

**FOWLER CITY COUNCIL MEETING  
AGENDA  
TUESDAY, SEPTEMBER 7, 2021  
7:00 P.M.  
CITY COUNCIL CHAMBER  
128 SOUTH 5TH STREET  
FOWLER, CA 93625**

In compliance with the Americans with Disabilities Act, if you need assistance or accommodations to access the City Council Chambers or participate in this meeting, please contact the Clerk at (559) 834-3113 x102. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you may attend in person, you may appear by telephone as described below, or you may submit written comments via email to [avasquez@ci.fowler.ca.us](mailto:avasquez@ci.fowler.ca.us). Please include your name and reference the agenda item you are commenting on, if any. Written comments received that do not specify an agenda item will be marked for the general public comment portion of the agenda. Emails received by 8:00 am on the date of the meeting will be provided to the City Council at the meeting and made part of the record of proceedings but will not be read aloud.

**This meeting will be conducted pursuant to the provisions of the Governor's Executive Order N-25-20 which suspends certain requirements of the Ralph M. Brown Act. The telephone number listed below will provide access to the meeting via teleconference. Please note: when joining the teleconference 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 have their phone set on "mute" to eliminate background noise or other interference from telephonic participation.**

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

Resolutions and Ordinances - 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. Invocation by Pastor Rod Haro of The Worship Centre Church
4. Pledge of Allegiance
5. Public Comment

*This portion of the meeting is 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.*

6. Consent Calendar

*Items on the Consent Calendar are considered routine and include a recommended action, and shall be approved by one motion of the Council. If a Councilmember or member of the public requests additional information or wishes 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 opposes the recommended action for an item, the item should be removed and discussed and acted upon as a separate item. A motion to approve the Consent Calendar is deemed to include a motion to waive the full reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.*

6-A. RATIFY Warrants for September 7, 2021

6-B. APPROVE Minutes of the August 17, 2021 City Council Special Meeting

6-C. APPROVE Minutes of the August 17, 2021 City Council Meeting

6-D. APPROVE donation request from Fowler High Boys Basketball in the amount of \$500 for Fiscal Year 2021-22 (Recreation)

6-E. APPROVE Adoption of Zoning Text Amendment No. 21-01 to Amend Section 17, of Article 22, of Chapter 5, of Title 9 of the Fowler Municipal Code – Special Use Signs, to allow multiple drive-through menu boards. (Planning)

7. General Administration

7-A. City Attorney

- i. APPROVE Council Rules and Procedures regarding masks at City Council meetings.

7-B. Planning

- i. Consider APPROVAL of applicant's request for an Advanced Construction Permit related to Tract 5292 for grading activities only contingent upon the approval by the SKGSA board of the purchase agreement for acquisition of the remainder parcel.

7-C. City Manager's Office

- i. COVID-19 Update

8. Staff Communications (City Manager)

9. Councilmember Reports and Comments

10. Closed Session

10-A. Government Code Section 54956.9(d)(1)

Conference with Legal Counsel – Existing Litigation

Case Name: C. Bergthold vs. City of Fowler, Worker's Compensation Appeals Board Case Nos. ADJ11826229 and ADJ11826228

10-B. Government Code Section 54956.8

Conference with Real Property Negotiator

Property: APNs 343-233-02ST and 343-233-03ST (NW corner of S. 7<sup>th</sup> St. and E. Vine St.)

Agency Negotiator: Wilma Quan, City Manager

Negotiating Party: Abdallah Qawadri

Under Negotiation: Price and terms of potential sale

10-C. Government Code Section 54957.6

Conference with Labor Negotiator

Agency Representative: City Manager

Unrepresented Employee: Building Official

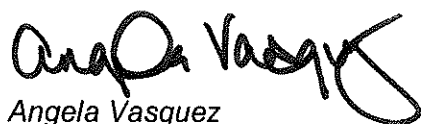
11. Reconvene into Open Session

12. Adjourn

*Next Ordinance No. 2021-04*

*Next Resolution No. 2514*

*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, September 3, 2021.*



Angela Vasquez  
Deputy City Clerk

CITY OF FOWLER  
 WARRANTS LIST  
 September 7, 2021

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	38210-38306	Aug 17 thru Sept 1	\$ 516,007.25
<b>TOTAL ACCOUNTS PAYABLE CHECKS</b>			<b>\$ 516,007.25</b>
<u>PAYROLL COSTS</u>			
Second August Bi-Monthly Payroll		August 31, 2021	93,955.73
<b>TOTAL PAYROLL COSTS</b>			<b>\$ 93,955.73</b>
<b>TOTAL CASH DISBURSEMENTS</b>			<b>\$ 609,962.98</b>

**NOTE:**

Check #38225	Void check
Check #38230	Void check
Check #38248-#38250	Void checks
Check #38286	Void check carry over to check #38287

**ITEM**

**6A**

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
 ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	38210	08/17/21	11084	BARCO PRODUCTS	6200	18X12 BICYCLE SIGNS	0.00	617.63
1001	38211	08/17/21	10124	COUNTY OF FRESNO	6120	4TH QUARTER BOOKING	0.00	1,378.44
1001	38212	08/17/21	10104	FPOA	100	EMPLOYEE DEDUCTION	0.00	350.00
1001	38213	08/17/21	12076	KEY DESIGN LOCKSMITHING	6200	KEYS	0.00	16.35
1001	38214	08/17/21	10215	NELSON HARDWARE & GIFTS	6200	SUPPLIES	0.00	148.03
1001	38214	08/17/21	10215	NELSON HARDWARE & GIFTS	6200	SUPPLIES	0.00	3.24
TOTAL	CHECK						0.00	151.27
1001	38215	08/17/21	12650	NEXT LEVEL	6120	DECALS 2 FORD EXPLRRS	0.00	1,529.32
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	12-02 BARBED WIRE	0.00	198.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 21-01	0.00	183.50
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 21-02 JAYS	0.00	91.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 21-05 BEE SWEET	0.00	50.40
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	CUP 21-02	0.00	25.20
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	CUP 21-02	0.00	1,285.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 21-05 BEE SWEET	0.00	1,258.80
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	ZTA 21-01	0.00	1,228.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 21-03 UNITED HLTH	0.00	1,158.50
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	AA 21-0	0.00	537.30
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	PARCEL MAP 21-01	0.00	441.20
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	RJ HILL TTM 5952	0.00	429.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	CUP 21-01	0.00	400.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 21-06	0.00	351.00
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150	SPR 20-04 MCDONALDS	0.00	247.60
1001	38216	08/17/21	13655	PROVOST & PRITCHARD	6150		0.00	7,884.50
TOTAL	CHECK						0.00	
1001	38217	08/17/21	10725	VERIZON WIRELESS	6160	CITY CELL SERVICES	0.00	20.73
1001	38217	08/17/21	10725	VERIZON WIRELESS	6020	CITY CELL SERVICES	0.00	41.45
1001	38217	08/17/21	10725	VERIZON WIRELESS	6030	CITY CELL SERVICES	0.00	41.45
1001	38217	08/17/21	10725	VERIZON WIRELESS	6160	CITY CELL SERVICES	0.00	60.71
1001	38217	08/17/21	10725	VERIZON WIRELESS	6150	CITY CELL SERVICES	0.00	20.72
1001	38217	08/17/21	10725	VERIZON WIRELESS	6120	OFFICERS CELL SERVICE	0.00	3.59
TOTAL	CHECK						0.00	188.65
1001	38218	08/18/21	11689	A & C TIRE SERVICE	6200	FLAT REPAIR	0.00	15.00
1001	38219	08/18/21	12285	ATT	6120	PD ETHERNET SERVICES	0.00	762.00
1001	38220	08/18/21	14330	B&P PEST PROS	6020	CITY HALL PEST CONTRL	0.00	90.00
1001	38220	08/18/21	14330	B&P PEST PROS	6700	PEST CONTROL SR CTR	0.00	95.00
1001	38220	08/18/21	14330	B&P PEST PROS	6020	J JOHNSON PEST CONTRL	0.00	1,820.00
TOTAL	CHECK						0.00	2,005.00
1001	38221	08/18/21	10666	CALIFORNIA BUILDING OFFI	6160	BLDG OFFICIAL JOB AD	0.00	60.00
1001	38222	08/18/21	12654	COMCAST	6120	PD ETHERNET SERVICES	0.00	738.67

SUPERION  
 DATE: 09/03/2021  
 TIME: 14:17:38

CITY OF FOWLER  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2  
 ACCTPAZ1

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
 ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	38223	08/18/21	10108	FIVE CITIES EDA - EDC	6020	Q1 JULY -SEPT 21	0.00	778.62
1001	38224	08/18/21	14243	FOWLER ACE HARDWARE	6120	SUPPLIES	0.00	7.81
1001	38224	08/18/21	14243	FOWLER ACE HARDWARE	6120	SUPPLIES	0.00	8.47
1001	38224	08/18/21	14243	FOWLER ACE HARDWARE	6120	SUPPLIES	0.00	8.71
1001	38224	08/18/21	14243	FOWLER ACE HARDWARE	6120	SUPPLIES	0.00	16.34
1001	38224	08/18/21	14243	FOWLER ACE HARDWARE	6120	SUPPLIES	0.00	0.33
TOTAL	CHECK						0.00	41.66
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	1.96
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	3.04
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-1.96
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-3.04
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-5.44
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-5.44
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-9.80
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-12.68
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	5.44
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	5.44
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	9.80
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	12.68
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	17.43
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	26.31
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	38.38
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	43.57
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	79.53
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SNR CTR SUPPLIES	0.00	138.70
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-17.43
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-26.31
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-38.38
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-43.57
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	-79.53
1001	38225	08/18/21	14245	FOWLER ACE HARDWARE	6200	SNR CTR SUPPLIES	0.00	-138.70
TOTAL	CHECK						0.00	0.00
1001	38226	08/18/21	14246	FOWLER ACE HARDWARE	6020	SUPPLIES	0.00	9.80
1001	38226	08/18/21	14246	FOWLER ACE HARDWARE	6020	SUPPLIES	0.00	41.39
TOTAL	CHECK						0.00	51.19
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	3.04
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	4.64
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	7.62
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	10.89
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	13.06
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	15.01
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	18.51
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	21.77
1001	38227	08/18/21	14247	FOWLER ACE HARDWARE	5000	SUPPLIES	0.00	28.32
TOTAL	CHECK						0.00	122.86
1001	38228	08/18/21	14249	FOWLER ACE HARDWARE	6260	SUPPLIES	0.00	6.09
1001	38228	08/18/21	14249	FOWLER ACE HARDWARE	6260	SUPPLIES	0.00	8.16

