



**FOWLER CITY COUNCIL MEETING
AGENDA
TUESDAY, SEPTEMBER 21, 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. 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.fowlerciv.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 Raul Moreno of Fowler Baptist Church
4. Pledge of Allegiance
5. Ceremonial Presentation

5-A Send-off Erin Banks as he competes for the Mr. Olympia title

6. 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.

7. 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.

7-A. RATIFY Warrants for September 21, 2021

7-B. APPROVE Minutes of the September 7, 2021 City Council Special Meeting

7-C. APPROVE Minutes of the September 7, 2021 City Council Meeting

7-D. APPROVE the purchase of an audio-visual system upgrade for City Council Chambers and authorize the City Manager to execute a contract with NTM Productions not to exceed \$50,000. (Clerk)

7-E. Consider APPROVAL of an agreement with the Fresno County Rural Transit Agency to provide limited uniformed patrol services for the time period of July 1, 2021 – June 30, 2022 and authorize the City Manager to execute the agreement. (Police)

7-F. APPROVE disposal of the identified surplus vehicles. (Public Works)

8. General Administration

8-A. Planning

- i. APPROVE Resolution No. 2514 Authorizing Submittal of a Grant Application for the Small Community Drought Program Funds.
- ii. Public Hearing to Consider Items Pertaining to Zoning (Rezoning) Ordinance Amendment No. 19-03, and Annexation Request No. 19-03, filed by Fowler Unified School District for property located on the west side of South Armstrong Avenue between East Adams and East Clayton Avenues.
 1. Consider APPROVAL of Resolution No. 2515, a Resolution adopting an Addendum to the Mitigated Negative Declaration for Zoning (Rezoning) Ordinance Amendment No. 19-03 and Annexation Request No. 19-03.
 2. Consider APPROVAL of Resolution No. 2516, a Resolution approving Annexation Request No. 19-03.
 3. Consider Introduction of Ordinance No. 2021-04, an Ordinance approving Zoning Ordinance Amendment No. 19-03.

8-B. Recreation

- i. 2021 Special Events Update (Informational)

8-C. City Manager's Office

- i. COVID-19 Update

9. Staff Communications (City Manager)

10. Councilmember Reports and Comments

11. Closed Session

11-A. Government Code Section 54957.6
Conference with Labor Negotiator
Agency Representative: City Manager
Unrepresented Employee: Building Official

11-B. Government Code Section 54956.9(d)(1)
Conference with Legal Counsel – Existing Litigation
City of Fowler v. Jill Johnson, et al.; Fresno County Superior Court Case No. CECG 21CECG00546 – (Property Receivership Case for 429 E. La Crosse Avenue)

11-C. Government Code Section 54957 – Public Employee Performance Evaluation
Title: City Manager

12. Reconvene into Open Session

13. Adjourn

Next Ordinance No. 2021-05

Next Resolution No. 2518

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 17, 2021.

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

Angela Vasquez
Deputy City Clerk

CITY OF FOWLER
WARRANTS LIST
September 21, 2021

<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	38307-38324	Sept 2 thru Sept 15	\$ 76,733.87
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 76,733.87</u>
<u>PAYROLL COSTS</u>			
First September Bi-Monthly Payroll		September 15, 2021	92,160.04
TOTAL PAYROLL COSTS			<u>\$ 92,160.04</u>
TOTAL CASH DISBURSEMENTS			<u>\$ 168,893.91</u>

NOTE: Check #38315 Void check

SUPERION
DATE: 09/14/2021
TIME: 14:09:12

CITY OF FOWLER
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1
ACCTPA21

SELECTION CRITERIA: transact.check_no between '38307' and '38324'
ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	38307	09/08/21	14321	LEHR	6120	OUTFIT 2 FORD INTRCPT	0.00	16,472.70
1001	38309	09/08/21	10026	BCT CONSULTING	6700	COMPUTER SERVICES	0.00	343.17
1001	38309	09/08/21	10026	BCT CONSULTING	6030	COMPUTER SERVICES	0.00	343.17
1001	38309	09/08/21	10026	BCT CONSULTING	5000	COMPUTER SERVICES	0.00	343.16
1001	38309	09/08/21	10026	BCT CONSULTING	6120	COMPUTER SERVICES	0.00	343.16
1001	38309	09/08/21	10026	BCT CONSULTING	5000	COMPUTER SERVICES	0.00	301.25
1001	38309	09/08/21	10026	BCT CONSULTING	6120	COMPUTER SERVICES	0.00	301.25
1001	38309	09/08/21	10026	BCT CONSULTING	6700	COMPUTER SERVICES	0.00	301.25
1001	38309	09/08/21	10026	BCT CONSULTING	6030	COMPUTER SERVICES	0.00	301.25
TOTAL	CHECK							2,577.66
1001	38310	09/08/21	14356	COMCAST	6700	SERVICE 08/28-09/24	0.00	105.54
1001	38311	09/08/21	14252	FOWLER ACE HARDWARE	6700	SUPPLIES	0.00	17.15
1001	38311	09/08/21	14252	FOWLER ACE HARDWARE	6700	SUPPLIES	0.00	6.54
TOTAL	CHECK							23.69
1001	38312	09/08/21	12407	RODRIGUEZ, TIFFANY SARKI	500	WATER DEPOSIT REFUND	0.00	110.93
1001	38313	09/08/21	10288	SMART & FINAL	6700	SUPPLIES 08/19&08/23	0.00	344.88
1001	38314	09/08/21	13543	UNIFIRST CORPORATION	6700	JANITORIAL 08/24/21	0.00	34.29
1001	38314	09/08/21	13543	UNIFIRST CORPORATION	6700	JANITORIAL 09/07/21	0.00	34.29
TOTAL	CHECK							68.58
1001	38315	09/08/21	13521	UNITY IT	6120	REAR SEAT STORAGE BX	0.00	-3,289.25
1001	38315	09/08/21	13521	UNITY IT	6120	REAR SEAT STORAGE BX	0.00	3,289.25
TOTAL	CHECK							0.00
1001	38316	09/08/21	12300	COOKS COMMUNICATIONS	6120	REAR SEAT&STORAGE BOX	0.00	3,289.25
1001	38317	09/09/21	10026	BCT CONSULTING	5000	COMPUTER SVC-AUG21	0.00	375.00
1001	38317	09/09/21	10026	BCT CONSULTING	6120	COMPUTER SVC-AUG21	0.00	375.00
1001	38317	09/09/21	10026	BCT CONSULTING	6150	COMPUTER SVC-AUG21	0.00	375.00
1001	38317	09/09/21	10026	BCT CONSULTING	6030	COMPUTER SVC-AUG21	0.00	375.00
TOTAL	CHECK							1,500.00
1001	38318	09/09/21	14356	COMCAST	6030	CITY HALL- AUG-SEPT21	0.00	128.37
1001	38319	09/09/21	14483	DEBBIE ZUMWALT	6400	FARMER'S MARKET 09/15	0.00	600.00
1001	38320	09/09/21	10104	FPOA	100	08/15 8/31 EMP DED	0.00	300.00
1001	38320	09/09/21	10104	FPOA	100	EMP DED RECON	0.00	500.00
TOTAL	CHECK							800.00
1001	38321	09/09/21	10126	FRESNO COUNTY TAX COLLEC	6020	20/21 SEC TAXES SPEC	0.00	466.42
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	8500	EMP BENEFITS SEPT21	0.00	72.00
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6160	EMP BENEFITS SEPT21	0.00	351.24
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6030	EMP BENEFITS SEPT21	0.00	503.99
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6150	EMP BENEFITS SEPT21	0.00	702.49

SUPERION
DATE: 09/14/2021
TIME: 14:09:12

CITY OF FOWLER
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2
ACCTPA21

SELECTION CRITERIA: transact.check_no between '38307' and '38324'
ACCOUNTING PERIOD: 3/22

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6400	EMP BENEFITS SEPT21	0.00	719.99
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6700	EMP BENEFITS SEPT21	0.00	719.99
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	100	EMP BENEFITS SEPT21	0.00	2,137.49
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6020	EMP BENEFITS SEPT21	0.00	2,367.27
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	5000	EMP BENEFITS SEPT21	0.00	4,472.65
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6200	EMP BENEFITS SEPT21	0.00	6,045.92
1001	38322	09/09/21	13496	KEENAN & ASSOCIATES	6120	EMP BENEFITS SEPT21	0.00	11,404.62
TOTAL	CHECK						0.00	29,497.65
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6400	EMP BENEFITS SEPT21	0.00	33.18
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6700	EMP BENEFITS SEPT21	0.00	33.18
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6030	EMP BENEFITS SEPT21	0.00	39.82
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	8500	EMP BENEFITS SEPT21	0.00	40.99
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6150	EMP BENEFITS SEPT21	0.00	69.66
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6160	EMP BENEFITS SEPT21	0.00	102.84
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	5000	EMP BENEFITS SEPT21	0.00	292.05
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6020	EMP BENEFITS SEPT21	0.00	363.27
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6200	EMP BENEFITS SEPT21	0.00	368.28
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	6120	EMP BENEFITS SEPT21	0.00	769.74
1001	38323	09/09/21	13647	SUN LIFE FINANCIAL	100	EMP BENEFITS SEPT21	0.00	1,330.17
TOTAL	CHECK						0.00	3,443.18
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 8500	8500	EMP BENEFITS SEPT21	0.00	0.99
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 6400	6400	EMP BENEFITS SEPT21	0.00	9.85
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 6700	6700	EMP BENEFITS SEPT21	0.00	9.85
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 6030	6030	EMP BENEFITS SEPT21	0.00	11.81
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 5000	5000	EMP BENEFITS SEPT21	0.00	65.96
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 6020	6020	EMP BENEFITS SEPT21	0.00	112.19
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 6200	6200	EMP BENEFITS SEPT21	0.00	127.99
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 6120	6120	EMP BENEFITS SEPT21	0.00	216.60
1001	38324	09/09/21	11335	VISION SERVICE PLAN - (C 100	100	EMP BENEFITS SEPT21	0.00	238.11
TOTAL	CHECK						0.00	793.35
TOTAL	CASH ACCOUNT						0.00	60,222.20
TOTAL	FUND						0.00	60,222.20

SUPERION
DATE: 09/14/2021
TIME: 14:09:12

CITY OF FOWLER
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3
ACCTPAZI

SELECTION CRITERIA: transact.check_no between '38307' and '38324'
ACCOUNTING PERIOD: 3/22

FUND - 206 - COPS GRANT

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	38308	09/08/21	14321	LEHR	2060	OUTFIT 2 FORD INTRCPT	0.00	16,511.67
TOTAL CASH ACCOUNT								16,511.67
TOTAL FUND								16,511.67
TOTAL REPORT								76,733.87

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
TUESDAY SEPTEMBER 7, 2021**

Mayor Cardenas called the meeting to order at 6:32 p.m. Roll call was taken.

