

**FOWLER CITY COUNCIL MEETING
AGENDA
AUGUST 18, 2020
7:00 P.M.
CITY COUNCIL CHAMBER
128 S. 5TH STREET
FOWLER, CA 93625**

This meeting will be conducted pursuant to the provisions of Paragraph 11 of the Governor's Executive Order N-25-20 which suspends certain requirements of the Ralph M. Brown Act, and as a response to mitigating the spread of COVID-19, the meeting will not be open to the public. The telephone number listed below will provide access to the City Council meeting via teleconference.

Please note: when joining the meeting you will be asked your name which will be used to identify you during any public comment period.

**Telephone Number: 978-990-5175
Meeting ID: 494026#**

It is requested that any member of the public attending while on the teleconference to have his/her/their phone set on "mute" to eliminate background noise or other interference from telephonic participation.

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

1. Meeting called to order
2. Roll call
3. 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.

4. Communications
5. Staff Reports
 - A) City Engineer's Report
 - 1) Discussion – Utility Undergrounding Policy
 - 2) Discussion – Truck Routes Within the City
 - B) Consideration of Items Pertaining to Permitting Temporary Outdoor Business Operations for Restaurants, Retail, and Service – Oriented Businesses
 - 1) Adopt Resolution No. 2474, "A Resolution of the City Council of the City of Fowler Approving a Temporary Use Permit to Assist Restaurants, Retail Businesses, and Service Businesses in the City to Conduct Outdoor Business Operations and Services in Public and Private Common Areas Under Specific Circumstances"
 - 2) Adopt Resolution No. 2475, "A Resolution of The City Council of The City of Fowler Establishing a Temporary Outdoor Business Operations Assistance Program for Restaurants, Retail Businesses, and Service Businesses in the City"
 - C) City Manager's Report
 - ◆ COVID-19 Update and Discussion
 - D) Second Reading of Ordinance No. 2020-04, "An Ordinance of the City Council of the City of Fowler Adding Chapter 24 to Title 5 of the Fowler Municipal Code Prohibiting Smoking in City Facilities and Vehicles, Amending Sections 10-1.02 and 10-1.05 of the Municipal Code Prohibiting Smoking in City Parks, and Amending Certain Definitions in Section 5-20.03 of the Municipal Code Pertaining to the Tobacco Retailers' Regulations"
 - E) Public Works Director's Report
 - F) Finance Department Report
 - G) Police Department Report
 - H) Fire Department Report
6. City Attorney's Report

7. 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 – August 18, 2020

B) Approve Minutes of the City Council Meeting – July 21, 2020 and City Council Meeting – August 4, 2020

C) Consider and Approve Agreement Between the City of Fowler and the Fowler Chamber of Commerce – Fiscal Year 2020-2021, and Authorize City Manager to Sign the Agreement

8. Committee Reports (No action except where a specific report is on the agenda)

Mayor Cardenas
Mayor Pro Tem Hammer
Councilmember Kazarian
Councilmember Parra
Councilmember Rodriguez

9. Closed Session:

♦ Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators: Property: 127 S. 6th Street. Agency Negotiators: City Manager. Negotiating Party: Richard and Lucinda Wadda. Under Negotiation: Price and terms.

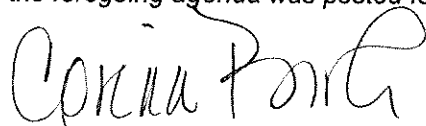
♦ Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators: Property: 127 S. 6th Street. Agency Negotiators: City Manager. Negotiating Party: Abdallah Qawadri. Under Negotiation: Price and terms.

10. Adjournment

Next Ordinance No. 2020-05

Next Resolution No. 2476

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, August 14, 2020.



Corina Burrola
Deputy City Clerk

STAFF REPORT

TO: MAYOR & CITY COUNCIL
FROM: DAVID PETERS, CITY ENGINEER
SUBJECT: DRAFT UTILITY UNDERGROUNDING POLICY
DATE: AUGUST 13, 2020
CC: JEANNIE DAVIS, CITY MANAGER

REQUESTED ACTION:

Consider and provide staff direction regarding proposed draft utility undergrounding policy.

DISCUSSION / RECOMMENDATION:

Development projects approved in the City of Fowler frequently issue "Conditions of Approval" (Conditions) as part of the entitlements on various projects. Frequently, those Conditions require the developer/applicant to adjust, modify, relocate or install new private electric and telecommunication utilities adjacent to proposed projects. In order to document the City's long practiced policies regarding undergrounding and provide guidance for future projects, the City has developed a Draft Undergrounding Policy for consideration by the City Council. The policy sets forth requirements for placing existing and proposed private utilities underground and generally scales the requirements to the size and nature of the development.

Staff requests that the City Council provide staff direction regarding the proposed policy as follows:

1. Provide direction regarding any necessary amendments to the policy and request the policy be brought back before the Council for reconsideration.
2. Provide direction regarding any necessary amendments to the policy and direct the City Attorney to codify the policy in the Municipal Code for approval by the City Council.

Attachments: Draft Undergrounding Policy

CITY OF FOWLER
UTILITY UNDERGROUNDING POLICY

Undergrounding Policy

It is the policy of the City of Fowler to require the underground installation of all new electrical and communication facilities, with certain exceptions noted in this chapter. Additionally, the City may require the undergrounding of existing electrical and communication facilities located adjacent to and across the frontage of new developments. The city council finds that the convenience, health, safety, and general welfare of the residents of the community require that all new facilities specified in this chapter be installed underground.

Undergrounding Purpose

The purpose of utility conversion policy is to establish minimum requirements and procedures for the underground installation and relocation of electric and communication facilities within the city.

Undergrounding Scope

This chapter shall apply to electrical and communication systems, including but not limited to electric power, telephone, telecommunication, and cable television facilities within the corporate city limits.

Facilities Excepted

The following facilities are excepted from the undergrounding requirements of this chapter:

- a) Electric utility substations, and switching facilities not located on the public right-of-way where site screening will be provided.
- b) Electric transmission systems of a voltage of 115 kV or more (including poles and wires) and equivalent communication facilities.
- c) Telephone pedestals, cross connect terminals, repeaters, cable warning signs, and other equivalent communication facilities.
- d) Municipal equipment, including but not limited to traffic control equipment and police and fire vehicle detections systems.
- e) Temporary services for construction.
- f) Replacement of existing overhead facilities due to damage by natural or manmade causes.

The Public Works Director shall decide if a facility qualifies for an exception. The decision is determinative and final.

Undergrounding Cost

The cost of constructing new facilities underground or relocating existing aerial facilities underground shall be borne by the serving utilities, the owners of the real property to be served. The cost of constructing new facilities underground or relocating existing aerial facilities underground to be borne by the serving utilities or the owners to be served shall include the cost of acquisition of private property for such construction or relocation necessitated by a city construction project.

Permits and Fees

Unless as otherwise provided in any existing franchise agreement, an encroachment permit for underground construction shall be obtained prior to construction of facilities in the public right-of-way.

Undergrounding Requirements

New Facilities:

- a) Electrical or communication service to a **new commercial building** shall be constructed underground including undergrounding of overhead utility lines across the frontage of the subject property.
- b) Electrical or communication service to an **existing commercial building** shall be constructed underground from the point of connection.
- c) Electrical or communication service to a **new residential building exceeding two units** shall be constructed underground including undergrounding of overhead utility lines across the frontage of the subject property.
- d) Electrical or communication service to **residential building having two units or fewer and accessory dwelling units** shall be constructed underground where existing surrounding services are underground.
- e) Electrical or communication service to **residential building having two units or fewer and accessory dwelling units** may be constructed aurally where existing surrounding services are aerial.

Rebuilds, Replacements and Additions.

- a) Existing electrical or communication service to a **rebuild residential building of two units or fewer** where overhead service previously existed may remain overhead.
- b) Electrical or communication service **to rebuilds or additions exceeding 50% of the original building area of existing commercial or residential facilities in excess**

of two units shall be constructed underground including overhead utility transmission across the frontage of the subject property.

- c) Electrical or communication service to **rebuilt or additions of existing residential or commercial facilities not exceeding 50% of the original building area** may be maintained overhead where existing surrounding services are aerial. If a new service is required it must be placed underground from the point of connection.
- d) A minor rebuild, replacement or relocation of existing aerial facilities that does not alter the essential system configuration may be constructed aurally.
- e) When there is casualty damage to an overhead service system or other major service outage, the facilities may be restored aurally.
- f) Installation of additional conductors to provide one three-phase circuit is allowed on existing aerial facilities.
- g) Re-conductoring for routine maintenance that does not constitute a major rebuild is allowed on existing aerial facilities. Routine maintenance is also allowed on existing facilities for pole replacements and replacement of miscellaneous hardware.
- h) No work permitted by this subsection shall result in an increase in the number of utility poles, except an additional pole may be installed if an existing pole that is suitable as a termination for underground installation from an overhead system that is intended to remain is not available within 300 feet of the closest property line of the development site.

