

**FOWLER CITY COUNCIL MEETING
AGENDA
JULY 16, 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.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. Presentation: Plaque to City Council – Fresno County Rural Transit Agency

7. Public Hearing: To Consider Amendment to the Fowler Zoning Ordinance Section 9 - 5.21.09 – Fence, Walls, and Hedges Clarifying the Use of Electrified Security Fencing, Barbed Wire, and Razor Wire Fencing
 - A) Consider First Reading of Ordinance No. 2019-03, “An Ordinance of the City Council of the City of Fowler Amending Section 9-5.21.09 of Article 21 of Chapter 5 of Title 9 of the Fowler Municipal Code Pertaining to Fences, Walls, and Hedges”
8. Communications
9. Staff Reports
 - A) Action to Select Voting Delegate and Alternate(s) – League of California Cities Annual Conference – October 16 – 18, 2019 in Long Beach
 - B) City Manager’s Report
 - C) Public Works Report
 - D) Finance Department Report
 - E) Police Department Report
 - F) Fire Department Report
10. City Attorney's Report
11. Consent Calendar - *Items on the Consent Calendar are considered routine and shall be approved by one motion of the Council. If a Councilmember requests additional information or wants to comment on an item, **the vote should be held until the questions or comments are made, and then a single vote should be taken.** If a Councilmember **objects** to an item, **then** it should be removed and acted upon as a separate item.*
 - A) Ratification of Warrants – July 16, 2019
 - B) Approve Minutes of the City Council Meeting – June 18, 2019
 - C) Approve Resolution No. 2435, “A Resolution of the City Council of the City of Fowler Concerning Local Transportation Purpose Funds Extension (Measure “C” Extension) ”
12. 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

13. Closed Session:

- ◆ Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation
Name of Case: City of Fowler v. The Dow Chemical Co. et al.
San Francisco Superior Court Case No. CGC – 18-567967

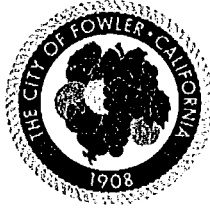
14. Adjournment

Next Ordinance No. 2019-04

Next Resolution No. 2436

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, July 12, 2019.

*Corina Burrola
Deputy City Clerk*



TO: City of Fowler City Council

FROM: Dawn E. Marple, City Planner
Jeffrey O'Neal, AICP, Deputy City Planner

SUBJECT: Zoning Text Amendment 19-01 to Amend Title 9, Chapter 5, Article 21, Section 9 of the Fowler Zoning Ordinance

DATE: July 16, 2019

I. RECOMMENDATION

Staff recommends that the City Council adopts an amendment to the Fowler Zoning Ordinance Section 9-5.21.09 – Fences, Walls & Hedges clarifying the use of electrified security fencing, barbed wire, and razor wire fencing.

On June 6, 2019, the Planning Commission considered the issue and recommended, by a 3-2 vote, to amend the Fowler Zoning Ordinance allowing for the installation and use of barbed wire or razor wire fencing in the M-1 (Light Industrial), M-2 (Heavy Industrial), and RCO (Resource, Conservation, Public Use, and Open Space) zones upon Administrative Approval and in any commercial zone district, except the Form Based Code Area, subject to the approval of a conditional use permit. The Commission also included the installation and use of electrified security fencing as defined by the Civil Code Section 835 to be allowed in all non-residential zone districts except the Form Based Code Area subject to the approval of a conditional use permit (see attached Resolution No. 643).

II. BACKGROUND & PROJECT DESCRIPTION

Section 9-5.21.09 of the Fowler Zoning Ordinance prohibits electrified fencing unless required by a state or local agency. The term “electrified fencing” is not defined in the Zoning Ordinance. But at the time of the most recent Zoning Ordinance update in 2009, “electrified fence” was defined in Food and Agricultural Code section 17151 and was most commonly associated with fencing for farm animal control purposes.

In 2015, Civil Code section 835 was enacted (effective on January 1, 2016), which defined “electrified security fence” to be different than “electrified fence” as used in Food and Agricultural Code section 17151. Civil Code section 835 imposes various requirements for installing and using an “electrified security fence”, including prohibiting such a fence in any residential zone. Local agencies such as cities are allowed to prohibit electrified security fences throughout the city or allow such fences in various non-residential zones. If a city wishes to allow electrified security fences in some non-residential zones, the city may impose additional requirements to those outlined in Civil Code section 835 for such fences.

Electric Guard Dog, LLC, has initiated Zoning Text Amendment No. 19-01 requesting to amend the Fowler Zoning Ordinance to allow electrified security fencing.

During the regularly scheduled Planning Commission meeting on June 6, 2019 staff presented the applicant's proposed text amendment and an alternative ordinance prohibiting electrified security fences entirely.

The Planning Commission, by a 3-2 vote, recommended to the City Council an amendment to the Fowler Zoning Ordinance to allow for the installation and use of barbed wire or razor wire fencing in the M-1 (Light Industrial), M-2 (Heavy Industrial), and RCO (Resource, Conservation, Public Use, and Open Space) zones upon Administrative Approval and in any commercial zone district, except the Form Based Code Area, subject to the approval of a conditional use permit. The Commission also included in their recommendation the allowance for the installation and use of electrified security fencing as defined by the Civil Code Section 835 to be allowed in all non-residential zone districts except the Form Based Code Area subject to the approval of a conditional use permit (see attached Resolution No. 643).

III. CEQA

The proposed project must be reviewed for compliance with CEQA. Zoning Text Amendment No. 19-01 has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments:

1. Electric Guard Dog LLC., Application
2. Food and Agricultural Code section 17151
3. Civil Code section 835
4. Planning Commission Resolution No. 643
5. Ordinance No. 2019-03
6. CEQA Exemption

Fee \$4003.79
Date Received 11-10-19

City of Fowler
Zoning Ordinance Text Amendment
Application No. 19-01

Important: A zoning ordinance text amendment does not apply to a specific parcel or property. Rather, if approved by the City Council, the text amendment would apply city-wide in all appropriate zone districts identified in the amendment. The City of Fowler will only accept for processing an application for a zoning ordinance text amendment if the proposed amendment is consistent with the General Plan. For example, a text amendment to permit an industrial use in a residential zone district would not be consistent with the General Plan. In the event the zoning text amendment is not consistent with the General Plan, a concurrent General Plan amendment application shall also be processed.

1. Name of Applicant(s) ELECTRIC GUARD DOG LLC (KEITH KANEKO/CAROL BAUSINGER)

2. Address 550 ASSEMBLY ST 5TH FL

City COLUMBIA State SC Zip Code 29201

Phone No. 803-404-6189 Email CBAUSINGER@ELECTRICGUARDDOG.COM

The undersigned requests that the text of the Fowler Zoning Ordinance be amended as follows:

3. Zoning Ordinance Sections to be amended: 9-5.21.09 - FENCES, WALLS, AND HEDGES 'D'. AND 9-5.1406 - SCREENING AND LANDSCAPING: FENCES, WALLS AND HEDGES 'D'

4. Description of and rationale for proposed text amendment (add additional pages if necessary) _____

Certification. I hereby certify that the information presented in this application is correct.

Kelli Kady Date 4/22/19
Signature of Applicant

Signature of Applicant Date _____

NOTE: THE FOLLOWING ITEMS ARE ONLY APPLICABLE IF THE ZONING ORDINANCE TEXT AMENDMENT IS PROPOSED TO ADDRESS OR REMEDY A NOTICE OF VIOLATION OR OTHER PENDING LEGAL ACTION BY THE CITY FOR A SPECIFIC PARCEL. IN SUCH EVENT, PLEASE PROVIDE THE FOLLOWING ADDITIONAL INFORMATION:

5. Location of the property subject to the Notice of Violation or other pending legal action?

a. Street address _____

b. Legal description (APN) _____

c. Name(s) of record owner(s) of property, if different from applicant(s)

d. Address of property owners(s) _____

City _____ State _____ Zip Code _____

6. A map showing the property subject to the Notice of Violation or other pending legal action and all property within 300 feet of the exterior boundaries of the property must accompany the application. An Assessor's Parcel Map(s) is recommended available from the Fresno County Assessor's Office or at Fowler City Hall. Indicate existing use and zoning of parcels shown. If you draw your own map, the scale must be not less than 1" equals 200'. Number each lot to correspond to the required property owner's list.

