

**CITY OF SELMA
REGULAR CITY COUNCIL MEETING
August 5, 2013**

The regular meeting of the Selma City Council was called to order at 6:05 p.m. in the Council Chambers. Council members answering roll call were Avalos, Derr, Robertson, Mayor Pro Tem Rodriguez and Mayor Grey.

Also present were City Manager Heusser, City Attorney Costanzo, Financial Consultant Yribarren, Fire Chief Kain, Police Chief Garner, 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.

ORAL COMMUNICATIONS: Ms. Hope Rivera stepped forward to discuss the issue of her fence variance. City Manager Heusser reported that the fence variance would be on the next regular agenda.

CONSENT CALENDAR: Council Member Robertson requested that items 1.f. and 1.j. be pulled for separate discussion. Motion to approve the remainder of the Consent Calendar as read was made by Council member Derr, and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Derr, Rodriguez, Avalos, Robertson, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the June 25, 2013 special workshop/pre-Council meeting approved as written.
- b. Minutes of the June 25, 2013 special meeting approved as written.
- c. Minutes of the July 1, 2013 regular meeting approved as written.
- d. Minutes of the July 22, 2013 special meeting approved as written.
- e. RESOLUTION NO. 2013-35R, 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 FOR FISCAL YEAR 2013-2014. Resolution approved by standard motion.
- f. Pulled for separate consideration.
- g. RESOLUTION NO. 37R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE AGREEMENT FOR THE CDBG PROJECT FOR FISCAL YEAR 2013. Resolution approved by standard motion.
- h. Mutual Aid Agreement between the Secretary of the Air Force and the Selma Fire Department. Agreement approved by standard motion.

- i. RESOLUTION NO. 38R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA SUPPORTING DEVELOPER RIGHTS TO EXPLORE THE USE OF ALTERNATIVE FACILITIES. Resolution approved by standard motion.
- j. Pulled for separate consideration.

AGENDA ITEMS 1.f. – CONSIDERATION AND NECESSARY ACTION ON AUTHORIZATION FOR CITY MANAGER TO FILE APPLICATION/EXECUTE PROGRAM FOR SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) PUBLIC BENEFIT NEW ALTERNATIVE FUEL VEHICLE PURCHASE PROGRAM GRANT: Council member Robertson inquired if the City was required to match any funding. It was stated that the grant would be for \$20,000 and that the intent would be to purchase an alternative fuel vehicle for the amount of the grant.

Motion was then made by Council member Robertson to approve RESOLUTION NO. 2013 – 36R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING CITY MANAGER TO SUBMIT APPLICATION/IMPLEMENT PROJECT FOR SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) PUBLIC BENEFIT NEW ALTERNATIVE FUEL VEHICLE PURCHASE PROGRAM GRANT and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Robertson, Avalos, Derr, Rodriguez, Grey
NOES: None
ABSTAIN: None
ABSENT: None

AGENDA ITEMS 1.j. – CONSIDERATION AND NECESSARY ACTION ON CHECK REGISTER DATED JULY 30, 2013: After discussion, motion to approve Check Register dated July 30, 2013 was made by Council member Robertson, and seconded by Council member Derr. Motion carried with the following vote:

AYES: Robertson, Derr, Avalos, Rodriguez, Grey
NOES: None
ABSTAIN: None
ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTIONS DECLARING REAL PROPERTIES TO BE PUBLIC NUISANCES, AUTHORIZING ISSUANCE OF ABATEMENT NOTICES—public hearing and approval: Mayor Pro Tem Rodriguez asked for legal interpretation from City Attorney Costanzo regarding a possible conflict of interest that he might have. After reviewing the issue, City Attorney Costanzo determined that it

could be a potential conflict.

Mayor Pro Tem Rodriguez then recused himself from the discussion and left the Council Chambers due to a conflict of interest.

City Manager Heusser reported on the two properties, and gave a power point presentation showing pictures of the houses.

After discussion, Mayor Grey opened the public hearing at 6:20 p.m.

Mr. Mike Woods, Ms. Lola White, Mr. Stanley Riggs, Ms. Carolyn Harris, Mr. Cliff Paige, all stepped forward to the podium and spoke in favor of the abatement on 2829 Olive Street.

