

**CITY OF SELMA  
WORKSHOP/PRE-COUNCIL MEETING  
September 15, 2014**

The Workshop/pre-Council meeting of the Selma City Council was called to order at 4:15 p.m. in the Council chambers. Council members answering roll call were: Derr, Robertson, and Mayor Pro Tem Rodriguez. Council member Avalos arrived at 5:18 p.m.

Also present were City Manager Grey, City Attorney Costanzo, Financial Consultant Yribarren, 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.

**EXECUTIVE SESSION:** Mayor Pro Tem Rodriguez recessed the meeting into Executive Session at 4:17p.m., to discuss the following items: Public Employment of the Police Department; Labor Negotiation Conference for the Selma Police Officers Association, Public Works, Safety Mid-Management, Mid-Management, Secretarial Clerical Technical Association; and a second labor negotiation conference with agency negotiator City Manager Grey to discuss **all** employee organizations.

The meeting reconvened at 5:16 p.m., with City Manager Grey discussing various Capital Improvement Projects that are needed. After much discussion on projects, a sixty-day timeline to assess costs for the various projects was initiated.

**ADJOURNMENT:** There being no further business, the meeting adjourned at 6:04 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

---

George Rodriguez  
Mayor Pro Tem of the City of Selma

**CITY OF SELMA  
REGULAR COUNCIL MEETING  
September 15, 2014**

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

Also present were City Manager Grey, City Attorney Costanzo, Community Services Director Kirchner, Financial Consultant Yribarren, 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.

**INVOCATION:** Selma Police Officer/Chaplain Lance Pearce led the Invocation.

**ORAL COMMUNICATIONS:** Ms. Romelia Castillo, Mr. Moses Ibarra, Mr. Frank Nunez, Mr. Al Gonzalez, all stepped forward and asked for support on the proposed Vietnam Veterans Wall that will be placed in Dinuba, California.

Mr. Scott Bailey, stepped forward and stated that the Selma American Legion Post 12 would be supporting the project.

**ADDITION TO THE AGENDA:** City Attorney Costanzo reported that as a result of the closed session, Council has approved five different employee group agreements for this fiscal year and stated that it would be appropriate to add to the agenda the five Resolutions which adopt the memorandum of understandings.

Motion to add the five agenda items to the consent calendar was made by Council member Robertson and seconded by Council member Derr. Motion carried with the following vote:

AYES: Robertson, Derr, Avalos, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: None

**CONSENT CALENDAR:** Mayor Pro Tem Rodriguez requested that agenda items 1.c. and 1.d. be pulled for separate consideration. Council member Derr requested that agenda item 1.g. be pulled for separate discussion, and Council member Robertson requested that item 1.h. be pulled. Motion to approve the remainder of the Consent Calendar was made by Council member Derr and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Derr, Avalos, Robertson, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the September 2, 2014 regular meeting approved by standard motion.
- b. Denial of Claim–Luis Romero claimant. Claim denied by standard motion.
- c. Pulled for separate discussion.
- d. Pulled for separate discussion.
- e. Rejection of Late Claim–Andres Cruz claimant. Claim rejected by standard motion.
- f. Relocation of the Fire Department Administration and training facilities to the City of Selma Annex Building, approved by standard motion.
- g. Pulled for separate discussion.
- h. Pulled for separate discussion.
- i. Check register dated September 10, 2014, approved by standard motion.
- j. RESOLUTION NO. 2014-39R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF SELMA AND THE SELMA POLICE OFFICERS ASSOCIATION (SPOA) AND DIRECTING ITS EXECUTION. Resolution approved by standard motion.
- k. RESOLUTION NO. 2014-40R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF SELMA AND THE SECRETARIAL CLERICAL TECHNICAL ASSOCIATION (STCA) AND DIRECTING ITS EXECUTION. Resolution approved by standard motion.
- l. RESOLUTION NO. 2014-41R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF SELMA AND THE PUBLIC WORKS EMPLOYEES UNIT AND DIRECTING ITS EXECUTION. Resolution approved by standard motion.
- m. RESOLUTION NO. 2014-42R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF SELMA AND

THE MISCELLANEOUS MID-MANAGEMENT EMPLOYEE UNIT AND DIRECTING ITS EXECUTION. Resolution approved by standard motion.

- n. RESOLUTION NO. 2014-43R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF SELMA AND THE SAFETY MID-MANAGEMENT EMPLOYEE UNIT AND DIRECTING ITS EXECUTION. Resolution approved by standard motion.

**AGENDA ITEM 1.c. CONSIDERATION AND NECESSARY ACTION ON DENIAL OF CLAIM – PATRICIA ALVARADO CLAIMANT & AGENDA ITEM 1.d. CONSIDERATION AND NECESSARY ACTION ON DENIAL OF CLAIM –**

**CARMEN HILL CLAIMANT**: After discussion, motion to deny both claims was made by Mayor Pro Tem Rodriguez and seconded by Council member Derr. Motion carried with the following vote:

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

**AGENDA ITEM 1.g. CONSIDERATION AND NECESSARY ACTION ON AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT TO IMPROVE RESPONSE TIMES TO SCHOOL RELATED CRITICAL INCIDENTS THROUGH THE USE OF “COPSYNC 911” ALERT SYSTEM**: After discussion,

motion to approve and authorize the City Manager to execute agreements to improve response times to school related critical incidents through the use of “COPSYNC 911” Alert System was made by Council member Derr and seconded by Council member Robertson. Motion carried with the following vote:

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

**AGENDA ITEM 1.h. CONSIDERATION AND NECESSARY ACTION ON AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH SELMA UNIFIED SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE**

**OFFICERS**: After discussion, motion to authorize the City Manager to enter into contract with Selma Unified School District to provide School Resource Officers was made by Council member Robertson and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Robertson, Avalos, Derr, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION TO REVIEW AND APPROVE  
FRESNO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM APPLICATION PACKAGE FOR FUNDING YEAR 2015/2016- public**

**hearing:** City Manager Grey reviewed the proposed project that consists of the purchase of land for groundwater recharge basin.

Mayor Pro Tem Rodriguez opened the public hearing at 6:32 p.m., there being no public testimony the hearing was closed at 6:33 p.m. After discussion, motion to adopt RESOLUTION NO. 2014 – 44R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT FOR FISCAL YEAR 2015/2016 was made by Council member Derr and seconded by Council member Robertson. Motion carried by the following vote:

AYES: Derr, Robertson, Avalos, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON PUBLIC HEARING TO  
RECEIVE COMMUNITY INPUT AND RECOMMENDATIONS FOR USE OF  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT  
PARTNERSHIPS (HOME), AND EMERGENCY SHELTER GRANT (ESG)  
PROGRAM FUNDS AS PART OF THE COUNTY OF FRESNO'S PREPARATION  
FOR SUBMITTAL TO U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT OF THE 2015-19 CONSOLIDATED PLAN – public hearing:**

City Manager Grey introduced Christie Johnston, Jared Nimer and Jean Marchand all representing Fresno County Community Development departments who stepped forward to discuss the various programs that are available for the City of Selma.

Mayor Pro Tem Rodriguez opened the public hearing at 6:41 p.m. Questions regarding down payment assistance programs, expansion of targeted areas, housing rehabilitations, and increased funding were discussed.

After discussion, the Fresno County Community Development department staff were thanked for the information.

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SECOND AMENDMENT TO AGREEMENT BETWEEN CITY OF SELMA AND CONSOLIDATED IRRIGATION DISTRICT (CID):**

City Attorney Costanzo explained the amendment to Council. After discussion, motion to approve RESOLUTION NO. 2014-45R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AND AUTHORIZING EXECUTION OF SECOND AMENDMENT TO COOPERATIVE AGREEMENT BETWEEN CONSOLIDATED IRRIGATION DISTRICT (CID) AND THE CITY OF SELMA was made by Council member Derr and seconded by Council member Avalos. Motion carried by the following vote:

AYES: Derr, Avalos, Robertson, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTION 4 OF CHAPTER 4 OF TITLE XII OF THE SELMA MUNICIPAL CODE ENTITLED GROUNDWATER OVERDRAFT MITIGATION FEES- intro and first reading:**

City Attorney Costanzo explained the Ordinance amendment for Council.

After discussion, motion to introduce and waive the first reading of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTION 4 OF CHAPTER 4 OF TITLE XII OF THE SELMA MUNICIPAL CODE ENTITLED GROUNDWATER OVERDRAFT MITIGATION FEES was made by Council member Robertson and seconded by Council member Avalos. Motion carried by the following vote:

AYES: Robertson, Avalos, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: Derr

**CONSIDERATION AND NECESSARY ACTION ON CONTRACT WITH REVENUE & COST SPECIALISTS, LLC FOR DEVELOPMENT IMPACT STUDY/UPDATE:**

City Manager Grey reviewed the contract for Council and stated that the cost of the study would be a development impact fund expenditure.

After discussion motion to approve and authorize the City Manager to execute the contract with Revenue & Cost Specialists LLC for development impact study update was made by Council member Derr and seconded by Council member Robertson. Motion carried by the following vote:

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

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ACCEPTING PROPOSAL OF GATEWAY ENGINEERING INC. FOR PRELIMINARY SEWER DESIGN AND COST ESTIMATE FOR CONSTRUCTION OF TRUNK SEWER MAIN TO SERVE FUTURE DEVELOPMENT NORTH OF DINUBA AVENUE:**

After much discussion, motion to approve RESOLUTION NO. 2014-46R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AND AUTHORIZING ACCEPTANCE OF A PROPOSAL FOR THE PREPARATION OF PRELIMINARY DESIGN OF SEWER MAINS AND ESTIMATES OF PROBABLE CONSTRUCTION COSTS was made by Council member Robertson and seconded by Council member Avalos. Motion carried by the following vote:

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

**DEPARTMENTAL REPORTS:** Fire Chief Kain updated Council on the fire crews dispatched to the various wildfires.

City Manager Grey updated Council on the recent hiring of two Arts Council Foundation employees.

**COUNCIL REPORTS:** Council member Avalos inquired on a recent sport incident and the ambulance response time. Fire Chief Kain was instructed to follow-up on the incident.

Council member Derr reported on a recent S-K-F board meeting and attending the Mariachi Festival and Tour de Fresno.

Council member Robertson reported on attending the Mariachi Festival and updated everyone on the upcoming events at the Arts Center.

Mayor Pro Tem Rodriguez thanked the Second Chance Animal Shelter for their hard work. He also inquired about the upcoming candidate forum.

**ORAL COMMUNICATIONS:** Mr. Karnail Sindher reminded everyone on the upcoming Selma Cancer Walk.

Ms. Yvette Montijo stepped forward and inquired on the issue regarding the sewer main.

Mr. Scott Bailey stepped forward to inform Council on the upcoming correspondence from California Water Service.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

---

George Rodriguez  
Mayor Pro Tem of the City of Selma



**CITY MANAGER'S/STAFF'S REPORT  
REGULAR CITY COUNCIL MEETING DATE:**

October 6, 2014

---

---

**ITEM NO:**

I.C.

**SUBJECT:**

Upper Kings Basin Integrated Regional Water Management  
Authority Representative/Alternates to Board

---

---

**DISCUSSION:**

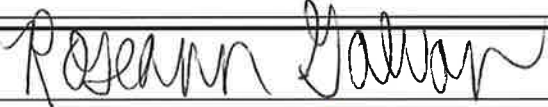
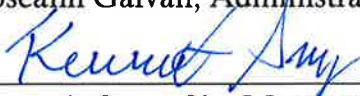
The City of Selma is a member of the Upper Kings Basin Integrated Regional Water Management Authority. The representatives that are designated to attend the Board meetings include the Mayor (representative), City Manager (alternate) and Administrative Analyst (alternate). Meetings are held quarterly.

There has been discussion to increase the number of alternates to include the Mayor Pro Tem and three Council Members. This would assure that a representative from Selma was always in attendance at the meetings.

The representative shall be selected by the Mayor, or in the case of the current City Council, the Mayor Pro Tem.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
N/A		No budget impact.
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: N/A  Fund Balance:		N/A

**RECOMMENDATION:** Take action to approve additions to alternates to Upper Kings Basin Integrated Regional Water Management Authority Board to include the Mayor Pro Tem and three City Council members in addition to the existing representatives.

	September 22, 2014
Roseann Galvan, Administrative Analyst	Date
	10/1/2014
Kenneth Grey, City Manager	Date

**CITY MANAGER'S/STAFF'S REPORT  
REGULAR CITY COUNCIL MEETING DATE:**

October 6, 2014

---

---

**ITEM NO:**

1. d.