Prepare a typewritten list containing the owner's name and address of all land shown on the map. Each owner's name must be numbered to correspond with either the Assessor's Parcel numbers on the Assessor's Map(s) or with numbering on the map you have drawn. Owner's names must be secured from either the Fresno County Assessor or Fowler City Hall. The map and list will be used to notify all property owners within 300 feet of public hearings held on the zoning ordinance text amendment.

MODEL LOW VOLTAGE ELECTRIC SECURITY FENCE ORDINANCE

A. The construction and use of low voltage electric security fences shall be allowed in Compliance with State Regulations as provided in this section, subject to the following standards:

1. IEC Standard 60335-2-76: Unless otherwise specified herein, electric security fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
2. CA Civil Code Section 835: electrified security fence means any fence, other than an electrified fence described in Section 17151 of the Food and Agricultural Code.
3. The electrical components/configuration, of the low voltage security fencing system shall be approved by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL).
4. No low voltage security fence shall be installed or used unless it is completely surrounded by a non-electrified fence or wall that is not less than six feet.
5. Low voltage electric security fences shall be permitted on any non-residentially zoned property.

B. Low voltage security fences are only allowed to be installed with a low voltage permit issued under the requirements of the applicable electrical or building codes.

C. Emergency Access: A Knox Box or others similar approved devices will be provided as a means to disconnect the low voltage security system fence. The disconnect device shall be located outside the primary drive gate entrance of the property and shall not be obscured in any manner from the street/driveway access.

9-5.21.09 - Fences, Walls, and Hedges

A. Normal Corner Lots.

1. Along the side lot line of the street or alley side.
 - a. Anywhere within any required front yard area. Fences and walls shall be fifty (50) percent or more open and shall not exceed a maximum height of forty-two (42) inches.
 - b. Anywhere along the side lot line measured from the rear lot line to the beginning of the front yard area. Fences and walls shall not exceed six (6) feet in height; provided, however, if a garage or carport is constructed with entrance from the side street, the fence or wall shall not exceed forty-two (42) inches in height from the carport to the front line.

B. Reverse Corner Lots.

1. The same height restrictions shall apply as described for normal corner lots.
2. Hedges, trees and architectural features may be located in front yards and front the side lot lines adjacent to the front yard and along the street side, side yard, from the main structure to the front lot line and to the rear lot line, provided they are maintained in such a manner as not to create a hazard to life or limb to pedestrians or vehicular traffic.

C. When there is a difference in the ground level between two (2) adjoining lots, the height of any wall or fence constructed along any property line shall be determined by using the level lot line of the highest contiguous lot.

D. The use of barbed wire, ~~electrified fence~~ or razor wire in conjunction with any fence, wall, or hedge, or by itself within any ~~residential zone is prohibited~~ unless required by any law enforcement agency or regulation of the State of California or any agency thereof.

9-5.21.10 - Nonconforming Front Yards

Where more than fifty (50) percent of the lineal frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, then the minimum front yard for other residential buildings in such block shall be reduced to the average of the actual front yards of all of the lots in such block improved with residential buildings; those lots that have front yards of greater depth than the minimum requirement shall be counted as having the minimum requirement.

9-5.1406 - Screening and Landscaping: *Fences, Walls, and Hedges*

A.

Where a site adjoins any non-industrial district, a solid wall or screen *fence* six (6) feet in height or such other height or type of screening device as may be required by the Director, shall be located on the property line common to such districts, except in a required front yard.

B.

A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from any non-industrial district, shall be screened by a decorative masonry wall not less than six (6) feet in height, if found by the Director to be unsightly.

C.

Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a decorative masonry wall or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height.

D.

No *fence* or wall shall exceed six (6) feet in height if located in a required side or rear yard or three (3) feet in height if located in a required front yard, except that a chain-link *fence* greater than three (3) feet in height may be located in any portion of a required front yard.



The #1 Theft Deterrent Service in the U.S.

**550 Assembly St., 5th Floor
Columbia, SC 29201**

April 8, 2019

City of Fowler
Attn: Jeff O'Neal
Community Development Department
128 S. 5th Street
Fowler CA 93625

**FORMAL REQUEST FOR AMENDMENT TO THE
DEVELOPMENT CODE TO ALLOW LOW VOLTAGE ELECTRIC FENCES**

Dear Mr. O'Neal:

Please accept this letter as our formal request/petition to amend the Development Code to allow electric fences in all zoning districts except residential. Attached to this request is our model ordinance that we encourage the city to consider using as a starting point as it has a variety of facets which ensure safe systems to protect the law-abiding citizens of Fowler from potentially unsafe systems.

The amendment is requested to amend Section 9-5.21.09 to allow for the installation of low voltage, battery powered (12V DC) 10' tall, monitored, perimeter security systems (i.e. electric fence) per CA Civil Code Section 835 which will be safely located inside of an existing perimeter barrier to secure the business during non-business hours. The security system has proven to be the most effective theft deterrent for businesses across the country. Even in cases where businesses were experiencing theft frequently, the installation of the security system immediately results in the cessation of any further attempted break-ins.

This amendment is essential for preserving substantial property rights possessed by other similarly zoned properties in the area - the right to protect and secure property, equipment, product, and, most importantly, the safety and interests of employees (employment, personal vehicles, etc.). It will not constitute a special privilege inconsistent with the limitations on other properties classified in the same zoning district. It is one of material effect on the property owner's right to reasonably use and protect its property for its intended zoned use.

The amendment change will not be materially detrimental to public welfare, injurious to property or improvements in the vicinity or district where the property is located. It is installed completely inside the existing perimeter fence and therefore not exposed to the public. To come in contact with the security system, one would have to be intentionally trespassing and illegally entering the property.

The general safety and welfare of the public is also maintained, crime is prevented, and the City can redirect law enforcement resources toward crime other than property break-ins and theft. Security cameras record crime and don't prevent it, guards are unreliable (don't show up for work, sleep on the job, and at times are complicit in the criminal action), and typical alarm systems only monitor buildings.

The approval of the code amendment will be in harmony with the general purpose and intent of the provisions of this article and the General Plan. It will allow businesses to invest financial resources into further growth, resulting in continued employment and an increased tax base for the community.

Included are the following:

1. Application with a check in the amount of \$4188.09
2. CEQA review check in the amount of \$415.66
3. Fowler Fence Code
4. Sample Model Ordinance

We look forward to working with the City of Fowler Staff. Please let us know if there are any additional questions and when we can anticipate being on the Planning Commission agenda.

Sincerely,



Carol Bausinger
Compliance Manager

Electric Guard Dog, LLC
803-404-6189
cbausinger@electricguarddog.com
electricguarddog.com

Follow us:



C: David J. Wolfe, City Attorney via dwolfe@lozanosmith.com



California LEGISLATIVE INFORMATION

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: [Select Code ▾](#) Section:[Search](#)[Up^](#) [Add To My Favorites](#)**FOOD AND AGRICULTURAL CODE - FAC****DIVISION 9. ANIMALS GENERALLY [16301 - 19503]** (Division 9 enacted by Stats. 1967, Ch. 15.)**PART 1. ANIMALS AT LARGE [16301 - 17153]** (Part 1 enacted by Stats. 1967, Ch. 15.)**CHAPTER 8. Electrified Fences [17150 - 17153]** (Chapter 8 added by Stats. 1976, Ch. 873.)

17150. The Legislature finds and declares that improperly designed and installed electrified fences have caused injuries and in some instances have resulted in the deaths of persons, particularly children, coming into contact with the conductive elements thereof. In order to prevent further such accidents, it is the intent of the Legislature in enacting this chapter to provide for the study and development and enforcement of safety standards for electrified fences.

(Amended by Stats. 1978, Ch. 83.)

17151. (a) As used in this chapter, "electrified fence" means any fence and appurtenant devices, including, but not limited to, fences and devices used in animal control, and including, but not limited to, a fence consisting of a single strand of wire supported by posts or other fixtures, which has an electrical charge or is connected to a source of electrical current and which is so designed or placed that a person or animal coming into contact with the conductive element of the fence receives an electrical shock.

(b) For purposes of this chapter, "electrified fence" does not include an electrified security fence as described in Section 835 of the Civil Code.

(Amended by Stats. 2015, Ch. 273, Sec. 2. (SB 582) Effective January 1, 2016.)

17152. No electrified fences shall be offered for sale, sold, installed, or used in this state, or otherwise connected to a source of electrical current, unless the electrical current is limited and regulated by an electrical controller which meets or exceeds the standards or specifications of the National Electrical Code of the National Fire Protection Association, international standards of the International Electrotechnical Commission, or the Underwriters Laboratories for intermittent type electric fence or electrified fence controllers.

