



**MEETING OF THE FOWLER CITY COUNCIL  
AGENDA  
TUESDAY, OCTOBER 18, 2022  
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](mailto: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.

En cumplimiento con la Acta de Americanos con Discapacidades si necesita asistencia o adaptaciones para acceder a las Cámaras del Concejo de la Ciudad o participar en esta reunión, comuníquese con el secretario de la ciudad al (559) 834-3113 x102. También puede ponerse en contacto con el secretario si necesita servicios de traducción. La notificación al menos 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad.

Consistent with Government Code 54953 as amended by AB 361, and City Council Resolution No. 2522, this meeting may be accessed by members of the public or City Council members via Zoom.

**The telephone number and Zoom link listed below will provide access to the meeting via teleconference or video conference.**

<https://us06web.zoom.us/j/83500439238?pwd=ZzRhamhNcjI6Vm1HNnFwNkFyT1U1UT09>

**Telephone Number: (253) 215-8782**

**Meeting ID: 835 0043 9238**

**Passcode: 179903**

**Persons accessing the meeting will have an opportunity to provide comments at appropriate times during the meeting. To speak during a public comment period, press \*9 on your phone to raise your hand or click “raise hand” in the webinar. At the appropriate time, you will be prompted to unmute yourself, and asked to identify yourself when providing public comment.**

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.fowlercivcity.org](http://www.fowlercivcity.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 Rod Haro from the Worship Centre
4. Pledge of Allegiance
5. 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.*

5-A. Presentation by Fresno County Community Development Division

6. Consent Calendar

*Items on the Consent Calendar are considered routine and include a recommended action from Staff and shall be acted on by one motion of the Council. If a Councilmember requests additional information or would like to pull an item for discussion, that item shall be pulled from the Consent Calendar and acted upon separately. A Councilmember may register an action on an individual item without pulling the item from the Consent Calendar. 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 which received a unanimous vote of the Councilmembers present at introduction shall be eligible for placement on the Consent Calendar.*

6-A. RATIFY Warrants for October 18, 2022

6-B. APPROVE Minutes of the October 4, 2022 City Council Meeting

- 6-C. APPROVE Resolution No. 2600, A Resolution of the City Council of the City of Fowler Authorizing Remote Teleconferencing for City Council Meetings and Commission Meetings During Declared State of Emergency in Accordance with Government Code Section 54953 (AB 361) (City Attorney)
- 6-D. APPROVE a Settlement Agreement and General Release with the Selma-Kingsburg-Fowler County Sanitation District (SKF) in the amount of \$70,270.23 (Planning)
- 7. Contested Consent Calendar - Items pulled from the Consent Calendar will be heard individually immediately after action is taken on the Consent Calendar.
- 8. General Administration
  - 8-A. Planning
    - i. APPROVE naming of the "David T. Cardenas Senior Center and Police Headquarters"
    - ii. Assemblymember Joaquin Arambula Proclamation
  - 8-B. Finance
    - i. Fiscal Year 2022-23 1st Quarter Financial Report (Informational)
    - ii. APPROVE Resolution No. 2601 revising the Policy on Credit Card Issuance, Usage, and Reporting
  - 8-C. Public Works
    - i. Provide STAFF DIRECTION regarding citizen request at 129 N. Second Street
- 9. City Manager
  - 9-A. Council to review and approve utility bill insert regarding Fowler Card Room Ordinance Discussion at the November 15, 2022 Council Meeting
- 10. City Attorney
  - 10-A. APPROVE Resolution No. 2602 Establishing Fire Academy Training Grant Program
- 11. Staff Communications (City Manager)
- 12. Councilmember Reports and Comments
- 13. Closed Session
  - 13-A. Government Code Section 54956.8  
Conference with Real Property Negotiator

Property: 116 South 6<sup>th</sup> Street, APN 343-172-09T  
Agency Negotiator: Wilma Tucker, City Manager  
Negotiating Party: Unknown  
Under Negotiation: Price and terms of potential sale

- 13-B. Government Code Section 54956.9(d)(4)  
Conference with Legal Counsel – Anticipated Litigation  
Deciding whether to initiate litigation  
One potential case

14. Adjourn

*Next Ordinance No. 2022-09*

*Next Resolution No. 2603*

*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, October 14, 2022.*

*Angela Vasquez*

*Angela Vasquez  
Deputy City Clerk*

## County of Fresno, Community Development Division

### What is CDBG?

- Community Development Block Grant
- Funded by the U.S. Department of Housing and Urban Development (HUD)
- Grant funds are used for eligible housing, and community development activities such as infrastructure, community facilities, housing rehabilitation and public services

### What is HOME?

- Home Investment Partnership Program
- A program funded by HUD providing grant funding to assist with housing rehabilitation, homebuyer assistance, and affordable housing development

### What are examples of CDBG Activities?

- Water and Sewer System Improvements
- Storm Drain Improvements
- Other Public Works Improvements such as Streets and Sidewalks
- Neighborhood Facilities, Community Centers
- Parks and Recreational Facilities
- Americans with Disabilities Act (ADA) Improvements
- Residential and Commercial building rehabilitation
- Community-based Public Services

*All activities must primarily benefit low- and moderate-income people*

### Guidelines

- Needs are broad, and may be addressed by one or more different activities
- Each type of activity has certain rules and regulations depending on which program it falls under (CDBG / HOME)
- Specific activity eligibility requirements are addressed during the annual application process

### Examples and History

- Over \$1,600,000 of CDBG funds have been invested in Fowler since 1975.
- Recent CDBG projects include:
  - Panzak Park ADA Restroom
  - Fowler Senior Meals (funded with CARES Act CDBG-CV funds)

### Housing and Developments

- Housing programs have assisted eight households in Fowler, assisting first-time homebuyers and homeowners needing housing rehabilitation.
- A total of \$228,000 of housing program funds have been invested to assist Fowler homeowners.
- Magill Terrace / Magnolia Commons
  - Acquisition and reconstruction of an existing 20-unit multi-family low-income housing development
  - A new affordable housing development completed with assistance of HOME funds.
  - New multi-family development added an additional 40 units

## County of Fresno, Community Development Division

- Entire site includes:
  - 60 Low-Income Multi-Family units (1-, 2-, 3- & 4-Bedroom Units)
  - 1 Community Center
  - Completed in 2019

### About HOME ARP

- The County of Fresno received a \$4.2 million **American Rescue Plan (ARP)** allocation to fund programs or projects that assist qualifying populations. This allocation is administered through the County's HOME Investment Partnership Program (HOME).
- "Qualifying populations" are individuals or households who are homeless, at risk of homelessness, and other vulnerable populations.

### Eligible Activities

#### Tenant Based Rental Assistance (TBRA)

- Rental assistance for eligible households. Assistance up to four years.

#### Supportive Services

- Services to assist eligible households transition to and maintain more appropriate housing. Examples include case management, mental health counseling or substance abuse counseling.

#### Acquisition/Development of Non-Congregate Shelter (NCS) or Rental Units

- This activity includes the acquisition / development of a NCS or rental housing to support an eligible population.

### Qualifying Populations

- Homeless or At Risk of Homelessness
- Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

#### Other populations per HUD guidance

- Other families requiring services or housing assistance to prevent homelessness
- Households at greatest risk of housing instability
- Veterans and families that include a veteran family member that meet the criteria of the qualifying populations

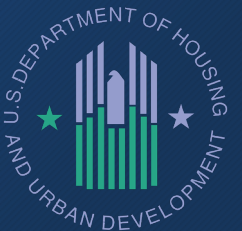
#### Contact Information

Jonathan Avedian, Community Development Specialist  
2220 Tulare Street, 8th Floor  
Fresno, CA 93721  
Phone: 559-600-4292  
javedian@fresnocountyca.gov



# Fresno County Community Development

*Department of Public Works and Planning*





# What is CDBG?

- Community Development Block Grant
- Funded by the U.S. Department of Housing and Urban Development (HUD)
- Grant funds are used for eligible housing, and community development activities such as infrastructure, community facilities, housing rehabilitation and public services



# What is HOME?



HOME INVESTMENT  
PARTNERSHIP PROGRAM



A PROGRAM FUNDED BY HUD  
PROVIDING GRANT FUNDING TO  
ASSIST WITH HOUSING  
REHABILITATION, HOMEBUYER  
ASSISTANCE, AND AFFORDABLE  
HOUSING DEVELOPMENT

# What are examples of CDBG Activities?

- Water and Sewer System Improvements
  - Storm Drain Improvements
  - Other Public Works Improvements such as Streets and Sidewalks
  - Neighborhood Facilities, Community Centers
  - Parks and Recreational Facilities
  - Americans with Disabilities Act (ADA) Improvements
  - Residential and Commercial building rehabilitation
  - Community-based Public Services
- 
- *All activities must primarily benefit low- and*
  - *moderate-income people*

# Guidelines

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Recent CDBG projects include:

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- A total of \$228,000 of housing program funds have been invested to assist Fowler homeowners.
- A new affordable housing development was recently completed with assistance of HOME funds.



# Magill Terrace / Magnolia Commons

401 Nelson Street  
Fowler, CA 93625

Acquisition and reconstruction of an existing 20-unit multi-family low-income housing development

New multi-family development added an additional 40 units

59 units restricted to households with incomes at or below 60% of the area median income level

1 unit assigned to an on-site manager

\$1,000,000 in Fresno County HOME Funds

11 units will be designated as Fresno County HOME units

## Entire site includes:

- 60 Low-Income Multi-Family units
- (1,2, 3, & 4-Bedroom Units)
- 1 Community Center
- Completed in 2019



# HOME ARP

## HIGHLIGHTS



# About HOME ARP

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# Eligible Activities

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# Qualifying Populations

## Eligible Households

- Homeless or At Risk of Homelessness
- Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
- Other populations per HUD guidance
  - ✓ Other families requiring services or housing assistance to prevent homelessness
  - ✓ Households at greatest risk of housing instability
  - ✓ Veterans and families that include a veteran family member that meet the criteria of the qualifying populations

# Questions?

## Contact Information

Jonathan Avedian, Community Development  
Specialist

2220 Tulare Street, 8th Floor  
Fresno, CA 93721

Phone: 559-600-4292

Fax: **559-600-4573**

[javedian@fresnocountyca.gov](mailto:javedian@fresnocountyca.gov)

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CITY OF FOWLER  
WARRANTS LIST  
October 18, 2022

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<u>ACCOUNTS PAYABLE CHECKS</u>	<u>CHECK NUMBERS</u>	<u>CHECK DATES</u>	<u>AMOUNT</u>
Regular checks	40236-40338	October 4 thru October 11	\$ 113,433.52
TOTAL ACCOUNTS PAYABLE CHECKS			<u>\$ 113,433.52</u>
<u>PAYROLL COSTS</u>			
First October Bi-Monthly Payroll		October 15, 2022	\$ 97,649.93
TOTAL PAYROLL COSTS			<u>\$ 97,649.93</u>
TOTAL CASH DISBURSEMENTS			<u><u>\$ 211,083.45</u></u>

<b>NOTE:</b> <b>Check #40237-#40275      Printing Issue</b>
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SUPERION  
DATE: 10/13/2022  
TIME: 11:35:26

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '40236' and '40338'  
ACCOUNTING PERIOD: 4/23