SUPERION  
 DATE: 09/03/2021  
 TIME: 14:17:38

CITY OF FOWLER  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3  
 ACCTPAZ1

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
 ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	DESCRIPTION	SALES TAX	AMOUNT
1001	38228	08/18/21	14249	FOWLER ACE HARDWARE	6260	SUPPLIES	0.00	18.51
1001	38228	08/18/21	14249	FOWLER ACE HARDWARE	6260	SUPPLIES	0.00	28.31
TOTAL	CHECK						0.00	61.07
1001	38229	08/18/21	10104	FPOA	100	EMPLOYEE DEDUCTION	0.00	325.00
1001	38230	08/18/21	10119	FRESNO COUNTY CLERK	6020	NOTARY FEE BECKIE M	0.00	45.00
1001	38230	08/18/21	10119	FRESNO COUNTY CLERK	6020	NOTARY FEE BECKIE M	0.00	-45.00
TOTAL	CHECK						0.00	0.00
1001	38231	08/18/21	10141	H & H TIRE SERVICES #3,	6120	UNIT 20 FLAT REPAIR	0.00	20.00
1001	38232	08/18/21	14477	MAS ENTERTAINMENT	6400	08/18 FRMRS MRKT BAND	0.00	300.00
1001	38233	08/18/21	10201	METRO UNIFORM & ACCESSOR	6120	UNIFORM J MIRANDA	0.00	87.07
1001	38233	08/18/21	10201	METRO UNIFORM & ACCESSOR	6120	UNIFORM NICK HARO	0.00	111.05
TOTAL	CHECK						0.00	198.12
1001	38234	08/18/21	12650	NEXT LEVEL	6120	VEHICLE DECAL RPLCMNT	0.00	2,830.36
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	5000	UTILITIES	0.00	19.39
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	20.41
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	22.65
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	58.15
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	60.24
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	76.70
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	101.44
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	166.09
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	2250	UTILITIES	0.00	219.00
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6130	UTILITIES	0.00	234.32
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	282.96
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	384.80
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6200	UTILITIES	0.00	781.62
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	5000	UTILITIES	0.00	1,087.97
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	5000	UTILITIES	0.00	1,282.82
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	6130	UTILITIES	0.00	1,329.28
1001	38235	08/18/21	10237	P G & E - SACRAMENTO	5000	UTILITIES	0.00	27,444.81
TOTAL	CHECK						0.00	33,572.65
1001	38236	08/18/21	10249	QUILL	6020	OFFICE SUPPLIES	0.00	10.56
1001	38237	08/18/21	10251	R & R AUTO REPAIR SHOP	6120	OIL CHANGE	0.00	79.30
1001	38237	08/18/21	10251	R & R AUTO REPAIR SHOP	6200	REPAIRS	0.00	710.70
TOTAL	CHECK						0.00	790.00
1001	38238	08/18/21	14479	RG POWER	6260	EQUIPMENT MAINTENANCE	0.00	561.46
1001	38239	08/18/21	11195	ROBERT V JENSEN INC	6130	FUEL	0.00	107.26
1001	38239	08/18/21	11195	ROBERT V JENSEN INC	6200	FUEL	0.00	150.64
1001	38239	08/18/21	11195	ROBERT V JENSEN INC	6260	FUEL	0.00	330.51
1001	38239	08/18/21	11195	ROBERT V JENSEN INC	5000	FUEL	0.00	1,020.28
TOTAL	CHECK						0.00	1,608.69

SUPERION  
 DATE: 09/03/2021  
 TIME: 14:17:38

PAGE NUMBER: 4  
 ACCTPA21

CITY OF FOWLER  
 CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
 ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	DESCRIPTION	SALES TAX	AMOUNT
1001	38240	08/18/21	10518	SIGNMAX!	6200	SIGNS	0.00	413.37
1001	38241	08/18/21	13355	SITE ONE LANDSCAPE SUPPL	6260	IRRIGATION SUPPLIES	0.00	339.75
1001	38242	08/18/21	10763	SUNBELT RENTALS	6400	LIGHT TOWER RENTAL	0.00	190.62
1001	38242	08/18/21	10763	SUNBELT RENTALS	6400	LIGHT TOWER RENTAL	0.00	190.62
TOTAL CHECK								381.24
1001	38243	08/18/21	14007	TIRE HUB	6120	PATROL VEHICLE TIRES	0.00	437.30
1001	38244	08/18/21	13543	UNIFIRST CORPORATION	6700	STR CTR JNTRL SERVICE	0.00	34.29
1001	38244	08/18/21	13543	UNIFIRST CORPORATION	6020	ADMIN SERVICES	0.00	41.96
1001	38244	08/18/21	13543	UNIFIRST CORPORATION	6130	FIRE DEPT SERVICES	0.00	51.36
1001	38244	08/18/21	13543	UNIFIRST CORPORATION	5000	WATER DEPT SERVICES	0.00	218.57
1001	38244	08/18/21	13543	UNIFIRST CORPORATION	5000	WATER DEPT SERVICES	0.00	346.18
TOTAL CHECK								253.45
1001	38245	08/18/21	14086	USA NORTH 811 CA UNDERGR	5000	CA REGULATORY FEES	0.00	40.00
1001	38246	08/18/21	14478	VANESSA RIVERA	100	DUP BUS LIC REFUND	0.00	342.63
1001	38247	08/18/21	10725	VERIZON WIRELESS	5000	PW CELL SERVICES	0.00	43.00
1001	38248	08/24/21	10119	FRESNO COUNTY CLERK	6020	NOTARY FEE BECKIE M	0.00	-43.00
1001	38248	08/24/21	10119	FRESNO COUNTY CLERK	6020	NOTARY FEE BECKIE M	0.00	0.00
TOTAL CHECK								375.00
1001	38249	08/24/21	14163	JOE MORENO	6400	08/25 FRMRS MRKT BAND	0.00	-375.00
1001	38249	08/24/21	14163	JOE MORENO	6400	08/25 FRMRS MRKT BAND	0.00	0.00
TOTAL CHECK								500.00
1001	38250	08/24/21	14129	TED RONELL	6400	09/01 FRMRS MRKT BAND	0.00	-500.00
1001	38250	08/24/21	14129	TED RONELL	6400	09/01 FRMRS MRKT BAND	0.00	0.00
TOTAL CHECK								43.00
1001	38251	08/24/21	10119	FRESNO COUNTY CLERK	6020	NOTARY FEE B MOLINA	0.00	375.00
1001	38252	08/24/21	14163	JOE MORENO	6400	08/25 FRMRS MRKT BAND	0.00	500.00
1001	38253	08/24/21	14129	TED RONELL	6400	09/01 FRMRS MRKT BAND	0.00	198.84
1001	38254	08/24/21	10087	DEPARTMENT OF TRANSPORTA	6200	SIGNALS/LIGHTING Q2	0.00	672.40
1001	38255	08/24/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	2,597.35
1001	38256	08/24/21	14462	METROPOLITAN COMPOUNDS	6130	GEAR CLEANER	0.00	762.43
1001	38259	08/24/21	12300	COOKS COMMUNICATIONS	6130	MOBILE RADIO PACKAGE	0.00	350.60
1001	38260	08/24/21	13655	PROVOST & PRITCHARD	6150	SPR 21-03 UNITED HLTH	0.00	1,209.40
1001	38260	08/24/21	13655	PROVOST & PRITCHARD	6150	PARCEL MAP 21-01	0.00	4,147.00
1001	38260	08/24/21	13655	PROVOST & PRITCHARD	6150	ZONING CODE UPDATE	0.00	



SUPERION  
 DATE: 09/03/2021  
 TIME: 14:17:38

CITY OF FOWLER  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 5  
 ACCTPAZI

