



**FOWLER CITY COUNCIL MEETING
AGENDA
JUNE 4, 2019
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.fowlercivcity.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. Public Hearing
 - A) To Consider Adoption of Resolution No. 2433, "A Resolution of the City Council of the City of Fowler California Confirming Diagram and Assessment Annual Levy – 2018-2019 Landscaping and Storm Drainage Facilities Maintenance - District No. 1"

7. Communications
8. Staff Reports
 - A) City Engineer's Report
 - ◆ Discussion/Direction to Staff Regarding Request by Maxco, Inc. to Modify Conditions of Approval for Site Plan Review (SPR) 14-05
 - B) City Manager's Report
 - C) Public Works Report
 - D) Finance Department Report
 - E) Police Department Report
 - F) Fire Department Report
9. City Attorney's Report
10. 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 – June 4, 2019
 - B) Approve Minutes of the City Council Special Meeting and the City Council Meeting – May 21, 2019
11. Committee Reports (No action except where a specific report is on the agenda)

Mayor Cardenas
Mayor Pro-Tem Hammer
Councilmember Kazarian
Councilmember Parra
Councilmember Rodriquez
12. Closed Session:
 - ◆ Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators: Property: 130 S. 6th Street. Agency Negotiators: City Manager. Negotiating Party: United Health Centers. Under Negotiation: Price, terms.
13. Adjournment

Next Ordinance No. 2019-03

Next Resolution No. 2434

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, May 31, 2019.

A handwritten signature in blue 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

STAFF REPORT

TO: MAYOR & CITY COUNCIL
FROM: DAVID PETERS, CITY ENGINEER
SUBJECT: LANDSCAPING AND STORM DRAINAGE FACILITIES
MAINTENANCE DISTRICT NO. 1
DATE: MAY 29, 2019
CC: JEANNIE DAVIS, CITY MANAGER

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2433 setting the assessments, and instructs the City Engineer to transmit assessments to the Assessor's office for fiscal year 2019-2020.

DISCUSSION:

The City provides for the operations and maintenance of landscaping and storm drainage facilities within various improved developments throughout the City of Fowler. The District, which was formed pursuant to the Landscaping and Lighting Act of 1972, provides for assessing parcels within these developed areas to fund these maintenance and operations activities. The District must be renewed annually through a series of City Council resolutions, culminating with a public hearing. .

On May 21, 2019 the City Council passed a Resolution of Intent, approved the Engineer's report for the District, set the public hearing for June 4, 2019, and authorized proceedings for the annual levy and collection of assessments. Staff recommends that the City Council adopt a resolution setting the assessments and instructs the City Engineer to transmit the assessments to the Assessor's office assessments for fiscal year 2019-2020.

WHEN RECORDED MAIL TO:

NAME: City of Fowler
ADDRESS: 128 S. Fifth Street
CITY: Fowler
STATE: California
ZIP: 93625

RESOLUTION NO. 2433

**A RESOLUTION OF THE CITY COUNCIL
OF THE
CITY OF FOWLER, CALIFORNIA**

**CONFIRMING DIAGRAM AND ASSESSMENT
ANNUAL LEVY – 2018/19
LANDSCAPING AND STORM DRAINAGE FACILITIES
MAINTENANCE DISTRICT NO. 1**

WHEREAS, on March 12, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, the City Council of the City of Fowler did adopt its Resolution Initiating Proceedings for formation of the Landscaping and Storm Drainage Facilities Maintenance District No. 1 of the City of Fowler (herein "L&SDMD No. 1 "); and

WHEREAS, the Council did thereafter declare its intention to form and did form the said L&SDMD No. 1 and did levy and collect the first assessment and subsequent annual assessments for the maintenance and operation of the landscaping facilities in said L&SDMD No. 1; and did further direct the City Engineer to prepare and file a report; and,

WHEREAS, the said report has been prepared and filed with the City Clerk and is entitled the "Engineer's Report of the City of Fowler Landscaping and Storm Drainage Facilities Assessment District No. 1, 2019/20", a copy of which is attached hereto; and

WHEREAS, all of the property owners within the territory of L&SDMD No. 1 have consented to the formation of the said District and to the levy of assessments for tax year 2019/20 as shown on the attached exhibit.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

1. The Council hereby determines that the territory within the L&SDMD No. 1, whose boundaries are set forth in the Engineer's Report of the City of Fowler L&SDMD No. 1 dated May 2019, and on file with the City Clerk will be the territory benefited by the maintenance and servicing of the improvements described in said Engineer's Report.
2. The hearing on said annual levy of assessment was held in accordance with law.
3. The Engineer's Report, the diagram for the assessment district, and the assessment of the estimated costs of the improvements contained therein and each and every part of said Report, is

adopted, confirmed, and approved; the assessment of the total amount of the costs and the individual assessments thereof upon the several subdivisions of land in said L&SDMD No. 1 in proportion to the benefits to be received by said subdivisions, respectively, from said improvements, and of the expenses incidental thereto, be and the same hereby is finally approved and confirmed as the assessment to pay the costs.

