

**CITY OF SELMA
REGULAR CITY COUNCIL MEETING
FEBRUARY 21, 2006**

The regular meeting of the Selma City Council was called to order at 7:17 p.m. in the Council chambers. Council members answering roll call were: Avalos, Derr, Niswander, Mayor Pro Tem Lujan, and Mayor Tow.

Also present were City Manager Heusser, City Attorney Hargrove, Police Chief Whiteside, Fire Chief Kestly, Public Works Director Weaver, Recreation and Community Services Director Kirchner, Finance Director Bier, Administrative Services Manager Hull, the press, and interested citizens.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

PRESENTATION TO SELMA POLICE DEPARTMENT BY CALIFORNIA WATER SERVICE: Mr. Scott Bailey, Manager of Selma's California Water Service branch, stepped forward and presented Police Officer Gilbert Cantu with a \$1,000 donation to go toward the purchase of a third police K-9. The Council thanked him and Cal Water for the donation.

CONSENT CALENDAR: Motion to approve the Consent Calendar was made by Council member Niswander and seconded by Council member Derr. Motion carried with the following vote:

AYES: Niswander, Derr, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the February 6, 2006 workshop/pre-council meeting approved as written.
- b. Minutes of the February 6, 2006 regular meeting approved as written.
- c. **RESOLUTION NO. 2006-9R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING EXECUTION OF LOCAL AGENCY-STATE AGREEMENT, PROGRAM SUPPLEMENT NO. M020 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECT NO. STPL-5096(019) COVERING THE PRELIMINARY ENGINEERING FOR THE CONSTRUCTION OF THE SELMA BRANCH CANAL BIKE PATH FROM FLORAL AVENUE TO LINCOLN MIDDLE SCHOOL. Resolution adopted by standard motion.**

- d. RESOLUTION NO. 2006-10R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING EXECUTION OF LOCAL AGENCY-STATE AGREEMENT, PROGRAM SUPPLEMENT NO. M019 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECT NO. STPL-5096(023) COVERING THE PRELIMINARY ENGINEERING FOR THE RECONSTRUCTION OF DOCKERY AVENUE FROM ROSE AVENUE TO FLORAL AVENUE. Resolution adopted by standard motion.
- e. RESOLUTION NO. 2006-11R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ADOPTING STORM DRAIN MASTER PLAN. Resolution adopted by standard motion.
- f. RESOLUTION NO. 2006-12R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA SUPPORTING AND IMPLEMENTING AB1012 "TIMELY USE OF FUNDING". Resolution adopted by standard motion.
- g. Check register dated February 15, 2006 approved by standard motion.

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE PRE-ZONING PROPERTY LOCATED ON THE NORTHEAST CORNER OF HIGHLAND AVENUE AND NEBRASKA AVENUE FROM AE-20 (AGRICULTURE EXCLUSIVE) TO r-1-7 (SINGLE FAMILY RESIDENTIAL, MINIMUM 7,000 SQUARE FOOT LOT) – SYNERGY LAND GROUP FOR DEE NEECE ESRAELIAN – PUBLIC HEARING, SECOND READING AND ADOPTION: City Manager Heusser reviewed for the Council the proposal to subdivide 16 acres into 66 R-1 single family residential lots at the northeast corner of Nebraska and Highland Avenues.

Mayor Tow opened the public hearing at 7:36 p.m. and called for testimony from anyone in favor of the project. Mr. Louis Patlan, representing the applicant, stepped forward to let the Council know that he is available to answer any questions the Council might have.

There being no one else to testify, either for or against the proposal, the public hearing was closed at 7:37 p.m.

Council member Niswander questioned the lack of green space in the project? It was reported that a green belt was not proposed because of the size of the development. She also asked about the "mix" of homes in the project? It was reported that the developer has eight different models of homes with different options for each plan. So, the actual homes will vary. She then suggested and it was the consensus of Council that all plans be verified before permits are issued to ensure that there is a "mix" of homes adjacent to each other. It was also the consensus of Council that condition number 17 be revised to reflect this change.

After discussion, motion to waive the second reading and adopt ORDINANCE NO. 2006-1, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA PRE-ZONING PROPERTY LOCATED ON THE NORTHEAST CORNER OF HIGHLAND AVENUE AND NEBRASKA AVENUE FROM AE-20 (AGRICULTURE EXCLUSIVE) TO r-1-7 (SINGLE FAMILY RESIDENTIAL, MINIMUM 7,000 SQUARE FOOT LOT) – SYNERGY LAND GROUP FOR DEE NEECE ESRAELIAN with the recommended change in condition 17 was made by Mayor Pro Tem Lujan and seconded by Council member Derr. Motion carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING ZONE CHANGE NO. 2005-0045: Motion to adopt RESOLUTION NO. 2006-13R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING ZONE CHANGE NO. 2005-0045 was made by Mayor Pro Tem Lujan and seconded by Council member Derr. Motion carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING VESTING TENTATIVE TRACT MAP NO. 5519 WITH FINDINGS WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2005-0045: Motion to adopt RESOLUTION NO. 2006-14R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING VESTING TENTATIVE TRACT MAP NO. 5519 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2005-0045 was made by Mayor Pro Tem Lujan and seconded by Council member Derr. Motion carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION INITIATING THE NORTH OF NEBRASKA/EAST OF HIGHLAND REORGANIZATION,

ANNEXATION NO. 2005-0045: Motion to adopt RESOLUTION NO. 2006-15R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA INITIATING THE NORTH OF NEBRASKA/EAST OF HIGHLAND REORGANIZATION, ANNEXATION NO. 2005-0045 was made by Mayor Pro Tem Lujan and seconded by Council member Derr. Motion carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE PRE-ZONING PROPERTY LOCATED ON THE NORTH SIDE OF ROSE AVENUE

APPROXIMATELY 1,300 FEET EAST OF COUNTRY CLUB LANE FROM AE-20 (AGRICULTURE EXCLUSIVE) TO R-1-12 (ONE FAMILY RESIDENTIAL, MINIMUM 12,000 SQUARE FOOT LOTS) – CALIFORNIA PLANNING & ENGINEERING FOR RONALD WEINGART – PUBLIC HEARING, SECOND

READING AND ADOPTION: City Manager Heusser reviewed for the Council the proposal to subdivide approximately 20 acres of land into 33 single family lots with a lot size minimum of 12,000 square feet and the history of the project. He also explained that this is Phase II of the Country Rose Estates subdivision on the north side of Rose Avenue approximately 1,300 feet east of Country Club Lane.

