

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 Rodriguez 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, Rodriguez.

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 Rodriguez 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.