								0.00	7,486.85
1001	34442	11/02/18	12567	FRESNO MOBILE RADIO	6200	5220	SERVICES	0.00	150.00
1001	34443	11/02/18	12132	FRESNO POLICE REGIO	6120	5300	TRAINING	0.00	344.00
1001	34444	11/02/18	13451	FRONTIER COMMUNICAT	6130	5160	SERVICES	0.00	64.39
1001	34444	11/02/18	13451	FRONTIER COMMUNICAT	6700	5160	SERVICES	0.00	73.59
1001	34444	11/02/18	13451	FRONTIER COMMUNICAT	6120	5160	SERVICES	0.00	80.88
TOTAL CHECK								0.00	218.86
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6020	5205	AUTO MAINTENANCE	0.00	20.00
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6130	5205	AUTO MAINTENANCE	0.00	55.00
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6200	5205	AUTO MAINTENANCE	0.00	59.64
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6260	5205	AUTO MAINTENANCE	0.00	77.48
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6260	5205	AUTO MAINTENANCE	0.00	82.48
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6200	5205	AUTO MAINTENANCE	0.00	98.00
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6120	5205	AUTO MAINTENANCE	0.00	102.62
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6120	5205	AUTO MAINTENANCE	0.00	139.02
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6120	5205	AUTO MAINTENANCE	0.00	276.05
1001	34445	11/02/18	10141	H & H TIRE SERVICES	6120	5205	AUTO MAINTENANCE	0.00	930.29
TOTAL CHECK								0.00	22.75
1001	34446	11/02/18	11018	HOME DEPOT CREDIT S	6020	5110	SUPPLIES	0.00	43.24
1001	34446	11/02/18	11018	HOME DEPOT CREDIT S	6020	5110	SUPPLIES	0.00	52.77
1001	34446	11/02/18	11018	HOME DEPOT CREDIT S	6200	5110	SUPPLIES	0.00	107.39
TOTAL CHECK								0.00	226.15
1001	34447	11/02/18	10149	ICMA-RC 457 PLAN 3	100	2043	EMPLOYEE DEDUCTION	0.00	1,180.00
1001	34448	11/02/18	13934	KIRBY BUILT SALES	6260	5190	SUPPLIES	0.00	1,923.98
1001	34449	11/02/18	12858	LEE CENTRAL CA NEWS	6020	5110	PW MAINTENANCE AD	0.00	301.94
1001	34450	11/02/18	10191	LIFE ASSIST, INC	6130	5310	SUPPLIES	0.00	25.64
1001	34451	11/02/18	10350	LK DESIGN	6020	5220	WEBSITE SERVICES	0.00	450.00
1001	34452	11/02/18	11653	MUNICIPAL CODE CORP	6025	5220	SERVICES	0.00	500.00
1001	34454	11/02/18	10885	NELSONS POWER CENTE	6260	5110	SUPPLIES	0.00	21.40
1001	34454	11/02/18	10885	NELSONS POWER CENTE	6260	5110	SUPPLIES	0.00	25.97
TOTAL CHECK								0.00	47.37
1001	34455	11/02/18	10216	NEW ENGLAND SHEET M	6020	5220	SERVICES	0.00	1,151.00
1001	34456	11/02/18	12650	NEXT LEVEL	6010	5110	SUPPLIES	0.00	142.18
1001	34457	11/02/18	10126	OSCAR GARCIA, CPA AU	6020	5110	PROP TAXES 18/19	0.00	373.24

