

**CITY OF SELMA
REGULAR CITY COUNCIL MEETING
JUNE 18, 2007**

The regular meeting of the Selma City Council was called to order at 7:05 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 Costanzo, Assistant City Manager Hull, Police Chief Whiteside, Fire Chief Kestly, Public Works Director Weaver, Recreation & Community Services Director Kirchner, Finance Director Bier, Community Development Director Gaston, the press and interested citizens.

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

SPECIAL PRESENTATIONS: Police Chief Whiteside introduced the department's new Police Education Coordinator VISTA. Ms. Therese Malischke was welcomed by the Council.

ORAL COMMUNICATIONS: Mr. Tom Mills stepped forward to offer the City pre-paid legal services. Staff was directed to look into the matter.

Mr. James Pace, representing The Wellington Group, stepped forward to commend Mayor Tow for his work on the S-K-F will-serve letter issue.

CONSENT CALENDAR: Council member Derr asked that agenda items 1.a., 1.b., and 1.c. be pulled for separate consideration. Motion to approve the remainder of the Consent Calendar was made by Council member Niswander and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Niswander, Lujan, Derr, Avalos, Tow

NOES: None

ABSTAIN: None

ABSENT: None

- a. Pulled for separate consideration.
- b. Pulled for separate consideration.
- c. Pulled for separate consideration.

- d. RESOLUTION NO. 2007-28R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ADOPTING ANNUAL APPROPRIATIONS (GANN) LIMIT. Resolution adopted by standard motion.
- e. Consideration and necessary action on Memorandum of Understanding (MOU) between the California Enterprise Zone Program and the Fresno County Enterprise Zone. MOU approved by standard motion.
- f. Consideration and necessary action on Enterprise Zone Non-Disclosure Agreement. Non-Disclosure Agreement approved by standard motion.
- g. RESOLUTION NO. 2007-29R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA SUPPORTING THE \$1 BILLION STATE BUDGET ALLOCATION OF PROPOSITION 1B FUNDS TO CITIES IN 2007-2008. Resolution adopted by standard motion.
- h. Check register dated June 13, 2007 approved by standard motion.

AGENDA ITEMS 1.a., 1.b., and 1.c. – MINUTES OF THE JUNE 4, 2007 SPECIAL, WORKSHOP, AND REGULAR MEETINGS: Motion to approve the minutes of the June 4, 2007 special meeting/budget workshop, the June 4, 2007 workshop/pre-Council meeting, and the June 4, 2007 regular meeting was made by Council member Niswander and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Niswander, Lujan, Avalos, Tow

NOES: None

ABSTAIN: Derr

ABSENT: None

- a. Minutes of the June 4, 2007 special meeting/budget workshop approved by standard motion.
- b. Minutes of the June 4, 2007 workshop/pre-Council meeting approved by standard motion.
- c. Minutes of the June 4, 2007 regular meeting approved by standard motion.

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION EITHER AFFIRMING THE PLANNING COMMISSION'S DECISION OR AMENDING CERTAIN CONDITIONS OF APPROVAL AS SET BY THE PLANNING COMMISSION ON CONDITIONAL USE PERMIT NO. 2007-0023 – VALLEY LIFE CHURCH – PUBLIC HEARING AND ADOPTION: Community Development Director Gaston reviewed for the Council the appeal of certain conditions of approval imposed by the Planning Commission. He also reported that Valley Life Church is also asking for a waiver of the fees paid for the appeal.

Mayor Tow opened the public hearing at 7:30 p.m. and called for testimony from anyone in favor of the Conditions of Approval, as recommended by the Planning Commission.

Mr. John Pendergraft, Vice-Chairman of the Planning Commission, stepped forward and explained the reasons for the Planning Commission's recommendations.

After various questions, Mayor Tow then called for testimony from anyone against the proposal.

Mr. Ken Rasmussen, Pastor of Valley Life Church, stepped forward to explain the reasons for the appeal and to let the Council know that they would be very costly for the Church and that they could even keep the project from completion.

After various questions from Council, Mayor Tow closed the public hearing at 7:53 p.m.

Council member Avalos stated that many changes have occurred around the Church and that he is concerned about traffic in the area.

Mayor Pro Tem Lujan stated that he has no problem with the project as originally proposed. He stated that he feels the traffic will change and be redirected. He also stated that he has no problem with waiving the appeal fees.

