

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
AUGUST 20, 2019**

Mayor Cardenas called the meeting to order at 7:00 p. m. Roll call was taken.

Councilmembers Present: Cardenas, Hammer, Kazarian, Rodriquez

Councilmembers Absent: Parra

City Staff Present: City Manager/City Clerk Davis, City Attorney Cross, Police Chief Alcaraz, Public Works Supervisor/Fire Chief Lopez, Finance Director Uyeda, City Planner Marple, Deputy City Clerk Burrola

The Flag Salute and Pledge of Allegiance were followed by a moment of silence and reflection.

**PUBLIC PRESENTATIONS**

Patric Jones, Fowler resident, expressed his concerns regarding possibly placing stop signs at the newly built Magill Terrace apartments located on Nelson Street between 4<sup>th</sup> and Vine Streets, traffic is becoming congested now that the residents are moving in.

Steve Barile, Fowler resident, expressed his gratitude to Recreation Coordinator Yvonne Hernandez for her hard work and dedication to the community and providing such an excellent job on setting up and coordinating community events.

**APPROVE REQUEST TO CLOSE FRESNO STREET BETWEEN SECOND AND THIRD STREETS – FOWLER CHAMBER OF COMMERCE FIRST ANNUAL HARVEST CAR SHOW**

Ryan Bedrosian, Fowler Chamber of Commerce requested approval to close Fresno Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets for the First Annual Harvest Car Show on Saturday, September 7, 2019 from 10:00 a.m. to 2:00 p.m. at St. Gregory Apostolic Church. He expressed the importance of having the event to show what Fowler has to offer and to attract outside community sharing. Councilmember Kazarian made a motion to approve the request to close Fresno Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets for the Fowler Chamber of Commerce First Annual Harvest Car Show on Saturday, September 7, 2019, seconded by Councilmember Rodriquez. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

**COMMUNICATIONS**

City Manager Davis said the Council has been invited to attend the 2019 State of the County Luncheon, Wednesday, September 20, 2019 at The New Exhibit Hall, Fresno, CA; a grand opening has been scheduled for the Magill Terrace Apartments, Thursday, August 29, 2019 at 10:30 a.m.

## **STAFF REPORT**

### **DISCUSSION/DIRECTION TO REMOVE OPEN SPACE REQUIREMENT FROM CONDITIONS OF APPROVAL FOR SUBDIVISION TRACT NO. 6188**

City Planner Marple provided background information regarding parks and open space requirements on subdivisions. On Tuesday, July 30, 2019 during the public presentation of the Council meeting the applicant's representative for Tract No. 6188 requested that the open space conditions be removed from their conditions of approval based on the assertion that other tract maps within the City have not been held to this requirement. Staff did some research as far back as 2001 on tentative tract map history on this requirement. In 2004 a portion of the City's general plan was updated and a policy was added that required residential projects provide useable open space within their boundaries, 10% for multi-family residential and 5% for single family residential. She said there were maps submitted after the general plan policy was adopted; however the policy was not codified until March 2009. The K. Hovanian project, Tract No. 5834, was accepted for processing prior to the Zoning Ordinance update in 2009. This map was processed by previous staff with the explanation that Tract No. 5834 is located at the northwest corner of South and Sunnyside Avenues and is positioned between two proposed park sites: Donny Wright Park (now operational) and the future Sports Park.

Ms. Marple said in order for the conditions of the request for open space to be removed the applicant would need to apply for a General Plan Amendment and a Zoning Text Amendment. If approved, the requirement for open space would not apply to any future subdivision development maps. Mayor Cardenas asked how long the process would take if the applicant decided to move forward in amending the process. Ms. Marple said it would take about six months to a year to complete. Councilmember Kazarian expressed concerns with lack of consistency and guidelines for developers to know of what is expected. He said issues would endure because of the subjectivity of future councils and administration.

Brian Bedrosian, applicant and Fowler resident said that the parcel that they are proposing to develop on is located near Fowler High School and Marshall Elementary School. He said maybe there's a possibility of implementing an agreement with the school district to consider its grounds as green space. City Attorney Cross said there would need to be an agreement with the school district; he said the general plan does not reference school districts as open space only city parks. The possibility of entering into a development agreement with the applicant was discussed. City Attorney Cross explained that a development agreement would have to be adopted as an ordinance and this would be the only way to grant a waiver to a single project.

Melissa Squeo-Rodriguez, Fowler resident commented on utilizing school grounds as open park space. She currently works at a school and there are some concerns of the general public using the school grounds for this purpose.