SUPERION
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ACCTPA21

CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	34457	11/02/18	10126	OSCAR GARCIA, CPA AU	6020	5110	PROP TAXES 18/19	0.00	421.25
TOTAL	CHECK							0.00	794.49
1001	34458	11/02/18	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	9.96
1001	34458	11/02/18	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	116.11
1001	34458	11/02/18	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	282.92
1001	34458	11/02/18	10237	P G & E - SACRAMENT	6130	5170	UTILITIES	0.00	291.52
TOTAL	CHECK							0.00	700.51
1001	34459	11/02/18	10235	PBM SUPPLY & MANUFA	6260	5110	SUPPLIES	0.00	4.21
1001	34460	11/02/18	10243	PRAXAIR DISTRIBUTIO	6130	5110	FINANCE CHARGE	0.00	2.51
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	SPR 18-05	0.00	44.40
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	NATIONAL RAISIN 18-	0.00	223.50
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	6200	5220	TREE REMOVAL	0.00	275.00
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	SPRINT TMR CUP18-03	0.00	436.80
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	JACKINTHEBOX CUP18-	0.00	984.07
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	SPR 18-06	0.00	988.00
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	FWLR MED PLAZA GPAC	0.00	1,199.20
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2082	SPR MAXO 14-05	0.00	2,019.90
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	6260	5220	TREE REMOVAL	0.00	5,600.00
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	100	2060	BUFORD OIL CUP	0.00	13,408.30
1001	34461	11/02/18	13655	PROVOST & PRITCHARD	6150	5520	SERVICES	0.00	21,390.37
TOTAL	CHECK							0.00	46,569.54
1001	34462	11/02/18	10249	QUILL	6020	5110	SUPPLIES	0.00	27.52
1001	34462	11/02/18	10249	QUILL	6200	5110	SUPPLIES	0.00	28.06
1001	34462	11/02/18	10249	QUILL	6120	5110	SUPPLIES	0.00	180.23
TOTAL	CHECK							0.00	235.81
1001	34463	11/02/18	10251	R & R AUTO REPAIR S	6120	5205	AUTO MAINTENANCE	0.00	46.81
1001	34463	11/02/18	10251	R & R AUTO REPAIR S	6120	5205	AUTO MAINTENANCE	0.00	130.68
TOTAL	CHECK							0.00	177.49
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	245.64
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	253.78
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	330.32
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	29.15
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6130	5210	FUEL	0.00	42.58
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6160	5210	FUEL	0.00	65.49
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6160	5210	FUEL	0.00	67.52
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6160	5210	FUEL	0.00	70.39
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6130	5210	FUEL	0.00	100.58
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	122.29
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	159.17
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	179.59
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	225.17
TOTAL	CHECK							0.00	1,891.67
1001	34467	11/02/18	10085	STATE OF CA DEPARTM	6120	5220	SERVICES	0.00	81.00
1001	34467	11/02/18	10085	STATE OF CA DEPARTM	6120	5220	SERVICES	0.00	105.00

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ACCTPA21

CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 100 - GENERAL FUND

[illegible]

SUPERION
DATE: 11/02/2018
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CITY OF FOWLER
CHECK REGISTER - BY FUND

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ACCTPA21

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 220 - LTF - ARTICLE 3

CASH ACCT	CHECK NO	ISSUE DT	VENDOR NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	34476	11/02/18	11251 ULINE	2200	5190	SUPPLIES	0.00	3,735.61
TOTAL CASH ACCOUNT								3,735.61
TOTAL FUND								3,735.61