**SUBJECT:**

**Consideration And Necessary Action on Resolution  
Approving Appropriations for the State of California  
Citizens Option for Public Safety (COPS) 2014-15 Grant**

---

---


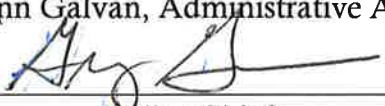

**DISCUSSION:**

The City of Selma has received funds from the State of California since 1997 through legislation enacted under Assembly bill 3229 – the Citizens Option for Public Safety (COPS). In 2000, the State Legislature passed Assembly Bill 1913 that increased funding to include a minimum of \$100,000 for each Police Department in the state. The Selma Police Department will receive \$106,230 this year. Total funding includes \$93,094 which will be utilized for an existing front line sworn police officer salary and related expenses, \$8,706 for law enforcement equipment and \$4,430 in overtime personnel expense that will be used for special operations.

Senate bill 1023 was passed in 2012 which changes the requirements for the program. The City of Selma is no longer required to hold a public hearing. A written request to appropriate monies for frontline law enforcement services still needs to be presented for approval to the City Council.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
n/a		NONE
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: n/a  Fund Balance:		NONE

**RECOMMENDATION:** Approve the resolution/expenditure plan for the 2014-15 State COPS Grant.

	9/23/2014
Roseann Galvan, Administrative Analyst	Date
	10/1/14
Greg Garner, Police Chief	Date
	10/1/2014
Kenneth Grey, City Manager	Date

**RESOLUTION NO. 2014-\_\_\_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SELMA APPROVING APPROPRIATIONS FOR THE STATE OF  
CALIFORNIA CITIZENS OPTION FOR PUBLIC SAFETY (COPS) GRANT**

WHEREAS, the City of Selma has received funds from the State of California since 1997 through various pieces of legislation; and

WHEREAS, it is estimated that the City of Selma will receive \$106,230 during fiscal year 2014-15 that will include \$93,094 which will be utilized for a current front line sworn police officer salary and related expenses, \$8,706 for law enforcement equipment and \$4,430 in overtime personnel expense that will be used for special operations.

WHEREAS, the Selma Police Department has utilized the funds in past years to fund salaries and equipment which were not available with budgeted funds; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Selma hereby authorizes participation in the 2014-15 State of California Citizens Option for Public Safety (COPS) grant program.

The foregoing resolution was duly approved and adopted by the City Council of the City of Selma at a regular meeting held on the 6th day of October, 2014, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

---

George Rodriguez  
Mayor Pro Tem of the City of Selma

ATTEST:

---

Reyna Rivera  
City Clerk

**CITY MANAGER'S/STAFF'S REPORT  
CITY COUNCIL MEETING:**

October 6, 2014

---

---

**ITEM NO:**

1.e.

**SUBJECT:** Consideration and necessary action on Resolution in opposition of Proposition 47 on the November 2014 Ballot.

---

---

**BACKGROUND** On June 26, 2014 Proposition 47 "Reduced Penalties for Some Crimes" was certified for the November 4, 2014 ballot after supporters for the proposition acquired the required amount of signatures. If approved, this initiative would reduce the classification of most "non-serious and nonviolent property and drug crimes" from a felony to a misdemeanor. In essence this proposition, would require misdemeanor sentencing instead of felony for Shoplifting, where the value of property stolen does not exceed \$950, Grand theft, where the value of the stolen property does not exceed \$950, Receiving stolen property, where the value of the property does not exceed \$950, Forgery, where the value of forged check, bond or bill does not exceed \$950, Writing a bad check, where the value of the check does not exceed \$950, and Personal use of most illegal drugs.

Specifically the initiative would:

- Mandate misdemeanors instead of felonies for "non-serious, nonviolent crimes," unless the defendant has prior convictions for murder, rape, certain sex offenses or certain gun crimes. A list of crimes that would be affected by the penalty reduction is listed below.
- Permit re-sentencing for anyone currently serving a prison sentence for any of the offenses that the initiative reduces to misdemeanors. About 10,000 inmates would be eligible for resentencing, according to Lenore Anderson of Californians for Safety and Justice.
- Require a "thorough review" of criminal history and risk assessment of any individuals before re-sentencing to ensure that they do not pose a risk to the public.
- Create a Safe Neighborhoods and Schools Fund. The fund would receive appropriations based on savings accrued by the state during the fiscal year, as compared to the previous fiscal year, due to the initiative's implementation. Estimates range from \$150 million to \$250 million per year.
- Distribute funds from the Safe Neighborhoods and Schools Fund as follows: 25 percent to the Department of Education, 10 percent to the Victim Compensation and Government Claims Board and 65 percent to the Board of State and Community Correction.

Although, the title “The Safe Neighborhoods and Schools Act” seems to benefit our communities, the title is misleading. Reducing the listed felony crimes to misdemeanors will do nothing to protect our communities, but will in turn decriminalize certain crimes and will not be a solution to California’s overcrowded criminal justice system. This proposition is poorly drafted and opens the door for the early release of up to 10,000 felons from state prisons, all of whom have committed serious and/or violent crimes.

This proposition not only reduces the penalty for personal drug possession, it also decreases the penalty for the possession of predatory “date rape” drugs such as rohypnol, ketamine, and GHB. This will give sexual predators in possession of date rape drugs with a “get out of jail free” card regardless of how many times a predator is caught with date rape drugs. However, when it comes to simple drug possession, California is already committed to rehabilitation, including treatment and not incarceration as a result of Proposition 36 passed in 2010.

Proposition 47 would redefine grand theft in such a way that any theft, including the theft of a firearm, would only be considered a felony if the value of the object is \$950 or more. This would basically eliminate the automatic felony prosecution for stealing a gun. This proposition would deteriorate years of California policymaking aimed at reducing gun violence.

Law Enforcement leaders and crime victim advocates overwhelmingly oppose Proposition 47. Those in opposition include the California District Attorneys Association, California Coalition Against Sexual Assault, California Police Chiefs Association, California State Sheriff’s Association, Crime Victims United, California Police Officers Association, and the California Retailers Association.

Staff recommends that Council adopt a resolution formally opposing Proposition 47 to make clear to the Selma Community that Selma leaders want to remain tough on crime.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
N/A		N/A
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source:  N/A  Fund Balance:		N/A

**RECOMMENDATION:** Council adopts the resolution in opposition to Prop 47.



Greg Garner, Police Chief

10/1/14  
Date



Ken Grey, City Manager

10/1/2014  
Date

We \_\_\_\_\_ and \_\_\_\_\_  
Ken Grey, City Manager Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.





# CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION

921 11th Street, Suite 300 • Sacramento, CA 95814 • (916) 443-2017 • [www.cdaa.org](http://www.cdaa.org)

---

## MEMORANDUM

---

TO: Jennifer Jacobs

FROM: Sean Hoffman, Director of Legislation, California District Attorneys Association

SUBJECT: Impact of Proposition 47 on California Retailers

DATE: 9/16/14

---

### Summary

Proposition 47 is deemed by its proponents as the "Safe Neighborhoods and Schools Act", though a more accurate title may be the "Professional Retail Thieves Empowerment Act". While we believe the notion of reducing criminal penalties for property crimes is misguided on its face, it is particularly harmful to California retailers, their employees, and their customers.

Proposition 47 ignores the fact that there are criminals whose very business is to steal. It does nothing to discourage that conduct, and in fact, encourages it by providing for virtually unlimited misdemeanor convictions for shoplifting, petty theft, and other crimes, the primary targets of which are California retailers.

### Commercial Burglary

Section Five of Proposition 47 adds Penal Code Section 459a, which creates the new misdemeanor of "shoplifting," defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken does not exceed \$950. Subdivision (b) further clarifies that any act of shoplifting, as defined, shall be charged as shoplifting, and may not be charged as burglary or theft.

Presently, prosecutors have some discretion on how to charge an individual who steals property from a store. Generally, a first time offender who is stealing low-value items is already likely to be charged with simple misdemeanor petty theft. However, for individuals with prior petty theft convictions, the prosecutor may charge the individual with felony burglary (essentially defined as entering any building with the intent to commit larceny). Proposition 47 eliminates commercial burglary as a charging option, as long as it is committed during store hours.

By creating this new crime of "shoplifting" and stating that such activity may only be charged as a misdemeanor, the authors of Prop 47 have invited professional retail thieves to take aim at

California retailers. No matter how many times a person shoplifts merchandise, as long as it doesn't exceed \$950 in a single trip, he or she can only be charged with a misdemeanor, which will result in little, if any, meaningful jail time. In most counties, a person convicted of misdemeanor shoplifting will not serve any actual time in custody. The authors of Proposition 47 are taking most of the risk to the perpetrator out of this criminal enterprise. This will lead to increased property crimes and costs to businesses that will be passed on to consumers.

Even worse, by making "during regular business hours" an element of the new crime, the authors have encouraged these thieves to commit their offenses while shoppers and employees are present in the store -- putting them squarely in harm's way. Make no mistake; these thieves can have heinous prior offenses on their records. Proposition 47 is drafted in such a way that even people with prior convictions for violent crimes like carjacking, kidnapping, and armed robbery would still be subject to these lower penalties, and judges would have no choice but to sentence them every time as if it was a first offense.

### **Forgery**

Section Six amends Penal Code Section 473, which deals with the crime of forgery. Under existing law, forgery is a wobbler, meaning it can be charged as a misdemeanor or a felony, depending on the circumstances. Proposition 47 would make forgery of a financial instrument (check, bank note, cashier's check, travelers check, etc) a misdemeanor if the value of the instrument does not exceed \$950. Again, the effective decriminalization of this activity further encourages professional criminals to defraud California retailers through the use of forged checks.

### **Bad Checks**

Section Seven amends Penal Code Section 476a, as it relates to the crime of writing bad checks. Under current law, writing bad checks totaling \$450 or less is a straight misdemeanor, unless the person has a prior conviction for a theft-related offense, in which case it is a wobbler. Proposition 47 changes both the dollar threshold and the prior conviction requirements.

Under the lenient policies of Proposition 47, an individual can write bad checks up to \$950 and face only a straight misdemeanor. Further, instead of making it a wobbler for anyone with a theft-related prior, it would only become a wobbler if the person had THREE theft-related priors. This is sending a message to criminals -- it's okay to write bad checks more frequently and for higher amounts, because the only real "victim" is a business. Sadly, this ignores the real implications of how the costs associated with that increased fraud risk will affect a business's ability to hire and retain employees, and will drive up the cost of goods.

### **Grand Theft/Credit Card Fraud**

Section Eight adds Penal Code Section 490.2, which redefines petty theft as "obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed \$950," and makes it a misdemeanor. On its face, this doesn't seem like a huge change.

Under current law, it is already generally considered felony grand theft if a person steals property valued at more than \$950. There are, however, other statutes that define particular acts or theft of particular kinds of property as grand theft at much lower values, or in some cases, regardless of the value. For example, theft of crops becomes grand theft when the value exceeds \$250, and stealing a gun is always grand theft. Proposition 47, however, is drafted in such a way that its new definition of petty theft supersedes any grand theft definition already in statute. In the above examples, it would require the stolen crops or guns to be valued at more than \$950 to be considered grand theft.

This becomes incredibly problematic for retailers (especially those who offer store credit cards) in the context of credit card fraud. Under existing Penal Code Section 484g, it is grand theft for a person to obtain goods by falsely representing that he or she is the cardholder, if the value of goods furnished exceeds \$950 in any consecutive six-month period. We read Proposition 47 to hold that such conduct would only be grand theft if the value of goods furnished exceeds \$950 *in any single transaction*.

Imagine a scenario in which a person steals six credit cards. Once a month, they use a different stolen credit card to obtain \$200 in goods. Under existing law, the total value (\$1,200) within that six month period is enough to trigger felony prosecution for grand theft.

Now consider a similar scenario under Proposition 47. A person steals six credit cards on Sunday. On each of the next six days, they use a different credit card to obtain \$950 worth of goods. Despite having stolen \$5,700 worth of goods in a week, that person could only be charged with misdemeanor petty theft for each transaction because none of them individually exceeded \$950. Taken to the extreme, over a six month period (180 days), a person could conceivably steal \$171,000 worth of goods through the use of stolen credit cards and never face more than a misdemeanor as long as they limited each transaction to \$950.

### **Receiving Stolen Property**

Section Nine amends Penal Code Section 496, which currently provides that the knowing receipt of stolen property is a wobbler. Under Proposition 47, as long as the value of the stolen property does not exceed \$950, the person who received, concealed, or sold that property could only be charged with a misdemeanor, regardless of how many times they committed the offense.

