

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
AUGUST 20, 2013**

Mayor Cardenas called the meeting to order at 7:01 p. m.

Councilmembers Present: Cardenas, Parra, Monis, & Simonian  
Councilmembers Absent: Hammer

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, City Attorney Wolfe, Fire Chief Lopez, City Planning Consultant O'Neal

The Flag Salute and Pledge of Allegiance were followed by an invocation given by former Councilmember Rick Darling. Roll call was taken.

**PUBLIC PRESENTATIONS**

Fowler Chamber of Commerce President Craig Mellon announced that the upcoming Tour de Fresno bike race event is coming through Fowler on September 14, 2013, and asked for the City's assistance with the refreshment stop in Panzak Park. He also stated that the City should help downtown businesses by allowing banner advertising, and that there is still a problem with a lack of parking. City Manager Elias asked that the Chamber contact other local cities to get information on how they manage their downtown parking and bring back some recommendations.

Armen Khasigian, a representative of Fowler Ace Hardware, questioned the City's regulations concerning placing goods for sale outside their business, stating that sidewalk advertising is an important part of their business model. He asked for more definitive information on what is and isn't allowed. City Manager Elias stated that he will work with them on resolving the matter in accordance with City policies.

**PRESENTATION TO ANDREA CLIFFT FOR VOLUNTEER SERVICE AT THE CITY'S ANIMAL SHELTER**

Ms. Clift was not present and the consensus was to schedule the presentation at the next meeting.

**PRESENTATION BY FRESNO COUNTY REGISTRAR OF VOTERS**

Fresno County Clerk/Registrar of Voters Brandi Orth gave an update on the elections process, and explained how vote by mail ballots are counted. She said that voter statistics show that Fowler has very engaged and active voters.

**PUBLIC HEARING: FIRST READING OF ORDINANCE NO. 2013-01**

City Manager Elias said that the Council directed staff to provide an expanded list of land uses that would require a Conditional Use Permit (CUP), so as to have more oversight on certain uses. Planning Consultant O'Neal explained that Ordinance No. 2013-01 provides a proposed list of land uses in various zone districts that would be subject to a CUP. The CUP process requires higher review, public notification, and

public hearings before the Planning Commission for approval. Some of the benefits of expanding CUP uses are that reasonable conditions can be imposed on uses, and the Planning Commission and Council would have more direct control over land use approvals. CUP's are also revocable for non-compliance. Some of the negative effects are that CUP approval can be costly and time consuming, and increase the uncertainty of the development process at a time when streamlining the process is encouraged for economic growth.

Expanded CUP uses listed in Ordinance 2013-01 included: Tobacco stores and private clubs and lounges in the C-1 Neighborhood Commercial District; hotels and motels, and smoking bars and hookah lounges in the C-2 Community Commercial, C-3 General Commercial, and C-H Highway Commercial Districts; automobile dismantling and used parts storage in the M-1 Light Industrial District; and breweries and wineries; gravel, rock and cement yards; and paper products manufacturing in the M-2 Heavy Industrial District. The Planning Commission recently considered the expanded list, and recommended Council approval with the exception of requiring a CUP for automobile supply stores in the C-1 Neighborhood Commercial District.

Mayor Cardenas opened the duly notice public hearing on the matter at 7:50 p. m. There were no comments from the public, and the hearing was closed at 7:50 p. m.

After a discussion, the consensus was to keep the CUP requirement for auto supply stores in the C-1 Neighborhood Commercial District, and to add automobile dismantling and used parts storage to CUP uses in the M - 2 Heavy Industrial District.

Mayor Pro-Tem Parra made a motion to waive the first reading and approve Ordinance No. 2013-01, "An Ordinance Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Zoning Ordinance Text Amendment No. 13-01," with the changes discussed. The motion was seconded by Councilmember Monis, and carried by unanimous voice vote, with Councilmember Hammer absent.

## **COMMUNICATIONS**

City Manager Elias mentioned an upcoming Central California Obesity Prevention Program "Healthy Stores" event at Lee's Market on August 21, 2013, and an invitation to Fowler Day at the horse races at the Big Fresno Fair on Saturday, October 12, 2013.

## **STAFF REPORTS:**

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

#### **Discussion: Fowler Chamber of Commerce Financial and Activity reports**

City Manager Elias stated that at the last meeting the Council had asked for more information on the Fowler Chamber's financial and business activity reports, which are required as part of the City's funding contract with the Chamber. The Council discussed the current reports. Questions arose, and it was stated that some of the information was missing or unclear. The consensus was to ask the Chamber to provide clarifying information for discussion at the next meeting.

### **PUBLIC WORKS DIRECTOR'S REPORT**

No report was given.

## **FINANCE DIRECTOR'S REPORT**

Finance Director Wong circulated an update on local sales tax, and stated that the audit for the 2012-13 Fiscal Year will begin the following day.

## **POLICE DEPARTMENT REPORT**

No report was given.

## **FIRE DEPARTMENT REPORT**

Chief Lopez gave a report of emergency calls for July 2013, with a total of 74 calls, training, and events attended.

## **CITY ATTORNEY'S REPORT**

City Attorney Wolfe reported on a recent CEQA court case determining that project applicants and lead agency preapproval communications are not protected information, and are to be included as part of the administrative record in a lawsuit.

## **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - August 20, 2013; B) Approve Minutes of the Fowler City Council and Fowler Public Financing Authority Joint Meeting - August 6, 2013; C) Consider and approve staff's recommendation to reject application for relief from the Claims Statute to submit a late claim against the City of Fowler - Glenn Iwamoto, and D) Accept Grant of Easement (for storm drain) - Sunshine Raisin Corporation, dba National Raisin Company.

Councilmember Simonian asked to remove item C for more information. Councilmember Monis made a motion, seconded by Mayor Pro-Tem Parra, to approve items A, B and D of the Consent Calendar. The motion carried by unanimous voice vote.

After a brief discussion, Councilmember Simonian made a motion, seconded by Councilmember Monis, to approve Consent Calendar item C. The motion carried by unanimous voice vote.

## **COMMITTEE REPORTS**

Mayor Cardenas attended a Consolidated Mosquito Abatement District meeting where they discussed a newly discovered "yellow fever" carrying mosquito.

Councilmember Monis reported on a local food distribution event, and mentioned that the Fowler Library is scheduling a book sale to benefit of Friends of the Fowler Library.

Mayor Pro-Tem Parra announced that at the August 8, 2013 general membership

meeting, he was elected president of the South San Joaquin Valley Division of the League of California Cities.

### **CLOSED SESSION**

Mayor Cardenas adjourned the meeting to a closed session at 8:30 p. m. to discuss, pursuant to Government Code Section 54956.9 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: 1 case (January 11, 2013 letter from Waste Management regarding billing dispute and demand for payment). The meeting reconvened to open session at 8:40 p. m. with no reportable action taken.

### **ADJOURNMENT**

Having no further business, Councilmember Monis made a motion, seconded by Councilmember Simonian, to adjourn. The motion carried, and the meeting adjourned at 8:41 p. m.