

**CITY OF SELMA
REGULAR MEETING
July 17, 2006**

The regular meeting of the Selma City Council was called to order at 7:10 p.m. in the Council chambers. Council member answering roll call were: Avalos, Derr, Niswander, Mayor Pro Tem Lujan, and Mayor Tow.

Also present were City Manager Heusser, City Attorney Hargrove, Assistant City Manager Hull, Police Chief Whiteside, Fire Chief Kestly, Public Works Director Weaver, Recreation Community Services Director Kirchner, Finance Director Bier, 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 BY BIG FRESNO FAIR REPRESENTATIVE: Ms. Aaron Ramos, representing the Big Fresno Fair, stepped forward to invite the Mayor and Council members to the opening ceremonies of the Big Fresno Fair on October 4th. She also reported that since this is Fresno County's sesquicentennial, special events have been planned and the City is invited to participate. She was then thanked for the presentation.

INTRODUCTION OF NEW CODE ENFORCEMENT OFFICER: City Manager Heusser introduced the City's new Code Enforcement Officer. Mr. Cesar Vasquez was welcomed by the Council.

ORAL COMMUNICATIONS: Ms. Monica Martinez, a Selma resident, stepped forward to report on the vicious dog problem she has had over the past few years and thank the new Code Enforcement officer for resolving the issue.

Mayor Pro Tem Lujan suggested a review of the number of dogs allowed at a residence and billing the dog owners for calls to residences.

City Manager Heusser stated that staff would research the matter and report back within the next 60 days.

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Mr. Louis Franco, 1064 Mill Street, stepped forward to thank the Wellington Group and California Water Service publicly for their donations to the Football Boosters. He reported that the donations are used for training, equipment, scholarships and proper nourishment for the players.

CONSENT CALENDAR: Mayor Pro Tem Lujan asked that agenda item 1.b. be pulled for separate consideration. Motion to approve the remainder of the Consent Calendar 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

- a. Minutes of the June 19, 2006 regular meeting approved as written.
- b. Pulled for separate consideration.
- c. Waiver of 2005-2006 Chamber of Commerce IT fees approved by standard motion.
- d. Denial of claims for damages from Amanda L. Ramirez, Nick Quintana Jr., Cameron E. Wells, and Kenya Darrick Caldwell approved by standard motion.
- e. RESOLUTION NO. 2006-52R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FISCAL YEAR 2006-2007. Resolution adopted by standard motion.
- f. RESOLUTION NO. 2006-53R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AWARDING CONTRACT FOR RECONSTRUCTION AND DRAINAGE IMPROVEMENTS OF FIRST, NORTH AND HIGH STREETS (CDBG PROJECT NO. 05-141) TO DON BERRY CONSTRUCTION. Resolution adopted by standard motion.
- g. RESOLUTION NO. 2006-54R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) MEASURE "c" EXTENSION EXPENDITURE PLAN AND SUPPORTING PLACEMENT OF THE MEASURE "C" SALES TAX EXTENSION ON THE NOVEMBER 2006M BALLOT. Resolution adopted by standard motion.
- h. Check register dated July 11, 2006 approved by standard motion.

CONSIDERATION AND NECESSARY ACTION ON DESIGNATION OF VOTING DELEGATE FOR ANNUAL LEAGUE CONFERENCE: After various questions, motion to approve the voting delegates as presented (Mayor and City Manager) 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. 5639 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2005-0151 – LINGO – CONTINUED FROM JUNE 19, 2006 – PUBLIC HEARING AND ADOPTION: City Manager Heusser reviewed for the Council the proposed project and recommendations from the Planning Commission. He also reported that Consolidated Irrigation District (CID) is requiring the developer to under-ground the adjacent canal but, because of the cost, access, and adjoining property ownership the developer does not want to accept this condition.

City Attorney Hargrove stated that the City of Selma does not currently have a formal canal under-grounding plan or policy in place. He also reported that the developer has made reasonable effort to remedy the situation by constructing an eight (8) foot wall between the homes and canal. Therefore, in his opinion, without proper findings, and a policy and/or plan in place the under-grounding should not be a requirement for the subdivision.