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	40236	10/04/22	12444	WILSON FIRE SPRINKLER IN	6700	SPRNKLR MAINT SNR CTR	0.00	375.22
1001	40236	10/04/22	12444	WILSON FIRE SPRINKLER IN	6700	ANNL FIRE SPRNKLR-SNR	0.00	220.00
1001	40236	10/04/22	12444	WILSON FIRE SPRINKLER IN	6130	ANNUAL FIRE SPRINKLER	0.00	220.00
TOTAL	CHECK						0.00	815.22
1001	40276	10/04/22	14519	AMAZON CAPITAL SERVICES	6400	SESQ-TV CART	0.00	107.87
1001	40276	10/04/22	14519	AMAZON CAPITAL SERVICES	6080	SUPPLIES-EMP DINNER	0.00	23.92
1001	40276	10/04/22	14519	AMAZON CAPITAL SERVICES	6080	SUPPLIES-CARDS	0.00	20.67
TOTAL	CHECK						0.00	152.46
1001	40277	10/04/22	14725	ANDY'S SPORTS & DESIGN	6400	PANELS SESQ	0.00	4,612.53
1001	40278	10/04/22	14576	ANGELA VASQUEZ	6025	TRAVEL REIMB VASQUEZ	0.00	75.16
1001	40279	10/04/22	14521	ARVINDA VIGNESH	6400	TRUNK OR TREAT	0.00	150.00
1001	40280	10/04/22	14330	B&P PEST PROS	6020	PEST CNTRL 9/27/22-CH	0.00	90.00
1001	40280	10/04/22	14330	B&P PEST PROS	6700	PEST CNTRL 9/27/22-SR	0.00	95.00
1001	40280	10/04/22	14330	B&P PEST PROS	6130	PEST CNTRL 9/27/22-FR	0.00	95.00
TOTAL	CHECK						0.00	280.00
1001	40281	10/04/22	10026	BCT CONSULTING	6150	NETWK SVC 10/1/22	0.00	391.21
1001	40281	10/04/22	10026	BCT CONSULTING	6030	NETWK SVC 9/30/22	0.00	375.00
1001	40281	10/04/22	10026	BCT CONSULTING	5000	NETWK SVC 9/30/22	0.00	375.00
1001	40281	10/04/22	10026	BCT CONSULTING	6120	NETWK SVC 9/30/22	0.00	375.00
1001	40281	10/04/22	10026	BCT CONSULTING	5000	VOIP SVC 10/1/22	0.00	251.25
1001	40281	10/04/22	10026	BCT CONSULTING	6120	VOIP SVC 10/1/22	0.00	251.25
1001	40281	10/04/22	10026	BCT CONSULTING	6150	VOIP SVC 10/1/22	0.00	251.25
1001	40281	10/04/22	10026	BCT CONSULTING	6030	VOIP SVC 10/1/22	0.00	251.25
1001	40281	10/04/22	10026	BCT CONSULTING	6025	FLASH DRIVE	0.00	21.74
1001	40281	10/04/22	10026	BCT CONSULTING	6030	NETWK SVC 10/1/22	0.00	391.21
1001	40281	10/04/22	10026	BCT CONSULTING	5000	NETWK SVC 10/1/22	0.00	391.21
1001	40281	10/04/22	10026	BCT CONSULTING	6120	NETWK SVC 10/1/22	0.00	391.21
1001	40281	10/04/22	10026	BCT CONSULTING	6150	NETWK SVC 9/30/22	0.00	375.00
TOTAL	CHECK						0.00	4,091.58
1001	40282	10/04/22	10024	BSK ASSOCIATES	5000	TCP PURGE/TRAP	0.00	192.00
1001	40283	10/04/22	14131	CENTRAL VALLEY SWEEPING,	2250	STREET SWEEP SEPT22	0.00	3,025.00
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6080	PETTY CASH DONUTS MTG	0.00	12.75
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6120	PETTYCASH PD COOKIE	0.00	19.98
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6080	PETTY CASH T SHIRTS	0.00	27.27
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6010	PETTY CASH-CARDS	0.00	48.49
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6120	PETTYCASHLUNCHALCARAZ	0.00	48.95
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6020	PETTY CASH LUNCHEON	0.00	141.67
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6120	PETTY CASH PD CARDS	0.00	2.18
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6080	PETTY CASH COSTA MTG	0.00	5.00
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6120	PETTY CASH-CARDS	0.00	6.07
1001	40284	10/04/22	10056	CITY OF FOWLER TREASURER	6120	PETTYCASH PD CEREMONY	0.00	8.40
TOTAL	CHECK						0.00	320.76

SUPERION  
DATE: 10/13/2022  
TIME: 11:35:26

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '40236' and '40338'  
ACCOUNTING PERIOD: 4/23

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	40285	10/04/22	10064	COLONIAL LIFE INSURANCE	100	EMP DED SEPT 22	0.00	47.42
1001	40285	10/04/22	10064	COLONIAL LIFE INSURANCE	100	EMP DED SEPT 22	0.00	195.30
TOTAL	CHECK						0.00	242.72
1001	40286	10/04/22	14429	CORE & MAIN	5000	SUPPLIES WATER	0.00	60.21
1001	40286	10/04/22	14429	CORE & MAIN	6200	SUPPLIES STREET	0.00	130.07
1001	40286	10/04/22	14429	CORE & MAIN	5000	TOOL WRENCH-WTR	0.00	200.90
TOTAL	CHECK						0.00	391.18
1001	40287	10/04/22	14512	CSG CONSULTANTS	6160	PLAN CHECK-AUG22	0.00	345.00
1001	40287	10/04/22	14512	CSG CONSULTANTS	6160	PLAN CHECK-AUG22	0.00	3,870.13
TOTAL	CHECK						0.00	4,215.13
1001	40288	10/04/22	10077	DALE BRISCO, INC	6200	PIPE-BANNER POLES	0.00	1,105.17
1001	40289	10/04/22	14634	DEWBERRY ARCHITECTS INC	7200	PD SENIOR CTR DESIGN	0.00	6,630.00
1001	40290	10/04/22	14482	EDWARD GUZMAN	6400	10/5 MARKET MUSIC	0.00	800.00
1001	40291	10/04/22	14245	FOWLER ACE HARDWARE	6200	STREET SUPPLIES	0.00	558.96
1001	40292	10/04/22	14247	FOWLER ACE HARDWARE	5000	WATER DEPT SUPPLIES	0.00	45.44
1001	40293	10/04/22	14249	FOWLER ACE HARDWARE	6260	SUPPLIES-PARKS	0.00	303.78
1001	40294	10/04/22	14723	FRESNO FUN JUMP	6400	TRAIN FOR SESQ	0.00	840.00
1001	40294	10/04/22	14723	FRESNO FUN JUMP	6400	HAUNTED MAZE	0.00	922.50
TOTAL	CHECK						0.00	1,762.50
1001	40295	10/04/22	12567	FRESNO MOBILE RADIO INC	5000	SERVICE SEPT22	0.00	240.00
1001	40296	10/04/22	11626	GARCIA & SANCHEZ SMOG &	6120	SMOG CHECK #50	0.00	50.00
1001	40296	10/04/22	11626	GARCIA & SANCHEZ SMOG &	5000	SMOG F350 TRUCK	0.00	50.00
1001	40296	10/04/22	11626	GARCIA & SANCHEZ SMOG &	5000	SMOG F150 TRUCK	0.00	50.00
1001	40296	10/04/22	11626	GARCIA & SANCHEZ SMOG &	5000	SMOG F350 WATER TRUCK	0.00	50.00
1001	40296	10/04/22	11626	GARCIA & SANCHEZ SMOG &	5000	SMOG F150 WATER TRUCK	0.00	50.00
TOTAL	CHECK						0.00	250.00
1001	40297	10/04/22	10141	H & H TIRE SERVICES #3,	6120	TIRE REPAIR #10	0.00	20.00
1001	40298	10/04/22	13127	HEALTHWISE SERVICES	6120	38 GALLON PHARM	0.00	648.75
1001	40299	10/04/22	12184	INTELLECTUAL PROPERTY LA	6020	TRADEMARK RENEWAL	0.00	1,200.00
1001	40300	10/04/22	14641	KINGS MEDICAL CENTER, IN	6120	MEDICAL EXAMS	0.00	588.00
1001	40301	10/04/22	10201	METRO UNIFORM & ACCESSOR	6120	ICON PANTS-SALAS	0.00	92.57
1001	40302	10/04/22	10203	MID VALLEY PACKAGING & S	6020	COPY PAPER ADMIN	0.00	144.73
1001	40303	10/04/22	10202	MID VALLEY PUBLISHING, I	6400	SESQ/NEWSPAPER	0.00	875.00



SUPERION  
DATE: 10/13/2022  
TIME: 11:35:26

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '40236' and '40338'  
ACCOUNTING PERIOD: 4/23

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	40304	10/04/22	10215	NELSON HARDWARE & GIFTS	6200	SUPPLIES STREETS	0.00	42.29
1001	40304	10/04/22	10215	NELSON HARDWARE & GIFTS	6200	SUPPLIES STREETS	0.00	97.59
1001	40304	10/04/22	10215	NELSON HARDWARE & GIFTS	6200	SUPPLIES STREETS	0.00	106.67
TOTAL	CHECK						0.00	246.55
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	6200	1292 MILLAR 8/29/22	0.00	9.86
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	6200	363 N TEMPER 9/28/22	0.00	9.88
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	6200	127 S 6TH 9/28/22	0.00	11.99
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	MANN/GOLD ST 9/23/22	0.00	14.78
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	700 MERCED #A 9/28/22	0.00	23.84
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	5000	912 PALM 9/29/22	0.00	30.29
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	300 MERCED 9/28/22	0.00	33.14
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	MAN/GLDST 9/28/22	0.00	47.38
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	6200	429 E. MERCED 9/23/22	0.00	72.87
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	GLDST/MAN SIG 9/28/22	0.00	119.35
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	MERCED/8TH 9/28/22	0.00	172.20
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	2250	ADAMS/TRFSNL 9/29/22	0.00	202.76
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	6150	122 S 5TH #A 9/28/22	0.00	427.02
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	5000	325 S 5TH ST 9/28/22	0.00	554.81
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	6130	220 E. MAIN 9/23/22	0.00	1,339.13
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	5000	WELL SITE #8 9/29/22	0.00	6,273.66
1001	40305	10/04/22	10237	P G & E - SACRAMENTO	5000	WELL SITE 7 9/29/22	0.00	19,694.73
TOTAL	CHECK						0.00	29,037.69
1001	40306	10/04/22	14560	PRINT THEORY	6120	BUSINESS CARDS-PD	0.00	1,179.38
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	CUP 19-02	0.00	39.90
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	CUP 21-01	0.00	53.20
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	SPR 22-01	0.00	66.50
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	SPR 22-08	0.00	90.30
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	AA 22-17	0.00	263.80
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	SPR 22-39	0.00	292.60
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	REZ 22-10	0.00	427.00
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	SPR 22-30	0.00	435.40
1001	40307	10/04/22	13655	PROVOST & PRITCHARD	6150	ON CALL	0.00	17,838.30
TOTAL	CHECK						0.00	19,507.00
1001	40308	10/04/22	11695	QUAD KNOFF	6150	GRANT ASSESSMENT	0.00	612.00
1001	40309	10/04/22	14724	RAYMOND GONZALES	6400	BAND OCT 12 MARKET	0.00	350.00
1001	40310	10/04/22	12443	SIMPLOT GROWER SOLUTIONS	6200	SUPPLIES STREETS	0.00	37.79
1001	40310	10/04/22	12443	SIMPLOT GROWER SOLUTIONS	6200	SUPPLIES STREETS	0.00	364.60
TOTAL	CHECK						0.00	402.39
1001	40311	10/04/22	10303	SWANSON-FAHRNEY FORD	6200	SUPPLIES PW	0.00	116.77
1001	40312	10/04/22	13543	UNIFIRST CORPORATION	6700	JANITORIAL SNR CTR	0.00	54.56
1001	40312	10/04/22	13543	UNIFIRST CORPORATION	6020	MATS/MOPS ADMIN	0.00	68.20
1001	40312	10/04/22	13543	UNIFIRST CORPORATION	6200	UNIFORMS-PW	0.00	237.35
TOTAL	CHECK						0.00	360.11

SUPERION  
DATE: 10/13/2022  
TIME: 11:35:26

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 4  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '40236' and '40338'  
ACCOUNTING PERIOD: 4/23