Mr. Richard Barron, 12606 S. Highland, came to to the podium regarding 2332 Sylvia Street, to inform Council that he had recently took over the property. He asked Council for time to bring the property up to code, and stated that he plans to live there.

Ms. Crystal Puckett, 2829 Olive Street property owner, stepped forward to apologize for the condition of the property and stated that she would attempt to get this issue resolved but would require an extension.

There being no further testimony, Mayor Grey closed the public hearing at 6:29 p.m.

After further discussion, motion was made to approve RESOLUTION NO. 2013-39R A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING THE BUILDING LOCATED AT 2829 OLIVE STREET A NUISANCE AND ORDERING THE PROPERTY OWNER TO ABATE THE NUISANCE & RESOLUTION NO. 2013-40R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING THE BUILDING LOCATED AT 2332 SYLVIA STREET A NUISANCE AND ORDERING THE PROPERTY OWNER TO ABATE THE NUISANCE & to authorize the City Manager discretion on continuing the process to raze the properties or giving the owners an extension if they demonstrate sufficient progress by Council member Robertson, and seconded by Council member Derr. Motion carried with the following vote:

AYES: Robertson, Derr, Avalos, Grey

NOES: None

ABSTAIN: Rodriguez *recuse

ABSENT: None

At this point in the meeting, Mayor Pro Tem Rodriguez returned to his seat in the Council Chambers.

CONSIDERATION AND NECESSARY ACTIONS FOR THE SELMA CROSSINGS COMMERCIAL PROJECT AND THE ENTITLEMENTS NEEDED TO ANNEX INTO THE CITY APPROXIMATELY ± 288 ACRES TO BE DEVELOPED

COMMERCIALLY public hearing and approval: City Manager Heusser gave an overview of the project to Council, and gave a description of the items that Council is being asked to consider. He then introduced Mr. Dirk Poeschell, a consultant for the Selma Crossings project.

Mr. Dirk Poeschell stepped forward and provided an in depth report on the project, and stated that the project would be phased into development over a 15-year timeline. He then introduced Mr. Dave Mitchell, the EIR consultant for the Selma Crossings Project.

Mr. Dave Mitchell, Senior Project Manager for Michael Brandman Associates stepped forward to give a PowerPoint presentation on the project.

At 7:04 p.m., Mayor Grey opened the public hearing and called for testimony on the issue.

Ms. Diane Yensen representing Nelson Properties stepped forward to inquire on the proposed tenant for the auto dealership.

Mr. Phil Desetoff, Branch Manager of CID stepped forward to remind Council of the agreement between CID and the City of Selma, voiced concerns regarding the EIR, and requested a copy of the minutes of the meeting.

Mr. P. Scott Brown, Special Counsel for CID, stepped forward to discuss several flaws on the EIR, and provided them to Council in writing.

Mr. Danny Wright, representing Fresno-Madera Building Trades Plumbing, stepped forward in support of the project and the job opportunities that it will provide.

Mr. Scott Welch, representing the Fresno Area Construction Team, stepped forward in support of Selma Crossings.

Mr. Michael Lopez, representing the Sheet Metal Workers Union, came forward in support of the project.

Mr. Josh Matson and Mr. Seth Hudler also stepped forward to the podium in favor of the project and stated that it would provide much-needed jobs for the area.

Mr. Larry Cruff, CID Board President, came forward to inquire on the developer agreement with the City of Selma.

Ms. Diane Yensen representing Nelson Properties asked for clarification on the auto mall proposed use and the anchor tenants, and inquired on future hearings regarding the proposed tenants.

There being no further testimony, Mayor Grey closed the public hearing portion of the meeting at 7:27 p.m., and at the request of the City Attorney, Mayor Grey recessed the meeting at 7:28 p.m., in order to review the letter received from Mr. Brown.

The meeting reconvened at 7:41p.m., with City Attorney Costanzo reporting that he had reviewed the letter from Mr. Brown, and stated that the EIR Consultant had also reviewed the document. He then asked Mr. Dave Mitchell to step forward to comment on the issue.