4. The Council hereby orders the levy of the assessments described in said Resolution of Intention and the Engineer's Report.
5. The assessment diagram showing the assessment district referred to in said Resolution of Intention and also the subdivisions of land within the District, as contained in said Engineer's Report, be and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements.
6. The City Clerk shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the Auditor of the County of Fresno.

The foregoing resolution was regularly introduced and adopted by the City Council of the City of Fowler at a regular meeting held on the 4th day of June, 2019, at the City Hall in the City of Fowler, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

STAFF REPORT

TO: MAYOR & CITY COUNCIL
FROM: DAVID PETERS, CITY ENGINEER
SUBJECT: DISCUSS AND PROVIDE DIRECTION TO STAFF
REGARDING REQUEST BY MAXCO, INC. TO MODIFY
CONDITIONS OF APPROVAL FOR SPR 14-05
DATE: 5/31/2019
CC: JEANNIE DAVIS, CITY MANAGER

REQUESTED ACTION

Discuss Maxco's request to modify the Conditions of Approval for the subject project, and provide direction to staff as to whether or not to pursue alternative projects or funding for the required improvements. Council alternatives are as follows:

1. Direct staff to review alternative projects or funding for the improvements, and report on any alternatives at a future Council meeting.
2. Reject the request to modify Condition of Approval No. 37 related to frontage improvements along Manning Avenue.

DISCUSSION

On August 3, 2017, the Fowler Planning Commission approved Site Plan Review 14-05 filed by Maxco Packaging for development of a box manufacturing plant at the corner of Golden State Boulevard and Manning Avenue. The project was approved with certain Conditions of Approval (attached). Condition No. 37 states "*Applicant shall construct frontage improvements along Manning Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards.*"

This condition of approval specifically requires the construction of sidewalk over the railroad tracks to abut to the curb ramp at the northeast corner of the Golden State Boulevard and Manning Avenue intersection. The condition also requires construction of sidewalk, and street lights along the section of Manning Avenue abutting the Carsey property to the east because the Carsey property is included in

the Site Plan and the primary access is provided via this property. The project “frontage” does not necessarily need to be entirely owned by the Applicant, thus the applicability of the condition.

On August 29, 2017, the City Council approved Site Plan Review 14-05 maintaining the Conditions of Approval approved by the Planning Commission without modification.

The City Municipal Code allows for the appeal of conditions of approval as follows:

9-5.418 - Appeals

- A. Any person aggrieved by a final decision of the Commission may appeal the decision in writing to the Council within ten (10) days of the date the decision is final.*
- B. The written appeal shall contain specific reasons for the appeal, including areas in that it is believed the Commission erred in its judgment or did not follow procedures as outlined in this chapter.*

Prior to May 2019, no formal correspondence was received from the applicant regarding Condition of Approval No. 37. On May 7, 2019 the City received an email from Mr. Chris Brown, Esq. with Dowling Aaron Incorporated stating the Applicant believes the conditions would not apply to the sidewalk installation across the railroad tracks nor would they apply to the portion of the project that provides frontage across the Carsey property to the east. Furthermore, Mr. Brown requested that Condition No. 37 be modified as follows:

1. Maxco will not be required as a condition to development to construct or fund the pedestrian railroad track crossing at the northeast corner of Manning Avenue and Golden State Boulevard. The City will endeavor to construct the improvements as part of the Golden State Corridor Improvement Project.
2. Maxco will be responsible for installing the sidewalk along its southern frontage including the adjacent Carsey property to the new signaled intersection on Manning Avenue. Maxco may construct the improvements prior to opening the new facility or defer the improvements by providing the City with a performance bond equaling the cost of construction of the improvements, provided that the improvements occur no later than concurrent with the above referenced railroad track crossing improvements.
3. Maxco will put in the four crosswalks at the new signal light intersection at Manning Avenue along with the ADA pedestrian signals, crosswalk striping and paving modifications and installations of related curb returns and ADA

ramps. (This item has not been disputed but has been included to clarify the revised condition of approval.)

The estimated cost of the sidewalk improvements across the railroad track is approximately \$250,000. Staff has spoken to Fresno COG regarding the potential for including the sidewalk crossing over the railroad tracks as part of the Golden State Corridor project (GSCP). The improvements may be included in the GSCP; however, no additional funding will be allocated to Fowler's portion of the project for these improvements. The City currently has an approximate surplus in the GSCP project that could be allocated towards the railroad track sidewalk improvements. Additionally, the City has spoken with the California Public Utilities Commission regarding the likelihood of obtaining a Section 130 railroad crossing upgrade grant and received a favorable response related to possible future funding, but no timetable on such potential funding was given.