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	40313	10/04/22	10725	VERIZON WIRELESS	6030	CELL FINANCE 9/19/22	0.00	51.34
1001	40313	10/04/22	10725	VERIZON WIRELESS	5000	CELL WTR 8/22-9/22	0.00	342.09
TOTAL	CHECK						0.00	393.43
1001	40315	10/04/22	14533	STEPHANIE MEJIA	6120	CHIEF ALCARAZ FAREWLL	0.00	60.00
1001	40316	10/11/22	14519	AMAZON CAPITAL SERVICES	6400	TRUNK OR TREAT-REC	0.00	499.64
1001	40317	10/11/22	11291	THE BUSINESS JOURNAL	6150	PUB NOT-LANDSC	0.00	137.50
1001	40318	10/11/22	11792	CA BUILDING STANDARDS CO	6160	CA BSASRF JUL22-SEP22	0.00	534.65
1001	40319	10/11/22	10088	DEPARTMENT OF CONSERVATI	6160	CASEISMIC JUL22-SEP22	0.00	1,901.36
1001	40320	10/11/22	14659	FIRE SAFETY SOLUTIONS	6160	INSP & PLAN CHECK	0.00	1,770.00
1001	40321	10/11/22	11626	GARCIA & SANCHEZ SMOG &	6200	SMOG SIERRA C1500 PW	0.00	50.00
1001	40322	10/11/22	14431	GRAYBAR	6200	STREET LIGHTS MERCED	0.00	1,508.81
1001	40323	10/11/22	14729	MAG ENGINEERING INC	500	HYDRANT WATER REFUND	0.00	975.76
1001	40324	10/11/22	14726	MURO, JENNIFER	500	UB REFUND	0.00	51.90
1001	40325	10/11/22	14428	NAVIA BENEFIT SOLUTIONS	6020	COBRA-SEP22	0.00	36.45
1001	40326	10/11/22	10215	NELSON HARDWARE & GIFTS	6200	STREET LIGHTS OUTLET	0.00	121.45
1001	40327	10/11/22	10551	PARRA, DANIEL	6010	ISCS CONF PARRA PR DM	0.00	225.00
1001	40327	10/11/22	10551	PARRA, DANIEL	6010	ISCS CONF PARRA PRKNG	0.00	42.00
1001	40327	10/11/22	10551	PARRA, DANIEL	6010	ISCS CONF PARRA UBER	0.00	40.95
TOTAL	CHECK						0.00	307.95
1001	40328	10/11/22	10694	POPSIE'S	6700	SENIOR LUNCH 9/13/22	0.00	288.00
1001	40329	10/11/22	14727	RATHOD, KINJAL	500	UB REFUND	0.00	80.06
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0206	0.00	306.25
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0208	0.00	312.50
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0198	0.00	312.50
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0212	0.00	343.75
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0216	0.00	343.75
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0207	0.00	343.75
1001	40330	10/11/22	14072	ROBINA WRIGHT ARCHITECT	6160	PC BP22-0197	0.00	437.50
TOTAL	CHECK						0.00	2,400.00
1001	40331	10/11/22	14492	RUBEN BETANCOURT	6400	BAND 10/19/22	0.00	600.00
1001	40332	10/11/22	10518	SIGNMAX!	6200	TRAFFIC SIGN	0.00	2,800.57
1001	40333	10/11/22	10288	SMART & FINAL	6700	SUPPLIES/SC	0.00	219.23

SUPERION  
DATE: 10/13/2022  
TIME: 11:35:26

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 5  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '40236' and '40338'  
ACCOUNTING PERIOD: 4/23

FUND - 100 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	40334	10/11/22	13543	UNIFIRST CORPORATION	6700	MATS/MOPS ADMIN	0.00	52.82
1001	40334	10/11/22	13543	UNIFIRST CORPORATION	6020	MATS/MOPS ADMIN	0.00	69.13
1001	40334	10/11/22	13543	UNIFIRST CORPORATION	6200	UNIFORMS-PW	0.00	257.34
TOTAL CHECK							0.00	379.29
1001	40335	10/11/22	14728	VER, SAMARJOT S.	500	UB REFUND	0.00	100.00
1001	40336	10/11/22	10725	VERIZON WIRELESS	6120	CELL PHONE -PD	0.00	445.50
1001	40337	10/11/22	14730	WILMA TUCKER	6020	ISCS TUCKER PER DIEM	0.00	225.00
1001	40337	10/11/22	14730	WILMA TUCKER	6020	ISCS TUCKER AIRFARE	0.00	273.50
1001	40337	10/11/22	14730	WILMA TUCKER	6020	ISCS TUCKER HOTEL	0.00	496.32
1001	40337	10/11/22	14730	WILMA TUCKER	6020	ISCS TUCKER GRND TRNS	0.00	50.00
1001	40337	10/11/22	14730	WILMA TUCKER	6020	ISCS TUCKER PARKING	0.00	42.00
TOTAL CHECK							0.00	1,086.82
1001	40338	10/11/22	14731	GREEN EARTH HEATING AND	7200	PD-2 STORAGE AC UNITS	0.00	8,820.24
TOTAL CASH ACCOUNT							0.00	111,209.14
TOTAL FUND							0.00	111,209.14

SUPERION  
DATE: 10/13/2022  
TIME: 11:35:26

CITY OF FOWLER  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 6  
ACCTPA21

SELECTION CRITERIA: transact.check\_no between '40236' and '40338'  
ACCOUNTING PERIOD: 4/23

FUND - 503 - TCP FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	DEPT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1001	40314	10/04/22	13655	PROVOST & PRITCHARD	5030	TCP DESIGN	0.00	2,224.38
TOTAL CASH ACCOUNT							0.00	2,224.38
TOTAL FUND							0.00	2,224.38
TOTAL REPORT							0.00	113,433.52

**MINUTES OF THE FOWLER CITY COUNCIL MEETING**  
**Tuesday, October 4, 2022**

Mayor Pro-Tem Rodriquez called the meeting to order at 7:00 p.m.

Councilmembers Present: Rodriquez, Kazarian, Mejia, Parra

City Staff Present: City Manager Tucker, City Attorney Cross, Public Works Director Dominguez, Community Development Director Gaffery, City Planner Marple, Finance Director Moreno, Police Chief Reid, Deputy City Clerk Vasquez

**5. PUBLIC COMMENT**

*Members of the public spoke.*

**6. CONSENT CALENDAR**

**Councilmember Kazarian made a comment regarding Item 6-G APPROVE A revised Capital Improvement Plan, requesting to allocate funding in the future to go towards standing up the city's own Fire Department.**

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

**7. CONTESTED CONSENT CALENDAR**

*N/A*

**8. GENERAL ADMINISTRATION**

**8-A. Finance**

**i. ACCEPT the Independent Auditor's Report for the Fiscal Year 2020-2021**

**Councilmember Kazarian made a motion to ACCEPT the Independent Auditor's Report for the Fiscal Year 2020-2021, seconded by Councilmember Parra. The motion carried by roll call vote: Ayes: Kazarian, Parra, Mejia, Rodriquez**

**9. CITY ATTORNEY**

**9-A WORKSHOP on City of Fowler's Gaming Club Ordinance and State Moratorium on Cardroom Licenses**

*Staff was directed to conduct further limited research and to notify residents through an insert in the utility bill with a stand-alone document of when the item will be on the city council agenda.*

*Several members of the public spoke.*

**10. STAFF COMMUNICATIONS (CITY MANAGER)**

- Updates were provided by City Manager Tucker, Chief Reid, Community Development Director Gaffery, Finance Director Moreno, and Deputy City Clerk Vasquez.

**11. COUNCILMEMBER REPORTS AND COMMENTS**

- Updates were provided by Councilmember Kazarian, Councilmember Parra, Mayor Pro-Tem Rodriguez, and Councilmember Mejia.

**11-A. APPOINT delegate to the Consolidated Mosquito Abatement District**

**Current Delegate: Mejia**

**Term Expire: December 31, 2022**

**Councilmember Parra made a motion to appoint Craig Mellon, seconded by Councilmember Mejia. The motion carried by roll call vote: Ayes: Parra, Mejia, Kazarian, Rodriguez**

**12. CLOSED SESSION**

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

**13. ADJOURNMENT**

**Having no further business, the meeting adjourned at 8:32 p.m.**



## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 6-C

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM:** SCOTT CROSS, City Attorney

### **SUBJECT**

APPROVE Resolution No. 2600, A Resolution of the City Council of the City of Fowler Authorizing Remote Teleconferencing for City Council Meetings and Commission Meetings During Declared State of Emergency in Accordance with Government Code Section 54953 (AB 361)

### **RECOMMENDATION**

The City Council approved Resolution No. 2592 on September 20, 2022, to allow City Council members to attend City Council meetings via remote teleconferencing pursuant to AB 361. The Resolution also authorized the City's other commissions to meet remotely for as long as the City Council authorizes. Resolution No. 2600 must be approved if the City Council desires to continue with remote teleconferencing for City Council and various City commission meetings as authorized by Government Code Section 54953 as amended by AB 361.

### **BACKGROUND**

AB 361 amended the Ralph M. Brown Act last year to allow legislative bodies the option of continuing to conduct meetings via remote teleconference or virtually without complying with the typical Brown Act requirements necessary for legislative body members to attend meetings remotely. One of the requirements for being allowed to use the remote teleconferencing authorized under AB 361 is that the legislative body must make certain findings every 30 days to continue conducting meetings at which legislative body members may attend remotely without complying with the typical pre-AB 361 Brown Act requirements for remote attendance at city council meetings.

This resolution with the required findings must be approved to continue with remote teleconferencing for City Council and various City commission meetings as authorized by Government Code Section 54953 as amended by AB 361. If approved, a continuing resolution will be brought forward at future



City Council meetings (at least every 30 days) for the Council to consider the required findings to continue authorized remote teleconferencing.

#### **ENVIRONMENTAL REVIEW**

This action does not constitute a “project” pursuant to the California Environmental Quality Act.

#### **FISCAL IMPACT**

No fiscal impact is anticipated whether this Resolution is approved or not.

#### **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

#### **Attachments:**

- Resolution No. 2600

## **RESOLUTION NO. 2600**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER AUTHORIZING CONTINUED USE OF REMOTE TELECONFERENCING FOR CITY COUNCIL MEETINGS AND COMMISSION MEETINGS DURING DECLARED STATE OF EMERGENCY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953 AS AMENDED BY AB 361**

**WHEREAS**, on March 4, 2020, the Governor of California declared a state of emergency in the State as a result of the COVID-19 pandemic; and

**WHEREAS**, pursuant to Resolution 2461, approved by the Fowler City Council on March 17, 2020, the City Council declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

**WHEREAS**, on March 17, 2020, with the issuance of Executive Order N-29-20, the Governor suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other remote means; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

**WHEREAS**, AB 361 was enacted on September 16, 2021, enacting certain changes to the Brown Act for teleconferencing and remote participation at public meetings as set forth in Government Code Section 54953; and

**WHEREAS**, the City Council approved Resolution No. 2522 on October 19, 2021, authorizing teleconferencing and remote attendance at City Council meetings and other City commission meetings in accordance with Government Code Section 54953 as amended by AB 361, and subsequently approved a series of resolutions in accordance with Government Code Section 54953(e)(3) to continue with remote attendance at meetings; and

**WHEREAS**, thirty days elapsed between the August 16, 2022, and September 20, 2022, City Council meetings, and the original authorization for remote meetings expired; and

**WHEREAS**, the City Council approved Resolution No. 2592 on September 20, 2022, to re-authorize the use of remote attendance at meetings, and the City Council desires to continue authorizing remote attendance at meetings as authorized by Government Code Section 54953 as amended by AB 361; and

**WHEREAS**, neither the state of emergency proclaimed by the Governor on March 4, 2020, nor the state of emergency declared by the Fowler City Council on March 17, 2020, has been rescinded and the state of emergency remains in effect; and

**WHEREAS**, Government Code Section 54953, as amended by AB 361, requires the City Council to make certain findings every thirty (30) days after approving Resolution No. 2592 in order to continue with remote teleconferencing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOWLER RESOLVES AS FOLLOWS:**

1. The City Council has reconsidered the circumstances of the COVID-19 state of emergency and finds that the following circumstances exist:

A. The state of emergency continues to directly impact the ability of members of the public, City Council members, and members of other City commissions to meet safely in person; and

2. This Resolution shall be effective immediately and a similar resolution shall be a standing item on City Council meeting agendas each month to reconsider the circumstances of the COVID-19 state of emergency and determine whether the state of emergency continues to directly impact the ability of members of the public, City Council members, and members of other City commissions to meet safely in person, or whether state or local officials continue to impose or recommend measures to promote social distancing, until the necessary findings required for continuing remote teleconferencing are no longer approved by the City Council.

