

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
AUGUST 18, 2020**

Mayor Cardenas called the meeting to order at 7:05 p. m. Roll call was taken.

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

City Staff Present: City Manager/City Clerk Davis, City Attorney Cross, Police Chief Alcaraz, Public Works Director Dominguez, City Engineer, Peters, City Planner Marple, Deputy City Clerk Burrola

PUBLIC PRESENTATIONS

Patric Jones, Fowler resident, asked if the official ribbon cutting ceremony for the new fire station will be on hold until the pandemic is over.

Charlene Holguin, Fresno County Economic Development Corporation, provided information on resources provided to businesses. Fresno County businesses can visit revivefresnocounty.com for all COVID-19 protocols necessary for their business. Revive Fresno County is an initiative to responsibly reopen local businesses while prioritizing the health and well-being of both consumers and employees. Businesses can provide feedback on state protocols on their feasibility, practicality and effectiveness and take a pledge to show their customers their commitment to safety.

COMMUNICATIONS

None.

STAFF REPORTS

CITY ENGINEER'S REPORT

Discussion – Utility Undergrounding Policy

City Engineer Peters said this item is to consider and provide staff direction regarding a proposed draft utility undergrounding policy. He said development projects approved in the City frequently issue "Conditions of Approval" 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. 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. Mr. Peters provided information on the draft policy in order to provide direction regarding necessary amendments to the policy and request the policy be brought back before the Council for reconsideration. Mr. Peters proceeded to read underground requirements for new facilities, rebuilds, replacements, and additions. The Public Works Director has the authority to review and make minor exceptions to the policies as part of encroachment permits.

He suggested that the policy be placed on the City's website directly adjacent to the City's encroachment permit application for the public's view and understanding of the policy. A discussion took place and the Council's consensus is for the City Engineer to work with the City Attorney and direct the City Attorney to codify the policy in the Municipal Code for approval by the City Council.

Discussion – Truck Routes Within the City

City Engineer Peters said this item is to discuss and provide staff direction regarding adjustments of truck route designations. There are currently twenty three designated truck routes in the Fowler Municipal Code. 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. He said trucks traveling through the City are required to stay on the truck route unless it is necessary to travel on a non-designated local street for the purpose of making deliveries. Significant changes have occurred in the City since these truck routes were originally established. Staff has reviewed the existing truck routes and made preliminary findings for each route. Criteria used in the evaluation were as follows: Conditions and maintenance requirements of routes, compatibility with adjacent land uses, need for maintaining the routes, and safety. Mr. Peters said Golden State Boulevard, Manning, Adams, and Temperance Avenues would be identified as designated truck routes, the amount of truck traffic for these areas are appropriate and would not create maintenance issues. He said Merced Street is also a truck route, however it bisects downtown. He said staff has been discussing removing Merced Street as a truck route; this will relieve congestion and enhance safety along this corridor. He said they are considering eliminating nineteen of the twenty three truck routes in the City including Adams Avenue. A discussion took place on the elimination of Adams Avenue due to the schools located in the area. The Council's direction is for the City Engineer to work with the City Attorney on making changes to the Municipal code on amending the changes of the truck route and bring it back to the Council for consideration.

CONSIDERATION OF ITEMS PERTAINING TO PERMITTING TEMPORARY OUTDOOR BUSINESS OPERATIONS FOR RESTAURANTS, RETAIL, AND SERVICE – ORIENTED BUSINESSES

Adoption of Resolution No. 2474

City Manager Davis said this item is being brought back to the Council for expanding the temporary use permit application, originally for the use of outdoor seating for restaurants and businesses downtown, and expanding as per a previous Council discussion for designating parking areas and other outdoor areas within the City. She said Resolution No. 2475 is also related to this item, and would establish temporary outdoor business operations. Fund assistance program for restaurants, businesses, and other service businesses in the City. City Attorney Cross said modifications have been made from Resolution No. 2470, approved by the Council in June, which allowed for the use of sidewalks and alleys for outdoor seating. This would expand it to more areas specifically identified as street parking area along Merced Street and also private common areas, such as private parking lots.

In additions to the increased area this would also allow for increased business operations to be utilized within the area, rather than just outdoor seating it would be expanded to allow outdoor operations or outdoor services. This would allow for barber shops, hair salons, and other retailers to perform services outdoors. Councilmember Rodriquez asked if the temporary permit application only applies during the current event of the pandemic. Mr. Cross said if approved, 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 Permit No. 20-01 is earlier terminated by the City Council.