Mayor Tow opened the public hearing at 8:40 p.m. and called for testimony from all in favor of the project.

Mr. Shawn Day, representing the developer, and Mr. Ron Grodsky, project developer, both stepped forward to explain their proposal and answer any questions the Council may have.

There being no further testimony, the public hearing was closed at 8:43 p.m.

Discussion then occurred regarding the drainage pond for the subdivision and the proposed green belt under the high power lines.

After discussion, motion to waive the second reading and adopt ORDINANCE NO. 2006-2, PRE-ZONING PROPERTY LOCATED ON THE NORTH SIDE OF ROSE AVENUE APPROXIMATELY 1,300 FEET EAST OF COUNTRY CLUB LANE FROM AE-20 (AGRICULTURE EXCLUSIVE) TO R-1-12 (ONE FAMILY RESIDENTIAL, MINIMUM 12,000 SQUARE FOOT LOTS) – CALIFORNIA PLANNING &

ENGINEERING FOR RONALD WEINGART was made by Mayor Pro Tem Lujan, and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Lujan, Niswander, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING ZONE CHANGE NO. 2005-0006: Motion to adopt RESOLUTION NO. 2006-16R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING ZONE CHANGE NO. 2005-0006 was made by Mayor Pro Tem Lujan and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Lujan, Niswander, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING VESTING TENTATIVE TRACT MAP NO. 5601 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2005-0006: Motion to adopt RESOLUTION NO. 2006-17R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING VESTING TENTATIVE TRACT MAP NO. 5601 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2005-0006 was made by Mayor Pro Tem Lujan and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Lujan, Niswander, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION INITIATING THE ROSE/DEL REY ALIGNMENT REORGANIZATION, ANNEXATION NO. 2005-0006:

Motion to adopt RESOLUTION NO. 2006-18R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA INITIATING THE ROSE/DEL REY ALIGNMENT REORGANIZATION, ANNEXATION NO. 2005-0006 was made by Mayor Pro Tem Lujan and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Lujan, Niswander, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION MAKING DETERMINATION THAT PUBLIC CONVENIENCE/NECESSITY IS OR IS NOT SERVED BY ISSUANCE OF A TYPE 21 OFF-SALE BEER AND WINE LICENSE AT 2440 MCCALL AVENUE, SUITE A – SELMA 99 CENT AND MORE:

City Manager Heusser reviewed for the Council a request that the Selma 99 Cent and More store be allowed to sell beer and wine at their facility. He stated that because Selma has an over-saturation of outlets, the Alcoholic Beverage Control Agency requires the governing body to make a recommendation as to whether the ABC license should be issued.

Mr. Brad Bitter, property owner, stepped forward to let the Council know that he has no problem with allowing his tenant to sell beer and wine.

The Council then expressed their concerns of proximity to a school and new court facility and that the ABC census tract for alcoholic beverage licenses is maxed out.

After discussion, motion to adopt RESOLUTION NO. 2006-19R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA MAKING DETERMINATION THAT PUBLIC CONVENIENCE AND/OR NECESSITY IS NOT SERVED BY ISSUANCE OF A TYPE 21 OFF-SALE BEER AND WINE LICENSE AT 2440 MCCALL AVENUE, SUITE A - SELMA 99 CENT AND MORE STORE was made by Council member Niswander and seconded by Council member Derr. Motion carried with the following vote:

AYES: Niswander, Derr, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ACCEPTING THE SCOPE OF WORK AND AUTHORIZING REQUEST FOR BIDS FOR CONSTRUCTION OF MCCALL AVENUE STREET IMPROVEMENT PROJECT – FEDERAL AID PROJECT NO. STPL-5096(022): Public Works Director Weaver introduced Consulting Engineer Bruce Webber who reviewed for the Council the proposed project.

After questions from the Council, motion to adopt RESOLUTION NO. 2006-20R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ACCEPTING THE SCOPE OF WORK AND AUTHORIZING REQUEST FOR BIDS FOR CONSTRUCTION OF MCCALL AVENUE STREET IMPROVEMENT PROJECT – FEDERAL AID PROJECT NO. STPL-5096(022) was made by Council member Niswander and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Niswander, Lujan, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY: Motion to adopt RESOLUTION NO. 2006-21R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY was made by Council member Niswander and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Niswander, Avalos, Lujan, Tow

NOES: Derr

ABSTAIN: None

ABSENT: None

DEPARTMENTAL REPORTS: City Manager Heusser reported that the community will soon be receiving in the mail the new Selma newsletter. He also reminded everyone of the Council/staff retreat on February 27th beginning at 9:00 a.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

Don Tow
Mayor of the City of Selma

Ordinance Nos: 2006-1, 2006-2

Resolution Nos: 2006-9R, 2006-10R, 2006-11R, 2006-12R, 2006-13R, 2006-14R, 2006-15R,
2006-16R, 2006-17R, 2006-18R, 2006-19R, 2006-20R, 2006-21R