(Amended by Stats. 2015, Ch. 273, Sec. 3. (SB 582) Effective January 1, 2016.)

17153. The provisions of this chapter shall not be construed to preclude regulation of electrified fences by cities and counties, including, but not limited to, requiring the installation or use of electrified fences under permit, except that such regulation shall not permit the installation or use of electrified fences which do not conform to the requirements of this chapter.

(Amended by Stats. 1978, Ch. 83.)



California LEGISLATIVE INFORMATION

Home Bill Information California Law Publications Other Resources My Subscriptions My Favorites

Code: Select Code ▾ Section:

Search



Up^ << Previous Next >>

[cross-reference chaptered bills](#)

PDF | [Add To My Favorites](#)



Highlight

CIVIL CODE - CIV

DIVISION 2. PROPERTY [654 - 1422] (*Heading of Division 2 amended by Stats. 1988, Ch. 160, Sec. 13.*)

PART 2. REAL OR IMMOVABLE PROPERTY [[755.] - 945.5] (*Part 2 enacted 1872.*)

TITLE 3. RIGHTS AND OBLIGATIONS OF OWNERS [818 - 855] (*Title 3 enacted 1872.*)

CHAPTER 1. Rights of Owners [818 - 835] (*Chapter 1 enacted 1872.*)

ARTICLE 2. Boundaries [829 - 835] (*Article 2 enacted 1872.*)

835. (a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence described in Section 17151 of the Food and Agricultural Code, that meets the following requirements:

(1) The fence is powered by an electrical energizer with both of the following output characteristics:

(A) The impulse repetition rate does not exceed 1 hertz (hz).

(B) The impulse duration does not exceed 10 milliseconds, or 10/10000 of a second.

(2) The fence is used to protect and secure commercial or industrial property.

(b) An owner of real property may install and operate an electrified security fence on his or her property subject to all of the following:

(1) The property is not located in a residential zone.

(2) The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."

(3) The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

(4) The height of the fence does not exceed 10 feet and is located behind a perimeter fence that is not less than 6 feet in height.

(c) An owner of real property shall not install and operate an electrified security fence where a local ordinance prohibits that installation and operation. If a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence shall meet the requirements of that ordinance and the requirements of subdivision (b).

(Added by Stats. 2015, Ch. 273, Sec. 1. (SB 582) Effective January 1, 2016.)

RESOLUTION NO. 643

**RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION RECOMMENDING APPROVAL
OF ZONING TEXT AMENDMENT NO. 19-01
REGARDING ELECTRIFIED FENCING
(ELECTRIC GUARD DOG)**

WHEREAS, Electric Guard Dog, LLC has submitted a zoning ordinance amendment application requesting that electrified fencing be permitted in all nonresidential zone districts within the City of Fowler subject to a conditional use permit; and

WHEREAS, the application was reviewed for compliance with the Fowler Municipal Code; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regular meeting on June 6, 2019; and

WHEREAS, the proposed text amendment solely constitutes an amendment to regulations and does not authorize any physical activity that has the potential to result in a significant effect to the environment, and is therefore exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Commission, after having reviewed the staff report and having considered public testimony on the matter, has determined that it is in the best interests of General Plan consistency and the public health, safety, and general welfare to approve Zoning Ordinance Amendment No. 19-01 as requested.

* * * * *

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler hereby recommends to the City Council that Zoning Ordinance Amendment No. 19-01 be adopted as shown on Exhibit "A".


Chairman of the Planning Commission

Attest:


Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner Mukai and seconded by Commissioner - Fernandez on the 6th day of June, 2019 by the following vote to wit:

AYES: Commissioners: Mellon, Fernandez, Mukai

NAYS: Commissioners: Mejia, Kandarian

ABSTAIN: Commissioners: None

ABSENT: Commissioners: None

ORDINANCE NO. 2019- __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING SECTION 9-5.21.09 OF ARTICLE 21 OF CHAPTER 5 OF TITLE 9 OF THE FOWLER MUNICIPAL CODE PERTAINING TO FENCES, WALLS, AND HEDGES.

THE CITY COUNCIL OF THE CITY OF FOWLER DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

1. State Law Findings. Civil Code Section 835 authorizes the use of an “electrified security fence” subject to certain requirements and restrictions, and only if allowed by a local ordinance. Accordingly, local agencies such as a city may prohibit electrified security fencing altogether, or authorize such fencing subject to the requirements and restrictions, including those found in Civil Code Section 835.
2. City Findings. It is in the interest of the City of Fowler to adopt and maintain its own effective Zoning Ordinance and land use regulations, including standards and regulations relating to fencing within the City’s jurisdictional boundaries. It is also in the City’s interest to ensure that certain design and development requirements are applied to electrified security fencing, if and where such fencing may be authorized in the City. Consequently, the City finds it is in the public interest to adopt standards for the installation and operation of electrified security fencing in the City.

SECTION 2. Section 9-5.21.09 of Title 9, Chapter 5, and Article 21 of the Fowler Municipal Code is hereby amended to read as follows:

9-5.21.09- Fences, Walls and Hedges

A. Normal Corner Lots.

1. Along the side lot line of the street or alley side.
 - a. Anywhere within any required front yard area. Fences and walls shall be fifty (50) percent or more open and shall not exceed a maximum height of forty-two (42) inches.
 - b. Anywhere along the side lot line measured from the rear lot line to the beginning of the front yard area. Fences and walls shall not exceed six (6) feet in height; provided, however, if a garage or carport is constructed with entrance from the side street, the fence or wall shall not exceed forty-two (42) inches in height from the carport to the front line.

B. Reverse Corner Lots.

1. The same height restrictions shall apply as described for normal corner lots.

2. Hedges, trees and architectural features may be located in front yards and front the side lot lines adjacent to the front yard and along the street side, side yard, from the main structure to the front lot line and to the rear lot line, provided they are maintained in such a manner as not to create a hazard to life or limb to pedestrians or vehicular traffic.
- C. When there is a difference in the ground level between two (2) adjoining lots, the height of any wall or fence constructed along any property line shall be determined by using the level lot line of the highest contiguous lot.
- D. Barbed Wire, Razor Wire, Electrified Fences, and Electrified Security Fences.
1. The use of barbed wire, razor wire, electrified fencing, or electrified security fencing is prohibited in the City except as authorized in subsections 2, 3, and 4 herein, or unless otherwise required by any law enforcement agency or regulation of the State of California or any agency thereof.
 2. The installation and use of barbed wire or razor wire fencing may be allowed in the M-1 (Light Industrial), M-2 (Heavy Industrial), and RCO (Resource, Conservation, Public Use, and Open Space) zones upon Administrative Approval, and may be allowed in any commercial zone district, except the Form-Based Code Area, subject to the approval of a conditional use permit with any conditions imposed by the planning commission or city council.
 3. The installation and use of electrified fencing not meeting the definition of electrified security fencing in Civil Code section 835 and not meeting the standards and requirements applicable to electrified security fencing in this Zoning Ordinance is prohibited in the City.
 4. The installation and use of electrified security fencing as defined in Civil Code section 835 is allowed in all non-residential zone districts, except the Form-Based Code Area, subject to the approval of a conditional use permit with any conditions imposed by the planning commission or city council and the following standards and requirements:
 - a. Permits:
 - i. Electrified security fencing is only allowed to be installed with a low voltage permit issued under the requirements of the applicable electrical or building codes.
 - ii. Prior to the installation or use of any electrified security fence, the owner of the property upon which any electrified security fencing will be used shall submit a completed application for review. The submittal shall include the following information:
 1. Application for conditional use permit in accordance Article 25 of the Zoning Ordinance and accompanied by a proposed site plan as required by Article 26 of the Zoning Ordinance.
 2. Site plan submittals shall, at a minimum, include the location of the protective perimeter fence in relation to the

electrified security fence, the location of the electrified security fence and all gates in relation to property lines, walkways, existing buildings, and the placement of warning signs at each gate and intervals along the fence.

