

**MINUTES OF THE FOWLER CITY COUNCIL MEETING**  
**Tuesday November 2, 2021**

Mayor Cardenas called the meeting to order at 7:00 p. m.

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

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

**5. PUBLIC COMMENT**

*Fowler residents Larry Hudspeth, Ralph Garcia, Melissa Squeo, Henry Flores and Patric Jones addressed the Council*

**6. CONSENT CALENDAR**

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

**7. GENERAL ADMINISTRATION**

**7-A. PLANNING**

- i. ADOPT Resolution No. 2526 approving Final Map and Subdivision Agreement for Tract 5952, authorize the City Manager to execute the agreement on behalf of the City, and direct the City Engineer to transmit the map and agreement to Fresno County for recording.**

*City Engineer Peters reported K. Hovnanian Homes is proposing to develop Tract 5952 in two phases, the first of which would be Final Map Tract 5952, which includes 73 residential lots. He stated the applicant has complied with the conditions of approval of the tentative tract map, submitted the public improvement plans and the final map to the City, both of which have been reviewed and approved by the City Engineer. City Engineer Peters stated a subdivision agreement has been prepared and executed by the developer. He reported they have posted bonds to guarantee the construction of improvements and paid development fees in*

*accordance with City fee resolutions. City Engineer Peters recommended Council adopt Resolution No. 2526.*

*Councilmember Kazarian asked for clarification on the number of exits. City Engineer reported there are a total of three exits.*

**Mayor Pro-Tem Rodriguez made a motion to ADOPT Resolution No. 2526 approving Final Map and Subdivision Agreement for Tract 5952, authorize the City Manager to execute the agreement on behalf of the City, and direct the City Engineer to transmit the map and agreement to Fresno County for recording, seconded by Councilmember Parra. The motion carried by roll call vote: Ayes: Rodriguez, Parra, Cardenas, Kazarian, Mejia.**

- ii. **Public Hearing to CONSIDER Introduction of a Zoning Ordinance Amendment No. 21-02 amending Sections 9-5.202 and 9-5.21.05 of the Fowler Zoning Ordinance to clarify accessory building development standards.**

*City Planner Marple provided an overview of Ordinance No. 2021-06. She stated the ordinance clarifies what an attached accessory structure is versus a detached accessory structure. City Planner Marple explained the proposed text amendment would limit detached accessory buildings in their height, look, and size, with limited exceptions subject to Administrative approval. She stated the proposed text also modifies the definition of an attached accessory structure and requires such a structure to be located less than 6 feet from the main building and be compatible with and made structurally a part of the main building. City Planner Marple reported compatible roof materials, texture, finish, and colors to the main building are also required, as well as compliance with lot coverage, height and setbacks. She stated the Planning Commission recommends approval of the Zoning Ordinance Amendment as well.*

*Councilmember Parra inquired if storage sheds will be required to match the main building. City Planner Marple stated if the accessory building is under 120 square feet a building permit is not required. Councilmember Mejia requested clarification of measuring from the rear property line. City Planner Marple stated staff is working on the Comprehensive Zoning Code Update where definitions of yards and setbacks will be identified. Councilmember Kazarian asked for clarification on plate height. City Planner Marple stated the building plate height cannot exceed twelve feet and the overall building cannot exceed sixteen feet. City Manager Quan suggested adding an asterisk in the Ordinance defining rear yard setback and how it is measured.*

*There were no public comments.*

**Councilmember Mejia made a motion to CONSIDER Introduction of a Zoning Ordinance Amendment No. 21-02 amending Sections 9-5.202 and 9-5.21.05 of the Fowler Zoning Ordinance to clarify accessory building development standards adding the definition of rear property line, seconded by Mayor Pro-Tem Rodriquez. The motion carried by roll call vote: Mejia, Rodriquez, Cardenas, Kazarian, Parra.**

- iii. **Public Hearing to CONSIDER Introduction of Text Amendment No. 21-03 to Add Chapter 5 of Title 7 of the Fowler Municipal Code to establish procedures for naming public facilities.**

*City Planner Marple reported the City currently does not have a policy for how new public facilities are named. She stated staff have reviewed other jurisdictional naming policies to establish criteria, guidelines, and procedures. City Planner Marple stated the proposed naming policy recommendations are intended to apply to various facilities and exceptions to the naming policy must have City Council's approval. She noted the proposed text amendment would align with Goal 2-5 of the General Plan. City Planner Marple reported the Planning Commission considered the proposed Ordinance at a regular meeting on October 7, 2021 and recommended approval.*

*Councilmember Kazarian inquired if historic connection of an individual can be included in 7.5.03 General Procedures section A. City Planner Marple stated the additional text can be added and will be clarified in the final version of the Ordinance.*