Street Lighting

Street lighting facilities or systems, conforming to the city public works department standards in effect, shall be installed as an integral part of all underground projects constructed after the effective date of the ordinance from which this section was derived.

Residential Tract Transformers

Electrical transformers within residential tracts approved by the City shall be placed underground.

Site Screening

Where a permit for the underground project is required by this chapter, plans for all above-ground facilities shall be submitted to the City for approval of site screening and setbacks, prior to issuance of an encroachment permit.

As-Built Drawings

A drawing of a completed underground project in a form acceptable to the City and conforming to generally accepted engineering practices shall be submitted the Public Works Department within 30 days of the completion of any underground project within the City.

Joint Trenches

Where several utilities are planned or required in the same corridor, every effort shall be made by the utilities to use joint trenches for such facilities.

Director Review

The Public Works Director has authority to review and make minor exceptions to the policies herein if it is determined there is an undue hardship or extenuating circumstances substantiating such action.

DRAFT

STAFF REPORT

TO: MAYOR & CITY COUNCIL
FROM: DAVID PETERS, CITY ENGINEER
SUBJECT: CITY TRUCK ROUTES
DATE: AUGUST 13, 2020
CC: JEANNIE DAVIS, CITY MANAGER

REQUESTED ACTION:

Consider and provide staff direction regarding potential adjustment of truck route designations.

DISCUSSION / RECOMMENDATION:

Local agencies have the authority to designate certain streets within their community as truck routes. The purpose of the truck routes is to minimize widespread deterioration of the local road system as a result of heavy truck traffic and to minimize traffic hazards and nuisance factors on streets adjacent to schools, residential parcels, parks and other areas not particularly compatible with heavy truck traffic. Trucks traveling through the local jurisdiction (city) are required to stay on the truck route unless it is necessary to travel on a non-designated local street for purposes of making deliveries. The Fowler Municipal Code designates twenty three (23) truck routes within the city limits as follows:

1. Adams Avenue
2. Armstrong Avenue
3. Fifth Street from its intersection with Vine Street to its intersection with Harris Avenue
4. Fowler Avenue
5. Freeway 99
6. Golden State Boulevard
7. Seventh Street from its intersection with Adams Avenue to its intersection with Peach Street
8. Stockton Street from its intersection with Adams Avenue to its intersection with Seventh Street
9. Vine Street from its intersection with Golden State Boulevard to Fifth Street

10. Eighth Street from its intersection with Golden State Boulevard at the north end to its intersection with South Avenue
11. Merced Street from its intersection with Sumner Avenue to its intersection with Golden State Boulevard
12. South Avenue
13. Harris Avenue from its intersection with Fifth Street to its intersection with South Avenue
14. Temperance Avenue
15. Parlier Avenue from Freeway 99 to its intersection with Temperance Avenue
16. Sumner Avenue from the intersection of Merced Street to the west City limits
17. Peach Street between Freeway 99 and Eighth Street
18. Tenth Street from the intersection with Fresno Street south to the intersection of Tuolumne Street to the north
19. Tuolumne Street from Freeway 99 to Eighth Street
20. West Fresno Street from Freeway 99 to Eighth Street
21. Manning Avenue through the City limits;(v)San Antonio Drive from Golden State Boulevard to Vineyard Place
22. Vineyard Place from Manning Avenue to San Antonio Drive
23. Mariposa Street from Seventh Street to Eighth Street.

Significant changes have occurred in the City since these truck routes were originally established. These changes merit re-evaluation of the truck routes to determine the appropriateness of the truck route designation. Staff has reviewed the exiting truck routes and made preliminary findings for each route. Criteria used in the evaluation were as follows:

- Condition and maintenance requirements of routes
- Compatibility with adjacent land uses
- Need for maintaining the route
- Safety

State Highway 99 is controlled by the State of California and should not require truck route designation in the Municipal Code.

Golden State Boulevard and Manning Avenue are located in mainly industrial and commercial areas where trucks are more compatible with the adjacent land uses. Along both of these corridors, truck traffic has not had an impact on the community. The amount of truck traffic is appropriate and has not created undue maintenance issues. Both routes are considered by staff to be important for moving trucks through the community. No safety issues were identified on either of these routes and it is recommended that these facilities remain a truck route.

Adams Avenue is the main east-west arterial in the north part of Fowler. The corridor is mainly residential and institutional (park and school). In order to maintain east-west connectivity in the north side of Fowler it is recommended that this corridor remain a truck route.

Temperance Avenue is an important arterial on the east side of Fowler. The corridor is mainly residential and industrial. In order to maintain north-south connectivity on the east side of Fowler it is recommended that this corridor remain a truck route.

Merced Street extends from State Route 99 to Adams Avenue. It is now designated as a truck route, however, it bisects downtown. Trucks along this corridor are not compatible with the uses along this corridor, particularly between Golden State Boulevard and Adams Avenue. Although the truck route could be maintained between State Route 99 and Golden State Boulevard, it would not provide an undue burden for trucks traveling to these two north-south arterials to do so at Adams Avenue and Manning Avenue. Removing the trucks along Merced Avenue will relieve congestion and enhance safety along this corridor.

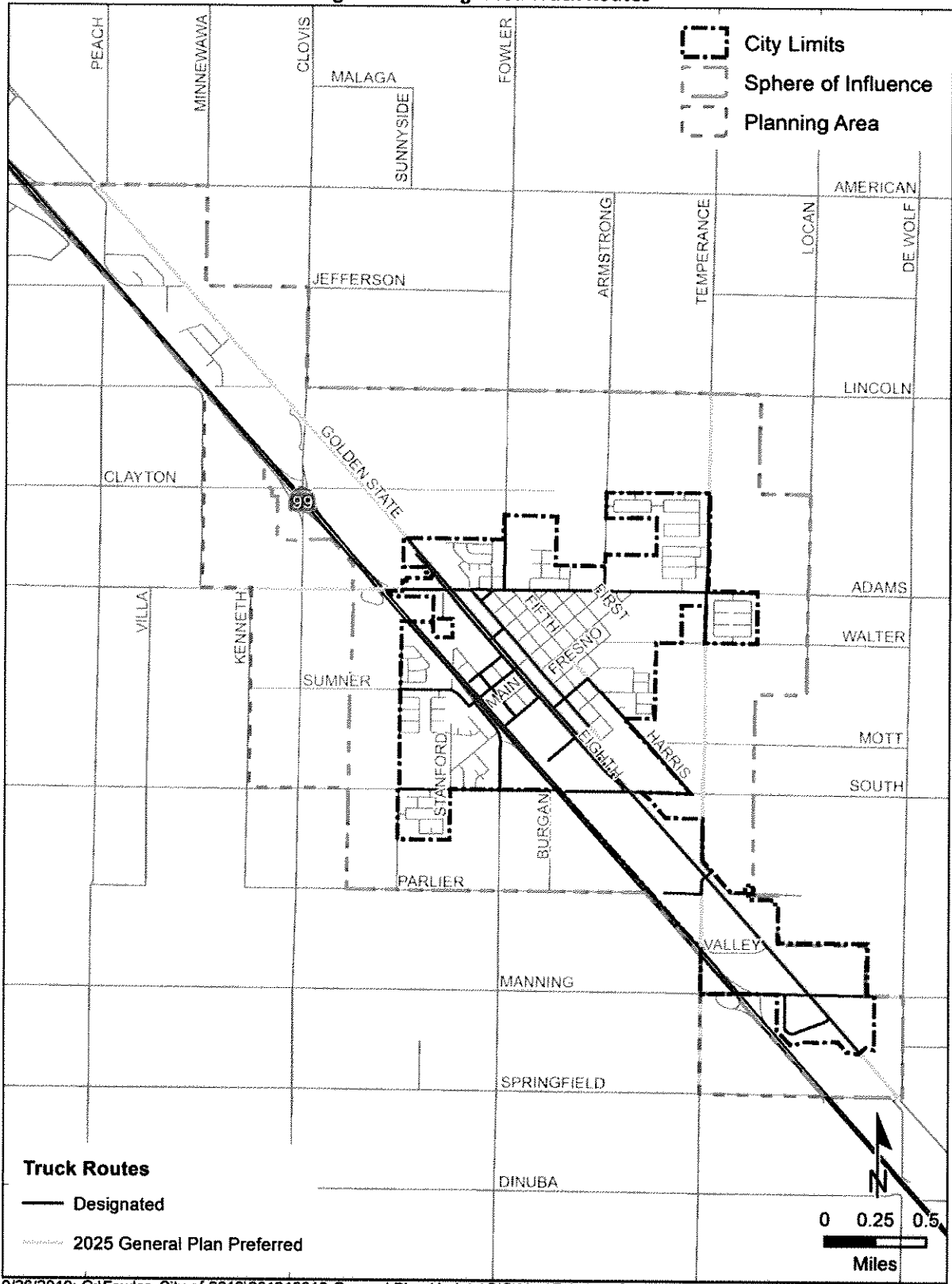
The remaining streets currently designated as truck routes in the Municipal Code serve as local connectors from the four truck routes to remain and various truck destinations. Since it is legal in the Vehicle Code for trucks to travel along these connector routes for purpose of accessing destinations within the City, it is not necessary to designate these connectors as truck routes and therefore it is recommended the truck route designation be removed from these streets.

