



**FOWLER CITY COUNCIL MEETING  
AGENDA  
TUESDAY, MAY 18, 2021  
7:00 P.M.  
CITY COUNCIL CHAMBER  
128 SOUTH 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 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 their phone set on "mute" to eliminate background noise or other interference from telephonic participation.**

*If you need accommodations such as interpreters, sign language signers, or the services of a translator, please contact the Clerk at (559) 834-3113 x102. To ensure availability, you are advised to make your request at least three business days prior to the meeting.*

*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.fowlercivcity.org](http://www.fowlercivcity.org).*

*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.*

1. Meeting Called to Order
2. Roll Call

3. Ceremonial Presentations

3-A. Proclamation "National Public Works Week" (Public Works Director)

3-B. Proclamation "In solidarity to condemn racism, xenophobia, violence, and hate crimes against Asian Americans and Pacific Islanders (AAPI)" (Mayor Cardenas)

4. Public Comment

*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.*

*Member of the public may also submit comments to [avasquez@ci.fowler.ca.us](mailto:avasquez@ci.fowler.ca.us). Include your name, and reference the agenda item you are commenting on, if any. Emails received by 8:00am on the date of the meeting will be included for the Council's information at the meeting.*

5. 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.*

5-A. RATIFY Warrants for May 18, 2021

5-B. APPROVE Minutes of the May 4, 2021 City Council Special Meeting

5-C. APPROVE Minutes of the May 4, 2021 City Council Meeting

5-D. Acceptance of Main Street Improvements

6. Public Hearing

6-A. Public Hearing to Consider Various Items Pertaining to Development Impact Fees and Quimby Act Fees for New Development

i. Consider APPROVAL of Development Impact Fee Justification Study, dated May 14, 2021, Prepared by DTA

ii. Consider Introduction of Ordinance No. 2021-02, An Ordinance Amending Sections 3-8.01 Through 3-8.11, of Chapter 8, of Title 3, of the Fowler Municipal Code to Update the City's Development Impact Fee Ordinance for New Development, To Add New Fee Categories for Public Facilities, and to Amend Section 902 of the Fowler Subdivision Ordinance Pertaining to Park Fees and Dedication of Land for Parks

- iii. Consider APPROVAL of Resolution No. 2502, A Resolution of the City Council of the City of Fowler Approving the Amount of Development Impact Fees and Quimby Act Fees for New Development in the City of Fowler
- 7. General Administration
  - 7-A. Community Development Department
    - i. Workshop on Outdoor Dining
  - 7-B. City Manager's Office
    - i. COVID-19 Update
    - ii. APPROVE Resolution No. 2503 declaring the property located at the northwest corner of South 7th Street and East Vine Street (APNs 343-233-02ST and 343-233-03ST) to be surplus and directing staff to comply with the Surplus Land Act
  - 7-C. Public Works Department
    - i. APPROVE Resolution No. 2499, a Resolution of the City of Fowler Approving Agreements with Sitelogiq, Inc. and Advanced Lighting Services, Inc. for energy conservation improvements pursuant to Government Code Section 4217.10, et. seq. (Item requested to be removed and re-noticed at a later date)
    - ii. Receive and File: Solid Waste Rate Update
    - iii. Review of proposed gateway landscaping and wayfinding signage at the intersection of Golden State Boulevard and Merced Street
      - 1. Provide staff direction and authorize City Engineer to request the Fresno County Transportation Authority include gateway landscaping and wayfinding signage at the Golden State Boulevard and Merced Street into the Golden State Boulevard Corridor project
- 8. Staff Communications – (City Manager)
- 9. Councilmember Reports and Comments
- 10. Closed Session
  - 10-A. Government Code Section 54956.8  
 Conference with Real Property Negotiator  
 Property: 127 South 6th Street (old Fire Station)  
 Agency Negotiator: City Manager  
 Negotiating party: Richard Wadda  
 Under negotiation: Price and terms of potential sale

11. Adjournment

*Next Ordinance No. 2021-03  
Next Resolution No. 2504*

*CERTIFICATION: I, Angela Vasquez, Deputy City Clerk of the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on Friday, May 14, 2021.*

A handwritten signature in blue ink, appearing to read 'Angela Vasquez', with a stylized flourish at the end.

*Angela Vasquez  
Deputy City Clerk*

# *Proclamation*

## **National Public Works Week**

**May 16 – 22, 2021**

***WHEREAS,** public works sustainability and resiliency is critical to our nation, and public works professionals deliver infrastructure, facilities, and services that are vital to public health, to quality of life, and to the well-being of the residents of the City of Fowler; and,*

***WHEREAS,** these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, at all levels of government and the private sector, who are responsible for building, improving, and protecting our nation's transportation, water supply, water treatment, solid waste systems, public buildings, and other structures and facilities essential to our residents; and,*

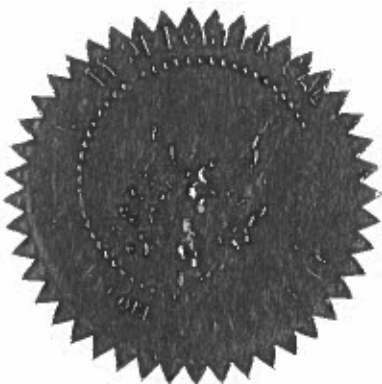
***WHEREAS,** it is in the public interest for the residents, civic leaders, and children in the City of Fowler to gain knowledge of, and to maintain a progressive interest and understanding of the importance of public works and public works programs in our community; and,*

***WHEREAS,** the year 2021 marks the 61<sup>st</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association;*

***NOW THEREFORE BE IT RESOLVED,** that I, David Cardenas, Mayor of the City of Fowler, do hereby designate the week of May 16 – 22, 2021 as National Public Works Week. I urge all residents to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events, and ceremonies to recognize our public works professionals and their substantial contributions to protecting our national health, safety, and quality of life.*

***IN WITNESS WHEREOF,** I have set my hand and affixed the Seal of the City of Fowler, California this 18<sup>th</sup> day of May 2021.*

***“National Public Works Week”***  
***in the City of Fowler***



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*David Cardenas, Mayor*

## PROCLAMATION

### IN SOLIDARITY TO CONDEMN RACISM, XENOPHOBIA, VIOLENCE, AND HATE CRIMES AGAINST ASIAN AMERICANS AND PACIFIC ISLANDERS (AAPI)

**WHEREAS**, the City of Fowler insists on inclusion and belonging for people of all races, national origins, and ethnicities; and

**WHEREAS**, since the beginning of the COVID-19 pandemic, across the nation, inflammatory and xenophobic rhetoric has put AAPI Persons, their families, their communities, and their businesses at risk; and

**WHEREAS**, such rhetoric has promoted unfounded fears and perpetuated stigma; and

**WHEREAS**, harassment, violence, and killing of AAPI Persons is unacceptable; and

**WHEREAS**, women and elderly AAPI Persons have been especially targeted in racially-motivated, violent, attacks causing great bodily harm or death; and

**WHEREAS**, despite these increasing acts of violence, AAPI Persons have continued to provide undeniably crucial contributions to our nation; and

**WHEREAS**, numerous AAPI Persons have positively contributed to the City of Fowler; and

**WHEREAS**, the City of Fowler should condemn and combat racism, xenophobia, violence, and hate crimes against AAPI Persons, and ensure that all persons are treated with dignity, equity, and respect regardless of their race, ethnicity, primary language, country of origin, religious beliefs, gender, or background.

**NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY OF FOWLER:** that the Fowler City Council denounces hate crimes, hateful rhetoric, and hateful acts against Asian Americans and Pacific Islanders, and reaffirms our commitment to ensure that Asian Americans and Pacific Islanders feel safe and welcome in the City of Fowler.



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David Cardenas, Mayor

CITY OF FOWLER  
WARRANTS LIST  
May 18, 2021

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	37797-37859	April 28 thru May 11	\$ 409,868.26
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 409,868.26</u>
<u>PAYROLL COSTS</u>			
First May Bi-Monthly Payroll		May 15, 2021	91,567.48
TOTAL PAYROLL COSTS			<u>\$ 91,567.48</u>
TOTAL CASH DISBURSEMENTS			<u>\$ 501,435.74</u>

**NOTE:**

Check #37845-#37846 Void checks carry over to check #37847

**ITEM**

**5A**

SUPERION  
DATE: 05/12/2021  
TIME: 11:46:06

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '37797' and '37859'  
ACCOUNTING PERIOD: 11/21

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	37797	04/28/21	14356	COMCAST	6700	INTERNET	0.00	116.42
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	2,469.65
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,701.50
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,660.50
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,564.87
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	758.50
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	717.50
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	681.50
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	656.00
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	246.00
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	164.00
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	123.00
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	102.75
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	41.00
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	6,808.68
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	6,720.30
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	5,842.50
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	3,989.60
1001	37798	04/28/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	34,247.85
TOTAL CHECK								
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	5000	UTILITIES	0.00	12,228.94
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	6700	UTILITIES	0.00	453.30
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	121.27
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	115.61
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	109.06
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	74.38
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	62.50
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	11.35
1001	37799	04/28/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	2,184.44
TOTAL CHECK								15,360.85
1001	37800	04/28/21	13187	SECOND CHANCE ANIMAL SHE	6270	SERVICES	0.00	1,000.00
1001	37801	04/28/21	14443	UNITED STATES TREASURY	6030	COVID-19 SICK LEAVE	0.00	17.97
1001	37801	04/28/21	14443	UNITED STATES TREASURY	6120	COVID-19 SICK LEAVE	0.00	33.12
1001	37801	04/28/21	14443	UNITED STATES TREASURY	6120	COVID-19 SICK LEAVE	0.00	2,284.01
TOTAL CHECK								2,335.10
1001	37802	04/30/21	11689	A & C TIRE SERVICE	5000	TIRES FOR TRAILER	0.00	128.07
1001	37802	04/30/21	11689	A & C TIRE SERVICE	6130	TIRES FIRE CHIEF	0.00	1,084.61
TOTAL CHECK								1,212.68
1001	37803	04/30/21	14152	A-C ELECTRIC CO	5000	WELL #2 PUMP CHECK	0.00	155.00
1001	37804	04/30/21	14306	ACCOUNTTEMPS	5000	SERVICES	0.00	229.40
1001	37804	04/30/21	14306	ACCOUNTTEMPS	6030	SERVICES	0.00	688.20
TOTAL CHECK								917.60
1001	37805	04/30/21	14328	ANNA'S RESTAURANT	6700	SENIOR MEALS	0.00	480.00
1001	37806	04/30/21	10549	AT&T MOBILITY	6120	SERVICES	0.00	314.51