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
 ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	DESCRIPTION	SALES TAX	AMOUNT
1001	38260	08/24/21	13655	PROVOST & PRITCHARD	6150	TCP WELL 7	0.00	8,161.20
1001	38260	08/24/21	13655	PROVOST & PRITCHARD	6150	PLANNING SERVICES	0.00	12,735.58
1001	38260	08/24/21	13655	PROVOST & PRITCHARD	6150	GENERAL PLAN UPDATE	0.00	16,105.90
TOTAL CHECK							0.00	42,709.78
1001	38261	08/25/21	14480	ARCHIVE SOCIAL	6120	SOCIAL MEDIA ARCHIVING	0.00	1,245.00
1001	38262	08/25/21	10549	AT&T MOBILITY	6120	AIR CARD SERVICES	0.00	435.17
1001	38263	08/25/21	10026	BCT CONSULTING	5000	COMPUTER UPDATE SERVC	0.00	375.00
1001	38263	08/25/21	10026	BCT CONSULTING	6120	COMPUTER UPDATE SERVC	0.00	375.00
1001	38263	08/25/21	10026	BCT CONSULTING	6700	COMPUTER UPDATE SERVC	0.00	375.00
1001	38263	08/25/21	10026	BCT CONSULTING	6030	COMPUTER UPDATE SERVC	0.00	375.00
TOTAL CHECK							0.00	1,500.00
1001	38264	08/25/21	10024	BSK ASSOCIATES	5000	LEAD & COPPER TESTING	0.00	210.00
1001	38264	08/25/21	10024	BSK ASSOCIATES	5000	LEAD & COPPER TESTING	0.00	150.00
TOTAL CHECK							0.00	360.00
1001	38265	08/25/21	11291	THE BUSINESS JOURNAL	6025	LEGAL AD	0.00	300.00
1001	38266	08/25/21	14429	CORE & MAIN	5000	METER NUT WRENCH	0.00	118.27
1001	38267	08/25/21	13627	FAHRNEY BUICK GMC	6160	AUTO MAINTENANCE	0.00	1,199.26
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	79.53
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	43.57
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	38.38
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	26.31
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	17.43
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	12.68
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	9.80
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	5.44
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	5.44
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	3.04
1001	38268	08/25/21	14245	FOWLER ACE HARDWARE	6200	SUPPLIES	0.00	1.96
TOTAL CHECK							0.00	243.58
1001	38269	08/25/21	14252	FOWLER ACE HARDWARE	6700	SNR CTR SUPPLIES	0.00	138.70
1001	38270	08/25/21	11018	HOME DEPOT CREDIT SERVIC	6130	SUPPLIES	0.00	29.85
1001	38271	08/25/21	14259	IMAGESOURCE	6700	COPIES 08/05/21	0.00	341.45
1001	38271	08/25/21	14259	IMAGESOURCE	6150	COPIES 08/05/21	0.00	341.44
TOTAL CHECK							0.00	682.89
1001	38272	08/25/21	12076	KEY DESIGN LOCKSMITHING	6200	KEYS PW	0.00	21.80
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	21.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	126.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	147.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	168.00

SUPERION  
 DATE: 09/03/2021  
 TIME: 14:17:38

CITY OF FOWLER  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 6  
 ACCTPA21

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
 ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	252.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	262.85
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	315.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	756.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,092.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,291.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,344.80
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,491.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	1,554.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	4,713.00
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	5,795.30
1001	38273	08/25/21	10194	LOZANO SMITH	6060	LEGAL SERVICES	0.00	9,199.68
TOTAL	CHECK						0.00	28,528.63
1001	38274	08/25/21	10201	METRO UNIFORM & ACCESSOR	6120	UNIFORM JUSTIN BARRET	0.00	101.24
1001	38274	08/25/21	10201	METRO UNIFORM & ACCESSOR	6120	EXPLORERS UNIFORM	0.00	108.92
1001	38274	08/25/21	10201	METRO UNIFORM & ACCESSOR	6120	UNIFORM ART DURON	0.00	126.25
1001	38274	08/25/21	10201	METRO UNIFORM & ACCESSOR	6120	UNIFORM ART DURON	0.00	173.27
TOTAL	CHECK						0.00	509.68
1001	38275	08/25/21	12384	PITNEY BOWES GLOBAL FINA	6020	LEASE PMT 05/28-08/27	0.00	340.98
1001	38276	08/25/21	14479	RG POWER	6260	MOWER MAINTENANCE	0.00	388.87
1001	38277	08/25/21	14072	ROBINA WRIGHT ARCHITECT	6150	TEX TRAIL BP21-0195	0.00	561.82
1001	38277	08/25/21	14072	ROBINA WRIGHT ARCHITECT	6150	ASPIRE SUNNYSIDE	0.00	1,105.00
TOTAL	CHECK						0.00	1,666.82
1001	38278	08/25/21	14358	SPARKLETTS	6020	WATER SERVICE PW	0.00	294.80
1001	38279	08/25/21	14481	SUSANA CALDERON SOLIS	100	PARK REFUND	0.00	25.00
1001	38280	08/25/21	13543	UNIFIRST CORPORATION	6700	JANITORIAL 08/17	0.00	34.29
1001	38280	08/25/21	13543	UNIFIRST CORPORATION	6020	ADMIN SERVICES	0.00	41.96
1001	38280	08/25/21	13543	UNIFIRST CORPORATION	6130	FIRE SERVICES	0.00	51.36
1001	38280	08/25/21	13543	UNIFIRST CORPORATION	6260	PARKS SERVICES	0.00	233.51
TOTAL	CHECK						0.00	361.12
1001	38281	08/25/21	13521	UNITY IT	6120	TECHNICAL ASSISTANCE	0.00	39.99
1001	38282	08/25/21	10725	VERIZON WIRELESS	6120	OFFICERS CELL SERVICE	0.00	500.00
1001	38283	08/27/21	11793	DON BERRY CONSTRUCTION	2110	ADAMS RECON PH 2 & 3	0.00	208,363.50
1001	38284	08/27/21	14416	FLEX PRO, INC.	2500	CDBG PANZAK PARK FINL	0.00	35,194.11
1001	38285	08/27/21	10122	FRESNO COUNTY FIRE PROTE	6130	DISPATCH SV JAN-JUN30	0.00	2,929.81
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	100	SPR 21-01 MAXCO	0.00	120.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	SPR 21-02 J MARTINEZ	0.00	120.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	SPR 21-03 UHC	0.00	120.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	SPR 21-04 MCDONALDS	0.00	120.00

SUPERION  
DATE: 09/03/2021  
TIME: 14:17:38

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 7  
ACCTPAZ1

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	DESCRIPTION	SALES TAX	AMOUNT
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T6274 PLAN	0.00	343.75
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	BUFORD PLAN	0.00	600.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	100	MAXCO INSP	0.00	700.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	MERCED DOWNTOWN	0.00	795.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T6259 PLAN	0.00	826.12
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	7400	IMPACT FEE STUDY	0.00	1,200.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	TCP COORD	0.00	1,495.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	2500	PANZAK PARK	0.00	1,879.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	2300	GOLDEN ST CORR	0.00	2,780.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	2110	MAIN ST REHAB	0.00	2,832.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T6188 PLAN	0.00	2,834.23
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T5952 PLAN	0.00	4,755.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T6274 PLAN	0.00	6,505.86
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	ENCKOACH PERMIT	0.00	6,520.92
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	MISC ENG SVC	0.00	7,921.96
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T6188 MARSHALL	0.00	720.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	2110	ADAMS PH3	0.00	16,250.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	2110	ADAMS PH2	0.00	27,500.00
1001	38287	08/27/21	12060	PETERS ENGINEERING GROUP	6150	T6188 PLAN	0.00	8,491.00
TOTAL CHECK							0.00	95,429.84
1001	38288	08/30/21	10558	MELLON, CRAIG	6150	REPLACE CHK#34878	0.00	472.48
1001	38289	09/01/21	13925	ALCARAZ, RUDY	6120	3 DAYS PER DIEM CPCAS	0.00	225.00
1001	38290	09/01/21	10026	BCT CONSULTING	6030	COMPUTER SERVICES	0.00	301.25
1001	38290	09/01/21	10026	BCT CONSULTING	6700	COMPUTER SERVICES	0.00	301.25
1001	38290	09/01/21	10026	BCT CONSULTING	6120	COMPUTER SERVICES	0.00	301.25
1001	38290	09/01/21	10026	BCT CONSULTING	5000	COMPUTER SERVICES	0.00	301.25
1001	38290	09/01/21	10026	BCT CONSULTING	6030	COMPUTER SERVICES	0.00	344.62
1001	38290	09/01/21	10026	BCT CONSULTING	6700	COMPUTER SERVICES	0.00	344.62
1001	38290	09/01/21	10026	BCT CONSULTING	6120	COMPUTER SERVICES	0.00	344.62
1001	38290	09/01/21	10026	BCT CONSULTING	5000	COMPUTER SERVICES	0.00	344.62
1001	38290	09/01/21	10026	BCT CONSULTING	6030	COMPUTER SERVICES	0.00	375.00
1001	38290	09/01/21	10026	BCT CONSULTING	6700	COMPUTER SERVICES	0.00	375.00
1001	38290	09/01/21	10026	BCT CONSULTING	6120	COMPUTER SERVICES	0.00	375.00
1001	38290	09/01/21	10026	BCT CONSULTING	5000	COMPUTER SERVICES	0.00	375.00
TOTAL CHECK							0.00	4,083.48
1001	38291	09/01/21	11291	THE BUSINESS JOURNAL	6025	LEGAL ADVERTISING	0.00	400.00
1001	38292	09/01/21	12582	DARLEY	6130	SUPPLIES - HOSES	0.00	3,072.03
1001	38293	09/01/21	14188	DATA TICKET	6120	TICKET PROCESSING FEE	0.00	72.00
1001	38294	09/01/21	14482	EDWARD GUZMAN	6400	FARMERS MARKET 09/08	0.00	600.00
1001	38295	09/01/21	10488	FOWLER UNIFIED SCHOOL DI	6120	FUEL JULY AND AUGUST	0.00	6,262.20
1001	38296	09/01/21	10141	H & H TIRE SERVICES #3,	6120	CHIEF UNIT FLT REPAIR	0.00	20.00
1001	38296	09/01/21	10141	H & H TIRE SERVICES #3,	6120	UNIT 70 MOUNT TIRES	0.00	60.00
TOTAL CHECK							0.00	80.00



SUPERION  
DATE: 09/03/2021  
TIME: 14:17:38

PAGE NUMBER: 9  
ACCTPA21

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
ACCOUNTING PERIOD: 3/22

FUND - 201 - DISTRICT SALES TAX									
CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT	
1001	38257	08/24/21	12300	COOKS COMMUNICATIONS	2010	FORD EXPLORER RADIOS	0.00	2,638.91	
TOTAL CASH ACCOUNT								0.00	2,638.91
TOTAL FUND								0.00	2,638.91

SUPERION  
DATE: 09/03/2021  
TIME: 14:17:38

PAGE NUMBER: 10  
ACCTPA21

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact.check\_no between '38210' and '38306'  
ACCOUNTING PERIOD: 3/22

FUND - 206 - COPS GRANT				-----DESCRIPTION-----	SALES TAX	AMOUNT
CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	
1001	38258	08/24/21	12300	COOKS COMMUNICATIONS	2060	2,638.91
TOTAL CASH ACCOUNT						2,638.91
TOTAL FUND						2,638.91
TOTAL REPORT						516,007.25

**MINUTES OF THE FOWLER CITY COUNCIL  
SPECIAL MEETING  
TUESDAY AUGUST 17, 2021**

Mayor Cardenas called the meeting to order at 6:31 p.m. Roll call was taken.