In summary it is proposed to remove truck route designations from all streets except Adams Avenue, Temperance Avenue, Golden State Boulevard, and Manning Avenue.

Staff is seeking Council direction regarding the proposed change.

Attachments: Truck Routes Exhibit

Figure 3-7: Designated Truck Routes



9/26/2019: G:\Fowler_City of 2619\261918018-General Plan Update\GIS\Map\Existing_Cond\TruckRoutes.mxd

RESOLUTION NO. 2474

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
APPROVING A TEMPORARY USE PERMIT TO ASSIST RESTAURANTS, RETAIL
BUSINESSES, AND SERVICE BUSINESSES IN THE CITY TO CONDUCT OUTDOOR
BUSINESS OPERATIONS AND SERVICES IN PUBLIC AND PRIVATE COMMON
AREAS UNDER SPECIFIED CIRCUMSTANCES**

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19; and,

WHEREAS, there exists a local emergency in the City of Fowler pursuant to Resolution 2461, approved by the City Council on March 17, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and,

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order ("Stay at Home Order") to address the spread of COVID-19, allowing only essential businesses to remain open; and,

WHEREAS, the City is operating under the Governor's Stay at Home Order as supplemented by Fresno County; and,

WHEREAS, the Governor and Fresno County have begun the process for allowing restaurants, retail establishments, and other businesses to reopen in the County; and,

WHEREAS, the City has determined that there is a need, when feasible and safe, to assist local businesses most severely impacted by the restrictions on reopening; and,

WHEREAS, under the most recent State and County orders, many businesses that were allowed to open in accordance with State and County guidance that required physical separation (social distancing) and other actions, are now required to cease indoor operations for customers or conduct indoor operations with severe occupancy and other restrictions that limit the number of customers and will result in substantial hardship to the impacted businesses; and

WHEREAS, restaurants, retail establishments, barber shops, hair salons, and other local service businesses that are prohibited from fully operating and serving customers indoors (hereinafter collectively referred to as "Business Establishments" and individually as a "Business Establishment") play a vital role in the City of Fowler. They not only provide important tax revenue, but jobs and income to employees and owners; and

WHEREAS, the list of Business Establishments currently prohibited from fully operating and serving customers indoors may be expanded at any time and this Resolution is intended to cover those Business Establishments as well; and

WHEREAS, Business Establishments will be challenged to remain profitable by partially operating with only delivery service, take-out, an on-line presence, store pickup, or limited indoor operations, and many may fail, and therefore it is in the City's best interest to assist Business Establishments in expanding capacity where feasible and safe so as to lessen the chance of a Business Establishment failing; and

WHEREAS, one way the City can assist Business Establishments is to temporarily make available the option of expanding capacity by using outdoor public and private areas for their operation and services, and to otherwise temporarily allow Business Establishments to operate in public and private common areas; and

WHEREAS, with the adoption of Resolution No. 2470 on June 16, 2020, the City Council previously approved Temporary Use Permit No. 20-01 to allow businesses to establish outdoor seating areas on public sidewalks and in alleys adjacent to the business in the Form-Based Code Zone District, under specified circumstances; and

WHEREAS, this Resolution is intended to supplement and amend Resolution No. 2470, by expanding Temporary Use Permit No. 20-01 to include all Business Establishments, as defined above, in the City limits, and include business operations and services beyond restaurant and customer seating only, and include a portion of the street parking area of Merced Street as depicted in **Exhibit A** attached hereto; and

WHEREAS, the City Council of the City of Fowler has reviewed and considered this proposed supplement and amendment of Temporary Use Permit No. 20-01; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA"), the proposed Project is determined to be categorically exempt pursuant to Section 15304(e) of CEQA as it is determined that the Temporary Use Permit will have a negligible, non-permanent effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOWLER ("APPLICANT") RESOLVES AS FOLLOWS:

1. Notwithstanding anything to the contrary in the City's zoning ordinances, municipal code, approved land use entitlements, or site plan review approvals, all Business Establishments, as defined above, within the City limits are eligible, during the City's declared local emergency, to apply for a temporary permit issued by the City to allow the Business Establishment to use public and private common areas for business operations and services as follows.

- (a) Public common areas include sidewalks, alleys, a portion of the street parking area of Merced Street as depicted in **Exhibit A** attached hereto, and other public space that might be conducive to outdoor Business Establishment operations and services, as approved.
- (b) Private common areas include sidewalks, parking lots, and other private space, generally within a private site or shopping center, that might be conducive to outdoor Business Establishment operations and services, as approved.

2. Eligible public and private common areas for outdoor Business Establishment operations and services shall be known as the “Expansion Area”. If the Expansion Area is approved, the approval shall be considered a temporary permit to operate Business Establishment operations and services in the Expansion Area, including, but not limited to, outdoor seating for restaurants, retail display, and services. A business owner wishing to apply for a temporary permit shall meet the minimum requirements set forth in Section 6 below. The approval of a temporary permit shall not be deemed to convey a property or vested right to operate contrary to City codes, standards, and permit requirements.

3. Temporary permits shall be approved in the discretion of, and may be revoked by the City’s Public Works Director (“Director”) in accordance with the criteria and procedures set forth in Section 6 below. The Director may impose any conditions deemed reasonably necessary to ensure the safe and lawful operation of outdoor Business Establishment operations and services in the Expansion Area. All temporary permits shall automatically expire upon the lifting or expiration of the City’s declared local emergency or March 1, 2021, whichever is later, unless Temporary Use Permit No. 20-01 is earlier terminated by the City Council.

4. The denial or revocation of a temporary permit may be appealed to the City Manager, where the decision shall be final. Any appeal to the City Manager shall be an informal proceeding without the technical rules of evidence.

5. The City Manager is directed to develop supplemental guidelines for implementation of this program consistent with Section 6, which may be amended as determined by the City Manager.

6. The following requirements and procedures shall apply for any Business Establishment wishing to obtain a temporary permit to conduct outdoor business operations and services:

(a) The business owner shall complete temporary permit application on a form prescribed by the Director. No fee will be required for the application. The applicant is encouraged to consult with the Director prior to completing the application. The application shall include the following:

i. For private shopping centers, a letter of consent, or other evidence satisfactory to the Director, that the shopping center owner has consented to use of the Expansion Area for outdoor Business Establishment operations and services.

ii. A diagram showing the proposed foot print of the Expansion Area. The diagram shall include the proposed location of tables and chairs, furniture, other Business Establishment features or equipment needed to perform services, fencing (ornamental or safety), umbrellas (or other shade structures), misters, fans, heaters,

ground cover (if desired), retail displays, entry and exiting, and Americans with Disabilities Act (“ADA”) paths of travel.

iii. Where parking spaces in a private parking area are proposed to be used, a parking plan showing where employees and customers will park and how impacts to other businesses, if any, will be addressed.

iv. Where public parking lots or public streets are proposed to be used, a safety and traffic control plan showing how employees and customers will be protected from vehicle traffic, including the use of barricades.

v. Any other matter determined necessary by the Director to make a decision.

(b) The Expansion Area shall be limited to areas adjacent to the existing Business Establishment applicant, except as otherwise approved by the Director or City Manager, and in no event shall allow building occupancy, with the implementation of required social distancing measures, to exceed 100% of normal capacity. No entertainment shall be provided in the Expansion Area.

(c) If a restaurant intends to serve alcohol in the Expansion Area, the restaurant owner shall obtain all required Alcoholic Beverage Control approvals.

(d) All structures, entry(ies) and exit(s), paths of travel, source of electrical power, and safety features in the Expansion Area shall be approved by City’s Building, Fire, and Public Works Departments.

(e) The Business Establishment shall comply with applicable public health guidelines, including COVID-19 guidelines in performing business operations and services in the Expansion Area.