SUPERION  
DATE: 05/12/2021  
TIME: 11:46:06

PAGE NUMBER:  
ACCTPA21

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact.check\_no between '37797' and '37859'  
ACCOUNTING PERIOD: 11/21

FUND - 100 - GENERAL FUND				DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT		
1001	37824	04/30/21	14428	NAVIA BENEFIT SOLUTIONS	6020	COBRA	0.00
1001	37825	04/30/21	10885	NELSONS POWER CENTER	5000	SUPPLIES	0.00
1001	37826	04/30/21	12941	NFPA	6130	MEMBERSHIP DUES	175.00
1001	37827	04/30/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	66.09
1001	37827	04/30/21	10237	P G & E - SACRAMENTO	6130	UTILITIES	181.39
1001	37827	04/30/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	190.41
1001	37827	04/30/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	4,081.03
TOTAL CHECK							4,518.92
1001	37828	04/30/21	10235	PBM SUPPLY & MANUFACTURI	6200	SPRAYER HOSE	1.72
1001	37829	04/30/21	12384	PITNEY BOWES GLOBAL FINA	6020	LEASE PAYMENT	0.00
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	73.50
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	195.00
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	376.20
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	100	MAXCO	429.00
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	688.20
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	1,097.75
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	4,425.00
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	20,257.70
1001	37830	04/30/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	24,594.76
TOTAL CHECK							52,137.11
1001	37831	04/30/21	11195	ROBERT V JENSEN INC	6130	FUEL	63.43
1001	37831	04/30/21	11195	ROBERT V JENSEN INC	6160	FUEL	71.35
1001	37831	04/30/21	11195	ROBERT V JENSEN INC	6200	FUEL	308.80
1001	37831	04/30/21	11195	ROBERT V JENSEN INC	5000	FUEL	611.66
1001	37831	04/30/21	11195	ROBERT V JENSEN INC	6260	FUEL	622.23
TOTAL CHECK							1,677.47
1001	37832	04/30/21	10085	STATE OF CA DEPARTMENT O	6120	BLOOD ALCOHOL ANYLSS	0.00
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6150	EMPLOYEE BENEFITS	0.00
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6400	EMPLOYEE BENEFITS	33.18
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6700	EMPLOYEE BENEFITS	33.18
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6030	EMPLOYEE BENEFITS	39.82
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6020	EMPLOYEE BENEFITS	99.54
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6160	EMPLOYEE BENEFITS	127.88
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	5000	EMPLOYEE BENEFITS	159.25
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6200	EMPLOYEE BENEFITS	434.64
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	6120	EMPLOYEE BENEFITS	769.74
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	100	EMPLOYEE BENEFITS	1,213.20
1001	37833	04/30/21	13647	SUN LIFE FINANCIAL	8500	EMPLOYEE BENEFITS	3.31
TOTAL CHECK							2,946.92
1001	37834	04/30/21	13543	UNIFIRST CORPORATION	6020	SUPPLIES	0.00
1001	37834	04/30/21	13543	UNIFIRST CORPORATION	6130	SUPPLIES	41.96
							66.26

SUPERIOR  
DATE: 05/12/2021  
TIME: 11:46:06

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 4  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '37797' and '37859'  
ACCOUNTING PERIOD: 11/21

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	37834	04/30/21	13543	UNIFIRST CORPORATION	6130	SUPPLIES	0.00	66.26
1001	37834	04/30/21	13543	UNIFIRST CORPORATION	6200	SUPPLIES	0.00	174.27
TOTAL CHECK								348.75
1001	37835	04/30/21	14095	VALLEY TOOL	6200	SUPPLIES	0.00	545.23
1001	37836	04/30/21	10725	VERIZON WIRELESS	6160	SERVICES	0.00	60.73
1001	37836	04/30/21	10725	VERIZON WIRELESS	6020	SERVICES	0.00	102.19
1001	37836	04/30/21	10725	VERIZON WIRELESS	6120	SERVICES	0.00	254.60
TOTAL CHECK								417.52
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 8500		EMPLOYEE BENEFITS	0.00	0.99
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6400		EMPLOYEE BENEFITS	0.00	9.85
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6030		EMPLOYEE BENEFITS	0.00	11.81
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6160		EMPLOYEE BENEFITS	0.00	19.70
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6020		EMPLOYEE BENEFITS	0.00	49.22
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6700		EMPLOYEE BENEFITS	0.00	9.85
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 5000		EMPLOYEE BENEFITS	0.00	85.65
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6200		EMPLOYEE BENEFITS	0.00	127.99
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6200		EMPLOYEE BENEFITS	0.00	196.91
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 6120		EMPLOYEE BENEFITS	0.00	246.95
1001	37837	04/30/21	11335	VISION SERVICE PLAN - (C 100		EMPLOYEE BENEFITS	0.00	758.92
TOTAL CHECK								
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6150		LEASE	0.00	82.21
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6160		LEASE	0.00	82.21
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6020		LEASE	0.00	127.81
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6025		LEASE	0.00	127.81
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6030		LEASE	0.00	127.81
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6700		LEASE	0.00	164.41
1001	37838	04/30/21	14290	XEROX FINANCIAL SERVICES 6120		LEASE	0.00	383.83
TOTAL CHECK								1,096.09
1001	37840	05/03/21	14430	FLAVIO MENDOZA	6200	STUMP GRINDING	0.00	250.00
1001	37840	05/03/21	14430	FLAVIO MENDOZA	6200	STUMP GRINDING	0.00	550.00
TOTAL CHECK								800.00
1001	37841	05/05/21	10119	FRESNO CO CLERK/REGISTRA 6025		NOV 2020 ELECTION	0.00	4,221.25
1001	37842	05/11/21	12285	ATT	6120	SERVICES	0.00	695.41
1001	37843	05/11/21	14330	B&P PEST PROS	6020	SERVICES	0.00	90.00
1001	37843	05/11/21	14330	B&P PEST PROS	6700	SERVICES	0.00	95.00
TOTAL CHECK								185.00
1001	37844	05/11/21	14442	BARRON, YOLANDA	500	UB REFUND	0.00	110.97
1001	37847	05/11/21	10026	BCT CONSULTING	6160	SERVER BATTERY BACKUP	0.00	65.38
1001	37847	05/11/21	10026	BCT CONSULTING	6120	SERVER BATTERY BACKUP	0.00	65.39
1001	37847	05/11/21	10026	BCT CONSULTING	6130	SERVER BATTERY BACKUP	0.00	65.39
1001	37847	05/11/21	10026	BCT CONSULTING	6150	SERVER BATTERY BACKUP	0.00	65.39
1001	37847	05/11/21	10026	BCT CONSULTING	6020	SERVER BATTERY BACKUP	0.00	65.39
1001	37847	05/11/21	10026	BCT CONSULTING	6025	SERVER BATTERY BACKUP	0.00	65.39

SUPERION  
DATE: 05/12/2021  
TIME: 11:46:06

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 5  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '37797' and '37859'  
ACCOUNTING PERIOD: 11/21

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	37847	05/11/21	10026	BCT CONSULTING	6025	MONITOR STAND	0.00	82.81
1001	37847	05/11/21	10026	BCT CONSULTING	6020	SERVICES	0.00	120.50
1001	37847	05/11/21	10026	BCT CONSULTING	6025	SERVICES	0.00	120.50
1001	37847	05/11/21	10026	BCT CONSULTING	6120	SERVICES	0.00	120.50
1001	37847	05/11/21	10026	BCT CONSULTING	6130	SERVICES	0.00	120.50
1001	37847	05/11/21	10026	BCT CONSULTING	5000	SERVICES	0.00	268.71
1001	37847	05/11/21	10026	BCT CONSULTING	5000	SERVICES	0.00	300.00
1001	37847	05/11/21	10026	BCT CONSULTING	6030	SERVICES	0.00	300.00
1001	37847	05/11/21	10026	BCT CONSULTING	5000	SERVICES	0.00	300.00
1001	37847	05/11/21	10026	BCT CONSULTING	6030	SERVICES	0.00	300.00
1001	37847	05/11/21	10026	BCT CONSULTING	6030	SERVICES	0.00	300.00
1001	37847	05/11/21	10026	BCT CONSULTING	6020	LPTP MNTR DCNKG STTN	0.00	1,295.80
1001	37847	05/11/21	10026	BCT CONSULTING	6030	LPTP MNTR DCNKG STTN	0.00	1,295.80
1001	37847	05/11/21	10026	BCT CONSULTING	6150	LPTP MNTR DCNKG STTN	0.00	1,295.80
1001	37847	05/11/21	10026	BCT CONSULTING	6160	LPTP MNTR DCNKG STTN	0.00	1,295.80
1001	37847	05/11/21	10026	BCT CONSULTING	6030	SERVER BATTERY BACKUP	0.00	130.78
1001	37847	05/11/21	10026	BCT CONSULTING	6020	SERVICES	0.00	134.35
1001	37847	05/11/21	10026	BCT CONSULTING	6025	SERVICES	0.00	134.35
1001	37847	05/11/21	10026	BCT CONSULTING	6120	SERVICES	0.00	134.35
1001	37847	05/11/21	10026	BCT CONSULTING	6130	SERVICES	0.00	134.35
1001	37847	05/11/21	10026	BCT CONSULTING	6150	SERVICES	0.00	134.35
1001	37847	05/11/21	10026	BCT CONSULTING	6160	SERVICES	0.00	120.50
1001	37847	05/11/21	10026	BCT CONSULTING	6160	SERVICES	0.00	134.35
1001	37847	05/11/21	10026	BCT CONSULTING	6020	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6025	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6120	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6130	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6150	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6160	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6020	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6025	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6120	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6130	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6150	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	6160	SERVICES	0.00	150.00
1001	37847	05/11/21	10026	BCT CONSULTING	5000	SERVICES	0.00	241.00
1001	37847	05/11/21	10026	BCT CONSULTING	5000	SERVICES	0.00	241.00
1001	37847	05/11/21	10026	BCT CONSULTING	6030	SERVICES	0.00	241.00
1001	37847	05/11/21	10026	BCT CONSULTING	6030	SERVICES	0.00	268.70
1001	37847	05/11/21	10026	BCT CONSULTING	5000	SERVER BATTERY BACKUP	0.00	130.77
TOTAL CHECK	37847	05/11/21	10026	BCT CONSULTING			0.00	11,468.40
1001	37848	05/11/21	10025	BUFORD OIL COMPANY	6120	FUEL	0.00	238.08
1001	37849	05/11/21	12654	COMCAST	6120	SERVICES	0.00	750.10
1001	37850	05/11/21	14322	DEVIKA INC DBA DENNY'S	6700	SENIOR MEALS 0503	0.00	512.00
1001	37851	05/11/21	14243	FOWLER ACE HARDWARE	6120	SUPPLIES	0.00	15.23
1001	37852	05/11/21	14397	FOWLER DONUTS	6700	SENIOR MEALS	0.00	304.50
1001	37852	05/11/21	14397	FOWLER DONUTS	6700	SENIOR MEALS	0.00	304.50
TOTAL CHECK	37847	05/11/21	10026	BCT CONSULTING			0.00	609.00