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

City Staff Present: City Manager Quan, City Attorney Cross, Police Chief Alcaraz, Public Works Director Dominguez, Community Development Director Gaffery, Recreation Coordinator Hernandez, Fire Chief Lopez, City Planner Marple, Finance Director Moreno, Deputy City Clerk Vasquez, Police Records Secretary Zavala

**3. CEREMONIAL PRESENTATIONS**

**3-A. Special Presentation by Sheriff Mims in Appreciation of Fowler Police Department's assistance in the Creek Fire**

*Sheriff Margaret Mims presented Fowler's Police Department an appreciation plaque for their assistance in the Creek Fire.*

**3-B. Swearing-In and Promotion of Officers**

*Officers Justin Barrett and Nicholas Haro were sworn in.*

**4. ADJOURNMENT**

**Having no further business, the meeting adjourned at 6:54 p.m.**

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
Tuesday August 17, 2021**

Mayor Cardenas called the meeting to order at 7:05 p. m.

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

City Staff Present: City Manager Quan, City Attorney Cross, Police Chief Alcaraz, Public Works Director Dominguez, Community Development Director Gaffery, Recreation Coordinator Hernandez, Fire Chief Lopez, City Planner Marple, Finance Director Moreno, City Engineer Peters, Deputy City Clerk Vasquez

**3. PUBLIC COMMENT**

*Fowler resident Henry Flores and Gary Serrato addressed the Council.*

*Members of Council generally discussed COVID-19 protocol and whether councilmembers and attendees should wear masks. City Attorney Cross advised Council it is a Council procedure and could be discussed tonight or at the next regularly scheduled meeting. Council decided to take the matter up at the September 7, 2021 meeting.*

**4. CONSENT CALENDAR**

**Mayor Pro-Tem Rodriquez made a motion to approve consent calendar items 4-A through 4-E, seconded by Councilmember Kazarian. The motion carried by roll call vote: Ayes: Rodriquez, Kazarian, Cardenas, Mejia, Parra.**

*Councilmember Parra pulled item 4-F for discussion asked Public Works Director Dominguez to confirm the number of antennas. Public Works Director Dominguez confirmed there are seventeen antennas.*

**Councilmember Parra made a motion to approve consent calendar item 4-F, seconded by Mayor Pro-Tem Rodriquez. The motion carried by roll call vote: Ayes: Parra, Rodriquez, Cardenas, Kazarian, Mejia.**

**5. GENERAL ADMINISTRATION**

**5-A. FINANCE**

- i. APPROVAL of items pertaining to the use of the Coronavirus State and Local Fiscal Recovery funds under the American Rescue Plan Act of 2021.**



- 1. Adopt Resolution No. 2512 amending the 2021-2022 Adopted Budget to reflect Coronavirus State and Local Fiscal Recovery funds received under the American Rescue Plan Act (ARPA) in the amount of \$812,156 in revenues, and appropriate \$575,000 for various expenditures including a one-time premium pay to essential city employees; to upgrade city water meters; and a Council Chambers Audio-Visual system.**

*Finance Director Moreno reported that last month the City received the first half of ARPA monies of roughly \$812,000. The second half will be distributed in July 2022. She stated a special revenue fund was created to keep the monies separate from the General Fund. Finance Director Moreno stated the City has until December 2024 to fully obligate the funds and until December 2026 to spend the funds.*

*Finance Director Moreno stated staff recommends the first tranche of \$812,156 ARPA funds be used for the following: one-time premium pay to City employees, water meters upgrades, modernization of audio-visual system in Council Chambers, and reserve for future initiatives. She requested Council's approval to adopt Resolution No. 2512 with Budget Amendment and Resolution No. 2513.*

*Councilmember Kazarian inquired if any of the ARPA monies will be used for outdoor dining improvements. City Manager Quan stated staff is soliciting design proposals for Merced Street updates and some of the monies could be used towards the updates and will be brought back to Council for consideration. City Manager Quan stated the water meter quote does not include installation. Staff will be researching cost effective installation options and will return to Council.*

**Mayor Pro-Tem Rodriquez made a motion to Adopt Resolution No. 2512 and Budget Amendment, seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Rodriquez, Mejia, Cardenas, Kazarian, Parra.**

- 2. Adopt Resolution No. 2513 of the City Council of the City of Fowler authorizing a one-time premium payment to eligible city employees performing essential work, who have been and continue to be relied upon to maintain continuity of city operations.**

**Councilmember Parra made a motion to Adopt Resolution No. 2513, seconded by Mayor Pro-Tem Rodriquez. The motion carried by roll call vote: Ayes: Parra, Rodriquez, Cardenas, Kazarian, Parra.**

## 5-B. PLANNING

- i. **PUBLIC HEARING to Consider Introduction of Zoning Text Amendment No. 21-01 to Amend Section 17, of Article 22, of Chapter 5, of Title 9 of the Fowler Municipal Code – Special Use Signs, to allow multiple drive-through menu boards.**

*City Planner Marple provided an overview of what the City's current Zoning Ordinance allows. She reported staff has received several development proposals requesting multiple menu boards for multi-lane drive-throughs; most recently from Commercial Neon Signs. City Planner Marple stated after discussion with the applicant, staff recommend drive-through uses would be allowed two menu boards per drive-through lane (those with two drive-through lanes could have a total of four menu boards); each drive-through lane would be allowed up to forty square feet in total signage, with a maximum of twenty-five square feet per sign; and each drive-through sign's speaker box must be positioned away from residential district or residential use. City Planner Marple stated the proposed text amendment would align with the City's standards and with the standards of most surrounding cities.*

*City Planner Marple reported the Planning Commission considered this item at their July meeting and recommended adopting staff's recommendation. She stated the Zoning Text Amendment has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been found to be exempt pursuant to CEQA guidelines. City Planner Marple stated the Planning Commission and staff recommend City Council adopt an amendment to section 9-5.22.17, the special use signs of the Fowler Zoning Ordinance to allow two drive-through menu boards with up to forty square feet in total sign area per drive-through lane. City Planner Marple clarified each drive-through lane would be allowed up to forty square feet in total signage, with a maximum of twenty-five square feet per sign.*

*There was no public comment.*

**Mayor Pro-Tem Rodriguez made a motion to Adopt an amendment to section 9-5.22.17, seconded by Councilmember Parra. The motion carried by roll call vote: Ayes: Rodriguez, Parra, Cardenas, Kazarian, Mejia.**

## 5-C. PUBLIC WORKS

- i. **PUBLIC HEARING to APPROVE Resolution No. 2511, a Resolution Confirming Diagram and Assessment of Annual Levy – 2021/22 for**

**Landscaping and Storm Drainage Facilities Maintenance District No. 1.**

*City Engineer Peters reported the City must annually approve an Engineer's Report and Levy of Assessment for each tax year. He reported Council approved the report July 20, 2021 and passed a Resolution of Intent to levy the assessment with a public hearing. City Engineer Peters stated staff recommends the Council approve Resolution No. 2511 approving the levy of annual assessments for fiscal year 2021-2022 and authorize staff to submit the assessments to the Fresno County Auditor-Controller.*

*There was no public comment.*

**Councilmember Parra made a motion to Approve Resolution No. 2511, seconded by Councilmember Kazarian. The motion carried by roll call vote: Ayes: Parra, Kazarian, Cardenas, Mejia, Rodriquez.**

**5-D. CITY MANAGER'S OFFICE**

**i. COVID-19 Update**

*City Manager Quan reported that the Fresno County Department of Public Health's data shows Fowler's vaccination rate is nearly 61% and staff continues to keep in close communication with FCDPH. She thanked Public Works Director Dominguez for attending FCDPH update meetings. City Manager Quan stated the mask item will be brought forward at the next council meeting in September.*

**ii. CONSIDER various projects for potential Economic Development Administration (EDA) grant opportunity.**

*City Manager Quan provided an overview of the three projects for consideration of a potential EDA grant application. She stated staff worked closely with Will Oliver of the Fresno County Economic Development Corporation (EDC) to assist in connecting with the EDA, to learn about the grant opportunity, and to vet three projects staff was asked to research which are a police headquarters with a community, senior or youth center; a community center with job training; and a water infrastructure expansion project using an existing county-owned Public Utility Easement into the City's Sphere of Influence. City Manager Quan reported Will Marshall of the EDA stated the police headquarters is not an eligible project. She continued to report the two other viable projects require additional vetting. City Manager Quan requested Council's direction in which project they would like staff to explore further. She noted both projects require engagement with various companies and*

*property owners. City Manager Quan stated the EDC would assist in obtaining any necessary documentation and the EDA application. City Manager Quan stated the EDA minimum application is five million dollars and a twenty percent match would be equivalent with either project.*

*Councilmember Parra voiced concerns that staff time wasn't spent equally on both eligible projects and his preference is to choose a project that would benefit Fowler residents. He also noted his concern of the twenty percent project cost for the water infrastructure expansion project. City Manager Quan reported staff had preliminary conversations with David Fey of LAFCo about an annexation plan for the water infrastructure expansion project. Councilmember Parra stated he spoke with Mr. Fey of LAFCo and he wasn't aware of the water infrastructure expansion project. In addition, City Manager Quan noted that if Council selected the community center it would be best placed in an Opportunity Zone to reap 80/20 benefits.*

*Councilmember Kazarian stated he supports the water infrastructure expansion project if it is annexed because it will ultimately bring in future tax dollars and will advance Growth Tier 1 in the proposed General Plan update. Councilmember Kazarian stated he believes this will increase City revenue and benefit Fowler residents.*