*Fowler resident Patric Jones addressed the Council.*

**Mayor Pro-Tem Rodriquez made a motion to CONSIDER Introduction of Text Amendment No. 21-03 to Add Chapter 5 of Title 7 of the Fowler Municipal Code to establish procedures for naming public facilities, amending General Procedures Section A(1) Naming facilities after individuals shall be limited to those who have made exceptional contributions or who have a historic connection to the facility or community within which the facility is located, seconded by Councilmember Parra. The motion carried by roll call vote: Rodriquez, Parra, Cardenas, Kazarian, Mejia.**

## 7-B. PUBLIC WORKS

- i. **Public Hearing to CONSIDER Introduction of a City Council Ordinance No. 2021-05 adding Article 5 to the existing Chapter 2, Title 6, of the Fowler Municipal Code for Organic Waste Collection and Disposal.**

*Public Works Director Dominguez reported the proposed Ordinance will bring the Code into compliance with new organic waste collection and edible food recovery requirements of Senate Bill (SB) 1383 and implementing regulations. He stated SB 1383 is the most significant waste reduction mandate the State of California has adopted in the last thirty years. Public Works Director Dominguez also stated the law requires the State to reduce organic waste by 75% by 2025 and increase edible food recovery by 20%. He noted that failure by the City to enact and undertake all applicable SB 1383 responsibilities will result in the City being deemed non-compliant by Cal Recycle and may be subject to fines of up to \$10,000 per day. Public Works Director Dominguez explained the requirements are anticipated to carry a fiscal impact for the City's solid waste services customers. He stated to mitigate these impacts the City will work towards a proposed ordinance that will include a waiver for qualifying customers. He also stated by adopting this ordinance now, City Council will afford City and Waste Management staff time to conduct additional outreach to affected entities and move the City toward compliance with SB 1383 before the City must take State mandated enforcement steps.*

*Mayor Pro-Tem Rodriguez inquired if the mandate only applied to commercial businesses. Waste Management representative Liz Gomez stated the mandate applies both to residential and commercial accounts, she noted the City will be the authority on granting de minimis waivers which is less than twenty gallons per week. Mayor Pro-Tem inquired what the increased fee would be. Ms. Gomez stated an exact dollar amount is not known yet, but it would be less than \$9. Councilmember Mejia inquired what the enforcement process entailed. Ms. Gomez stated the State can enforce the mandate on the jurisdiction and the jurisdiction can enforce the mandate on the customer. She noted Waste Management monitors the bins through their vehicle technology. Councilmember Parra inquired if business customers would receive a separate bin. Ms. Gomez stated if business customers don't currently have a green waste bin, one will be delivered. Councilmember Kazarian thanked representatives Liz Gomez and Michael Rivera for their assistance in navigating the process.*

*There was no public comment.*

**Mayor Pro-Tem Rodriquez made a motion to CONSIDER Introduction of a City Council Ordinance No. 2021-05 adding Article 5 to the existing Chapter 2, Title 6, of the Fowler Municipal Code for Organic Waste Collection and Disposal, seconded by Councilmember Kazarian. The motion carried by roll call vote: Rodriquez, Kazarian, Cardenas, Mejia, Parra.**

- ii. **Consider Awarding the contract for Water Meter Procurement to Ferguson Waterworks and authorize staff to enter into an agreement with Ferguson Waterworks in the amount of \$442,819.91.**

*Public Works Director Dominguez reported the City received one responsive bid for the Water Meter Procurement on October 12, 2021. He stated the purchase is associated with the City-Wide Water Meter Replacement Project to replace 1,050 water meters within the City with new remote read meters. He reported the contract is for the purchase of 1,050 water meters and a data collection device. Public Works Director Dominguez reported Ferguson Waterworks submitted a bid in the amount of \$442,819.91. He stated this project will be financed by the American Rescue Plan Act (ARPA) funds which were allocated towards the project at the August 17, 2021 Council meeting.*

*Mayor Pro-Tem Rodriquez inquired if only one bid was received. City Engineer Peters stated one bid was received due to the specifying of a specific meter compatible with the City's water system.*

**Councilmember Parra made a motion to AWARD the contract for Water Meter Procurement to Ferguson Waterworks and authorize staff to enter into an agreement with Ferguson Waterworks in the amount of \$442,819.91, seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Parra, Mejia, Cardenas, Kazarian, Rodriquez.**

- iii. **Actions pertaining to Water Meter Installation Component of the City-Wide Water Meter Replacement Project.**

*Public Works Director Dominguez reported the City received three responsive bids for the water meter installation work associated with the City-Wide Water Meter Replacement Project ("Project"). He stated the Project proposes to replace 1,050 water meters within the City with new remote read meters and the bids received ranged from \$165,548 to \$315,450. Public Works Director reported R.L. Friend*

*Construction, Inc. (R.L. Friend) submitted the low bid in the amount of \$165,548.00. He stated Finance Director Moreno has confirmed that there are sufficient ARPA funds to cover the \$165,548.00 amount for the Project. City Engineer Peters stated staff crafted the bid schedule to include items that may arise and there is some contingency built into the bid.*