The foregoing resolution of the City Council of the City of Fowler was duly and regularly introduced and approved at a regular meeting of the City Council on October 18, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mark Rodriquez, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Angela Vasquez, Deputy City Clerk



## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 6-D

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM** THOMAS W. GAFFERY IV, Community and Economic Development Director

### **SUBJECT**

APPROVE a Settlement Agreement and General Release with the Selma-Kingsburg-Fowler County Sanitation District (SKF) in the amount of \$70,270.23.

### **RECOMMENDATION**

Staff recommend the City Council take the above action.

### **BACKGROUND**

On July 12, 2007, the City of Fowler entered into a Reimbursement Agreement with SKF regarding certain sewer improvements related to Tract 5212 and oversized the infrastructure for future sewer system discharges within a Zone of Benefit. The term of the Reimbursement Agreement was for fifteen years, with a total amount reimbursed by the City to SKF of \$105,405.35. As the term of the Reimbursement Agreement has ended, but not all development has occurred within the Zone of Benefit, the City of Fowler and SKF have agreed to resolve the matter with a Settlement Agreement and General Release in the amount of \$70,270.23.

### **ENVIRONMENTAL REVIEW**

This action does not constitute a "project" pursuant to the California Environmental Quality Act.

### **FISCAL IMPACT**

This payment will be funded using sewer development impact fees collected from single family home development that occurred within the Zone of Benefit.

### **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

### **Attachments**

- Agreement

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SETTLEMENT AGREEMENT AND  
GENERAL RELEASE

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THIS SETTLEMENT AGREEMENT AND GENERAL RELEASE ("Agreement") is made and entered into by and between the City of Fowler ("Fowler") and Selma-Kingsburg-Fowler County Sanitation District ("SKF") and collectively as "the Parties."

RECITALS

A. The City of Fowler owns certain sewer improvements in the City of Fowler constructed under the City's Tract 5212.

B. The improvements were oversized to serve future sewer system dischargers in a Zone of Benefit in the City of Fowler.

C. On July 12, 2007, Fowler and SKF entered into a Reimbursement Agreement wherein the Parties agreed as follows:

1. The parties wished to participate financially in the cost of the oversized improvements in the amount of \$369,398.62 with SKF's portion of participation being 28.5% (\$105,405.35);

2. SKF agreed to contribute \$105,405.35 for the subject improvements;

3. Fowler agreed to reimburse SKF as development occurred in a Zone of Benefit described in the Reimbursement Agreement;

4. For each equivalent single family residence located in the Zone of Benefit and discharging to the improvements, Fowler was required to collect sewer facility fees so as to eventually recover SKF's total participation amount;

5. Fowler was required to hold the sewer facility fees, keep account of them, and by November 30<sup>th</sup> of each year, Fowler shall pay 28.5% of said fees collected in the prior fiscal year to SKF; and

6. The term of the Reimbursement Agreement was for a period of fifteen (15) years from the date.

D. Fowler anticipates paying SKF approximately \$45,000-\$50,000 on November 30, 2022, in accordance with Section 7 of the Reimbursement Agreement.

E. A dispute has arisen between Fowler and SKF relating to Fowler's obligation to pay SKF any remaining portion of the \$105,405.35 after the scheduled payment on November 30, 2022, for the sewer fees collected before the Reimbursement Agreement expired.

F. All claims and disagreements of and by the Parties against each other are referred to in this Agreement as "Dispute."

G. Fowler and SKF, in order to avoid further litigation and attorneys' fees and costs connected therewith, and without admission of any liability, fact, claim, or defense by any party hereto, now desire to compromise and settle the referenced Dispute, and any other claims, wrongdoing or improper conduct asserted by the parties against each other against all present and possible future differences, disputes, claims, debts, assertions, or obligations arising from the matters described above.

### AGREEMENT

In consideration of the foregoing recitals and in consideration of the mutual promises and agreements under this Agreement, Fowler and SKF agree and compromise as follows:

1. Matter Settled and Compromised. This Agreement constitutes a fully executed general release between Fowler and SKF of any claims, costs, and/or damages arising out of or in any way relating to or arising from the referenced Dispute.

2. Duties to be Performed.

a. Fowler agrees to pay SKF the sum of \$70,270.23 on November 30, 2022, as full and final satisfaction of any reimbursement obligation created by the Reimbursement Agreement.

b. SKF agrees to release Fowler from all claims related to the Reimbursement Agreement and for reimbursement of any future sewer facility fees collected by Fowler in the Zone of Benefit.

3. General Release. The Parties hereby release and forever discharge each other, their officers, employees, agents, attorneys, and others acting for, under, or in concert with each party, past and present, from any and all claims, demands, obligations, losses, causes of action, costs, expenses, attorneys' fees, liabilities, and indemnities of any nature whatsoever, and based on any legal or equitable theory of recovery, whether known or unknown, matured or to mature in the future, which they had, now have, or claim to have against one another arising out of the Dispute described in the above Recitals.

4. Waiver of Claims. The parties expressly waive the benefit of Civil Code Section 1542, which is set forth below, and specifically agree that, except as otherwise stated herein, this release shall extend to all claims arising out of transactions prior to the date of this Agreement which they do not know or expect to exist in their favor at this time. **Civil Code Section 1542 provides:**

**"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing this release, which if known by him or her must have materially affected his or her settlement with the debtor."**

SKF and Fowler understand and acknowledge the significance and consequences of this Agreement and of such specific waiver of Section 1542 and expressly consent that this Agreement shall be given full force and effect according to each and all of its express terms and provisions,



including those relating to unknown and unsuspected claims, demands, obligations, and causes of actions, if any, as well as those relating to any other claims, demands, obligations, or causes of action hereinabove specified.

5. Legal Representation. The Parties hereby acknowledge that they have been represented in negotiations for and in the preparation of this Agreement by counsel of their choice, that they have read the Agreement and have had it fully explained to them by counsel, and that they are fully aware of the contents of this Agreement and of its legal effect.

6. Entire Agreement. This Agreement contains the entire agreement by and between the parties, and fully supersedes any and all prior agreements or understandings, written or oral, with respect to each matter hereof. No other agreements, oral or written, shall be deemed to exist or bind any of the parties hereto. An amendment or modification of this Agreement shall be effective only if in writing, signed by all parties hereto. All Recitals in this Agreement are incorporated herein by reference.

7. Effective Date. This Agreement shall be effective upon full execution of all Parties.

8. Binding Effect. This Agreement shall bind and inure to the benefit of the respective successors, assigns, grantees, legatees, heirs, and personal representatives of the parties hereto.

9. Governing Law. This Agreement is entered into pursuant to the laws of the State of California, and shall be construed, interpreted, and governed in accordance therewith.

10. Good Faith of Settlement Agreement. The parties hereto acknowledge and agree that the settlement of the Dispute set forth in this Agreement constitutes one accomplished in good faith for purposes of the California Code of Civil Procedure, California Rules of Court, and other applicable laws.

11. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute together one and the same instrument. Facsimile and electronically scanned signatures shall have the same effect as originals.

12. Captions. The headings, titles, and captions contained in this Agreement are inserted only for the convenience of the parties and are for reference only, and in no way define, limit, extend, or describe the scope of this Agreement or the intent of any provision hereof.

13. Enforceability.

a. This Agreement may be enforced by any of the parties hereto for the failure of any other party to comply with its terms and to seek any remedy available under law or equity, including specific performance or injunction.

b. Should any provision of this Agreement be declared or be determined by any court of competent jurisdiction to be illegal, invalid, or unenforceable, the legality, validity, and enforceability of the remaining parts, terms, or provisions shall not be affected thereby, and said illegal, unenforceable, or invalid part, term, or provision shall be deemed not a part of this Agreement.

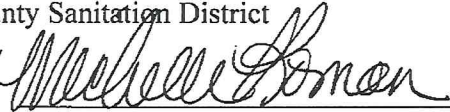
Attorneys' Fees. Should any of the parties hereto institute an action or proceeding to enforce any term or provision of the Agreement, or for any damage by reason of any alleged breach of any term or provision of this Agreement, or for a declaration of any right or obligation hereunder, or to satisfy any term or provision hereof, or for any other judicial remedy pertaining in any way hereto, the parties hereby acknowledge and agree that the prevailing party shall be entitled to reimbursement by the losing party of all costs and expenses incurred thereby, including, but not limited to, reasonable attorneys' fees.

Continuing Obligations. The Parties agree to execute or deliver any instrument, furnish any information, or perform any other act necessary to carry out the provisions of this Agreement without undue delay or expense.

SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT AND THE CITY OF FOWLER ACKNOWLEDGE THAT THIS AGREEMENT IS EXECUTED VOLUNTARILY AND WITHOUT DURESS OR UNDUE INFLUENCE ON THE PART OF, OR ON BEHALF OF ANY OTHER PERSON, FIRM, OR ENTITY.

Dated: 10/11, 2022

Selma-Kingsburg-Fowler  
County Sanitation District

By:   
Michelle Roman, Chairperson

Dated: \_\_\_\_\_, 2022

City of Fowler

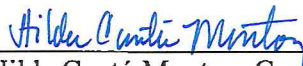
By: \_\_\_\_\_  
Mark Rodriguez, Mayor Pro-Tem

Approved as to Form:

Dated: \_\_\_\_\_, 2022

By: \_\_\_\_\_  
Scott G. Cross, City Attorney  
City of Fowler

Dated: 10/11, 2022

By:   
Hilda Cantú Montoy, General Counsel  
Selma-Kingsburg-Fowler  
County Sanitation District



## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 8-Ai

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM** THOMAS W. GAFFERY IV, Community & Economic Development Director

### **SUBJECT**

APPROVE naming of the “David T. Cardenas Senior Center and Police Headquarters”

### **RECOMMENDATION**

Staff recommend the City Council take the above action.

### **BACKGROUND**

On December 7, 2021, the City Council of the City of Fowler adopted Ordinance No. 2021-07 to establish procedures for naming of public facilities. The new naming procedures allow for naming facilities after individuals or major historic events that convey a positive public image.

Mayor Cardenas humbly and tirelessly served the residents of Fowler for decades. He was an advocate for Fowler’s seniors and a champion for public safety and safe neighborhoods. Thanks to the incredible advocacy of Assemblymember Dr. Joaquin Arambula, four million dollars was allocated to the City of Fowler from the State of California to construct this important and transformative facility. It is only fitting the future facility be named after Mayor Cardenas.

### **ENVIRONMENTAL REVIEW**

This action does not constitute a “project” pursuant to the California Environmental Quality Act.

**FISCAL IMPACT**

No fiscal impact is at this time.

**CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

Attachments

- None



## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 8-Bi

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM** MARGARITA MORENO, Finance Director

### **SUBJECT**

Fiscal Year 2022-23 1<sup>st</sup> Quarter Financial Report (Informational)

### **RECOMMENDATION**

None.