CITY OF FOWLER
CHECK REGISTER - BY FUND

SUPERION
DATE: 11/02/2018
TIME: 14:34:38

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 500 - WATER

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	34406	11/01/18	10242	U S POSTMASTER	5000	5175	POSTAGE FOR BILLS	0.00	863.33
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	5000	5130	SERVICES	0.00	92.20
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	5000	5130	SERVICES	0.00	614.32
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	5000	5130	SERVICES	0.00	93.49
1001	34407	11/01/18	13543	UNIFIRST CORPORATIO	5000	5130	SERVICES	0.00	92.20
TOTAL	CHECK							0.00	892.21
1001	34412	11/02/18	10007	ALERT-O-LITE, INC	5000	5130	CREDIT	0.00	-18.64
1001	34412	11/02/18	10007	ALERT-O-LITE, INC	5000	5130	SUPPLIES	0.00	185.70
TOTAL	CHECK							0.00	167.06
1001	34415	11/02/18	11314	BACKFLOW APPARATUS	5000	5110	SUPPLIES	0.00	116.20
1001	34418	11/02/18	10026	BCT CONSULTING	5000	5220	SERVICES	0.00	500.00
1001	34421	11/02/18	10024	BSK LABORATORIES	5000	5220	SERVICES	0.00	90.00
1001	34421	11/02/18	10024	BSK LABORATORIES	5000	5220	SERVICES	0.00	182.00
1001	34421	11/02/18	10024	BSK LABORATORIES	5000	5220	SERVICES	0.00	420.00
1001	34421	11/02/18	10024	BSK LABORATORIES	5000	5220	SERVICES	0.00	690.00
TOTAL	CHECK							0.00	1,382.00
1001	34436	11/02/18	10101	ELECTRIC MOTOR SHOP	5000	5110	SUPPLIES	0.00	2,292.88
1001	34437	11/02/18	10792	FASTENAL COMPANY	5000	5110	SUPPLIES	0.00	214.11
1001	34438	11/02/18	10113	FOWLER ACE HARDWARE	5000	5110	SUPPLIES	0.00	344.71
1001	34444	11/02/18	13451	FRONTIER COMMUNICAT	5000	5160	SERVICES	0.00	77.95
1001	34445	11/02/18	10141	H & H TIRE SERVICES	5000	5205	AUTO MAINTENANCE	0.00	119.64
1001	34453	11/02/18	10214	NBS	5000	5220	BOND FEES	0.00	672.50
1001	34458	11/02/18	10237	P G & E - SACRAMENT	5000	5170	UTILITIES	0.00	9.86
1001	34458	11/02/18	10237	P G & E - SACRAMENT	5000	5170	UTILITIES	0.00	430.13
1001	34458	11/02/18	10237	P G & E - SACRAMENT	5000	5170	UTILITIES	0.00	4,910.99
1001	34458	11/02/18	10237	P G & E - SACRAMENT	5000	5170	UTILITIES	0.00	12,842.42
TOTAL	CHECK							0.00	18,193.40
1001	34462	11/02/18	10249	QUILL	5000	5110	SUPPLIES	0.00	5.93
1001	34463	11/02/18	10251	R & R AUTO REPAIR S	5000	5205	SUPPLIES	0.00	126.87
1001	34464	11/02/18	12672	R&B COMPANY	5000	5110	SUPPLIES	0.00	10.03
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	5000	5210	FUEL	0.00	230.28
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	5000	5210	FUEL	0.00	232.28
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	5000	5210	FUEL	0.00	235.24
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	5000	5210	FUEL	0.00	115.14
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	5000	5210	FUEL	0.00	116.14
1001	34465	11/02/18	11195	ROBERT V JENSEN INC	5000	5210	FUEL	0.00	119.10

SUPERION
DATE: 11/02/2018
TIME: 14:34:38

PAGE NUMBER:
ACCTPA21 10

CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '34396' and '34482'
ACCOUNTING PERIOD: 5/19

FUND - 500 - WATER

[illegible]

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
OCTOBER 16, 2018**

ITEM 9B

Mayor Cardenas called the meeting to order at 6:040 p. m. Roll call was taken. There were no public presentations.

Councilmembers Present: Cardenas, Parra, Hammer, Rodriquez

Councilmembers Absent: Kazarian

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

Fowler Community Landscapes Plan Workshop - Tree Fresno

Lee Ayres, of Tree Fresno, along with Bruce O'Neal, retired Planning Consultant, now member of the Tree Fresno Board and Richard Vaillancour, Landscape Architect presented an overview of the grant to supplement the background and agenda for tonight's City Council workshop. Fresno COG has awarded a \$150,000 sustainable infrastructure Plan (SIP) grant to Tree Fresno, for which the City of Fowler served as the COG Member Sponsor. The grant will fund the preparation of a Community Landscape Plan for the City of Fowler. He invited City Council to discuss landscape issues and provide input on the landscaping and how it can have a significant role for the City. The Grant application has three major objectives: to optimize the tree canopy, leverage a CARB funded collaboration with Caltrans to research the mitigation for near-road pollution with trees on Freeway 99 and to help achieve the Fresno COG SIP grant overarching objectives for eight areas. The Scope of work has seven objectives including increase the tree canopy, increase the sense of community and beauty with implementation of tree collections for each district, major corridor, and major entrance. Mr. Ayres asked Council about the main entrances to the City that could be a focus of landscape improvements. The Council discussed Merced Street and Highway 99, and Merced Street and Golden State Boulevard as being featured entrances to town. Mayor Pro-Tem Parra asked if the irrigation is included with the planning of the landscaping project. Mr. Ayres said if a Cal Fire grant is used then it will include irrigation. Richard Vaillancour, Landscape Architect answered questions from the Council regarding the landscaping of trees. He mentioned he is working with an arborist to identify the right type of trees for the right place. He said he wants to create a sense of identity for parts of the City to readily define the areas well known to the community.