*Councilmember Mejia inquired what the annexation process entailed. City Manager Quan stated staff had a conversation with Mr. Fey about the water infrastructure expansion project. City Planner Marple reported that according to the City's Memorandum of Understanding (MOU) with the County of Fresno, fifty percent of the area would need to be proposed for development in order to be annexed and include the sewer and water infrastructure with it. She noted there are options to make an agreement outside the City's MOU and create a new agreement with the County of Fresno for a phased annexation.*

*Councilmember Mejia stated it may be best to utilize the funds for a project within the City limits. Councilmember Kazarian noted investors have great interest in sites in Fowler. Will Oliver reported the City of Fowler has a zero percent vacancy rate with minimal availability for job creating businesses to locate within the current City limits. Mr. Oliver stated the EDC has shown three clients potential sites and are engaging property owners who have off-market properties who may be interested in selling or developing their land. Councilmember Mejia inquired about the possible time frame. Mr. Oliver stated the City would need to meet its jobs goals within seven years and would need to draw down most funds from the EDA before applying for another project.*

*Councilmember Parra noted staff gave more attention to the water infrastructure project than the community center project. City Manager Quan stated a large portion of the work on the water infrastructure project began prior to her working at the City. Councilmember Kazarian stated his role as the Fowler City Council representative to the Five Cities committee entails meetings with the EDC on a regular basis. He clarified that water infrastructure discussions had begun prior to the hiring of City Manager Quan. Councilmember Kazarian stated discussions began when a local landowner reached out to him about potentially developing his property then Councilmember Kazarian contacted Mr. Oliver and City Planner Marple for a meeting. After City Manager Quan was hired, Councilmember Kazarian updated her on the progress of these discussions. City Planner Marple clarified the proposed area for the water infrastructure expansion project is in the existing General Plan adopted in 2004 and is designated as light industrial and heavy industrial as well as being within the City's sphere of influence.*

*Councilmember Mejia stated the funds may be better suited correcting current issues such as a new well. City Engineer Peters reported the City's well system is at eighty to ninety percent capacity. He stated the City has begun plans for a new well and the immediate problem is deficiencies in the distribution system which are currently being resolved. Councilmember Mejia also inquired what the frequency was for EDA funding. Mr. Oliver stated new funding allocation applications are accepted in October, but the 80/20 match allocation window is undetermined. City Manager Quan noted she has not had Councilmember Kazarian participate in a meeting with Will Marshall of the EDA.*

*Mayor Pro-Tem Rodriguez inquired about the number of "mother-in-law quarters" applications submitted and expressed concerns the effect an over abundance of mother-in-law quarters would have on the City's water. Councilmember Kazarian noted the developer-funded well will assist with meeting the City's water needs. He also clarified the City would need to meet its jobs goals within seven years, not wait seven years for businesses to move in or to take advantage of any benefits. Councilmember Kazarian stated this is an unbelievable opportunity for an opportunity zone to have an 80/20 match and the City should act now.*

*Councilmember Parra inquired if developers could pay for the twenty percent match instead of using City funds. City Manager Quan stated the EDA may not support developers paying back the City's twenty percent, but she would need to confirm with the EDA.*

The item was opened for public comment.

*Fowler resident Steve Barela addressed the Council with concerns about the developer-funded well and his support of the community center.*

Public comment was closed.

*Mayor Cardenas noted his concerns about the City's water shortage and is not in favor of the water infrastructure project. Councilmember Kazarian voiced his concerns over decisions being made with misinformation. He also noted both the water infrastructure and community center projects are potential projects and because he supports the water infrastructure 80/20 match by the EDA project doesn't mean he doesn't support the community center project. He proceeded to say a community center would be better suited in downtown and the 80/20 match is not available in the downtown area. Councilmember Parra noted a community center can be downtown without the 80/20 match. Councilmember Parra suggested the developers pay for the water infrastructure project.*

**Councilmember Parra made a motion to support Option 2 (community center with job training), seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Parra, Mejia, Cardenas, Rodriquez. Noes: Kazarian**

*City Manager reported staff will be releasing the Request for Qualifications (RFQ) for the new Police Headquarters which will include a community gathering venue. Councilmember Kazarian stated there are alternatives for a community center. Councilmember Parra noted a community center needs to have a capacity for three to four hundred people. City Manager stated staff is exploring options to house the Senior Center with Police Headquarters.*

*City Manager Quan also reported the Classification and Compensation Study has begun. She stated employee orientation meetings will be held over the next few weeks. City Manager Quan reported the study will look at similar cities in the region and she will update Council on the progress.*

## **6. STAFF COMMUNICATIONS – (CITY MANAGER)**

### **6-A. FINANCE**

*Finance Director Moreno reported auditors Corona CPA have been on site working on the 2018/2019 audit with the assistance of Price Page & Company.*

## **6-B. PUBLIC WORKS**

*Public Works Director Dominguez reported the south temporary dining platform was removed. He stated the catalytic converter guards have been installed on the Prius'. Public Works Director Dominguez also reported the ADA compliant counter will soon be installed in City Hall.*

## **6-C. PLANNING**

*City Engineer Peters updated Council on the Adams Avenue project and PG&E permit application for gas line repair.*

## **6-D. POLICE DEPARTMENT**

*Police Chief Alcaraz distributed DOJ crime statistics for the month of July 2021 and reported domestic violence numbers have spiked. Chief Alcaraz reported the department has a large traffic enforcement operation for the first week of school.*

## **7. COUNCILMEMBER REPORTS AND COMMENTS**

*Mayor Cardenas requested the pledge of allegiance and invocation be placed back on the agenda because in person meetings have resumed. City Manager Quan stated Chief Alcaraz has a meeting with local ministers and pastors this week and will share this information with them for sign-ups.*

*Mayor Cardenas stated he has received many inquiries from concerned residents regarding Mayor Pro-Tem Rodriguez's so-called DUI arrest. Mayor Cardenas requested Counsel's guidance on how to address Mayor Pro-Tem Rodriguez's conduct. City Attorney Cross stated Council cannot remove a member of the Council. City Attorney Cross stated a councilmember can be removed by recall. He also stated a councilmember would forfeit their seat in office if they were convicted of a felony while in office. City Attorney Cross stated the Council could remove any councilmember's title or committee appointment, but the councilmember would still be a councilmember. He stated another option is public censure, but the councilmember would still be a councilmember. City Attorney Cross reiterated that Council does not have the ability to remove a member of the Council.*

*Mayor Pro-Tem Rodriguez inquired if the south temporary dining platform umbrellas will be stored for future use. City Manager Quan stated the umbrellas and platform parts were placed in storage for upcoming replacement needs.*

*Councilmember Mejia thanked Mayor Cardenas for raising up residents' concerns regarding Mayor Pro-Tem Rodriguez's arrest and City Attorney Cross for his legal advice.*

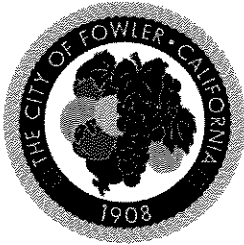
## **8. CLOSED SESSION**

*No reportable action was taken on the item.*

**9. ADJOURNMENT**

**Having no further business, the meeting adjourned at 9:23 p.m.**





ITEM NO: 6-D

**REPORT TO THE CITY COUNCIL**

September 7, 2021

**FROM:** Yvonne Hernandez, Recreation Coordinator

**SUBJECT**

Approve donation request from Fowler High Boys Basketball in the amount of \$500 for Fiscal Year 2021-22.

**RECOMMENDATION**

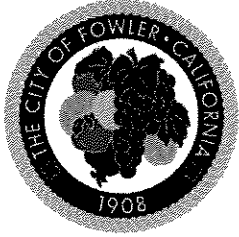
Staff recommend the City Council approve a donation request from Fowler High Boys Basketball Team in the amount of \$500 for Fiscal Year 2021-22.

**BACKGROUND**

The Fowler High Boys Basketball Team, will be performing volunteer cleanup for the City-Wide Yard Sale event that will be held on Saturday, September 18, 2021. The volunteer cleanup will be allocated from the funds that the City receives annually for the recycling grant from the California Department of Resources Recycling and Recovery (CalRecycle).

**FISCAL IMPACT**

Funds have been appropriated under the CalRecycle Grant Fund.

**FOWLER CITY COUNCIL**

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ITEM NO: 6E

**REPORT TO THE CITY COUNCIL**

September 7, 2021

**FROM:** Dawn E. Marple, City Planner**SUBJECT**

Consider Adoption of Zoning Text Amendment No. 21-01 to Amend Section 17, of Article 22, of Chapter 5, of Title 9 of the Fowler Municipal Code – Special Use Signs, to allow multiple drive-through menu boards.

**RECOMMENDATION**

Both Staff and the Planning Commission recommend the City Council adopt an amendment to Section 9-5.22.17 – Special Use Signs of the Fowler Zoning Ordinance to allow two (2) drive-through menu boards with up to 40 square feet in total sign area per drive-through lane.

**BACKGROUND**

The City of Fowler Zoning Ordinance currently allows for restaurant uses with a drive-through to have one (1) additional sign for menu board purposes. Staff has received several development proposals recently requesting multiple menu boards for their multi-lane drive-throughs. These proposals cannot be fulfilled as the zoning ordinance allows only one drive-through sign per restaurant. The applicant, Commercial Neon Signs on behalf of Nematzadeh Enterprises Inc., proposed the following changes:

- Drive-through uses would be allowed two (2) menu boards per drive-through lane. Uses with two (2) drive-through lanes could have a total of four (4) menu boards.
- Each menu board would be allowed to be 27.1 square feet, up from 20 square feet.

A 2019 Drive-Thru Performance Study prepared by QSR (Quick Service Retail) Magazine studied 10 chains across 1,500 visits, and found that total time spent was reduced by 12 seconds per order with the inclusion of a second menu board.

