

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
FEBRUARY 7, 2012**

Mayor Cardenas called the meeting to order at 7:00 p.m.

Councilmembers Present: Cardenas, Darling, Parra & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, Public Works Director Weisser, Police Chief Brand, Fire Chief Lopez, City Attorney Wolfe, Planning Consultant O'Neal, Engineering Consultant Peters

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

PUBLIC PRESENTATIONS

Marcos Fernandez invited the Council to attend the Fowler Youth Girls Softball opening day on February 18, 2012.

PRESENTATION OF ENGINEER BADGES TO VOLUNTEER FIREFIGHTERS

Fire Chief Lopez pinned an Engineer badge on Volunteer Firefighters Mike Koch and Marcos Fernandez, reflecting their new rank. He commended them for their hard work and diligence.

COMMUNICATIONS

City Manager Elias said that miscellaneous communications had been provided at the Council dais.

STAFF REPORTS:

DISCUSSION ON EXPANDING NOTIFICATION PROCESS - APPEAL OF SITE PLAN APPROVAL - MOTEL 6 PROJECT

Planning Consultant O'Neal stated that at the January 17th meeting, resident Ernest Mata presented an appeal of the Planning Commission's recent approval of a site plan for a Motel 6 project on 10th Street. Staff was directed to place a discussion on expanding the notification process for the appeal on the next agenda. He explained the legal requirement that a public notice for an appeal must be published in the newspaper at least ten days before the hearing, and mailed to property owners within a 300 foot radius of the project. He circulated a map showing properties within a 500, 750 and 1,000 foot radius of the project, should the Council wish to expand the notification area. The appeal will be set for the March 6, 2012 Council meeting.

Fowler residents Ernest Mata, Rich Riberich, Paul Mata, Erlinda Mata, Gloria Turner, and Craig Mellon spoke about the project and the appeal notification process. It was stated that the notification area should be increased, as the project will affect the entire community.

The Council discussed ways of expanding public notification, such as placing a notice in the utility bills, using the citywide phone notification program, and mailing the notice to a larger area than required. Councilmember Darling made a motion to mail the public hearing notice to all properties within a 1,000 foot radius, and provide a citywide phone message one week before the hearing. The motion was seconded by Councilmember Simonian, and carried by unanimous voice vote.

CITY MANAGER'S REPORT

— Discussion on Options Concerning USPTO's Rejection of "The Blossom Trail City" Trademark

City Manager Elias explained that staff is working with a law firm to apply for a trademark for the motto "The Blossom Trail City," adopted last year. The U.S. Patent and Trademark Office has rejected the application on the grounds that it is a generally known geographic term. If the City wishes to continue pursuing the trademark, the law firm provided some options. The first recommended option was to argue against the rejection, at a cost of \$1,300. If unsuccessful, it was recommended to try Option 3, which is to amend the application to the Supplemental Register. A trademark would then be eligible to move to the Principal Register after five years. Fowler Chamber of Commerce President Craig Mellon urged the Council to continue seeking the trademark, as it will serve as a great enhancement to the local business economy. The consensus of the Council was to try the first option, and if not successful, pursue the third option.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser said that he is still working with the contractor on the final "punch list" for the Veterans Monument.

FINANCE DIRECTOR'S REPORT

— Financial Report: July - December 2011

Finance Director Wong gave a financial summary of the first 6 months of the fiscal year. General Fund revenues were at 37 percent, and expenditures at 40 percent, of budget. He noted that revenues are coming in higher than expected, and sales tax totaled \$85,000 more than the prior year. He gave an overview of the flow of property tax funds as a result of the recent elimination of redevelopment agencies.

POLICE DEPARTMENT REPORT

Chief Brand gave the January 2012 crime statistics. The recruitment process to hire

two police officers is in the final stages.

FIRE DEPARTMENT REPORT

Fire Chief Lopez reported that the department visited Marshall School to teach the students about fire prevention and how to use the 911 emergency system.

CITY ATTORNEY'S REPORT

City Attorney Wolfe reported on the upcoming expiration of transition agreements between cities and the Fresno County Fire Protection District.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - February 7, 2012; B) Approve Minutes of the Fowler City Council and Fowler Redevelopment Agency Joint Meeting - January 17, 2012; C) Accept the City of Fowler 2011 Pavement Maintenance Project constructed by American Paving Company and authorize the City Engineer to file the Notice of Completion; D) Approve letter of support for SB250 - Bay Delta Conservation Plan and Conveyance Facility; E) Adoption of Resolution No. 2240, "A Resolution of the City Council of the City of Fowler in Support of Restoring Funding for the Fresno Veterans Home"; and F) Adoption of Resolution No. 2241, "A Resolution of the City Council of the City of Fowler Designating the Following Intersection as an All-way Stop Intersection: Merced Street/5th Street."

Items E and F of the Consent Calendar were removed for discussion. Councilmember Simonian made a motion to approve items A through D, seconded by Mayor Pro-Tem Parra. The motion carried by unanimous voice vote.

Councilmember Darling spoke of the importance of item E, a resolution to support restoration of funding for the Fresno Veterans Home, and that citizens should write to the Governor to urge restoration of the funding. Councilmember Simonian made a motion, seconded by Councilmember Darling, to approve item E. The motion carried by unanimous voice vote.

Engineering Consultant Peters gave information on item F, designating the Merced and 5th Street intersection as an all-way stop intersection. Mayor Cardenas made a motion, seconded by Mayor Pro-Tem Parra, to approve item F. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Cardenas commented on the recent Employee Appreciation Dinner event, expressing thankfulness for the work that the employees do for the City. Mayor Pro-Tem Parra reminded the Council of an upcoming SSJV League of California Cities Division meeting. Councilmember Darling reported on a Friends of the Fowler Library meeting.

The meeting adjourned to a closed session at 8:52 p. m. to discuss, pursuant to Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager. The meeting reconvened to open session at 9:50 p. m. with no reportable action taken.

Having no further business, Mayor Pro-Tem Parra made a motion to adjourn, seconded by Councilmember Simonian. The motion carried and the meeting adjourned at 9:51 p. m.