

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
MAY 15, 2012**

Mayor Cardenas called the meeting to order at 7:08 p.m.

Councilmembers Present: Cardenas, Darling, Parra & Simonian

City Staff Present: City Manager Elias, City Clerk Davis, Finance Director Wong, Police Chief Brand, Public Works Director Weisser, Fire Chief Lopez, City Attorney Wolfe

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 reminded the Council of the Annual Mayor's Breakfast on May 25, 2012. City Clerk Davis mentioned that the opening ceremony for the Fresno County Fruit Trail will be held at Circle K Ranch on May 24, 2012.

STAFF REPORTS:

CITY MANAGER'S REPORT

City Manager Elias said that the City has been receiving several inquiries from businesses interested in locating to Fowler. A developer is in the process of purchasing the unfinished Crestwood Estates subdivision for a new home project.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser gave a report on activities, including efforts to demolish the former Honda's Garage building for a future fire station. The annual Consumer Confidence water quality report is almost complete. The Fowler Avenue Reconstruction Project will be delayed until sewer improvements are made in the area.

FINANCE DIRECTOR'S REPORT

Finance Director Wong gave a budget summary for the fiscal year through April 2012. Sales tax appears to be rebounding with \$712,000 received year to date, much higher than the prior year. General Fund revenues are at 81 percent, and expenditures are at 73 percent, of budget.

POLICE DEPARTMENT REPORT

Chief Brand circulated a statistical report for April 2012, and mentioned an upcoming Highway Dedication Ceremony in honor of fallen Reedley Police Officer Javier Bejar.

FIRE DEPARTMENT REPORT

No report was given.

CITY ATTORNEY'S REPORT

Discussion: Securing the Blossom Trail City Trademark and Efforts to Use and Market the Trademark

City Attorney Wolfe explained that the legal firm assisting with "The Blossom Trail City" trademark application has recommended changing their proposed argument against the U. S. Patent Office's initial rejection of the mark as being primarily "geographically descriptive." The firm now recommends using an "acquired distinctiveness" argument, which they believe will be best in the event of future challenges. If the acquired distinctiveness argument is unsuccessful, they will seek registration of the mark on the Supplemental Register. Mr. Wolfe said it would be helpful for Fowler Chamber President Craig Mellon to report on the Chamber's efforts to use the mark at a future Council meeting, as it would provide an important record that can be used in the argument.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to proceed with the acquired distinctiveness argument, and as an alternative, to apply to the supplemental register. The motion carried by unanimous voice vote.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - May 15, 2012; B) Approve Minutes of the Fowler City Council Meeting - May 1, 2012 and Minutes of the Fowler City Council Acting as Successor Agency to the Fowler Redevelopment Agency Special Meeting - May 1, 2012; and C) Approve letter of support for the Intercity Passenger Rail Act of 2012 for the San Joaquin Corridor.

Councilmember Darling asked that item C be removed for separate consideration. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to approve Consent Calendar items A and B. The motion carried by unanimous voice vote.

After an explanation, Councilmember Darling made a motion, seconded by Mayor Pro-Tem Parra, to approve Consent Calendar item C. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Cardenas and Councilmember Darling expressed appreciation for the Fowler Police Officer Memorial held earlier that day. Mayor Pro-Tem Parra attended a hearing on P. G. & E.'s proposed rate reduction plan for businesses.

ADJOURNMENT

Having no further business, Councilmember Simonian made a motion, seconded by Mayor Pro-Tem Parra to adjourn. The motion carried and the meeting adjourned at 7:55 p. m.