Mr. Dave Mitchell stepped forward and stated that after reviewing the letter from Mr. Brown, he found nothing that would change the EIR document, and that the EIR conclusion is still correct.

At this point in the meeting, further discussion occurred regarding the status of the CID agreement and the City of Selma, the EIR document and the comments from CID.

Mr. Phil Desetoff asked Council to place the item on hold and continue the matter in order to resolve the concerns on the EIR.

Mayor Grey asked the applicant to step forward and comment on the timeline for the project.

Mr. Timothy Jones, the applicant, stepped forward at the request of Mayor Grey, to answer questions regarding the time limitations and constraints for the project. He asked that CID review the tolling agreement that was previously sent to them. He then asked that Council vote on the matter.

After much discussion regarding the California Public Utilities Commission (CPUC) process, and the EIR concerns, Council member Avalos motioned to continue agenda items 3.a. thru 3.e. Council member Derr then seconded the motion. Motion carried with the following vote:

AYES: Avalos, Derr, Robertson, Grey
NOES: Rodriguez
ABSTAIN: None
ABSENT: None

Mayor Pro Tem Rodriguez then motioned to introduce and waive the first reading of the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING TITLE XI CHAPTER 2, SECTION 2 OF THE SELMA MUNICIPAL CODE (ZONE BOUNDARY MAP). Council member Robertson seconded the motion, and the motion carried with the following vote:

AYES: Rodriguez, Robertson, Avalos, Derr, Grey
NOES: None
ABSTAIN: None
ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON DESIGNATION OF VOTING DELEGATE FOR LEAGUE CONFERENCE: Discussion regarding the choices for the League delegates occurred and City Manager Heusser and Council member Avalos were chosen with Council member Avalos being the alternate.

Mayor Pro Tem Rodriguez motioned and Council member Robertson seconded the designations. Motion carried with the following vote:

AYES: Rodriguez, Robertson, Avalos, Derr, Grey

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON SUPPLEMENTAL RESOLUTION ORDERING THAT MEASURE INCREASING THE TRANSIENT OCCUPANCY TAX BE SUBMITTED TO THE VOTERS OF THE CITY ON

NOVEMBER 5, 2013, UNIFORM DISTRICT ELECTION: City Attorney Costanzo reviewed the resolution for Council, and stated the County Elections Office has asked for some clarification in writing, and tonight's action is accommodating the request for clarification.

Motion to approve RESOLUTION NO. 2013-41R, A SUPPLEMENTAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ORDERING THAT A MEASURE INCREASING THE TRANSIENT OCCUPANCY TAX BE SUBMITTED TO THE VOTERS FO THE CITY ON NOVEMBER 5, 2013, UNIFORM DISTRICT ELECTION was made by Council member Avalos, and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Avalos, Rodriguez, Derr, Robertson, Grey

NOES: None

ABSTAIN: None

ABSENT: None

ORAL COMMUNICATIONS: Mayor Grey asked that Oral Communications be heard prior to departmental reports.

Mr. Andrew Renteria, Field Representative for Congressman David Valadao, stepped forward to invite everyone to a Community Coffee event that Congressman Valadao would be hosting.

DEPARTMENTAL REPORTS: City Manager congratulated Ken and Marla Grey for receiving the Fresno Arts Council Horizon Award. He also invited everyone to the Friday Concerts in the Park.

Police Chief Garner invited Council to the upcoming National Night Out event at Berry Park. He then reported on the drop in crime rate in Selma.

COUNCIL REPORTS: Council member Avalos reported on attending an event for the new Fresno State Chancellor. He also thanked Police Chief Garner on the good job he had been doing.

Council member Derr commented on the beautification along the freeway near Selma.

Mayor Pro Tem Rodriguez encouraged everyone to vote in the upcoming election.

Council member Robertson invited everyone to an upcoming event at Pioneer Village, and that all proceeds will be going to the animal shelter.

Mayor Grey reported on the Mariachi Festival's 10th anniversary, and gave a progress report on the Art Center.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

Kenneth Grey
Mayor of the City of Selma