

**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 6<sup>th</sup> to 7<sup>th</sup> 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.