3. All supporting documentation and specifications from the electric fence manufacturer, and equipment to be used.
- b. Civil Code Section 835 Compliance. The electrified security fence and perimeter fence must meet all requirements described in Civil Code Section 835 as that section may be amended from time to time.
- c. OSHA / NRTL Approval. The electrical components/configuration of the electrified security fence shall be approved by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL), and written confirmation of such approval must be provided to the City with the site plan submittal.
- d. Hours of Activation. No electrified security fence may be energized during hours when the property protected by such fencing is open to the public, except when personnel is available onsite to deactivate the electrified security fence.
- e. Emergency Access.
 - i. A knox box, key box, or other similar approved device shall be provided as a means to disconnect the electrified security fence. This device shall be located outside the primary entrance of the property and shall not be obscured in any manner from the street/ driveway access.
 - ii. In the event that access by the City of Fowler Police and/or Fire Department is required due to an emergency or urgent circumstance, and the knock box or similarly approved device is absent or nonfunctioning, Police and/or Fire Department personnel shall be authorized to disable the electrified security fence and gain entry to the property in order to disable the electrified security fence. As a condition of permit issuance, the applicant and property owner shall agree in writing to waive any and all claims for damages relating to such entry to disable the electrified security fence against the City of Flower or its personnel under such circumstances.
- f. Fire Department Registration. The applicant or owner of the property upon which the electrified security fence will be installed shall submit a completed registration form for the fence to the Fire Department.
- g. Indemnification. All applicants issued a permit to install or use an electrified security fence as provided in this section shall agree in

writing, in a form approved by the City Attorney, as a condition of permit issuance, to indemnify, defend, and hold harmless the City of Fowler and its agents, officers, consultants, independent contractors and employees from any and all claims, actions, proceedings, costs, expenses, losses, damages, obligations, and liabilities related to the electrified security fence, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electrified security fence.

SECTION 3. If any article, section, subsection, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each article, section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that one or more articles, sections, subsections, sentences, clauses, and phrases be declared invalid.

SECTION 4. The City Clerk is hereby directed to cause this ordinance or a summary thereof to be published in a newspaper of general circulation in accordance with the provisions of Government Code Section 36933.

SECTION 5. The City Clerk is further directed to cause this ordinance to be codified after its adoption.

SECTION 6: This ordinance shall take effect and be in full force thirty (30) days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council held on _____, 2019, and was adopted at a regular meeting of said Council held on _____, 2019, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

Dated: _____

ORDINANCE NO. 2019- 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING
SECTION 9-5.21.09 OF ARTICLE 21 OF CHAPTER 5 OF TITLE 9 OF THE FOWLER
MUNICIPAL CODE PERTAINING TO FENCES, WALLS, AND HEDGES.

THE CITY COUNCIL OF THE CITY OF FOWLER DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

1. State Law Findings. Civil Code Section 835 authorizes the use of an "electrified security fence" subject to certain requirements and restrictions, and only if allowed by a local ordinance. Accordingly, local agencies such as a city may prohibit electrified security fencing altogether, or authorize such fencing subject to the requirements and restrictions, including those found in Civil Code Section 835.
2. City Findings. It is in the interest of the City of Fowler to adopt and maintain its own effective Zoning Ordinance and land use regulations, including standards and regulations relating to fencing within the City's jurisdictional boundaries. It is also in the City's interest to ensure that certain design and development requirements are applied to electrified security fencing, if and where such fencing may be authorized in the City. Consequently, the City finds it is in the public interest to adopt standards for the installation and operation of electrified security fencing in the City.

SECTION 2. Section 9-5.21.09 of Title 9, Chapter 5, and Article 21 of the Fowler Municipal Code is hereby amended to read as follows:

9-5.21.09- Fences, Walls and Hedges

A. Normal Corner Lots.

1. Along the side lot line of the street or alley side.
 - a. Anywhere within any required front yard area. Fences and walls shall be fifty (50) percent or more open and shall not exceed a maximum height of forty-two (42) inches.
 - b. Anywhere along the side lot line measured from the rear lot line to the beginning of the front yard area. Fences and walls shall not exceed six (6) feet in height; provided, however, if a garage or carport is constructed with entrance from the side street, the fence or wall shall not exceed forty-two (42) inches in height from the carport to the front line.

B. Reverse Corner Lots.

1. The same height restrictions shall apply as described for normal corner lots.

2. Hedges, trees and architectural features may be located in front yards and front the side lot lines adjacent to the front yard and along the street side, side yard, from the main structure to the front lot line and to the rear lot line, provided they are maintained in such a manner as not to create a hazard to life or limb to pedestrians or vehicular traffic.
- C. When there is a difference in the ground level between two (2) adjoining lots, the height of any wall or fence constructed along any property line shall be determined by using the level lot line of the highest contiguous lot.
- D. Barbed Wire, Razor Wire, Electrified Fences, and Electrified Security Fences.
1. The use of barbed wire, razor wire, electrified fencing, or electrified security fencing is prohibited in the City except as authorized in subsections 2, 3, and 4 herein, or unless otherwise required by any law enforcement agency or regulation of the State of California or any agency thereof.
 2. The installation and use of barbed wire or razor wire fencing may be allowed in the M-1 (Light Industrial), M-2 (Heavy Industrial), and RCO (Resource, Conservation, Public Use, and Open Space) zones upon Administrative Approval, and may be allowed in any commercial zone district, except the Form-Based Code Area, subject to the approval of a conditional use permit with any conditions imposed by the planning commission or city council.
 3. The installation and use of electrified fencing not meeting the definition of electrified security fencing in Civil Code section 835 and not meeting the standards and requirements applicable to electrified security fencing in this Zoning Ordinance is prohibited in the City.
 4. The installation and use of electrified security fencing as defined in Civil Code section 835 is allowed in all non-residential zone districts, except the Form-Based Code Area, subject to the approval of a conditional use permit with any conditions imposed by the planning commission or city council and the following standards and requirements:
 - a. Permits:
 - i. Electrified security fencing is only allowed to be installed with a low voltage permit issued under the requirements of the applicable electrical or building codes.
 - ii. Prior to the installation or use of any electrified security fence, the owner of the property upon which any electrified security fencing will be used shall submit a completed application for review. The submittal shall include the following information:
 1. Application for conditional use permit in accordance Article 25 of the Zoning Ordinance and accompanied by a proposed site plan as required by Article 26 of the Zoning Ordinance.
 2. Site plan submittals shall, at a minimum, include the location of the protective perimeter fence in relation to the

electrified security fence, the location of the electrified security fence and all gates in relation to property lines, walkways, existing buildings, and the placement of warning signs at each gate and intervals along the fence.

3. All supporting documentation and specifications from the electric fence manufacturer, and equipment to be used.
- b. Civil Code Section 835 Compliance. The electrified security fence and perimeter fence must meet all requirements described in Civil Code Section 835 as that section may be amended from time to time.
- c. OSHA / NRTL Approval. The electrical components/configuration of the electrified security fence shall be approved by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL), and written confirmation of such approval must be provided to the City with the site plan submittal.
- d. Hours of Activation. No electrified security fence may be energized during hours when the property protected by such fencing is open to the public, except when personnel is available onsite to deactivate the electrified security fence.
- e. Emergency Access.
 - i. A knox box, key box, or other similar approved device shall be provided as a means to disconnect the electrified security fence. This device shall be located outside the primary entrance of the property and shall not be obscured in any manner from the street/ driveway access.
 - ii. In the event that access by the City of Fowler Police and/or Fire Department is required due to an emergency or urgent circumstance, and the knock box or similarly approved device is absent or nonfunctioning, Police and/or Fire Department personnel shall be authorized to disable the electrified security fence and gain entry to the property in order to disable the electrified security fence. As a condition of permit issuance, the applicant and property owner shall agree in writing to waive any and all claims for damages relating to such entry to disable the electrified security fence against the City of Flower or its personnel under such circumstances.
- f. Fire Department Registration. The applicant or owner of the property upon which the electrified security fence will be installed shall submit a completed registration form for the fence to the Fire Department.
- g. Indemnification. All applicants issued a permit to install or use an electrified security fence as provided in this section shall agree in

writing, in a form approved by the City Attorney, as a condition of permit issuance, to indemnify, defend, and hold harmless the City of Fowler and its agents, officers, consultants, independent contractors and employees from any and all claims, actions, proceedings, costs, expenses, losses, damages, obligations, and liabilities related to the electrified security fence, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electrified security fence.

SECTION 3. If any article, section, subsection, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each article, section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that one or more articles, sections, subsections, sentences, clauses, and phrases be declared invalid.

SECTION 4. The City Clerk is hereby directed to cause this ordinance or a summary thereof to be published in a newspaper of general circulation in accordance with the provisions of Government Code Section 36933.

SECTION 5. The City Clerk is further directed to cause this ordinance to be codified after its adoption.