Below is a comparison of the City's sign standards to other area jurisdictions.

Jurisdiction	Max. Number of Boards	Maximum Area per Board	Total Sign Area Allowed (in square feet)
Fowler	1 per restaurant	20 square feet	20
Reedley	2 per restaurant	40 square feet	80
Fresno City, Clovis, Madera City	2 per drive-thru	20 square feet	40 per drive-thru
Selma	No standard		75
Fowler (Applicant-proposed)	2 per drive-thru	27.1 square feet	54.2 per drive-thru

After discussion with the applicant, staff recommend the following changes:

- Drive-through uses would be allowed up to two (2) menu boards per drive-through lane. This means uses with two (2) drive-through lanes could have a total of four (4) menu boards.
- Each drive-through lane would be allowed up to 40 square feet in signage. No single menu board shall exceed 25 square feet in area and 6 feet in height.
- Each drive-through sign's speaker box must be positioned away from residential district or residential use.

Council requested clarifying modifications to the proposed text amendment, which can be found in Attachment A. These modifications were found to follow the original intent of the text amendment, and does not need to be re-noticed.

To summarize, here is an example proposal that would comply with the proposed ordinance:

	Drive-Thru 1	Drive-Thru 2
<b>Menu Board 1</b>	20 sqft	25 sqft
<b>Menu Board 2</b>	20 sqft	15 sqft
<b>Total Area</b>	40 sqft	40 sqft

Each drive through has a total sign area that is equal to or less than 40 square feet, and no sign is greater than 25 square feet in area. Therefore, this proposal would comply with the proposed ordinance.

The proposed text amendment would align the City's standards with the standards of most surrounding cities, while also allowing for some flexibility for restaurants needing more menu board sign area. Restaurants that need more sign area can seek administrative approval of a minor deviation to sign standards.

The Planning Commission reviewed the proposal at a July 1, 2021 regular meeting and recommended adopting staff's recommended version of the proposal.

## ENVIRONMENTAL FINDINGS

Zoning Text Amendment No. 21-01 has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt pursuant to CEQA Guidelines Section 15311 (Accessory Structures). There are six (6) restaurant locations in the City of Fowler with drive-throughs. Should these restaurants apply for a second drive-through menu board, no significant environmental

impacts would occur. Future locations of menu boards would be reviewed and approved under the Conditional Use Permit process.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. The proposed text amendment is not expected to have any significant effect on the environment.

Attachments:

- A. City Council Ordinance

ORDINANCE NO. 2021- 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING SECTION 17, OF ARTICLE 22, OF CHAPTER 5, OF TITLE 9 OF THE FOWLER MUNICIPAL CODE, TO ALLOW MULTIPLE DRIVE-THROUGH MENU BOARDS

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

SECTION 1. Section 17, of Article 22, of Chapter 5, of Title 9 of the Fowler Municipal Code is hereby amended to read as follows:

Certain uses, because of their special sign needs or their allowance in several districts, have been specifically listed in this section. Where such uses are approved, the sign standards allowed for such uses shall as follows:

- |   |   |
|---|---|
| Auto/RV Sales (new only with incidental used vehicle sales) | 1. One freestanding sign may be provided per separate new car showroom. The minimum distance between freestanding signs shall be 50 ft.   |
| Churches  | 2. Freestanding signs for incidental used car sales shall be no higher than 14 ft. nor contain more than 36 sq. ft. in area. One used car freestanding sign shall be allowed per site with distance between signs the same as for new car sales.<br><br>Not exceeding 32 sq. ft. in total sign area for freestanding signs. One allowed per street frontage. Wall signs not to exceed one-quarter sq. ft. per front foot of building.                                   |
| Drive-in or Drive-up Uses                                   | In addition to the sign area normally allowed, drive-up restaurants shall be allowed <u>one up to two menu boards per drive-through lane not to exceed 20 sq. ft. in area nor 6 ft. in height with no single menu board exceeding 25 sq. ft. in area and 6 ft. in height, and the total sign area per drive-through lane for two menu boards not exceeding 40 sq. ft. All outdoor speakers shall be directed away from any residential district or residential use.</u> |
| Group Care Facilities                                       | One wall-mounted sign, not to exceed 3 sq. ft.  |
| Motels, Hotels  | In addition to signs normally allowed, one "vacancy" sign not to exceed 5 sq. ft.   |
| Movie Theaters  | One sq. ft. of sign area per front foot of building facing a public street not to exceed 100 sq. ft. per frontage, and one freestanding sign not to exceed 35 sq. ft. per screen up to a maximum of 200 sq. ft. and a maximum height of 18 ft. Changeable copy may be used for movie listings.  |
| Outdoor Uses other than Temporary/Seasonal                  | A maximum of 50 sq. ft. as approved by the Director.  |
| Outdoor Uses Temporary Fireworks Sales                      | Temporary A-frame and I-frame signs may be used. Total number of signs per street frontage shall be one not to exceed 25 sq. ft. in size nor six ft. in height. Maximum sign area for all street frontages shall not exceed 50 sq. ft.  |
| Service Stations Including Mini-Markets/Gas, Car            | 1. Portable merchandise display signs may be located no farther than 6 ft. from the face of the principal building (connected canopy is not a part of the principal building) providing that each does not exceed 5 ft. in height, 3  |

Wash/Gas and  
Combinations

ft. in width nor 30 cu. ft. in area. A-frame and I-frame signs are not considered "merchandise islands" within the meaning of this section.

2. Gasoline Price Signs. One permanently mounted free-standing price sign per street frontage shall be allowed. Such signs shall not exceed a total of 20 sq. ft. with a maximum height of 5 ft. unless mounted on the freestanding business sign or the pump island supports in which case the height shall not exceed those allowed for the district.
3. In addition to the gasoline signs allowed above, one or a combination of the following gasoline price sign locations not to exceed 20 sq. ft. per street frontage may be displayed: a. on-building or window locations b. pump island support locations.

Time/Temperature

1. The area of the time/temperature sign shall be counted against the allowed sign area of the site.
2. The sign shall be in keeping with the scale of the site and structure and shall not be located within 500 ft. of a similar time/temperature sign.
3. If mounted on the building, the top of such sign shall not extend above the roof line.

SECTION 2. The City Council has determined that the Project is categorically exempt from the California Environmental Quality Act under CEQA Guidelines Section 15311 (Accessory Structures).

SECTION 3. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Fowler, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

The foregoing ordinance was introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2021, and was adopted at a regular meeting of said Council held on \_\_\_\_\_, 2021, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

ATTEST:

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



**FOWLER CITY COUNCIL**

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ITEM NO: 7-B

**REPORT TO THE CITY COUNCIL**

September 7, 2021

**FROM:** David Peters, City Engineer

**SUBJECT**

Advanced Construction Permit for Tracts 5292

1. Consider approval of applicant's request for an Advanced Construction Permit related to Tract 5292 for grading activities only contingent upon the approval by the SKGSA board of the purchase agreement for acquisition of the remainder parcel.

**RECOMMENDATION**

Staff recommends approval for issuance of the Advanced Construction Permit related to Tract 5292 for grading activities only contingent upon the approval by the SKGSA board of the purchase agreement for acquisition of the remainder parcel.

**BACKGROUND**

The Fowler City Council previously approved Tentative Subdivision Map 5292 for 143 residential lots at the southwest corner of Sunnyside Avenue and South Avenue. The approved tentative map includes a 2.6 acre remainder parcel in the southwest corner of the tract adjacent to the Kirby Canal. The developer, K Hovnanian Homes (KHOV), has prepared a Final Map and improvement plans for the tract and is currently in negotiations with the South Kings Groundwater Sustainability Agency (SKGSA) who wishes to acquire and develop the remainder parcel as a groundwater recharge basin. A purchase agreement is scheduled to be considered by the SKGSA at its September 8, 2021 meeting. If approved by SKGSA, the property would potentially close escrow in December 2021.

The purchase agreement allows KHOV to excavate the remainder parcel in the configuration of the recharge basin and utilize the excavated soil for grading operations on Tract 5292. In anticipation of the purchase agreement being approved, KHOV has requested the City of Fowler issue an Advanced Construction permit for grading activities only so that work can commence prior to the remainder parcel sale being finalized and prior to the Final Map being approved and recorded by the City. The Advanced Construction permit would require that the basin be backfilled and compacted if the sale of the

remainder parcel is not finalized as the excavated parcel would become a nuisance or hazard and would require mitigation by the developer. If SKGSA does not approve a purchase agreement, the Advanced Construction permit will not be issued.

## **FISCAL IMPACT**

The issuance of the Advanced Construction permit would have no fiscal impact as costs associated with the housing tracts are funded by fees paid by the developers.