### **BACKGROUND**

The quarterly report summarizes the City's revenue and expenditure activity for the first quarter of the fiscal year from July 1, 2022 through September 30, 2022 by fund type.

### **GENERAL FUND**

The General Fund covers core services such as police, fire, public works, community development, parks, recreation, and the senior center. Sales and property taxes are the two largest sources of revenue in the General Fund. Revenues in the General Fund are at 7% and expenditures are at 28% at the first quarter, as follows:

### **REVENUES**

As summarized in Attachment A, the General Fund revenues received in the first quarter ending September 30, 2022 total 7% of the annual budget estimates while expenditures are on target at 28%. It is important to note that certain revenues are collected at various times throughout the year and, therefore, not reflected in the first quarter report. For example, the first installment of property tax revenues are collected in December/January. Staff is confident that projected revenues and expenditures will be consistent with what was budgeted.

#### PROPERTY TAX

*Revenues are at 1% of budget*

The major portion of property tax revenue is not scheduled to be distributed to cities until the end of December or early January and therefore not reflected in this report. The mid-year or second quarter report will better reflect actual revenues compared to projections.

#### PERMITS/LICENSES

*Revenues are at 36% of budget*

The City received 36% of permits/licenses fees through September 30, 2022. Building permits are at \$244,876 and plan check fees at \$18,428 which make up a large portion of these estimated revenues.

#### FINES & FEES

*Revenues are at 3% of budget*

The first quarter reflects one month worth of court fines & fees received at 3%.

#### USE OF MONEY & PROPERTY RENTAL INCOME

*Revenues are at 18% of budget*

Revenues from rental and interest income are on target. The majority of rental income are received from Unwired broadband for the water tower.

#### MOTOR VEHICLE IN LIEU

*Revenues are at 0% of budget*

The motor vehicle in lieu revenues are property tax shares allocated to cities and counties by the State. The first payment is made each year in the month of December.

#### SALES TAX

*Revenues are at 7% of budget*

The City has received 7% of sales tax revenues representing one month for July 2022. Sales tax revenues are the largest revenue source in the General Fund.

#### TRANSIENT OCCUPANCY TAX

*Revenues are at 0% of budget*

The TOT taxes are received on a quarterly basis, the first payment will be received in October for the 2<sup>nd</sup> quarter.

#### FRANCHISE FEES

*Revenues are at 0% of budget*

Franchise fees are received in a quarterly basis, the first payment will be received in October for the 2<sup>nd</sup> quarter.

#### SERVICES & OTHER FEES

*Revenues are at 14% of budget*

Revenues from services & other fees are currently at 14% and are anticipated to meet budgeted expectations. These revenues are from fees from recreation, inspection, planning, park maintenance and special police.

#### GRANT

*Revenues are at 1% of budget*

Revenues from grant funding is at 1% for the first quarter. Local Public Safety Funds (LPSF) reflect one month worth of revenue.

#### OTHER MISC REVENUE

*Revenues are at 61% of budget*

Revenues from other sources are currently at 61%. These miscellaneous revenues include donations, P.O.S.T reimbursements, restitution, and other refunds. It is typical for revenues in this category to reflect higher percentages than budgeted.

#### TRANSFER IN

*Revenues are at 0% of budget*

A general ledger entry will be done to allocate the transfer in and transfer out to the appropriate funds at year end.

### EXPENDITURES

As summarized in Attachment A, The City has expended roughly 28% of its appropriations as of September 30, 2022. All departments are on target to their budgeted lines from actual to budget for the quarter.

As summarized in Attachment 'B' the summary of all funds reflect the revenues and expenditures for the first quarter ending September 30, 2022 by fund type.

### ENTERPRISE FUNDS

#### WATER UTILITY FUNDS

*Revenues 26% | Expenses 31%*

Through September, expenses exceed revenues in the Water Utility Fund. While revenues were at 26% or less through September for the utility funds, expenses were slightly higher at 31%. At the end of this quarter the water revenues only reflect one month's worth of revenues; however at the end of the year the two months will be accrued.

### SPECIAL REVENUES

#### UTILITY USERS TAX

*Revenues 28% | Expenses 41%*

Utility User's Tax is paid to the City one month in arrears, for the 1st quarter the amount received is \$124,081 in revenues and 41% in expenses. Amounts vary because usage varies from one season (hot summer) to the next (mild fall) and the next (cold winter).

#### DISTRICT SALES TAX (MEASURE N)

*Revenues 9% | Expenses 20%*

District Sales Tax Funds are received in a monthly basis. July revenues are reflecting in the first quarter at 9% and Expenses are at 20%.

#### COPS GRANT

*Revenues 0% | Expenses 0%*

Cops grant reimbursement are processed once expenses are made. The expenses will be adjusted at year end.

#### RECYCLE GRANT

*Revenues 0% | Expenses 0%*

Recycle grant are received annually. The first quarter reflects revenues at 0% and expense are at 0%.

#### GAS TAX

*Revenues 20% | Expenses 0%*

Highway User Tax are received monthly reflecting revenues for gas tax are at 20% for the first quarter and expense are at 0%.

#### ARPA FUNDS

*Revenues 100% | Expenses 25%*

The second tranche of the American Rescue Plan Act (ARPA) funds has been received at 100% in revenues and expenses are currently at 25% for the first quarter. Expenses budgeted for these funds include one-time premium pay, audit support, city hall key control system, water tower rehab, website update, and downtown streetscape.

#### LTF ART 3 & 8

*Revenues 0% | Expenses 1%*

LTF revenues are generated from Fresno County. The LTF revenues are 0% in the first quarter and expense of 1% for utilities, such as P G & E, and street sweeping.

#### MEASURE C

*Revenues 9% | Expenses 3%*

Measure C revenues are received on a monthly basis showing revenues at 9% reflecting one month worth reflecting two months in arrears.

#### SB1 RMRA FUNDS

*Revenues 18% | Expenses 0%*

SB1 revenues are received from the State on a monthly basis 18% showing one month revenues for the first quarter.

#### ACTIVE TRANSPORT PLAN (ATP) FUNDS

*Revenues 12% | Expenses 0%*

ATP revenues are at 12% for the first quarter. Reimbursements are processed once expenses are made. The expenses will be adjusted at year end.

#### SRFC TRNS BLCK GRANT (STBG) FUNDS



*Revenues 1% | Expenses 0%*

STBG revenues are at 1% for the first quarter. Reimbursements are processed once expenses are made. The expenses will be adjusted at year end.

CDBG FUNDS

*Revenues 4% | Expenses 0%*

CDBG grant funds are currently at 4% for revenues and 0% for expenses in the first quarter.

STATE GRANT AB178 FUNDS

*Revenues 0% | Expenses 0%*

AB178 STATE GRANT is reflecting 0% in revenues and 0% in expenses for the first quarter.

AB1600 IMPACT FEES

Due to increased development activity in the City for impact fees, and the newly adopted impact fees schedule, the various AB1600 revenues are reflecting a range from 45% to 165% for the first quarter.

DEBT SERVICE FUNDS

The long-term debt report for the 1993-1 funds, Fire Station, and the Financing Authority are all showing expenses up to 98% for the first quarter of the year. This is due to a significant debt service payment being made in September for the first quarter. These payments are made semiannually and thus skew the first quarter picture. Additionally, principal payments are paid in the fall and not in the spring. Revenues and expenses are projected to meet the budgeted amount by the end of the year.

AGENCY FUNDS

STATE GRANT AB178 FIA PASS THROUGH FUND

*Revenues 0% | Expenses 0%*

The State Grant AB178 was created as a Fowler Improvement Association Pass-through to be distributed to FIA. For the first quarter revenues and expenses reflect 0%.

RDA SUCCESSOR FUND

*Revenues 0% | Expenses 85%*

The Successor RDA is responsible for the 2010 refunding bonds debt service. Two payments are made annually. The first made in the first quarter reflecting 85% in expenses for the 2010 refunding bonds.

**ENVIRONMENTAL REVIEW**

This action does not constitute a “project” pursuant to the California Environmental Quality Act.

## **FISCAL IMPACT**

Revenues and expenditures for all fund types are on target for the first quarter.

## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

### **Attachments**

- A: General Fund Summary
- B: All Fund Summary

# ATTACHMENT A

## GENERAL FUND SUMMARY

<b><u>REVENUES</u></b>	<b>BUDGET 2022-2023</b>	<b>REVENUES AS OF 9/30/2022</b>	<b>PERCENTAGE REVENUES 9/30/2022</b>
PROPERTY TAX	933,250	6,867	1%
PERMITS/LICENSES	807,200	291,415	36%
FINES & FEES	11,500	355	3%
USE OF MONEY & PROPERTY RENTAL	14,500	2,562	18%
VLF	824,700	0	0%
SALES TAX	1,700,000	112,330	7%
TRANSIENT OCCUPANCY TAX	150,000	0	0%
FRANCHISE FEES	387,200	0	0%
SERVICES FEES & OTHER	111,550	15,494	14%
GRANTS	253,000	2,091	1%
OTHER MISC REVENUE	24,650	14,948	61%
TRANSFER IN	746,015	0	0%
<b>TOTAL REVENUES</b>	<b>\$5,963,565</b>	<b>\$446,063</b>	<b>7%</b>

<b><u>EXPENDITURES</u></b>	<b>BUDGET 2022-2023</b>	<b>EXPENDITURES AS OF 9/30/2022</b>	<b>PERCENTAGE EXPENDITURES 9/30/2022</b>
CITY COUNCIL	44,380	3,703	8%
ADMINISTRATION	433,606	131,427	30%
CITY CLERK	120,058	18,952	16%
FINANCE	313,173	104,098	33%
CITY ATTORNEY	180,000	53,578	30%
GENERAL GOVERNMENT	184,052	146,553	80%
POLICE	2,055,723	678,698	33%
FIRE	213,802	29,831	14%
ANIMAL CONTROL	13,000	91	1%
PUBLIC WORKS-STREET	773,489	158,627	21%
PLANNING	379,131	98,245	26%
BUILDING	382,807	85,736	22%
PUBLIC WORKS-PARK MAINT	551,321	71,750	13%
RECREATION	142,649	61,779	43%
SENIOR CENTER	152,635	38,119	25%
<b>TOTAL EXPENSES</b>	<b>\$5,939,826</b>	<b>\$1,681,187</b>	<b>28%</b>