Councilmembers Present: Cardenas, Rodriquez, Kazarian, Mejia, Parra (via phone)

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

3. CEREMONIAL PRESENTATION

3-A. Dr. Saúl Jiménez-Sandoval Proclamation

Members of the Council recognized Dr. Saúl Jiménez-Sandoval on his appointment as President of California State University, Fresno.

4. ADJOURNMENT

Having no further business, the meeting adjourned at 6:49 p.m.

MINUTES OF THE FOWLER CITY COUNCIL MEETING
Tuesday September 7, 2021

Mayor Cardenas called the meeting to order at 7:02 p. m.

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

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

5. PUBLIC COMMENT

Fowler residents Henry Flores, Patric Jones, and Brandon Herreman of Congressman Valadao's office and Christina Fierro of Partners Personnel addressed the Council.

6. CONSENT CALENDAR

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

7. GENERAL ADMINISTRATION

7-A. CITY ATTORNEY

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

City Attorney Carlson provided an overview of the California Department of Public Health (CDPH) face mask guidelines. He stated masks are required for unvaccinated people and fully vaccinated people are not required to wear a mask in state and local government offices that serve the public which includes council meetings that are open to the public. City Attorney Carlson reported the options available for Council determination are face masks be required across the board or require only unvaccinated people to wear a mask. He stated if the latter was selected, Council would need to decide whether proof of vaccination or self-attestation would be required.

Fowler residents Britta Hammer and Steve Barela addressed the Council.

After discussion, it was the consensus of the Council to require unvaccinated people to wear a mask including self-attestation.

Councilmember Parra made a motion that unvaccinated individuals are required to wear a face mask and the City would have a self-certification honor system approach, seconded by Councilmember Kazarian. The motion carried by roll call vote: Ayes: Parra, Kazarian, Cardenas, Mejia. Noes: Rodriquez

7-B. PLANNING

- i. Consider APPROVAL of applicant's request for an Advanced Construction Permit related to Tract 5952 for grading activities only contingent upon the approval by the SKGSA board of the purchase agreement for acquisition of the remainder parcel.**

City Engineer Peters reported Council previously approved tentative subdivision map 5952 which includes 143 residential lots at the southwest corner of Sunnyside and South Avenues. He stated the approved tentative map also includes a 2.6-acre remainder parcel in the southwest corner of the tract which is adjacent to the Kirby Canal. City Engineer Peters reported 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.

City Engineer Peters reported a purchase agreement is scheduled to be considered by the SKGSA at its September 8, 2021, meeting. He stated 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 5952. City Engineer Peters stated in anticipation of the purchase agreement being approved, KHOV has requested the City issue an Advanced Construction permit for grading purposes 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. He stated staff is requesting Council to consider approval of the applicant's request for an Advanced Construction Permit related to Tract 5952 for grading purposes only contingent upon the approval by the SKGSA of the purchase agreement.

Mayor Pro-Tem Rodriquez inquired if Council approves the permit and SKGSA does not approve the permit will the permit be invalid. City Engineer Peters stated the permit is contingent on SKGSA's approval and will not be issued. Councilmember Parra inquired what the price of the agreement was. City Engineer Peters stated the purchase price of the agreement is \$156,000 for the 2.6-acre site which includes a clause if the appraisal price is lower than \$60,000 per acre, the price will be lower and

if the appraisal price is greater than \$60,000, the price will remain at \$60,000. City Engineer Peters noted if the purchase agreement is approved there will be a budget amendment that will need to be approved by Council. Councilmember Parra requested staff to research how much was allocated in the City's budget for SKGSA.

Robert Sprague from KHOV addressed the Council stating the at-risk permit request is because they would like to begin the project before inclement weather causes delays. Councilmember Mejia inquired when the project would begin if the permit request were approved by Council tonight and approved by SKGSA tomorrow. Mr. Spring stated the project would begin next week. Councilmember Parra noted he did not want to hold up the project and there would be a future discussion on SKGSA budget process.

Councilmember Kazarian made a motion to APPROVE an Advanced Construction Permit related to Tract 5952 for grading activities only contingent upon the approval by the SKGSA board of the purchase agreement for acquisition of the remainder parcel as amended pursuant to 2.f. changing sixty-five thousand dollars to two hundred thousand dollars.

Councilmember Parra ask that motion be amended to include SKGSA budget process discussion for future projects. Councilmember Kazarian agreed to the motion amendment.

Councilmember Kazarian made a motion to APPROVE an Advanced Construction Permit related to Tract 5952 for grading activities only contingent upon the approval by the SKGSA board of the purchase agreement for acquisition of the remainder parcel as amended pursuant to 2.f. changing sixty-five thousand dollars to two hundred thousand dollars including SKGSA budget process discussion for future items, seconded by Councilmember Parra. The motion carried by roll call vote: Ayes: Kazarian, Parra, Cardenas, Mejia, Rodriquez.

7-C. 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 64% and staff continues to keep in close communication with FCDPH on any regulatory changes. She also announced the Employee Appreciation Dinner is Friday, October 22, 2021.

8. STAFF COMMUNICATIONS – (CITY MANAGER)

8-A. PUBLIC WORKS

Public Works Director Dominguez updated Council on the water meter replacement project and Armstrong Avenue re-paving project.

8-B. FIRE DEPARTMENT

Fire Chief Lopez shared July call logs for a total of 87 events. He announced three firefighters completed Cal-Fire Academy training.

9. COUNCILMEMBER REPORTS AND COMMENTS

Mayor Cardenas shared his concerns of there being only one drive approach at the library causing congestion during large events. He requested two trees be removed to add another drive approach. City Planner Marple stated the parking lot area is on a portion of City owned property. Staff will research further.

Mayor Pro-Tem Rodriquez stated he has received complaints regarding construction start times. City Engineer Peters stated he would work on resolving this issue.

Councilmember Kazarian announced the multi Groundwater Sustainability Agencies received a Department of Water Resources grant that funded a Sanger project. He announced he will be participating in the SKGSA meeting tomorrow.

Councilmember Mejia reported he and Gary Serrato will meet with Phil Desatoff, General Manager of the Consolidation Irrigation District to get a better understanding of local water distribution. He announced Fowler resident Erin Banks will be competing in the Mr. Olympia competition next month and requested Mr. Banks be recognized at next Council meeting.

10. CLOSED SESSION

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

11. RECONVENE INTO OPEN SESSION

12. ADJOURNMENT

Having no further business, the meeting adjourned at 8:41 p.m.

**FOWLER CITY COUNCIL**

ITEM NO: 7-D

REPORT TO THE CITY COUNCIL

September 21, 2021

FROM: Angela Vasquez, Deputy City Clerk**SUBJECT**

Approve the purchase of an audio-visual system upgrade for City Council Chambers and authorize the City Manager to execute a contract with NTM Productions not to exceed \$50,000.

RECOMMENDATION

Staff recommend the City Council approve the purchase of an audio-visual system upgrade for City Council Chambers.

BACKGROUND

This upgraded system will allow for more effective virtual public participation and engagement in City Council and Planning Commission meetings in the Council Chambers, and consists of:

- Replacing aged speakers and microphones.
- Installing a larger, adjustable, display screen for the public and small display screens on the dais to improve the visibility of presentations.
- Installing fixed cameras for improved video quality during meetings.
- Transitioning to zoom (or similar) based video meetings to enhance public participation, simplify the recording process, and provide better meeting controls to the Clerk.
- Installing a touch-screen based AV control panel for a simplified user interface.

Staff evaluated solutions from various vendors and spoke with peer cities about their AV systems and functionality. Based on best value and references, NTM productions was selected.

FISCAL IMPACT

Council Resolution No. 2521 adopted on August 17, 2021 allocated \$50,000 in American Rescue Plans Act of 2021 funds for this project.

Attachments:

- None.



ITEM NO: 7-E

REPORT TO THE CITY COUNCIL

September 21, 2021

FROM: Rudy Alcaraz, Chief of Police**SUBJECT**

Consider approval of an agreement with the Fresno County Rural Transit Agency to provide limited uniformed patrol services for the time period of July 1, 2021- June 30, 2022 and authorize the City Manager to execute the agreement.

RECOMMENDATION

Staff recommends approval of an agreement with the Fresno County Rural Transit Agency to provide limited uniformed patrol services for the time period of July 1, 2021- June 30, 2022 and authorize the City Manager to execute the agreement.

BACKGROUND

Since at least August 1, 2017, the City of Fowler ("City") and the Fresno County Rural Transit Agency ("RTA") have maintained a services agreement where uniformed officers of the Fowler Police Department perform weekly patrol checks at the designated bus stops and on the buses as they are transporting passengers to and from the City of Fowler. RTA has requested that the Fowler Police Department continue to provide these services upon the terms and conditions set forth in the attached agreement. The City is reimbursed for the time spent by uniformed officers performing the services

FISCAL IMPACT

City will be reimbursed for services at a rate of \$166.44 per hour, up to \$10,000.

