

**MINUTES OF THE FOWLER CITY COUNCIL MEETING  
MARCH 6, 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

The Flag Salute and Pledge of Allegiance were followed by an invocation given by Councilmember Darling. Roll call was taken. There were no public presentations.

**COMMUNICATIONS**

City Manager Elias mentioned an invitation to an EDC Real Estate Forecast event. City Clerk Davis mentioned the upcoming deadline for filing annual FPPC Statement of Economic Interests.

**PUBLIC HEARING:**

**APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW APPLICATION 11-03 FOR A MOTEL 6 PROJECT**

Planning Consultant O'Neal gave background information on the appeal of the Planning Commission's approval of a site plan review for a proposed Motel 6 project, to be located at 210 S. 10th Street. The site plan, submitted by Manu Naran of Fowler Development, LLC, was approved by the Commission at a public hearing held on January 5, 2012. Attorney Gilbert Zavala, on behalf of 10th Street resident Ernest Mata and others, appealed the decision to the City Council on January 17, 2012. The appellants requested that the Council expand the notification area for the appeal hearing. Subsequently, the Council directed that a public hearing for the appeal be set for March 6, 2012, and to expand the notification process by providing written notification to property owners within 1,000 feet of the project and sending a city-wide phone message to all residents.

Mr. O'Neal explained that the project site is located in the City's Form Based Code District where motels are permitted by right, subject to site plan approval in accordance with the Fowler Zoning Ordinance. As a result of concerns raised by nearby residents, staff has recommended additional requirements for approval, including: implementation of security measures such as security cameras and sufficient parking lot lighting; the planting of redwood trees between a required masonry wall and 10th Street to shield views of the motel from nearby properties; and implementation of private security services if calls for service exceed a certain threshold. To approve the site plan, the Council is required to make findings that the facilities and improvements, setbacks, height of buildings, parking, signs, and other items are in compliance with the zoning ordinance. He noted that the Planning Commission did not approve allowing the

use of parking on 10th Street to be considered as part of the parking requirement.

Consultant Cesar Rodriguez spoke about the proposed motel and introduced project developer Richard Barrett. A video presentation showed an example of the building elevation, which reflects a modern design prototype that will be the first to be built in California. Manu Naran, and other members of the Motel 6 development and construction team spoke of the motel's quality and design, stating that it will be well maintained and managed and will provide jobs and economic benefits to the community.

Mayor Cardenas opened the duly noticed public hearing on the matter at 7:53 p.m.

Local business owner John Shehady spoke in favor of the project.

Fowler residents Murray McManus, Andy Gonzales, Jose Rodriguez, Candida Hammond, Ernest Mata, Anna Serrano, and Sandie Monis, and Fresno resident Jamie Mata, spoke against the project. Ernest Mata circulated crime reports from Motel 6 properties located in Fresno and Tulare. It was stated that Fowler is known as a peaceful and quiet family community, but the project will bring crime, as well as parking and traffic problems on the already congested 10th Street. Concerns were expressed about the safety of children in the area.

With no further public comment, the Mayor closed the public hearing at 8:40 p.m.

The Council discussed the site plan, noting the problems expressed by the public about safety, parking and traffic impacts. It was stated that the building design and other items on the site plan do not conform to the City's Form Based Code District, and that the project assumes abandonment of a portion of Fowler Avenue that has not been approved. Mayor Pro-Tem Parra made a motion to support the appeal and deny the site plan approval. City Attorney Wolfe recommended that the Council's findings be set forth in resolution form for adoption at the next meeting. The consensus was to bring the resolution with the findings to grant the appeal and deny the site plan approval to the March 20, 2012 meeting.

The Mayor called for a five minute recess.

#### **STAFF REPORTS:**

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

No report was given.

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

Public Works Director Weisser mentioned several upcoming projects, including landscape and street lights on Merced Street from 3rd to 5th Streets, crosswalks at the Merced Street and Highway 99 intersection, and undergrounding of utilities on 7th Street. The City was recently awarded CMAQ and other funds for installation of sidewalks along Fowler Avenue from Merced to Fresno Streets, and funding for reconstruction of Adams Avenue from Main to 5th Streets.

#### **FINANCE DIRECTOR'S REPORT**

Finance Director Wong reported that the City has implemented a new telephone system.

#### **POLICE DEPARTMENT REPORT**

Chief Brand reported that there have been several incidents of vehicle burglaries and metal theft cases that they are working on. The Department is also in the process of hiring two new officers.

#### **FIRE DEPARTMENT REPORT**

Fire Chief Lopez presented a survey of the Department's assistance to Fresno County in 2011, totaling 16 calls. He will begin tracking and reporting the calls monthly.

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

City Attorney Wolfe will be attending a LAFCO meeting to discuss expiring transition agreements with the Fresno County Fire Protection District.

#### **CONSENT CALENDAR**

The Consent Calendar consisted of: A) Ratification of Warrants - March 6, 2012; B) Approve Minutes of the Fowler City Council Meeting - February 21, 2012; and C) Consider and approve staff's recommendation to reject: Claim against the City of Fowler - Corkins vs. Souza, et. al. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to approve the Consent Calendar. The motion carried by unanimous voice vote.

#### **COMMITTEE REPORTS**

No reports were given.

Having no further business, Mayor Pro-Tem Parra made a motion to adjourn, seconded by Councilmember Darling. The motion carried and the meeting adjourned at 9:52 p. m.