Again, this serves only to benefit professional retail theft organizations, and the professional "fences" they employ. One guy goes into the store and steals the merchandise, hands it off to another individual who sells it on the street, and they funnel the cash back into their criminal enterprise. Under Proposition 47, the maximum criminal exposure for either of those individuals is a misdemeanor, which, given the early release programs in place in a number of county jails, acts as an insignificant deterrent.

### **Conclusion**

Proposition 47 is predicated on the idea that most property crimes are minor, and that the impact on victims is insignificant. Accordingly, it seeks to ensure that people who commit these crimes

spend far less time incarcerated than they do now. This is misguided. Beyond the retributive justification for incarceration, it also serves as a deterrent to those who might be enticed to commit similar crimes in the future. California retailers, in particular, benefit from this inasmuch as individuals with prior theft convictions are deterred from further criminal activity because they may face felony charges. Proposition 47 does away with that charging option and declares open season on California retailers.

The timing of these proposed changes could not be worse. According to a December 2013 study by the Public Policy Institute of California, which focused on crime rates in the first two years after the implementation of Public Safety Realignment, property crime was up 7.6 percent. The authors of the PPIC study noted that they “estimate an additional one to two property crimes per year on average for each offender who is not incarcerated as a result of realignment.” This is common sense – when these individuals are on the street, property crime rates rise. Proposition 47 exacerbates this problem by granting early release to even more individuals (as many as 10,000 by the proponents’ own admission) and making it more difficult to put serial thieves behind bars.

So, it becomes a numbers game where thieves see how many times they can steal from California retailers before they are caught. If they happen to get caught, they might serve a couple of weeks in county jail, and then they're back out on the street, ready to play the odds again. Over and over and over, without ever facing more than a misdemeanor. Meanwhile, the employees and customers of California retailers are put squarely in harm's way -- both physically, and economically.

While there are plenty of things to dislike about Proposition 47, the changes regarding commercial burglary, forgery, bad checks, grand theft, and receiving stolen property are likely to have the most negative direct impact on California retailers.

**RESOLUTION NO. 2014 - \_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA  
OPPOSING PROPOSITION 47**

**WHEREAS**, Proposition 47 has qualified for the November 4, 2014 Statewide General Election; and,

**WHEREAS**, the proponents of this measure concede that Proposition 47 will make up to 10,000 felons eligible for early release; and,

**WHEREAS**, with the implementation of Public Safety Realignment in 2011, which altered sentencing policy by shifting all newly convicted non-violent, non-serious, non-sex offenders to county supervision, there is currently a significantly diminished population of non-violent offenders in California's prisons, and there is a legitimate question as to how many of the 10,000 inmates eligible for early release could be classified as high-risk for committing subsequent violent offenses; and,

**WHEREAS**, Proposition 47 contains provisions re-classifying a host of felony offenses or felony/misdemeanor offenses as simple misdemeanors, representing sweeping sentencing reform that would be better accomplished through the state legislative process; and,

**WHEREAS**, Proposition 47 would redefine grand theft in such a way that theft of a firearm would be considered a misdemeanor unless the value of the gun was greater than \$950, and the overwhelming majority of new handguns sold in California retail for significantly less than that amount; and,

**WHEREAS**, Proposition 47 would reduce the penalty for possession of illicit drugs, including drugs used to facilitate date-rape, to a simple misdemeanor; and,

**WHEREAS**, Proposition 47 may further burden our local criminal justice systems by shifting responsibility for additional categories of offenders to already overcrowded county jails; and,

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Selma by the adoption of this resolution hereby opposes Proposition 47 on the November 4, 2014 ballot.

The forgoing resolution is hereby approved and adopted on this 6<sup>th</sup> day of October 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

\_\_\_\_\_  
Reyna Rivera, City Clerk

\_\_\_\_\_  
George Rodriguez  
Mayor Pro Tem

# Check Register Report

Date: 09/30/2014  
Time: 9:01 am  
Page: 1

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK Checks</b>							
64304	09/10/2014	Printed		11620.726	CITY OF SELMA	START UP CASH-MARIACHI FEST	300.00
64305	09/11/2014	Printed		11988.100	SURVEILLANCE INTEGRATION INC.	SURVEILLANCE SYSTEM	11,599.47
64306	09/16/2014	Printed		10170.073	AIR LIQUIDE HEALTHCARE AMERICA	OXYGEN CYLINDER RENTAL	99.44
64307	09/16/2014	Printed		10100.515	AT&T	T-1 CONNECTION-AUGUST 2014	357.32
64308	09/16/2014	Printed		10340.385	AT&T MOBILITY	TELEPHONE-MDT'S AUGUST 14	1,661.43
64309	09/16/2014	Printed		10198.150	AUTOMATED OFFICE SYSTEMS	AUG COPY MACHINE MAINT-FD	22.71
64310	09/16/2014	Printed		10210.231	BUSINESS CARD	VISA CHARGES 8/8-9/7/14	20.00
64311	09/16/2014	Printed		10310.455	CALIFORNIA WATER SERVICE	WATER SERVICE-AUGUST 2014	13,583.79
64312	09/16/2014	Printed		10323.100	TIM CANNON	POST TRAINING PER DIEM	533.76
64313	09/16/2014	Printed		10329.934	CCASA	COED SOFTBALL SANCTION FEES	180.00
64314	09/16/2014	Printed		10370.310	COLONIAL SUPPLEMENTAL INSURANC	EMPLOYEE INSURANCE PREM-AUG 14	4,874.51
64315	09/16/2014	Printed		10370.375	COMCAST	INTERNET SERVICE-SEPT 2014	1,744.00
64316	09/16/2014	Printed		10370.969	CORELOGIC	REALQUEST SERVICE-AUGUST 2014	481.25
64317	09/16/2014	Printed		10371.000	COSTANZO & ASSOCIATES	JULY 2014 LEGAL FEES	22,786.14
64318	09/16/2014	Printed		10670.218	COUNTY OF FRESNO-COMM HEALTH D	DISPATCHING SERVICES-JULY 2014	379.00
64319	09/16/2014	Printed		10430.043	DEPARTMENT OF FORESTRY AND	FIRE PREVENTION C COURSE	1,528.00
64320	09/16/2014	Printed		10430.071	DEPARTMENT OF JUSTICE	BLOOD ALCOHOL ANALYSIS-AUG 14	522.00
64321	09/16/2014	Printed		10400.200	DLT SOLUTIONS INC.	AUTOCAD LICENSE/MAINT-FIRE/ENG	517.77
64322	09/16/2014	Printed		10450.095	DON BERRY CONSTRUCTION INC.	REPAIR AC-GOLDEN STATE	500.00
64323	09/16/2014	Printed		10610.605	FAMILY HEALING CENTER	MDIC INTERVIEW 14-3498	260.00
64324	09/17/2014	Void	09/17/2014			Void Check	0.00
64325	09/16/2014	Printed		10620.210	FEDOR PLUMBING	BACKFLOW CERTIFICATION	3,962.44
64326	09/16/2014	Printed		10670.270	FRESNO CO TREASURER-SHERIFF	RMS/JMS/CAD ACCESS FEES-AUG 14	503.54
64327	09/16/2014	Printed		10670.292	FRESNO COUNTY AUDITOR'S OFFICE	COUNTY PARKING JULY 2014	150.00
64328	09/16/2014	Printed		10670.520	FRESNO-MADERA AAA	SENIOR MEALS AND SUPPLIES	112.30
64329	09/16/2014	Printed		10700.080	G&K SERVICES	LINEN/UNIFORM SERVICE-AUG 14	556.49
64330	09/16/2014	Printed		10710.695	RENE GARZA	POST TRAINING PER DIEM	53.00
64331	09/16/2014	Printed		10720.010	GATEWAY ENGINEERING, INC.	CITY ENGINEERING SERVICES-JULY	7,560.00
64332	09/16/2014	Printed		10740.095	DEBBIE GOMEZ	POST TRAINING PER DIEM	53.00
64333	09/16/2014	Printed		10810.220	HANFORD SENTINEL	GROUDWATER OVERDRAFT	90.84
64334	09/16/2014	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,VISION,CHIRO 8/27/14	1,389.90
64335	09/16/2014	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,VISION,CHIRO 9/10/14	3,693.11
64336	09/16/2014	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,VISION,CHIRO 9/3/14	2,045.10
64337	09/16/2014	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	ADMINISTRATIVE FEES-OCT 2014	874.28
64338	09/16/2014	Printed		10820.034	HEALTHWISE SERVICES	KIOSK MEDICAL WASTE SERVICES	400.00
64339	09/16/2014	Printed		10820.702	HEWLETT-PACKARD FINANCIAL SERV	LEASES-SEPT 14	9,643.89
64340	09/16/2014	Printed		10850.149	HUB INTERNATIONAL INSURANCE	SECOND CHANCE PV CONCERT 8/23	336.50
64341	09/16/2014	Printed		10900.281	I LOVE TO CREATE	CERAMIC SUPPLIES-SC	192.44
64342	09/16/2014	Printed		11040.619	JERRY DEWAYNE JONES	INSTRUCTOR FIRE PREV 2A	2,000.00
64343	09/16/2014	Printed		11140.673	KITTELSON & ASSOCIATES, INC.	AMBERWOOD SP EIR RESPONSE	638.50
64344	09/16/2014	Printed		11190.400	KULOW BROTHERS	TRAFFIC CITATIONS	835.20
64345	09/16/2014	Printed		11220.189	LEO'S LANDSCAPE	BUSINESS LIC OVERPAYMENT REIMB	27.50
64346	09/16/2014	Printed		11230.180	LIEBERT, CASSIDY, WHITMORE INC	LABOR NEGOTIATIONS	9,845.00

## Check Register Report

Date: 09/30/2014  
 Time: 9:01 am  
 Page: 2

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK Checks</b>							
64347	09/16/2014	Printed		11340.800	METRO UNIFORM	POLICE UNIFORMS-REVOLVING ACCT	151.04
64348	09/16/2014	Printed		11450.286	NORTHERN CALIFORNIA TRAINING	TRAINING OFFICERS MEMBERSHIP	100.00
64349	09/16/2014	Printed		11530.100	OFFICE DEPOT	OFFICE SUPPLIES	460.34
64350	09/16/2014	Printed		11640.800	PITNEY BOWES INC.	POSTAGE MACHINE INK	71.15
64351	09/16/2014	Printed		11650.606	POLYGRAPH PROFESSIONALS	POLYGRAPH EXAMS FOR RESERVES	400.00
64352	09/16/2014	Printed		11810.361	RAY MORGAN COMPANY	MAINT CONT 8/8-9/7/14	227.54
64353	09/16/2014	Printed		11830.130	ART RIOS	POST TRAINING PER DIEM	53.00
64354	09/16/2014	Printed		11910.433	SAMPSON, SAMPSON, AND PATTERSON	AUDIT-YE 06/30/13 AUGUST 2014	3,700.00
64355	09/16/2014	Printed		11910.761	SAN JOAQUIN VALLEY AIR	LEAF VAC EQUIPMENT REGIST.	106.00
64356	09/16/2014	Printed		11945.298	SELMA DISPOSAL	GARBAGE-AUGUST 2014	111,641.04
64357	09/16/2014	Printed		11945.800	SELMA UNIFIED SCHOOL DISTRICT	FUEL-AUGUST 2014	20,000.33
64358	09/16/2014	Printed		11965.406	SOUND CONTRACTING	ART CENTER TRANSMITTER REPAIRS	35.00
64359	09/16/2014	Printed		11965.110	SOUTH COUNTY VETERINARY	MONTHLY FREEZER USE-AUGUST 14	175.00
64360	09/16/2014	Printed		11900.389	SPARKLETTS	WATER SERVICE-PD	120.10
64361	09/16/2014	Printed		11975.630	STERLING CODIFIERS INC.	ORDINANCE CODIFICATION	1,361.00
64362	09/16/2014	Printed		11985.138	SUN LIFE	EMPLOYEE INSURANCE-SEPT 2014	192.05
64363	09/16/2014	Printed		12010.108	TAG-AMS, INC.	EMPLOYEE DRUG TESING -PD	180.00
64364	09/16/2014	Printed		102050.153	TORRES FENCE CO, INC	VINCENT HOUSE PORCH-PV	86.58
64365	09/16/2014	Printed		12060.210	TRANS UNION CORPORATION	PRE EMPLOYMENT CREDIT CHECK	19.70

Total Checks: 62

Checks Total (excluding void checks):

245,993.49

Total Payments: 62

Bank Total (excluding void checks):

245,993.49

Total Payments: 62

Grand Total (excluding void checks):

245,993.49

**CITY MANAGER'S/STAFF'S REPORT  
REGULAR CITY COUNCIL MEETING DATE:**

October 6, 2014

---

---

**ITEM NO:**

2.