Attachments:

- Agreement for services between the Fresno County Rural Transit Agency and the City of Fowler

**AGREEMENT FOR SERVICES BETWEEN
THE FRESNO COUNTY RURAL TRANSIT AGENCY AND THE
CITY OF FOWLER**

This AGREEMENT, made and entered into this 1st day of July, 2021 (hereinafter referred to as "Effective Date") by and between the FRESNO COUNTY RURAL TRANSIT AGENCY, a California joint powers Public Agency (hereafter referred to as "FCRTA"), and the CITY OF FOWLER, a California municipal corporation and general law city (hereafter referred to as "CITY"). FCRTA and CITY are sometimes collectively referred to herein as the "Parties" and individually as a "Party."

WITNESSETH:

WHEREAS, it is necessary and desirable that CITY contract with FCRTA to provide law enforcement, safety, security, and other services as described in this Agreement to FCRTA vehicles and facilities operating within CITY'S boundaries; and

WHEREAS, FCRTA represents that it is authorized by Section 3 of the Joint Powers Agreement that created FCRTA, which was originally executed on September 27, 1979, to contract for the services to be provided by the CITY under this Agreement; and

WHEREAS, CITY represents that it is authorized by law to provide the services hereinafter described to FCRTA.

NOW, THEREFORE, it is agreed by FCRTA and CITY as follows:

I. CITY'S OBLIGATIONS

A. A police officer employed by CITY shall provide following services to FCRTA at a minimum of one day per week (Monday – Saturday), as selected by CITY:

1. A uniformed officer shall Board the stopped vehicle at any designated bus stop
2. Make visual observations while inside vehicle
3. Greet driver of vehicle
4. Assist passengers or driver with any questions
5. Provide bus shelter safety and security

B. CITY shall complete and submit the FCRTA Police Officer Observation Report attached hereto as Exhibit A and incorporated herein by reference.

C. CITY will make available to FCRTA all documents, studies, or other information in its possession that is not protected by the attorney-client privilege related to the services provided by CITY under this Agreement.

II. FCRTA's OBLIGATIONS

A. FCRTA shall compensate CITY as provided in section III of this Agreement.

B. FCRTA will make available to CITY all documents, studies, or other information in its possession that is not protected by the attorney-client privilege related to the services provided by CITY under this Agreement.

III. COMPENSATION AND INVOICING

A. Notwithstanding any other provision in this Agreement, payment by FCRTA to CITY for the services rendered under this Agreement, shall be limited by an amount not to exceed the sum of \$10,000.00.

B. CITY shall submit two semi-annual invoices to FCRTA. Each invoice shall specify: (1) the total amount previous charged by CITY to FCRTA for services provided under this Agreement; (2) total hours of services rendered during the period covered by the invoice; multiplied by (3) the CITY's approved billing rate of \$166.44 per hour, equaling (4) the amount owed to CITY for the services provided during the period covered by the invoice.

IV. TERMINATION

A. Termination Without Cause.

This Agreement may be terminated without cause at any time by FCRTA or CITY upon thirty (30) calendar days written notice. If either Party terminates this Agreement, CITY shall be compensated for services satisfactorily completed to the date of termination based upon the compensation rates and subject to the maximum amounts payable agreed to in Section III.

B. Breach of Contract.

FCRTA or CITY may suspend or terminate this Agreement in whole or in part, where in the determination of FCRTA or CITY there is:

1. An illegal or improper use of funds;
2. A failure to comply with the terms of this Agreement, and after due notice, failure to cure;
3. Improperly performed services under this Agreement.
4. Failure to pay for services appropriately rendered.

In no event shall any payment by FCRTA constitute a waiver by FCRTA of any breach of this Agreement or any default which may then exist on the part of the CITY. Neither shall such payment impair or prejudice any remedy available to FCRTA with respect to the breach or default.

V. INDEPENDENT CONTRACTOR

In performance of the work, duties, and obligations assumed by CITY to be provided under this Agreement, it is mutually expressly understood and agreed that CITY, including any and all of CITY's officers, agents, and employees will at all times be acting and performing as an independent contractor, and shall act in an independent capacity and not as an officer, agent, servant, employee, joint venture, partner, or associate of FCRTA. Furthermore, FCRTA shall have no right to control or supervise or direct the manner or method by which CITY shall perform its work and function. However, FCRTA shall retain the right to administer this Agreement so as to verify that CITY is performing its obligations in accordance with the terms and conditions thereof. CITY and FCRTA shall comply with all applicable provisions of law and the rules and regulations, if any, of governmental authorities having jurisdiction over matters the subject thereof.

Because of its status as an independent contractor, CITY shall have absolutely no right to employment rights and benefits available to FCRTA employees. CITY shall be solely liable and responsible for providing to, or on behalf of, its employees all legally-required employee benefits. In addition, CITY shall be solely responsible and save FCRTA harmless from all matters relating to payment of CITY's employees, including compliance with Social Security, withholding, and all other regulations governing such matters. It is acknowledged that during the term of this Agreement, CITY may be providing services to others unrelated to FCRTA or to this Agreement.

VI. ASSIGNMENT

CITY shall not assign or subcontract its duties under this Agreement without the prior express written consent of the FCRTA. No such consent shall be construed as making the FCRTA a Party to such subcontract, or subjecting the FCRTA to liability of any kind to any subcontractor.

No subcontract whether existing or later entered into as set forth herein, under any circumstances shall relieve CITY of its liability and obligation under this contract, and all transactions with the FCRTA must be through CITY. Subcontractors may not be changed by CITY without the prior express written approval of FCRTA.

VII. BINDING NATURE OF AGREEMENT; MODIFICATION

The Parties agree that all of the terms of this Agreement shall be binding upon them and that together these terms constitute the entire Agreement of the Parties with respect to the subject matter hereof. No variation or modification of this Agreement and no waiver of any of its provisions or conditions shall be valid unless in writing and signed by duly authorized representatives of the Parties. This Agreement shall be binding upon FCRTA, CITY, and their

successors in interest, legal representatives, executors, administrators, and assigns with respect to all covenants as set forth herein.

VIII. INDEMNITY

The CITY and FCRTA (hereafter individually referred to as a "PARTY") shall hold harmless, and indemnify the other PARTY and its respective governing board, officers, directors, employees, authorized agents, contractors or subcontractors from and against any and all claims, damages, losses, liabilities, costs, and expenses (including reasonable attorneys' and expert witness fees and costs) that arise out of or as a result of any negligent act or omission or willful misconduct of the indemnifying PARTY or its governing board, officers, directors, employees, authorized agents, contractors or subcontractors in carrying out the indemnifying PARTY's obligations under this Agreement, except to the extent that such expense, liability or claim is proximately caused by the negligence or willful misconduct of the PARTY indemnified or its governing board, officers, directors, employees, authorized agents, contractors or subcontractors.

IX. NON DISCRIMINATION AND DBE

CITY shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. CITY shall carry out all applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the CITY to carry out these requirements is a material breach of this contract, which may result in the termination of this contract and such other remedy as the recipient deems appropriate.

X. INSURANCE

Without limiting either Parties right to obtain indemnification, CITY shall require its subcontractors, at their sole expense to maintain in full force and effect the following insurance policies throughout the term of this Agreement:

- A. General liability insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If the Commercial General Liability Form or any other policy with a general aggregate limit is used, either the aggregate limit shall be endorsed to apply separately to this project or the aggregate limit shall be twice the above occurrence limit.
- B. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
- C. Automobile Physical Damage: Subject to existing law, collision and other types of physical damage coverage, including repair or replacement with comparable equipment.

- D. The above liability limits may consist of a combination of a primary policy limit and an excess policy limit to total at least \$1,000,000.
- E. Workers compensation insurance as required by law.

General liability insurance policies shall name the FCRTA, its officers, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned. Such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by FCRTA, its officers, agents, and employees, shall be excess only and not contributing with insurance provided under the CITY's subcontractors policies herein.

CITY shall not cancel or change any insurance policy required by this Agreement without a minimum of thirty (30) days advance, written notice given to FCRTA.

CITY shall provide certification of all insurance policies required by this Agreement to FCRTA within twenty-one (21) days of the date of the execution of this Agreement.

XI. CONFLICT OF INTEREST

CITY and FCRTA covenant they have no interest, and will not have any interest, direct or indirect, which would conflict in any manner with the performances of the services required hereunder.

XII. EFFECTIVE DATE, TERM

This Agreement shall become effective as of the Effective Date above and shall remain in full force and effect through June 30, 2022, unless sooner terminated or unless its term is extended. Upon the mutual written Agreement of the Parties hereto, this Agreement may be extended beyond that date.

XIII. NOTICES

Any and all notices between FCRTA and the CITY provided for or permitted under this Agreement or by law shall be in writing and shall be deemed duly served when personally delivered to one of the Parties, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid, addressed to such Party, at such addresses set forth below:

FCRTA
Moses Stites, General Manager
Fresno County Rural Transit Agency
2035 Tulare, Suite 201
Fresno, CA 93721

CITY
Wilma Quan, City Manager
City of Fowler
128 S. 5th Street
Fowler, CA 93625

For all claims arising out of or related to this Agreement, nothing in this section establishes, waives, or modifies, any claims presentation requirements or procedures provided by

law, including but not limited to the Government Claims Act (Division 3.6 of Title 1 of the Government Code, commencing with section 810).

XIV. VENUE; GOVERNING LAW

Venue for any claim or action arising under this Agreement shall be in Fresno County, California. This Agreement shall be governed in all respects by the laws of the State of California.