Cuauhtémoc Acosta, Fresno resident spoke about water issues and said he has developed a way of conserving water. Mayor Cardenas suggested to Mr. Acosta that he meet with Public Works Supervisor Lopez to implement the idea for the City.

Mr. Ayres said they are forming a citizen's advisory committee in which a few people from the master gardeners have been recruited. The plan requires and funds the conduction of community engagement events, one in December and one in January. A small tree will be provided free to show appreciation for attending and to promote planting trees. A time line was presented to the Council of the scope of work.

ADJOURNMENT

Councilmember Hammer made a motion to adjourn, seconded by Mayor Pro-Tem Parra. The motion carried and the meeting was adjourned at 6:49 p.m.

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
OCTOBER 16, 2018**

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

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

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

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

PUBLIC PRESENTATIONS

Murray McManus, Fowler resident, expressed his concerns regarding an issue he is having with the neighbors across the street from his house who are selling furniture from their home.

SUBSEQUENT NEED ITEM

City Attorney Wolfe addressed Council regarding a subsequent need item to add to the agenda. This item will be placed under Staff Reports after Item A. The matter arose after the agenda was posted. This item is related to the fire station project, there is a requirement from USDA for the City's Attorney to issue a Certificate of Counsel, in order to issue the Certificate, the Council will need to ratify the contract with Klassen and authorize the City Manager to execute the contract and related documents on behalf of the City.

Councilmember Rodriquez made a motion to add the subsequent item to the agenda after Item A, as Item B: "Ratification of Contract with Klassen Corporation for construction of the new Fire Station and authorization for City Manager to execute the contract and related documents on behalf of the City", seconded by Councilmember Kazarian. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: None.

PRESENTATION

Henrietta Martin and Shelly Cooper, representing Fowler Improvement Association, provided information on a project they would like to propose. Little Free Libraries is a non-profit organization where little free libraries are placed in parks, schools, businesses and other areas of the community; anyone is welcome to take a book. The Little Free Libraries will be maintained by the Association by monitoring on a daily basis and providing books for anyone to take and return. They asked Council if they would waive the planning fee for starting the project. The consensus of the Council was to waive the fee and direct staff to move forward with the project.

COMMUNICATIONS

City Manager Davis mentioned the upcoming election on November 6, 2018; the City of Fowler's polling locations are located at St. Lucy's Church, Fowler Baptist Church and the Fowler Library.

STAFF REPORTS

FIRST READING OF ORDINANCE NO. 2018-02

City Manager Davis said these two ordinances are related to the citizens' ballot measure for the 1% district sales tax. City Attorney Wolfe reported there are two ordinances, one is codified and the other is uncoded. If the sales tax measure passes on November 6, 2018 the City needs to have an ordinance in place in order to collect the new sales tax on April 1, 2019. By the December 4th meeting a second reading of these ordinances is required in order for the State to start collecting. The codified ordinance is for the Fowler Municipal Code to provide information that there is a 1% sales tax implemented by the Citizens of Fowler. The uncoded ordinance is for the State to collect the tax for the City. Councilmember Kazarian stated that he is against the sales tax measure as he's expressed during previous meetings, however the measure is moving forward and it's the voters' decision. He understands the uncoded ordinance is required by the State in order for the City to collect. If the sales tax measure passes there needs to be oversight in the language to ensure the funds are used properly.

Councilmember Hammer made a motion to waive the First Reading and approve Ordinance No. 2018-02, "An Ordinance of the City Council of the City of Fowler Adding Section 3-5.12, to Chapter 5, of Title 3 of the Fowler Municipal Code Pertaining to the Imposition of An Additional Transaction and Use Tax", seconded by Councilmember Rodriquez. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: None.

FIRST READING OF UNCODIFIED ORDINANCE NO. 2018-03

Mayor Pro-Tem Parra made a motion to waive the First Reading and approve Uncoded Ordinance No. 2018-03, "An Ordinance of the City Council of the City of Fowler Imposing an Additional Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration", seconded by Councilmember Hammer. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: None.

RATIFICATION OF CONTRACT WITH KLASSESN CORPORATION – FIRE STATION PROJECT

City Attorney Wolfe explained to Council earlier that this item is related to the fire station project. The ratification is necessary so the City's Attorney's office can issue the Certificate of Counsel that is required by USDA. Once approved by City Council, the City Manager will execute the agreement and provide to the USDA as required.