**SUBJECT:**

Consider adoption of Resolution approving the Final Map, and authorizing execution of an Agreement for the required Improvements on Tract No 5303 Phase II.

---

---

**DISCUSSION:**

On August 24, 2004 the City Council approved Vesting Tentative Tract No. 5303, allowing for the subdivision of 192 lots for single family homes.

On July 18, 2005, the City Council approved Tract No. 5303 Phase I, allowing for the subdivision of 105 lots for single family homes.

1145 Valley View LLC, the subdivider, is moving forward with the development of the second phase of the subdivision comprised of 49 lots. The Final Map and Improvement Plans have been prepared and found consistent with the City of Selma's Subdivision Ordinance, City Improvement Standards, and those standards and conditions specified in the conditions of approval for Vesting Tentative Tract Map No. 5303. The Improvement Plans **have been reviewed by all agencies involved in the development** and future maintenance of these improvements. City Engineer has reviewed and signed the Improvements Plans and will sign the Final Map upon Council approval. Staff has developed an Agreement for the required improvements for execution and collection of fees for Tract No. 5303 Phase II.



**RECOMMENDATION:** Adopt Resolution approving the Final Map, authorizing execution of Agreement for the required improvements for Tract 5303 Phase II.

Date \_\_\_\_\_

**SUBDIVISION AGREEMENT  
TRACT NO. 5303 – Phase II**

**CITY OF SELMA  
FRESNO COUNTY, CALIFORNIA**

THIS AGREEMENT is made this 6th day of October, 2014, by and between the City of Selma, a municipal corporation (herein "City"), and 1145 Valley View, LLC (herein "Subdivider").

WITNESSETH

WHEREAS, Vesting Tentative Tract Map No. 5303 was approved on August 24, 2004; and

WHEREAS, Subdivider has now presented a Phase II final map to the City for Tract No. 5303 ("Subdivision") a copy of which is on file in the office of the City Clerk, and is hereby referred to for further particulars as Tract No. 5303 Phase II, and has requested City to approve the final map so that it may be filed for record as required by law; and

WHEREAS, City requires, as a condition precedent to the acceptance and approval of the map, the dedication of such public streets, highways, ways, easements, and other places as delineated and shown on the map, the improvement of the same and other public places by the construction of the improvements specified in this agreement with security to meet these requirements; and

WHEREAS, the improvements of the public streets, highways, ways, easements, and other places, and the performance of the other obligations, has not been done or completed, and, as provided by ordinances of the City of Selma and the Subdivision Map Act of the State of California (Government Code 66410-66499.58), it is required that the Subdivider enter into this Subdivision Agreement (herein "Agreement") with City, whereby in consideration of the acceptance by City of the offers of dedication and approval of the Phase II final map ("Final Map"), agrees to complete the work and perform the other obligations specified in this Agreement within the time set forth herein.

NOW, THEREFORE, in consideration of the promises and of the acceptance of the offers of dedication of the public streets, highways, ways, easements, and other places and the approval of the map for filing and recording as provided and required by law, it is agreed by the parties hereto as follows:

1. Subdivider shall perform the work and improvements hereinafter specified to the satisfaction of the Engineer defined hereinafter. Subdivider understands and agrees that the following schedule of work is intended to provide a guideline as to diligent prosecution of the work under this agreement.

The Subdivider agrees to the following construction schedule:

Pursuant to Subdivision Map Act §66411.1 and Selma Municipal Code Section 9-6-1, et seq., the undersigned hereby certifies and acknowledges that the construction of improvements identified herein shall be completed on or before June 30, 2015, or any approved extension thereof.

If the construction of the improvements shall be delayed without the fault of Subdivider, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

2. Wherever used in this Agreement, the following words and phrases shall have the meaning herein given, unless the context requires a different meaning:

"Engineer" shall mean the City Engineer of the City of Selma, or his duly authorized representative.

"Inspector" shall mean the Engineer and/or the Building Official of the City of Selma.

"Standard Specifications" shall mean the City of Selma, County of Fresno, and/or State of California Standard Specifications, including attached details and amendments thereto, as applicable. Priority is set forth in section 3 herein.

"Division" shall mean and include the real property shown and described on the Final Map as being divided into parcels, including street areas of adjacent existing public streets to the centerline thereof.

3. All of the work and improvements and materials shall be performed, installed, and provided in strict accordance with the applicable Standard Specifications, approved plans and details, incorporated herein as though set forth in full. All of said work and improvements shall also comply with the requirements of the Selma Municipal Code in all matters not otherwise controlled by the Standard Specifications. All of said work and improvements and materials shall be done, performed, and installed under the supervision of the Engineer, under whose direction the work shall be inspected as it progresses.

Notwithstanding the fact that the Subdivider's plans and specifications, completion of the work, and other acts are subject to the approval of the City, it is understood and agreed that any approval of the City hereof shall in no way relieve Subdivider of satisfactorily performing said work or Subdivider's obligations hereunder.

In the event of a conflict where more than one of the above Standard Specifications and/or Special Details addresses the matter of concern, the following is the priority of application: first, the approved Agreement; second, the City of Selma; third, County of Fresno; fourth, State of California. The determination of the Engineer is final for the purposes of this Agreement.

4. Subdivider agrees to perform and construct all work and improvements shown on the approved plans on file in the offices of the Engineer.

5. Subdivider and City hereby agree that Subdivider is obligated to pay those fees and charges set forth in Exhibit A, attached hereto and incorporated herein by reference. Said fees and charges are due and payable upon approval of Phase II Final Map by the City and prior to Recordation, unless agreed otherwise.

6. Neither the City nor any of its officers or agents shall be liable to Subdivider or Subdivider's employees, agents and/or contractors for any error or omission arising out of or in connection with any work to be performed under this contract.

7. The City shall not be liable to the Subdivider or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this Agreement, or any part thereof. The preceding sentence shall not apply to any liability, loss, cost of damages caused solely by the negligence or willful misconduct of the City or its agents.

The Subdivider hereby releases and agrees to indemnify and hold the City, Engineer, and its officers, agents, employees, and volunteers harmless from and against any and all injuries to and deaths of persons or injuries to property, and all claims, demands, costs, loss, damage and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said Subdivision and upon the premises adjacent thereto pursuant to this Agreement, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever same may be caused and whensoever same may appear, either directly or indirectly made or suffered by the Subdivider, the Subdivider's agents, employees, and subcontractors, while engaged in the performance of said work. The preceding sentence shall not apply to any liability, loss, cost of damages caused solely by the negligence or willful misconduct of the City or its agents.

Prior to the commencement of any work pursuant to this Agreement, Subdivider's contractors shall furnish the City satisfactory evidence of an insurance policy written upon a form and by a company which meets with the approval of City insuring the City, Engineer and its officers, agents, employees, and volunteers, against loss or liability which may arise during the work or which may result from any of the work herein required to be done, including all costs of defending any claim arising as a result thereof. The minimum limits of such policy shall be in the amount of:

a. Comprehensive General Liability [(Coverage should be at least as broad as Insurance Services Office Commercial Liability Coverage (Occurrence Form CG001) (Broad Comprehensive General Liability)] \$1,000,000 combined single limit per occurrence for bodily injury and property damage.

b. Automobile Liability [Coverage should be at least as broad Insurance Services Office Form CA0001 coverage Automobile Liability, Code 1 (any autos)] \$1,000,000 combined single limit per accident for bodily injury and property damage (owned or non-owned auto).

c. Workers Compensation and Employee Liability: Workers Compensation limits as required by the Labor Code of the State of California and Employee's Liability limits of \$1,000,000 per accident.

Said policy or policies as required by Section 8 herein shall include coverage for underground explosion and collapse. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions with respects to the City, Engineer, its officers, officials, employees and volunteers; or the Subdivider shall provide a bond guaranteeing payment of losses and related investigations, claims, administration and defense expenses.

9. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

a. The City, Engineer, its officers, officials, employees, agents, and volunteers are to be covered as insured with respects to: liability arising out of the activities performed by or on behalf of the Subdivider; products and completed operations of the Subdivider; premises owned, occupied or used by the Subdivider; or automobiles owned, leased, hired or borrowed by the Subdivider. The coverage shall contain no special limitations on the scope of protection afforded to the City, Engineer, its officers, officials, employees, agents, or volunteers.

b. For any claims related to this project, the Subdivider's insurance coverage shall be primary insurance as respects to the City, Engineer, its officers, officials, employees, agents or volunteers. Any insurance or self insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be in excess of the Subdivider's insurance and shall not contribute to it.

c. Any failure to comply with reporting and other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.

d. The Subdividers insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insured's liability.

e. Each insurance policy required by this clause shall be endorsed to state that the coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after prior written notice of 30 days by certified mail, return receipt requested, has been given to the City.

Insurance is to be placed with insurers with a current A.M. Best's Rating of no less than A:VII. Subdivider shall furnish the City with original endorsements affecting coverage required by this clause. The endorsements are to be signed by a person authorized by the insurer to bind coverage on its behalf. The endorsements are to be on forms provided by the City. All endorsements are to be received and approved by the City before work commences. As an alternative to the City's forms, the Subdivider's insurer may provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications. Subdivider shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all the requirements stated herein.

10. Subdivider shall file a Notice of Completion of the improvements herein specified.

11. At the time Subdivider submits the Final Map, Subdivider shall furnish to the City the following:

a. Improvement security in the amount of one hundred percent (100%) of the total estimated cost for the faithful performance of work for the purpose of securing the performance of the work.

b. Improvement security in the amount of fifty percent (50%) of the total estimated cost of all required work to secure payment to the contractor, his subcontractors and to persons renting or furnishing labor or materials for such improvements.

c. Improvement security to secure the maintenance for a period of one (1) year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, in the performance of the agreement with the City or the performance of the act. Said security shall not exceed an amount equal to ten percent (10%) of the estimated cost of furnishing and installing said facilities. This security shall be in addition to any warranty required of the manufacturer.

d. Security in the amount of \$6,849.59 for placing all monuments and lot corners set at the time the Final Map is filed as specified in Section 17.40.060 subsection E of City of Selma Subdivision Ordinance.

e. Costs and reasonable expenses and fees, including reasonable attorney's and administrative fees, incurred by the local agency in successfully enforcing the obligation secured as a part of the obligation guaranteed by the security and in addition to the face amount of the security shall be the responsibility of the Subdivider.

f. Security payment in the estimated amount of taxes and special assessments collected as taxes which are a lien but which are not yet payable as referred to in §66493 of the Subdivision Map Act or satisfactory evidence in the form

of a written receipt of payment of said taxes and special assessments as described herein at the time of recordation of the Map included in Exhibit A.

12. Subdivider and Subdivider's contractor and subcontractors shall pay for any materials, provisions and other supplies or terms used in, upon, for, or about the performance of the work contracted to be done, and for any work or labor thereon of any kind and for amounts due under the Unemployment Insurance Act of the State of California, with respect to such work or labor, and shall file with City pursuant to §3800 of the Labor Code a Certificate of Worker's Compensation and shall maintain a valid policy of Workers Compensation Insurance for the duration for the period of construction.

13. Compaction and soil tests and retests shall be paid for by Subdivider. Street and utility trench tests shall be taken in varying locations and depths as required and directed by the Engineer. Compaction tests failing to meet City's requirements shall require recompaction of the area and retesting until compaction requirements are achieved.

14. Subdivider shall comply with Street, Plumbing, Building, Electrical, and Zoning Codes and any other Codes of the City and Subdivider shall secure an Encroachment Permit from City and provide the necessary insurance policies required under said encroachment permit before working on any City or Public right-of-way or property, except utility trenching approved by the Engineer as not requiring encroachment permit.

15. It shall be the responsibility of Subdivider to coordinate all work done by Subdivider's contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability if one operation delays another. In no case shall representatives of City be placed in the position of making decisions that are the responsibility of Subdivider. Subdivider shall provide the Engineer written notice not less than two (2) working days in advance of the actual date on which work is to be started. Failure on the part of Subdivider to notify the Engineer may cause delay for which Subdivider shall be solely responsible.

16. Whenever Subdivider varies the period during which work is carried on each day, Subdivider shall give due notice to the Engineer so that proper inspection may be provided. Any work done in the absence of the Engineer will be subject to rejection. The inspection of the work shall not relieve Subdivider of their obligations to fulfill the agreement as prescribed. Defective work shall be made good and unsuitable materials will be rejected, notwithstanding the fact that such defective work or unsuitable materials have been previously overlooked by the Engineer or Inspector and accepted.