**ATTACHMENT B**

**ALL FUND SUMMARY**

	REVENUES			EXPENSES		
	2022-2023 BUDGET	REVENUES AS OF 09/30/2022	PERCENT REC'S YTD	2022-2023 BUDGET	EXPENSES AS OF 09/30/2022	PERCENT USED YTD
<b><u>GENERAL FUND</u></b>						
General Fund	\$5,963,565	\$446,063	7%	\$5,939,826	\$1,681,187	28%
<b><u>ENTERPRISE FUNDS</u></b>						
Water Utility	1,586,600	411,672	26%	1,929,691	605,569	31%
Water Well Maintenance	113,000	0	0%	0	0	0%
Groundwater Recharge CID	50,000	0	0%	190,432	0	0%
TCP	602,000	1,916	0%	600,000	13,486	2%
Sub-total	\$2,351,600	\$413,588	18%	\$2,720,123	\$619,054	23%
<b><u>SPECIAL REVENUE FUNDS</u></b>						
Utility Users Tax	450,000	124,081	28%	605,477	250,457	41%
District Sales Tax	1,600,000	139,372	9%	701,015	137,500	20%
COPS Grant	125,000	0	0%	190,000	0	0%
Recyle Grant	5,000	0	0%	5,000	1,000	20%
Gas Tax	174,079	34,150	20%	90,800	0	0%
Street Projects	0	183,630	0%	0	0	0%
ARPA Funding	812,156	812,156	100%	593,995	147,085	25%
LTF Article 3	16,000	0	0%	30,000	0	0%
LTF Article 8	0	0	0%	618,000	7,871	1%
Measure C	238,424	22,573	9%	75,000	2,192	3%
Road Maint & Rehab SB1	136,723	24,211	18%	0	0	0%
Active Trnsport Plan (ATP)	227,000	26,249	12%	227,000	0	0%
SRFC Trns Blck Grant (STBG)	850,000	11,747	1%	850,000	0	0%
CDBG	45,000	1,667	4%	0	0	0%
State Grant AB178 (Arambula)	4,000,000	0	0%	4,000,000	0	0%
AB1600 General Service	60,000	43,554	73%	145,000	0	0%
AB1600 Law Enforcement	60,000	30,702	51%	136,000	19,681	14%
AB1600 Fire	80,000	36,346	45%	122,380	6,897	0%
AB1600 Trf Mtgtn & Impact	80,000	57,515	72%	0	0	0%
AB1600 Parks	80,000	128,180	160%	4,200	0	0%
AB1600 Water	140,000	87,210	62%	0	0	0%
Ground Wtr Rchrg	50,000	0	0%	50,000	0	0%
AB1600 Sewer	80,400	132,294	165%	0	0	0%
AB1600 Storm Drain	80,000	41,587	52%	125,000	0	0%
Caltrans SR 99/Manning	150	104	0%	0	0	0%
Sub-total	\$9,389,932	\$1,937,325	1%	\$8,568,867	\$572,682	7%
<b><u>DEBT SERVICE FUNDS</u></b>						
Debt Service 88-1	34,663	65	0%	0	0	0%
Assesmt Dist 1993-R Debt Svc	77,698	0	0%	23,367	22,267	95%
Assesmt Dist 1993-1 Hospital Bdg Lease	16,800	0	0%	16,800	16,200	96%
Assesmt Dist 1993-1 Merced Rehab	90,800	0	0%	90,800	97,200	107%
Fire Station Debt Svc	0	50	0%	0	0	0%
Assesmt Dist 1994-R Debt Svc	154,300	0	0%	156,476	145,175	93%
Sub-total	\$374,261	\$115	0%	\$287,443	\$280,842	98%
<b><u>AGENCY FUND</u></b>						
State Grant AB178 FIA (Arambula)	1,000,000	0	0%	1,000,000	0	0%
Successor Agency 2000 RDA Loan	109,169	0	0%	109,169	92,711	85%
Sub-total	\$1,109,169	0	0%	\$1,109,169	\$92,711	0%
<b><u>FINANCE AUTHORITY FUND</u></b>						
Public Financing Authority (PFA)	384,693	0	0%	383,268	1,332	0%
Sub-total	\$384,693	0	0%	\$383,268	\$1,332	0%



## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 8-Bii

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM** MARGARITA MORENO, Finance Director

### **SUBJECT**

APPROVE Resolution No. 2601 revising the Policy on Credit Card Issuance, Usage, and Reporting.

### **RECOMMENDATION**

Staff recommend the City Council approve Resolution No. 2601 adopting the revised Policy on Credit Card Issuance, Usage, and Reporting.

### **BACKGROUND**

On March 7, 2017, Resolution No. 2363 was approved by City Council adopting a policy and procedures for City issued credit cards. This resolution provides revisions and clarifications to the policy, including:

- Retitling the policy to more accurately reflect its scope.
- Expansion of the positions, based on operational need, that are eligible for a City-issued credit card.
- Formatting, simplification, and clarification edits.
- Expanded expectations of cardholders.
- Clarified process on receipts.
- Clarified biannual reporting process to City Council.

## **ENVIRONMENTAL REVIEW**

This action does not constitute a “project” pursuant to the California Environmental Quality Act.

## **FISCAL IMPACT**

There is no fiscal impact as this action does not include the appropriation or expenditure of funds.

## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

## **Attachments**

- Resolution No. 2601
- Exhibit A: Policy on Credit Card Issuance, Usage, and Reporting

## **RESOLUTION NO. 2601**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER ADOPTING A POLICY ON CREDIT CARD ISSUANCE, USAGE, AND REPORTING**

**WHEREAS**, the City Council, by adoption of Resolution No. 2363, approved an updated credit card policy (Policy) and authorized issuance of City credit cards to specified City employees to pay for official City business expenditures; and

**WHEREAS**, the City Council desires to make amendments to the Policy and the proposed amended Policy is attached as Exhibit A to this Resolution; and

**WHEREAS**, there is a legitimate business purpose for issuing City credit cards to certain City employees; and

**WHEREAS**, the consistent use of credit cards to pay for approved expenditures provides an accurate and verifiable business record for audit and accounting purposes; and

**WHEREAS**, this goal can be achieved by adopting a Policy on Credit Card Issuance, Usage, and Reporting.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fowler that:

1. Resolution No. 2363 is hereby repealed.
2. The Policy on Credit Card Issuance, Usage, and Reporting attached hereto as Exhibit A is approved.
3. This Policy shall supersede Sections 8 and 9 of the City of Fowler Expense Reimbursement and Travel/Conference Policy for Legislative Officials, contained in Resolution No. 2067 adopted on October 3, 2006.

**PASSED, APPROVED AND ADOPTED** this 18th day of October 2022, at a regular meeting of the Fowler City Council by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

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Mark Rodriquez, Mayor Pro-Tem

ATTEST:

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Angela Vasquez, Deputy City Clerk

**CITY OF FOWLER**  
**POLICY ON CREDIT CARD ISSUANCE, USAGE, AND REPORTING**

- 1) Purpose. The purpose of this policy is to establish standards and procedures for the use of City-issued credit cards to conduct official City business.
- 2) Eligible Employees. Only the following City employees may receive a City-issued credit card:
  - a. City Manager;
  - b. Chief of Police;
  - c. City Clerk;
  - d. Community and Economic Development Director;
  - e. Finance Director;
  - f. Fire Chief;
  - g. Public Works Director;
  - h. Public Works Supervisor; and
  - i. Recreation and Senior Center Supervisor.
- 3) Issuance. City-issued credit cards are the property of the City of Fowler. The City Manager is responsible for authorizing a City-issued credit card. The Finance Director is responsible for the management of cardholders and ensuring cards are recovered and deactivated upon employee separation.
- 4) Credit Limits. The City Manager shall set monthly credit limits based on operational need.
- 5) Expenses and Documentation.
  - a. Expenses charged to City credit cards must be actual, necessary, reasonable, and incurred in the performance of official duties for a specific benefit to the City of Fowler.
  - b. All purchases must comply with purchasing policies including receiving quotes, informal bids, and/or formal bids when applicable.
  - c. Monthly Credit Card statements must reconcile to itemized receipts submitted to the Finance Director. The itemized receipts for each credit card charge should include a brief description of the business purpose and the budget account code corresponding to the charge. Failure to submit adequate documentation within one (1) month will result in the City issued credit card being deactivated.
  - d. Expenses charged on the City credit cards must be for approved budgeted items. Before any purchase is made, cardholders must verify budgeted funds are available.
  - e. Business Meals and Hospitality. Use of a City-issued credit card for business related meals is acceptable subject to the following criteria:
    - i. The City Manager, or a Department Head acting at the request of the City Manager, may find it appropriate on certain occasions to



conduct a business meal and pay for the meal of a local, state, or federal official, or a community or business leader. On occasion the City Manager or a Department Head, may find it necessary to have a working meal or to provide a meal to employees working overtime on an emergency project.

- ii. Use of the City Credit card for these meals is permissible provided the business purpose for the meal is documented as required by this policy.

6) Unauthorized Expenses and Uses.

- a. Cash Advances;
- b. Alcoholic beverages;
- c. Personal purchases; and
- d. Purchases inconsistent with this or any other City policy.

7) Cardholder Responsibilities

- a. The cardholder is responsible for all charges made to the card.
- b. The cardholder shall sign the "Credit Card Issuance Acknowledgement."
- c. The cardholder shall comply with all provisions of this Policy.
- d. The cardholder shall notify the Finance Director immediately in the event a card is lost or stolen.
- e. The cardholder shall surrender the credit card upon separation from City employment.
- f. The cardholder shall surrender the credit card to the City Manager or Finance Director at any time, upon demand.

8) Missing Receipts. If a cardholder loses a receipt or fails to obtain an itemized receipt, the cardholder shall attempt to contact the vendor in order to provide a reprinted receipt. If a reprinted receipt cannot be provided, the cardholder shall provide the City Manager with a written letter identifying the purchase made and explanation for how or why a receipt was not obtained.

9) Reporting. The Finance Director shall provide a credit card usage report to the City Council with the annual and mid-year financial reports. The report shall contain:

- a. A list of all employees with a City-issued credit card and their credit limit.
- b. The name of the credit card company.
- c. A certification that credit card statements have been reconciled to receipts and any documentation of discrepancies with receipts.
- d. A summary of how the credit cards were used, and any other detail that may be requested by the City Manager or City Council.

**CITY OF FOWLER  
CREDIT CARD ISSUANCE ACKNOWLEDGEMENT**

I, \_\_\_\_\_, acknowledge receipt of City of Fowler credit card ending in \_\_\_\_ \_ .

I acknowledge I have received a copy of, fully understand, and agree to comply with the terms of the City of Fowler Policy on Credit Card Issuance, Usage, and Reporting.

I acknowledge that failure to adhere to the Policy may result in loss of credit card privileges, personal liability for improper purchases, criminal charges, and discipline, up to and including termination.

\_\_\_\_\_  
Cardholder Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Finance Director Signature

\_\_\_\_\_  
Date



## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 8-Ci

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM**         DAVID PETERS, City Engineer

### **SUBJECT**

Provide STAFF DIRECTION regarding citizen request at 129 N. Second Street.

### **RECOMMENDATION**

Staff has identified the following options regarding the request:

1. Notify the property owner that the City intends to pursue improvements to public facilities surrounding the subject property through an Active Transportation Program grant, if such grant is awarded.
2. Direct staff to design, solicit bids, and award a contract for reconstruction of curbs, gutters, and driveway approach to meet current design standards.
3. Other actions as deemed appropriate by Council.

### **BACKGROUND**

In April 2021, the City of Fowler awarded a contract to Don Berry Construction for pavement reconstruction of Adams Avenue between 5<sup>th</sup> Street and Temperance Avenue. The project was funded by the federal Surface Transportation Block Grant (formerly Regional Surface Transportation Program). The scope of work included replacement of the asphalt concrete pavement, construction of curb ramps at intersections, striping and pavement markings and miscellaneous associated work. The purpose of the project was to replace the failing asphalt pavement on Adams Avenue. The curb ramps were included because it is a requirement of the federal funding to provide Americans with Disability Act (ADA) accessible curb ramps at intersections. The federal funding does not require the curb, gutter or sidewalks between intersections to be improved.

A significant metric of the grant award is the benefit/cost ratio. Replacing non-standard curb and gutter along the corridor would not have increased the benefit of the project based on the application's formula, however, would have increased the cost of the project thus reducing the benefit/cost ratio and the City's chances of securing the grant.

In 2019, City staff was contacted by the property owners of property at 129 N. Second Street which abuts Adams Avenue regarding the permitting process to replace the existing driveway at their property. During the 2019 contact, the property owners did not request that the City replace the driveway at City cost or reconstruct the curb, gutter, or driveway approach in front of the property. At no time during the design or construction of the 2021 pavement reconstruction project did City staff receive a request from any property owners along the corridor to replace curbs, gutters or sidewalks along their property frontage or address any driveway approaches.

In April 2022, the property owners of property at 129 N. Second Street contacted City staff regarding construction of an accessory dwelling unit (ADU) and also inquired about the curb, gutter and driveway approach along the property frontage. The owners were informed of the ADU process and the process of obtaining an encroachment permit and performing the desired reconstruction work at their cost if they wished to do so.