XV. LEGAL AUTHORITY

Each Party represents and warrants to the other Party that such Party is duly authorized and empowered to execute, enter into, and perform its obligations set forth in this Agreement, and that the individual signing this Agreement on behalf of such Party has been duly authorized to execute this Agreement on behalf of such Party, and will, by signing this Agreement on such Party's behalf, legally bind such Party to the terms, covenants, and conditions of this Agreement. Each Party further represents and warrants to the other Party that no other person or entity is required to give its approval or consent to this Agreement in order for such Party to authorize, enter into, and perform its obligations under this Agreement, or that if such approval or consent to this Agreement is required, that such approval or consent has been obtained.

XVI. DRUG FREE WORK PLACE

CITY and FCRTA shall certify compliance with Government Code Section 8355 pertaining to providing a drug-free workplace per Exhibit B - "Drug Free Workplace Certification".

XVII. FEDERAL FUNDS

CITY and FCRTA shall acknowledge the participation of federal funds in this PROJECT by causing to have printed on the cover page of any final document provided subsequent to this Agreement, "The preparation of this report has been financed in part through grants from the United States Department of Transportation."

XVIII. REPRESENTATION BY COUNSEL

Each Party acknowledges that it has had the opportunity to be represented by counsel in connection with this Agreement and the transactions contemplated by this Agreement.

XIX. CONSTRUCTION OF AGREEMENT

The Parties hereby acknowledge that they and their respective counsel have cooperated in the drafting and preparation of this Agreement, for which reason this agreement shall not be construed against any Party as the drafter thereof.

///

XX. NO THIRD-PARTY BENEFICIARIES

Notwithstanding anything else to the contrary herein, the Parties acknowledge and agree that no other person, firm, corporation, or entity shall be deemed an intended third-party beneficiary of this Agreement.

XXI. COMPLETE AGREEMENT

This Agreement represents the full and complete understanding of the parties with respect to the subject matter hereof, and all preliminary negotiations and oral or written agreements with respect thereto are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions hereof. Any modification of this Agreement will be effective only by a written instrument signed by both Parties. No waiver of any provision of this Agreement will be valid unless and until it is in writing and signed by the Party making the waiver. Waiver by either Party at any time of a breach or default of this Agreement shall not be deemed a waiver of or consent to a breach or default of the same or any other provision of this Agreement.

XXII. ASSIGNMENT/TRANSFER

No assignment or transfer in whole or in part of this Agreement shall be made without the prior written consent of the FCRTA.

(Signature page follows.)

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date and year first above written.

FRESNO COUNTY RURAL TRANSIT

By _____
MOSES STITES, General Manager

CITY OF FOWLER

By _____
WILMA QUAN, City Manager

APPROVED AS TO LEGAL FORM ON BEHALF OF FCRTA:
DANIEL C. CEDERBORG, County Counsel

E-Signed by
Bryan D. Rome
By Bryan D. Rome on June 14, 2021
BRYAN ROME, Deputy County Counsel

APPROVED AS TO LEGAL FORM ON BEHALF OF CITY:

By _____
FOWLER CITY ATTORNEY



ITEM NO: 7-F

REPORT TO THE CITY COUNCIL

September 21, 2021

FROM: Dario Dominguez, Public Works Director

SUBJECT

Declare Three City Vehicles to be Surplus Property, and Authorize the Disposal of the Vehicles

RECOMMENDATION

Approve disposal of the identified surplus vehicles.

BACKGROUND

Staff is recommending the disposition of three vehicles:

1. 1988 Ford Crown Victoria
2. 2003 Ford F350 Pick up
3. 2011 Ford Crown Victoria

Vehicle 1 was utilized by the Building Official but is no longer needed by the City. Vehicle 2 was used by the Public Works Water Department but is currently out of service and would be very expensive to repair to become operable, and is no longer needed for City service. Vehicle 3 was being utilized by the Police Department staff but is no longer needed as a result of recent vehicle replacements by the Police Department. All three vehicles have exhausted their lifespan and are no longer needed by the City.

Disposal of these surplus vehicles will be made in the most economical and practical manner available, with a potential live auction.

FISCAL IMPACT

Any revenue received from the sale of the vehicles will be placed in the General Fund.



ITEM 8Ai
FOWLER CITY COUNCIL

ITEM NO: 8-Ai

REPORT TO THE CITY COUNCIL

September 21, 2021

FROM: Dawn E. Marple, City Planner

SUBJECT

Approve Resolution No. 2514 Authorizing Submittal of a Grant Application for the Small Community Drought Program Funds

RECOMMENDATION

Staff recommends the City Council approve Resolution No. 2514 authorizing submittal of a grant application to the State of California Department of Water Resources (DWR) requesting funds for Small Community Drought Relief Program funds, and authorizing acceptance of grant funds and execution of agreements necessary with the State for the use of funds.

BACKGROUND

On August 11, 2021, the California Department of Water Resources (DWR) announced the release of approximately \$192 million as part of the Small Community Drought Relief Program. The Small Community Drought Relief Program was authorized by the California State Legislature pursuant to the Budget Act of 2021 and Assembly Bill 148.

The intent of this Program is to provide immediate and near-term financial and technical support to help small communities survive current and future droughts. The Program aims to implement needed resiliency measures and infrastructure improvements for small water suppliers. The Program will support projects and programs that provide immediate and near-term water supply reliability benefits and improve drought and water shortage resiliency and preparedness.

The specific objectives are to implement projects that provide reliable water supply sources, improve water system storage, replace aging and leaking pipelines, and provide alternative power sources for operation (emergency generators).

The City proposes to construct a new well on the west side of State Route 99 as this area has only one water well and the existing water system only has three small-diameter connections crossing State Route 99, resulting in potential scenarios where drought conditions, in conjunction with a large fire

demand, could cause water system pressure issues during fire suppression. The well would be required to produce 1,200 gallons per minute and be equipped with a backup generator. Additionally, a 12-inch water main is proposed between South Golden State Boulevard and South Fowler Avenue along the South Avenue alignment and under State Route 99. This water main would serve to further resolve water pressure issues and provide an additional level of redundancy that is more common east of State Route 99.

There is no minimum or maximum funding limit under the Program. However, DWR may recommend modified grant amounts from those requested for the purposes of equitably distributing the limited funding available and/or to better meet program objectives. No cost-share or matching funds from the City is required but it is encouraged. The City does not intend to propose any matching funds in its grant application.

Staff intends to submit the grant application following Council approval of the Resolution. Applications for funding are accepted on a first come first served basis until all the funds are awarded, or until December 29, 2023, whichever comes first. The grant funding must be encumbered or expended by June 30, 2024.

ENVIRONMENTAL FINDINGS

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" pursuant to 15378(b)(4) because it is a request for grant funding only and not a commitment of funding. Applicable CEQA review and documentation will be required of the City by DWR before any funding can be committed by the City to any project.

Attachments:

- A. Resolution No. 2514

RESOLUTION NO. 2514

A RESOLUTION OF THE COUNCIL OF THE CITY OF FOWLER AUTHORIZING THE GRANT APPLICATION TO THE DEPARTMENT OF WATER RESOURCES, ACCEPTANCE OF GRANT FUNDING, AND EXECUTION OF A FUNDING AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES FOR THE CITY OF FOWLER NEW WELL AND SYSTEM INTERCONNECTION FOR DROUGHT RESILIENCY PROJECT

WHEREAS, City of Fowler ("City") proposes to implement the City of Fowler New Well and System Interconnection for Drought Resiliency Project ("Project");

WHEREAS, the Project is being implemented in response to a drought scenario, as defined by Water Code section 13198(a), and is intended to address immediate impacts on human health and safety;

WHEREAS, City has the legal authority and is authorized to enter into a funding agreement with the State of California;

WHEREAS, City intends to apply for grant funding through the Small Community Drought Relief Program from the California Department of Water Resources ("DWR") for the Project; and

WHEREAS, it is in the best interest of the City to pursue grant funding from the DWR for the Project.

THEREFORE, BE IT RESOLVED by the City Council of the City of Fowler as follows:

1. The City Council hereby approves the City's efforts to pursue grant funding from the DWR for the Project.
2. Pursuant and subject to all of the terms and provisions of the Budget Act of 2021 (Stats. 2021, ch. 69, § 112), the City Manager or designee is hereby authorized and directed to prepare and file an application for funding with the DWR and take such other actions as necessary or appropriate to obtain grant funding for the Project.
3. The City Manager or designee is hereby authorized and directed to execute the funding agreement with the DWR and any amendments thereto.
4. The City Manager or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain any grant funding awarded by DWR for the Project.

PASSED, APPROVED AND ADOPTED this 21st day of September 2021, at a regular meeting of the Fowler City Council by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

David Cardenas, Mayor

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted by the City Council of the City of Fowler at a meeting thereof held on the 21st day of September, 2021.

ATTEST:

Angela Vasquez, Deputy City Clerk

**FOWLER CITY COUNCIL**

ITEM NO: 8-Aii

REPORT TO THE CITY COUNCIL

September 21, 2021

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

Public Hearing to Consider Items Pertaining to Zoning (Rezoning) Ordinance Amendment No. 19-03, and Annexation Request No. 19-03, filed by Fowler Unified School District for property located on the west side of South Armstrong Avenue between East Adams and East Clayton Avenues.

1. Consider Approval of Resolution No. 2515, a Resolution adopting an Addendum to the Mitigated Negative Declaration for Zoning (Rezoning) Ordinance Amendment No. 19-03 and Annexation Request No. 19-03.
2. Consider Approval of Resolution No. 2516, a Resolution approving Annexation Request No. 19-03.
3. Consider Introduction of Ordinance No. 2021-04, an Ordinance approving Zoning Ordinance Amendment No. 19-03.