At this point in the meeting, both Mayor Tow and Council member Niswander reported that they feel there are adequate health and safety issues to warrant canal under-grounding.

Mayor Tow opened the public hearing at 8:07 p.m. and called for testimony from anyone in favor of the submitted project.

Mr. Ben Lingo, developer, and Mr. Charlie Brumbaugh, Counsel for the developer, stepped forward to explain their project. Mr. Ben Lingo stated that he feels the under-grounding is a public improvement, since it will not just benefit them, and that he feels it should be paid for by the public. He also stated that if the under-grounding is made a requirement it will make the project unfeasible.

There being no one else to speak in favor of the project, Mayor Tow then called for testimony from anyone in opposition.

Mr. Doug Jensen, Counsel for CID, stepped forward to report that Fresno County has recorded 295 deaths by drowning in canals. He also stated that by bringing more people into the vicinity it will increase the likelihood of problems.

City Attorney Hargrove reported that there had been no evidence presented at the Planning Commission meeting to support the under-grounding condition.

Mr. Larry Kruff, President of the CID Board of Directors, reported that they had not been told of the Planning Commission meeting in which they could present their findings, they had been told to present them to Council.

Mr. Glen Pace, representing the Wellington Corporation stepped to the podium to let the Council know that he empathizes with the developer because he is facing the same issue in his development. But, his company is working with CID to underground the canals even though it is very expensive.

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

After discussion by Council, Mayor Pro Tem Lujan moved to send the matter back to the Planning Commission because of a finding of substantial health and safety issues and to allow the Planning Commission the opportunity to review and consider CID's testimony. The motion was seconded by Council member Niswander and carried with the following vote:

AYES: Lujan, Niswander, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT AND VARIANCE NO. 2006-0051 FOR PROPERTY LOCATED AT 2305 & 2311 NEBRASKA, SUBJECT TO CONDITIONS, AND AUTHORIZING WAIVER OF REMAINDER OF FEES – JOE AND ALICE GONZALES, APPLICANTS – PUBLIC HEARING AND ADOPTION:

City Manager Heusser reviewed for the Council the proposal for a lot line adjustment on property located at 2305 & 2311 Nebraska. He explained that the applicant has requested a lot line adjustment which would require sixteen (16) points to be identified and monumented. Instead, the Planning Commission is recommending a variance thus "straightening out" the lot line. This new lot line would therefore create one lot just under the 7,000 square foot minimum. But, because this lot is in an older neighborhood where smaller lots do exist, this

would not be out of place. He also reported that the applicant is requesting a waiver of the additional fees associated with the variance.

Mayor Tow opened the public hearing and called for testimony from all in favor of the proposal.

Mr. Joe Gonzales, applicant, stepped forward to ask for approval of the variance and the waiver of the additional fees.

There being no one else to testify either for or against the proposal the public hearing was closed at 8:45 p.m.

Motion to adopt RESOLUTION NO. 2006-55R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING ENVIRONMENTAL ASSESSMENT AND VARIANCE NO. 2006-0051 FOR PROPERTY LOCATED AT 2305 & 2311 NEBRASKA, SUBJECT TO CONDITIONS, AND AUTHORIZING WAIVER OF REMAINDER OF FEES (\$1,695) was made by Council member Derr and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Derr, Lujan, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION CONFIRMING THE REPORT OF ANNUAL REFUSE COLLECTION CHARGES TO BE ADDED TO THE 2006-2007 FRESNO COUNTY PROPERTY TAX ROLL – PUBLIC HEARING AND ADOPTION: Mayor Tow opened the public hearing at 8:46 p.m. There being no one to speak for or against the proposal the public hearing was closed at 8:47 p.m. Motion to adopt RESOLUTION NO. 2006-56R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CONFIRMING THE REPORT OF ANNUAL REFUSE COLLECTION CHARGES TO BE ADDED TO THE 2006-2007 FRESNO COUNTY PROPERTY TAX ROLL 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 THE REPORT FOR THE LEVY AND COLLECTION OF THE ANNUAL ASSESSMENT FOR SERVICES RENDERED IN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA – PUBLIC HEARING AND ADOPTION: Mayor Tow opened the public hearing at 8:47 p.m. There being no one to speak for or against the proposal the public hearing was closed at 8:48 p.m.