Staff believes Condition 37 sufficiently places the burden of the sidewalk over the railroad crossing and frontage improvements along the Carsey property on the Applicant. Moreover, the time for any objections to or appeal of the project conditions has long since expired. Additionally, Staff has had numerous discussions related to the sidewalk improvements over the railroad tracks and understood from communications received from the Applicant's engineer that these improvements were previously being coordinated with Union Pacific Railroad and a permit for such work was being pursued. Nevertheless, Staff has made some initial inquiries regarding potential alternatives for these improvements. However, Staff seeks direction from the City Council as to whether to further pursue alternative projects or funding for these improvements, and whether the Council desires a report from Staff and discussion at a future Council meeting on any potential alternatives before the Council considers modifying the improvements required by Condition No. 37.

CONDITIONS OF APPROVAL

SITE PLAN REVIEW NO. 14-05 (Maxco Packaging – Manning Avenue and Golden State Boulevard)

General Conditions

1. The site is located in the M-2 zoning district and standards of this district shall apply.
2. The site plan shall be revised as appropriate to reflect all approved conditions and requirements of the City Engineer and submitted for approval prior to the issuance of building permits.
3. All contractors or sub-contractors working in the City of Fowler must obtain a business license from the Finance Department at Fowler City Hall.
4. All development fees shall be paid prior to the issuance of a building permit as set forth in the Fowler City Code. The amount of such fees shall be calculated by the Building Official during the building plan check process
5. Plan check and inspection fees will be calculated during the building plan check process, and the fees shall be due to prior to the issuance of building permits.
6. Any free standing or occupancy signs shall be approved by the Building Official by means of a separate sign review process in accordance with the Article 22 – Signs, of the Fowler Zoning Ordinance.
7. During construction, the applicant shall maintain a program of dust control and shall continually maintain the existing pavement keeping it clear of dirt and mud until the project is accepted by the City.
8. The applicant shall replace any broken, damaged, or substandard curb, gutter, and sidewalks, as directed by the City Engineer.
9. The applicant shall keep the exterior premises free from trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the owner/operator, manager, or any employee. This condition shall also apply to any areas adjacent to the business under the control of the owner.
10. The applicant shall enforce all state and local laws pertaining to the prohibition of smoking in public places and shall ensure that all employees enforce the ban.
11. The facility shall be fully accessible to the disabled in accordance with Federal, State, and local laws.
12. Preliminary building elevations shall be submitted to and approved by the Building Official. Building improvement drawings and samples of building materials shall be submitted to the Building Official for approval prior to the issuance of building permits.
13. All outdoor lighting shall be hooded and arranged in such a manner as to not create glare onto adjacent streets or properties. Such lighting shall be maintained.
14. The applicant shall obtain a Cross-Access Agreement for the proposed driveway entrance that will cut across the property located to the east (APN: 345-180-22) of the proposed site. The Agreement is required prior to issuance of building permits.

15. The project shall provide all signage and stop signs as required by the City.
16. No uses of land, building, or structures other than those specifically approved pursuant to this site plan shall be permitted. Any additional uses proposed shall require site plan approval prior to any subsequent use. Unused areas of the site shall be maintained free of weeds, blowing dust, and other nuisances. Any requirement of the City to maintain the site in such condition shall be immediately complied with.
17. All materials shall be stored within a completely enclosed building, unless approved by the Building Official.
18. A copy of these conditions must be kept at the business and be shown to any requesting City official. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, modification of the permit, or revocation of the permit.

Biological

19. A preconstruction survey will be conducted by a qualified biologist within 30 days prior to the start of Project activities. The survey will be limited to the Project site, and will entail walking transects suitably spaced to ensure full visual coverage of the survey area. If any potential impacts are determined, the City of Fowler shall initiate consultation with the California Department of Fish and Wildlife to develop and implement site-specific measures. Mitigation Monitoring and Reporting for each phase shall be conducted by qualified professionals and their results shall be submitted to the City of Fowler and, if needed, the California Department of Fish and Wildlife. The Project mitigation will be the responsibility of the Applicant and will be monitored by the City of Fowler.

Property Development Standards

Screening and Landscaping

20. The project shall comply with City of Fowler Zoning Code Section 9-5.1506. All landscaping shall be as depicted on the Site Plan and Director and City Engineer approved landscape plan.

Performance Standards and Nuisance Activities

21. The project shall comply with the conditions of City of Fowler Zoning Code Sections 9-5.1417 and 9-5.1507 designed to prevent nuisances from occurring on the site.