RECOMMENDATION

Staff recommend the City Council approve Resolution No. 2515 adopting an Addendum to a Mitigated Negative Declaration to CEQA, approve Resolution No. 2516 approving Annexation Request No. 19-03, and introduce Ordinance No. 2021-04 approving Zoning (Rezoning) Ordinance Amendment No. 19-03. The Planning Commission recommended approval of all items at its September 2, 2021, regular meeting.

BACKGROUND

Fowler Unified School District is proposing the expansion of the existing Marshall Elementary School to serve the existing student population and relocate the District's early learning program. The preschool is a year-round program with hours between 7:30 a.m. and 5:30 p.m., Monday through Friday, and will serve 90 students at build-out. The site will include up to 6 classrooms, administration offices, parking, and play areas. There will be three modular buildings, with an approximate area totaling almost 16,000 square feet (sq. ft.).

The Project site is located north of the existing Marshall Elementary School. Figure 1 shows the aerial view of the Project site. The proposed Project will occupy approximately 3-acre portion of an undeveloped site (APN 340-130-09) in unincorporated Fresno County. The Project site will be annexed into the City of Fowler and connect to the City of Fowler's water systems and to the Selma-Kingsburg-Fowler Sanitation District sewer systems.

The proposed Project will include three new modular buildings, hardcourts, playfield and paved parking and fire access driveways. The three modular buildings will have an approximate area totaling almost 16,000 square feet (sq. ft.). Also, new parking lot improvement are planned in the east portion of the site. Construction is anticipated to take approximately 9-12 months to complete.

In order to provide a logical boundary, the City proposes to include a 0.33 acre parcel of land (APN 340-220-33) currently improved with a single-family residence into the Project for purposes of annexation. Both parcels are proposed for annexation, and both Fowler USD and the owner of the second parcel support annexation.

Zoning (Prezoning) Ordinance Amendment No. 19-03 proposes to rezone the subject properties to RCO (Resource Conservation, Public Use, and Open Space) zone district (see Exhibit 3), which is consistent with the underlying General Plan Land Use designation of Parks and Open Space (FMC Section 9-5.307; see Exhibit 2). Public elementary schools are a permitted use in the RCO zone district (FMC Section 9-5.503).

While the school is proposed on land currently designated as Parks and Open Space, approval of this prezone and annexation would not preclude future park development in the area, as "[l]ocations for future park sites are schematic and may be located on any suitable lands in the general vicinity." (General Plan Policy 4.7-15). Future school sites too can be located on any suitable lands in the general vicinity. (General Plan Policy 4.7-17)

Single-family residences are not allowed in the RCO zone district. Therefore, the rezone will result in the existing single-family residence becoming a legal non-conforming use. However, the residence can remain and the existing residential use can continue as residential dwellings are exempt from abandonment of legal nonconforming use regulations (FMC Section 9-5.29-.03). Additionally, expansion and/or remodels up to 50 percent of the value of the residential structure are allowed subject to Administrative Approval (FMC Section 9-5.504), and repairs and customary maintenance are as always permitted (FMC Section 9-5.29.02).

ENVIRONMENTAL FINDINGS

A Draft Mitigated Negative Declaration (MND) (State Clearinghouse No. 2021050269) was prepared by Fowler USD in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines (Attachment D).

This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. The 30-day public review period for the Draft MND occurred May 13, 2021 to June 11, 2021. On June 16, 2021, Fowler USD adopted the MND for the Marshall Elementary School Expansion Project. Relevant documents may be found at the Fowler USD website at <http://www.fowlerusd.org>.

Fowler USD named the City of Fowler as a Responsible Agency pursuant to Section 15381 of the CEQA Guidelines in order to carry out Zoning (Prezoning) Ordinance Amendment No. 19-03 and Annexation Request No. 19-03. Pursuant to Section 15164 of the CEQA Guidelines, the City of Fowler

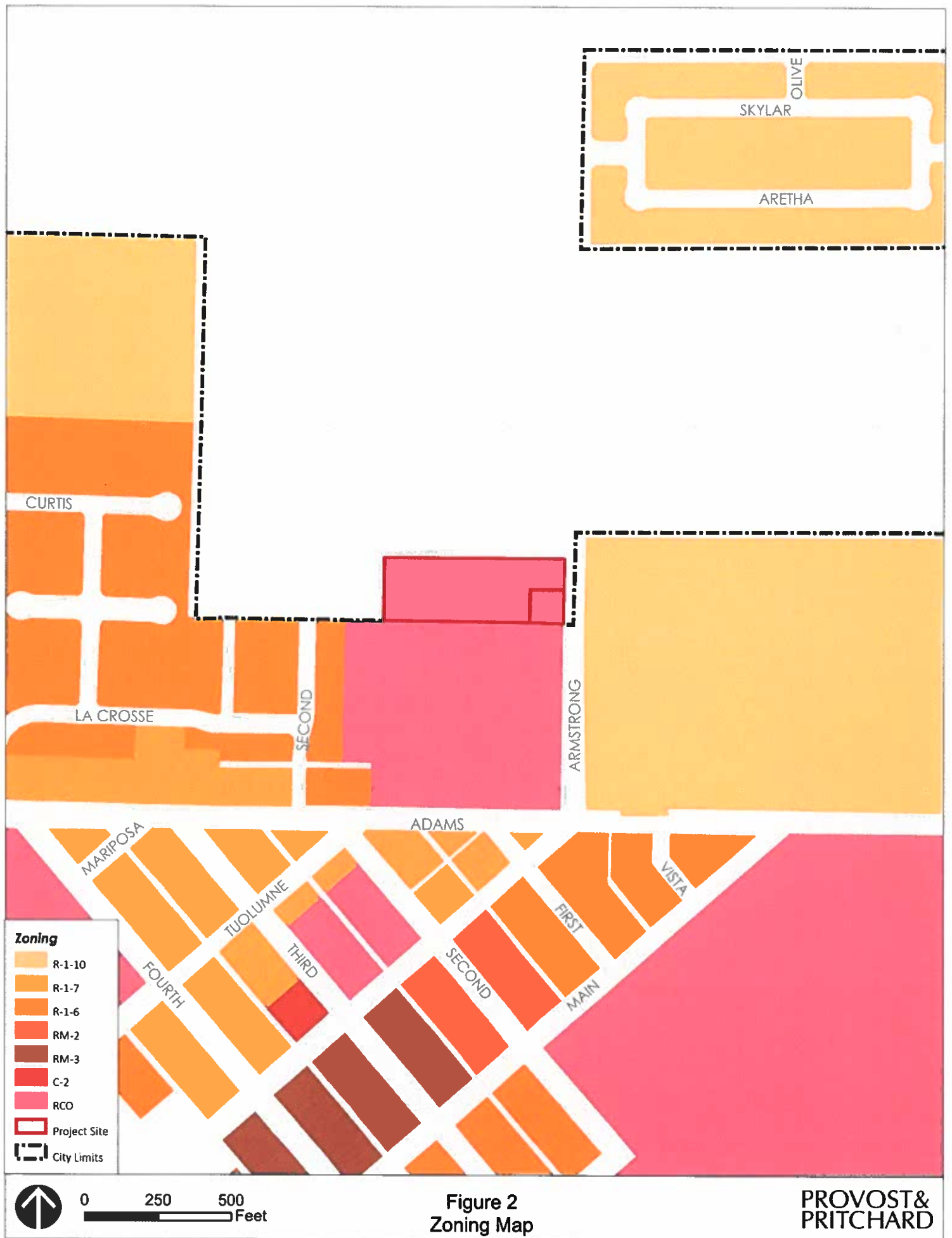
has prepared an Addendum to the 2021 Marshall Elementary School Expansion Project MND to facilitate the expansion of the annexation area. The addendum did not identify any new environmental impacts.

Attachments:

- A. Figure 1 – Aerial Photo
- B. Figure 2 – Prezone Map
- C. Figure 3 – General Plan Land Use Map
- D. City Council Resolution No. 2515
- E. City Council Resolution No. 2516
- F. City Council Ordinance No. 2021-04



Figure 1
Aerial Photo





**RESOLUTION NO. 2515
RESOLUTION BEFORE THE CITY COUNCIL
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION TO ADOPT AN ADDENDUM TO THE FOWLER UNIFIED
SCHOOL DISTRICT MITIGATED NEGATIVE DECLARATION (SCH NO.
2021050269) FOR ZONING (PREZONING) ORDINANCE AMENDMENT NO.
19-03 AND ANNEXATION REQUEST NO. 19-03**

WHEREAS, an application for Zoning (Prezoning) Ordinance Amendment No. 19-03 and Annexation Request No. 19-03 has been submitted for the annexation of the proposed project ("Marshall Elementary School Expansion Project") on an approximately 2.97-acre parcel (APN: 340-130-29T) on the west side of South Armstrong Avenue between East Clayton and East Adams Avenues ("Parcel 1"); and

WHEREAS, the subject application was deemed complete by the Fowler Planning Department and has been reviewed for compliance with the Fowler Zoning Ordinance; and

WHEREAS, Fowler Unified School District prepared a Mitigated Negative Declaration ("MND") pursuant to the California Environmental Quality Act ("CEQA") (State Clearinghouse No. 2021050269) for the Marshall Elementary School Expansion Project, which was adopted on June 16, 2021, by Fowler Unified School District ("Fowler USD"), attached hereto as Attachment A; and

WHEREAS, Fowler USD named the City of Fowler as a Responsible Agency pursuant to Section 15381 of the CEQA Guidelines in order to carry out Zoning (Prezoning) Ordinance Amendment No. 19-03 and Annexation Request No. 19-03; and

WHEREAS, in order to provide a logical boundary, the City proposes to include an approximately 0.33-acre parcel (APN: 340-220-33) ("Parcel 2") possessing a single-family residence into the annexation request; and