Council member Niswander stated that she is concerned about the safety of the children being dropped off and picked up and that more problems usually occur as a student body increases. She stated that a temporary situation has a tendency to become permanent. She also stated that she has a problem with waiving the fees because "hard costs" have already been incurred by the City. She also stated that she feels the two old CUP's need to either be adhered to or voided and that the required fence should be wrought iron in order to match the existing fence.

City Manager Heusser then clarified the drop-off/pick-up procedure stating that it is a requirement that the younger children be escorted to and from the facility by a parent or guardian.

Council member Derr stated that the mobile units are already 15 years old and that if they are not installed and maintained properly they can look very bad. He stated that he feels the school is a business and that they should adhere to the same requirements as any other business. He also reported that school districts are requiring their mobile units to be placed at grade level so why not these and that he would like the fence to extend to the corner of the house. He also said he is against waiving the fees.

Mayor Pro Tem Lujan then moved to waive the fees, up to \$3,000; install a 4 foot high wrought iron fence to the corner of the driveway in front of the house; not abandon the two old CUP's; and allow the mobile units to be installed above grade. The motion was seconded by Mayor Tow but was denied with the following vote:

AYES: Lujan, Tow
NOES: Avalos, Derr, Niswander
ABSTAIN: None
ABSENT: None

Mayor Pro Tem Lujan then suggested breaking each item into separate motions. He first moved to allow the units to be placed above ground as long as they are handicapped accessible. The motion was seconded by Mayor Tow and carried with the following vote:

AYES: Lujan, Tow, Avalos
NOES: Derr, Niswander
ABSTAIN: None
ABSENT: None

Mayor Pro Tem Lujan then moved to retain the two old CUP's. The motion was seconded by Mayor Tow and carried with the following vote:

AYES: Lujan, Tow, Avalos
NOES: Derr, Niswander
ABSTAIN: None
ABSENT: None

Mayor Pro Tem Lujan then moved that a 4 foot high wrought iron fence be installed to the corner of the driveway in front of the house. The motion was seconded by Mayor Tow and carried with the following vote:

AYES: Lujan, Tow, Avalos, Derr

NOES: Niswander

ABSTAIN: None

ABSENT: None

Mayor Pro Tem Lujan then moved to waive the appeal and permit fees, up to \$3,000. The motion was seconded by Mayor Tow and carried with the following vote:

AYES: Lujan, Tow, Avalos

NOES: Derr, Niswander

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING TENTATIVE PARCEL MAP NO. 2006-0143 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2006-0143 – SELMA PROPELLANTS, APPLICANT – PUBLIC HEARING AND ADOPTION: Community Development Director Gaston reviewed for the Council Tentative Parcel Map 2006-0143, Selma Propellants, applicant. He reported that the project is located at Highland and Rose Avenues and includes a mini mart, gas station, restaurant, fast food establishment and retail/professional offices.

At 8:37 p.m. Mayor Tow opened the public hearing. There being no one to speak for or against the proposal the public hearing was closed at 8:38 p.m.

Motion to adopt RESOLUTION NO. 2007-31R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING TENTATIVE PARCEL MAP NO. 2006-0143 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2006-0143 – SELMA PROPELLANTS, APPLICANT 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 APPROVING DENSITY BONUS, SITE PLAN AND ENVIRONMENTAL ASSESSMENT NO. 2007-0050 SUBJECT TO SPECIFIC FINDINGS FOR APPROVAL – AMCAL MULTI-FAMILY HOUSING – PUBLIC HEARING AND ADOPTION: Community

Development Director Gaston reviewed for the Council the proposal to build an affordable rental housing complex on an infill parcel located between Chandler and Wright Streets and North of Stillman Street. He reported that the project has a guaranteed low income affordability of 55 years. He also reported that the applicant, AMCAL Multi-Housing, Inc., has also requested a density bonus of 19% on the project. He then reviewed the Planning Commission's recommendations on the project and stated that the applicant is requesting a Site Plan expiration extension of 6 months in order to comply with State of California time frames and a 6 foot wrought iron fence or masonry wall with no pilaster columns instead of the recommended 7 foot wall.

Council member Lujan asked if there would be a monument entry into the project and if the wall could be treated with anti-graffiti paint? It was reported that a nice entry sign is being planned and that the wall would be treated with an anti-graffiti substance.

At 9:03 p.m. Mayor Tow opened the public hearing and called for testimony from anyone in favor of the project.

Mr. Tom Davis, 4545 N. West, Fresno, and project applicant, stepped forward and asked for approval of the project. He then presented Mr. Scott Vincent, 1500 W. Shaw and engineer on the project, who stepped forward to explain the reasons for their requests.

