

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
MARCH 2, 2021**

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

Councilmembers Present: Cardenas, Rodriguez, Mejia, Parra joined via teleconference.

Councilmembers Absent: Kazarian

City Staff Present: City Manager Quan, City Attorney Cross, Public Works Director Dominguez, Fire Chief Lopez, Assistant Fire Chief Hernandez, Police Chief Alcaraz, Deputy City Clerk Burrola, City Engineer Peters

PUBLIC PRESENTATIONS

Kevin Hall, Fresno resident, expressed his concerns regarding Measure C Extension and tax issues.

PUBLIC HEARING

Public Hearing to Consider Zoning Ordinance Amendment (Rezone) Application No. 20-01 and Site Plan Review Application No. 20-08

City Planner Marple said in a regularly scheduled meeting on January 7, 2021 the Planning Commission made a recommendation that the City Council deny the Rezone and Site Plan Review application. The subject property is currently zoned R-1-6 (One-Family Residential Districts, 6,000 square foot lot) and is planned for Medium Density Residential land used by the City of Fowler General Plan. The site is 0.32 acres and is located on the north corner of East Main and South 1st Street across from Fowler High School. Ms. Marple said the applicant, Ray Duran, is requesting a rezone from R-1-6 Zone District to the RM-2-A Zone District which is multifamily residential zone district. The subject parcel currently has two buildings: one structure contains one dwelling unit and the second structure contains three units. Ms. Marple said City records indicate that one of the dwelling units was legally constructed in 1938 and two of the units within the second building were legally constructed in 1946. Staff was notified that there is a third dwelling unit within the second building appears to have been constructed recently and with the necessary building permits or any other City approvals. Because it was constructed in violation of City requirement, it is not part of the legal non-conforming use; therefore the applicant is requesting a rezone to the RM-2-A zone district. The RM-2-A zone would accommodate the four total units and bring the current use of the property as a whole into conformance with applicable current City requirements, although the fourth unit would need to be inspected and permitted by the Building Official before occupancy would be allowed.

A discussion took place concerning the recommendation of approving the applications due to construction in violation of City requirements and not legally obtaining building permits as required.

Ray Duran, applicant and lot owner, said he is willing to work with the City and any guidance the City can provide in moving forward with this project. Mayor Pro-Tem Rodriguez asked who the contractor was hired for this project. Mr. Duran said Cesar Rodriguez was the contractor who failed to pull permits for the project.

The Mayor opened the duly noticed public hearing on the matter at 7:23 p.m.

David Hammond, Fowler resident, opposes to the project and expressed his concerns. He said adding more buildings would cause more traffic issues.

Terry Brock, Fowler resident, expressed her concerns on the possibility of traffic issues and the development being too close to the high school.

The public hearing closed at 7:31 p.m.

Mayor Cardenas asked Ms. Maple if the rezone and site plan review are not approved at tonight's meeting could Mr. Duran make the modifications. Ms. Marple said the third unit that was done without building permits would need to be rectified, either by removing it or going through the accessory dwelling unit provisions by State Law, than the City would have to permit it with those provisions within 60-days of his submittal. Discussion took place on the basis for denying the zoning ordinance amendment; vehicular ingress issues, parking and safety concerns for the surrounding neighborhood and desire not to change the existing character of the neighborhood. City Attorney Cross said the rezone itself is not necessary to bring the existing zoning into conformance with the general plan. He said the general plan is already consistent with the medium density residential. The proposed zone change would also be consistent but the rezone is not needed to be consistent, its use is what is inconsistent with the existing zoning.

A motion was made by Councilmember Parra to deny the zoning ordinance amendment (rezone) application No. 20-01, seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Parra, Mejia, Cardenas, Rodriguez. Noe: None. Abstain: None. Absent: Kazarian.

A motion was made by Mayor Pro-Tem Rodriguez to deny site plan review application no. 20-08, seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Rodriguez, Mejia, Parra, Cardenas. Noes: None. Abstain: None. Absent: Kazarian.

COMMUNICATIONS

None.

STAFF REPORTS

CITY ENGINEER'S REPORT

Provide Staff Direction Regarding the Development Impact Fee Update and Nexus Study Prepared by DTA

City Engineer Peters said the item presented tonight was last heard during a regular Council meeting on February 16, 2021. A presentation was provided of the development impact fees study by DTA. City Council directed the City Engineer to bring forth ordinances for Council consideration at a future meeting to amend development impact fees in accordance with the report.