WHEREAS, Parcel 1 and Parcel 2 together with the Marshall Elementary School Expansion Project shall now be called the "Project" under CEQA and is therefore subject to requirements of the CEQA and the Guidelines implementing CEQA; and

WHEREAS, CEQA encourages finalization of environmental documents and CEQA Guidelines Section 15164 provides that the lead agency shall prepare an addendum to a previously adopted negative declaration if only some changes or additions are necessary but none of the conditions described in Section 15162, calling for the preparation of a subsequent negative declaration, have occurred; and

WHEREAS, the City of Fowler, a CEQA lead agency for the proposed Project has prepared this Addendum to the 2021 Marshall Elementary School Expansion Project MND pursuant to CEQA provisions because only minor changes or additions to said MND are needed to consider the proposed modifications; and

WHEREAS, the impact analysis in this Addendum does not identify any new significant impacts; and

WHEREAS, no additional mitigation measures were identified; and

WHEREAS, a duly noticed public hearing was held on this matter by the Planning Commission on September 2, 2021; and

WHEREAS, following the public hearing the Planning Commission adopted Resolution No. 663 recommending that the City Council adopt the Addendum to the Mitigated Negative Declaration; and

WHEREAS, the City Council has independently reviewed and considered the Addendum and Mitigated Negative Declaration and has evaluated and considered all comments, written and oral, received from persons who reviewed the Addendum and Mitigated Negative Declaration or otherwise commented on the Project.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Fowler, based upon the entire record of proceedings, hereby finds as follows:

1. The foregoing recitals are true and correct.
2. That it has reviewed the recommendation of the Planning Commission.
3. None of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent MND would occur as a result of the Project and that an Addendum is therefore appropriate under Section 15164(e) of the CEQA Guidelines.
4. On the basis of the whole record, there is no substantial evidence that the Project will have a significant effect on the environment with mitigation measures included.
5. The basis for the findings is detailed in the September 21, 2021 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as evidence and comments presented in connection with the Mitigated Negative Declaration during the September 21, 2021, City Council meeting.

BE IT FURTHER RESOLVED that the Fowler City Council hereby adopts the Addendum to the Mitigated Negative Declaration for the Marshall Elementary Expansion Project with mitigation measures as contained in Exhibit "A".

Mayor of the City Council

Attest:

Deputy City Clerk

I, Angela Vasquez, Deputy City Clerk of the City Council, do hereby certify that the foregoing resolution was adopted at a meeting of the City Council of the City of Fowler, on the motion of Councilmember _____ and second by Councilmember _____ on the 21st day of September, 2021 by the following vote:

AYES: Councilmembers: _____

NAYS: Councilmembers: _____

ABSTAIN: Councilmembers: _____

ABSENT: Councilmembers: _____

Attachment A – Initial Study / Mitigated Negative Declaration and Addendum

CITY OF FOWLER

125 S. FIFTH STREET
FOWLER, CA 93625

**Prezone and Annexation
Application Nos. 19-03**

**Addendum to
Adopted Initial Study/Mitigated Negative Declaration
for the “Marshall Elementary School Expansion”
Project**

August 2021

Introduction

This document is an Addendum to the adopted Initial Study/Mitigated Negative Declaration for *Marshall Elementary School Expansion*, a project that authorized the expansion of an existing elementary school campus. The City, as a Responsible Agency under CEQA, has prepared this Addendum in accordance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq.) and the Guidelines implementing the CEQA (California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.).

CEQA Regulations

Section 15164 – Addendum to an EIR or Negative Declaration, states, in pertinent parts:

- b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Referenced Section 15162 – Subsequent EIRs and Negative Declarations, states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was*

certified as complete or the Negative Declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

This Addendum, including the environmental analyses which follow, demonstrates that none of the conditions described above in Section 15162, calling for the preparation of a subsequent environmental document to the adopted *Marshall Elementary School Expansion Project* would occur as a result of the Prezone and Annexation Application Nos. 19-03. Therefore, the City has determined this Addendum, prepared pursuant to Section 15164 of the CEQA Guidelines, is the appropriate level of CEQA document for the Project.

Project Background

On June 16, 2021, Fowler Unified School District (Fowler USD) adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for *Marshall Elementary School Expansion Project* (see **Appendix A**), a project for the construction of an expansion of the existing Marshall Elementary School. The adopted IS/MND evaluated the impacts of the construction and operation of the school expansion, as well as the necessary infrastructure to support the development.

Project Description

The Project, Zoning (Prezoning) Ordinance Amendment and Annexation Application Nos. 19-03, proposes to:

1. Prezone approximately 3.3 acres of land to the RCO (Resource Conservation, Public Use, and Open Space) zone district.
2. Annex approximately 3.3 acres into the City of Fowler

As the Fowler USD Project was required to annex into the City of Fowler by the Fresno County Local Agency Formation Commission (LAFCo), consultation with LAFCo came to the conclusion that an approximately 0.33-acre lot be included in the annexation to “square off” annexation boundaries to prevent future “county islands” where properties located in unincorporated Fresno County but surrounded by the City of Fowler would have varying types, and levels of, public services. The original IS/MND did not address this conditional approval that LAFCo would place on the annexation of the original project. For expediency purposes the City of Fowler is preparing this Addendum to cover this additional property.

A single-family residence exists on the 0.33-acre parcel to proposed to be annexed with the Fowler USD property. No development is proposed on this residential property. All future development with this property would have to be in accordance with the development standards in place at that time.

For these reasons, for all resource areas, impacts from the modified project would be the same as the impacts identified under the approved project. Therefore, impacts to the following resource areas would not substantively change:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

Specifically, because the proposed annexation would not result in the change of any buildings, the modified project would be of the same size and massing than the approved project.

Determination

As demonstrated in the preceding Analysis section, the proposed Prezone and Annexation Application Nos. 19-03 would not result in, or require, changes to previous impact determinations or mitigation requirements as identified in the adopted Initial Study/Mitigated Negative Declaration. None of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Therefore, in accordance with California Environmental Quality Act (CEQA) Section 15164, *Addendum to an EIR or Negative Declaration*, the District, acting as a Responsible Agency under CEQA, has appropriately prepared this Addendum.

APPENDICES

**Appendix A: Adopted Initial Study & Mitigated Negative Declaration and Adopted
Mitigation Monitoring and Reporting Program**



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

May 4, 2018

Scott Griffin
Fowler Unified School District
658 E. Adams Avenue
Fowler, CA 93625

Subject: Marshall Elementary School 3 Acre Addition
SCH#: 2018041015

Dear Scott Griffin:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on May 3, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018041015
Project Title Marshall Elementary School 3 Acre Addition
Lead Agency Fowler Unified School District

Type Neg Negative Declaration
Description The purchase of 3 acres to the north of Marshall ES.

Lead Agency Contact

Name Scott Griffin
Agency Fowler Unified School District
Phone 558-834-6080
email
Address 658 E. Adams Avenue
City Fowler
State CA **Zip** 93625
Fax

Project Location

County Fresno
City Fowler
Region
Lat / Long 36° 38' 12" N / 119° 40' 28" W
Cross Streets Armslrong & Adams Ave
Parcel No. 340-130-9
Township 15S **Range** 21E **Section** 10 **Base** Norris C

Proximity to:

Highways 99
Airports
Railways SPRR
Waterways
Schools Marshall ES
Land Use Parks/OS/PF per city of Fowler General plan map

Project Issues Agricultural Land; Schools/Universities; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission; Public Utilities Commission

Date Received 04/04/2018 **Start of Review** 04/04/2018 **End of Review** 05/03/2018

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # **2018041015**

Project Title: Marshall Elementary School 3 Acre Addition

Lead Agency: Fowler Unified School District

Contact Person: Mr. Scott Griffin

Mailing Address: 658 East Adams Avenue

Phone: (559) 834-6080

City: Fowler

Zip: 93625

County: Fresno

Project Location: County: Fresno

City/Nearest Community: Fowler

Cross Streets: Armstrong & Adams Avenue

Zip Code: 93625

Longitude/Latitude (degrees, minutes and seconds): 36 ° 38 ' 12 " N / 119 ° 40 ' 28 " W **Total Acres:** 3 Acres

Assessor's Parcel No.: 340-130-9

Section: 10

Twp.: 15 South

Range: 21 East

Base: Norris Cdb

Within 2 Miles:

State Hwy #: 99

Waterways:

Airports:

Railways: Southern Pacific

Schools: Marshall Elementary

Document Type:

CEQA:

☐ NOP

☐ Draft EIR

NEPA:

☐ NOI

Other:

☐ Joint Document

☐ Early Cons

☐ Supplement/Subsequent EIR

☐ EA

☐ Final Document

☒ Neg Dec

(Prior SCH No.)

☐ Draft GIS

☐ Other:

☐ Mit Neg Dec

Other:

☐ FONSI

Local Action Type:

☐ General Plan Update

☐ Specific Plan

☐ Rezone

☐ Annexation

☐ General Plan Amendment

☒ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☐ Use Permit

☐ Coastal Permit

☐ Community Plan

☒ Site Plan

☐ Land Division (Subdivision, etc.)

☐ Other:

Development Type:

☐ Residential: Units

Acres

☐ Office: Sq.ft.

Acres

Employees

☐ Transportation: Type

☐ Commercial: Sq.ft.

Acres

Employees

☐ Mining: Mineral

☐ Industrial: Sq.ft.