(f) The business owner, manager, and any other responsible person, shall keep the Expansion Area free of litter and debris. In addition, the business owner shall be responsible for regularly removing any trash generated by the business within the Expansion Area and immediately surrounding area.

(g) The City shall have the right to immediately suspend outdoor business operations and services operating in the Expansion Area under a temporary permit at any time because of anticipated or actual problems or conflicts with ADA paths of travel or to protect the safety of employees and customers. The City shall attempt to work with the impacted Business Establishment to try to resolve any problems or conflicts.

(h) Upon expiration or revocation of a temporary permit, the business owner shall remove all business owned property and restore the Expansion Area to its prior condition, satisfactory to the City.

(i) The City shall not be responsible for any liability or damages associated with issuance or revocation of a temporary permit, or with the immediate suspension of outdoor business operations and services as provided for under this Resolution, and the business, its owners, affiliates, successors, and assigns, in accepting a temporary permit agree to release, hold harmless, and defend the City from any such liability.

(j) No fee shall be collected for processing or issuing a temporary permit subject to these provisions.

The foregoing resolution of the City of Fowler was duly and regularly adopted by the City Council of the City of Fowler at a meeting held on August 18, 2020, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

RESOLUTION NO. 2475**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
ESTABLISHING A TEMPORARY OUTDOOR BUSINESS OPERATIONS
ASSISTANCE PROGRAM FOR RESTAURANTS, RETAIL BUSINESSES, AND
SERVICE BUSINESSES IN THE CITY**

WHEREAS, there exists a local emergency in the City of Fowler pursuant to Resolution 2461, approved by the City Council on March 17, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and,

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order ("Stay at Home Order") to address the spread of COVID-19, allowing only essential businesses to remain open; and,

WHEREAS, the City is operating under the Governor's Stay at Home Order as supplemented by Fresno County; and,

WHEREAS, the Governor and Fresno County have begun the process for allowing restaurants, retail establishments, and other businesses to reopen in the County; and,

WHEREAS, under the most recent State and County orders, many businesses that were allowed to open in accordance with State and County guidance that required physical separation (social distancing) and other actions, are now required to cease indoor operations for customers or conduct indoor operations with severe occupancy and other restrictions that limit the number of customers and will result in substantial hardship to the impacted businesses; and

WHEREAS, recognizing the limitations on indoor operations faced by some businesses, the City Council approved Resolution No. 2470 on June 16, 2020, approving a temporary permit program for businesses operating in the Form-Based Code Zone District to seek a temporary permit to operate outdoor seating on sidewalks and in alleys; and

WHEREAS, recognizing there was a need for further assistance in that restaurants, retail establishments, barber shops, hair salons, and other local service businesses that are prohibited from fully operating and serving customers indoors (hereinafter collectively referred to as "Business Establishments" and individually as a "Business Establishment"), the City Council approved Resolution No. 2474 on August 18, 2020, expanding upon the temporary permit program and authorizing Business Establishments located in the City to seek a temporary permit to conduct business operations and perform services outdoors, subject to certain requirements; and

WHEREAS, in connection with the temporary permit program, the City also desires to provide monetary assistance to Business Establishments that obtain a temporary permit and expend money on furniture, equipment and related items in order to locate seating or operate business activities and services outdoors.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOWLER
RESOLVES AS FOLLOWS:**

1. A temporary Outdoor Business Operations Assistance Program is hereby established using the provisions identified below, and shall remain in effect until September 15, 2020, unless modified or rescinded by subsequent resolution of the City Council.
2. This program shall be funded from a \$10,000 allocation from the City General Fund, and covered, to the greatest extent available, by the City's allocation of 2020 Coronavirus Relief funds.
3. Program funds will be distributed on a first come, first served basis until funding is exhausted or replenished with additional allocations approved by the City Council.
4. Only Business Establishments with active and valid business licenses with the City of Fowler are eligible for this program.
5. This program is available only to eligible Business Establishments who obtain a temporary permit from the City pursuant to either Resolution No. 2470 or Resolution No. 2474 and who expend money or incur expenses for the purchase of furniture, equipment and related items in order to locate seating or operate business activities and services outdoors.
6. The program shall be administered as a reimbursement program, and the eligible Business Establishment must submit proof that the eligible items were purchased between June 17, 2020 and September 15, 2020. For example, tables, chairs, umbrellas, misters, heaters, and similar items or equipment may be eligible. However, items or equipment purchased before June 17, 2020, are not eligible for reimbursement; and moving existing tables, chairs, and other items or equipment outdoors to operate or perform services outdoors will not be eligible for reimbursement.
7. The eligible Business Establishment will receive reimbursement from available program funds for eligible items purchased and used for outdoor seating or outdoor business operations and services. Reimbursement to a Business Establishment may not exceed Five Hundred Dollars (\$500.00).
8. The City Manager is authorized to implement this program and determine the eligibility of any Business Establishment, including promulgation of program rules not enumerated in this resolution.
9. All applications/requests for reimbursement must be received by the City no later than September 30, 2020 to be considered.
10. A report on program utilization, including number of requests received and processed and amount disbursed, will be provided to the City Council in October 2020.

The foregoing resolution of the City Council of the City of Fowler was duly and regularly introduced, passed and adopted at a regular meeting of the City Council on August 18, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

ORDINANCE NO. 2020-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER
ADDING CHAPTER 24 TO TITLE 5 OF THE FOWLER MUNICIPAL CODE
PROHIBITING SMOKING IN CITY FACILITIES AND VEHICLES, AMENDING
SECTIONS 10-1.02 AND 10-1.05 OF THE MUNICIPAL CODE PROHIBITING
SMOKING IN CITY PARKS, AND AMENDING CERTAIN DEFINITIONS IN
SECTION 5-20.03 OF THE MUNICIPAL CODE PERTAINING TO THE TOBACCO
RETAILERS' REGULATIONS**

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

SECTION 1. Chapter 24 of Title 5 is hereby added to the Fowler Municipal Code to read as follows:

Chapter 24

SMOKING PROHIBITION

- 5-24.01: Smoking Prohibited.
- 5-24.02: Definitions.
- 5-24.03: Penalties and Enforcement.
- 5-24.04: Severability.

5-24.01 – Smoking Prohibited.

Smoking is prohibited in the following areas:

- (a) In all City facilities and picnic shelter areas in any City park;
- (b) In all City owned or City operated parks, trails, recreation areas, walking paths, bike paths, playgrounds, aquatic and sports facilities, both enclosed and unenclosed; and
- (c) In all City owned or City operated vehicles.
- (d) The City Manager may implement administrative policies and/or practices consistent with the smoking prohibition provided in this chapter, including the posting of signs in the City and in City vehicles, and may restrict smoking in such other City owned or operated areas as may be deemed necessary.

5-24.02 – Definitions.

As used within this chapter, the following definitions apply:

“Enclosed Areas” means facilities designed with a solid roof and walls, closable windows and/or doors on all sides.

“City facilities” means buildings, parking lots, and any other areas or equipment which are owned, leased, or operated by the City.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, cannabis, or any plant or weed product, intended for human inhalation. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

“Vehicles” means motorized equipment powered either by any type of gasoline and a combustion engine, electricity, battery, or solar power, whether fully enclosed with a roof, doors, and fixed or movable windows, or fully or partially unenclosed and containing either no roof, no doors, or no windows, including but not limited to automobiles, trucks, tractors, motorcycles, riding mowers, golf carts, and similar motorized equipment.

5-24.03 – Penalties and Enforcement.

Fines may be assessed for violations of this chapter in accordance with section 1-8.08 of the Municipal Code, in addition to any other remedies available under the Municipal Code for infractions.

5-24.04 - Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter.

SECTION 2. Section 10-1.05 of Chapter 1 of Title 10 of the Fowler Municipal Code is hereby amended to read as follows:

10-1.02 – Definitions.

“Parks” include parks, playgrounds, open space, picnic shelter areas, recreation areas, trails, walking paths, bike paths, pool and sports facilities, any parking lots or parking areas associated with such areas, and other areas owned by, dedicated to, leased to, or operated or maintained by the City, and operated for recreational purposes.

10-1.05 – Rules and Regulations.

- (o) Alcoholic Beverages and Smoking. Alcoholic beverages are prohibited in City facilities and parks, except as otherwise provided in accordance with Section 10-1.03 of this chapter. Smoking, as defined in Section 5-24.02 of this Code, is prohibited in all City facilities and parks as provided in Section 5-24.01 of this Code.

SECTION 3. Section 5-20.3 of Chapter 20 of Title 5 of the Fowler Municipal Code is hereby amended to read as follows:

5-20.3 – Definitions.