SUPERION  
DATE: 05/12/2021  
TIME: 11:46:06

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER:  
ACCTPA21  
6

SELECTION CRITERIA: transact.check\_no between '37797' and '37859'  
ACCOUNTING PERIOD: 11/21

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	37853	05/11/21	10124	FRESNO COUNTY TREASURER	6120		0.00	77.06
1001	37853	05/11/21	10124	FRESNO COUNTY TREASURER	6120	RMS/JMS FEES	0.00	8,525.95
TOTAL	CHECK					DISPATCHING SERVICES	0.00	8,603.01
1001	37854	05/11/21	14441	GARZA, JUSTIN & REGINA	500	UB REFUND	0.00	60.82
1001	37855	05/11/21	11142	JOCYS RESTAURANT	6700	SENIOR MEALS	0.00	1,504.00
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	9.88
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	27.86
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	33.14
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	6130	UTILITIES	0.00	107.36
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	109.64
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	163.35
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	196.94
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	5000	UTILITIES	0.00	338.18
1001	37856	05/11/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	453.75
TOTAL	CHECK						0.00	1,440.10
1001	37857	05/11/21	10694	POPSIE'S	6700	SENIOR MEALS	0.00	512.00
1001	37858	05/11/21	10251	R & R AUTO REPAIR SHOP	6120	AUTO MAINTENANCE	0.00	47.10
1001	37859	05/11/21	13543	UNIFIRST CORPORATION	6700	SUPPLIES	0.00	35.11
TOTAL	CASH ACCOUNT						0.00	195,498.48
TOTAL	FUND						0.00	195,498.48

SUPERION  
DATE: 05/12/2021  
TIME: 11:46:06

PAGE NUMBER: 7  
ACCTPA21

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact.check\_no between '37797' and '37859'  
ACCOUNTING PERIOD: 11/21

FUND - 235 - ROAD MTCE & REHAB ACT SB1

CASH ACCT	CHECK NO	ISSUE DT	VENDOR NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	37839	04/30/21	11793 DON BERRY CONSTRUCTION	235	MAIN ST PAVING & CURB	0.00	214,369.78
TOTAL CASH ACCOUNT							214,369.78
TOTAL FUND							214,369.78
TOTAL REPORT							409,868.26

**MINUTES OF THE FOWLER CITY COUNCIL  
SPECIAL MEETING  
MAY 4, 2021**

Mayor Cardenas called the meeting to order at 6:02 p. m. Roll call was taken.

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

City Staff Present: City Manager Quan, City Attorney Cross

**PUBLIC PRESENTATIONS**

There were no public presentations.

**CLOSED SESSION**

No reportable action was taken on any of the three items.

The meeting reconvened to open session at 7:09 p.m.

**ADJOURNMENT**

The meeting adjourned at 6:58 p.m. with the intent to reconvene after the completion of open session.

The meeting reconvened after the completion of open session at 9:01 p.m. and having no further business, the meeting adjourned at 9:16 p.m.

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
May 4, 2021**

Mayor Cardenas called the meeting to order at 7:09 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Rodriquez, Kazarian, Mejia, and Parra

City Staff Present: City Manager Quan, City Attorney Cross, Police Chief Alcaraz, Public Works Director Dominguez, Fire Chief Lopez, City Planner Marple, City Engineer Peters, Deputy City Clerk Vasquez, Rebecca Molina

Others: Susie Rico-Vasquez

**PUBLIC PRESENTATIONS**

Fowler resident Patric Jones, inquired as to when Council meetings will be open to the public to attend in person and when City Hall will be open to the public as well. Mayor Cardenas stated staff is currently working on an opening date. The public will be notified of a date in the near future.

**PRESENTATION**

Susie Rico-Vasquez of Fresno County Department of Public Health updated the Council on the progress of the Walk and Bike Safety Training and the projects that have been initiated since last year. In June 2020 the community attended a virtual workshop and walk-audit with twenty-five participants. In Fall 2020, California Walks and UC Berkeley SafeTREC provided a report with resident's concerns and recommendations for the City. Ms. Rico-Vasquez stated since then, she and Public Works Director Dominguez have been meeting to determine the next steps of funding and planning efforts to include walking and biking in the City of Fowler.

Ms. Rico-Vasquez reported during the training and walk-audit, participants virtually walked three routes: E. Merced Street, Golden State Blvd., and E. Adams Ave. After the walk-audit, participants shared some concerns such as: visibility challenges, missing curb ramps, and uncontrolled crossings. Ms. Rico-Vasquez shared some of the recommendations which include installing high visibility crosswalks, pedestrian signage, rectangular rapid flashing beacons, bike lanes and bike boxes in specific areas through-out the City. Next steps are to focus on bike and pedestrian signage and striping. Ms. Rico-Vasquez announced the California Department of Public Health has awarded the City of Fowler \$1,729 which can be used for bike and pedestrian signage and striping. Through the SPAN grant Ms. Rico-Vasquez can award the City of Fowler \$3,435 which can also be used for bike and pedestrian signage and striping. Ms. Rico-Vasquez's hope is through leverage funding and the final report of the training and walk-audit will help the City apply for ATP Cycle 6 Funds.

Councilmember Parra noted he thinks the bike lane is a good idea but doesn't think the potential bike box on Golden State is a good idea. Councilmember Kazarian stated he's impressed with all of the work going into this program and is looking forward to trails, similar to those in Clovis, as



a potential next step. Mayor Pro-Tem Rodriquez and Mayor Cardenas thanked Ms. Rico-Vasquez for her time and effort as well as working with Public Works Director Dominguez and the partnership with our City.

## **COMMUNICATIONS**

There were no communications.

## **STAFF REPORTS**

### **CITY PLANNER'S REPORT**

City Planner Marple welcomed new Community Development Director, Thomas Gaffery. Ms. Marple thanked those who joined in last week's General Plan update workshop via Zoom. There were approximately 43-46 participants. There were great conversations and questions. Staff has completed the summary report of the meeting and has placed it on the General Plan Update website. The report includes polling results from the questions asked during the meeting. Ms. Marple noted the interactive story map and map with proposed land uses is still open for public comment until tomorrow. Staff will present the preferred alternative to Planning Commission June 3, 2021 and to Council on June 15, 2021; and will be looking for recommendations on the preferred alternative.

Ms. Marple reported staff is still conducting zoning code update stakeholder interviews and is moving forward with the interview summaries. Staff will present the zoning code use table to the Planning Commission this Thursday, May 6, 2021

Councilmember Mejia stated the General Plan update workshop was excellent and very interactive. The quickness of the reporting in real time was impressive. Councilmember Kazarian echoed Councilmember Mejia's comments.

### **CITY ENGINEER'S REPORT**

#### **APPROVE RESOLUTION NO. 2501 APPROVING THE 2021 HYDRAULIC WATER MODEL AND 2021 WATER MODEL REPORT.**

City Engineer Peters briefed the Council on the development of the computerized hydraulic water model for the City's water system. The purpose of developing the model was for staff to have a tool to analyze the hydraulic performance of the City's water system. It helps staff understand current operations and identify any deficiencies in the system. Mr. Peters reported the hydraulic water model also provides a mechanism for staff to analyze future changes to the water system. Some of the characteristics of the system: serves approximately 2,100 customers, 200,000 feet of lineal pipeline in the ground, six active wells, and the entire system is controlled by the SCADA system so staff can remotely monitor and control the system.

Mr. Peters reported staff prepared the water model using a computer program H2O Map. Staff looked at four different scenarios for performance in the system: average day demand, maximum

day demand, maximum day plus a fire event, and maximum day with Well 8 out of service. City Engineer Peters reported after running the four scenarios in the model the findings are: the system can meet demands under the average day and maximum day demands, however the system was not able to meet demands under the maximum day with Well 8 out of service. There were also fire flow deficiencies under the maximum day both with and without Well 8 in service. Mr. Peters shared graphics with the Council on the different scenarios.

City Engineer Peters shared the recommendations of the report. Constructing a new municipal well on the west side of Highway 99. As well as constructing a new pipeline under the 99 connecting the west and east side of town would also resolve a lot of issues the City has. Adding a larger, new pipeline connecting the two sides of town would be very helpful. Another recommendation is to install back-up generators on the wells in addition to constructing 12 inch diameter water mains on a quarter-mile grid that will help provide a good distribution system for the water that's pumped throughout the City.

Mr. Peters requested approval of Resolution No. 2501 approving the 2021 hydraulic water model and 2021 water model report. Councilmember Kazarian stated he was pleased with the project and this is something that will benefit the City. Mayor Pro-Tem Rodriquez inquired if a well site has been chosen. Mr. Peters stated a particular well site has not been selected at this time. Mayor Pro-Tem Rodriquez also asked if it was possible to move water from the east side of town. City Engineer Peters stated in the short-term moving water from the east side to the west side of town could work, but unfortunately not in the long term. Councilmember Mejia asked what the distance of line needs to be replaced. Mr. Peters stated the recommendation of the report was to look at a strategic location to create an east-west cross connecting pipeline. The report recommends along the South Avenue alignment as a good location both hydraulically and physically.

Public Comment was opened. Mr. Ernie Escobedo commented staff did a great job and this would be a great tool for developers. Mr. Escobedo inquired about funding and/or timing for constructing the well. Mr. Peters stated the model does not address any funding for improvement projects and is merely an analytical tool.

Public Comment was closed.

Councilmember Kazarian made a motion to approve Resolution No. 2501 approving the 2021 hydraulic water model and 2021 water model report, seconded by Mayor Pro-Tem Rodriquez. The motion carried by roll call vote: Ayes: Kazarian, Rodriquez, Cardenas, Mejia, Parra. Noes: None. Abstain: None. Absent: None.