Acres

Employees

☐ Power: Type

MW

☒ Educational: Addition to an existing school

☐ Waste Treatment: Type

MGD

☐ Recreational:

☐ Hazardous Waste: Type

☐ Water Facilities: Type

MGD

☐ Other:

Project Issues Discussed in Document:

☐ Aesthetic/Visual

☐ Fiscal

☐ Recreation/Parks

☐ Vegetation

☒ Agricultural Land

☐ Flood Plain/Flooding

☒ Schools/Universities

☐ Water Quality

☐ Air Quality

☐ Forest Land/Fire Hazard

☐ Septic Systems

☐ Water Supply/Groundwater

☐ Archeological/Historical

☐ Geologic/Seismic

☐ Sewer Capacity

☐ Wetland/Riparian

☐ Biological Resources

☐ Minerals

☐ Soil Erosion/Compaction/Grading

☐ Growth Inducement

☐ Coastal Zone

☐ Noise

☐ Solid Waste

☒ Land Use

☐ Drainage/Absorption

☐ Population/Housing Balance

☐ Toxic/Hazardous

☐ Cumulative Effects

☐ Economic/Jobs

☐ Public Services/Facilities

☐ Traffic/Circulation

☐ Other:

Present Land Use/Zoning/General Plan Designation:

Parks/Open Space/Public Facilities per City of Fowler General Plan Map

Project Description: (please use a separate page if necessary)

The purchase of 3 acres to the north of Marshall Elementary School.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input checked="" type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input checked="" type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	Other: _____
<input type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date Proposed May 15, 2018

Ending Date June 16, 2018

Lead Agency (Complete if applicable):

Consulting Firm: Integrated Designs by SOMAM, inc
Address: 6011 N. Fresno Street #130
City/State/Zip: Fresno/CA/93710
Contact: Sharon Ashida
Phone: (559) 436-0881

Applicant: Fowler Unified School District
Address: 658 E. Adams
City/State/Zip: Fowler/CA/93625
Phone: (559) 834-6080

Signature of Lead Agency Representative: 

Date: 4/2/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**CEQA APPENDIX G:
ENVIRONMENTAL CHECKLIST FORM**

NOTE: The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project title: Marshall Elementary School 3 Acre Addition
2. Lead agency name and address: Fowler Unified School District
658 East Adams Avenue, Fowler, CA 93625
3. Contact person and phone number: Scott Griffin (559) 834-6080
4. Project location: 142 N. Armstrong Avenue, Fowler, CA 93625
5. Project sponsor's name and address: Fowler Unified School District
658 East Adams Avenue, Fowler, CA 93625
6. General plan designation: Public Use/Parks/Open Space
7. Zoning: RCO - Resource Conservation, Public Use and Open Space District
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Addition of 3 Acre to Marshall Elementary School.
9. Surrounding land uses and setting: Briefly describe the project's surroundings:
Agriculture Use: North, West and East of the 3 Acre Addition. Existing school: South
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
California Department of Education, Division of the State Architect, Department of Toxic Substance Control, Fresno County
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?
No, not required.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

3/27/18
Date

Mr. Scott Griffin, Assistant Superintendent
Printed Name

Fowler Unified School District
For

SAMPLE QUESTIONS

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>I. AESTHETICS.</u> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Designated as Non-Williamson Act Land – See Exhibit 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (City of Fowler General Plan designation is Parks/Open Space/Public Facilities. See Exhibit 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES:

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the <u>California Department of Fish and Game</u> or <u>U.S. Fish and Wildlife Service</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the <u>California Department of Fish and Game</u> or <u>US Fish and Wildlife Service</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by <u>Section 404 of the Clean Water Act</u> (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted <u>Habitat Conservation Plan</u> , <u>Natural Community Conservation Plan</u> , or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>V. CULTURAL RESOURCES.</u> Would the project:				
a) Cause a substantial adverse change in the significance of a <u>historical resource</u> as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>VI. GEOLOGY AND SOILS.</u> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to <u>Division of Mines and Geology Special Publication 42.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on <u>expansive soil</u> , as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or <u>regulation</u> adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section <u>65962.5</u> and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:				
a) Violate any <u>water quality standards or waste discharge requirements</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete <u>groundwater</u> supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a <u>federal Flood Hazard Boundary or Flood Insurance Rate Map</u> or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>X. LAND USE AND PLANNING.</u> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (City of Fowler General Plan designation is Parks/Open Space/Public Facilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known <u>mineral resource</u> that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIII. POPULATION AND HOUSING.</u> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>XIV. PUBLIC SERVICES.</u>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>XV. RECREATION.</u>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. TRANSPORTATION/TRAFFIC.

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVIII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with <u>federal, state, and local</u> statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083 and 21083.05, 21083.09 Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21073, 21074 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21080.3.1, 21080.3.2, 21082.3, 21084.2, 21084.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

ACQUISITION PARCEL

Portion of Lot 4 of Norris Colony, recorded in Book 2, Page 28 of Plats, Fresno County Records

The South 239.25 feet of the East 617.55 feet of the North half of Lot 4 of Norris Colony, recorded in Book 2, Page 28 of Plats, Fresno County Records.

EXCEPTING THEREFROM, the land described herein is situated in the State of California, County of Fresno, unincorporated area described as follows:

Beginning at the Southeast corner of the North half of Lot 4 in Section 10 of Norris Colony, according to the map thereof recorded in Book 2, Page 28 of Plats, Fresno County Records, thence North 121 feet, thence West 120 feet, thence South 121 feet, thence East 120 feet to the Point of Beginning.

2

**RESOLUTION NO. 2516
RESOLUTION BEFORE THE CITY COUNCIL
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION REQUESTING THAT THE LOCAL AGENCY
FORMATION COMMISSION UNDERTAKE PROCEEDINGS FOR
THE ANNEXATION OF ANNEXATION REQUEST NO. 19-03**

WHEREAS, the City of Fowler desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Government Code Section 56000 for the proposed Marshall Elementary School Reorganization; and

WHEREAS, the specific changes of organization consist of annexation to the City of Fowler and the Selma-Kingsburg-Fowler County Sanitation District and detachment from the Kings River Conservation District, Consolidated Irrigation District and the Fresno County Fire Protection District; and

WHEREAS, the territory proposed to be changed is uninhabited, and on this day contains no registered voters, established by virtue of lack of habitable structures; and

WHEREAS, an illustration of the boundaries of the territory is set forth in Exhibit "A" hereto, and a map and written description accurately depicting said territory shall be forwarded to the Local Agency Formation Commission upon application; and

WHEREAS, this proposal is consistent with the City of Fowler sphere of influence; and

WHEREAS, the City of Fowler does not desire to subject the proposal to additional terms or conditions; and

WHEREAS, the proposed reorganization is intended to: 1) facilitate development of the Marshall Elementary School Expansion Project occupying Assessor's Parcel No. 340-130-09, which comprises approximately 2.97 acres; and 2) allow for the annexation of Assessor's Parcel No. 340-220-33 comprising approximately 0.33 acres, which at this time is not proposed for additional development but lies immediately adjacent to the Marshall Elementary School Expansion Project and would constitute a logical expansion of the city limits; and

WHEREAS, the City Council, via Resolution No. 2515 has adopted an addendum for the project pursuant to the California Environmental Quality Act.

NOW THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE COUNCIL HEREBY ADOPTS this Resolution of Application and the Local Agency Formation Commission of Fresno County is hereby requested to initiate proceedings for the Marshall Elementary School Reorganization in the manner prescribed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Mayor of the City Council

Attest:

Deputy City Clerk

I, Angela Vasquez, Deputy City Clerk of the City Council, do hereby certify that the foregoing resolution was adopted at a meeting of the City Council of the City of Fowler, on the motion of Councilmember _____ and second by Councilmember _____ on the 21st day of September, 2021 by the following vote:

AYES: Councilmembers: _____

NAYS: Councilmembers: _____

ABSTAIN: Councilmembers: _____

ABSENT: Councilmembers: _____

-NOTE-
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

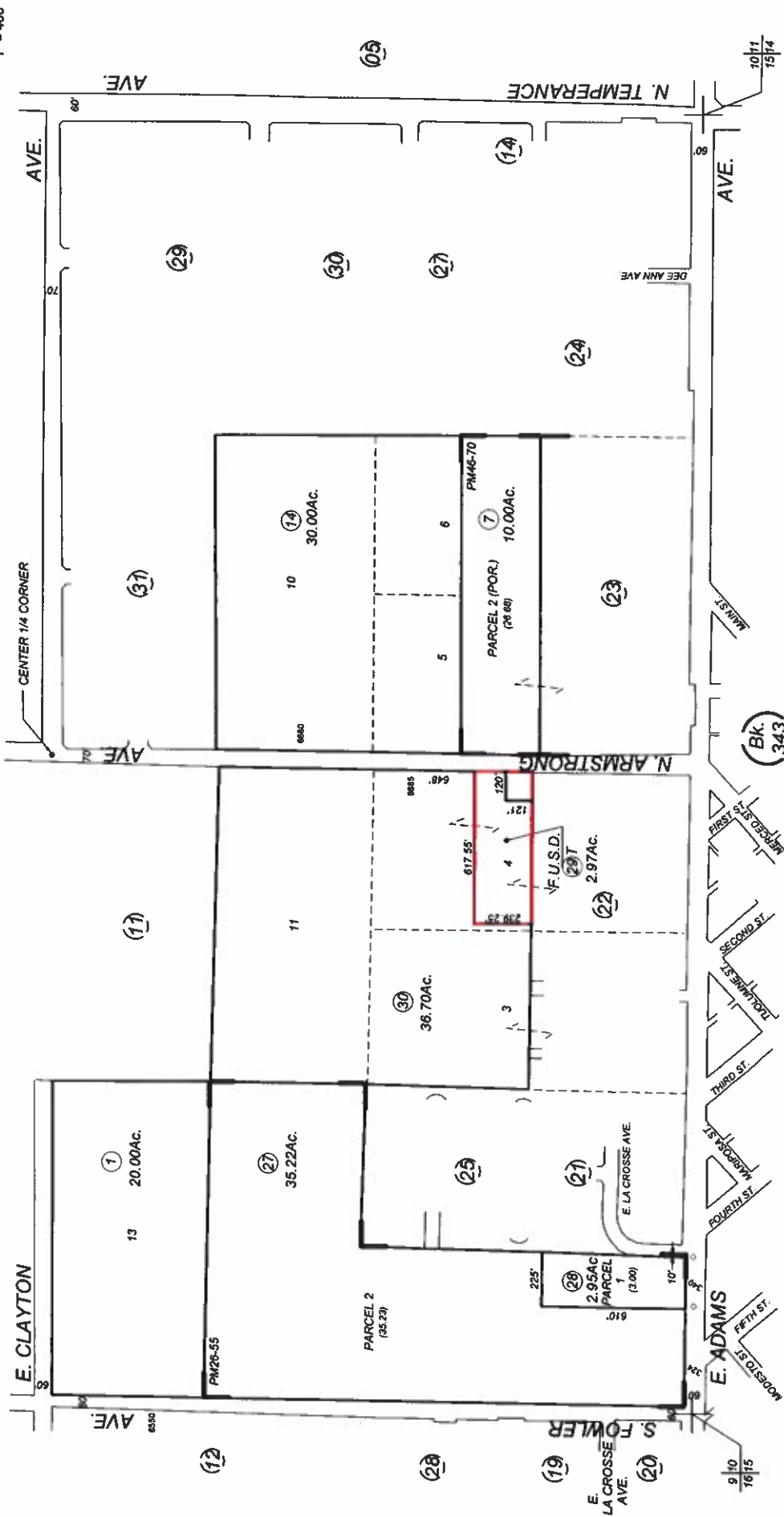
SUBDIVIDED LAND IN POR. SEC. 10, T.15S., R.21E., M.D.B. & M.