Noise and Vibration

22. The project shall comply with the City's applicable noise ordinances, as set forth in Title 5, Chapter 19, of the Municipal Code and in accordance with the Fowler Zoning Code Section 9-5.1417A, B, I.

Setbacks

23. The project shall meet the setback requirements set forth in City of Fowler Zoning Code Section 9-5.1511.
24. The Site Plan depicts compliance with the set back requirements, which require a minimum 10 foot front yard setback. The setback is over 100 feet.

Parking

25. The project shall satisfy the off street parking and loading requirements set forth in the Fowler Zoning Code, Title 9, Article 20, and as otherwise required by the City Engineer.

107 parking stalls are required. Site Plan depicts 168 parking stalls, meeting this requirement.

3 bicycle and motorcycle parking spaces are required. Revise Site Plan to depict these parking spaces.

5 off-street loading facilities are required. Revise Site Plan to depict these facilities.

Plans for fences, barriers, lighting, and landscaping shall be as depicted on the Site Plan and Director and City Engineer approved landscape plan.

Signs

26. All signs shall conform to Fowler Zoning Code, Title 9, Article 22.

Selma-Kingsburg-Fowler Sanitation District Conditions

See attached letter, dated July 3, 2017

27. Construct an individual sewer service lateral tie-in to the proposed project. The sewer service lateral may connect to the 24-inch interceptor sewer in Golden State Boulevard designated as option two in the written request. The minimum size for the sewer service shall be eight (8) inches.

Caltrans Conditions

See attached letter, dated July 19, 2017

28. The proposed total equitable cost calculated by Caltrans has identified future improvements needs from previous traffic impact studies to State facilities. The total equitable cost is \$124,061. This total includes improvements to the SR99/Manning overcrossing widening and north and southbound off-ramp signalization (see attached letter, dated July 19, 2017).
29. The applicant will need to enter into a Traffic Mitigation Agreement with Caltrans.

Engineering Conditions

General:

All proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.

30. The applicant shall pay all fees as required by existing ordinances and schedules. The fees to be paid shall be those in effect at the time of payment.
31. Applicant shall provide on-site lighting. An on-site lighting plan shall be submitted to the City Engineer for review and approval. On-site lighting shall be hooded to prevent off-site glare.
32. Fire Department Access shall meet the requirements set forth in Appendix III-D of the California Fire Code.
33. Applicant shall construct a concrete masonry trash enclosure(s) with screened gate. The trash enclosure plan shall be according to City Improvement Standards and reviewed and approved by the Building Official. The enclosure shall be of sufficient size to accommodate containers for refuse, green waste, and recycling.
34. Exterior fencing shall be masonry block wall or metal/iron fencing as approved by the City Engineer.
35. Two points of access shall be developed for ingress/egress into the project site.
36. All water wells(s) and septic systems that served the parcel shall be abandoned pursuant to City, County, and State standards.

Circulation:

37. Applicant shall construct frontage improvements along Manning Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards.
38. Applicant shall pay a fair share towards mitigating significant impacts to the pavement structural section between Golden State Boulevard and State Route 99.
39. Developer shall construct a traffic signal at the entrance to the project on Manning Avenue.
40. Developer shall develop geometrics of the entrance road to accommodate large semi-tractor trailer trucks.
41. Developer shall construct or pay a fair share contribution to mitigate traffic impacts as identified by the project Traffic Study and the City Engineer.
42. Applicant shall pay to the Fresno Council of Governments the Regional Traffic Mitigation Fee.

Grading and Drainage:

43. A grading and site improvement plan shall be submitted to the building official for review and approval by the City Engineer. The applicant shall obtain a permit for all on-site grading and site improvement work.
44. A project specific geotechnical report shall be prepared and submitted for review by the City Engineer.
45. Drainage shall be retained in an on-site drainage basin located on the project site. Applicant shall submit storm drainage calculations to identify storm drainage flows and hydraulic grade

- lines of proposed storm drainage facilities. The applicant will be responsible for any storm drainage system facilities necessary for conveyance of the drainage to the drainage basin.
46. Permanent surfacing shall be provided for all on-site roads and parking facilities consisting of an asphalt concrete surfacing and valley gutter for drainage, with minimum surfacing section to include 2.5" of asphalt concrete over 5" of aggregate base per City Standards. Valley gutters shall be a minimum width of 3' per City Standards.
47. The applicant shall obtain an NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.

Landscaping:

48. Applicant shall submit an on-site and off-site landscape and irrigation plan for review and approval by the City Engineer.
49. Landscaping shall be developed throughout the project. A landscaping and irrigation plan be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Fowler ordinances.