### Attachments:

TTM 5292  
Advanced Construction Permit



REVISED VESTING TENTATIVE SUBDIVISION MAP  
A PHASED MAP

**TRACT No. 5952**

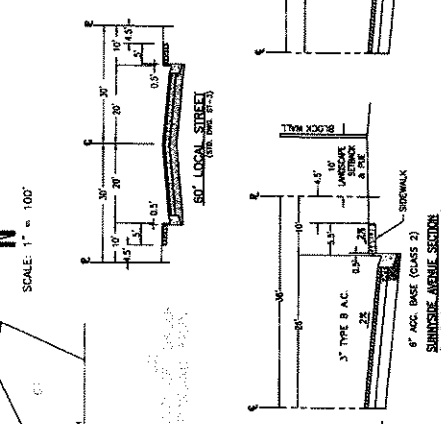
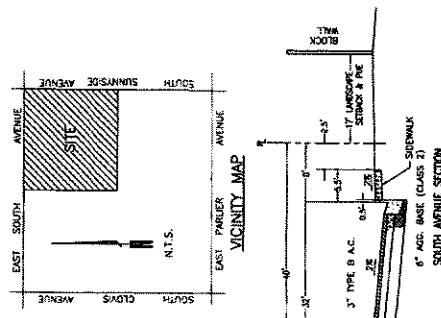
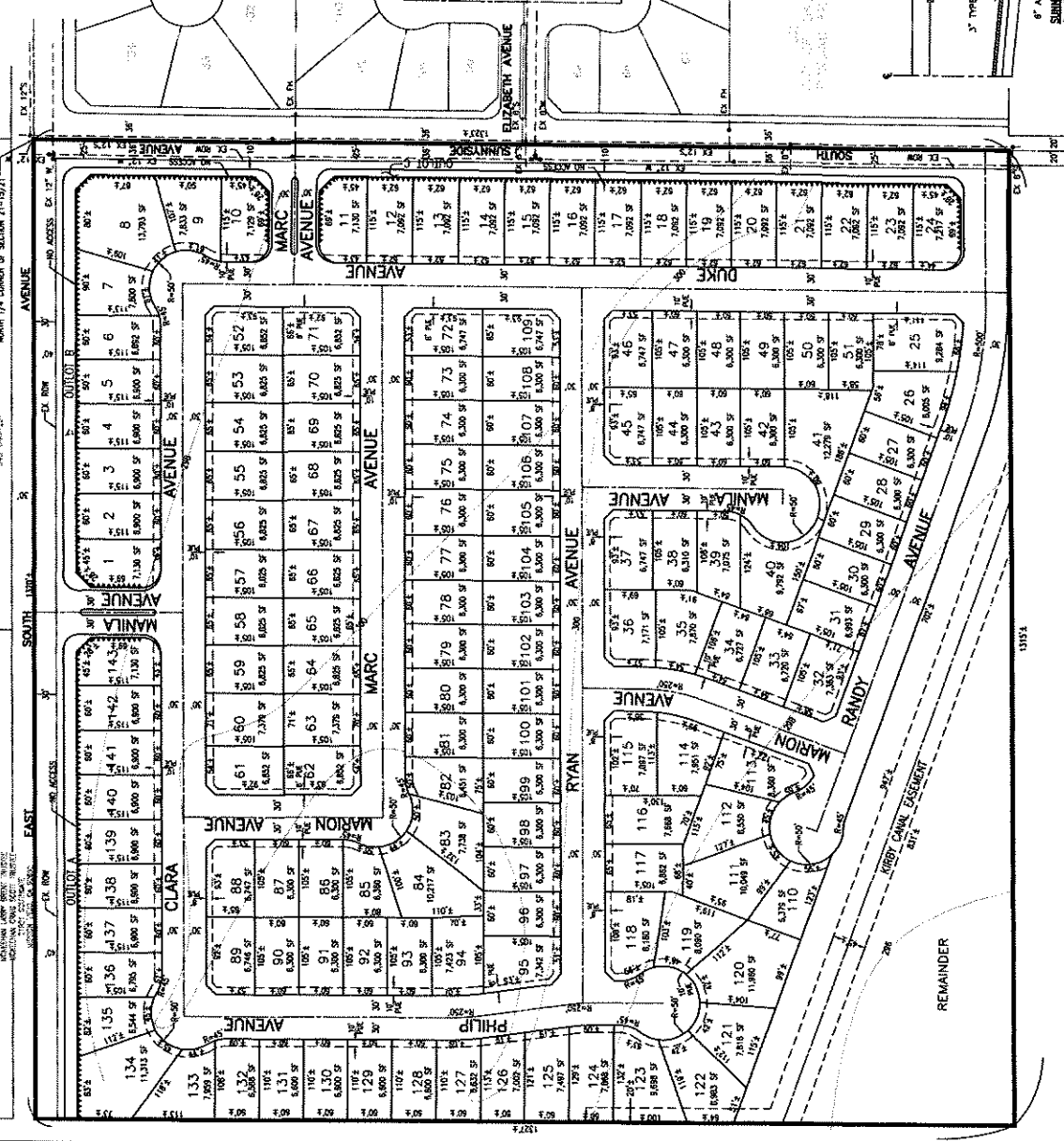
IN THE CITY OF FOWLER  
FRESNO COUNTY, CALIFORNIA  
APN 345-100-198

LEGAL DESCRIPTION:  
THE NORTHWEST QUARTER OF SECTION 21,  
TOWNSHIP 15 SOUTH, RANGE 21 EAST, MOUNT Diablo BASE AND MERIDIAN  
IMPROVEMENTS TO BE INSTALLED:

1. CITY OF FOWLER STANDARDS
2. CURB & GUTTER STANDARDS
3. SIDEWALK - CITY OF FOWLER STANDARDS
4. STREET LIGHTS - CITY OF FOWLER STANDARDS
5. SOURCE OF WATER - CITY OF FOWLER
6. SOURCE OF SEWAGE DISPOSAL - SRF
7. UNDERGROUND CABLE TELEPHONE - P.G.&E.
8. UNDERGROUND TELEPHONE - AT&T.
9. CABLE TELEVISION - COMCAST

NOTES:

1. EXISTING ZONING - AGRICULTURAL
2. PROPOSED ZONING - R-1-B
3. DENSITY - 4.00 UNITS PER ACRE
4. MINIMUM LOT SIZE - 6,300 SQ. FT.
5. MAXIMUM LOT SIZE - 13,793 SQ. FT.
6. AVERAGE LOT SIZE - 7,114 SQ. FT.
7. EXISTING USE - WAREHOUSE
8. PROPOSED USE - SINGLE FAMILY RESIDENTIAL
9. THE STREETS WITHIN THE BOUNDARIES OF THIS SUBDIVISION SHALL BE OFFERED FOR DEDICATION FOR PUBLIC USE PURPOSES
10. ALL EXISTING STRUCTURES ON THE SITE ARE TO BE REMOVED UNLESS SHOWN OTHERWISE. ALL EXISTING WELLS AND SEPTIC TANKS SHALL BE ABANDONED.
11. OUTLOTS A, B AND C SHALL BE OFFERED FOR DEDICATION TO THE CITY OF FOWLER FOR LANDSCAPE AND PUBLIC UTILITY PURPOSES.
12. THE SUBDIVISION DESIGN PROVIDES, TO THE EXTENT FEASIBLE, FOR NATURAL HEATING OF COOLING OPPORTUNITIES BY MAXIMIZING NORTH-SOUTH FACING LOTS.



RECORD OWNERS:  
GARY G. GIANNETTA  
CIVIL ENGINEERING & LAND SURVEYING  
119 'N' STREET  
FRESNO, CA 93701  
(509) 264-3000 FAX (509) 264-1096

DATE: 11/29/18

SUBDIVIDER:  
JIMMY L. COOPER  
5132 N. PALM AVE. #333  
FRESNO, CA 93704  
555 870-8020

- Staff has verified that the plans are technically correct and have been approved.
- Staff has verified that the Inspection Fees are paid for the plans being permitted.
- Staff has verified that there is NO off-site right-of-way acquisition required for the plans being permitted.
- Staff has verified that Insurance Certificates have been received and are approved by Risk Management.
- Staff has verified that the Developer has signed the permit and acknowledged all Advance Construction Permit Provisions.

**ADVANCE CONSTRUCTION PERMIT PROVISIONS (Permittee to Initial)**

1. **AUTHORIZATION AND REVOCATION.** The City has approved Permittee's request to install portions of public improvements detailed in Section 2.b. prior to recordation of a Final Map, and this Permit is authorization to perform such work in accordance with this Permit. In the event that Permittee does not comply with all permit conditions, the City will take all necessary actions, including revocation of the Permit, to insure public safety and convenience and will invoice the permittee to recover the cost of such action.

2. **AT RISK WORK.**

a. The work performed pursuant to this Permit shall be "at-risk" to Permittee. The Permittee agrees that if the Final Map for any reason is not approved by City and recorded by the County Recorder within twelve (12) months after the execution of this Permit, Permittee will remove from the property any improvements or construction placed or constructed thereon pursuant to this Permit, provided that at the option of City's Public Works Director, Permittee may be directed to cap or otherwise alter such improvements to prevent same from becoming a nuisance or hazard. Except as provided in the foregoing, Permittee shall restore the property to its condition immediately prior to the addition of any improvements or construction.

b. Public Improvements to be considered as part of this Advance Construction Permit shall only include:  
(i) Grading Only

Improvements not listed above are not included in the Advance Construction Permit and may only be completed after recordation of the Final Map.

c. If Permittee fails to comply with the provisions of the Permit, City or any of its duly authorized officers, employees or agents, are unconditionally permitted to enter upon the Subject Property and accomplish such removal and restore the Subject Property to its condition immediately prior to the addition of any improvements or construction.

d. If City causes such removal or alteration of the improvements, the Permittee shall indemnify, hold harmless and defend City, its officers, employees, agents and volunteers from any claims, lawsuits, costs, liability, damages or expenses of any nature, including without limitation, costs of suit and fees and expenses for legal services arising directly or indirectly out of such removal or alteration, in addition to as may be required by Section 7, below.

e. If the purchase of the remainder parcel is not finalized between the developer and SKGSA and the transfer of the property to SKGSA is not made, the remainder parcel shall be backfilled, compacted and restored to its original condition prior to the issuance of this permit.

f. Prior to performing any work pursuant to this Permit, Permittee shall furnish to City a bond in the sum Sixty-Five Thousand dollars (\$200,000.00), which sum is equal to 100% of the total estimated cost of the restoration work in Section 2.c., securing the restoration work required in the event the property is not transferred to SKGSA and Permittee fails to perform said work. Permittee shall maintain said bond (including periodic renewal as necessary) until such time as the bond is released by the City. Said faithful performance bond shall be in substantially the form provided in Section 66499.1 of the Government Code, and shall be in a form acceptable to the City.