Tax Rate Area
4-000 95-001
4-010
4-026

340-13

APPENDIX A

1" = 400'



Norris Colony - Plat Bk. 2, Pg. 28
Parcel Map No. 4038 - Bk. 26, Pg. 55
Parcel Map No. 86-1 - Bk. 46, Pg. 70

Assessor's Map Bk. 340 - Pg. 13
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING
THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT A CHANGE OF ZONE
FOR ASSESSOR'S PARCEL NOS. 340-130-09 AND 340-220-33

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

SECTION 1. The Official Zoning Map of the City of Fowler is hereby amended to indicate Assessor's Parcel Nos. 340-130-09 and 340-220-33 as RCO (Resource Conservation, Public Use, and Open Space) as indicated in Exhibit "A" hereto.

SECTION 2. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. 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

-NOTE-
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

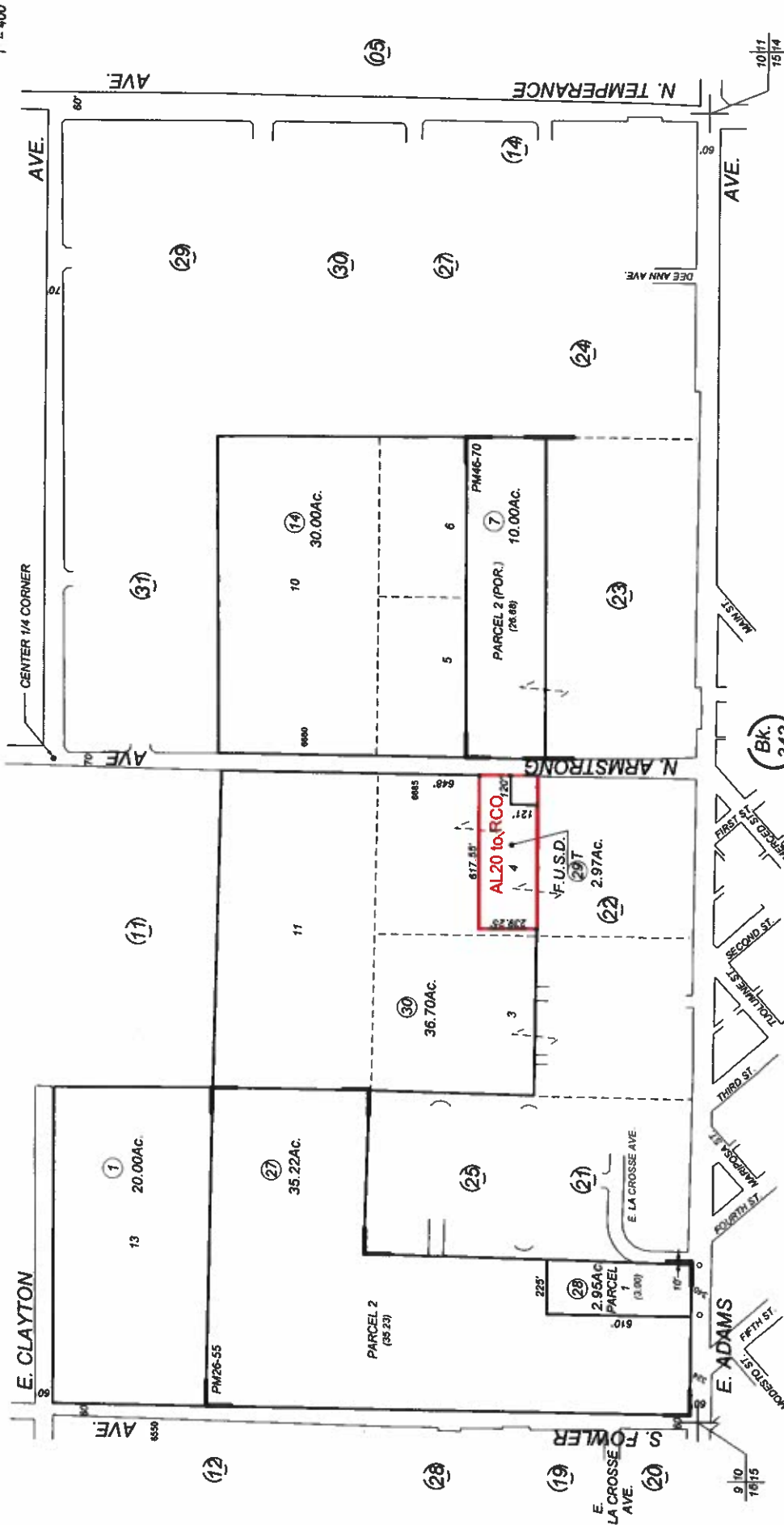
SUBDIVIDED LAND IN POR. SEC. 10, T.15S., R.21E., M.D.B. & M.

Tax Rate Area
4-000 95-001
4-010
4-026

340-13

APPENDIX A

1" = 400'



Norris Colony - Plat Bk. 2, Pg. 28
Parcel Map No. 4038 - Bk. 26, Pg. 55
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Assessor's Map Bk. 340 - Pg. 13
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles



ITEM NO: 8-Bi

September 21, 2021

FROM: Yvonne Hernandez, Recreation Coordinator

SUBJECT

2021 Special Events Update (Informational)

RECOMMENDATION

None

BACKGROUND

Staff has begun to develop an integrated special events management process between Public Works, the Police Department, Senior/Recreation, and City Administration. We are providing you an informational calendar of events and their road closure impacts for the remainder of the year. Staff will present Council a projected 2022 events calendar during a January or February 2022 meeting.

FISCAL IMPACT

Historically, the City has not separately tracked the staffing and related costs involved with the various City-sponsored and non-City-sponsored special events held in the City. All staff costs incurred by the City for the events have been absorbed by individual departments such as Public Works, the Police Department, Fire Department and the Recreation Coordinator and not specifically budgeted or charged to the various events. Staff will begin to track these costs and report this information to Council at the meeting in January or February 2022 when the events calendar is presented.

Attachments:

- 2021 Events Calendar

City of Fowler Community Events Calendar 2021

Date	Activity	City Event	Facilities	Road Closure
Wednesday, September 22, 2021	Farmers Market	Y	Panzak Park	2nd bet Merced/Tuol.
Wednesday, September 29, 2021	Farmers Market	Y	Panzak Park	2nd bet Merced/Tuol.
				6th fr Merced to Tuol.; Merced fr 6th to 1st; 3rd fr Tuol. to Merced; 2nd fr Tuol. to Merced; 1st fr Merced to Main
Saturday, October 2, 2021	Lions Club Fall Fest	N	Panzak Park	Main
Sunday, October 3, 2021	Rajinder Brar/Nonprofit	N	Panzak Park	None
Wednesday, October 6, 2021	Farmers Market	Y	Panzak Park	2nd bet Merced/Tuol.
				Merced fr 1st to 5th (based on entries, soft closure at 4th/Merced intersection), 2nd & 3rd bet Merced/Tuol.
Saturday, October 9, 2021	Pharoahs Car Club of Fowler	N	Panzak Park	
Wednesday, October 13, 2021	Farmers Market	N	Panzak Park	2nd bet Merced/Tuol.
				6th fr Merced to Main; Merced fr 6th to 2nd; Main fr 3rd to 6th; 3rd fr Tuol. To Fresno; 2nd fr Tuol. to Main; Walter fr Fresno to
Saturday, October 23, 2021	Jr High Band Review	N	Panzak, Sr Center	Temperance
Wednesday, October 27, 2021	Trunk or Treat	N	Panzak	Merced from 2nd to 4th
Thursday, November 11, 2021	Veterans Day Event	N	Veterans Park	1st/Merced triangle
Thursday, November 11, 2021	Veterans Day Walk-Run-Bike	N	Veterans Park	None

City of Fowler Community Events Calendar 2021

Date	Activity	City Event	Facilities	Road Closure
Late Nov	Sikh Parade	N	Panzak	Merced St. from 4th to the SR99 overpass. Summer Ave. from SR99 to Sunnyside
Saturday, December 4, 2021	Christmas Tree Lighting	Y	6th/Merced	Merced from Flower Shop to 7th
Saturday, December 11, 2021	Childrens Shopping Day	Y	Senior Center	None