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed or marketed for the smoking, preparation, storing, or consumption of tobacco products.

“Tobacco Product” means:

- (a) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, chewing tobacco, snuff; and
- (b) Any electronic smoking device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
- (c) But does not mean or include any drug, product, device, or combination thereof that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such approved purpose.

SECTION 4. 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 5. The City Clerk is hereby directed to cause a summary of this Ordinance to be published by one insertion in a newspaper of general circulation in the community at least five (5) days prior to adoption, and again fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the

proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

SECTION 6. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council held on August ___, 2020, and was adopted at a regular meeting of said Council held on August ___, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk

J:\WDOCS\00250\001\ORD\00779066.DOC

CITY OF FOWLER
WARRANTS LIST
August 18, 2020

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	36725-36754	July 31 thru Aug 14	\$ 103,687.34
UUT checks	5003	August 14, 2020	\$ 5,940.68
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 109,628.02</u>
<u>PAYROLL COSTS</u>			
First August Bi-Monthly Payroll		August 15, 2020	99,062.08
TOTAL PAYROLL COSTS			<u>\$ 99,062.08</u>
TOTAL CASH DISBURSEMENTS			<u>\$ 208,690.10</u>

NOTE:

Check #36731	Void check
Check #36743	Void check

ITEM

7A

SUPERION
DATE: 08/14/2020
TIME: 13:10:49

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 1
ACCTPA21

SELECTION CRITERIA: transact.check_no between '36725' and '36754'
ACCOUNTING PERIOD: 12/20

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	3.04
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	5.00
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	6.22
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	6.53
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	7.07
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	9.25
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	9.80
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	11.16
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	13.06
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	14.16
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	17.43
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	18.28
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	51.19
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	52.22
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	80.61
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	104.49
1001	36725	07/31/20	14245	FOWLER ACE HARDWARE	6200	5121	SUPPLIES	0.00	409.51
TOTAL CHECK									
1001	36726	07/31/20	14246	FOWLER ACE HARDWARE	6020	5121	SUPPLIES	0.00	1.39
1001	36726	07/31/20	14246	FOWLER ACE HARDWARE	6020	5121	SUPPLIES	0.00	10.89
1001	36726	07/31/20	14246	FOWLER ACE HARDWARE	6020	5121	SUPPLIES	0.00	32.66
1001	36726	07/31/20	14246	FOWLER ACE HARDWARE	6020	5121	SUPPLIES	0.00	44.94
TOTAL CHECK									
1001	36727	07/31/20	14247	FOWLER ACE HARDWARE	6130	5121	SUPPLIES	0.00	431.18
1001	36727	07/31/20	14247	FOWLER ACE HARDWARE	6130	5121	SUPPLIES	0.00	15.25
1001	36727	07/31/20	14247	FOWLER ACE HARDWARE	6130	5121	SUPPLIES	0.00	26.23
1001	36727	07/31/20	14247	FOWLER ACE HARDWARE	6130	5121	SUPPLIES	0.00	472.66
TOTAL CHECK									
1001	36728	07/31/20	14249	FOWLER ACE HARDWARE	6260	5121	SUPPLIES	0.00	1.95
1001	36728	07/31/20	14249	FOWLER ACE HARDWARE	6260	5121	SUPPLIES	0.00	3.97
1001	36728	07/31/20	14249	FOWLER ACE HARDWARE	6260	5121	SUPPLIES	0.00	8.66
1001	36728	07/31/20	14249	FOWLER ACE HARDWARE	6260	5121	SUPPLIES	0.00	14.58
TOTAL CHECK									
1001	36729	07/31/20	14252	FOWLER ACE HARDWARE	6700	5121	SUPPLIES	0.00	0.42
1001	36730	07/31/20	13543	UNIFIRST CORPORATIO	6700	5185	SUPPLIES	0.00	24.44
1001	36732	08/04/20	14322	DEVTKA INC DBA DENN	6700	5105	MEALS	0.00	152.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TTM 5952	0.00	309.80
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2082	MAXCO	0.00	311.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	1150	TCP	0.00	360.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	6150	5510	ENRCHMNT PERMIT	0.00	3,035.86
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2082	MAXCO	0.00	3,695.68
1001	36734	08/04/20	12060	PETERS ENGINEERING	6150	5510	SERVICES	0.00	4,652.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	6400	5710	PANZAK PARK	0.00	22,500.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	CUP 18-04	0.00	480.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	SPR 18-05	0.00	598.28
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2066	TRACT 6027	0.00	805.24
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TRACT 6274	0.00	806.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TRACT 6274	0.00	960.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TRACT 6259	0.00	982.52

SUPERION
DATE: 08/14/2020
TIME: 13:10:49

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 2
ACCTPA21

SELECTION CRITERIA: transact.check_no between '36725' and '36754'
ACCOUNTING PERIOD: 12/20

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TTM 6188	0.00	1,255.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TRACT 5834	0.00	1,265.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TRACT 5834	0.00	1,382.62
1001	36734	08/04/20	12060	PETERS ENGINEERING	6150	5510	SERVICES	0.00	1,500.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	100	2060	TRACT 6259	0.00	6,921.46
TOTAL CHECK								0.00	51,820.46
1001	36735	08/11/20	14306	ACCOUNTemps	6030	5220	SERVICES	0.00	1,599.60
1001	36736	08/11/20	11792	CA BUILDING STANDAR	6160	5220	DISABILITY FEE	0.00	855.00
1001	36737	08/11/20	12019	DIVISION OF THE STA	100	2059	DISABILITY FEE	0.00	10.80
1001	36737	08/11/20	12019	DIVISION OF THE STA	100	2059	DISABILITY FEE	0.00	197.20
TOTAL CHECK								0.00	208.00
1001	36738	08/11/20	10100	ECN POLYGRAPH & INV	6120	5220	BAXTER POLY	0.00	200.00
1001	36739	08/11/20	10306	FOWLER FLORAL SHOP,	6020	5121	REPLACE CHECK #3654	0.00	204.33
1001	36740	08/11/20	11507	LIEBERT CASSIDY WHI	6060	5620	CMRN PHILLIPS PRELI	0.00	2,385.00
1001	36741	08/11/20	11507	LIEBERT CASSIDY WHI	100	1605	ERC MEMBERSHIP	0.00	1,545.00
1001	36742	08/14/20	13914	CALIFORNIA TRENDZ	6130	5130	SUPPLIES	0.00	252.30
1001	36742	08/14/20	13914	CALIFORNIA TRENDZ	6130	5130	SUPPLIES	0.00	261.00
TOTAL CHECK								0.00	513.30
1001	36744	08/14/20	10087	DEPARTMENT OF TRANS	6200	5202	SIGNAL PERMIT	0.00	287.82
1001	36745	08/14/20	10488	FOWLER UNIFIED SCHO	6120	5210	FUEL	0.00	2,615.75
1001	36746	08/14/20	10122	FRESNO COUNTY FIRE	6130	5271	DISPATCH FEES	0.00	4,571.77
1001	36747	08/14/20	13127	HEALTHWISE SERVICES	6020	5220	SERVICES	0.00	1,346.00
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6200	5121	SUPPLIES	0.00	9.73
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6200	5121	SUPPLIES	0.00	18.39
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6200	5121	SUPPLIES	0.00	26.61
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6200	5121	SUPPLIES	0.00	51.68
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6020	5121	SUPPLIES	0.00	54.20
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6020	5121	SUPPLIES	0.00	56.34
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6200	5121	SUPPLIES	0.00	67.09
1001	36748	08/14/20	11018	HOME DEPOT CREDIT S	6200	5121	SUPPLIES	0.00	90.70
TOTAL CHECK								0.00	374.74
1001	36749	08/14/20	10169	JORGENSEN & CO	6700	5185	SUPPLIES	0.00	101.97
1001	36750	08/14/20	11495	MADERA UNIFORM & AC	6130	5130	SUPPLIES	0.00	76.17
1001	36751	08/14/20	13355	SITE ONE	6200	5202	SUPPLIES	0.00	40.62
1001	36752	08/14/20	14289	TIM'S HEATING & A/C	6700	5200	SERVICES	0.00	360.00

SUPERION
DATE: 08/14/2020
TIME: 13:10:49

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 3
ACCTPA21

SELECTION CRITERIA: transact.check_no between '36725' and '36754'
ACCOUNTING PERIOD: 12/20

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	36752	08/14/20	14289	TIM'S HEATING & A/C	6700	5200	SERVICES	0.00	375.00
TOTAL CHECK								0.00	735.00
1001	36753	08/14/20	13342	VALLEY PRINTING	6030	5121	SUPPLIES	0.00	241.74
1001	36754	08/14/20	10149	ICMA-RC 457 PLAN 3	100	2043	EMPLOYEE DEDUCTION	0.00	2,145.00
TOTAL CASH ACCOUNT								0.00	72,985.82
TOTAL FUND								0.00	72,985.82