SECTION 6: This ordinance shall take effect and be in full force thirty (30) days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council held on _____, 2019, and was adopted at a regular meeting of said Council held on _____, 2019, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

Dated: _____

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Fresno

2220 Tulare Street

Fresno, CA 93721

From: (Public Agency): City of Fowler

128 South 5th Street

Fowler, CA 93625

(Address)

Project Title: Zoning Text Amendment 19-01

Project Applicant: Electric Guard Dog LLC

Project Location - Specific:

City wide

Project Location - City: Fowler

Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:

Electric Guard Dog, LLC, has initiated Zoning Text Amendment No. 19-01 requesting to amend the Fowler Zoning Ordinance to allow electrified security fencing as a conditional use in all non-residential zone districts throughout the City with an approved site plan, and subject to the requirements of Civil Code section 835 and

Name of Public Agency Approving Project: City of Fowler

Name of Person or Agency Carrying Out Project: City of Fowler

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Exempt: Section: 15061(b)(3)

Reasons why project is exempt:

The Project is exempt pursuant to CEQA Guideline section 15061(b)(3) due to the fact that the proposed amendments will not result in any physical change to the environment, thus the project has no possibility to have a significant effect on the environment.

Lead Agency

Contact Person: Dawn E. Marple

Area Code/Telephone/Extension: 559-834-3113

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: *Dawn E. Marple* Date: 6/3/19 Title: Contract City Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Council Action Advised by August 30, 2019
--

June 10, 2019

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 16 - 18, Long Beach**

The League's 2019 Annual Conference is scheduled for October 16 – 18 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, October 16, 8:00 a.m. – 6:00 p.m.; Thursday, October 17, 7:00 a.m. – 4:00 p.m.; and Friday, October 18, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Friday, October 4. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2019 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, October 4, 2019. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email: _____

Mayor or City Clerk _____
(circle one) (signature)

Date: _____ Phone: _____

Please complete and return by Friday, October 4, 2019

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254

CITY OF FOWLER
WARRANTS LIST
July 16, 2019

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	35269-35323	June 19 thru July 11	\$ 186,257.31
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 186,257.31</u>
<u>PAYROLL COSTS</u>			
Second June Bi-Monthly Payroll		June 31, 2019	85,430.40
TOTAL PAYROLL COSTS			<u>\$ 85,430.40</u>
TOTAL CASH DISBURSEMENTS			<u>\$ 271,687.71</u>

NOTE: Check #35322 Void check

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 100 - GENERAL FUND

[illegible]

SUPERION
DATE: 07/11/2019
TIME: 16:35:12
CITY OF FOWLER
CHECK REGISTER - BY FUND

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	35294	06/28/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	9.89
1001	35294	06/28/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	60.84
1001	35294	06/28/19	10237	P G & E - SACRAMENT	6130	5170	UTILITIES	0.00	117.74
1001	35294	06/28/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	191.64
1001	35294	06/28/19	10237	P G & E - SACRAMENT	6700	5170	UTILITIES	0.00	951.20
1001	35294	06/28/19	10237	P G & E - SACRAMENT	6200	5170	UTILITIES	0.00	3,183.55
TOTAL CHECK								0.00	4,514.86
1001	35295	06/28/19	10235	PBM SUPPLY & MANUFA	6260	5110	SUPPLIES	0.00	51.33
1001	35297	06/28/19	10251	R & R AUTO REPAIR S	6120	5205	AUTO MAINTENANCE	0.00	235.51
1001	35298	06/28/19	13839	ROD CARSEY CONSULTI	100	2060	PLAN CHECK	0.00	2,580.72
1001	35301	06/28/19	12443	SIMPLOT GROWER SOLU	6260	5190	SUPPLIES	0.00	388.72
1001	35301	06/28/19	12443	SIMPLOT GROWER SOLU	6260	5190	SUPPLIES	0.00	388.72
TOTAL CHECK								0.00	777.44
1001	35302	06/28/19	10085	STATE OF CA DEPARTM	6120	5220	SERVICES	0.00	245.00
1001	35305	06/28/19	13543	UNIFIRST CORPORATIO	6700	5220	SUPPLIES	0.00	20.18
1001	35305	06/28/19	13543	UNIFIRST CORPORATIO	6020	5220	SUPPLIES	0.00	29.05
TOTAL CHECK								0.00	49.23
1001	35307	06/28/19	14095	VALLEY TOOL	6260	5110	SUPPLIES	0.00	356.13
1001	35310	07/02/19	13929	FIREWORKS & STAGE F	100	1605	FINAL PMT FIREWORKS	0.00	9,000.00
1001	35311	07/02/19	13477	HDL SOFTWARE LLC	100	1605	BUS LIC SOFTWR 19/2	0.00	2,146.54
1001	35312	07/02/19	11982	JB SOUND CO	100	1605	4TH OF JULY SOUND	0.00	1,350.00
1001	35313	07/02/19	14129	TED RONELL	100	1605	MONSANTO BAND JULY4	0.00	810.00
1001	35315	07/11/19	10006	AGRICHEM	6260	5190	SUPPLIES	0.00	1,725.44
1001	35316	07/11/19	10194	LOZANO SMITH	100	1300	SERVICES	0.00	1,184.67
1001	35317	07/11/19	10216	NEW ENGLAND SHEET M	6700	5220	REISSUE CHK #35082	0.00	383.66
1001	35317	07/11/19	10216	NEW ENGLAND SHEET M	6120	5220	REISSUE CHK #35082	0.00	383.67
1001	35317	07/11/19	10216	NEW ENGLAND SHEET M	6020	5220	REISSUE CHK #35082	0.00	383.67
TOTAL CHECK								0.00	1,151.00
1001	35318	07/11/19	14130	ADAMBRUNO ST LUCY S	100	1605	CLEANUP DONATION	0.00	500.00
1001	35319	07/11/19	14005	FOWLER BOY SCOUTS	100	1605	CLEANUP DONATION	0.00	1,000.00
1001	35320	07/11/19	13496	KEENAN & ASSOCIATES	100	1605	EMPLOYEE BENEFITS	0.00	20,595.03
1001	35321	07/11/19	13647	SUN LIFE FINANCIAL	100	1605	EMPLOYEE BENEFITS	0.00	2,795.19

SUPERION
DATE: 07/11/2019
TIME: 16:35:12

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 4
ACCTPA21

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 206 - COPS GRANT

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT	
1001	35309	06/28/19	14128	MOTOMOBILE	206	3615	MOBILE APP	0.00	2,450.00	
TOTAL CASH ACCOUNT									0.00	2,450.00
TOTAL FUND									0.00	2,450.00

SUPERION
DATE: 07/11/2019
TIME: 16:35:12

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 5
ACCTPA21

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 210 - GAS TAX

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	----DESCRIPTION----	SALES TAX	AMOUNT
1001	35275	06/28/19	10007	ALERT-O-LITE, INC	2100	5190	SUPPLIES	0.00	578.83
1001	35303	06/28/19	11250	T&T PAVEMENT MARKIN	2100	5190	SUPPLIES	0.00	129.35
1001	35308	06/28/19	10506	VULCAN MATERIALS CO	2100	5190	SUPPLIES	0.00	114.99
TOTAL CASH ACCOUNT								0.00	823.17
TOTAL FUND								0.00	823.17

SUPERION
DATE: 07/11/2019
TIME: 16:35:12

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 8
ACCTPA21

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 501 - WATER WELL MAINTENANCE

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	35271	06/27/19	14066	A-C TECHNOLOGY SOLU	501	5190	WELL RADIO UPGRADES	0.00	37,386.90
1001	35271	06/27/19	14066	A-C TECHNOLOGY SOLU	501	5190	WELL #5A	0.00	20,000.00
1001	35271	06/27/19	14066	A-C TECHNOLOGY SOLU	501	5190	WELL RADIO UPGRADES	0.00	17,187.00
1001	35271	06/27/19	14066	A-C TECHNOLOGY SOLU	501	5190	WELL #6	0.00	1,428.51
TOTAL CHECK								0.00	76,002.41
TOTAL CASH ACCOUNT								0.00	76,002.41
TOTAL FUND								0.00	76,002.41

SUPERION
DATE: 07/11/2019
TIME: 16:35:12

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 9
ACCTPA21

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 710 - AB1600-GENERAL SERVICES

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	35269	06/19/19	14122	DTA	7100	5220	IMPACT FEE STUDY	0.00	5,608.62
TOTAL CASH ACCOUNT									5,608.62
TOTAL FUND									5,608.62

SUPERIOR
DATE: 07/11/2019
TIME: 16:35:12

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 10
ACCTPA21

SELECTION CRITERIA: transact.check_no between '35269' and '35323'
ACCOUNTING PERIOD: 12/19

