

**MINUTES OF THE FOWLER CITY COUNCIL
SPECIAL MEETING
JANUARY 31, 2019**

Mayor Cardenas called the meeting to order at 9:06 a.m. Roll call was taken. There were no public presentations.

Councilmembers present: Cardenas, Hammer, Parra, Rodriquez
Councilmembers absent: Kazarian

City staff present: City Manager Davis, Public Works Supervisor/Fire Chief Lopez, City Attorney Wolfe, City Planner Marple, City Planner, O'Neal, Building Official Baxa, Deputy City Clerk Burrola,

DISCUSSION/DIRECTION REGARDING FAT GABE'S FOOD TRUCK PROPOSAL TO OPERATE AT 226 S. 8TH STREET

City Manager Davis stated that at the last Council meeting, representatives of Fat Gabe's Mobile BBQ spoke of an issue that has come up with their proposed business plans for property located at 226 S. 8th Street. Their operational statement for a mobile food vending business on the site would fall under regulations that apply to a permanent restaurant business, and does not align with the City's mobile food vending ordinance regulations. Planning Staff has been working with the applicants to provide the correct process for the operation they are proposing. The City Attorney has provided an opinion letter pertaining to use of the site, based on their operational statement.

Planning Consultant Dawn Marple stated that there was a misinterpretation of the Municipal Code after several discussions with the applicants on their proposed business plan, namely that Fat Gabe's might operate under regulations of the City's mobile food vendor ordinance. However, their plan is to be operating each day on the site, serving food all day, using the mobile trailer to cook the food. This would not fall under the regulations of mobile food vending but would be governed by State and local codes related to a stationary restaurant. City Attorney Wolfe provided an opinion letter that would allow for a process for Fat Gabe's to do what they propose for a short period of time until they can comply with the Code for the intended permanent food operation, as outlined in their business statement.

Jason Webb and Gabriel Sepeda, business partners, spoke of their business plans. They described the mobile trailer equipment, and said that they wish to have a permanent spot to park it and serve their customers at breakfast, lunch and dinner. Future plans include having a tap house that serves beer, and food that will be cooked in the trailer. They signed a five year lease on the property, due to receiving verbal approval. Since then, Planning Staff clarified that there is a conflict in operating permanently on the site as a mobile vendor, and they instead would be required to comply with regulations similar to a permanent restaurant business. They said that they cannot afford to comply with such requirements.

Mayor Cardenas spoke of wanting to assist their business, but the problem is that there is a separation between mobile and stationary businesses, and City policies must be followed.

Staff has provided a compromise in offering a six month temporary use permit while they work to make the restaurant operation comply with their business plan. Questions were asked about requirements to make the truck permanent. Planning Consultant O'Neal said that it would be similar to making a mobile home permanent: removing the wheels to make a permanent structure, providing a foundation, and connecting to City utilities.

Councilmember Parra noted that El Mexicano restaurant on Manning Avenue was originally a food truck that had to comply with permanent restaurant regulations, and the City has received other requests for parking a mobile trailer or truck on private property to operate as Fat Gabe's proposes. He said that he did not want to see the City become a mobile food truck town, and while such operations take place in areas like Fresno, they are mostly limited to downtown areas.

City Attorney Wolfe said that the temporary use permit being offered to Fat Gabe's was the most liberal interpretation of the Code that the City could offer, that will give them the opportunity to establish a permanent food business, if they desire.

Mayor Cardenas asked if it was possible to update the mobile vendor ordinance. City Manager Davis said that while there are various State retail food codes and health and safety laws that restrict or regulate mobile vending, staff would research the subject.

Mr. Webb asked if the Council would consider changing the mobile vendor ordinance to accommodate their business proposal. Councilmember Hammer stated that while the City could review the ordinance, the applicants must understand that mobile is mobile, and permanent is permanent. Councilmember Parra also said that there is a difference between mobile and permanent, and though changing the ordinance might result in allowing a mobile vendor that parks on private property to service a business, to be open for a longer time such as two hours, it would not help with what Fat Gabe's wishes to do.

Mr. Webb asked why their food truck can operate for longer hours at the City's Farmer's Market. Ms. Marple explained that the Farmer's Market is permitted as a specific use listed in the Code under temporary uses, and the uses associated are permitted under the time limit of that seasonal event. Mr. Webb asked if, hypothetically, they use the 226 S. 8th Street location as a special events venue, if they would be able to have a temporary use permit and continually reapply, like a Farmer's Market. Mr. O'Neal stated that the Farmer's Market operates as a standalone event on its own at which any number of different things may appear for the duration of the event, but allowing the mobile food trailer on the property on 8th Street, there is no "event" going on, per se. If there was an event and the six months elapsed, and they reapplied for another temporary use permit, it would be evident that they would be perpetuating a permanent business under a temporary use.

City Attorney Wolfe summarized the Council's direction: Staff can process a temporary use permit to allow Fat Gabe's to operate for six months, with conditions that the City would need to impose along with state law requirements, and to bring back for discussion possible amendments to the Code which would require public hearings by the Planning Commission and City Council, with no guarantees that any changes that will benefit the business will happen. Mr. Webb asked for a list, in writing, of everything that needs to be done to the property to operate for the six months. Mr. O'Neal stated that they can apply for a temporary use permit, and will be given the list. They will then have time to comply with requirements, as the six month time frame would begin on the date they are open for business.

Mr. Webb asked if they decided to go with their plans for a tap house, before doing the mobile BBQ vendor operations, would they be able to invite a food truck at the property and sell food for longer hours than the mobile vendor ordinance allows. Mr. O'Neal said that if

they decide to have a tap house facility, the mobile truck might be allowed, not under the mobile vendor requirements, but under a Conditional Use Permit process. This could allow for the food to be prepared in the mobile food trailer as an accessory use to the tap house business.

Property owner Art Ramirez asked if Fat Gabe's can also be given a list from the Planning and Building Departments for what is needed to make their business a permanent restaurant, to help them make a decision for the future.

Mayor Cardenas said that it is hoped that the six month period provides them an opportunity to test their operations, and that they can move forward in having a successful business.

ADJOURNMENT

Councilmember Parra made a motion to adjourn, seconded by Mayor Pro-Tem Hammer. The motion carried and the meeting was adjourned at 10:03 a.m.