Mayor Cardenas closed public comments on the discussion. He expressed his opposition saying it would complicate and create issues due to the possibility of many requests from future developers wanting to remove open space requirements. Ms. Marple said the policies can be reviewed as they go through the General Plan update process. Staff can facilitate the general plan process and word those policies clearly and follow up with a zoning ordinance update that would codify it and make it clear and equal to everyone.

Paul Bedrosian thanked staff for the clarification regarding their conditions on the requirements of the subdivision and that they will agree to comply with them. The direction of the Council is to look further into the policy and additional exceptions without eliminating the open space requirements.

### **SECOND READING OF ORDINANCE NO. 2019-03**

City Planner Marple said changes were made to the Ordinance; Section 9-5.21.09 of Article 21 of Chapter 5 of Title 9 of the Fowler Municipal Code pertaining to Fences, Walls and Hedges to make it very clear of the use of barbed wire, razor wire and prohibiting electrified fencing. Ms. Marple read the changes outlined in the ordinance.

Councilmember Rodriguez made a motion to waive the second reading and approve Ordinance No. 2019-03, "An Ordinance of the City Council of the City of Fowler Amending Section 9-5.21.09 of Article 21, of Chapter 5, of Title 9 of the Fowler Municipal Code Pertaining to Fences, Walls, and Hedges", seconded by Councilmember Kazarian. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriguez. Noes: None. Abstain: None. Absent: Parra.

### **CITY MANAGER'S REPORT**

City Manager Davis said the park grant application was successfully completed and submitted by the August 5, 2019 deadline.

Ms. Davis mentioned the City's Planning Department received a Site Plan proposal for a small hotel to be placed on a vacant lot on 10<sup>th</sup> Street behind the La Quinta hotel.

### **PUBLIC WORKS REPORT**

Public Works Supervisor Lopez said Tree Fresno will be donating 500 trees for the Donny Wright Park and a stretch alongside the freeway; this will be taking place mid-September early October 2019.

### **FINANCE DIRECTOR'S REPORT**

Finance Director Uyeda had no report but he did mention the City's had some issues with Ransomware; he has been working with Tech Support to protect the City's systems of computer viruses.

### **POLICE DEPARTMENT REPORT**

Police Chief Alcaraz circulated the DOJ crime statistics for the month of July 2019.

### **FIRE DEPARTMENT REPORT**

Fire Chief Lopez provided information for Resolution No. 2439. Approval of recommended actions will update the County's Multi-Jurisdictional Local Hazard Mitigation Plan and add it to the Safety Element of the County General Plan. The second recommendation action will allow the Emergency Service Director to implement future revisions, as necessary. The update will allow the County to remain eligible for State and Federal pre-disaster mitigated funding. This item is countywide.

Councilmember Kazarian made a motion to adopt Resolution No. 2439, “A Resolution of the City of Fowler for the Fresno County Multi-Jurisdictional Local Hazard Mitigation Plan and Incorporating into the Safety Element of the County General Plan; and Authorizing the Emergency Services Director to Implement Future Updates to the Fresno County Multi-Jurisdictional Local Hazard Mitigation Plan in Compliance with Local, State or Federal Codes” seconded by Councilmember Rodriquez. The motion carried by unanimous voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

### **CITY ATTORNEY’S REPORT**

No report was given.

### **CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants – August 20, 2019; B) Approve Minutes of the City Council Meeting – July 16, 2019 and Fowler Financing Authority Special Joint Meeting – July 30, 2019; C) Approve Fresno County Auditor-Controller/Tax Collector Authority Special Assessment Changes.

Mayor Pro Tem Hammer made a motion to approve the Consent Calendar, seconded by Councilmember Kazarian. The motion carried by voice vote: Ayes: Cardenas, Hammer, Kazarian, Rodriquez. Noes: None. Abstain: None. Absent: Parra.

### **COMMITTEE REPORTS**

Mayor Cardenas attended a meeting with Mosquito Abatement District; they have reported that the mosquito population has increased this year.

Mayor Pro Tem Hammer reported the Farmer’s Market is in its fourth week and attendance has been good. Tour De Fresno is scheduled to come into the City on Saturday, September 21, 2019. He also mentioned he attended the National Night Out event and it was a good turnout.

Councilmember Kazarian said he has been attending Ground Water meetings twice a week. The draft GSP is complete and they will be reviewing it on August 28, 2019.

Councilmember Rodriquez said he was asked by some community residents about the possibility of placing “Welcome / Population” entry signs into the City.

### **ADJOURNMENT**

Having no further business, Councilmember Kazarian made a motion, seconded by Mayor Pro Tem Hammer to adjourn. The motion carried and the meeting adjourned at 8:24 p.m.