FUND - 850 - SUCCESSOR AGENCY

CASH ACCT	CHECK NO	ISSUE DT	VENDOR NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	35278	06/28/19	10022 BORCHARDT, CORONA &	8500	5220	FINAL 2018 AUDIT FE	0.00	2,500.00
1001	35320	07/11/19	13496 KEENAN & ASSOCIATES	850	1605	EMPLOYEE BENEFITS	0.00	229.22
1001	35321	07/11/19	13647 SUN LIFE FINANCIAL	850	1605	EMPLOYEE BENEFITS	0.00	10.60
1001	35323	07/11/19	11335 VISION SERVICE PLAN	850	1605	EMPLOYEE BENEFITS	0.00	4.94
TOTAL CASH ACCOUNT								2,744.76
TOTAL FUND								2,744.76
TOTAL REPORT								186,257.31

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
JUNE 18, 2019**

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

Councilmembers Present: Cardenas, Hammer, Kazarian, Rodriquez. Councilmember Parra joined the meeting at 7:00 p.m. via teleconference (Fresno Yosemite International Airport – Gate, 5175 E. Clinton Way, Fresno, CA 93727)

City Staff Present: City Manager/City Clerk Davis, City Attorney Wolfe, City Attorney Cross, City Attorney Mary Lerner, City Engineer Peters, Police Chief Alcaraz, Finance Director Uyeda, Deputy City Clerk Burrola

The Flag Salute and Pledge of Allegiance were followed by the Invocation delivered by Pastor Brian Mays.

PUBLIC PRESENTATIONS

Jim Martin, Fowler Resident, announced his retirement from the Fowler Recreation Commission. Mr. Martin served on the commission for 13 years.

Gail Cruz, Fowler resident, expressed her concerns regarding the heavy traffic on 4th and Vine Street, she inquired if stop signs will be placed at this location.

INTRODUCTION OF NEW OFFICERS AND BADGE PINNING CEREMONY

Police Chief Alcaraz gave an introduction of new police officers, Officer Cameron Phillips and Reserve Officer Vincent Jimenez.

SPECIAL RECOGNITION OF POLICE OFFICERS

Chief Alcaraz recognized Fowler Police Officers, Sergeant Keith Berry, Officers Marco Solian, Arthur Duron, and Cameron Phillips for their outstanding service in the line of duty.

Chief Alcaraz called a recess for a brief reception in honor of the newly sworn in police officers.

PRESENTATION: FRESNO COUNTY'S 5-YEAR CONSOLIDATED PLAN FOR THE CDBG PROGRAM

Kristi Johnson, Jonathan Avedian and Yvette Quiroga of Fresno County Community Development Department, spoke about the Community Development Block Grant. Ms. Johnson explained the consolidated plan is a five year outline identifying community development needs in the unincorporated portions of the County and the six partner cities. The needs identified in the plan are addressed each year through various grant applications by Cities, Districts, community groups and individuals. CDBG is funded by the U.S. Department of Housing and

Urban Development (HUD) grants are used for eligible housing community and economic development activities such as infrastructure, community facilities, housing rehabilitation and public services. Ms. Johnson said some examples of CDBG activities can include economic development, residential and commercial building rehabilitation; water and sewer system improvements, storm drain improvements, and other public works improvements such as streets and sidewalks. She said approximately \$1,300,000 of CDBG funds have been invested in Fowler since 1975. Recent CDBG projects include ADA curb and sidewalk improvements, pedestrian improvements; there is a future project to install an ADA compliant bathroom at Panzak Park. Fresno County also needs to prepare an analysis of impediments to fair housing choice; these include governmental policies or procedures, language barriers, lack of affordable housing options, ADA accessibility issues, or anything else that restricts availability of housing options to all residents.

Yvette Quiroga spoke about the new Magill Terrace housing projects currently in progress. Ms. Quiroga said the previous apartments had 20 units and the newly built apartments now have 60 units total, the apartments will possibly be completed in the next 30 days. Ms. Quiroga said there are programs for low income families for home repairs or to purchase a home. Fresno County Housing Assistance Rehabilitation Program (HARP) can help eligible homeowners improve the quality of their homes. She provided information on Homebuyer Assistance Program (HAP) this is a program for first time homebuyers who may qualify for assistance to purchase a home. Ms. Quiroga provided pamphlets with further information.

COMMUNICATIONS

City Manager Davis said the free youth summer lunch program began Monday, June 10, 2019 at the Edwin Blayney Senior Center from 12:15 p.m. – 1:15 p.m. Monday through Friday. The Summer Swim Program started Monday, June 17, 2019. She mentioned the League of California Cities will be having a 2019 Annual Conference & Expo in Long Beach on October 16 – 18, 2019.

Councilmember Parra left the meeting at 8:02 p.m.

STAFF REPORTS

CITY ENGINEER'S REPORT

Discussion/Direction to staff regarding agreement between the South King's Groundwater Sustainability Agency and Consolidated Irrigation District

City Engineer Peters said the South Kings Groundwater Sustainability Agency (SKGSA) has been negotiating with the Consolidated Irrigation District (CID) to enter into an agreement for procuring surface water to be used in groundwater recharge efforts. The key provisions of the agreement are as follows: Cost of the water is \$395/acre foot; SKGSA will calculate the overdraft (amount of water to be purchased from CID) as 42% of gross groundwater pumped; CID will endeavor to deliver an annual allotment of water; water purchase will begin immediately and ramp up to full volume within a 5-year period; CID will reserve an appropriate amount of water for SKGSA such that the 4 cities and CSD can build out to their current sphere

of influence; the agreement allows for joint project and/or grant applications to be pursued between the SKGSA and CID to provide mutual benefit. A draft agreement has been reached in principal between these two agencies. A GSA board meeting is tentatively scheduled for June 27, 2019; the board will actually meet and vote on approval of this agreement. The City's representative is Councilmember Kazarian. It was asked if the cost of water per acre foot would change yearly. Mr. Peter's noted the costs would increase yearly depending on the increase of fees on annual bases to keep up with inflation. The consensus of the Council is to direct SKGSA Board representative Karnig Kazarian to vote in favor of entering into agreement between the SKGSA and CID for procuring surface water to be used in groundwater recharge efforts.

CITY MANAGER'S REPORT

City Manager Davis said she was contacted by the Fowler Improvement Association (FIA) who would like to provide a beautification project for the Senior Center by planting shrubbery and flowers.

Deputy City Clerk Burrola has been in contact with the Browning family to set up a date and time for the pickle ball court dedication ceremony, a tentative date is set for Wednesday, July 24, 2019 at 10:00 a.m.

PUBLIC WORKS REPORT

City Manager Davis said Supervisor Lopez has prepared and completed the Consumer Confidence Report that will be going out in July's water bills.

FINANCE DIRECTOR'S REPORT

♦ Approve payment of additional bond counsel billing fees of \$50,000 for fire station project from contingency fund

Finance Director Uyeda said he received the final billing for the bond counsel fees from Lozano Smith for a total of \$79,398.41. Lozano Smith discounted the costs by \$29,000 which leaves an outstanding balance of \$50,000. It would appear that the \$50,000 might be tied to the "initial draw down" of the USDA loan. Mr. Uyeda said he received the draw down documents and while it might be construed as such, further readings do not support it. In addition Sally Tripp had advised that the draw down is a requirement of the State for such loans and was nothing more than an advance against the loan to be held in reserve until the City's portion of the costs was paid in full. He discussed with Ms. Tripp and they agreed the best option would be to charge against the contingency budget of \$124,619. This would leave a balance of \$74,619 in the contingency fund. Mr. Uyeda said he prefers to leave the current \$22,200 bond counsel budget until billings are current.

Councilmember Rodriquez made a motion to approve the Amendment to Agreement for Bond Counsel Services by and between City of Fowler and Lozano Smith, LLP, seconded by Mayor Pro Tem Hammer. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

POLICE DEPARTMENT REPORT

Police Chief Alcaraz said the department will be hosting a meeting Thursday, June 20, 2019 in the Council Chambers. The City of Fresno FBI Field Office will be providing a Social Media Predator presentation for the Youth Cheerleading Organization and their family members.

FIRE DEPARTMENT REPORT

No report was given.

