

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

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

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

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

3. PUBLIC COMMENT

Fowler resident Henry Flores and Gary Serrato addressed the Council.

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

4. CONSENT CALENDAR

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

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

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

5. GENERAL ADMINISTRATION

5-A. FINANCE

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

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

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

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

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

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

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

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

5-B. PLANNING

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

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

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

There was no public comment.

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

5-C. PUBLIC WORKS

- i. **PUBLIC HEARING to APPROVE Resolution No. 2511, a Resolution Confirming Diagram and Assessment of Annual Levy – 2021/22 for Landscaping and Storm Drainage Facilities Maintenance District No. 1.**

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

There was no public comment.

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

5-D. CITY MANAGER'S OFFICE

- i. **COVID-19 Update**

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

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

City Manager Quan provided an overview of the three projects for consideration of a potential EDA grant application. She stated staff worked closely with Will Oliver of the Fresno County Economic Development Corporation (EDC) to assist in connecting with the EDA, to learn about the grant opportunity, and to vet three projects staff was asked to research which are a police headquarters with a community, senior or youth center; a community center with job training; and a water infrastructure expansion project using an existing county-owned Public Utility Easement into the City's

Sphere of Influence. City Manager Quan reported Will Marshall of the EDA stated the police headquarters is not an eligible project. She continued to report the two other viable projects require additional vetting. City Manager Quan requested Council's direction in which project they would like staff to explore further. She noted both projects require engagement with various companies and property owners. City Manager Quan stated the EDC would assist in obtaining any necessary documentation and the EDA application. City Manager Quan stated the EDA minimum application is five million dollars and a twenty percent match would be equivalent with either project.

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

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

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

Councilmember Mejia stated it may be best to utilize the funds for a project within the City limits. Councilmember Kazarian noted investors have great interest in sites in Fowler. Will Oliver reported

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

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

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

Mayor Pro-Tem Rodriguez inquired about the number of "mother-n-law quarters" applications submitted and expressed concerns the effect an over abundance of mother-n-law quarters would have on the City's water. Councilmember Kazarian noted the developer-funded well will assist with meeting the City's water needs. He also

clarified the City would need to meet its jobs goals within seven years, not wait seven years for businesses to move in or to take advantage of any benefits. Councilmember Kazarian stated this is an unbelievable opportunity for an opportunity zone to have an 80/20 match and the City should act now.

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

The item was opened for public comment.

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

Public comment was closed.

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

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

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

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

6. STAFF COMMUNICATIONS – (CITY MANAGER)

6-A. FINANCE

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

6-B. PUBLIC WORKS

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

6-C. PLANNING

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

6-D. POLICE DEPARTMENT

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

7. COUNCILMEMBER REPORTS AND COMMENTS

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

Mayor Cardenas stated he has received many inquiries from concerned residents regarding Mayor Pro-Tem Rodriquez's so-called DUI arrest. Mayor Cardenas requested Counsel's guidance on how to address Mayor Pro-Tem Rodriquez's conduct. City Attorney Cross stated Council cannot remove a member of the Council. City Attorney Cross stated a councilmember can be removed by recall. He also stated a councilmember would forfeit their seat in office if they were convicted of a felony while in office. City Attorney Cross stated the Council could remove any councilmember's title or

committee appointment, but the councilmember would still be a councilmember. He stated another option is public censure, but the councilmember would still be a councilmember. City Attorney Cross reiterated that Council does not have the ability to remove a member of the Council.

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

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

8. CLOSED SESSION

No reportable action was taken on the item.

9. ADJOURNMENT

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