## **CITY MANAGER'S REPORT**

### **COVID-19 Update**

City Manager Quan reported COVID-19 positive cases and death rate has not changed since last City Council meeting. Our vaccination rate continues to climb: 46.2 percent of residents are vaccinated. Staff continues to work with Fresno County Department of Public Health (FCDPH) on the mobile vaccination clinic.

## **PUBLIC WORKS REPORT**

**Approval of Resolution No. 2499, a Resolution of the City of Fowler Approving Agreements with Sitelogiq, Inc. and Advanced Lighting Services, Inc. for energy conservation improvements pursuant to Government Code Section 4217.10, et. seq. (Item to be Continued to May 18, 2021 City Council Meeting)”**

Public Works Director Dominguez requested Approval of Resolution No. 2499 item to be continued to May 18, 2021 City Council meeting. Staff is very close to finalizing the agreements. City Attorney Cross noted staff will post a notice outside council chambers and possibly on the City’s website alerting the public that this item has been continued again.

A motion was made by Mayor Pro-Tem Rodriquez to continue approval of Resolution No. 2499, a Resolution of the City of Fowler Approving Agreements with Sitelogiq, Inc. and Advanced Lighting Services, Inc. for energy conservation improvements pursuant to Government Code Section 4217.10, et. seq. to May 18, 2021 City Council Meeting seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Rodriquez, Mejia, Cardenas, Kazarian, and Parra. Noes: None. Abstain: None. Absent: None.

Mr. Dominguez reported the water meter data collector is still down and being repaired. Staff expects to receive it very soon. Mr. Dominguez announced the back-up generator was received for the primary well site. Staff is working on getting all of the necessary permits. Mayor Pro-Tem Rodriquez inquired if residents’ billing will be pro-rated. Mr. Dominguez stated if necessary, billing will be pro-rated again.

## **FINANCE DIRECTOR’S REPORT**

No report.

## **POLICE DEPARTMENT REPORT**

Police Chief Alcaraz reminded Council the Virtual Business Awareness Discussion is Wednesday, May 12, 2021 at 1:30 p.m. via Zoom. Council is welcome to attend and invite guests. The event is also on the Fowler PD app calendar. Chief Alcaraz announced he is working with Community Development Director Gaffery on the camera project RFP.

Councilmember Kazarian raised his concern about how officers are using the prone method and how the method is addressed in the policy manual. Chief Alcaraz stated he recently spoke with Josh Bowling, Lead Defensive Tactics Instructor of the Fresno Police Department Regional Training Facility about Fowler officers going there for best practices training.

## **FIRE DEPARTMENT REPORT**

Fire Chief Lopez shared the call log for the last three months.

## **CITY ATTORNEY'S REPORT**

City Attorney Cross reported on the special meeting items. There was no action taken on the three items that were discussed in closed session. Item number 1) Public Employee Performance Evaluation – City Manager; 2) Conference with Legal Counsel – Existing Litigation: City of Fowler v. David Elias; 3) Conference with Real Property Negotiator – Property: 127 S. 6<sup>th</sup> Street (old Fire Station). The discussion for item 3 has not concluded; Council intends to resume discussion following tonight's regular City Council meeting. Mayor Cardenas recused himself from the discussion as he owns real property within 1,000 feet of the real property being discussed. Mayor Cardenas will recuse himself again when the discussion is resumed following the regular City Council meeting.

### **Discuss and consider Potential Removal of Planning Commissioner Cesar Rodriguez**

Councilmembers Kazarian, Mejia, Parra, Mayor Cardenas, and Mayor Pro-Tem Rodriguez asked questions of Cesar Rodriguez and his involvement with specific projects in the City of Fowler. City Planner Marple was asked to provide clarifying information regarding Mr. Rodriguez's involvement in these projects. Mr. Rodriguez answered all the questions and provided copies of documents supporting his position. After deliberation, no action was taken by the Council.

## **CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants – May 4, 2021; B) Approve Minutes of the City Council Special Meeting – April 20, 2021, and City Council Meeting – April 20, 2021; C) Award the Adams Avenue Reconstruction Phase II & III project to Don Berry Construction in the amount of \$1,198,278.00, and authorize the City Manager to sign the project construction contract; D) Approve and Authorize the City Manager to sign the Well 7 TCP Treatment Project Consultant Services Agreement with Provost and Pritchard in the amount of \$269,000.00.

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

## **COMMITTEE REPORTS**

Mayor Cardenas asked if staff could investigate installing sidewalk signage in the downtown area stating: no bicycles or skateboards on the sidewalk. Public Works Director Dominguez stated he will research further and work with City Engineer Peters as well. Mayor Cardenas also read Fowler resident, George Teraoka's Proclamation for his 100<sup>th</sup> birthday.

Councilmember Parra announced Legislative Days is May 12 and May 13, 2021. All are welcome to attend.

## **ADJOURNMENT**

Having no further business, Councilmember Kazarian made a motion, seconded by Councilmember Mejia to adjourn. The motion carried and the meeting adjourned at 8:56 p.m.

Reconvened to **Closed Session** at 9:01 p.m.



ITEM NO: 5-D

**REPORT TO THE CITY COUNCIL**

May 18, 2021

**FROM:** David Peters, City Engineer

**SUBJECT**

Acceptance of the Main Street Improvements project

**RECOMMENDATION**

Staff recommend acceptance of the Main Street Improvements project constructed by Don Berry Construction and authorize the City Engineer to file the Notice of Completion

**BACKGROUND**

The City Council previously awarded a contract to Don Berry Construction for construction of the Main Street Improvements Project. The project was constructed in accordance with the plans and specifications to the satisfaction of the City Engineer and the Public Works Department. The one year warranty period will begin upon the filing of the Notice of Completion, which will follow the Council's acceptance of the project.

**FISCAL IMPACT**

None

**FOWLER CITY COUNCIL**

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ITEM NO: 6-A

**REPORT TO THE CITY COUNCIL**

May 18, 2021

**FROM:** David Peters, City Engineer**SUBJECT**

Actions pertaining to adopting the Development Impact Fee Justification Study prepared by DTA, amending the Fowler Municipal Code to update the City's development impact fee ordinance for new development, to add new fee categories for public facilities, and to amend section 902 of the Fowler Subdivision Ordinance pertaining to park fees and dedication of land for parks; and approving the amount of development impact fees and Quimby Act fees for new development.

1. Consider Approval of Development Impact Fee Justification Study, dated May 14, 2021, prepared by DTA.
2. Consider Introduction of Ordinance No. 2021-02 amending sections 3-8.01 through 3-8.11, of Chapter 8, of Title 3, of the Fowler Municipal Code to update the City's development impact fee ordinance for new development, to add new fee categories for public facilities, and to amend Section 902 of the Fowler Subdivision Ordinance pertaining to park fees and dedication of land for parks.
3. Consider Approval of Resolution No. 2502 approving the amount of development impact fees and Quimby Act fees for new development in the City of Fowler.

**RECOMMENDATION**

Staff recommends the City Council approve the Development Impact Fee Justification Study, introduce Ordinance No. 2021-02 and approve Resolution No. 2502.

**BACKGROUND**

The City of Fowler imposes impact fees on proposed development projects within the City boundaries, pursuant to the Mitigation Fee Act (Government Code section 66000, et. seq.). These fees are collected to fund infrastructure and other services necessary to support and serve the developments. Chapter 8, of Title 3, of the Fowler Municipal Code establishes the City's development impact fees program as currently authorizes fees for: (1) general facilities and equipment necessary for the

administration of the City; (2) law enforcement facilities and equipment; (3) fire protection and suppression facilities and equipment; (4) storm drainage facilities; (5) water supply facilities; and (6) wastewater facilities. The amount of the development impact fees are determined by studies performed periodically to accurately account for and determine costs for development related infrastructure and services. 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. This, coupled with inflation and changing needs, necessitates the need for a revised development impact fee justification and nexus study in order to update the development impact fees with respect to both type and amount of fees. Based on the need to reevaluate the development impact fees, the City contracted with DTA, who worked closely with City staff and stakeholders to develop a comprehensive Development Impact Fee Program that meets the requirements of the City. The project included preparing a public facility financing plan, reviewing proposed development impact fees, and preparing a nexus study to develop updated and sustainable development impact fees for newly proposed development projects. The Council previously reviewed the draft Development Impact Fee Justification Study.

In addition to the development impact fees, the City established a program for the dedication of land by developers for neighborhood parks pursuant to Government Code section 66477 ("the Quimby Act"). Section 902 of the Fowler Subdivision Ordinance authorizes the City to collect a fee in lieu of land dedication for such parks. This fee-in-lieu is separate from the development impact fee for parks and recreation facilities recommended by the Development Impact Fee Justification Study. The amount of this fee is established by Council resolution.

Staff recommends updating the existing development impact fee program to reflect current public facilities plans, to add new fee categories for traffic facilities and groundwater recharge facilities, to clarify the clarify the dedication and fees required for neighborhood and other parks, and to set the amount of fees imposed on new development.

Staff recommends that the Council approve the Development Impact Fee Justification Study, introduce Ordinance No. 2021-02 which adds new fee categories for public facilities and clarifies the fees applicable to parks, and approve Resolution 2502 updating development impact fee and Quimby Act fee amounts.

## **FISCAL IMPACT**

The approval of the Development Impact Fee Justification Study and associated Ordinance and Resolution will allow for the collection of fees to fund infrastructure necessary to serve new development. If the Council chooses not to approve the Development Impact Fee Justification Study and associated Ordinance and Resolution the City may not be able to fund essential infrastructure to sustain development.

### **Attachments:**

- Development Impact Fee Justification Study (May 14, 2021)
- Ordinance No. 2021-02
- Resolution No. 2502
- Impact Fee Schedule Exhibit A



## **ORDINANCE NO. 2021-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING SECTIONS 3-8.01 THROUGH 3-8.11, OF CHAPTER 8, OF TITLE 3, OF THE FOWLER MUNICIPAL CODE TO UPDATE THE CITY'S DEVELOPMENT IMPACT FEE ORDINANCE FOR NEW DEVELOPMENT, TO ADD NEW FEE CATEGORIES FOR PUBLIC FACILITIES, AND TO AMEND SECTION 902 OF THE FOWLER SUBDIVISION ORDINANCE PERTAINING TO PARK FEES AND DEDICATION OF LAND FOR PARKS**

The City Council of the City of Fowler hereby ordains as follows:

**Section 1. Sections 3-8.01 through 3-8.11, of Chapter 8, of Title 3, of the Fowler Municipal Code are hereby amended to read as follows:**

### **3-8.01 Establishment, purpose and use of development impact fees.**

A. The purpose of this Chapter is to create and establish development impact fees for the City which shall be used to mitigate adverse impacts to public facilities attributed to new development in each of the following categories: (1) General Facilities and Equipment necessary for the administration of the City which are not listed in any one of the other categories of Essential Infrastructure; (2) Law Enforcement Facilities and Equipment; (3) Fire Protection and Suppression Facilities and Equipment; (4) Storm Drainage Facilities; (5) Water Supply Facilities; (6) Wastewater Facilities; (7) Traffic Facilities; (8) Groundwater Recharge Facilities; and (9) Parks and Recreation Facilities.