CITY ATTORNEY'S REPORT

City Attorney Wolfe expressed his gratitude for the opportunity to serve the City of Fowler. Scott Cross will be attending future Council meetings and Mary Lerner will be attending the Planning Commission meetings.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants – June 18, 2019; B) Approve Minutes of the City Council Meeting – June 4, 2019; C) Approve Agreement of Professional Legal Services with Lozano Smith; D) Approve Agreement/Engagement Letter for Auditing Services: Borchardt, Corona, Faeth and Zakarian; E) Approve Resolution No. 2019-2434, “A Resolution of the City Council of the City of Fowler in Support of the County of Fresno Homelessness Priorities for Calendar Year 2019”

Sonia De La Rosa, with the Fresno County Administrative Office, explained Item E, Resolution No. 2019-2434. She said on June 4th, 2019 the County of Fresno Board of Supervisors adopted homelessness priorities for calendar year 2019. The County of Fresno has met with cities and used the input provided by city representatives and the County’s Department of Behavioral Health, Public Health, and Social Services to compile a list of priorities to strategically address homelessness countywide. Approval of the recommended action will show the City’s support for the County’s priorities to reduce the homelessness countywide.

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 Cardenas met with the Fresno County Transportation Agency regarding the Measure C funding on Tuesday, June 17, 2019.

Mayor Pro Tem Hammer said the Recreation Commission is busily preparing for the 4th of July celebration. Farmer’s Market will begin July 31st and will run every Wednesday until October 30th.

Councilmember Rodriquez mentioned the Fresno County Library in Fowler will begin its Summer Reading program on June 10th to July 26th.

Mayor Cardenas recommended reappointment of Monique Lopez and Joe Alvarez to another term on the Recreation Commission, as their terms will expire on June 30, 2019, and appoint Henrietta Martin to the Commission due to Jim Martin retiring from serving on the Commission as of June 30, 2019.

Councilmember Rodriquez made a motion, seconded by Mayor Pro Tem Hammer, to re-appoint Monique Lopez, Joe Alvarez and Henrietta Martin to a new term on the Recreation Commission. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

ADJOURNMENT

Having no further business, Mayor Pro Tem Hammer made a motion, seconded by Councilmember Kazarian to adjourn. The motion carried and the meeting adjourned at 8:50 p.m.

RESOLUTION NO. 2435

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
CONCERNING LOCAL TRANSPORTATION PURPOSE FUNDS EXTENSION
(MEASURE "C" EXTENSION)**

WHEREAS, the *City of Fowler* is an eligible claimant of funds for Measure C Extension Local Transportation Pass-Through Projects and Program Funds pursuant to California Public Utilities Code Section 142257; and

WHEREAS, the Fresno County Transportation Authority has adopted a Resolution of Apportionment for FY 2019-2020, Measure C Extension Local Transportation Pass-Through Projects and Program Funds setting the *City of Fowler's* percentages at the following:

- .98% of \$12,463,337 (or \$122,568) for the Local Transportation Program, Local Allocation – **Street Maintenance Category** sub program;
- .98% of \$432,978 (or \$4,290) for the Local Transportation Program, Local Allocation – **ADA Compliance Category** sub program;
- 1.12% of \$12,366,701 (or \$138,840) for the Local Transportation Program, Local Allocation – **Flexible Funding Category** sub program;

which shall be the proportionate share of Measure C Extension Local Transportation Pass-Through Projects and Program Funds to the City shall be entitled within the fiscal year; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The *City of Fowler* hereby submits its Local Transportation Purposes Certification and Claims for Fiscal Year 2019-2020 Measure C Extension Local Transportation Pass-Through Projects and Program Funds;
- 2) The *City of Fowler* hereby requests the release of funds to the City on a monthly payment basis consistent with the adopted percentages listed above, based on actual receipts;
- 3) The City Council of the *City of Fowler* further certifies:
 - a) That Local Transportation Purpose Funds will not be used to substitute for property tax funds which the *City of Fowler* had previously used for local transportation purposes; and
 - b) That the *City of Fowler* has and will segregate property tax revenues used to support local transportation purposes so that verification of non-substitution can be proved through audit and:
 - c) That the *City of Fowler* shall separately account for Local Transportation Purposes Funds received, pursuant to Public Utilities Code Section 142257. The City shall maintain records in accordance with generally accepted accounting principles, and shall separately record expenditures for each type of eligible purpose. The City shall make such records available to the Authority for inspection or audit at any time.

- 4) The **City of Fowler** understands that should a financial or compliance audit reveal that the **City of Fowler** violated any of the requirements set forth in paragraph 3 (a) (b) or (c), that the Fresno County Transportation Authority may seek to take immediate steps to resolve the violation in accordance with its adopted procedures.
- 5) The **City of Fowler** will submit completed Local Transportation Pass through Revenues Reporting Requirements for prior year expenditures before November 15.

David Cárdenas, Mayor

ATTEST:

I, Jeannie Davis, City Clerk of the **City of Fowler**, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Fowler City Hall on the 16th day of July, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeannie Davis, City Clerk

**MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2019-20**

TO: Fresno County Transportation Authority

FROM: City of Fowler
Local Agency Name

Address: 128 S. Fifth Street, Fowler, CA 93625 Contact: Randy Uyeda, Finance Director
Telephone: (559) 834-3113 FAX: (559) 834-0185 Email Address: ruyeda@ci.fowler.ca.us

1. Applicable Funding Program: (Check One)

Regional Public Transit Program

- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program

- ☒ Street Maintenance
- ☐ ADA Compliance
- ☐ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities
- Regional Transportation Program*
- ☐ Fresno Airports

Alternative Transportation Program

- ☐ Rail Consolidation Subprogram
- Environmental Enhancement Program*
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill
- Administrative/Planning Program*
- ☐ Fresno COG

2. The City of Fowler ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2019-2020 setting 0.98% of \$12,463,337 (or \$122,568) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:

- (a) Monthly payments consistent with adopted percentage, based on actual receipts
- (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Implementation Plan Provisions

4. On behalf of claimant, I hereby certify as follows:

- (a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
- (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
- (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: _____

Date: _____

Finance Director

7/8/19

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: _____

**MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2019-20**

TO: Fresno County Transportation Authority

FROM: City of Fowler
Local Agency Name

Address: 128 S. Fifth Street, Fowler, CA 93625 Contact: Randy Uyeda, Finance Director
Telephone: (559) 834-3113 FAX: (559) 834-0185 Email Address: ruyeda@ci.fowler.ca.us

1. Applicable Funding Program: (Check One)

Regional Public Transit Program

- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program

- ☐ Street Maintenance
- ☒ ADA Compliance
- ☐ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities
- Regional Transportation Program*
- ☐ Fresno Airports

Alternative Transportation Program

- ☐ Rail Consolidation Subprogram
- Environmental Enhancement Program*
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill
- Administrative/Planning Program*
- ☐ Fresno COG

2. The City of Fowler ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2019-2020 setting 0.98% of \$432,978 (or **\$4,290) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:**

- (a) Monthly payments consistent with adopted percentage, based on actual receipts
- (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Implementation Plan Provisions

4. On behalf of claimant, I hereby certify as follows:

- (a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
- (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
- (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Finance Director

Date: 7/8/19

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: _____

**MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2019-20**

TO: Fresno County Transportation Authority

FROM: City of Fowler
Local Agency Name

Address: 128 S. Fifth Street, Fowler, CA 93625 Contact: Randy Uyeda, Finance Director
Telephone: (559) 834-3113 FAX: (559) 834-0185 Email Address: ruyeda@ci.fowler.ca.us

1. Applicable Funding Program: (Check One)

- | | | |
|---|--|--|
| <i>Regional Public Transit Program</i> | <i>Local Transportation Program</i> | <i>Alternative Transportation Program</i> |
| <input type="checkbox"/> Fresno Area Express | <input type="checkbox"/> Street Maintenance | <input type="checkbox"/> Rail Consolidation Subprogram |
| <input type="checkbox"/> Clovis Transit | <input type="checkbox"/> ADA Compliance | <i>Environmental Enhancement Program</i> |
| <input type="checkbox"/> FCRTA | <input checked="" type="checkbox"/> Flexible Funding | <input type="checkbox"/> School Bus Replacement |
| <input type="checkbox"/> PTIS/Transit Consolidation | <input type="checkbox"/> Pedestrian/Trails Urban | <input type="checkbox"/> Transit Oriented Infrastructure for |
| <input type="checkbox"/> ADA/Seniors/Paratransit | <input type="checkbox"/> Pedestrian/Trails Rural | In-Fill |
| <input type="checkbox"/> Farmworker Van Pools | <input type="checkbox"/> Bicycle Facilities | <i>Administrative/Planning Program</i> |
| <input type="checkbox"/> Car/Van Pools | <i>Regional Transportation Program</i> | <input type="checkbox"/> Fresno COG |
| <input type="checkbox"/> New Technology Reserve | <input type="checkbox"/> Fresno Airports | |