Councilmember Kazarian made a motion to approve the "Ratification of Contract with Klassen Corporation for construction of the new Fire Station and authorization for City Manager to execute the contract and related documents on behalf of the City", seconded by Councilmember Rodriquez. The motion carried by unanimous voice vote: Ayes: Cardenas, Parra, Hammer Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: None.

CITY MANAGER'S REPORT

City Manager Davis said she and staff met with representatives of Woodside Homes to discuss a proposed subdivision project near Sumner and Sunnyside Avenues.

A meeting is scheduled next week with Fowler Unified School District representatives to discuss a future new school and City Park near Sunnyside and South Avenues.

She mentioned that since the last meeting where citizens living near Fowler and Adams Avenues spoke of concerns related to a vehicle collision causing damage to their properties, another collision recently happened again in the same area. Staff met with the concerned residents to discuss implementing immediate safety measures for the intersection.

Councilmember Kazarian asked about various concerns related to water bills. He is aware that staff is looking into the matter. City Manager Davis said that several things have happened at once. There were reports that some residents did not receive their bill in the mail and were receiving other people's mail, this resulting in late notices. Water usage data was lost from the water software system, plus water rates went up during that time. Finance Director Uyeda spoke to the Post Master to track the problem with the mail. The Post Office and the City are working together to try to resolve this issue. Mr. Uyeda is working on a proposal to submit to the Council on how to process billings, regulations and payments. Councilmember Kazarian suggested including the water rates on the water bill.

PUBLIC WORKS REPORT

Public Works Supervisor Lopez said there are some issues with the water meters, there are several different types of meters. The City needs to switch over to the meters provided by Neptune. These meters are digital and precise and detect water leaks. He is currently working with the Finance Director to implement these meters for the City. He has been going out to residents, upon their request to check for water leaks.

Public Works Supervisor Lopez circulated a graph provided by the City Engineer regarding the traffic concerns on Adams and Fowler Avenues. They have been working together to provide a safety structure to deter vehicles from going over the barriers. He has placed LED flashing stop signs in the area and has ordered flashing yellow stop ahead signs, and may be placing rumble strips at the intersection.

FINANCE DIRECTOR'S REPORT

Finance Director Uyeda stated he is working with Public Works Supervisor Lopez and improvements to the roads have no impact on the general fund, they have been charged to the gas tax.

POLICE DEPARTMENT REPORT

Police Chief Alcaraz circulated the DOJ crime statistics for the month of September. No issues were reported during the Fall Festival and Jr. High School band review events. He spoke with the representative of the Sikh Parade; the event has been postponed due to issues with signage for the

event. He mentioned the Fowler Police Department is selling pink patches for breast cancer awareness month to the public. All of the proceeds will go to support Central Valley Cancer Support. Patches are \$10.00 and can be purchased at the Police Department.

FIRE DEPARTMENT REPORT

Fire Chief Lopez circulated the fire statistics for the month of September.

CITY ATTORNEY'S REPORT

City Attorney Wolfe said there is new legislation SB998. This bill would require a community water system to have a written policy on discontinuation of water service to certain types of residences for nonpayment, available in prescribed languages. The bill would require the policy to include certain components, be available on the City's Internet web site, and be provided to customers in writing, upon request. The bill would require an urban and community water system that discontinues residential service to provide the customer with information on how to restore service. Policies will need to be in place by February 1, 2020.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants – October 16, 2018; B) Approve Minutes of the City Council Meeting – October 2, 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, Hammer, Kazarian, Rodriguez. Noes: None. Abstain/Absent: None.

COMMITTEE REPORTS

Mayor Pro-Tem Parra attended the Big Fresno Fair Fowler Horse Race. He congratulated the Lions Club for their booth winning First Place at the Big Fresno Fair.

Councilmember Hammer mentioned there are only three more weeks left for the Farmer Market. He mentioned the upcoming Trunk or Treat event on October 31, 2018 and the Christmas Tree Lighting on Saturday, December 1, 2018.

Councilmember Kazarian attended the Big Fresno Fair Fowler Horse Race. He also attended the Fowler Jr. High School Band review and continues to attend meetings with the Central Kings GSA to discuss the agreement on water.

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 8:23 p.m.