For convenience, all of the development fees so established shall be referred to in this Chapter in the singular, as "the fee." Specifically, the fee shall be used by the City to pay a portion of the costs of designated public facilities impacted by new development. The fee shall be based on a method designed to ensure that developers pay their fair share of the cost of such public facilities required to serve the City's growing population.

B. The City Council finds that the existing General Facilities and Equipment, Law Enforcement Facilities and Equipment, Fire Protection and Suppression Facilities and Equipment, Storm Drainage Facilities, Water Supply Facilities, Wastewater Facilities, Traffic Facilities, Groundwater Recharge Facilities, and Parks and Recreation Facilities will be inadequate to accommodate the needs generated by projected new residential, industrial and commercial growth, including public facility development, in the City, and that additional services, facilities and equipment are needed to protect and promote the health, safety, and welfare of Fowler residents and businesses. This finding is based upon data included in the Fowler Development Impact Fee Justification Study, dated May 14, 2021 and the Selma-Kingsburg-Fowler County Sanitation District Connection Charge Study, dated April 2002 ("Justification Studies"), Capital Improvement Plans, Capital Improvement Program, and any

other reports on file with the City, and on such other information provided to the City Council at the public hearing concerning the adoption of fees pursuant to this Chapter, including reports from the City Engineer, City Manager, and such consultants as the City Council deemed necessary.

C. The necessary public facilities are identified in the Justification Studies, Capital Improvement Plans or other reports on file with the City. Facilities may be added to or deleted from the Justification Studies and subsequent Capital Improvement Plans, but the City Council directs that the fee shall be used only for public facilities in any one of the categories of Essential Infrastructure, as that term is defined in this Chapter, for which the fee was collected.

D. The City desires to require new development to pay its fair share of the cost to expand the public services, facilities, and equipment that will be necessary to serve residential, industrial and commercial development, including public facility development. The purpose of this Chapter is to establish the appropriate method of insuring that sufficient funding for General Facilities and Equipment, Law Enforcement Facilities and Equipment, Fire Protection and Suppression Facilities and Equipment, Storm Drainage Facilities, Water Supply Facilities, Wastewater Facilities, Traffic Facilities, Groundwater Recharge Facilities, and Parks and Recreation Facilities is available to serve residential, industrial and commercial growth, including public facilities development, in the City.

E. The failure to impose the conditions and regulations of this Chapter on new development as defined herein would jeopardize residents of the community, in that it would permit construction and development to proceed without adequate General Facilities and Equipment, Law Enforcement Facilities and Equipment, Fire Protection and Suppression Facilities and Equipment, Storm Drainage Facilities, Water Supply Facilities, Wastewater Facilities, Traffic Facilities, Groundwater Recharge Facilities, and Parks and Recreation Facilities or adequate means to finance such services, facilities and equipment.

F. To determine the need for General Facilities and Equipment, Law Enforcement Facilities and Equipment, Fire Protection and Suppression Facilities and Equipment, Storm Drainage Facilities, Water Supply Facilities, Wastewater Facilities, Traffic Facilities, Groundwater Recharge Facilities, and Parks and Recreation Facilities created by new residents and job holders and to spread the costs of such facilities among those who create the need for them, the City conducted the Justification Studies. The Justification Studies estimated the number and type of General Facilities and Equipment, Law Enforcement Facilities and Equipment, Fire Protection and Suppression Facilities and Equipment, Storm Drainage Facilities, Water Supply Facilities, Wastewater Facilities, Traffic Facilities, Groundwater Recharge Facilities, and Parks and Recreation Facilities to meet the needs created by new development and the costs of such services, facilities and equipment. The fee established by this Chapter shall be calculated in the manner called for in the Justification Studies, and as approved by the City Council, as those reports may be supplemented or amended from time to time, in order that the impact upon services, facilities and equipment is borne by the type of development causing the need for such

services, facilities and equipment.

G. The fee established by this Chapter is in addition to any other fees or charges or taxes, required by law or City Code as a condition of development.

H. Fees charged by the City for connection to the water system shall remain as currently adopted in Title 6, Chapter 4, Article 5, Section 6-4.502 of the Fowler Municipal Code as such section is amended by the Ordinance codified in this Chapter. Such connection service charges are not considered development impact fees and subject to Section 66000 of the California Government Code.

### **3-8.02 Definitions.**

For purposes of this Chapter, the following words shall have the meanings indicated in this section:

A. Build Out of the City. The projected population and land uses developed within the City through 2040.

B. Essential Infrastructure. Each of the following, including any Related Facilities:

1. General Facilities necessary for the administration of the City which are not listed in any one of the other categories of Essential Infrastructure;
2. Law Enforcement Facilities and Equipment;
3. Fire Protection and Suppression Facilities and Equipment;
4. Storm Drainage Facilities;
5. Water Supply Facilities;
6. Wastewater Facilities;
7. Traffic Facilities;
8. Groundwater Recharge Facilities; and
9. Parks and Recreation Facilities.

C. Fire Protection and Suppression Facilities and Equipment. Any capital improvements or capital equipment related to the Fowler Fire Department and the delivery of fire protection and suppression services, based on studies adopted by the City or associated with a Capital

Improvement Program, or any of them, to provide fire protection and suppression services to the new development which is projected to come into the City between the effective date of this ordinance and Build Out of the City at a level which is comparable to the level currently provided to the existing residents of the City.

D. General Facilities and Equipment. The additional space at City Hall, City offices located elsewhere, City parking areas, and similar facilities, along with necessary equipment in or through which the City conducts general City operations, that will accommodate the growth in City government which is projected to come into the City between the effective date of this ordinance and Build Out of the City at a level which is comparable to the level currently provided to the existing residents of the City.

E. Law Enforcement Facilities and Equipment. Any capital improvements or capital equipment related to the Fowler Police Department and the delivery of police services, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them, to provide police protection services to the new development which is projected to come into the City between the effective date of this ordinance and Build Out of the City at a level which is comparable to the level currently provided to the existing residents of the City.

F. New Development. Any residential, commercial, industrial, public facility, or other institutional development which occurs in the City after the effective date of this ordinance and/or any amendment to this ordinance, including but not limited to development on any so-called "in-fill" lots.

G. Related Facilities. Any major landscaping, fountains, monuments, signs or similar facilities, activities and operations of a general benefit to the City which will be necessary in order to construct adequate facilities to meet the needs of new development within the City, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them.

H. Storm Drainage Facilities. All of the storm water collection, retention and disposal facilities, including storm water mains, ditches, canals, pumps, pump stations, retention basin, detention basins and related facilities which are necessary for the purpose of collecting storm water run off and transporting it to the appropriate storm water basin as will be required, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them, to provide storm water collection and disposal services to the new development which is projected to come into the City between the effective date of this ordinance and Build Out of the City. The fee does not include any such facilities which the developer is required to provide himself that are not part of the Capital Improvement Program that must be installed as part of the development improvements.

I. Water Supply Facilities. All of the domestic water production facilities, including water wells, water pumps and pump stations, major transmission lines from the point of uptake and any

water treatment facilities or associated treatment equipment or monitoring devices or equipment, and related facilities which are necessary for the purpose of supplying domestic water to the to any water treatment or storage facility for the storage of domestic water for consumption or fire flow reserves, and related facilities for the production of domestic water as may be required, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them, to provide water delivery services to the new development which is projected to come into the City between the effective date of this ordinance and Build Out of the City.

J. Wastewater Facilities. All of the wastewater facilities located within the City of Fowler, including pump stations, interceptor sewers, monitoring devices or equipment, and related facilities which are necessary for the purpose of receiving wastewater interceptor flows generated within the City of Fowler for the transmission, treatment, and disposal of the wastewater by the Selma-Kingsburg-Fowler County Sanitation District ("SKF"), as may be required, based on studies adopted by the City and SKF or associated with a Capital Improvement Program, or any of them, to provide wastewater services to the new development which is projected to come into the City between the effective date of this ordinance and Build Out of the City. The fee does not include any such facilities which the developer is required to provide himself that are not part of the Capital Improvement Program that must be installed as part of the development improvements.

K. Traffic Facilities. All of the infrastructure, including streets, medians, street markings, street widening, safety barriers, intersection improvements, traffic signals, and related facilities which are necessary to provide safe and efficient vehicular access throughout the City, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them, that will accommodate the transportation demand of new development and population growth which is projected to come into the City between the effective date of this ordinance and Build Out of the City. The fee does not include any such facilities which the developer is required to provide himself that are not part of the Capital Improvement Program that must be installed as part of the development improvements.

L. Groundwater Recharge Facilities. All of the land acquisition, recharge basin development and improvement, conveyance pipelines and facilities, and related facilities which are necessary for the purpose of groundwater recharge, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them.

M. Parks and Recreation Facilities. All of the land acquisition, park improvements, park renovation, and related facilities which are necessary for the purpose of providing parks space and recreation opportunities for the City, based on studies adopted by the City or associated with a Capital Improvement Program, or any of them, to accommodate the growth in population which is projected to come into the City between the effective date of this ordinance and Build Out of the City. The fee does not include any such facilities which the developer is required to provide himself that are not part of the Capital Improvement Program that must be dedicated and/or installed as part of the development improvements. Specifically, this fee is separate and

distinct from any requirement to dedicate land or pay a fee for park and recreational facilities pursuant to Section 902 of the Fowler Subdivision Ordinance (Park and Recreation Fees) as that requirement may be amended, and the Quimby Act (Government Code section 66477), and from the requirement to provide open space pursuant to Section 9-5.1605(K) of the Fowler Zoning Ordinance or any later enacted or amended requirement.

**3-8.03            Relationship between the use of the fee and the type of development upon which the fee is imposed.**

The City Council determines that there is a reasonable relationship between the use of the fee for each of the specified categories of Essential Infrastructure and Related Facilities and the type of development project for which the fee is imposed for the following reasons:

A.        The City Council finds that the use of the fee generated from new residential development for all Essential Infrastructure and Related Facilities is reasonable because growth in residential population places additional demands on all Essential Infrastructure and Related Facilities, which in turn, ultimately results in a need for additional government and public facilities and equipment for Essential Infrastructure and Related Facilities.