3. **ACCEPTANCE OF IMPROVEMENTS.**

a. Permittee acknowledges such improvements will be accepted by City only if Permittee complies with all applicable City standards, codes and ordinances and are located within public rights-of-ways as fixed and dedicated upon such tract map as may be finally approved by City, provided that in no case shall acceptance of such improvements be final until approval and recordation of the Final Map by the Fowler City Council and County Recorder respectively.

b. Permittee understands and acknowledges that the improvements described herein shall be subject to acceptance or rejection by City upon inspection thereof, and upon the terms and conditions contained herein.

4. **TRESPASS.** This Permit shall in no way be construed as a grant by City of any right to Permittee to trespass upon land rightfully in the possession of, or owned by, another, whether such land be privately or publicly owned.

5. **DUST CONTROL.** Adequate dust control shall be maintained by Permittee in accordance with the City of Fowler Public Works' Standard Specifications.

6. **NO VESTED RIGHTS.** No vested rights or entitlement are conferred by the issuance of this Advance Construction Permit or by inspection of any improvements constructed thereunder.

7. **INDEMNIFICATION.** To the furthest extent allowed by law, Permittee shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Permittee or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees, litigation and legal expenses incurred by City or held to be the liability of City, including plaintiff's or petitioner's attorney's fees if awarded, in connection with City's defense of its actions in any proceeding), arising or alleged to have arisen directly or indirectly out of performance or in any way connected with: (i) the making of this Permit; (ii) the performance of this Permit; (iii) the performance or installation of the work or improvements by Permittee and Permittee's employees, officers, agents, contractors or subcontractors; or (iv) the design, installation, operation, removal, maintenance or alteration of the work and improvements. Permittee's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or volunteers are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, agents or volunteers.

If Permittee should subcontract all or any portion of the work to be performed under this Covenant, Permittee shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph in this Section. Notwithstanding the preceding sentence, any subcontractor who is a "design professional" as defined in Section 2782.8 of the California Civil Code shall, in lieu of indemnity requirements set forth in above in the preceding paragraph in this Section 7, be required to indemnify,

hold harmless and defend City and each of its officers, officials, employees, agents and volunteers to the furthest extent allowed by law, from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, its principals, officers, employees, agents or volunteers in the performance of this Permit.

Permittee further agrees that the use for any purpose and by any person of any and all of the streets and improvements hereinbefore specified, shall be at the sole and exclusive risk of Permittee at all times prior to final acceptance by City of the completed street and other improvements thereon and therein.

This section shall survive termination or expiration of this Permit.

8. **INSURANCE.** Throughout the life of this Permit, Permittee shall pay for and maintain in full force and effect all policies of insurance described in this Section with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) as may be authorized in writing by City's Risk Manager or his/her designee at any time and in his/her sole discretion. The required policies of insurance as stated below shall maintain limits of liability of not less than those amounts stated therein. However, the insurance limits available to City, its officers, officials, employees, agents and volunteers as additional insured, shall be the greater of the minimum limits specified therein or the full limit of any insurance proceeds to the named insured:

a. **COMMERCIAL GENERAL LIABILITY (CGL)** insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01, providing liability coverage arising out of your business operations. The CGL policy shall be written on an occurrence form and shall provide coverage for "bodily injury," "property damage," and "personal and advertising injury" with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under this Permit), with limits of liability of not less than the following:

- (i) \$2,000,000 per occurrence for bodily injury and property damage;
- (ii) \$2,000,000 per occurrence for personal and advertising injury;
- (iii) \$4,000,000 aggregate for products and completed operations; and,
- (iv) \$4,000,000 general aggregate.

b. **COMMERCIAL AUTOMOBILE LIABILITY (CAL)** insurance, which shall be at least as broad as the most current version of ISO Business Auto Coverage Form CA 00 01, providing liability coverage arising out of the ownership, maintenance or use of automobiles in the course of your business operations. The CAL policy shall be written on an occurrence form and shall provide coverage for "all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1-Any Auto)," with combined single limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage.

c. **WORKERS' COMPENSATION** insurance as required under the California Labor Code with a Waiver of Subrogation as to the City, its officers, officials, agents, employees and volunteers; and **EMPLOYERS' LIABILITY** with minimum limits of liability of not less than \$1,000,000 each accident, \$1,000,000 disease policy limit and \$1,000,000 disease each employee.

d. **UMBRELLA OR EXCESS POLICIES.** In the event Permittee purchases an Umbrella or Excess insurance policy (ies) to meet the minimum limits of insurance set forth above, this insurance policy (ies) shall "follow form" and afford no less coverage than the primary insurance policy (ies). Any Excess insurance policy (ies) shall contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of the City, its officers, officials, employees, agents and volunteers.

e. **DEDUCTIBLES/SELF-INSURED RETENTIONS.** Permittee shall be responsible for payment declared to on the Certificate of Insurance, and approved by, City's Risk of any deductibles contained in any insurance policies required herein and Permittee shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be Manager or his/her designee. At the option of City's Risk Manager or his/her designee, either:

- (i) The insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its officers, officials, employees, agents and volunteers; or
- (ii) Permittee shall provide a financial guarantee, satisfactory to the City's Risk Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall City be responsible for the payment of any deductibles or self-insured retentions.

f. **ENDORSEMENTS.** The above described policies of insurance shall be endorsed by Permittee to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after thirty calendar days written notice has been given to the City, except for the Workers' Compensation policy, which shall provide a ten calendar day written notice of such cancellation of coverage. **In the event any policy is due to expire during the term of this Permit, Permittee, shall provide a new certificate, and all applicable endorsements, evidencing renewal of such policy(ies) not less than fifteen calendar days prior to the expiration date of the expiring policy(ies).** Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal or reduction in coverage, Permittee, shall furnish the City with a new certificate and all applicable endorsements for such policy (ies).

The CGL and CAL shall be endorsed by Permittee pursuant to (i) through (ii), as follows:

- (i) To name City, its officers, officials, agents, employees and volunteers as additional insureds and for all ongoing and completed operations by use of ISO Form CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01 or by an executed manuscript insurance company endorsement providing additional insured status as broad as that contained in ISO CG Form 20 10 11 85.
- (ii) For any claims related to this Permit, Permittee's insurance coverage shall be primary with respect to City, its officers, officials, agents, employees and volunteers. Any insurance for self-insurance maintained by City, its officers, officials, agents, employees and volunteers shall be excess of Permittee's insurance and shall not contribute with it. Permittee shall establish primary and noncontributory status by use of ISO Form CG 20 01 04 13 or by an executed manuscript insurance company endorsement that provides primary and noncontributory status as broad as that contained in ISO Form CG 20 01 04 13.

g. **PROVIDING OF DOCUMENTS.** Permittee shall have furnished City with the certificate(s) and all applicable endorsements for ALL required insurance and approved by the City's Risk Manager or his/her designee prior to City's execution of this Permit. Upon request of City, Permittee shall immediately furnish City with a completed copy of any insurance policy required under these provisions, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive termination or expiration of this Permit. All non - ISO endorsements amending policy coverage shall be executed by a licensed or authorized agent or broker.

h. **MAINTENANCE OF COVERAGE.** The fact that insurance is obtained by Permittee or his/her/its subcontractors shall not be deemed to release or diminish the liability of Permittee or his/her/its subcontractors including without limitation, liability under the indemnity provisions of this Permit. The duty to indemnify City, its officers, officials, agents, employees and volunteers, shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Permittee or his/her/its subcontractors. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Permittee, its principals, officers, agents, employees, persons under the supervision of Permittee, vendors, suppliers, invitees, subcontractors, consultants or anyone employed directly or indirectly by any of them. If at any time during the life of this Permit or any extension, Permittee fails to maintain the required insurance in full force and effect, the Director of Public Works for City, or his/her designee, may order that Permittee, or its contractors or subcontractors, immediately discontinue any further work under this Permit and take all necessary actions to secure the work site to insure public health and safety is protected. All payments due or that become due to Permittee shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Permit. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by City that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insured is insolvent.

i. **SUBCONTRACTORS.** If Permittee should subcontract all or any portion of the services to be performed under this Permit, Permittee shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein and Permittee shall ensure that the City, its officers, officials, employees, agents and volunteers are additional insureds. The subcontractors' certificates and endorsements shall be on file with the Permittee and City and approved by the City Manager or his/her designee.

9. **NOTICES.** Any notice required or intended to be given to either party under the terms of this Permit shall be in writing and shall be deemed to be duly given if delivered personally or deposited into the United States mail, with postage prepaid, addressed to the party to which notice is to be given at the party's address set forth on the signature page of this Permit or at such other address as the parties may from time to time designate by written notice.

10. **ATTORNEY'S FEES AND COSTS.** If either party is required to commence any proceeding or legal action to enforce or interpret any term or condition of this Permit, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorney's fees and legal expenses. For the purposes of this Permit, "attorneys' fees" and "legal expenses" include, without limitation, paralegals' fees and expenses, attorneys, consultants fees and expenses, expert witness fees and expenses, and all other expenses incurred by the prevailing party's attorneys in the course of the representation of the prevailing party in anticipation of and/or during the course of litigation, whether or not otherwise recoverable as "attorneys' fees" or as "costs" under California law, and the same may be sought and awarded in accordance with California procedure as pertaining to an award of contractual attorneys' fees.

11. **COMPLIANCE WITH LAW.** In performing obligations set forth in this Permit, Permittee shall comply with all applicable laws, regulations, and rules of all local, state and federal governmental agencies having jurisdiction including, without limitation, applicable federal and state labor standards and environmental laws and regulations. Permittee shall comply with the codes or ordinances of City including the Fowler Municipal Code, City Charter, and Building Codes.

12. **GOVERNING LAW AND VENUE.** This Permit shall be governed by, and construed and enforced in accordance with, the laws of the State of California. Venue for purposes of the filing of any action regarding the enforcement or interpretation of this Permit and any rights and duties hereunder shall be Fowler, California.

(Attach signed Notary)

Developer / Permittee (company name): \_\_\_\_\_

Printed Name of Authorized Officer: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
(Signature) (Date)