Parking Lot:

50. Parking lot shall comply with provision outlined in the City of Fowler Parking Manual. Standard parking stalls shall be 9'x 20 feet.
51. Improvement shall include handicap parking stalls and an ADA accessible sidewalk providing access to the front door of the buildings the parking lot is serving.
52. Parking lot shall be shaded to a 50% coverage upon maturity of trees.
53. Parking lot shall be lit to a foot-candle coverage between 0.5 and 1.5.

Water:

54. Applicant shall install a minimum 8-inch waterline into the project site for domestic, landscaping and fire protection. System shall be looped through the site and reconnected to the City main to create a looped as determined necessary by the Public Works Director after initial review of the water main layout.
55. Each parcel shall be provided with separate domestic, fire and landscape water service off the 8-inch line as approved by the City Engineer.
56. Applicant shall provide and install water meters and appropriate backflow devices as required by City ordinances and standards.
57. On-site fire hydrants shall be provided at locations approved by the Fire Chief. Hydrants shall generally be located so that the spacing of hydrants does not exceed 300' and meets compliance with the Uniform Fire Code. On-site water main supplying the fire hydrants shall be a minimum of 8" diameter.

Sewer:

58. Applicant shall submit a plan for sewer service for review and approval by the City Engineer and Selma-Kingsburg-Fowler County Sanitation District (SKF).
59. Sewer service be provided to each parcel (6" minimum service) and appropriate fees be paid.

60. Applicant shall pay applicable sewer connection fees to SKF based upon the rates in effect at the time of payment.

Utilities:

61. All existing overhead utilities adjacent to the development shall be undergrounded, including transformers.
62. All electric, cable TV, telephone, internet, etc. services shall be provided to the development shall be undergrounded (including transformers).
63. Developer shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights within the City right of way shall be provided by the developer and maintained by PGE pursuant to rate schedule LS2C. On-site lights shall be maintained by the Association.
64. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

65. Any private irrigation facilities, private and those maintained by CID, shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
66. All abandoned irrigation lines serving the property shall be removed.

Fire Department Conditions:

67. On-site fire hydrants are required every 300-500-feet.
68. A dedicated fire lane is required for access to the buildings. All fire hydrants shall be located on this dedicated fire lane.
69. Fire Department connections shall be in plain view to nearest hydrant.
70. Fire Department riser stand pipes are required throughout the building. The riser stand pipes shall be a minimum of 2 ½ inches in width.
71. Fire alarms are required. These alarms shall be monitored at all times.
72. All hazardous materials shall be signed.

Other:

73. Approval of this Project is for the benefit of the Applicant. The submittal of applications by Applicant for this Project was a voluntary act on the part of the Applicant not required by the City. Therefore, as a condition of approval of this Project, the Applicant agrees to defend, indemnify and hold harmless the City of Clovis and its agents, officers, consultants, independent contractors and employees ("City") from any and all claims, actions or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the Project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "Claim").

The City shall promptly notify the Applicant of any Claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the Applicant of any Claim or if the City fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any Claim and the City shall not be required to pay or perform any settlement arising from any such Claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any Claim, and if the City does decide to independently defend a Claim, the Applicant shall be responsible for City's attorneys' fees, expenses of litigation and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any Claim, the Applicant shall not be required to pay or perform any settlement arising from any such Claim unless the Applicant approves the settlement.

Signature of Applicant: _____

Dated: _____

CITY OF FOWLER
WARRANTS LIST
June 4, 2019

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	35167-35208	May 22 thru May 30	\$ 70,871.81
Fire Station checks	1011	May 30, 2019	\$ 112,910.93
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 183,782.74</u>
<u>PAYROLL COSTS</u>			
Second May Bi-Monthly Payroll		May 31, 2019	84,729.55
TOTAL PAYROLL COSTS			<u>\$ 84,729.55</u>
TOTAL CASH DISBURSEMENTS			<u>\$ 268,512.29</u>