B.        The City Council finds that use of the fee generated from new commercial and industrial development, including public facilities development, for all Essential Infrastructure and Related Facilities, is reasonable because new commercial and industrial development, including public facilities development, creates a demand for additional Essential Infrastructure and Related Facilities, which in turn, ultimately results in a need for additional government and public facilities and equipment for Essential Infrastructure and Related Facilities.

C.        The fee for each of the categories of Essential Infrastructure and Related Facilities will be used to provide the additional or expanded public services and facilities required for each of the respective categories of Essential Infrastructure and Related Facilities in order to provide a level of service for additional growth and development that is comparable to the existing public services and facilities. The fee for each of the categories of Essential Infrastructure and Related Facilities may be used to acquire land and equipment, expand and improve existing facilities, and construct and install new facilities and equipment in each of the respective categories of Essential Infrastructure and Related Facilities.

E.        The City Council further finds that funding of the costs of Essential Infrastructure and Related Facilities, including capital equipment based on studies adopted by the City or associated with a Capital Improvement Program accomplishes the goals and purposes set forth in this Chapter and that the use of revenues generated by the fee for projects and outlays set forth in studies adopted by the City or associated with a Capital Improvement Program is warranted and justified.

**3-8.04 Relationship between the need for the additional public facilities and the type of development.**

For all of the Essential Infrastructure and Related Facilities, the City Council is committed to maintaining the same level of public facilities and services and the same facilities-to-population relationship which existed on the date of the most recent amendment of this Chapter or to achieve a level-of-service desired by the City for new development in order to ensure that, to the extent that growth of the City occurs in the future, there will be an adequate level of public facilities and services. The City Council determines that a reasonable relationship exists between the need for additional public facilities, equipment and operations for which the fee is designed to pay, and the type of development project for which the fee is imposed for the following reasons:

A. The City Council finds that new residential development, including new mobile home park development, results in significant increases in City population and that such residential development adversely affects the public facilities-to-population relationship which existed on the date of the adoption and any amendment of this Chapter. The City Council has further determined that because residential development results in significant increases in population, such development results in the need for Essential Infrastructure and Related Facilities.

B. The City Council finds that new commercial and industrial developments, including public facilities development, result in a need for additional public services which, in turn, ultimately result in a need for additional government and public facilities and equipment for Essential Infrastructure and Related Facilities.

**3-8.05 Amount of fee.**

The fee shall be established by resolution adopted by the City Council, based upon the Justification Studies, as those studies and reports may be subsequently amended or supplemented, and upon a determination that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion attributable to development of which the fee is imposed. The amount of the respective fees established pursuant to this Chapter shall be rounded up to the nearest whole dollar.

If the developer requests and the City agrees to allow the developer to dedicate land, acquire equipment or install facilities that are part of the Capital Improvement Program in lieu of all or a portion of a particular fee(s), the value of the dedicated land and/or actual cost of the equipment and/or installation of facilities may be credited against the respective fee(s) for Essential Infrastructure and Related Facilities and other development fees contained in this Chapter that would be collected as a result of the development.

**3-8.06 Inflationary adjustments.**

The fee established by this Chapter may be adjusted each calendar year to account for inflation based on the National Average Construction Cost Index as published by the Engineering News

Record, or similar construction cost indexes. Such increase shall be subject to City Council review and approval by resolution, and is not deemed an increase in the amount of the fee subject to the provisions of Sections 66000, et seq., of the California Government Code.

### **3-8.07          Payment of fee.**

Any owner or developer applying for a building permit for commercial or industrial development, including public facilities use, shall be assessed and shall pay the fee in conjunction with payment for the building permit subject to the provisions of Government Code Section 66007.

Any owner or developer applying for a building permit for residential development shall be assessed and shall pay the fee in conjunction with the payment of the building permit, subject to the provisions of Government Code Section 66007, or where not authorized, upon the earlier of the final inspection or the date the certificate of occupancy is issued.

In the case of parcel maps or subdivisions, the fee shall be paid on a lump sum basis, as follows:

- A.      When the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first, that portion of the fee shall be paid which represents payment for each of the following: general facilities; law enforcement facilities, and fire department facilities.
- B.      As a condition of filing the final subdivision map, that portion of the fee shall be paid which represents payment for each of the following: storm drainage facilities, water supply facilities, wastewater facilities traffic facilities, groundwater recharge facilities, and parks and recreation facilities

### **3-8.08          Exempted activities.**

Any owner or developer engaging in development activities which satisfy the following criteria shall not be required to pay the fee:

- A.      An alteration which does not increase the floor area of a structure;
- B.      An addition to a single family residential dwelling unit which does not constitute the addition of a dwelling unit as defined by the Uniform Building Code;
- C.      Completed structures;
- D.      Structures under construction for which a valid building permit is in force upon the effective date of the ordinance codified in this Chapter unless such building permit contains an express condition requiring the payment of this fee;



E. Construction within a subdivision which is covered by a development agreement entered into between the developer and the City under Government Code Section 65864, et seq., which agreement is in full force and effect and expressly prohibits the imposition of additional police, fire and general governmental fees; and

F. Building permits for projects with a vesting tentative map approved prior to the effective date of the ordinance codified in this Chapter, provided that the vesting tentative map did not require the payment of a fee to mitigate such impacts or include a condition for mitigation for impacts on police, fire and general governmental services or facilities.

If any residential structure in existence at the time of the adoption of the ordinance codified in this Chapter is destroyed by fire, explosion, act of God or act of public enemy to the extent of more than one-half the value thereof, any rebuilding after the date of such destruction shall not be subject to the fee imposed by the Chapter provided the area of such structure is not increased by more than 10 percent. For the purposes of this Chapter, the value shall be determined by the City building inspector based upon the cost of replacement.

Additions to existing commercial or industrial structures shall be subject to the fee established by the Chapter.

Nothing in this Chapter shall prohibit these regulations from applying to such projects if existing entitlement expire and/or the applicant applies for a new approval subject to the provisions of this Chapter. The City Manager or his or her designee may issue regulatory guidelines to administratively implement this Section.

In the event of any reduction or adjustment in the fee granted pursuant to this Section, any later change in the use, zoning or land use designation for the property involved shall subject the owner to payment of the then applicable fee for such new uses, zoning or land use designation, whether or not a building permit is required.

### **3-8.09 Fee modification or reduction.**

A. The developer of any project subject to the fee established by this Chapter may apply to the City Council for a reduction or adjustment to the fee based upon the absence of any reasonable relationship or nexus between the impacts of the project and either the amount of the fee or the facilities to be financed by the fee. The application shall be made in writing and filed with the City Clerk not later than ten (10) calendar days after notification of the amount of the fee. The application shall state in detail the factual basis for the claim of reduction or adjustment and the amount of the proposed reduction or adjustment. The City Council shall consider the application within sixty (60) days after the filing of the fee adjustment request. The decision of the City Council shall be final. No building permit shall be issued for the project until the final decision pursuant to this Section has been made. No application for a project shall be considered final or complete for purposes of the Permit Streamlining Act (Government Code Section 65920, et seq.), or any other purpose, until a final decision pursuant to this Section

has been made.

B. Notwithstanding the provisions of subsection A of this Section, a project proponent or applicant may pay the fee “under protest” and receive a building permit. An application for reduction or adjustment pursuant to subsection A of this Section shall be filed within ten (10) calendar days after payment under protest and if not so filed, any objection shall be deemed waived. If a reduction or adjustment is made after payment pursuant to this subsection, the applicant shall be refunded the amount by which the fee is reduced or adjusted.

C. The project proponent or applicant applying for a reduction or adjustment shall have the burden of proof, by a preponderance of the evidence, that a reasonable relationship or nexus is lacking between the fee, or facilities or services to be financed by the fee, and the particular project.

D. In the event of any reduction or adjustment in the fee granted pursuant to this Section, any later change in the use, zoning or land use designation for the property involved shall subject the owner to payment of the then applicable fee for such new uses, zoning or land use designation, whether or not a building permit is required.

### **3-8.10 Accounting for funds.**

A. Pursuant to Government Code Section 66006, the City Council directs that each of the fees collected hereunder shall be maintained in a fund separate from the City's General Fund and separate from each other in the following special accounts:

1. General Facilities necessary for the administration of the City;
2. Law Enforcement Facilities and Equipment;
3. Fire Protection and Suppression Facilities and Equipment;
4. Storm Drainage Facilities;
5. Water Supply Facilities;
6. Wastewater facilities
7. Traffic Facilities;
8. Groundwater Recharge Facilities; and
9. Parks and Recreation Facilities.

B. The City shall use the funds so deposited into these special accounts (along with interest

earnings thereon) for the costs of public facilities as specified herein and only for the category of improvements for which the funds were deposited in that particular account.

C. If the fee paid by an owner or developer for a particular development has been retained by the City for five (5) or more years, and City has not committed that fee to costs for public facilities, then the City Council shall make findings describing the continuing need to retain the fee each fiscal year thereafter. If the City Council does not make such findings, then the City shall refund the collected fees as appropriate, along with the interest, if any, which those funds have generated since they were collected.

### **3-8.11 Annual findings.**

A. Each year, during the budget review process, the City Council shall review the status of compliance with this Chapter and the degree to which fees collected pursuant to this Chapter are mitigating the impacts of new industrial, commercial and residential development projects and new development entitlements.

B. For each of the accounts established by this Chapter, the City shall, within 180 days after the close of each fiscal year, make available to the public all of the following information:

1. A brief description of the type of fee in the account or fund.
2. The amount of the fee.
3. The beginning and ending balance for the fiscal year in that account;
4. The amount of the fees collected and the interest earned.
5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees.
6. An identification of an approximate date by which the construction of the public improvement will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
7. A description of each interfund transfer or loan.
8. The amount of refunds made pursuant to Section 66001(e) of the Government Code out of that account during the fiscal year.

C. The City Council shall review the information described in subsection B, above, at the next regularly scheduled public meeting of the Council, not less than fifteen (15) days after the information required by that subsection is made available to the public.

D. Five (5) years after the effective date of the initial ordinance which adopted this Chapter, and every five (5) years thereafter, the City Council shall consider a report by the City Manager reviewing the fee formulae established to implement the provisions of this Chapter and their bases to determine whether any adjustments in the fee formulae are warranted.