2. The **City of Fowler** ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2019-2020 setting 1.12% of \$12,366,701 (or \$138,840) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:

- (a) Monthly payments consistent with adopted percentage, based on actual receipts
- (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Implementation Plan Provisions

4. On behalf of claimant, I hereby certify as follows:

- (a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
- (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
- (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Finance Director

Date: 7/8/19

ATTACHMENT: Evidence of Formal Action for Approval and Submittal
Approved by: Fresno County Transportation Authority Board on: _____

**BEFORE THE
FRESNO COUNTY TRANSPORTATION AUTHORITY BOARD
RESOLUTION NO 2019-01**

In the Matter of:)	
FRESNO COUNTY TRANSPORTATION)	RETAIL TRANSACTIONS AND USE
IMPROVEMENT ACT)	TAX FUNDS FOR EXTENSION
CALIFORNIA PUBLIC UTILITIES)	LOCAL TRANSPORTATION
<u>CODE SECTION 142257</u>)	PURPOSES PASS-THROUGH
)	PROJECTS AND PROGRAMS FOR
)	<u>FY 2019-20</u>

WHEREAS, the Fresno County Transportation Authority is the administrator of the Retail Transactions and Use Tax (1/2 cent) Funds collected pursuant to the Fresno County Transportation Improvement Act as provided by Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Public Utilities Code Sections 142000, et seq.,

WHEREAS, California Public Utilities Code Section 142257 provides that the 2006 Measure C Extension Expenditure Plan, which was approved prior to and provided the basis for the ballot measure considered by the voters at the November 7, 2006 election, shall specify the amount and the formula by which the retail transactions and use tax shall be allocated to each participating jurisdiction for Measure C Extension Program and Project Funds Local Transportation Purposes determined to be priority projects by local governments to which funds are allocated, and

WHEREAS, the 2006 Measure C Extension Expenditure Plan creates a number of transportation programs to be funded by participating jurisdictions with Measure C funds passed-through from the Authority to the jurisdiction submitting eligible project claims, and

WHEREAS, these various programs have differing requirements, exemptions, and formulas for calculating pass-through funding levels, and

WHEREAS, the programs and subprograms identified below are eligible for pass-through funding,

Regional Public Transit Program

Public Transit Agencies
Public Transportation Infrastructure Study (PTIS)
ADA/Seniors/Paratransit
Ag-worker/Car/Van Pools

Local Transportation Program

Local Allocation
Pedestrian/Trails
Bicycle Facilities

Regional Transportation Program
Fresno Airports

Administration/Planning Program
Council of Fresno County Governments

and

WHEREAS, the program requirements and exemptions for these programs may change from time to time as local jurisdiction population changes or mandated programs are satisfied, and

WHEREAS, in an effort to fully explain the various program provisions, the Authority, together with the Council of Fresno County Governments, created and will update as needed the Measure C Extension Strategic Implementation Plan which among other things discusses each pass-through program in detail and provides the basis for calculating pass-through funding levels for each program in the 2019-20 fiscal year, and

WHEREAS, the Authority procedures for administration of funds for local transportation purposes as identified in the Measure C Extension Administrative Code calls for an annual Resolution of Apportionment to determine the percentage and amount of funds to be available within the forthcoming fiscal year, and

WHEREAS, the attached schedule of apportionment for FY 2019-20 is based upon the Measure C Extension Strategic Implementation Plan.

NOW THEREFORE, BE IT RESOLVED, that the Fresno County Transportation Authority hereby approves the attached schedule of apportionment for FY 2019-20 as indicated in the Measure C Extension Strategic Implementation Plan, which schedule is hereby made a part of this resolution, and approves the allocations, to be distributed as they are received and in accordance with claims submitted by eligible claimants.

BE IT FURTHER RESOLVED, that the Fresno County Auditor-Controller/Treasurer-Tax Collector cause the revised Resolution of Apportionment to be paid in the manner and time directed by the Executive Director of the Fresno County Transportation Authority.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Transportation Authority Board this 12th day of June, 2019.

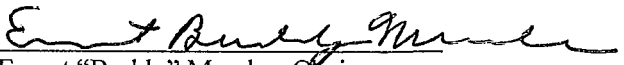
AYES: (6) Mendes, Ashbeck, Cardenas, Dhaliwal, Quintero, Sihota

NOES: ()

ABSTAIN: ()

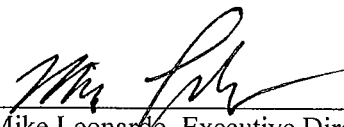
ABSENT: (1) Brand

VACANT: (2) Urban Public Member-at-Large, City of Fresno Representative

SIGNED: 
Ernest "Buddy" Mendes, Chairman
Fresno County Transportation Authority

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Fresno County Transportation Authority duly adopted at a regular meeting thereof held on June 12, 2019.

SIGNED: 
Mike Leonardo, Executive Director
Fresno County Transportation Authority

/dd/reso/PassThru-Allocation-2019-01

Table 1
Measure "C" Sales Tax Revenue
2019/20
Approved by the FCTA Board 06/12/19

Sales Tax Estimate	\$82,230,980
Program Services and Supplies	\$771,262
Net Distributed Sales Tax Estimate	\$81,459,718

Funding Allocation Programs	Percent	Allocation
Regional Public Transit Program		
Public Transit Agencies		
Fresno Area Express (FAX)	13.70%	11,159,981
Clovis Transit	1.97%	1,604,756
Fresno County Rural Transit Agency (FCRTA)	3.99%	3,250,243
Public Transportation Infrastructure Study (PTIS)	0.29%	236,233
ADA / Seniors / Paratransit	0.79%	643,532
Farmworker / Car / Van Pools		
Farmworker Van Pools	0.58%	472,466
Car/Van Pools	0.58%	472,466
New Technology Reserve	2.10%	1,710,654
Local Transportation Program		
Local Allocation	30.60%	24,926,674
Pedestrian/Trails		
Urban (Fresno/Clovis)	2.15%	1,751,383
Rural	0.95%	773,867
Bicycle Facilities	0.90%	733,137
Regional Transportation Program		
Urban	14.70%	11,974,579
Rural	14.70%	11,974,579
Airports	1.00%	814,598
Alternative Transportation Program		
Rail Consolidation	6.00%	4,887,583
Environmental Enhancement		
School Bus Replacement	2.30%	1,873,574
Transit Oriented Infrastructure for In-Fill	1.20%	977,517
Administration/Planning Program		
Fresno County Transportation Authority (FCTA)	1.00%	814,597
Fresno Council of Governments (FCOG)	0.50%	407,299
Total	100.00%	81,459,718

Table 2
FRESNO COUNTY TRANSPORTATION AUTHORITY
MEASURE "C" FUND APPORTIONMENT
Local Allocation Sub Program
FY2019/20
6/12/2019 Approved by the FCTA Board

	Street Maintenance	ADA Compliance	Flexible Funding	Ped/Trails Urban	Ped/Trails Rural	Bicycle Facilities	Total
Clovis	1,222,676	42,794	1,179,882	293,239	0	73,712	2,812,302
Coalinga	227,444	7,961	273,275	0	0	0	508,680
Firebaugh	129,588	4,536	149,756	0	0	0	283,879
Fowler	122,568	4,290	138,840	0	0	0	265,698
Fresno	5,383,714	188,430	5,195,284	1,345,064	0	335,268	12,447,760
Huron	118,607	4,151	136,473	0	0	0	259,231
Kerman	205,209	7,182	245,321	0	0	0	457,711
Kingsburg	188,498	6,597	220,628	0	0	0	415,722
Mendota	166,208	5,817	197,530	0	0	0	369,554
Orange Cove	151,358	5,298	176,596	0	0	0	333,251
Parlier	202,025	7,071	243,638	0	0	0	452,734
Reedley	319,324	11,176	308,148	0	64,601	16,929	720,178
San Joaquin	92,532	0	105,419	0	0	0	197,951
Sanger	326,751	11,436	315,315	0	65,638	17,396	736,535
Selma	302,745	10,596	292,149	0	60,674	15,887	682,051
County of Fresno	3,304,094	115,643	3,188,451	113,080	316,010	204,547	7,241,824
TOTAL	12,463,337	432,978	12,366,701	1,751,383	506,923	663,739	28,185,061