17. Any damage to the water or sewer system, concrete work, or street paving that occurs after installation and prior to release of bid and final acceptance shall be made good to the satisfaction of the Engineer by Subdivider before release of bond and final acceptance of completed work.

18. Adequate dust and mud control shall be maintain by Subdivider on all Streets within and around the subdivision on which work is required to be done under this agreement from the time work is first commenced in the subdivision until the paving of the streets is completed. "Adequate dust control" as used herein shall mean the sprinkling of the streets with water thereon with sufficient frequency to prevent the scattering of dust by wind or the activity of vehicles and equipment onto any street area of private property adjacent to the subdivision. Whenever in the opinion of the Engineer adequate dust control is not being maintained on any street or streets as required by this paragraph, the Engineer shall give notice to Subdivider to comply with the provisions of the paragraph forthwith. Such notice may be personally served upon the Subdivider or, if Subdivider is not an individual, upon any person who has signed this Agreement on Behalf of Subdivider or a superintendent or foreman of Subdivider or Subdividers contractors at the subdivision or, at the election of the Engineer, such notice may be mailed to Subdivider at Subdividers address on file with the Engineer. If within 24 hours after such personal service of such notice or within 48 hours after the mailing thereof as herein provided Subdivider shall not have commenced to maintain adequate dust control or shall at any time hereafter fail to maintain adequate dust control, the Engineer may, without further notice of any kind, cause any such street or streets to be sprinkled or oiled, as he may deem advisable to eliminate the scattering of dust, by equipment and personnel of the City or by contract as the Engineer shall determine, and Subdivider agrees to pay to City forthwith, upon receipt of billing thereof the entire cost to City of such sprinkling or oiling. When the surfacing on any existing street is disturbed, this surfacing shall be replaced with temporary or permanent surfacing within fourteen (14) calendar days, and the roadway shall be maintained in a safe and passable condition at all times between the commencement and final completion, and adequate dust control shall be maintained during these operations. Additionally, the Subdivider shall comply with all requirements of the San Joaquin Valley Air Pollution Control District.

19. Subdivider shall install all street improvements in accordance with Title IX of the Municipal Code of the City of Selma, the City of Selma Standard Specifications, and the construction plans.

20. Concrete curbs and gutters including but not limited to drive approaches, sewer house laterals, water services, gas mains, and their respective service connections, shall be completed before starting the street surfacing.

21. Time is of the essence with this Agreement, and the same shall bind and inure to the benefit of the parties hereto, their successors and assigns.

22. No assignment of this Agreement nor any duty or obligation of performance hereunder shall be made in whole or in part by Subdivider without the written consent of City which shall not be unreasonably withheld.

23. This Agreement includes the following exhibits which are included herewith and made a part of this Agreement:



- a. Exhibit A - Development and Impact Fees and cash security
- b. Exhibit B – Resolution No. 2004-62R, approving Findings of Fact and conditionally approving Vesting Tract Map No. 5303.

24. Subdivider agrees and does hereby consent and petition to include parcels (1) through (49) as shown on the final Tract map No. 5303 Phase two to the Landscape and Lighting Maintenance District No.1 for utility and maintenance cost for lighting and landscape maintenance systems. Such consent waves the resolution report, notices of hearing and right of majority protest, except that Subdivider may wave the maximum fee and/or allocations of the cost.

25. In the event that either party to bring an action with respect to enforcement of any of the provisions of this Agreement, or the security under this Agreement, the prevailing party in such action shall be awarded its costs including reasonable attorney's fees.

26. The Engineer is assumed to be a just arbitrator between City, Subdivider, and Subdivider's contractor (herein "Contractor") and the entire work is under his jurisdiction to such end.

It is the Engineer's function to interpret the drawings and specifications; pass upon merits of materials or workmanship; compute amounts of and issue certificates for all payments to which Contractor may be entitled; decide upon all deductions from and additions to the contract price resulting from alterations; determine amount of damages accruing to either party from any cause; or conferences at any time during the progress of the work. Should the Subdivider, contractor, or any other party deem the engineer's final decision unjust, written appeal can be made to the City Council of the City of Selma within ten (10) days of the engineer's decision.

27. In the event an extension is granted to the time within which all work for the construction of improvements is to be completed on this Subdivision Map, the Subdivider agrees that it will comply with all the applicable standards in effect at the time the extension is granted.

28. It is agreed that all conditions of approval of the Tentative Map and any Site Plan Review shall apply to and be included in the Agreement.

29. In the event a dispute arises between Subdivider and Engineer an outside arbitrator will be engaged and his decision will be final and the parties further agree that they waive any right they might have to contest such rulings in a court of law except as any arbitrators decision in binding and final arbitration may be appealed to Superior Court under the law governing appeals of binding arbitration in the State of California.

30. Prior to acceptance of any improvements by City, the Subdivider shall provide to City as-built drawings. Subdivider shall provide the City with original plans and Auto Cad files of the Final Map and Improvement Plans.

31. Owner/Developer agrees that the street lighting and electrical systems shall be constructed pursuant to P.G.& E. and City requirements. The improvement plans shall be submitted to the City for approval and issuance of an encroachment permit prior to installation of the system along with a letter of approval from P.G. & E. which work must be completed before final acceptance of completed work hereunder. Upon completion of street lights, developer shall dedicate it to the City of Selma by a separate instrument for approval and acceptance by the City Council of the City of Selma.

32. Temporary Road barracks shall be placed at "Saginaw and Skelton" prior to acceptance of Phase II the subdivision.

33. The Ponding Basin fencing must be replaced prior to acceptance of Phase II of the Subdivision and all improvements excepted by the Engineering Department.

The parties have executed this Agreement on the 6<sup>th</sup> day of October 2014.

**CITY**

CITY OF SELMA,  
A Municipal Corporation

By: \_\_\_\_\_

**DEVELOPER**

1145 VALLEY VIEW, LLC  
By: LYNX REALTY AND MANAGEMENT, LLC  
Its: MANAGING MEMBER

By: \_\_\_\_\_  
Its Managing Member

ATTEST:

By: \_\_\_\_\_  
Reyna Rivera, City Clerk

By: \_\_\_\_\_  
Joseph Daggett, City Engineer

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Neal E. Costanzo, City Attorney

**CITY OF SELMA  
ENGINEERING DEPARTMENT**

DEVELOPMENT IMPACT FEES - EXHIBIT "A"

PROJECT: Tract 5303 Phase II (Consisting of 10.97 Acres, 49 lots)

				FEE PAID
SUBDIVISION				
1	<b>STORM DRAINAGE FACILITIES</b> (Storm Drainage Fee) \$3,931.00 per Acre	405 5100 450 100 000	\$ 43,123.07	<input type="checkbox"/>
2	<b>CIRCULATION SYSTEM</b> (Streets, Signals & Bridges) \$3,083.98 per Unit (Single family detached)	401 5100 450 100 000	\$ 151,115.02	<input type="checkbox"/>
3	<b>PARK FACILITIES IMPROVEMENTS</b> (Park & Recreation Fee) x \$1,700/unit	407 5100 450 100 000	\$ 83,300.00	<input type="checkbox"/>
4	<b>PUBLIC IMPROVEMENT PLAN CHECK</b> \$1,340 per plan - 5 to 50; \$1,880 per plan - > 50 lots	100 5100 450 330 000	\$ 1,340.00	<input type="checkbox"/>
	<b>PUBLIC IMPROVEMENT INSPECTION</b> Based on Engineer's Estimate of \$684,959 (not including sewer, water & PG&E)	100 5100 451 230 000	\$ 10,374.39	<input type="checkbox"/>
5	<b>FINAL MAP FEES</b> Parcel Map - \$800 Tract Map - \$1,580 per map - 5 to 50 lots; \$1,850 per map - > 50 lots	100 5100 451 300 000	\$ 1,580.00	<input type="checkbox"/>
6	<b>OFF-SITE LANDSCAPE PLAN CHECK</b> \$425 per plan	100 5100 454 510 000	\$ 425.00	<input type="checkbox"/>
	<b>OFF-SITE LANDSCAPE INSPECTION</b> \$100 per inspection (\$50 each 2nd re-inspection)	100 5100 454 500 000	\$ 100.00	<input type="checkbox"/>
7	<b>DEVELOPMENT AGREEMENT REVIEW</b> CD-015 (2004 FEES)	404 5100 450 100 000	\$ 2,000.00	<input type="checkbox"/>
8	<b>GENERAL FACILITIES AND EQUIPMENT</b> \$955 per Dwelling Unit	404 5100 450 100 000	\$ 46,795.00	<input type="checkbox"/>
9	<b>LEGAL FEE</b>		\$ 144.00	<input type="checkbox"/>
	<b>TOTAL FEES DUE</b>		\$ 340,296.48	<input type="checkbox"/>
Total security required for this development based upon the approved Engineer's Estimate of \$ (including sewer & water main installation), are as follows:			\$ 684,959.00	
	Faithful Performance Bond	100%	\$ 684,959.00	
	Labor and Material	50%	\$ 342,479.50	
	Maintenance Warranty	10%	\$ 68,495.90	
	Monumentation Warranty	1%	\$ 6,849.59	
	<b>TOTAL SECURITY</b>		\$ 1,102,783.99	<input type="checkbox"/>
Prepared by: <u>J.Daggett</u>		Date: <u>9/8/2014</u>		



## SUBJECT PROPERTY

**Tract Map 5303**

**CITY OF SELMA  
COMMUNITY DEVELOPMENT  
DEPARTMENT**



October 6, 2014 Council Packet

**RESOLUTION NO. 2014 – \_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA  
AUTHORIZING EXECUTION OF AGREEMENT FOR IMPROVEMENT ON  
TRACT NO. 5303 PHASE II, 1145 VALLEY VIEW LLC  
APPROVING FINAL MAP AND APPOINTING ENGINEER**

**WHEREAS**, 1145 Valley View LLC, a California Limited Liability Company, as Subdivider, has presented to the City Council of the City of Selma, A Municipal Corporation, a Final Map on Tract No. 5303 Phase II, for approval by the City Council; and

**WHEREAS**, the City Engineer has certified that all of the provisions of the Subdivision Map Act and of Chapter 6 of the Title IX, "Subdivisions," of the Selma City Code have been complied with, and that said Final Map is substantially the same as Vesting Tentative Tract Map No. 5303, as previously approved by the City Council and Planning Commission; and

**WHEREAS**, an Agreement for Improvements has been prepared by the City Engineer, reviewed by the City Attorney and the City Manager, and duly executed by Subdivider.

**NOW, THEREFORE, BE IT RESOLVED**, that the Final Map of Tract No. 5303 Phase II, is hereby approved and the City Manager and City Clerk are authorized and directed to sign the Agreement for Improvements.

**BE IT FURTHER RESOLVED**, that the City Engineer is appointed and directed for the special purpose of signing said Final Map on behalf of the City of Selma.

The foregoing Resolution was duly approved by the Selma City Council at a regular meeting on the 6<sup>th</sup> day of October, 2014 by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
George Rodriguez  
Mayor Pro Tem of the City of Selma

ATTEST:

\_\_\_\_\_  
Reyna Rivera  
City Clerk of the City of Selma

RECORD TITLE INTEREST STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO, THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP, AND THAT EXCEPT AS SHOWN ON THIS MAP AND CERTIFICATES MADE A PART THEREOF WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID PROPERTY, AND WE CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE COLORED BORDER LINES AND HEREBY OFFER FOR DEDICATION TO THE PUBLIC USE, ALL THE STREETS SHOWN UPON SAID MAP WITHIN SAID SUBDIVISION.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE EASEMENTS FOR PUBLIC UTILITIES UNDER, ON OR OVER THOSE CERTAIN STRIPS OF LAND LYING ADJACENT TO THE SIDE AND/OR FRONT LINES OF LOTS 1 THROUGH 49 DESIGNATED AS "PUBLIC UTILITIES EASEMENT" AS SHOWN ON SAID MAP, WITHIN SAID SUBDIVISION: SUCH STRIPS OR PLATS OF LAND SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND.

1145 VALLEY VIEW, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY

BY: LYNX REALTY & MANAGEMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
ITS MANAGING MEMBER

BY: CHARLES BRUMBAUGH  
MANAGING MEMBER

DATED

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF )

ON , BEFORE ME, , NOTARY PUBLIC, PERSONALLY APPEARED CHARLES BRUMBAUGH, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE

NAME

COUNTY OF

MY COMMISSION EXPIRES

COMMISSION NUMBER

SUBDIVISION MAP OF

TRACT MAP NO. 5303

PHASE II

BEING A SUBDIVISION OF PORTIONS OF THE NE/4 & THE NW/4 OF THE SE/4 OF SECTION 7, T. 16 S., R. 22 E., M.D.M.

