



CITY OF FOWLER
PLANNING COMMISSION SPECIAL MEETING
September 22, 2010
MINUTES

Vice-Chair Mellon called the meeting to order at 4:27 p.m.

Commissioners Present: Craig Mellon, Sandie Monis, Henry Fernandez and Mark Rodriquez

Commissioners Absent: Gary Mukai

City Staff Present: City Attorney Scott Cross, Community Development Director Randy Deaver, Building Official, Michael Koch, and Administrative Assistant, Karen Mukai

Approval of Minutes:

A motion was made by Commissioner Monis to approve the minutes for August 5, 2010 and second by Commissioner Fernandez and passed by a roll call vote of 4-0-0-1.

Public Presentation:

There were no public presentations (Public Presentation closed at 4:28 p.m.)

Agenda Item No. 5:

Notice of Hearing on Abatement of Nuisance to consider two weed abatement orders that are non-complaint. City Attorney, Scott Cross, addressed to the Commissioners that there was no staff report prepared or included but a public nuisance ordinance has been provided to the commissioners for their review. Mr. Cross continued to briefly summarize the purpose of the meeting. Basically excessively tall weeds constitute a nuisance under Chapter 5-16.02, Subsection "N" of the City's Ordinance. The ordinance lays out the entire procedure for basically abating nuisances. Once the Code Enforcement Officer determines that a nuisance exists they are required to send notices to the property owners. If the owner fails to abate the nuisance in X amount of days than a notice of hearing is set, which is why we are here today. The Commissioners roll is to determine whether or not a nuisance does in fact exist. In Municipal Code Section 15-16.07 Code Enforcement Appeals Board is basically the Planning Commission. Two notices of violations on two separate properties will be heard separately.

Oath of Affirmation given by Karen Mukai to Michael Koch:

"Do you hereby solemnly swear or affirm that the evidence and testimony you will give will be the truth, the whole truth and nothing but the truth?"

Hospitality (350 S. 10th Street) 1-Acre Parcel

Building Official, Michael Koch, provided pictures to the Commissioners noting that there is debris, fallen tree branches and high weeds, a notice was sent to the property owner dated on July 15, 2010 giving the property owner until August 3, 2010 to abate the property in which the notice was ignored. A certified Abatement was than sent on September 7, 2010 and received the certified card in which the owners did receive but has not heard from the property owner.

Complaints have been received about 6 months ago regarding the condition of the lot. City Attorney, Scott Cross stated that a written opinion can be prepared and will be circulated at the next Planning Commission meeting.

A motion was made by Commissioner Fernandez to notify the property owner(s) of 350 S. 10th Street that they are in violation of Municipal Code Chapter 16 Property Maintenance Nuisance and authorizes the City Attorney to prepare and serve the findings in the order; this was second by Commissioner Rodriguez and passed on a 4-0-0-1 roll-call vote.

Baba Nanak Corporation (125 E. Sumner Avenue)

Building Official, Michael Koch did not receive any complaints on this property, but did drive by and notice overgrowth of weeds which were encroaching on a public sidewalk. A certified notice was sent July 6, 2010 and gave them until July 23, 2010 to comply, in which it was not done. Fire Lieutenant, Manuel Lopez, went out to talk to the resident regarding the fire hazard; the individual that was noticed said he would notify the owner of the hazard and they would get it taken care of, again no action was taken in cleaning up the weeds. On September 7, 2010 the abatement letter was sent out. Approximately two weeks ago Michael Koch went back to talk to the individual that Manuel had spoken with to tell him that he received the return receipt card from the letter that was sent to them. He was told by the individual that the gardener was there that day and he would have him clean it. It was never cleaned.

A motion was made by Commissioner Monis to notify the property owner(s) of 125 E. Sumner Avenue that they are in violation of Municipal Code Chapter 16 Property Maintenance Nuisance; and authorizes the City Attorney to prepare and serve the findings in the order; this was second by Commissioner Fernandez and passed on a 4-0-0-1 roll call vote.

Public Hearing Adjourned: 5:05 p.m.

Communications:

No other business was discussed and the meeting was adjourned at 6:43 p.m.

Corina Burrola
Planning Secretary