SUPERION
DATE: 05/30/2019
TIME: 19:22:22
CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '35167' and '35208'
ACCOUNTING PERIOD: 11/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	35192	05/30/19	10203	MID VALLEY PACKAGIN	6200	5110	SUPPLIES	0.00	406.25
1001	35193	05/30/19	14112	MY TECH PEST CONTR	6020	5220	SERVICES	0.00	90.00
1001	35193	05/30/19	14112	MY TECH PEST CONTR	6700	5220	SERVICES	0.00	95.00
TOTAL CHECK								0.00	185.00
1001	35194	05/30/19	10885	NELSONS POWER CENTE	6260	5205	SUPPLIES	0.00	41.21
1001	35194	05/30/19	10885	NELSONS POWER CENTE	6260	5110	SUPPLIES	0.00	175.19
1001	35194	05/30/19	10885	NELSONS POWER CENTE	6260	5110	SUPPLIES	0.00	190.64
TOTAL CHECK								0.00	407.04
1001	35195	05/30/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	11.12
1001	35195	05/30/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	114.78
1001	35195	05/30/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	579.07
1001	35195	05/30/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	2,416.29
TOTAL CHECK								0.00	3,121.26
1001	35196	05/30/19	10249	QUILL	6120	5110	SUPPLIES	0.00	4.66
1001	35196	05/30/19	10249	QUILL	6020	5110	SUPPLIES	0.00	9.45
1001	35196	05/30/19	10249	QUILL	6120	5110	SUPPLIES	0.00	10.67
1001	35196	05/30/19	10249	QUILL	6020	5110	SUPPLIES	0.00	12.19
TOTAL CHECK								0.00	36.97
1001	35197	05/30/19	10251	R & R AUTO REPAIR S	6120	5205	AUTO MAINTENANCE	0.00	261.13
1001	35198	05/30/19	12672	R&B COMPANY	6260	5110	SUPPLIES	0.00	70.89
1001	35198	05/30/19	12672	R&B COMPANY	6260	5110	SUPPLIES	0.00	397.73
TOTAL CHECK								0.00	468.62
1001	35199	05/30/19	14113	REAL PROPERTY ANALY	6020	5110	SERVICES	0.00	3,000.00
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6130	5210	FUEL	0.00	43.45
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	48.11
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6160	5210	FUEL	0.00	65.49
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	223.82
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6260	5210	FUEL	0.00	304.95
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	343.02
1001	35200	05/30/19	11195	ROBERT V JENSEN INC	6200	5210	FUEL	0.00	1,028.84
TOTAL CHECK								0.00	388.72
1001	35201	05/30/19	12443	SIMPLLOT GROWER SOLU	6260	5190	SUPPLIES	0.00	149.01
1001	35202	05/30/19	12791	THE MOWERS EDGE	6020	5110	SUPPLIES	0.00	383.10
1001	35202	05/30/19	12791	THE MOWERS EDGE	6260	5200	SERVICES	0.00	532.11
TOTAL CHECK								0.00	543.79
1001	35203	05/30/19	10314	TOSHIBA AMERICA INF	6020	5180	LEASE PAYMENT	0.00	12.96
1001	35204	05/30/19	13543	UNIFIRST CORPORATIO	6020	5220	SUPPLIES	0.00	21.96
1001	35204	05/30/19	13543	UNIFIRST CORPORATIO	6700	5220	SUPPLIES	0.00	21.96
1001	35204	05/30/19	13543	UNIFIRST CORPORATIO	6200	5220	SERVICES	0.00	29.05
1001	35204	05/30/19	13543	UNIFIRST CORPORATIO	6020	5220	SERVICES	0.00	29.05

SUPERION
DATE: 05/30/2019
TIME: 19:22:22

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CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '35167' and '35208'
ACCOUNTING PERIOD: 11/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	DESCRIPTION	SALES TAX	AMOUNT

TOTAL CHECK									
1001	35205	05/30/19	13521	UNITY IT	6120	5230	TABLET IMAGING	0.00	114.98
1001	35205	05/30/19	13521	UNITY IT	6120	5230	TABLET IMAGING	0.00	247.84
TOTAL CHECK									
1001	35207	05/30/19	10725	VERIZON WIRELESS	6120	5160	SERVICES	0.00	38.01
1001	35207	05/30/19	10725	VERIZON WIRELESS	6120	5160	SERVICES	0.00	51.52
1001	35207	05/30/19	10725	VERIZON WIRELESS	6200	5160	SERVICES	0.00	57.05
1001	35207	05/30/19	10725	VERIZON WIRELESS	6020	5160	SERVICES	0.00	63.73
1001	35207	05/30/19	10725	VERIZON WIRELESS	6200	5160	SERVICES	0.00	63.73
1001	35207	05/30/19	10725	VERIZON WIRELESS	6160	5160	SERVICES	0.00	63.73
1001	35207	05/30/19	10725	VERIZON WIRELESS	6120	5160	SERVICES	0.00	77.86
TOTAL CHECK									
1001	35208	05/30/19	10346	ZOOM IMAGING SOLUTI	6700	5220	SERVICES	0.00	4.08
1001	35208	05/30/19	10346	ZOOM IMAGING SOLUTI	6150	5220	SERVICES	0.00	12.25
1001	35208	05/30/19	10346	ZOOM IMAGING SOLUTI	6020	5220	SERVICES	0.00	171.53
1001	35208	05/30/19	10346	ZOOM IMAGING SOLUTI	6120	5220	SERVICES	0.00	220.54
TOTAL CHECK									
TOTAL CASH ACCOUNT									
TOTAL FUND									
TOTAL									