IN

CITY OF SELMA, COUNTY OF FRESNO, STATE OF CALIFORNIA

SURVEYED AND PLATTED IN JULY, 2014

FOR

1145 VALLEY VIEW, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY

DEWALT CORPORATION

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SELMA, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM, LOT(S) 1 THROUGH 105, AND OUTLOT A, INCLUSIVE, OF TRACT NO. 5303, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 73, PAGE(S) 44 AND 45 OF PLATS, FRESNO COUNTY RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS WITHIN OR UNDERLYING SAID LANDS, TOGETHER WITH ALL EASEMENTS AND RIGHTS NECESSARY OR CONVENIENT FOR THE PRODUCTION, STORAGE AND TRANSPORTATION THEREOF AND THE EXPLORATION AND TESTING OF THE SAID REAL PROPERTY AND ALSO THE RIGHT TO DRILL FOR, PRODUCE AND USE WATER FROM REAL PROPERTY IN CONNECTION WITH DRILLING OR MINING OPERATIONS THEREON, AS RESERVED IN THE DEED FROM ETTA M. CHRISTENSON, IDA NEILSEN TODD AND CLEORA G. TOLTON, FORMERLY CLEORA G. NIELSON, TO MEHRAN TOROSIAN AND ARAXIE TOROSIAN ALSO KNOWN AS ARAX TOROSIAN, HIS WIFE, AS JOINT TENANTS, DATED JANUARY 10, 1944, RECORDED JANUARY 22, 1944, DOCUMENT NO. 2945 OF OFFICIAL RECORDS.

APN: 390-020-84-S

BASIS OF BEARINGS

THE BEARING OF N89°54'12"W SHOWN FOR THE CENTERLINE OF VALLEY VIEW STREET WAS TAKEN AS THE BASIS OF BEARING SHOWN UPON THIS MAP.

CITY PLANNER'S STATEMENT

I, BRYANT C. HEMBY SECRETARY TO THE PLANNING COMMISSION OF THE CITY OF SELMA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN CONFORMS TO AND IS SUBSTANTIALLY IN COMPLIANCE WITH THE APPROVED TENTATIVE MAP AND REQUIREMENTS IMPOSED BY THE SELMA CITY PLANNING COMMISSION AS A CONDITION TO THE ACCEPTANCE OF THIS FINAL MAP. THIS MAP IS IN AGREEMENT WITH THE ADOPTED GENERAL PLAN FOR THE CITY OF SELMA.

BRYANT C. HEMBY  
SECRETARY TO THE PLANNING COMMISSION

EASEMENT INFORMATION

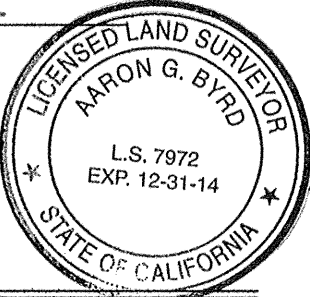
- AN EASEMENT FOR CANAL OR DITCH AND INCIDENTAL PURPOSES, RECORDED JUNE 7, 1886 IN BOOK 49 OF DEEDS, PAGE 172.
- IN FAVOR OF: WM. FALCONER AND ELIZABETH E. STEMBERT  
AFFECTS: A PORTION OF THE LAND
- THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

SURVEYOR'S STATEMENT

I, AARON BYRD, HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THIS MAP, CONSISTING OF 2 SHEETS, CORRECTLY REPRESENTS A TRUE AND COMPLETE SURVEY BY ME, OR UNDER MY DIRECTION IN AUGUST, 2004, THAT THE MONUMENTS ARE OF THAT CHARACTER AND IN THE LOCATIONS SHOWN HEREON OR WILL BE SET IN THE LOCATIONS SHOWN HEREON PRIOR TO THE EXPIRATION OF ONE YEAR FROM THE DATE OF APPROVAL OF THIS FINAL MAP AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED: 8/15/14

AARON BYRD  
P.L.S. 7972  
EXPIRES: 12-31-2014



CITY ENGINEER'S STATEMENT

I, DANIEL K. BOND, CITY ENGINEER OF THE CITY OF SELMA, COUNTY OF FRESNO, STATE OF CALIFORNIA DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE TRACT MAP; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF SAID TENTATIVE TRACT MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED IT IS TECHNICALLY CORRECT.

DATED:

DANIEL K. BOND  
CITY ENGINEER  
R.C.E. 57,133  
EXPIRES: 12-31-2015

CITY SURVEYOR'S STATEMENT

I, JOSEPH D. DAGGETT, CITY SURVEYOR OF THE CITY OF SELMA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

DATED:

JOSEPH D. DAGGETT  
CITY SURVEYOR  
P.L.S. 8861  
EXPIRES: 12-31-2014

CITY CLERK'S STATEMENT

I, MELANIE A. CARTER CITY CLERK HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF SELMA, BY RESOLUTION NO. , ACCEPT ON BEHALF OF THE CITY, ALL DEDICATIONS OF LAND AND EASEMENTS INDICATED AND AS SHOWN WITHIN THE DISTINCTIVE BOUNDARY OF THIS TRACT MAP.

REYNA RIVERA  
CITY CLERK

DATE

RECORDER'S STATEMENT

DOCUMENT NO. FEE:

FILED THIS DAY OF , 20 , AT M IN

VOLUME OF PLATS, AT PAGE(S) , FRESNO COUNTY

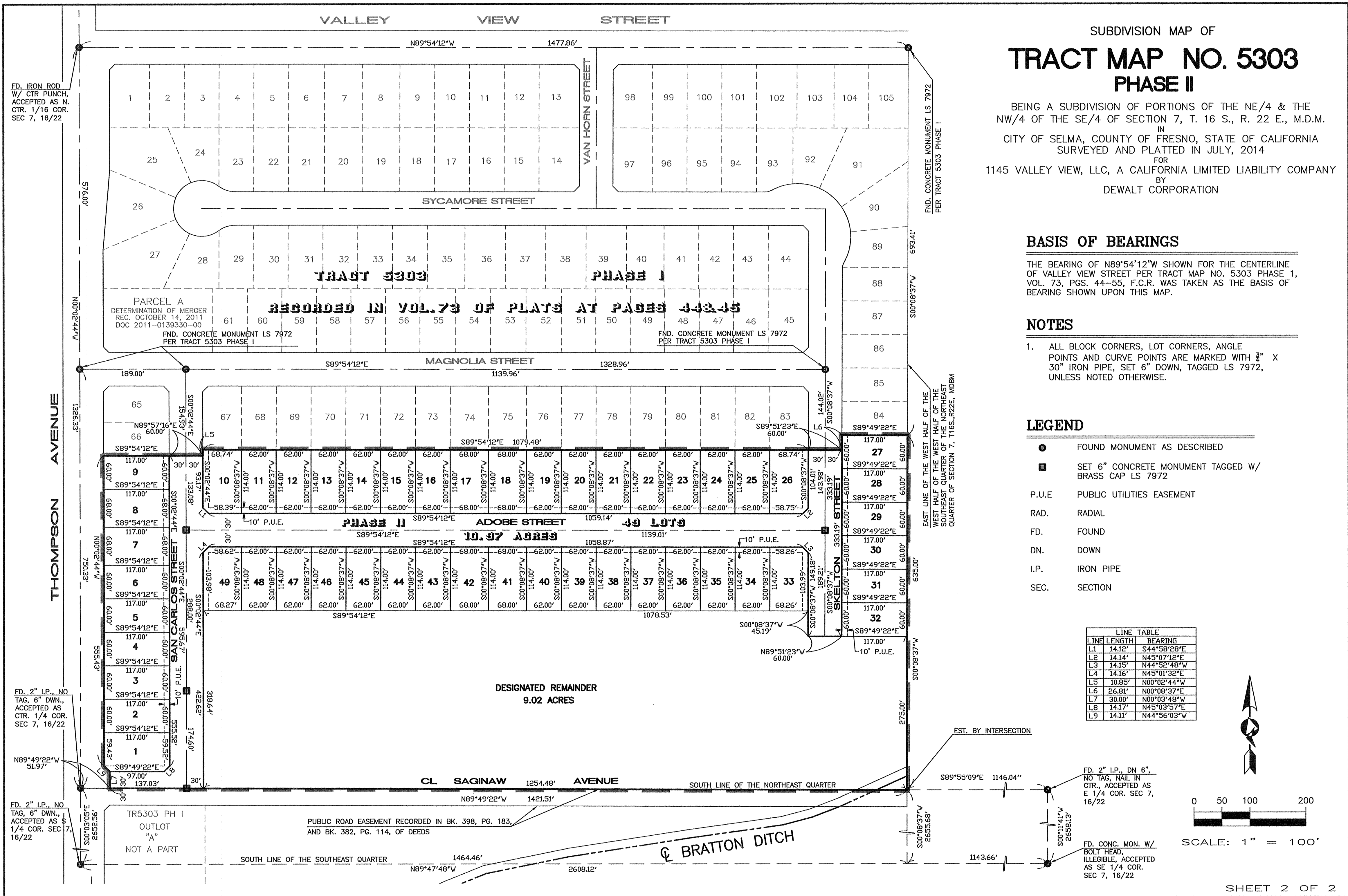
RECORDS, AT THE REQUEST OF DEWALT CORPORATION, INC.

PAUL DICTOS, C.P.A.  
FRESNO COUNTY ASSESSOR-RECORDER

BY:

DEPUTY





SUBDIVISION MAP OF  
**TRACT MAP NO. 5303**  
**PHASE II**

BEING A SUBDIVISION OF PORTIONS OF THE NE/4 & THE NW/4 OF THE SE/4 OF SECTION 7, T. 16 S., R. 22 E., M.D.M.  
IN  
CITY OF SELMA, COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN JULY, 2014  
FOR  
1145 VALLEY VIEW, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
BY  
DEWALT CORPORATION

**BASIS OF BEARINGS**

THE BEARING OF N89°54'12"W SHOWN FOR THE CENTERLINE OF VALLEY VIEW STREET PER TRACT MAP NO. 5303 PHASE 1, VOL. 73, PGS. 44-55, F.C.R. WAS TAKEN AS THE BASIS OF BEARING SHOWN UPON THIS MAP.

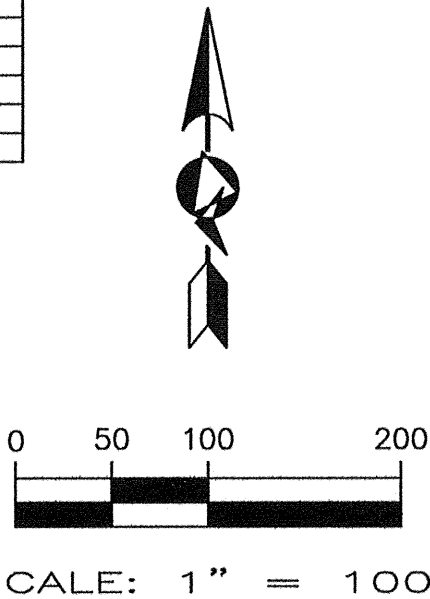
**NOTES**

1. ALL BLOCK CORNERS, LOT CORNERS, ANGLE POINTS AND CURVE POINTS ARE MARKED WITH 3/4" X 30" IRON PIPE, SET 6" DOWN, TAGGED LS 7972, UNLESS NOTED OTHERWISE.

**LEGEND**

- FOUND MONUMENT AS DESCRIBED
- SET 6" CONCRETE MONUMENT TAGGED W/ BRASS CAP LS 7972
- P.U.E PUBLIC UTILITIES EASEMENT
- RAD. RADIAL
- FD. FOUND
- DN. DOWN
- I.P. IRON PIPE
- SEC. SECTION

LINE TABLE		
LINE	LENGTH	BEARING
L1	14.12'	S44°58'28"E
L2	14.14'	N45°07'12"E
L3	14.15'	N44°52'48"W
L4	14.16'	N45°01'32"E
L5	10.85'	N00°02'44"W
L6	26.81'	N00°08'37"E
L7	30.00'	N00°03'48"W
L8	14.17'	N45°03'57"E
L9	14.11'	N44°56'03"W



SCALE: 1" = 100'

**CITY MANAGER'S/STAFF'S REPORT**  
**CITY COUNCIL MEETING:**

October 6, 2014

---

---

**ITEM NO:**

3 .

**SUBJECT:**

Consideration and necessary action on Ordinance of the City Council of the City of Selma Amending Section 1 of Chapter 7 of Title II (2-7-2) Entitled Traffic/Street Commission.