Councilmember Kazarian said if this program goes well and is well received would the Council be in favor of allowing the option for permanent outdoor seating on the Merced Street corridor. City Attorney Cross said that once the permit expires it can be brought back to the Council for consideration. Councilmember Kazarian voiced the ability of enforcing the design standards, importantly in the Form-Based Code District (Merced Street) and that the design is consistent and the business owners are aware of certain design standards. City Attorney Cross said the requirements and procedures apply for all business establishments City wide. He said 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. 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. Program funds will be distributed on a first come, first served basis until funding is exhausted or replenished with additional allocations approved by th City Council. 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).

Councilmember Rodriquez made a motion to approve 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", 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.

Adoption of Resolution No. 2475

City Manager Davis said this resolution provides the ability to assist businesses with expenses related to their outdoor operations due to COVID-19. The program shall be funded from a \$10,000 allocation from the City's General Fund to be covered by the COVID relief fund. The program is available only to eligible business establishments who would have to meet certain requirements. Councilmember Kazarian said with the original proposal the City would be doing a cost share and in fairness with the outdoor seating program and the benefits received by certain restaurants on Merced Street, he not only proposed the reimbursement program for other restaurants but he also recommended a higher reimbursement amount of one- thousand dollars (\$1,000).

A discussion took place on the reimbursement amount for eligible restaurants/businesses. Councilmember Parra said that the application request for reimbursement must be received by the City no later than September 30, 2020 which will not be enough time to determine a set amount for reimbursement, if more funds are available than another amount can be provided depending on the amount of application requests.

City Attorney Cross said provisions can be made to the amounts of allocations provided, depending on the level of interest, and any allocations that are left over depending on the amount of businesses participation. Councilmember Kazarian asked if the Council would be interested in a proposed separate direct payment program open to any businesses in Fowler impacted by COVID-19. A discussion took place and the Council's consensus was to table the discussion and to place on the agenda for an upcoming meeting as a subsequent item.

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

CITY MANAGER'S REPORT

COVID-19 Update and Discussion

City Manager Davis said Raul Gonzales, Fresno County Department of Public Health was in attendance via teleconference to provide updated COVID information. Raul Gonzales provided an update on the current COVID cases in the City; there are 190 total cases, 116 clear/ closed, leaving a total of 74 open cases remaining in the City. Mr. Gonzales said for the month of July, cases have exceeded due to person to person contact associated by social gatherings. He said they have spoken and educated local businesses that indoor activities are not permitted.

Second Reading of Ordinance No. 2020-04

City Manager Davis said Ordinance No. 2020-04 is to implement a no smoking policy in all City facilities, picnic shelter areas in any City Park and City operated vehicles.

Councilmember Parra made motion to waive the second 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 Rodriguez. The motion carried by roll call vote: Ayes: Cardenas, Hammer, Kazarian, Parra, Rodriguez. Noes: None. Abstain: None. Absent: None.

PUBLIC WORKS REPORT

Public Works Director Dominguez said the new Gateway Meter was installed last week. The Gateway collects accurate metering data and can process meter readings simultaneously.

He said two fire hydrants have been replaced within the City.

Mr. Dominguez mentioned that the street sweeper is scheduled on the second and fourth Wednesday's of the month. To ensure quick and quality street cleaning, please make sure the curb in front of your property is clear.

FINANCE DIRECTOR'S REPORT

Finance Director Uyeda was not in attendance, he did provide the Council with a report of the City's six month credit card use.

POLICE DEPARTMENT REPORT

Police Chief Alcaraz circulated a Fowler Police Department personnel contact list. The list will be available to the public for non-emergency calls and will be placed on the City's website.

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 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

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

COMMITTEE REPORTS

Mayor Pro Tem Hammer said he spoke with Recreation/Senior Coordinator, Yvonne Hernandez. She is working on getting the Farmer's Market together but is unable to get enough fruit vendors to participate due to the extreme heat.

Councilmember Kazarian attended a South Kings Ground Water Sustainability meeting. They are making sure they have the capacity to receive allocations from CID. He said allocations will not be received for this year due to the drought.

He said he met with Recreation/Senior Coordinator, Yvonne Hernandez on the coordination of the Great Plates program. The Great Plates program provides meals to seniors and supports local restaurants and other food provider/agricultural workers who have closed or are struggling to remain open due to COVID-19.

CLOSED SESSION

The meeting adjourned to a closed session at 9:18 p.m.:

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.

The Council reconvened into open session at 9:48 p.m. with no reportable action taken.

ADJOURNMENT

Having no further business, Mayor Pro Tem Hammer made a motion, seconded by Councilmember Rodriquez to adjourn. The motion carried and the meeting adjourned at 9:48 p.m.