SUPERION
DATE: 05/30/2019
TIME: 19:22:22

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CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '35167' and '35208'
ACCOUNTING PERIOD: 11/19

FUND - 210 - GAS TAX

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	35180	05/30/19	10358	CITY OF FRESNO	STRE 2100	5190	SERVICES	0.00	5,377.90
TOTAL CASH ACCOUNT									5,377.90
TOTAL FUND									5,377.90

SUPERION
DATE: 05/30/2019
TIME: 19:22:22

CITY OF FOWLER
CHECK REGISTER - BY FUND

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SELECTION CRITERIA: transact.check_no between '35167' and '35208'
ACCOUNTING PERIOD: 11/19

FUND - 225 - LTF - ARTICLE 8

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	----	DESCRIPTION----	SALES TAX	AMOUNT
1001	35195	05/30/19	10237	P G & E - SACRAMENT	2250	5170		UTILITIES	0.00	70.98
1001	35195	05/30/19	10237	P G & E - SACRAMENT	2250	5170		UTILITIES	0.00	110.20
TOTAL CHECK									0.00	181.18
TOTAL CASH ACCOUNT									0.00	181.18
TOTAL FUND									0.00	181.18

SUPERION
DATE: 05/30/2019
TIME: 19:22:22

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CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '35167' and '35208'
ACCOUNTING PERIOD: 11/19

FUND - 500 - WATER

[illegible]

SUPERION
DATE: 05/30/2019
TIME: 19:23:52

SELECTION CRITERIA: transact.check_no='1011'
ACCOUNTING PERIOD: 11/19

FUND - 790 - FIRE STATION PROJECT

CASH ACCT	CHECK NO	ISSUE DT	VENDOR NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	1011	05/30/19	14087 KLASSEN CORPORATION	790	1890	PROGRESS PMT	0.00	112,910.93
TOTAL CASH ACCOUNT								112,910.93
TOTAL FUND								112,910.93
TOTAL REPORT								112,910.93

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CITY OF FOWLER
CHECK REGISTER - BY FUND

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
MAY 21, 2019**

Mayor Cardenas called the meeting to order at 5:00 p. m. Roll call was taken.

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

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

PUBLIC PRESENTATIONS

There were no public presentations.

PRESENTATION/DISCUSSION ON PROPOSITION 68 STATE PARK GRANT APPLICATION: LOURDES PEREZ AND KANAT TIBET OF PUBLIC HEALTH ADVOCATES

Kanat Tibet and Lourdes Perez representative of the Public Health Advocates gave a presentation on the Proposition 68 State Park Grant Program. Public Health Advocates is partnered with Kountuey Design Institute (KDI). Public Health Advocates are a nonprofit organization that promotes health equity by helping cities, counties, and states nurture health and wellbeing for everyone. KDI is a nonprofit design and community development organization who partners with under-resourced communities to advance equity and activate the unrealized potential in neighborhoods and cities. Mr. Tibet explained the Prop. 68 Statewide Park Program will award more than \$250 million to municipalities to create, renovate, or expand to parks in the underserved communities across California. Public Health Advocates has been working with the City of Fowler with the park grant application, which has including holding a series of community workshops. Participants discussed the physical and financial constraints which shape the park and set the limits for the design. Ms. Perez spoke about the priorities of designing the park. She stated that it is a requirement for the funding source that the community engage by providing their input on the design of the park. Community residents have to provide input and that input has to come to the final design of the proposal in order to apply for these funds. If the community input is not taken into consideration the City is ineligible to apply for the funding. During the workshops participants brainstormed around the strengths and challenges of the community, they discussed the physical and financial constraints which shape the park and set the limits for the design. Participants prioritized park amenities which fit their budget and guidelines. Three preliminary concept plans were provided from the previous workshops and participants placed the recreational features into desired locations with the park. Tonight's meeting was to have the Council, Fowler Unified School District officials and City staff participate in reviewing and possibly adding additional features to the park.

AJOURNMENT

Having no further business, Councilmember Hammer made a motion, seconded by Councilmember Rodriquez to adjourn. The motion carried and the meeting adjourned at 6:41 p.m.

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
MAY 21, 2019**

Mayor Cardenas called the meeting to order at 7:01 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Hammer, Kazarian, Rodriquez

Councilmembers Absent: Parra

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

The Flag Salute and Pledge of Allegiance were followed by the Invocation delivered by Mayor Cardenas.

PUBLIC PRESENTATIONS

Steve Barile, Fowler resident expressed his gratitude to Public Works Employee Jonathan Martin for his hard work and dedication to the community.