---

---

**DISCUSSION:**

The City has numerous commissions provided for by its Municipal Code. There is a Planning Commission, Personnel Commission, Recreation and Community Services Commission, Emergency Organization Disaster Council, Economic Development Commission, Traffic/Streets Commission, and the Pioneer Village Advisory Commission, all of which have membership composed of at least five members, but in most cases more than that. Some of these commissions, like the Personnel Commission meet on an only as needed basis, typically for entertaining an appeal by an employee from disciplinary action taken by the City. Some of them are very active and vocal in their recommendations to this Council, like the Pioneer Village Advisory Commission which is comprised of nine members that are very dedicated to and active in promoting and preserving the Pioneer Village. Others are relatively inactive including the Emergency Organization Council, the Economic Development Commission and the Traffic/Streets Commission. On these commissions that are relatively inactive, it is difficult to maintain at least a quorum of the required membership. That is the case for the Traffic/Streets Commission.

Fortunately, the overall, broad function of the Traffic/Streets Commission overlaps with the function of what is the primary and the only commission the City is required to have by law, the Planning Commission. The functions overlap in that the Planning Commission is responsible for making recommendations to this Council concerning plans for the regulation of future growth, development and beautification of the City and plans to secure for the City and its inhabitants proper sanitation and services of public utilities and to review and approve or disapprove development applications or other project applications, including making recommendations in compliance with CEQA and the Americans with Disabilities Act, among other laws, with respect to any development, including improvements to a street and plans for proper traffic flow through the City.



The sole duty of the Traffic Commission is to provide recommendations concerning administration or enforcement of traffic and street matters which has an obvious overlap with the even broader duties of the Planning Commission. The duties of the Traffic/Street Commission that do not overlap with those of the Planning Commission necessarily involve traffic and streets, which are matters that the Planning Commission deals with on a regular basis in connection with its approval and review of project applications.

Given the difficulty of maintaining a separate Traffic/Street Commission, the staff is proposing an amendment to the ordinance provision that creates the Traffic/Streets Commission which assigns to the Planning Commission the function previously performed by the Traffic/Street Commission. The Ordinance is being amended in such a way that should the taking on of this additional responsibility by the Planning Commission prove too much, or it is determined that there is a definite need for a separate Traffic/Streets Commission, that the Council can change the ordinance again at any time, in the event conditions warrant, to reactivate the Traffic/Streets Commission.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source:		
Fund Balance:		

---

**RECOMMENDATION:** Waive first reading and introduce Ordinance and direct Clerk to schedule matter for public hearing.

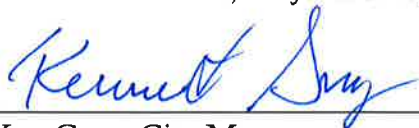
---

/s/ Neal E. Costanzo

October 1, 2014

Neal E. Costanzo, City Attorney

Date



Ken Grey, City Manager

10/1/2014

Date

---

We \_\_\_\_\_ and \_\_\_\_\_  
                     Ken Grey, City Manager                      Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

**ORDINANCE 2014-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING  
SECTION 1 OF CHAPTER 7 OF TITLE II OF THE SELMA MUNICIPAL CODE (SMC)  
(2-7-1) ENTITLED TRAFFIC/STREET COMMISSION**

**WHEREAS**, current City ordinances establish a Traffic/Street Commission to advise the City Council on traffic/street related policy issues. The duties of the Traffic/Street Commission overlap those prescribed by the Selma Municipal Code (SMC) for the City of Selma Planning Commission in that the function of both commissions is to make recommendations to this City Council that relate to traffic and street conditions; and

**WHEREAS**, the Traffic/Street Commission is not extensively used while the Planning Commission meets on a regular basis and regularly makes recommendations, primarily concerning proposed projects or developments, including streets and traffic measures and mitigations for such projects to this City Council; and

**WHEREAS**, the City staff is considering proposing an elimination of the Traffic/Street Commission altogether, and an assignment of its function to the Planning Commission; but, staff believes it is wise to first provisionally assign the Traffic/Street Commission function to the Planning Commission by amending Section 2-7-1 of the Municipal Code so as to provide that the Planning Commission shall serve as the Traffic Commission until directed to cease that function by this City Council which may then simultaneously reactivate the existence of and appoint members to the Traffic/Street Commission.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA DOES  
HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 1 of Chapter 7 of Title II of the Selma Municipal Code (SMC) is hereby amended to read as follows:

The existence of a Traffic/Streets Commission in the City of Selma is hereby suspended. The Planning Commission of the City of Selma shall perform the duties of the Traffic/Streets Commission as set forth in Selma Municipal Code Section 2, Chapter 7, Title II (2-7-2). The making of this amendment shall not change the terms or compensation of the Planning Commission members as set by this code, or by City Council resolution. If and when the City Council deems it desirable to do so, the Traffic/Streets Commission will be reestablished to advise the City on traffic/street related policy issues. The voting membership of the Commission, once activated, shall consist of 5 citizens at large, with the Director of Public Works, City Engineer and Police Chief serving as staff liaison to the Commission.

Section 2: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this ordinance is not a project under the California Environmental Quality Act because the ordinance has no potential for resulting in a physical change in the environment. Since the ordinance is not a project, no environmental documentation is required.

Section 3: Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

Section 4: Effective Date and Posting of Ordinance: This Ordinance shall take effect and be in force thirty (30) days from and after the date of final passage. The City Clerk of the City of Selma shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in The Selma Enterprise with the names of those City Council Members voting for or against the Ordinance.

\* \* \* \* \*

I, Reyna Rivera, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced and passed at the \_\_\_\_\_, 2014, regular City Council meeting of the City of Selma by the following vote, to wit:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

\_\_\_\_\_  
Mayor Pro Tem of the City of Selma

ATTEST:

\_\_\_\_\_  
Reyna Rivera  
City Clerk of the City of Selma

**CITY MANAGER'S/STAFF'S REPORT**  
**REGULAR CITY COUNCIL MEETING DATE:**

October 6, 2014

---

---

**ITEM NO:**

4.

**SUBJECT:**

Ordinance amending the 2035 General Plan Land Use Designation, Zoning, and McCall Specific Plan on 2828 McCall Avenue, Selma, (APNs: 358-061-15 & 358-061-16); First Reading and Introduction

---

---

**DISCUSSION:**

This is the introduction and first reading of an Ordinance changing the Zoning Districts and Land Use Designations of the above parcels, commonly known as 2828 McCall Avenue, Selma, California. This ordinance is being initiated to change the zoning and bring these parcels into compliance with the General Plan Map and the McCall Specific Plan Map. The proposed zone change is city initiated with the written concurrence of the property owners.

The property owner wants to build a six-plex on the existing vacant lots. Currently the parcels are zoned R-1-7 Residential with a Medium Low Density General Plan Land Use Designation. This Land Designation and Zoning will only allow one single family residence for each lot. The property is included in the McCall Specific Plan Area with a Vacant/Undeveloped Designation.

The Land Use Designation will be changed from Medium Low Density Residential to High Density Residential and rezoned from R-1-7 to R-3, to allow for the proposed development. The McCall Specific Plan Designation must be changed to High Density Residential to be consistent with the General Plan Map and the new zoning.

This project is consistent with Selma 2035 General Plan Goals and Objectives to provide a variety of housing types to meet the needs of all Selma residents, as well as develop through public and private channels, sufficient new housing to insure the availability of affordable housing in Selma.

This project can be serviced by both Selma-Kingsburg-Fowler County Sanitation and California Water Service Company. Other public services impacts such as Police, Fire, Parks and Streets will be mitigated by Development Impact fees paid for by this project.

This project could not meet the exemption threshold for an In Fill Residential Project, because a zone change is required. But the project is exempt under the 'common sense' exemption in the CEQA Guidelines (§15061(b)(3)). These entitlements will make the General Plan Map, the McCall Specific Plan Map and the Zoning Map consistent as required by state law. The project is exempt because it can be seen with certainty that it will have no significant impact on the environment. All potential impacts were fully evaluated and mitigated by the EIR for the 2035 General Plan.

The Planning Commission heard this item on September 22, 2014 and voted to recommend approval to the City Council (minutes and resolutions attached). The other two projects heard at the meeting were omitted for clarity.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
None		None
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: N/A  Fund Balance:		None

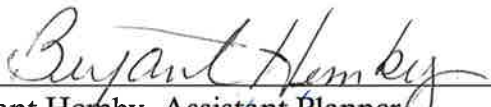
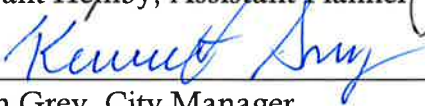
---

**RECOMMENDATION:** Waive the first reading, introduce the Ordinance and set the Public Hearing for a future meeting.

---



---

 Bryant Hemby, Assistant Planner	<u>10/1/2014</u> Date
 Ken Grey, City Manager	<u>10/2/2014</u> Date

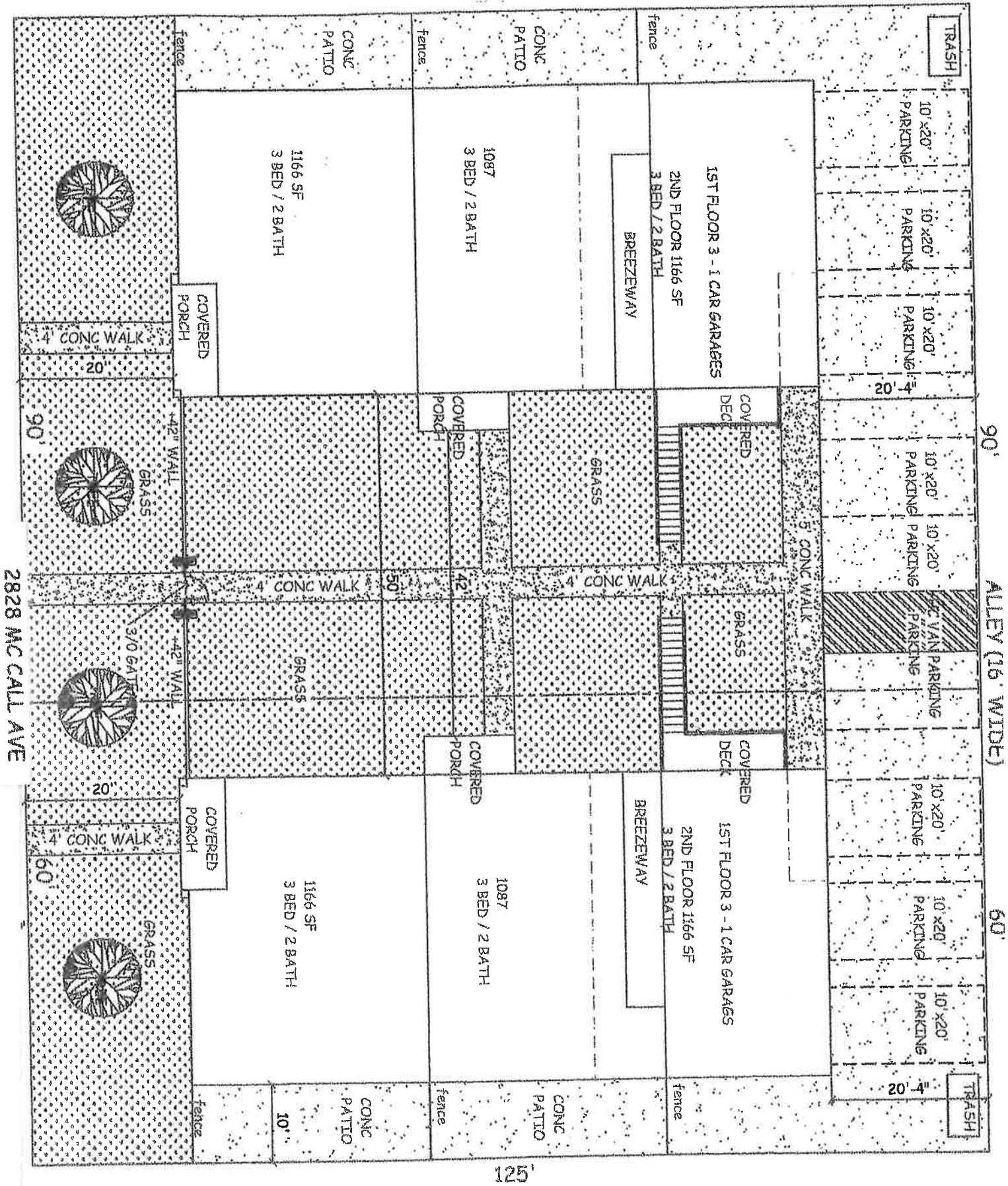
---

We \_\_\_\_\_ and \_\_\_\_\_  
Ken Grey, City Manager Steven Yribarren, Interim Finance Director