In June 2022, the property owners requested that the curb, gutter, and driveway approach be reconstructed by the City because the facilities did not meet current City Standards. While age of the current curbs, gutters and driveway is unknown, based on the age of the residence, it is likely that original construction occurred around 1925. The property owners have indicated that the 10-inch curbs prohibit car doors from fully opening when cars are parked parallel and have reported that the 4-inch lip at the driveway approach prevents vehicular access to the garage. The property owners have also indicated that they believe the gutters were lowered by a City project occurring prior to the City's 2021 project. The City has found no evidence to support this claim. The curb, gutter and portion of the driveway approach containing the 4-inch lip lie within the City of Fowler street right-of-way. As such, the property owners have requested that the City replaced these facilities with curb, gutter and a driveway approach that meets current City of Fowler improvement standards.

As an ongoing goal of the City to provide walkable streets, staff has pursued pedestrian improvements along Adams Avenue between 7<sup>th</sup> Street and Temperance Avenue. The proposed project would construct sidewalks along sections of Adams Avenue where they currently do not exist or are non-ADA compliant, including replacement of non-standard curb, gutter and driveway approaches to facilitate installation of the sidewalks. An Active Transportation Program (ATP) grant application was submitted on June 15, 2022. The City will be notified whether the City's application for statewide funding was successful on October 21, 2022. If the City's project is not selected for statewide funding the application is automatically submitted for local funding. The local funded project list will be released by the Fresno Council of Governments on February 10, 2023. If the project is awarded, the improvements would likely be constructed in spring 2024.

The City has considered alternatives to resolving the issues brought forth by the property owner including instituting diagonal parking along the frontage of 129 N. Second Street to alleviate the curb blocking car doors from opening. The 40-foot curb to curb width of the road prevents diagonal parking from being a viable option at this location.

Historically, the City has only replaced non-standard infrastructure such as curbs, gutters, street lights (or lack thereof), non-paved alleys, non-standard sewer services (such as vitrified clay sewers and laterals, non-standard water services, and non-standard storm drainage facilities, as funding is available to do so. These improvements are typically prioritized based on safety, public benefit, or to alleviate a significant maintenance issue such as flooding or leaking utility services. Replacing facilities based solely on non-compliance with current standards would be financially infeasible for the City based on the numerous locations where these conditions exist and could set a precedent for these requests in the future.

The City of Fowler Zoning Ordinance addresses responsibility for maintenance of various improvements as follows:

Chapter 21 – NUISANCES Article 1. - Unlawful Property Related Nuisances  
5-21.101 (g) - Neighborhood Preservation.

It shall be unlawful for any person owning, renting, leasing, occupying, or having charge or possession of any real property in the City to maintain such property in a manner that any of the following conditions are found to exist thereon, except as may be allowed by the Municipal Code. These conditions meet one or more of the following criteria and are considered nuisances subject to abatement and cost recovery pursuant to Chapters 22 and 23: substantially detract from the appearance of the immediate neighborhood, reduce the property value in the immediate neighborhood, are an attractive nuisance, are materially detrimental to nearby properties and improvements, are a visual blight, are offensive to the senses, or are otherwise dangerous to public health, safety or welfare.

*(a) – (f) omitted for brevity.*

(g) Deteriorated Improvements. Walls, fences, hedges, driveways, sidewalks, walkways, and similar improvements which have become deteriorated, hazardous, defective, or unsightly.

Therefore, if the curb, gutter, sidewalk and/or driveway improvements are determined to be a safety hazard, the ordinance places the responsibility for repairing the improvements on the property owner. City staff does not believe that the curb, gutter, and driveway approaches along Second Street or Adams Avenue are a nuisance. While they may not meet current City standards, that does not mean they are a nuisance or public safety hazard that the property owners must address.

Staff has identified options related to the request by the property owners of 129 N. Second Street as follows:

1. Notify the property owner that the City intends to pursue improvements to public facilities surrounding the subject property through an Active Transportation Program grant, if such grant is awarded.
2. Direct staff to design, solicit bids, and award a contract for reconstruction of curbs, gutters, and driveway approach to meet current design standards.
3. Other actions as deemed appropriate by Council.

## **ENVIRONMENTAL REVIEW**

If a project is initiated, it will be evaluated for compliance with the California Environmental Quality Act. It is anticipated that any project would qualify for a categorical exemption.

## **FISCAL IMPACT**

The completion of the requested improvements by the City is anticipated to cost approximately \$75,000. These costs are not currently budgeted and would require consideration of a budget amendment to the Measure C and/or LTF Article 8 accounts.

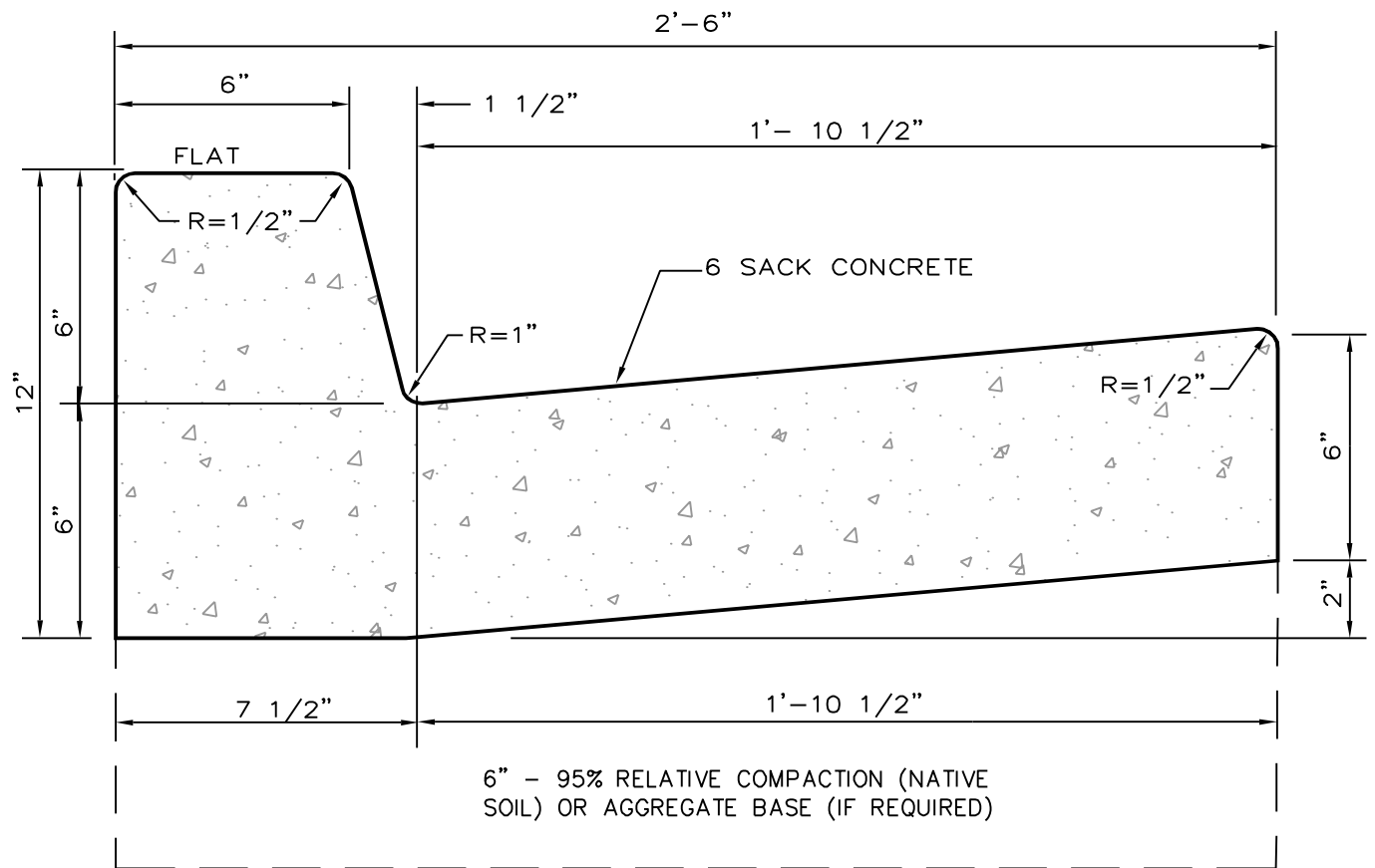
If the project is funded by the ATP grant, there would not be a fiscal impact to the City of Fowler.

## **CONFLICT OF INTEREST**

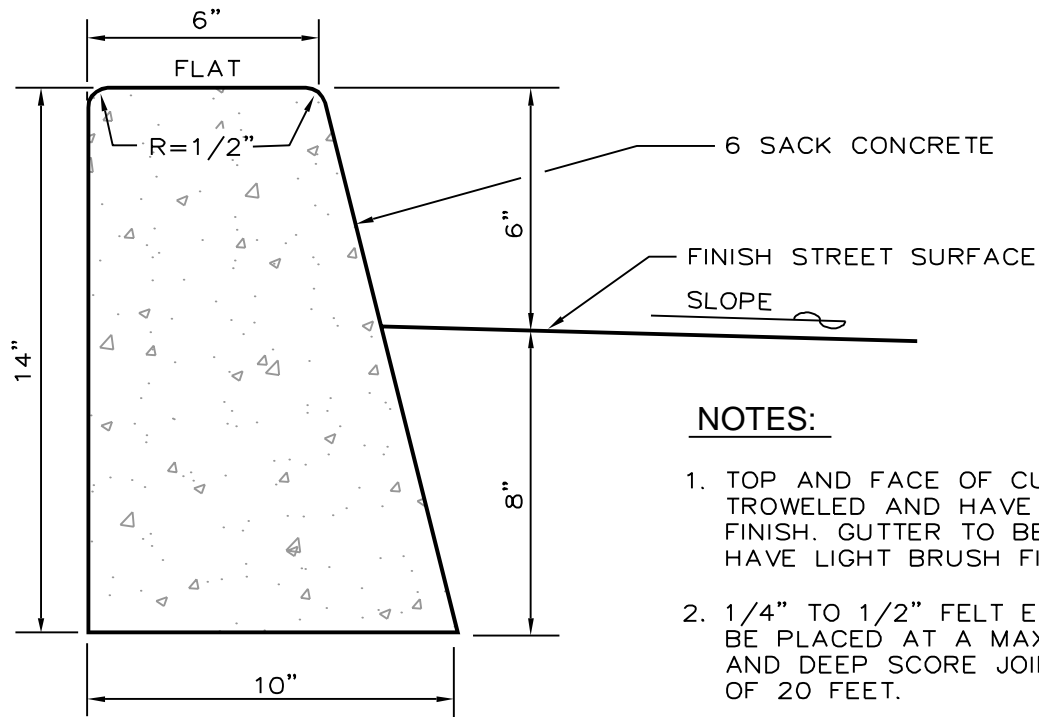
Councilmember Mejia owns property within 500 feet of the subject property.