COMMUNICATIONS

City Manager Davis said the Fresno County Fruit Trail Opening Ceremony will be this Thursday, May 23, 2019, 10:00 a.m. at the Kings River Winery in Sanger. The Valley Children's Ribbon Cutting Ceremony, invitation only, will be Thursday, May 30, 2019 from 10:00 a.m. – 12:00 p.m.; the Mayor will be the Master of Ceremonies for the event.

STAFF REPORT

SECOND READING OF ORDINANCE NO. 2019-02

City Manager Davis said this ordinance was introduced at the May 7th 2019 Council meeting to amend Tract No. 5952, RJ Hills subdivision project to change the zoning.

Councilmember Rodriquez made a motion to waive the second reading and approve Ordinance No. 2019-02, "An Ordinance of the City Council of the City of Fowler Amending the Official Zoning Map of the City to Reflect a Change of Zone for Assessor's Parcel No's 345-100-07 and 345-100-19S", seconded by Councilmember Kazarian. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

CITY MANAGER'S REPORT

City Manager Davis provided status on the progress of downtown businesses; a new restaurant in the former Favorito's building will be opening and will be called Mi Favorito Place. Ana's Tacos will be opening soon in the old Fratellos restaurant space on Merced Street. She mentioned that Mr. Renge is working with an architect and engineer on restoring the old Fowler Ensign building.

CITY ENGINEER'S REPORT

♦ ADOPTION OF RESOLUTION NO. 2431

City Manager Davis said this item is an annual renewal of the landscaping and storm drainage maintenance district assessments for fiscal year 2019-2020. A public hearing is set for June 4, 2019, to authorize proceedings for the annual levy and collection of assessments. An Engineers Report was provided. Mayor Pro Tem Hammer made a motion to adopt Resolution No. 2431, "A Resolution of the City Council of the City of Fowler of Intention to Levy and Collect the Annual Assessment for Landscaping and Storm Drainage Facilities Maintenance District No. 1, seconded by Councilmember Rodriquez. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

PUBLIC WORKS REPORT

♦ AWARD 2019 STREET MAINTENANCE PROJECT TO GLICK CORPORATION ADA ASPHALT MAINTENANCE CO. IN THE AMOUNT OF \$92,065.60

Public Works Supervisor Lopez said the City recently advertised for bids for the 2019 street maintenance slurry seal project near the new medical center. The engineer's estimate for base bid was \$93,800.00; on April 30, 2019 the City received three bids ranging from \$92,065.60 to \$98,443.00. Staff recommends awarding the base bid in the amount of \$92,065.60 to Glick Corporation dba Asphalt Maintenance Co. of Visalia, CA. Councilmember Kazarian made a motion to award the City of Fowler 2019 Street Maintenance Project to Glick Corporation dba Asphalt Maintenance Co. in the amount of \$92,065.60, seconded by Mayor Pro Tem Hammer. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

Supervisor Lopez provided an update on the parking concerns Pastor Green mentioned at the last Council meeting. He has ordered "No Truck Parking" signs which will be placed near the Second Baptist Church located on 10th Street. The Public Works Department is painting parking stalls and repainting handicap stalls along the downtown area and Main Street.

FINANCE DIRECTOR'S REPORT

City Manager Davis mentioned that the Auditors have been working actively on the 2017-2018 Audit, the Finance Authority budget is complete and Finance Director Uyeda is currently working on completing the City's budget for 2019-2020.

POLICE DEPARTMENT REPORT

No report was given.

FIRE DEPARTMENT REPORT

Fire Chief Lopez circulated the Emergency Call Report for the month of April.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants – May 21, 2019; B) Approve Minutes of the City Council Meeting – May 7, 2019; C) Approve and Authorize Mayor to Sign Letter to State Water Resources Control Board in Opposition to Semitropic Petition to Revise the FAS; D) Approve Letter of Support and Adopt Resolution No. 2432 “A Resolution of the City Council of the City of Fowler Supporting the Merger of T-Mobile and Sprint”. Councilmember Kazarian made a motion to approve the Consent Calendar, seconded by Mayor Pro Tem Hammer. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

COMMITTEE REPORTS

Mayor Pro Tem Hammer said the Kids Summer Lunch Program starts June 10, 2019 – August 9, 2019 at the Senior Center. The Public Swim Lesson Program will start June 1, 2019.

CLOSED SESSION

The meeting adjourned to a closed session at 7:33 p.m. pursuant to Government Code Section 54957 – Public Employee Performance Evaluation. Title: City Attorney.

The meeting reconvened to open session at 7:35 p.m. with no reportable action taken.

ADJOURNMENT

Having no further business, Councilmember Kazarian made a motion, seconded by Councilmember Rodriquez to adjourn. The motion carried and the meeting adjourned at 7:39 p.m.