SUPERION
DATE: 08/14/2020
TIME: 13:10:49

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 5
ACCTPA21

SELECTION CRITERIA: transact.check_no between '36725' and '36754'
ACCOUNTING PERIOD: 12/20

FUND - 211 - STREET PROJECTS

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	36734	08/04/20	12060	PETERS ENGINEERING	211	5710	ADAMS AVE	0.00	6,513.30
1001	36734	08/04/20	12060	PETERS ENGINEERING	211	5710	MAIN ST 37RD TO 7TH	0.00	450.00
1001	36734	08/04/20	12060	PETERS ENGINEERING	211	5710	S TEMP & WALTER	0.00	12,000.00
TOTAL CHECK								0.00	18,963.30
TOTAL CASH ACCOUNT								0.00	18,963.30
TOTAL FUND								0.00	18,963.30

SUPERION
DATE: 08/14/2020
TIME: 13:10:49

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 6
ACCTPA21

SELECTION CRITERIA: transact.check_no between '36725' and '36754'
ACCOUNTING PERIOD: 12/20

FUND - 230 - MEASURE C

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	36734	08/04/20	12060	PETERS ENGINEERING	2300	5710	G/S CORRIDOR	0.00	2,725.00
TOTAL CASH ACCOUNT									2,725.00
TOTAL FUND									2,725.00

SUPERION
DATE: 08/14/2020
TIME: 13:10:49

CITY OF FOWLER
CHECK REGISTER - BY FUND

PAGE NUMBER: 8
ACCTPA21

SELECTION CRITERIA: transact.check_no between '36725' and '36754'
ACCOUNTING PERIOD: 12/20

FUND - 710 - AB1600-GENERAL SERVICES

CASH ACCT	CHECK NO	ISSUE DT	VENDOR NAME	DEPT	ACCT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	36734	08/04/20	12060 PETERS ENGINEERING	7100	5510	IMPACT FEE STUDY	0.00	2,160.00
TOTAL CASH ACCOUNT							0.00	2,160.00
TOTAL FUND							0.00	2,160.00

SUPERION
DATE: 08/14/2020
TIME: 13:11:07

SELECTION CRITERIA: transact.check_no= '5003'
ACCOUNTING PERIOD: 12/20

FUND - 200 - UTILITY USERS TAX

CASH ACCT	CHECK NO	ISSUE DT	VENDOR NAME	DEPT	ACCNT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	5003	08/14/20	11163 COOK'S COMMUNICATIO	2020	5715	UNIT RADIOS	0.00	5,940.68
TOTAL CASH ACCOUNT								5,940.68
TOTAL FUND								5,940.68
TOTAL REPORT								5,940.68

CITY OF FOWLER
CHECK REGISTER - BY FUND

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
JULY 21, 2020**

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

Councilmembers Present: Cardenas, Hammer, Kazarian, Rodriquez and Parra (via Telephone)

City Staff Present: City Manager/City Clerk Davis, City Attorney Wolfe, Finance Director Uyeda, Police Chief Alcaraz, Public Works Director Dominguez, Fire Chief Lopez, City Engineer Peters

PUBLIC PRESENTATIONS

Patric Jones, Fowler resident, asked when the City food giveaway located at 206 E. Vine Avenue started and how long the event will continue to take place. Yvonne Hernandez, Recreation Coordinator, said the food give away is every Tuesday evening at 6:00 p.m. and is posted on social media. It is a drive thru pick up only, masks are required and social distancing is enforced. The Worship Center provides about 250 to 300 boxes of fresh produce every week to distribute to the community. The food give away will continue until they are no longer able to provide goods. Councilmember Kazarian asked if this is an official City food giveaway even though it is organized by the church. City Manager Davis said although the Worship Center is providing the goods it is being distributed by the City's Recreation / Senior Coordinator and City staff who are helping to provide it to the community. Ms. Hernandez said the church provides a food give away during the day, at the Worship Center, and those that cannot attend the food give away during those hours are provided an opportunity during afterhours.

Susie Rico-Vasquez, County of Fresno Department of Public Health, provided information on the Cal Walks virtual workshop that was hosted on June 30, 2020. The purpose of the workshop is to improve walking and biking in the City and to create a community driven vision that would feed into the General Plan. She said a total of 25 were in attendance during the online workshop. Danielle Claybon, Public Health Advocate, highlighted some areas that need some improvements and provided some ideas.

COMMUNICATIONS

No communications.

STAFF REPORTS

CITY MANAGER'S REPORT

COVID-19 Update and Discussion

City Manager Davis provided an update on current COVID-19 cases in the City; there are 92 confirmed cases, 47 recovered, 34 under investigation, 1 death, leaving 47 open cases remaining in the City. The Fresno County Public Health department had been in contact with Ms. Davis twice a week providing updates and discussing various scenarios, but with the overwhelming number of cases they have been in contact once a week.

Yvonne Hernandez, Recreation Coordinator, provided information on promoting a Grab-and Go Farmer's Market. She said food vendors and produce vendors would provide access to healthy produce and food items while minimizing social distancing in a "open air" setting. The market would continue to provide and operate safely in the best interest of public health. All Fresno County Health Department guidelines would be enforced. No entertainment would be provided. Mayor Cardenas asked Ms. Hernandez how other cities are handling their Farmer's Market during this pandemic. Ms. Hernandez said some cities are limiting their hours of operation. Food vendors and produce vendors are distanced apart and there are foot markings to encourage social distancing. It is encouraged that the customer point out what they would like to purchase and the produce vendor will bag the items and hand the item to them. The consensus of the Council is to discuss this further at the next Council meeting with having the Farmer's Market event begin in August.

Ms. Davis said through the Planning Department, the City applied for a LEAP grant. The grant is for \$65,000 which can be used towards the General Plan updates. She also mentioned that the City applied for direct allocation of CARES funding which will be approximately \$80,000. Through the Coronavirus Relief Fund, the CARES Act provides for payments to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak.

Ms. Davis said the Maxco project is completed and will be issued a Certificate of Occupancy sometime this week.

She said the new fire station is near completion and should be finished by the end of this month.

Ms. Davis said the Panzak restroom project is going out to bid next week; it will take a few weeks to get the bids in. The City currently has CDBG funding for FY 2020, 2021 and 2022 of \$45,000 that will be going towards this project.

She said the City is issuing outdoor seating permits; applications were also delivered to the businesses in the Form Base Code area. The City has designed an outdoor seating area for patrons in the alley way between the Fowler Donut shop and CVS Pharmacy. Councilmember Kazarian said he spoke with Planning Consultant, Dawn Marple and inquired about the ability to add to the outdoor seating ordinance that would allow the patio dining to possibly have a street closure on Merced Street between 6th and 7th Streets or a partial street closure to allow for additional patio seating. He expressed that if the restaurants were allowed to only having the sidewalk seating it would limit the amount of tables and seating allowed in that area. With additional patio seating it would provide the social distancing space in a controlled environment that the restaurants would still be able to monitor that all safety protocols are followed. He said he spoke with the City Attorney prior that if it is possible to use the existing ordinance and have the support of the Council in a cost sharing agreement with each restaurant. He spoke about some ideas he had for patio seating areas. A discussion took place on the hours of operation, concerns on the flow of traffic, materials and the best way to help the local restaurants stay in business. The consensus of the Council is to bring it back for further discussion to the next Council meeting.

Discussion/Direction on the New EV Charging Station for the City

City Manager Davis said the City was awarded an EV Charging Station at no cost through the FCRTA and wanted to discuss where a good location would be to have this placed.

Public Works Director Dominguez said the City was one of a handful of other cities that was awarded for the new EV Charging Station. The City currently has a charging station at the library's parking lot and would like to have another one placed at Donny Wright Park. It was agreed by the Council to place the charging station at Donny Wright Park.

PUBLIC WORKS REPORT

Public Works Director Dominguez said the water quality report will be mailed out to the residents of Fowler soon. He said the sidewalk repair program is coming along and they have repaired some major areas of sidewalks within the City.

FINANCE DIRECTOR'S REPORT

Finance Director Uyeda provided information on the FY 2020-2021 Interim budget. Due to the Corona Pandemic, Finance requested at the last Council Meeting held on June 16, 2020 that the FY 2019-20 Budget be used as the Interim Budget for FY 2020-21 until additional revenue information is received in the second quarter. Finished capital expenditures would be removed but open capital projects would remain.

