

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
AUGUST 17, 2004**

Mayor Simonian called the meeting to order in the Council Chambers at 7:01 p.m.

Council members present: Simonian, Cardenas, Fernandez, Shaw & Zadourian

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

Also present: City Council candidates Craig Mellon & Tom Nagata

The Flag Salute and the Pledge of Allegiance were followed by an invocation given by Mayor Pro-Tem Shaw. There were no public presentations.

**COMMUNICATIONS**

Mayor Simonian received copies of a letter sent by Fresno County Supervisor Judy Case to several legislators, asking for support to obtain funding for the new Fowler library.

**STAFF REPORTS**

**A. REVIEW AND DISCUSS "BLANKET" CONDITIONAL USE PERMIT (CUP)**

Planning Consultant Bruce O'Neal stated that at their last meeting, the Council had approved the first reading of an ordinance amendment requiring all businesses that sell alcoholic beverages in the City to have a Conditional Use Permit (CUP). Within 120 days from the date the ordinance amendment becomes effective, staff would issue a "blanket" CUP to existing uses. The Council had asked for Mr. O'Neal to provide a sample of a "blanket" CUP.

Mr. O'Neal explained that the blanket CUP sets forth regulations such as: keeping the premises clean and free of graffiti, requiring managers and operators to attend mandatory training by the Department of Alcoholic Beverage Control (ABC), and that the business must abide by all of ABC's conditions. There are additional regulations listed for restaurants, bars and nightclubs, such as: providing adequate lighting, using security guards during live entertainment, and providing emergency contact phone numbers to the Police Department.

The Council discussed the blanket CUP and made some suggestions for minor changes and clarification language. A question arose on graffiti removal requirements. City Attorney Wolfe noted that the Fowler Municipal Code addresses graffiti removal, and the City must also comply with any State and local government laws. He said that the next step for the blanket CUP process

would include an informational meeting held to explain the new procedure to businesses selling alcohol, followed by a public hearing before the Planning Commission.

**B. SECOND READING OF ORDINANCE NO. 2004-04**

Planning Consultant O'Neal stated that pursuant to the prior agenda discussion, when Ordinance No. 2004-04 becomes effective, a blanket CUP would be issued within 120 days to all existing uses. A motion was made by Councilmember Fernandez to waive the second reading and approve Ordinance No. 2004-04, "An Ordinance of the City Council of the City of Fowler Approving Zoning Ordinance Text Amendment No. 04-01" - Requiring a Conditional Use Permit for the Sale of Alcoholic Beverages for Consumption Either On-site or Off-site. The motion was seconded by Mayor Pro-Tem Shaw and carried on a 5-0-0 roll call vote.

**C. FIRST READING OF ORDINANCE NO. 2004-06**

City Manager Elias explained that the need for Ordinance No. 2004-06, "An Ordinance of the City Council of the City of Fowler Amending Section 4-4.602 and Adding Section 4-4.212, of Articles 6 and 2, of Chapter 4 of the Fowler Municipal Code Pertaining to Designated Truck Routes and Parking Restrictions," was mainly due to the recent update of the General Plan. The update has designated several areas to commercial, manufacturing and industrial land uses, which creates more truck traffic to the areas. The ordinance calls for specific truck routes as shown on an attached map, and restricts truck parking for more than 15 minutes along any street that is not posted for truck parking. It also requires property owners consent for trucks to park on their vacant property. It was asked if recreational vehicles would fall under the regulations in the ordinance. After further discussion, City Attorney Wolfe recommended that staff make some changes to the ordinance and bring it back to the Council.

**D. DISCUSSION REGARDING CITY COUNCIL STIPEND AND BENEFITS - AND PLANNING/RECREATION COMMISSION RESIDENCY REQUIREMENTS, STIPENDS, AND BENEFITS**

City Manager Elias stated that at a previous meeting, the Council had asked staff to research other local city policies regarding residency requirements for their Planning/Recreation Commissioners, and salaries for their Councilmembers. Information received from the cities of Kingsburg, Parlier, Reedley, Sanger and Selma showed that all had certain residency requirements for their commissioners. The Fowler Municipal Code does not have residency requirements for commissioners.

City Manager Elias said that an increase to the Council's monthly salary had already been factored into the 2004/2005 adopted budget, which would be \$200 for the Mayor and \$150 for Councilmembers. City Attorney Wolfe explained that an ordinance amendment increasing the salaries must be adopted before the next election, but the new salary would

not become effective until after the election. The consensus was for staff to bring the ordinance amendment back to the Council.

After further discussion on commissioner residency requirements, City Attorney Wolfe recommended that an ordinance amendment be made stating that Planning Commissioners must live within the City's Sphere of Influence, with a "grandfather" clause to allow members that currently live outside the Sphere to remain on the Commission. The Recreation Commissioners would be required to live within the Sphere of Influence or within the Fowler Unified School District boundaries. Another provision would state that applicants for either commission can be appointed at the Mayor's discretion.

#### **E. POLICE AND FIRE DEPARTMENT REPORT**

There was no Police or Fire report given.

#### **CITY ATTORNEY'S REPORT**

There was no City Attorney's report given.

#### **CONSENT CALENDAR**

The consent calendar consisted of: A) Ratification of Warrants - August 17, 2004; B) Approve Minutes of the City Council Meeting - August 3, 2004; C) Adoption of Resolution No. 1977, "A Resolution of the City Council of the City of Fowler Accepting Sanitary Sewer Easement and Temporary Boring Easement." A motion was made to approve the consent calendar by Councilmember Fernandez, and seconded by Councilmember Cardenas. The motion carried on a 5-0-0 roll-call vote.

#### **COMMITTEE REPORTS**

Mayor Simonian attended a COG meeting and a High Speed Rail Committee meeting. Mayor Pro-Tem Shaw commented on the prior discussion regarding graffiti removal. Councilmember Cardenas attended an SKF meeting where they discussed a study on laundromat hook-up fees and decided to provide a 50 percent credit on new projects. He also commented on the excellence of the recent Ken Maddy Institute Leadership Training that he attended. Councilmember Zadourian attended the South San Joaquin Valley Division of the League of California Cities meeting in Tehachapi. The topic of discussion was Proposition 1A.

#### **ADJOURNMENT**

Having no further business, Councilmember Fernandez made a motion, seconded by Councilmember Cardenas, to adjourn. The motion carried unanimously and the meeting adjourned at 9:00 p. m.