Motion to adopt RESOLUTION NO. 2006-57R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE REPORT FOR THE LEVY AND COLLECTION OF THE ANNUAL ASSESSMENT FOR SERVICES RENDERED IN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA was made by Council member Derr and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Derr, Niswander, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION CONFIRMING THE REPORT OF THE PUBLIC WORKS DIRECTOR AS TO THE COSTS FOR REMOVAL OF WEEDS, RUBBISH, REFUSE OR DIRT TO BE ADDED TO THE 2006-2007 FRESNO COUNTY PROPERTY TAX ROLL – PUBLIC HEARING AND ADOPTION: Mayor Tow opened the public hearing at 8:49 p.m. There being no one to speak for or against the proposal the public hearing was closed at 8:50 p.m.

Motion to adopt RESOLUTION NO. 2006-58R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CONFIRMING THE REPORT OF THE PUBLIC WORKS DIRECTOR AS TO THE COSTS FOR REMOVAL OF WEEDS, RUBBISH, REFUSE OR DIRT TO BE ADDED TO THE 2006-2007 FRESNO COUNTY PROPERTY TAX ROLL was made by Council member Avalos and seconded by Council member Derr. Motion carried with the following vote:

AYES: Avalos, Derr, Niswander, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

DEPARTMENTAL REPORTS: **City Manager Heusser** reported that at this time there are no items scheduled for the first meeting in August. After discussion, it was the consensus of Council to cancel the August 7th Council meeting. City Manager Heusser also reported that because of the Labor Day Holiday and the League conference there is a conflict with the first Council meeting in September. After discussion, it was also the consensus of Council to cancel the September 5th meeting. He reported that the League division dinner/meeting would be held on August 9th in Clovis and to RSVP as soon as possible. He reported that Orange Avenue has now been paved, striped and is open to traffic. He also reported on receiving a complaint regarding the electronic reader board at Valley Life Church and stated that he will contact them.

Fire Chief Kestly reported that the illegal fireworks task force had gone very well. He also reported that a multitude of illegal fireworks had been confiscated and a few citations issued.

Police Chief Whiteside reported that the special downtown traffic enforcement detail is proceeding and numerous citations have been issued.

Recreation and Community Services Director Kirchner reported that the annual City-wide fireworks event had gone well and that the new skate-park is continuing to be monitored for helmet use.

COUNCIL REPORTS: **Council member Derr** reported on receiving a letter regarding the use of the cemetery for recreation use. It was reported that the letter has been referred to the cemetery district. He also reported on concerns with a new group calling themselves the Grove Street boys and a real estate sign located at Thompson Avenue and Nelson Boulevard.

Council member Niswander asked staff to look into placing a fence or barrier on the Second Street side of Berry Park to shield the children's play area from the road.

Mayor Pro Tem Lujan asked staff to look into a rubberized asphalt grant. He reported on receiving complaints regarding problems in Phil Carpio's neighborhood. He also reported that the new stop sign at McCall and Whitson is proving to be a surprise to many drivers.

Mayor Tow asked staff to look into making the Thompson and W. Front intersection a 4-way stop. He also asked about an animal shelter directional sign and on receiving complaints regarding animal control non-responsiveness.

ORAL COMMUNICATIONS: Mr. Scott Bailey, Branch Manager for California Water Service, stepped forward to let the Council know that because of the timing he was not able to make a formal presentation to Council regarding a proposed rate increase being filed with the PUC. But, there will be time for discussion prior to PUC consideration.

Mr. Louis Franco, 1064 Mill Street stepped forward to thank the Council for speaking with the City of Dinuba representatives and continuing to work on public safety issues.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

Don Tow
Mayor of the City of Selma

Resolution Nos: 2006-52R, 2006-53R, 2006-54R, 2006-55R, 2006-56R, 2006-57R,
2006-58R