**Section 2. Section 902 of the Fowler Subdivision Ordinance titled Park and Recreation Fees is hereby amended to read as follows:**

## **SECTION 902 PARK AND RECREATION FACILITIES**

1. Authority and Definitions. The provisions of this section are enacted pursuant to the authority granted by Section 66477 of the Government Code of the State, also known as the Quimby Act. The park and recreational facilities for which the dedication of land and/or the payment of a fee is required by this section are in accordance with the recreational element of the General Plan. The requirements of this Section are separate and distinct from the requirement to pay a fee for parks and recreational facilities pursuant to Chapter 8 of Title 3 of the Fowler Municipal Code (Development Impact Fees) and any amendments to that Chapter.

Except where the context otherwise requires, the definitions given in this section govern the construction of this Chapter.

A. The term "developer" includes every person, firm, or corporation constructing a new dwelling unit, directly or through the services of any employee, agent, independent contractor, or otherwise.

B. The term "new dwelling unit" includes each structure of permanent character, placed in a permanent location, which is planned, designed or used for residential occupancy, including, but not limited to, one-family, two-family, and multi-family dwellings, apartment houses and complexes and mobile home spaces, but not including hotels, motels, and boarding houses for transient guests.

C. The term "subdivision" includes any type of construction, land division or improvement of land which provides for dwelling units identified under the provisions of Section 66424 of the California Government Code. "Subdivision" shall also include any increase in the number of mobile home spaces.

D. The term "city service area" shall refer to the geographical area of beneficial use of one or more parks. The boundaries of said service areas shall be determined by resolution adopted by the City Council of the City of Fowler.

E. The term "park service area" shall refer to the geographical area of beneficial use of one park, as determined by the City of Fowler.

F. The term "land value" means fair market value of a buildable acre of land, as determined

by the City of Fowler City Council.

2. Dedication of land, payment of fees, or both. As a condition of the approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula set forth in this section.

3. General standards. It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that three (3) acres of property for each 1,000 persons residing within the City shall be devoted to local public park and recreational purposes.

4. Formula for Dedication of Land. Where a park or recreation facility has been designated in the Land Use Element of the General Plan of the City, and is to be located in whole or in part within the proposed subdivision for the purpose of serving the immediate and future needs of the residents of the subdivision, the developer shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formula.

The formula for determining acreage to be dedicated shall be as follows:

$$\begin{array}{ccccc} \text{Average No. of} & \times & \text{park acreage standard} & = & \text{minimum acreage} \\ \text{Persons/Unit} & & \text{1,000 population} & & \text{dedication/DU} \end{array}$$

Example for single-family dwelling unit (DU):

$$\begin{array}{ccccc} 3.23 & \times & 3.0 & & \\ 1,000 & & & = & .00969 \text{ acres/DU} \end{array}$$

The following table of population density has been established pursuant to Section 66477(b) of the Government Code:

Park Land Dedication Formula Table

Average Population Types of Dwellings	Acreage/DU Density/DU	(3.23 acre std.)
Single-Family Detached	3.23	.00969
Duplex	2.5	.0075
Multi-Family	2.5	.0075
Mobile Homes	3.23	.00969

Dedication of the land shall be made in accordance with the procedures contained in subsection (13) hereof.

For the purpose of this section, the number of new dwelling units shall be based upon the number of parcels indicated on the tentative or parcel map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zone, including any applicable density increases. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

The developer shall, without credit: (1) provide full street improvements and utility connections including, but not limited to, curbs, gutter, street paving, traffic control devices, street trees, street lighting and sidewalks to land which is dedicated pursuant to this section; (2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved drainage through the site; and (4) provide other minimal improvements which the City determines to be essential to the acceptance of the land for recreational purposes.

The land to be dedicated and the improvements to be made pursuant to this section shall be reviewed at the tentative map stage in accordance with the criteria set forth in subsection (11) and approved by the City Engineer.

5. Formula for Fees In Lieu of Land Dedication.

A. General Formula. If there is no park or recreation facility designated in the Land Use Element of the General Plan to be located in whole or in part within the proposed subdivision for the purpose of serving the immediate and future needs of the residents of the subdivision, the developer shall, in lieu of dedicating land, pay a fee prescribed for parks in subsection 7 hereof, and in an amount determined in accordance with the provisions of subsection 9 hereof.

B. Fees in Lieu of Land: 50 Parcels or Fewer. If the proposed subdivision contains fifty (50) parcels or fewer, the subdivider shall pay a fee equal to the land value, costs of off-site improvements of the portion of the local park required to serve the needs of residents of the proposed subdivision as prescribed in subsection 7 hereof, and in an amount determined in accordance with the provisions of subsection 9 hereof.

However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty parcels or fewer, where the developer proposes such dedication voluntarily and the land is approved by the City Council of the City of Fowler.

6. Criteria for Requiring Both Dedication and Fee. In subdivisions of more than fifty (50) parcels, the developer shall both dedicate land and pay a fee in accordance with the following formula:

When only a portion of the land to be subdivided is proposed on Land Use Element of the General Plan as the site for park purposes, such portion shall be dedicated for park purpose and a fee computed pursuant to the provisions of subsection 7 hereof shall be paid for the value of any additional land, costs of off-site improvements that would have been required to be dedicated pursuant to subsection 4 hereof, and in an amount determined in accordance with the provisions of section 9 hereof.

7. Amount of Fee in Lieu of Land Dedication. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication pursuant subsection 4 and in an amount determined in accordance with the provisions of subsection 7 hereof. The fee shall be determined by the following formula:

$$\begin{array}{ccccccc} \text{DUs} & \times & \text{Pop} & \times & 3.0 \text{ acres} & \times & \text{FMV} & = & \text{in-lieu fee} \\ \text{DU} & & 1,000 & & \text{Buildable} & & & & \\ \text{people} & & & & \text{Acre} & & & & \end{array}$$

where:

DUs = Number of dwelling units as defined in subsection 4

Pop = population per dwelling unit

DU

FMV = fair market value, per buildable acre as determined by subsection 8

Buildable Acre = a typical acre of the subdivision, with a slope less than 10%, and located in other than an area on which building is excluded because of flooding, easements, or other restrictions.

Fees to be collected pursuant to this section shall be reviewed by the City Manager or his/her designated representative to ascertain if they comply with the formula set forth above. If compliance is found, then the fees shall be approved by the City Manager.

8. Determination of Fair Market Value. The fair market value per buildable acre shall be determined from time to time by resolution adopted by the City Council of the City of Fowler.

9. Formula for Park Development Fees.

A fee shall be paid for park development by the developer of each new dwelling unit irrespective of whether the developer is required to dedicate land or pay fees in lieu of land dedication as set forth in subsection 4 and subsection 7. This fee shall be used to pay for those improvements including, but not limited to, off-site improvements such as streets, curbs and gutter, sidewalk, street lights, extensions of water and sewer services, storm drainage, parking lots, security lighting, landscaping and installation for recreational facilities which are not required by

subsection 4 and subsection 7. The fee shall be determined by the following formula:

$$\frac{\text{Pop}}{\text{DU}} \times \frac{3.0 \text{ acres}}{1,000 \text{ people}} \times \frac{\text{DC}}{\text{acre}} = \$/\text{unit}$$

Where:

Pop = Population per dwelling unit  
DU (see subsection 4)

DC = Development cost per acre of park and recreational facilities. Development costs per acre shall be determined as set forth in subsection 10.

Fees to be collected pursuant to this section shall be reviewed by City Manager or his/her designated representative to ascertain if they comply with the formula set forth above. If compliance is found, then City Manager or his/her designated representative shall approve the fees.

10. Determination of Park Development Cost Per Acre. The development cost per acre of parkland shall be determined from time to time by resolution adopted by the City Council of the City of Fowler.

The fee established by resolution of the City Council may be adjusted on an annual basis to account for inflation based on the National Average Construction Cost Index as published by the Engineering News Record, or other similar construction cost indexes. The amount of the fee established pursuant to this Section shall be rounded up to the nearest whole dollar. Such increase is not deemed an increase in the amount of the fee and subject to the provisions of Section 66000 of the California Government Code.

11. Determination of Land or Fee. Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- A. The natural features, access, and location of land in the subdivision available for dedication;
- B. The size and shape of the subdivision and land available for dedication;
- C. The feasibility of dedication;
- D. The compatibility of dedication with the Land Use Element of the General Plan; and
- E. The location of existing and proposed park sites and trailways.

12. Credit for Private Open Space. No credit shall be given for private open space in the



subdivision.

13. Procedure. At the time of the approval of the tentative map or parcel map, the City shall determine the land to be dedicated and/or fees to be paid by the subdivider.

At the time of the filing of the final map or parcel map, the subdivider shall dedicate the land/or pay the fees as previously determined by the City Council of the City of Fowler.

Open space covenants for private park or recreational facilities shall be submitted to the City prior to the approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map or parcel map.

14. Commencement of development. At the time of approval of the final subdivision map, the City shall specify how and when it will use the land or fees or both to develop park or recreational facilities.

The City Finance Director shall report to the City Council at least annually on income, expenditures, and status of the subdivision park trust fund.

15. Exemptions. The provisions of this section shall not apply to subdivisions containing less than five (5) parcels and not used for residential purposes; provided, however, a condition may be placed on the approval of such parcel map that if a building permit is requested for the construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

The provisions of this section shall not apply to industrial subdivisions, to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five (5) years old when no new dwelling units are added, or to parcel maps for a subdivision containing less than five (5) parcels for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or use.

16. Disposition of Fees. Fees determined pursuant to subsection 7 and subsection 9 shall be paid to the City Finance Director and shall be deposited into the subdivision park trust fund, or its successor. Money in said fund, including accrued interest, shall be expended solely for acquisition, development, or expansion of parkland or improvements related thereto.

Any fees collected under this chapter shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

The City Finance Director shall report to the City Council at least annually on income, expenditures, and status of the subdivision park trust fund.

17. **Developer-Provided Park and Recreation Improvements.** After the City Council determines that land is required for dedication and/or in-lieu fee payment by the developer, the developer may apply to the City Manager or his/her designated representative for permission to construct specified park and recreation improvements on land of said developer required for dedication or on other land within the same city service area to be developed as a park. If the City Manager or his/her designated representative grants the developer permission for construction of specified parks and recreation improvements on said land, the City Manager or his/her designated representative shall fix the dollar value of the parks and recreation improvements approved by said Department. The dollar value of park and recreation improvements provided by the developer in the manner described herein shall be credited against the fees required by this Section.