In addition to the FY 2020-2021 carry forward budget, it is requested that a 2% COLA be added on top of the attached budget effective August 1, 2020. Public Works, Police, and Fire departments are also requesting a limited number of budget items that staff wishes to discuss and add to the interim budget and bring back to the Council for approval.

Councilmember Kazarian asked Mr. Uyeda about the school facilities agreement. A discussion took place on the utilization of the funds.

POLICE DEPARTMENT REPORT

Police Chief Alcaraz said he has spoken with the City Manager and Financer Director in proposing to hire a Police Lieutenant for the department which should not add any additional funding costs to the current budget. He said two sergeants will be retiring in the beginning of August and this will eliminate him from having to reclassify anyone. With the calls for service increasing and the fast growth of the community this will benefit the City.

FIRE DEPARTMENT REPORT

Fire Chief Lopez said the department has been extremely busy with service calls. He is currently working with City Manager Davis and Finance Director Uyeda on the Fire departments budget and items needed for the new fire station that will be opening soon. A list of items was provided to Mr. Uyeda such as lockers, equipment racks and appliances for the station.

Chief Lopez said the department is taking extra precautions during COVIDS service calls. Councilmember Parra provided information on the current testing at United Health Center in Fowler, which will take about 9-days for results due to the limited amount of testing kits. The United Health Center in Selma allows results to be received quicker, as soon as 72- hours.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants – July 21, 2020; B) Approve Resolution No. 2472 “A Resolution of the City Council of the City of Fowler Concerning Local Transportation Purpose Funds Extension (Measure “C” Extension)”; C) Authorize the Finance Director to Open Another New City Bank Account for the deposits and Disbursements Related to CARES Act Funding; D) Approve Sidewalk Repair Contracts: Salvador Alatorre – 206 N. 6th Street; Sandra Vartanian – 214 S. 5th Street; Alejandro Caravantes – 216 S. 5th Street; David Wong – 209 S. 5th Street.

Councilmember Kazarian made a motion to approve the consent calendar, seconded by Mayor Pro Tem Hammer. The motion carried by roll call vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriquez. Noes: None. Abstain: None. Absent: None.

COMMITTEE REPORTS

Mayor Cardenas attended a Consolidated Mosquito Abatement teleconference meeting. One of the topics is the Board will consider an option to replace and upgrade the District's automotive fleet with a leased vehicle plan through Enterprise Fleet Management.

Councilmember Kazarian provided an update on a virtual domestic violence Q & A he organized with Fresno County District Attorney, Lisa Smittcamp and Fresno County Victim Advocate, Sarah Barton in order to provide additional resources to the City of Fowler and the surrounding communities. It was posted on the City's website as well as other cities websites. Mayor Cardenas commended Councilmember Kazarian for organizing this event and providing resources to the community.

Councilmember Parra attended a League of California Cities meeting.

He provided an update on the recent purchase of the grange building purchased by United Health Center. United Health Center will build a new building instead of utilizing it as a parking lot.

Councilmember Rodriquez commended Councilmember Kazarian for organizing the virtual Q & A on domestic violence and providing resources to the community and other surrounding communities.

CLOSED SESSION

The meeting adjourned to a closed session at 9:01 p.m. Conference with Legal Counsel – Anticipated litigation: Significant Exposure to Litigation Pursuant to Paragraph (2) and (3) of Subdivision (d) of Gov. Code Section 54956.9 – One potential case.

The Council took the following reportable action in closed session:

Motion by Councilmember Rodriquez, seconded by Councilmember Parra, and approved 5-0, to approve the settlement of the Department of Fair Employment and Housing (DFEH) complaint by Cameron Phillips in the amount of \$10,000.

The Council reconvened into open session at 9:15 p.m.

ADJOURNMENT

Having no further business, Councilmember Rodriquez, seconded by Mayor Pro Tem Hammer to adjourn. The motion carried and the meeting adjourned at 9:15 p.m.

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
AUGUST 4, 2020**

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

Councilmembers Present: Cardenas, Hammer, Kazarian, Rodriquez and Parra (via Telephone)

City Staff Present: City Manager/City Clerk Davis, City Attorney Cross, Finance Director Uyeda, Police Chief Alcaraz, Public Works Director Dominguez, Deputy City Clerk Burrola

PUBLIC PRESENTATIONS

There were no public presentations.

COMMUNICATIONS

City Manager Davis said the South San Joaquin Valley League Division is scheduled to have a virtual Zoom meeting next Thursday, August 13, 2020.

Ms. Davis said the City of San Joaquin recently lost one of their City Councilmembers, Jose Ornelas. A tribute will be held for Councilmember Ornelas on Friday, August 7, 2020 at 10:00 a.m. at the Veteran's Hall in San Joaquin.

She said she would like to schedule a general plan workshop in conjunction with the Planning Commission in order to move forward with the General Plan Update. This meeting would take place on Tuesday, August 18, 2020.

STAFF REPORTS

CITY MANAGER'S REPORT

COVID-19 Update and Discussion

City Manager Davis said Raul Gonzales, Fresno County Department of Public Health is in attendance via teleconference to provide updated COVID information. Raul Gonzales provided an update on the current COVID cases in the City; there are 138 total cases, 76 closed, leaving a total of 62 open cases remaining in the City. Mr. Gonzales said updated numbers are provided on a daily basis. Mr. Gonzales provided information on what other cities are doing to proceed in having the Farmer's Market event. He said the farmer's market can open if CDC guidelines are followed, including how vendors will be properly spaced, how customers will be held at a safe 6' distance from each other and from vendors, and how the number of customers shopping in the market at a given time will be controlled. This includes promoting the use of masks and the number and placement of handwashing stations and sanitizers, and the location of restroom facilities. Mr. Gonzales said the month of July was attributed to over 50 percent of COVID cases in Fowler due to social gatherings during the holidays and summer events.

First Reading of Ordinance No. 2020-04

City Manager Davis said the City has been working with the Fresno County Tobacco Prevention Program on implementing a no smoking policy in all City facilities, picnic shelter areas in any City Park and City operated vehicles. Ms. Davis said May Chung and Leila Gholamrezaei_Eha, from Department of Public Health are present to provide additional information via teleconference. May Chung, Health Educational Specialist provided information on new trends in tobacco use and new definitions. Ms. Chung said there are a lot of new emerging tobacco products evolved looking like a watch, pen, and a vape devise that writes like a pen. A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. However, this prohibition did not apply to other tobacco products. The Tobacco Industry has a Kids Menu, E- Liquids/E-Juices that have bright colorful packaging that are youth friendly, which contain nicotine or trace amounts of nicotine. The abundance of flavors entices youth and initiate tobacco use. Ms. Chung said the solution is to reduce exposure by closing loopholes. The State updated their definition of tobacco and smoking to encompass new and emerging products. Fowler's definition needs be updated to align with the State. Areas where the definition needs to be updated: Tobacco Retail License and Smoke Free Parks. The benefit of a Smoke-Free Parks Ordinance reduces exposure to secondhand smoke and aerosol, tobacco litter and fire hazards. It also encourages non-smoking behavior and models positive behavior for youth.

Councilmember Kazarian made motion to waive the first reading and approve Ordinance No. 2020-04, "An Ordinance of the City Council of the City of Fowler Adding Chapter 24 to Title 5 of the Fowler Municipal Code Prohibiting Smoking in City Facilities and Vehicles, Amending Sections 10-1.02 and 10-1.05 of the Municipal Code Prohibiting Smoking in City Parks, and Amending Certain Definitions in Section 5-20.03 of the Municipal Code Pertaining to the Tobacco Retailers' Regulations", seconded by Councilmember Rodriquez. The motion carried by roll call vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriquez. Noes: None. Abstain: None. Absent: None.

ACTION TO SELECT VOTING DELEGATE AND ALTERNATE(S)

City Manager Davis mentioned that the League of California Cities asks that cities select a voting delegate and alternates for their virtual Annual Conference, October 7 – 9, 2020.

Mayor Pro Tem Hammer made a motion, seconded by Councilmember Rodriquez to select Councilmember Parra as the voting delegate. The motion carried by roll call vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriquez. Noes: None. Abstain: None. Absent: None.

DISCUSSION ON CONVERTING DOWNTOWN PARKING AREAS TO SEATING/TABLE AREAS, TO ASSIST LOCAL BUSINESSES

City Manager Davis said this item is brought forward from the last Council meeting to provide assistance to local businesses during this pandemic by converting downtown parking areas to seating and table areas for outdoor dining. Councilmember Kazarian said the general concept was tentatively approved at the last meeting; tonight's discussion is to go over some of the details before finalizing any proposal.