Mr. Peters provided a summary of the fees that were recommended in the report. The fees are collected to fund infrastructure and other services necessary to support and serve the developments. The most recent impact fee and nexus study was last prepared and adopted in June, 2000. Since June 2000, the City has experienced new and diverse development proposals and projects.

Mr. Peters said DTA has worked closely with City staff and stakeholders to develop a comprehensive Development Impact Fee program that meets the requirements of the City. DTA prepared a draft impact fee study for consideration by the City Council. The report recommends updating the existing development fees to reflect current public facilities plans. Mr. Peters said staff reviewed the study and is asking for direction from the Council to bring back the impact fees study for formal approval along with ordinances that would impose the fees that are listed in the report.

The Mayor opened up the discussion for public comments. There were no public comments. The direction of the Council is to have the City Engineer bring forth ordinances for Council consideration at a future meeting to amend development impact fees in accordance with the report.

CITY MANAGER'S REPORT

COVID-19 Update

City Manager Quan expressed her gratitude to the Council for the opportunity to serve as City Manager. Since her first day serving as City Manager she has been very busy meeting with staff and developers.

Ms. Quan said the City is currently at 970 total cases. She said as of March 1st vaccines are being administered to the following sectors: 65 and older, health care workers, Food /Ag workers, and Educators.

Mayor Cardenas said United Health Center will be offering vaccines starting Wednesday March 3rd. Councilmember Parra said the Fresno County Rural Vaccine Clinic will be offering vaccines on Thursday, March 4, 2021. Information will be provided on the City's webpage for further information.

PUBLIC WORKS REPORT

Public Works Director Dominguez said the department has been very busy removing weeds in alleyways and on Golden State Boulevard and street sign maintenance. He said the Water Operators finalized the fire hydrant flushing system.

FINANCE DIRECTOR'S REPORT

City Manager Quan said she has been working very closely with Interim Finance Director Sanchez. She expressed her concerns of ten bank accounts the City currently has open and bank statements have not been reconciled since 2018. She said the last audit the City had was in 2018, this makes the current numbers questionable. She said this is a priority she is working on along with the Finance Department to find a couple of solutions to bring before the Council for direction and action. She said there are \$150,000 per year from the LTF funds on hold that have not been distributed to the City in the last three years.

She said Interim Finance Director Sanchez will be leaving on May 1st and she is in the process of recruiting a new Finance Director.

POLICE DEPARTMENT REPORT

Police Chief Alcaraz provided the DOJ Part 1 Crime Statistics for the months of January and February 2021.

He said he will be sending his officers next week to a "Why did you stop me?" training course hosted by the Kingsburg Police Department. The course further enhances the Community Policing in the 21st Century to Reduce Conflict philosophy.

FIRE DEPARTMENT REPORT

Discussion/Direction to Authorize the Fire Chief to Purchase 2 Engines

Fire Chief Lopez said five years ago fire engine E-348 was taken out of service due to mechanical issues and age. He said the department is not responding to more call as the City population has grown substantially. The plan is for the department to purchase a Type 2 Engine that pumps 1500 GPM and mini pumper that pumps 1000 GPM. Both units will be ISO rated and the Type 2 will pump higher than one the department currently has. The ages of the fleets are from 1997 to 2004. Fire Chief Lopez said he has put together several financial plans. The idea is to finance these units at a 10 year term.

He said the payment for a single unit can be around \$38,000 and for two units \$80,000. Mr. Lopez provided options to purchase these units. He said he is planning to fund the purchases from the general fund and part of the AB1600 and Utility Tax fund.

The direction from the Council is to have Fire Chief Lopez proceed with further investigation on the best method on purchasing these units, provide a formal contract and bring it back to the Council at a future meeting for future discussion and review.

CITY ATTORNEY'S REPORT

City Attorney Cross provided copies of the updated 2021 Brown Act handbook.

CONSENT CALENDAR

The consent calendar consisted of: A) Ratification of Warrants – March 2, 2021; B) Approve Minutes of the City Council Special Meeting – February 16, 2021, and City Council Meeting - February 16, 2021.

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

COMMITTEE REPORTS

No reports were given.

ADJOURNMENT

Having no further business, Mayor Pro-Tem Rodriguez made a motion, seconded by Councilmember Mejia to adjourn. The motion carried and the meeting adjourned at 8:54 p.m.