

**MINUTES OF THE FOWLER CITY COUNCIL MEETING
JUNE 19, 2012**

Mayor Cardenas called the meeting to order at 7:02 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, Planning Consultant O'Neal, City Engineer Peters

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

PUBLIC PRESENTATIONS

Andy Gonzales of Fowler stated that downtown businesses are concerned about the lack of parking for their customers. Bergann Hernandez of Fowler spoke about damaged play structures at Panzak Park, asking that they be repaired.

Councilmember Darling gave an update on efforts to name the Fowler Post Office after longtime Postmaster Cecil Bolt. HR4389 is the name of the bill that will soon go before the U.S. legislature for approval, and was unanimously supported by Congressmen throughout California. Congressman Jim Costa will be notifying the City when the bill is passed.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO JAMES MURIETTA AND FILIBERTO JIMENEZ DE LA CRUZ

Mayor Cardenas presented Certificates of Recognition to James Murietta and Filiberto Jimenez De La Cruz for saving the lives of two Fowler children, Nathaniel and Amira Gonzales. The children were trapped in a vehicle that overturned and was submerged in a canal on May 1, 2012. Highway Patrolman Anthony Arcelus described the accident scene and the men's actions in rescuing the children from the vehicle. The Council commended Mr. Murietta and Mr. De La Cruz for their heroism.

PUBLIC HEARING: CONSIDER SITE PLAN REVIEW NO. 12-02, A PROPOSAL TO CONSTRUCT A MOTEL 6 AT 210 S. 10TH STREET

Planning Consultant O'Neal stated that the Council previously denied a site plan submitted by Fowler Development, LLC, for a Motel 6 project at 210 S. 10th Street, and directed that any subsequent site plan comply with the Form Based Code (FBC) District set forth in the Fowler Zoning Ordinance. The applicant submitted a revised site plan that was recently reviewed by the Planning Commission. The Commission preferred

the original site plan with the building located at the rear of the property, and recommended initiating a rezoning of the property so that it is not subject to the FBC. Mr. O'Neal gave an overview of the revised site plan and conditions of approval for the project. The motel has been scaled down from 81 rooms shown in the original plan, to 63 rooms. All parking will be located onsite at the rear of the building, and in conformance with the FBC, the structure will be located near the 10th Street frontage. The site plan complies with the Fowler Zoning Ordinance and FBC. He noted that 67 conditions of approval have been set forth to regulate the proposed use so as to protect the public health, safety, and general welfare. City Engineer Peters added that a recent traffic study was conducted in the area, and that a calculation of fair share costs associated with future traffic mitigation will be required of the applicant.

Cesar Rodriguez and Manu Naran, project representatives, explained details of the revised site plan. Mr. Rodriguez said that a series of community meetings were held to educate citizens about the type and quality of the project. Mr. Naran said that Motel 6 was recently acquired by the Blackstone Group, who own Hilton Worldwide, and have very strict quality requirements. The project will be the first Motel 6 in California with an interior corridor.

The Mayor opened the duly noticed public hearing on the matter at 7:55 p. m.

Fowler residents Murray McManus, Helen Rodriguez, Erlinda and Ernest Mata, Bergann Hernandez, and Tony Rodriguez, spoke against the project. Concerns about safety due to a possible increase in crime, traffic impacts, concerns related to truck parking, impacts to police services, and possible loss of home equity, were mentioned. Ernest Mata circulated copies of police reports for various local Motel 6 properties. Tim Kuckenbacker and Lou Roberts commented on the pros and cons of the project.

Resident Rich Riberich asked if the Council had the ability to not approve the project if the applicant has met all zoning and other requirements. City Attorney Wolfe replied that the project is a permissible use, and could only be denied if there were findings of significant environmental impacts. The applicant would then have the opportunity to mitigate those impacts.

Michael Berberick, Motel 6 representative, spoke to concerns expressed by the public. He said that the project would help increase nearby property values, and that the motel will not allow trucks to park in the parking lot, nor cater to truck drivers.

With no further comments, Mayor Cardenas closed the public hearing at 8:51 p. m.

The Council discussed the site plan and asked questions of the project developers. Concerns of increased traffic, truck traffic and parking, and the lack of amenities in the revised plan were mentioned. It was noted that there are several conditions of approval that the applicant must adhere to, which would ensure that there are no significant impacts.

Mayor Cardenas called for a five minute recess. The meeting then reconvened.

City Attorney Wolfe reviewed the traffic impact issue, noting that the traffic impact fee was for long-term, cumulative impacts. If the City Engineer has analyzed that there will be significant “opening day” impacts caused by the project, it would need to be addressed. City Engineer Peters gave information on opening day impacts that were analyzed in the traffic study, but it was found that the impacts would not be substantial. In the future, there will be a cumulative impact from the motel along with other development in the area, and the applicant will be required to pay fair share costs for mitigation.

Mayor Pro-Tem Parra stated that due to concerns about increased traffic, crime and noise, and that the project was too large for the property which does not allow for amenities, he would make a motion to not approve Resolution No. 2252, “A Resolution Before the City Council of the City of Fowler, County of Fresno, State of California, Approving Site Plan Review Application No. 12-02 (Fowler Development, LLC).” The motion died for the lack of a second.