The goal of this discussion is to update the Council on the actions to date and modifications to the original proposal as well as the scope and associated costs. The original proposal was for a full closure of Merced Street from 6th to 7th Streets, after further thought and various concerns, and to accommodate everyone and hoping everyone is in support of this, he revised his proposal by allowing two way traffic and quadrants in the downtown area in front of local business to allow restaurants to operate in outdoor seating adjacent to their businesses. This aims to allow for greater physical distancing and safety for patrons now that the state's public health orders allow restaurants to resume sit-down service outdoors. He and Public Works Director Dominguez have looked at options for sourcing materials that were cost effective and maybe the possibility of incorporating at the Farmer's Market. Councilmember Kazarian provided photos of materials such as tables, partitions, umbrellas, and other items that would be used for outdoor seating. The total amount for these items would cost about \$7,500.00 including misters; the cost would fluctuate depending on the items. Councilmember Kazarian said he has received some support from some of the restaurant owners on the possibility of sharing the costs of the materials and the up keeping of the operation of the outdoor seating.

Finance Director Uyeda said through the Coronavirus Relief Fund, the CARES Act provides for payment to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak. He said Cares Funding can be used, or from the general fund, to purchase these items. He said the City has had significant spending reductions in expenditures and he supports the total costs for purchasing these materials.

A discussion took place on the materials, maintenance, and cost sharing for the set-up of the outdoor seating structure, and it was decided to bring it back for further discussion and to follow up on modifications to the resolution.

A motion was made by Councilmember Kazarian and seconded by Councilmember Parra to approve authorization to spend \$7500.00 plus tax and 10 percent overage costs to purchase the furniture for outdoor seating and direct staff to bring the necessary changes to the resolution back for consideration to the next Council meeting. The motion carried by roll call vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriquez. Noes: None. Abstain: None. Absent: None.

PUBLIC WORKS REPORT

Public Works Director Dominguez said the department has completed parking stall striping along Main Street. He said the sidewalk repair project is moving along well.

FINANCE DIRECTOR'S REPORT

Finance Director Uyeda said he has a meeting tomorrow with the Sales Tax consultants for the first, second and third quarter and the projections for the rest of the year. He said the City is in a good position.

POLICE DEPARTMENT REPORT

♦ APPROVAL TO SURPLUS PATROL VEHICLE

Police Chief Alcaraz recommended to surplus three patrol vehicles. The vehicles are over thirteen years old and well over 100,000 miles. Two of the vehicles need the transmission to be replaced which would cost about \$3500.00 and the third vehicle is in need of a catalytic convertor which would be a total of \$1200.00 to replace.

Councilmember Rodriquez made a motion to approve the surplus of the patrol vehicles, seconded by Councilmember Kazarian. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriquez. Noes: None. Abstain: None. Absent: None.

Chief Alcaraz reported on Wednesday, July 29, 2020 at about 0700 hours, Fowler Police Department with the assistance of the Fresno County Adult Compliance Team served a search warrant on the 2700 block of S. Golden State Boulevard. Officers arrested a 22 year old for possession of a firearm, felony child endangerment as well as several other firearm related charges.

FIRE DEPARTMENT REPORT

No report was given.

CITY ATTORNEY'S REPORT

No report was given.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants – August 4, 2020; B) Approve Minutes of the City Council Special Meeting and City Council Meeting – June 16, 2020; C) Approve Resolution No. 2473, “A Resolution of the City Council of the City of Fowler, County of Fresno, State of California, Adopting and Interim City Annual Budget and Appropriating Revenue of the City for the 2020-2021 Fiscal Year”

Mayor Pro Tem Hammer made a motion to approve the consent calendar, seconded by Councilmember Rodriquez. The motion carried by roll call vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriquez. Noes: None. Abstain: None. Absent: None.

COMMITTEE REPORTS

Councilmember Kazarian said he spoke with City staff on issues with the truck routes and hopes this will be presented on the agenda for the next meeting.

He suggested future discussions for live streaming the Council meetings.

ADJOURNMENT

Having no further business, Councilmember Kazarian motion, seconded by Councilmember Rodriquez to adjourn. The motion carried and the meeting adjourned at 8:35 p.m.

**AGREEMENT BETWEEN THE CITY OF FOWLER
AND THE FOWLER CHAMBER OF COMMERCE
FISCAL YEAR 2020-2021**

This Agreement is entered into between the City of Fowler, a California municipal corporation and general law city ("City"), and the Fowler Chamber of Commerce, a California non-profit corporation ("Chamber") with respect to the following recitals, which are a substantive part of this Agreement:

RECITALS

- A. Chamber is organized for promoting the social, civic, and economic welfare of the City.
- B. City desires to promote the advantages of City for business, industrial, and economic development.
- C. Chamber has the special knowledge, experience, and resources to assist City in promoting the City for business, industrial, and economic development. City will designate a contact person to inform Chamber of City activities.

NOW THEREFORE, City and Chamber agree as follows:

- 1. Term. The term of this Agreement shall be from August 18, 2020, through June 30, 2021, unless terminated sooner by either party upon thirty (30) days written notice. Any extension of this Agreement beyond fiscal year 2020-2021 shall require a new agreement.
- 2. Compensation. For performance of the services described in Section 3 of this Agreement, City shall provide pay to Chamber the sum of Ten Thousand dollars (\$10,000.00). The payment shall be made to Chamber on or before August 28, 2020.
- 3. Services. Chamber shall provide the following services:
 - a. Maintain Viable Organization. Maintain a viable organization with membership reflective of all types of businesses within City.
 - b. Knowledge of Resources. Become familiar with and understand City, County of Fresno, and State resources and programs for assisting businesses within City. One such program is the City's designation as part of a County enterprise zone. Chamber secretary and officials shall make every effort to attend any informational meetings that may benefit in providing important information to the business of City.
 - c. Business Contacts. Meet with or contact every business at least once per year, as time and funds allow, to promote the Chamber and the City. These meetings or contacts shall be by personal visits, telephone, e-mail, or other reasonable electronic means with the business owner or manager, and shall at a minimum

inform the business of opportunities and programs for assistance from the Chamber, the City of Fowler, the County of Fresno, and the State of California.

- d. Marketing. Maintain an active marketing program for existing and new businesses in the City of Fowler. Such activities may include open house mixers for new and existing businesses or similar activities.
- e. Promotional Literature. Prepare, maintain, and distribute promotional literature.
- f. Website. City will allow a link to the Chamber website from City's website.
- g. Biennial Reports. Provide to City a biennial reports describing in detail its services for the applicable period, and include a report listing all warrants or payments made during the applicable period, with a corresponding explanation of each. The first report shall be provided no later than January 15, 2021, covering the period of August 18 through December 31, 2020, and the second report shall be provided no later than July 15, 2021, covering the period of January 1 through June 30, 2021.

4. Other Provisions.

- a. Independent Contractor. It is understood and agreed that in the performance of this Agreement, Chamber is an independent contractor. Chamber shall comply with applicable provisions of Federal, State, and local laws, rules, and regulations, including, but not limited to, maintaining applicable Workers Compensation, State Disability, and other insurance coverage as required by law.
- b. Hold Harmless and Indemnification; Insurance. Chamber shall indemnify, hold harmless, and defend the City and its officers, agents, or employees from all claims for money, damages, or other relief arising in any way from the performance of this Agreement by Chamber, its officers, agents, members, or employees. Chamber shall take out and maintain for the full term of this Agreement liability insurance providing protection for personal injury, wrongful death, and property damage. Such insurance to be in amounts of One Million Dollars (\$1,000,000.00) and issued by carrier(s) acceptable to City. Chamber shall provide City with Certificates of Insurance evidencing such coverage naming City as "additional insured." All certificates shall expressly state that the policy(ies) may not be terminated, canceled, or modified without thirty (30) days prior written notice actually received by City at its regular address, 128 South 5th Street, Fowler, CA 93625.
- c. Limitation on Use of Funds. The funds provided to Chamber by City pursuant to this Agreement shall not be directly or indirectly used for any political purpose whatsoever. This prohibition includes, but is not limited to, campaigns, events, promotions, literature, lobbying, or other activities for, against or on behalf of any

state, local, or federal legislation, issue, candidate(s), or action, whether partisan in nature or not.

- d. Audit. The City reserves the right to review, during normal business hours, the books and records of the Chamber's expenditures which are related to the services and programs required by the provisions of this Agreement. As part of any annual financial audit of the books and records of Chamber, the audit shall include tests for compliance with this Agreement. These tests shall be performed in conformance with generally accepted auditing standards. The auditor shall prepare a separate written report on the compliance with the provisions of this Agreement.

CITY OF FOWLER

FOWLER CHAMBER OF COMMERCE

Jeannie Davis, City Manager

Name:
Title:

Dated: _____, 2020

Dated: _____, 2020