**Section 3.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section 4.**

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 of the City of Fowler held on May 18th, 2021, and passed and adopted at a regular meeting of the City Council of the City of Fowler held on June 1, 2021 2002, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

## **RESOLUTION NO. 2502**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER APPROVING THE AMOUNT OF DEVELOPMENT IMPACT FEES AND QUIMBY ACT FEES FOR NEW DEVELOPMENT IN THE CITY OF FOWLER**

**WHEREAS**, the State of California has enacted Section 66000 of the Government Code which allows the collection of development impact fees; and

**WHEREAS**, Section 66477 of the California Government Code (“Quimby Act”) allows the dedication of parkland and/or the collection of fees in-lieu of parkland dedication (“Quimby Act fees”) for the development of parkland in the City of Fowler; and

**WHEREAS**, the City of Fowler (“City”) has undertaken a Development Impact Fee Justification Study that identifies the respective categories of development impact fees (“development impact fees”), the purpose of the fees, the use to which the fees are to be put, how there is a reasonable relationship between the purpose of the fee and the type of development the fee will be charged, and how there is a reasonable relationship between the need for the purpose that the fee is charged and the type of development on which the fee is charged; and

**WHEREAS**, Chapter 8 of Title 3 of the Fowler Municipal Code authorizes the collection of development impact fees and requires the City Council to set the amount of development impact fees by Resolution; and

**WHEREAS**, Section 902 of the Fowler Subdivision Ordinance, titled Park and Recreation Fees, authorizes the collection of Quimby Act fees and provides a formula for the City Council to set the amount of such fees by Resolution; and

**WHEREAS**, the City published notice of a public hearing for updating the City’s development impact fee program pursuant to 6062a of the California Government Code; and

**WHEREAS**, the City made available to the public 10 days prior to the public hearing data indicating the amount of cost, or estimated cost, required to provide the services for which the development impact fees are levied; and

**WHEREAS**, the City Council of the City of Fowler conducted a duly noticed public hearing for the purpose of accepting oral or written presentations with regard to updating the development impact fee program and considered such testimony prior to making a decision on the matter.

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

1. The development impact fees and Quimby Act fees for new development within the City are hereby adopted, approved, and set at the rate(s) set forth in **Exhibit A**.
2. An annual review of development impact fees may be undertaken to determine if the fees should be adjusted to account for inflation based on the National Average Construction Cost Index by the Engineering News Record (ENR), or other similar construction cost indexes, and any adjusted fees must be approved by Resolution.

3. This action fixing the amount of development impact fees and Quimby Act fees shall become effective sixty (60) days after the date of this Resolution.

4. The City Manager is directed to initiate the collection of applicable development impact fees and Quimby Act fees as authorized by law and this Resolution.

The foregoing resolution of the City of Fowler was duly and regularly adopted by the City Council of the City of Fowler at a regular meeting held on May 18, 2021, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
David Cardenas, Mayor

ATTEST:

\_\_\_\_\_  
Angela Vasquez, Deputy City Clerk

## Impact Fee Schedule

### Exhibit "A"

Land Use		Residential per Unit		Non-Residential per 1,000 Square Feet		
		Single Family	Multi-Family	Commerical	Industrial	Institutional
General Services		\$1,281	\$897	\$399	\$120	\$200
Law Enforcement		\$903	\$632	\$281	\$84	\$141
Fire Department		\$1,069	\$748	\$333	\$100	\$167
Park Development		-	-	-	-	-
	Parks and Recreation Facilities	\$3,770	\$2,638	-	-	-
	Quimby Act Fee	\$2,476	\$2,476	-	-	-
Water		\$2,565	\$1,795	\$799	\$240	\$400
Sewer		\$3,891	\$2,723	\$1,212	\$364	\$606
Storm Drain (Fees per Acre)		\$5,058	\$8,219	\$10,747	\$12,012	\$10,747
Traffic		\$507	\$535	\$2,304	\$294	\$729
Ground Water Recharge		\$849	\$594	\$264	\$79	\$132



# ITEM 7B

## FOWLER CITY COUNCIL

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ITEM NO: 7-B

### REPORT TO THE CITY COUNCIL

May 18, 2021

**FROM:** Wilma Quan, City Manager

### SUBJECT

APPROVE RESOLUTION No. 2503 declaring the property located at the northwest corner of South 7th Street and East Vine Street (APNs 343-233-02ST and 343-233-03ST) to be surplus and directing staff to comply with the Surplus Land Act.

### RECOMMENDATION

Staff recommend the City Council approve the attached Resolution declaring the above referenced property as surplus real property.

### BACKGROUND

The City has been approached about the possibility of selling the above referenced property. The City is not currently using the property and staff do not foresee using the property in the near future. The property is approximately 0.85 acres. The property is in the Form Based Code zone area, with a proposed General Plan planned land use of light industrial. Staff have not yet obtained an appraisal or comparable values for the area.

The City is subject to the State of California's Surplus Land Act which places requirements on the City prior to disposing real property. Some of these include:

- The City must take formal action in a regular public meeting declaring the land to be surplus.
- The City must send a notice of availability to specified agencies and housing sponsors that have notified the Department of Housing and Community Development of their interest and allow sixty days for a response.
- The City must, prior to agreeing to the terms for the disposition of surplus land, provide specified information about the disposition process to the Department of Housing and Community Development (HCD). HCD then has thirty days to review the information and submit written findings.

Declaring the above referenced property surplus will allow the City to fulfill the requirements of the Surplus Land Act and move forward with disposition.

For the purposes of CEQA, the sale of this property is not considered a "project."

### **FISCAL IMPACT**

The sale of the property could generate one-time proceeds.

#### **Attachments:**

- Resolution
- Vicinity Map

**RESOLUTION NO. 2503**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FOWLER, CALIFORNIA,  
DECLARING REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF  
SOUTH 7TH STREET AND EAST VINE STREET (APNS 343-233-02ST AND 343-233-  
03ST) TO BE SURPLUS AND DIRECTING STAFF TO COMPLY WITH THE  
SURPLUS LAND ACT**

**WHEREAS**, the City of Fowler ("City") owns that certain real property located at the northwest corner of South 7th Street and East Vine Street in the City of Fowler, County of Fresno, APNS 343-233-02ST and 343-233-03ST ("Property"), which is currently undeveloped; and

**WHEREAS**, the Property is not currently needed by the City and the City has no anticipated need or planned use for the Property; and

**WHEREAS**, pursuant to the Surplus Land Act (Government Code section 54220 et seq.), the City desires to declare the Property to be surplus and satisfy the necessary steps so that the Property may be disposed by sale or lease; and

**WHEREAS**, under the Surplus Land Act, land shall be declared either "surplus land" or "exempt surplus land," as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency's policies or procedures; and

**WHEREAS**, under the Surplus Land Act, "surplus land" is defined as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use"; and

**WHEREAS**, under the Surplus Land Act, "agency's use" shall include, but not be limited to, land that is being used, or is planned to be used pursuant to a written plan adopted by the local agency's governing board, for work or operations, including, but not limited to, utility sites, watershed property, land being used for conservation purposes, land for demonstration, exhibition, or educational purposes related to greenhouse gas emissions, and buffer sites near sensitive governmental uses, including, but not limited to, waste water treatment plants, but shall not include commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development or property disposed of for the sole purpose of investment or generation of revenue; and

**WHEREAS**, pursuant to Government Code Section 54222, the City must send a written offer to sell the surplus property to the entities and agencies identified in the Surplus Land Act, and, if one of the entities/agencies desires to purchase the property after having received notice, the entity/agency must indicate its intent to do so in writing within 60 days of receiving the notice, and the City and the entity/agency may negotiate price and terms for the disposition of the property; and









0 250 500 Feet

PROVOST & PRITCHARD



**FOWLER CITY COUNCIL**

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ITEM NO: 7-C(ii)

**REPORT TO THE CITY COUNCIL**

May 18, 2021

**FROM:** Dario Dominguez, Public Works Director**SUBJECT**

Receive and File: Solid Waste Rate Update

**RECOMMENDATION**

Receive an update from staff on solid waste rates.

**BACKGROUND**

In 2001, the City entered into a solid waste franchise agreement with Waste Management. In 2009, an amended and restated agreement was executed, with additional amendments in 2014 and 2016. This agreement is valid until May 2024, with the option for extension.

Pursuant to the agreement, annually on July 1, rates may be increased up to 4% by Waste Management using the CPI-U US Average Garbage and Trash Collection and methodology outlined in the franchise agreement.

On July 1, 2021, rates for all residential, commercial, and industrial accounts, including temporary and special services will increase 3.87%. For the typical residential customer, this is \$1.23 per month increase.

**FISCAL IMPACT**

This increase will result in a de minimis increase in revenue to the City as the City receives a franchise fee of 10% of gross revenue per month from services to residential, commercial, and industrial accounts, including temporary and special services.

**FOWLER CITY COUNCIL**

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ITEM NO: 7-C(iii)

**REPORT TO THE CITY COUNCIL**

May 18, 2021

**FROM:** David Peters, City Engineer**SUBJECT**

Review of proposed gateway landscaping and wayfinding signage at the intersection of Golden State Boulevard and Merced Street.

1. Provide staff direction and authorize City Engineer to request the Fresno County Transportation Authority include gateway landscaping and wayfinding signage at the Golden State Boulevard and Merced Street into the Golden State Boulevard Corridor project.

**RECOMMENDATION**

Staff requests direction pertaining to incorporation of landscaping and wayfinding into the Golden State Corridor project.

**BACKGROUND**

The Fresno Council of Governments (Fresno COG), the County of Fresno and the City of Fowler have been working together to rehabilitate the Golden State Boulevard through the City of Fowler. The project will include pavement rehabilitation, drainage improvements, signing and striping improvements and traffic signal modifications. The project will tentatively begin in summer 2022 and be completed in fall 2024.

As part of the improvements in the City of Fowler, it was originally proposed to realign the portion of Golden State Boulevard between Adams Avenue and South Avenue. After community engagement, it was decided to maintain Golden State Boulevard within these limits on its current alignment. Since the original realignment was intended to provide a connection between the City's downtown and Golden State Boulevard the City is considering alternative strategies to achieve this goal. One strategy is to provide enhanced landscaping and wayfinding signage at the intersection of Golden State Boulevard and Merced Street. The landscaping and signage improvements will attract driver's attention and inform them of their arrival into the City of Fowler as well as directing them into the downtown area.

Council has previously considered this approach and asked for a presentation of the proposed improvements. The City Engineer will present a model and renderings of the landscaping and wayfinding signage strategy at the May 18, 2021 Council meeting for consideration.

## **FISCAL IMPACT**

The proposed improvements would be funded by Measure C.

### **Attachments:**

- None