*Mayor Pro-Tem expressed concerns that the City of Fowler has not worked with R.L. Friend in the past. City Engineer Peters stated they are bonded and licensed. He also stated R.L. Friend has done similar work with other jurisdictions and Mr. Peters received positive feedback from those jurisdictions.*

- 1. Consider APPROVAL of Budget Amendment Resolution No. 2524 to appropriate \$165,548.00 in ARPA Funds for the water meter installation component of the City-Wide Water Meter Replacement Project for FY 2021-22.**

**Councilmember Parra made a motion to APPROVE Budget Amendment Resolution No. 2524 to appropriate \$165,548.00 plus a contingency of 10%, in ARPA Funds for the water meter installation component of the City-Wide Water Meter Replacement Project for FY 2021-22, seconded by Councilmember Mejia. The motion carried by roll call vote: Parra, Mejia, Kazarian, Rodriquez. Mayor Cardenas stepped away.**

- 2. Consider Awarding the contract for the water meter installation component of the City-Wide Water Meter Replacement Project to R.L. Friend Construction, Inc. and authorize the City Manager or her designee to enter into an agreement with R.L. Friend Construction, Inc. in the amount of \$165,548.00.**

**Councilmember Parra made a motion to AWARD the contract for the water meter installation component of the City-Wide Water Meter Replacement Project to R.L. Friend Construction, Inc. and authorize the City Manager or her designee to enter into an agreement with R.L. Friend Construction, Inc. in the amount of \$165,548.00 plus a contingency of 10%, seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Parra, Mejia, Cardenas, Kazarian, 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 67.5%. She thanked Councilmember Parra for connecting staff with the City of Huron and City of Orange Cove for the EDA grant funded community center tours. City Manager Quan also thanked Council for their involvement with the Employee Appreciation Dinner. She reminded Council the Fire Station Open House is Tuesday, December 14th at 3:00 p.m.*

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

### **8-A. CITY CLERK DEPARTMENT**

*Deputy City Clerk Vasquez updated Council on the Chamber's audio/visual upgrade.*

### **8-B. PUBLIC WORKS DEPARTMENT**

*Public Works Director Dominguez updated Council on the new water rate per the water rate study. He stated the new water rate will be reflected on this month's water bill.*

### **8-C. POLICE DEPARTMENT**

*Police Chief Alcaraz announced the Request for Qualifications process has concluded for the design and engineering of Police Headquarters. He reminded Council Coffee with Cops is Wednesday, November 3, 2021 at 5:30 p.m. at Donny Wright Park. Chief Alcaraz stated the Veterans Day Run will begin at 8:00 a.m. on November 11, 2021.*

### **8-D. PLANNING DEPARTMENT**

*City Planner Marple reported the Caltrans Sustainable Communities Competitive grant application was submitted. She reported notification of the award will be in June 2022. City Planner Marple announced staff launched the Environmental Impact Report for the General Plan update and issued a Notice of Preparation. She stated a Scoping Meeting will be held Thursday, November 18, 2021 at 5:30 p.m. in Council chambers.*

## **8-E. COMMUNITY DEVELOPMENT DEPARTMENT**

*Community Development Director reported staff met with the Selma-Kingsburg-Fowler County Sanitation District to discuss improving processes. He reported staff has been communicating with the California Department of Housing and Community Development regarding the mobile home park's residents' complaints. Community Development Director Gaffery also updated Council on Station 48 Taproom, building permit application processing and the Building Official position.*

## **9. COUNCILMEMBER REPORTS AND COMMENTS**

*Mayor Cardenas thanked the Recreation Commission, Public Works Department, Police Department, and Recreation Coordinator Hernandez for a successful Farmers Market season and Trunk or Treat event. He gave an update on the Measure C renewal. Mayor Cardenas stated Gary Serrato extended a lunch invitation to all Councilmembers with Congressional candidate Nicole Parra next week.*

*Mayor Pro-Tem Rodriquez echoed Mayor Cardenas' comments.*

*Councilmember Mejia echoed Mayor Cardenas' comments and added it was great to see staff attend. He reminded everyone of the Christmas on Merced Street event on Saturday, December 4th.*

*Councilmember Kazarian echoed Mayor Cardenas' comments.*

*Councilmember Parra thanked staff and Mayor Cardenas for their hard work on organizing the Employee Appreciation Dinner. He also echoed Mayor Cardenas' comments regarding the Trunk or Treat event. Councilmember Parra voiced concerns about Measure C monies being distributed only in the City of Fresno and not throughout the County.*

## **10. CLOSED SESSION**

*No reportable action was taken on the item.*

## **11. ADJOURNMENT**

**Having no further business, Councilmember Kazarian made a motion to adjourn the meeting, seconded by Councilmember Mejia. The meeting adjourned at 8:59 p.m.**