### **Attachments**

- Standard Plans



### CURB & GUTTER DETAIL

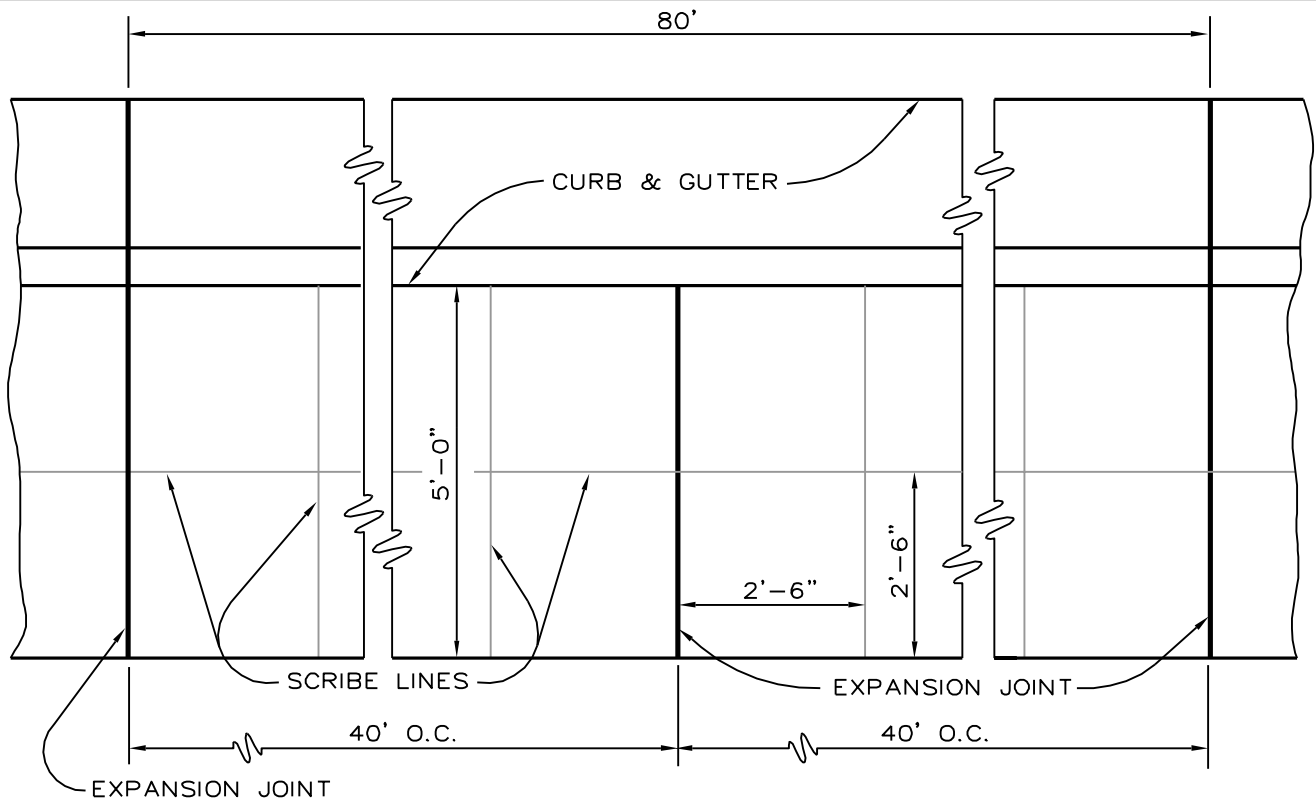


### NOTES:

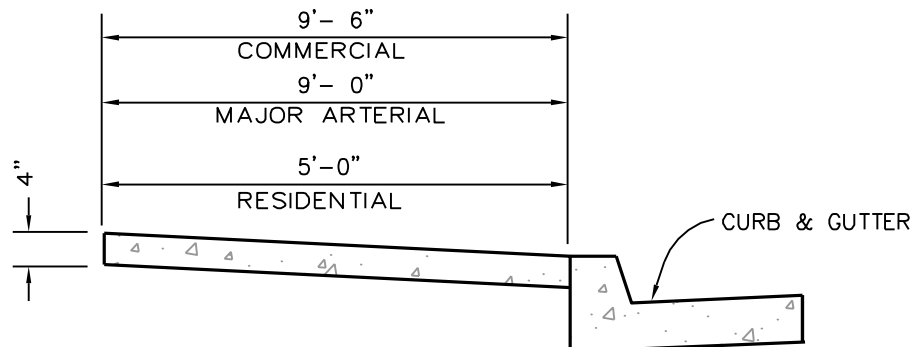
1. TOP AND FACE OF CURB TO BE TROWELED AND HAVE A LIGHT BRUSH FINISH. GUTTER TO BE TROWELED AND HAVE LIGHT BRUSH FINISH.
2. 1/4" TO 1/2" FELT EXPANSION JOINT TO BE PLACED AT A MAXIMUM OF 40 FEET AND DEEP SCORE JOINTS AT A MAXIMUM OF 20 FEET.

### CURB DETAIL

REVISION DATE		CITY OF FOWLER		STD. DWG.
4/10/01		CURB & GUTTER		ST-10



**PLAN OF SIDEWALK, CURB & GUTTER, SCRIBE LINE DETAILS**



**SECTION OF SIDEWALK AND CURB**

( EXCEPT THROUGH ALLEY AND DRIVE APPROACHES )

**NOTES:**

1. WEAKENED PLANE JOINTS SHALL BE INSTALLED IN SIDEWALK AT 20' O.C. MAXIMUM
2. EXPANSION JOINTS SHALL BE INSTALLED IN SIDEWALK AT 40' O.C. MAXIMUM.
3. EXPANSION JOINTS SHALL BE INSTALLED IN CURB & GUTTER AT 80' O.C. MAXIMUM.
4. WHERE EXPANSIVE SOILS ARE ENCOUNTERED, 6" OF IMPORTED SAND SHALL BE PLACED UNDER THE CURBS, GUTTERS, AND SIDEWALKS.
5. ALL CONSTRUCTION SHALL BE 6 SACK CONCRETE.

REVISION DATE		CITY OF FOWLER	STD. DWG.
4/10/01		CURB, GUTTER, & SIDEWALK	ST-11





## **CITY COUNCIL OF THE CITY OF FOWLER**

ITEM NO: 10-A

### **REPORT TO THE CITY COUNCIL**

October 18, 2022

**FROM:** SCOTT CROSS, City Attorney

### **SUBJECT**

APPROVE Resolution No. 2602 Establishing a Fire Academy Training Grant Program

### **RECOMMENDATION**

For the City Council to consider and approve the Resolution establishing the program to provide grant funding for Fire Academy Training Program expenses.

### **BACKGROUND**

During recent City Council meetings direction has been provided to staff that the City Council desires to establish a program to provide grant funding for Fire Academy Training Program expenses for former volunteer firefighters with the Fowler Fire Department who meet certain criteria. Staff has identified available funding in the amount of \$25,000 to make available for this program, and a budget amendment will be presented by the Finance Director at a future City Council meeting to allocate \$25,000 from the general fund for this program.

Based on City Council direction at previous meetings, the attached Resolution contains the criteria that must be satisfied to be eligible for funding under this program. The funding will be provided as a grant and paid directly to Fresno City College on behalf of the participant.

Additionally, State Center Community College District (SCCCD) and Fresno City College (FCC) have provided the City Manager a letter of intent to partner with the City to help support firefighter training for 5-7 former volunteer firefighters. SCCC and FCC have committed to developing a memorandum of understanding (MOU) with the City to ensure spots are available to former volunteer firefighters in upcoming fire academies. The letter of intent from SCCC and FCC is attached to this staff report. The

terms of the MOU (prices for tuition, materials, and supplies needed for cadets to attend the fire academy) are still to be negotiated. If the City Council approves the City's program, the Resolution

provides that authority is delegated to the City Manager to negotiate and approve the MOU with SCCC and FCC so as to implement this program.

The program eligibility criteria are as follows:

- Must have been a current volunteer as of 6/30/22.
- Must have returned all City-owned fire equipment assigned to the individual volunteer.
- Enroll in basic fire academy training course at Fresno City College with an estimated completion date no later than December 31, 2023.
- Grant amount is limited to the applicable tuition or program enrollment fees (which include protective equipment) for the basic fire academy training course at Fresno City College.
- The City will pay the applicable tuition or program enrollment fees to State Center Community College District or Fresno City College directly on the participants behalf.
- Participants are eligible for only one grant opportunity – meaning, if someone enrolls in but does not complete the course the participant is not eligible for a grant to enroll in a later course.
- Funds will not need to be repaid to the City.

## **ENVIRONMENTAL REVIEW**

This action does not constitute a "project" pursuant to the California Environmental Quality Act.

## **FISCAL IMPACT**

If approved, a budget amendment will be presented at a future meeting for City Council approval during the Mid-Year Budget Review to make the necessary budget amendment to fund this program in the amount of \$25,000 from the general fund.

## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

## **Attachments:**

Resolution No. 2602

Letter of Intent from Fresno City College dated October 12, 2022

## **RESOLUTION NO. 2602**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER ESTABLISHING A FIRE ACADEMY TRAINING COURSE GRANT PROGRAM THROUGH FRESNO CITY COLLEGE**

**WHEREAS**, the City of Fowler operated Fire Department staffed with volunteer firefighters for many decades until the City recently entered into a contract with the Fresno County Fire Protection District to provide fire protection services for the City of Fowler; and

**WHEREAS**, as a result of the contract with Fresno County Fire Protection District, the services of Fowler's volunteer firefighters were no longer necessary; and

**WHEREAS**, the City Council desires to evaluate the possibility and endeavors to establish a Fowler Fire Department in the near future staffed with firefighters who are City employees; and

**WHEREAS**, given the long history of volunteer fire service in the City of Fowler and the importance of fire protection services to public safety in the City of Fowler and surrounding region, the City Council desires to establish a program that offers former Fowler volunteer firefighters an opportunity to complete basic fire academy training coursework at Fresno City College's Fire Training Academy, which will enable them to be qualified to become eligible for municipal fire protection services with surrounding fire agencies, including a future Fowler Fire Department.

### **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOWLER RESOLVES AS FOLLOWS:**

1. A Fire Academy Training Course Grant Program ("Program") is hereby established with the following criteria:
  - (a) The Program shall be funded with a \$25,000.00 allocation from the City's general fund to be approved by a separate budget amendment resolution.
  - (b) Only current volunteer firefighters with the Fowler Fire Department as of June 30, 2022, are eligible to participate in the Program.
  - (c) All City-owned fire equipment assigned to the former volunteer must be returned to the City to be eligible to participate in the Program.
  - (d) Participants must enroll in a basic fire academy training course at Fresno City College with an estimated completion date of no later than December 31, 2023.
  - (e) The Program shall provide grant funding in the form of payment directly to State Center Community College District or Fresno City College for the applicable tuition or program enrollment fees (which include supplies and protective equipment) for the basic fire academy training course at Fresno City College.
  - (f) Participants shall be eligible for only one grant opportunity and Program-paid enrollment in only one fire academy training course at Fresno City College.
  - (g) Participants shall not be required to repay the City for Program funds paid to Fresno City College.
  - (h) Program funding shall be available only until December 31, 2023, and this Program shall end on December 31, 2023, and any remaining Program funds at that time

shall be returned to the City's general fund unless the City Council extends the Program.

2. The City Manager is authorized to negotiate with and enter into an agreement with State Center Community College District and Fresno City College as reasonably necessary to implement and administer this Program and the payment of course enrollment fees on behalf of eligible Program participants.

The foregoing resolution of the City Council of the City of Fowler was duly and regularly introduced and approved at a regular meeting of the City Council on October 18, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mark Rodriquez, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Angela Vasquez, Deputy City Clerk



## Fresno City College

1101 East University Avenue, Fresno, California 93741 Phone: 559-442-8200 FAX: 559-499-6045

*Office of the President  
Dr. Robert Pimentel*

October 13, 2022

Re: Letter of Intent: Training of Volunteer Firefighters, City of Fowler

To whom it may concern:

This letter is a Letter of Intent to partner with the City of Fowler to help support firefighter training for 5-7 former firefighters. The State Center Community College District (SCCCD), along with Fresno City College (FCC), will develop a Memorandum of Understanding (MOU) with the City of Fowler to ensure these volunteer firefighters have a dedicated seat in one of our upcoming fire academies. The City of Fowler will work with the SCCCDC to negotiate prices for tuition, materials, and supplies needed for these future cadets to be successful.

If you have any questions regarding this Letter of Intent, please call me at 559-243-7100 or you can reach Dr. Robert Pimentel, President, Fresno City College at 559-489-2210. We look forward to this partnership.

Sincerely,

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Dr. Carole Goldsmith  
SCCCD Chancellor

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Dr. Robert Pimentel  
FCC President