Planning Consultant O’Neal stated that if the Council approves the site plan, Condition No. 43 concerning the construction of a water line, should be revised to state *10th Street from Merced Street* instead of *10th Street from Main Street*.

Councilmember Darling made a motion, seconded by Mayor Cardenas, to adopt Resolution No. 2252 with the change to Condition No. 43. Mayor Pro-Tem Parra made a motion to amend, to include a swimming pool and recreation center, and to move the project to the back of the property as in the site plan originally brought to the Council.

A discussion ensued on whether the changes could be made without going back to the Planning Commission for consideration. City Attorney Wolfe gave an analysis on the provisions of the FBC. If adherence to the FBC created an adverse impact, then the provisions of the underlying Zone District, Highway Commercial, which does not require the building to be placed near the street, could be applied. Hence, if the record supports moving the building away from the street as a mitigation measure, the Council could approve the change without referring it back to the Planning Commission. The Council discussed the placement of the building. There was no second to the amended motion. Mayor Cardenas asked for a roll call vote for the main motion. The motion carried on a 3-1-0 vote: Ayes: Cardenas, Darling and Simonian. Noes: Parra. Absent: None.

COMMUNICATIONS

City Manager Elias mentioned the upcoming SSJV League of California Citis Division meeting in Clovis. City Clerk Davis mentioned that the City’s Summer Swim Program began the prior day.

STAFF REPORTS:

ADOPTION OF RESOLUTION NO. 2251

City Engineer Peters stated that an Engineer's Report had been completed in preparation of the annual assessments for the City's landscape and storm drain maintenance district. Resolution No. 2251 initiates the proceedings and sets a public hearing for July 17, 2012 to approve the assessments.

Councilmember Darling made a motion, seconded by Mayor Pro-Tem Parra, to adopt Resolution No. 2251 "A Resolution of the City Council of the City of Fowler of Intention to Levy and Collect the Annual Assessments for Landscaping and Storm Drainage Facilities Maintenance District No. 1." The motion carried by unanimous voice vote.

DESIGNATE VOTING DELEGATE/ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to designate Mayor David Cardenas as the voting delegate, and Mayor Pro-Tem Parra as the alternate, for the business meeting to be held at the League of California Cities Annual Conference in San Diego, September 5-7, 2012. The motion carried by unanimous voice vote.

CITY MANAGER'S REPORT

City Manager Elias reported that Woodside Homes has purchased the Tract No. 5090 property near Temperance and Adams Avenues, and their subdivision project will be built in two phases.

City Manager Elias mentioned the status of a study of the base flood elevation in areas of North 7th Street. City Engineer Peters reported that the homes that were checked have been determined to be above the flood level, and he will be notifying homeowners about procedures to obtain a flood certificate that will assist them with lowering their insurance rates.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Weisser reported that staff has been working on problems with the Veterans Monument fountain and on tasks such as irrigation system repairs. He received notification that CalTrans has approved installation of crosswalks at Highway 99 and Merced Street at both the North and South on and off ramps.

FINANCE DIRECTOR'S REPORT

No report was given.

POLICE DEPARTMENT REPORT

Chief Brand attended a meeting concerning the upcoming closure of rural court branches throughout Fresno County, which will have a great impact on the cities. He is

also planning to implement an internet based crime reporting system that will help citizens report theft losses to their insurance companies.

FIRE DEPARTMENT REPORT

Fire Chief Lopez mentioned that the department was present for the fireworks events at the recent high school and middle school graduation ceremonies, and that two engines will be staffed for the upcoming 4th of July Celebration.

CITY ATTORNEY'S REPORT

City Attorney Wolfe circulated an updated Brown Act workbook.

CONSENT CALENDAR

The Consent Calendar consisted of: A) Ratification of Warrants - June 19, 2012; B) Approve Minutes of the Fowler City Council Meeting - June 5, 2012 and Special Meetings - June 5, 2012 and June 12, 2012; C) Approve Professional Services Agreement between the City of Fowler and Lozano Smith; D) Adoption of Resolution No. 2253, "A Resolution of the City Council of the City of Fowler Granting the City Manager Budgetary Authority to Continue City Operations Pending Budget Adoption for Fiscal Year 2012/2013"; and E) Approve Agreement for Professional Services with Peters Engineering for: Neighborhood Park Project. Mayor Pro-Tem Parra asked that Item E be removed.

Mayor Pro-Tem Parra made a motion, seconded by Councilmember Simonian, to approve Consent Calendar items A through D. The motion carried by unanimous voice vote.

City Manager Elias explained Item E. The City has accumulated park grant funds that have an imminent deadline for use, and the City Engineer will be working to design a jogging/walking path to utilize the funds. Mayor Pro-Tem Parra made a motion, seconded by Councilmember Darling, to approve Consent Calendar item E. The motion carried by unanimous voice vote.

COMMITTEE REPORTS

Mayor Cardenas attended a luncheon for the newly completed Fowler Unified School District Solar Project.

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 10:23 p. m.