

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
JULY 20, 2004**

Mayor Simonian called the meeting to order in the Council Chambers at 7:00 p.m.

Councilmembers present: Simonian, Cardenas & Zadourian

Councilmembers absent: Fernandez & Shaw

City staff present: City Manager Elias, City Clerk Davis, Finance Director Wong,  
Police Chief Jamgochian, Community Development Director  
Deaver, City Attorney Wolfe, Senior/Recreation Director Monis

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Mayor Simonian. The Mayor adjourned the meeting to the Fowler Public Financing Authority Special Meeting at 7:02 p. m. The meeting reconvened at 7:05 p. m.

**PUBLIC PRESENTATIONS**

Mr. Marcus Torigian, a trustee of St. Gregory's Church in Fowler, stated that their outreach committee was interested in doing some projects that will benefit the community. He wanted the City's input to determine what type of projects were needed. Some of the proposed projects discussed were developing a mini-park near the Ahronian Subdivision, and beautification of the old Fowler sign on Golden State Boulevard. Staff will meet with Mr. Torosian for further discussion.

**PUBLIC HEARING:**

**A) FIRST READING OF ORDINANCE NO. 2004-04**

City Attorney Wolfe recommended that the public hearing be continued on a zoning ordinance text amendment requiring a Conditional Use Permit for the sale of alcoholic beverages. He wanted time to further discuss the proposed ordinance amendment with the City's Planning Consultant.

Councilmember Zadourian made a motion to continue the public hearing to the August 3, 2004 Council meeting. The motion was seconded by Councilmember Cardenas and carried on a 3-0-2 roll call vote, with Mayor Pro-Tem Shaw and Councilmember Fernandez absent.

**B) FIRST READING OF ORDINANCE NO. 2004-05**

Community Development Director Deaver explained proposed Ordinance No. 2004-05 to the Council. The ordinance would amend the current zoning ordinance to allow a second dwelling unit/guest house on a single-family zoned lot of 40,000 square feet or more subject to first securing a Conditional Use Permit (C.U.P.). The second dwelling would have no size limitation, but would be subject to all provisions of the underlying zone

district. Currently a single-family lot is limited to one dwelling unit with the exception of a “granny flat” of 1,000 square feet or smaller in size. The proposal was initiated by Mr. Ken Parnagian, who desires to build a guest house larger than 1,000 square feet on his lot, which is very large. The Planning Commission held a public hearing on the matter at their July 8, 2004 meeting and recommended approval of the text amendment.

Mayor Simonian opened the duly noticed public hearing at 7:19 p. m. City Attorney Wolfe commented that State law allows a “granny flat” of 1,000 square feet or less to not be subject to a C.U.P., so the current zoning ordinance will be amended in the near future to conform with State law. With no further comments, the public hearing was closed at 7:21 p. m.

Councilmember Zadourian made a motion to waive the first reading and approve Ordinance No. 2004-05, “An Ordinance of the City Council of the City of Fowler Approving Zoning Ordinance Text Amendment No. 04-02.” The motion was seconded by Councilmember Cardenas and carried on a 3-0-2 roll call vote.

## **COMMUNICATIONS**

City Manager Elias stated that Tuesday, July 27, 2004 would be “Fowler Night” at the Fresno Grizzly game. He mentioned the League’s upcoming Mayor and Councilmember’s Forum in Monterey. Mayor Simonian stated that the Upper Kings River Water Forum would be held on Wednesday, July 28, 2004 at Fresno State.

## **STAFF REPORTS**

### **A) ADOPTION OF RESOLUTION NO. 1969**

Community Development Director Deaver explained that Resolution No. 1969 was for the approval of the Final Map and Subdivision Agreement for Tract No. 5280, Phase II of the Fowler Ranch Subdivision. He briefly explained the project, noting that the map was in conformance with the Subdivision Map Act and the City’s Subdivision Ordinance.

Councilmember Cardenas made a motion, seconded by Councilmember Zadourian, to adopt Resolution No. 1969, “A Resolution of the City Council of the City of Fowler Approving Final Tract Map No. 5280, Accepting Street Dedication and Easements, and Subdivision Agreement.” The motion carried on a 3-0-2 roll call vote.

### **B) DESIGNATE VOTING DELEGATE AND ALTERNATE**

City Manager Elias stated that a voting delegate and alternate needed to be chosen for the League’s Annual Conference, to be held September 17 - 19, 2004 in Long Beach. The consensus of the Council was to designate Councilmember Zadourian as the voting delegate and Councilmember Cardenas as the alternate.

## **POLICE AND FIRE REPORT**

There was no police and fire report given.

## **CITY ATTORNEY'S REPORT**

City Attorney Wolfe reported that due to air pollution concerns, a city can impose an ordinance restricting the idling of automobiles.

## **CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants - July 20, 2004; B) Approve Minutes of the City Council Meeting - July 6, 2004; C) Adoption of Resolution No. 1970, "A Resolution of the City Council of the City of Fowler Authorizing and Providing for the Incurrence of Indebtedness for the Purpose of Providing a Portion of the Cost of Acquiring, Constructing Two Municipal Water Wells and Extending its Water Distribution Pipelines to Serve an Area Lawfully Within its Jurisdiction to Serve"; D) Adoption of Resolution No. 1971, "A Resolution of the City Council of the City of Fowler Amending Resolution No. 1955 Adopted on May 18, 2004" - (Increasing the principal amount of the Certificates of Participation for financing the 2004 Water System Improvement Project); E) Approve Agreement for Professional Services between the City of Fowler and Lozano Smith; F) Approval of RSTP Project Submittal and adoption of Resolution No. 2004-1972, "A Resolution Before the City Council of the City of Fowler Supporting and Implementing AB 1012 "Timely Use of Funding" and; G) Adoption of Resolution No. 1973, "A Resolution of the City Council of the City of Fowler, California, Accepting Grant Deed" - Tract No. 5280. Councilmember Zadourian made a motion, seconded by Councilmember Cardenas, to approve the consent calendar. The motion carried on a 3-0-2 roll call vote.

## **COMMITTEE REPORTS**

Mayor Simonian recommended re-appointing Elaine Roy for another term on the Recreation Commission. Councilmember Cardenas made a motion to re-appoint Elaine Roy, seconded by Councilmember Zadourian. The motion carried on a 3-0-2 roll call vote.

The Mayor noted that there had been three fire calls in the last week in Fowler. Councilmember Cardenas reported on a recent S.K.F. meeting.

## **CLOSED SESSION**

The meeting was adjourned to a closed session to discuss, as specified under Government Code Section 54956.9 (b) - Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation: 1 case - Threat by John Moreno to join with Russ Russell, at 7:53 p. m. The meeting reconvened at 8:21 p.m. with no reportable action taken.

## **ADJOURNMENT**

Having no further business, Councilmember Zadourian made a motion, seconded by Councilmember Cardenas, to adjourn. The motion carried unanimously and the meeting adjourned at 8:22 p. m.