There being no one to speak in opposition to the project the public hearing was closed at 9:16 p.m.

City Manager Heusser reported that it is staff's recommendation that the extension be granted for an additional full year instead of the requested six months.

After discussion, motion to adopt RESOLUTION NO. 2007-32R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING DENSITY BONUS, SITE PLAN AND ENVIRONMENTAL ASSESSMENT NO. 2007-0050 SUBJECT TO SPECIFIC FINDINGS FOR APPROVAL with an addendum stipulating the 55 year low-

income guarantee, an additional one year Site Plan extension, and keeping the 7 foot wall with the ornamental barrier was made by Council member Avalos and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Avalos, Lujan, Derr, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ADOPTING THE 2007-2008 FISCAL YEAR BUDGET FOR THE CITY OF SELMA – PUBLIC HEARING AND ADOPTION:

Mayor Tow opened the public hearing at 9:19 p.m. There being no one to speak for or against the proposed budget the public hearing was closed at 9:20 p.m.

Motion to adopt RESOLUTION NO. 2007-33R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ADOPTING THE 2007-2008 FISCAL YEAR BUDGET FOR THE CITY OF SELMA was made by Council member Avalos and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Avalos, Lujan, Derr, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING PROGRAM AGREEMENT NO. 1 (PA1) FOR COMMUNITY CHOICE

AGGREGATION AND AUTHORIZING THE EXECUTION THEREOF: City Manager Heusser reviewed for the Council the status of the Community Choice Aggregation project and stated that tonight's action would be the final step needed in order to become a member of the San Joaquin Valley Power Authority.

Mr. John Nelson, representing PG & E, stepped forward and presented various statistics regarding Community Choice Aggregation.

After various questions and comments by Council, Council member Niswander moved to adopt RESOLUTION NO. 2007-34R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING PROGRAM AGREEMENT NO. 1 (PA1) FOR

COMMUNITY CHOICE AGGREGATION AND AUTHORIZING THE EXECUTION THEREOF. Motion was seconded by Council member Derr and carried with the following vote:

AYES: Niswander, Derr, Tow

NOES: Avalos, Lujan

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENT FOR

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE

CITY OF SELMA: Motion to adopt RESOLUTION NO. 2007-35R, A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF SELMA INITIATING PROCEEDINGS

FOR THE ANNUAL LEVY OF ASSESSMENT FOR LANDSCAPING AND

LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA 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 OF

INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE

CITY OF SELMA: Motion to adopt RESOLUTION NO. 2007-36R, A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING INTENTION TO

LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LANDSCAPING AND

LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA 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

DEPARTMENTAL REPORTS: City Manager Heusser asked about having a joint City Council/Planning Commission meeting prior to the special Council meeting on June 25th. After discussion he reported that he would check with the Planning Commission members regarding their availability. He also reported that the next City Council meeting is scheduled during a holiday week and asked the Council's wishes regarding the meeting. After discussion, it was the consensus of Council to cancel the July 2, 2007 meeting.

Community Services Director Kirchner reported that the gates will open at 6:00 p.m. for the annual fireworks show.

COUNCIL REPORTS: Council member Avalos reported on attending a very positive 5 Cities meeting in which Sphere of Influences and S-K-F sewer capacities were discussed.

Council member Derr reported on attending the Police Academy Graduation.

Council member Niswander thanked the Finance Department for their hard work on the budget.

Mayor Tow asked staff to look into the continuation of the property clean-up at Thompson and W. Front Streets.

ORAL COMMUNICATIONS: Mr. Clyde Peterson stepped to the podium to ask that something be done about the speed problem on McCall Avenue. The Police Chief reported that he would look into the matter.

RECESS: At 10:24 p.m. Mayor Tow recessed the meeting to a meeting of the Selma Redevelopment Agency. The meeting reconvened at 10:30 p.m.

RECESS: At 10:31 p.m. the meeting recessed into Executive Session to discuss the appointment of a City Attorney and potential litigation. The meeting reconvened at 11:16 p.m. with no action to be declared in the open session of the meeting.

ADJOURNMENT: There being no further business the meeting was adjourned at 11:17 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

Don Tow
Mayor of the City of Selma

Resolution Nos: 2007-28R, 2007-29R, 2007-30R, 2007-31R, 2007-32R, 2007-33R,
2007-34R, 2007-35R, 2007-36R