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

### ***Attachments***

1. Site Plan and Elevations
2. Ordinance Amendment with attached General Plan, Specific Plan and Zoning Maps
3. Planning Commission Minutes from September 22, 2014  
Planning Commission Resolutions  
Planning Commission Staff report from September 22, 2014



2828 MC CALL AVE

APN 389-061-15

18750 LOT 5F

LOT COVERAGE 7012 SF

LOT COVERAGE 37.4%

6 COVERED PARKING (GARAGES)

9 UNCOVERED PARKING (1 HC PARKING)

15 TOTAL PARKING SPACES (2.5 SPACES PER UNIT)

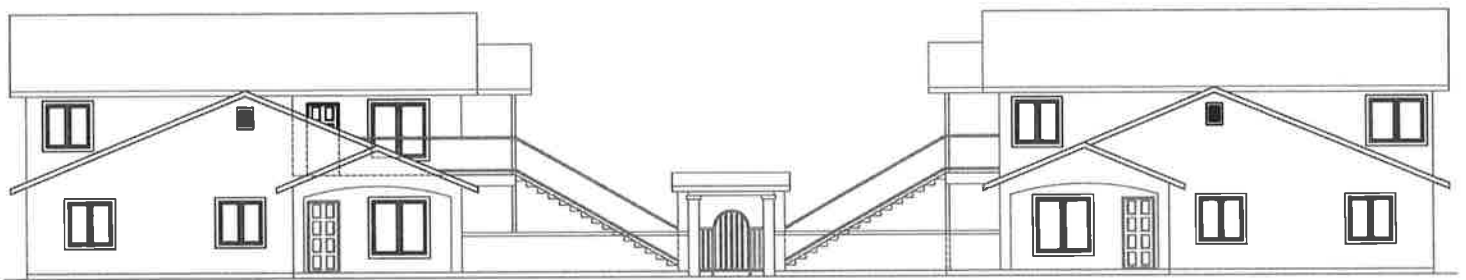
NORTH



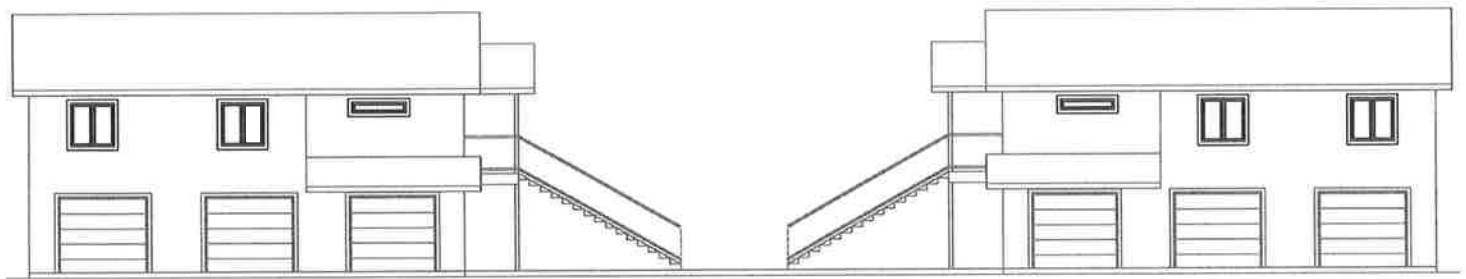
October 6, 2014 Council Packet



VIEW FROM MCCALL



VIEW FROM THE ALLEY



**ORDINANCE NO. 2014-\_\_\_\_R**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA  
AMENDING THE GENERAL PLAN 2035 LAND USE DESIGNATION,  
ZONING, AND MCCALL SPECIFIC PLAN ON 2828 MCCALL AVENUE, SELMA, CA.  
(APN NOS. 358-061-15 & 358-061-16 )**

**WHEREAS**, the City of Selma adopted its General Plan 2035 which designates land use within the planning area of the City of Selma; and

**WHEREAS**, Title XI of the City Code of the City of Selma titled "Zoning" serves as a guide for the orderly growth and development of the City of Selma to promote and protect the public health, safety, comfort and general welfare, and to implement the General Plan; and

**WHEREAS**, Chapter 2 of Title XI of the City Code requires that the City maintain a map of the zoning boundaries; and

**WHEREAS**, the City has adopted several specific planning zones, including the McCall Specific Plan; and

**WHEREAS**, on September 22, 2014, the Planning Commission of the City of Selma conducted a public hearing on (the "Project"); and

**WHEREAS**, on September 22, 2014, the Planning Commission of the City of Selma, after public hearing, adopted Resolution No. 2013-0009 recommending that the City Council approve amending the City of Selma General Plan 2035 Land Use Designation Map to change the Land Use Designation for 2828 McCall Avenue, (APN No's 358-061-15 and 16) from Medium Low Density Residential to High Density Residential; and

**WHEREAS**, on September 22, 2014, the Planning Commission of the City of Selma, after public hearing, recommended by Resolution No. 2014-0010, that the City Council of the City of Selma amend the McCall Specific Plan Map Land Use Designation for 2828 McCall Avenue from Vacant/Undeveloped to High Density; and

**WHEREAS**, on September 22, 2014, the Planning Commission, after a public hearing recommended by Resolution No. 2014-0011, that the City Council of the City of Selma approve a Zone Change changing the zoning of Assessor Parcel Nos. 358-061-15, 358-061-16 from Medium Low Density Residential (R-1-7) to High Density Residential (R-3); and

**WHEREAS**, on October 6, 2014, the City Council of the City of Selma received the recommendations (Resolution Nos. 2014-0009, 2014-0010, 2014-0011) of the City of Selma Planning Commission.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Based upon the testimony and information presented at the public hearing on October 20, 2104, and upon review and consideration of the environmental documentation provided, the City Council of the City of Selma finds, in accordance with its own independent judgment finds there is no substantial evidence in the record that:

- (A) The amendment of the City of Selma General Plan 2035 Land Use Designation Map by re-designating Assessment Parcel Nos. 358-061-15, 358-061-16, located at 2828 McCall Avenue, from Medium Low Density Residential to High Density Residential; an amended General Plan 2035 Land Use Map is attached hereto and incorporated herein by this reference as Attachment A; and
- (B) Amending the McCall Specific Plan Map Land Use Designation of Assessor Parcel Nos. 358-061-15 and 358-061-16 located at 2828 McCall Avenue from Vacant/Undeveloped to High Density Residential an amended McCall Specific Plan Map is attached hereto and incorporated herein by this reference as Attachment B; and
- (C) Amending the City's Zoning Map by rezoning Assessor Parcel Nos. 358-061-15 and 358-061-16, located at 2828 McCall Avenue, from Medium Low Density Residential (R-1-7) to High Density Residential (R-3); an amended Zoning Map of the City of Selma is attached hereto and incorporated herein by this reference as Attachment C;

will have any significant effects on the environment that were not identified and mitigated in the City of Selma General Plan Update 2035 and that said amendments to the General Plan 2035 Land Use Designation Map, McCall Specific Plan Map, and Zoning Map are exempt as under the "common sense" exception (14 CCR § Section 15061(b)(3)). Further, the City Council of the City of Selma find that the Project is consistent with and will make the General Plan 2035 Map and the McCall Specific Plan Map consistent with the applicable zoning designation(s) and regulations.

Section 2. The City Council of the City of Selma hereby amends the City of Selma General Plan 2035 Land Use Designation as follows: Assessment Parcel Nos. 358-061-15 and 358-061-16, located at 2828 McCall Avenue from Medium-Low Density Residential to High Density Residential; as depicted on Attachment A; and

Section 3. The City Council of the City of Selma hereby amends the McCall Specific Plan as follows: the McCall Avenue, Specific Plan Map Land Use Designation of Assessor Parcel Nos. 358-061-15 and 358-061-16 located at 2828 McCall Avenue, from Vacant/Undeveloped to High Density Residential as depicted on Attachment B; and

Section 4. The City Council of the City of Selma hereby amends the City's Zoning Map as follows: Rezoning Assessment Parcel Nos. 358-061-15, 358-061-16, located at 2828 McCall Avenue from Medium Low Density Residential (R-1-7) to High Density (R-3), as depicted on Attachment C; and

Section 5. This Ordinance shall become effective and in full force 30 days after its passage.

Section 6. Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

\* \* \* \* \*

I, REYNA RIVERA, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced and passed at the October 20, 2014, regular City Council meeting of the City of Selma by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

---

George Rodriguez, Mayor Pro Tem  
of the City of Selma

ATTEST:

---

Reyna Rivera  
Acting City Clerk of the City of Selma

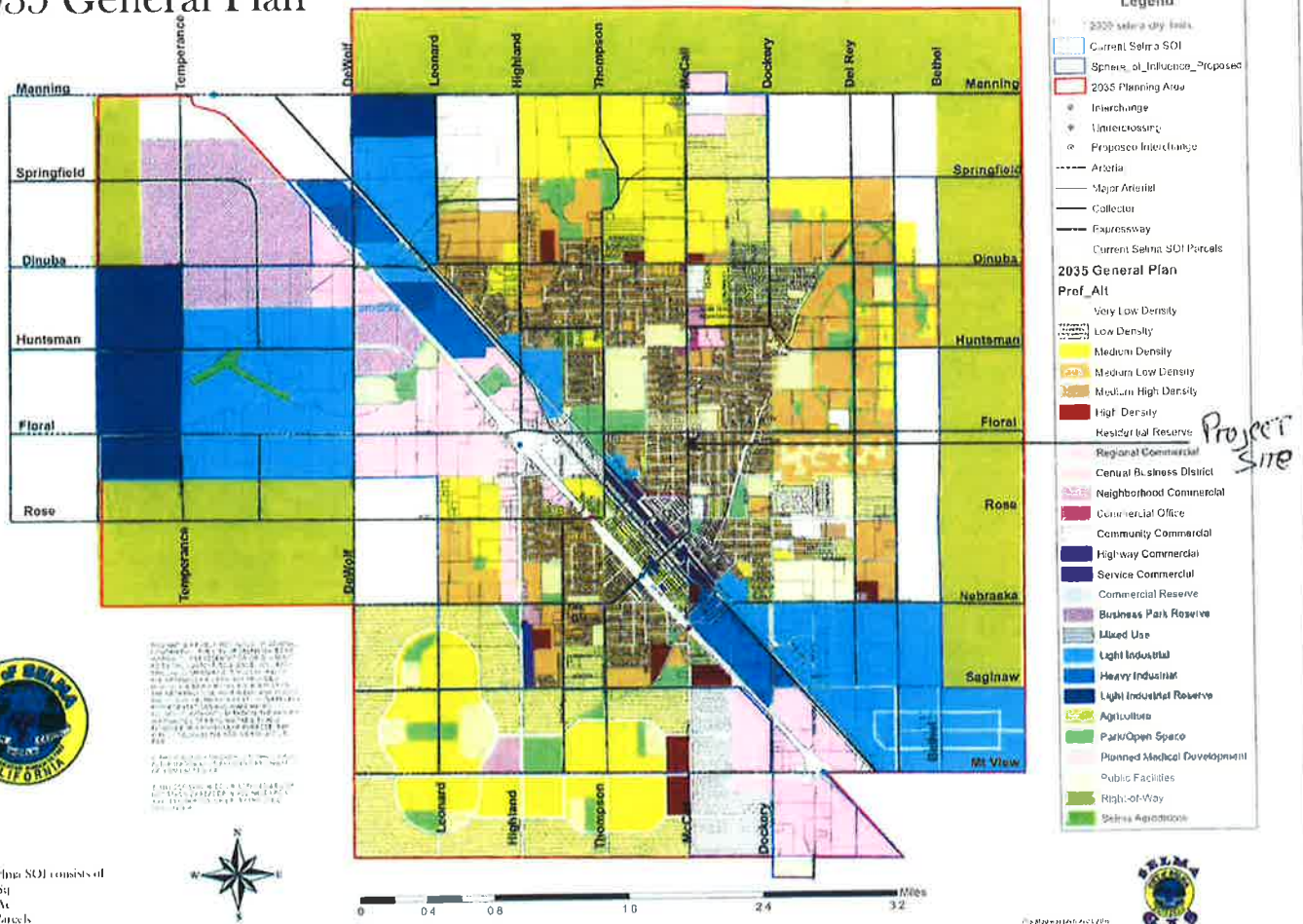
APPROVED AS TO FORM

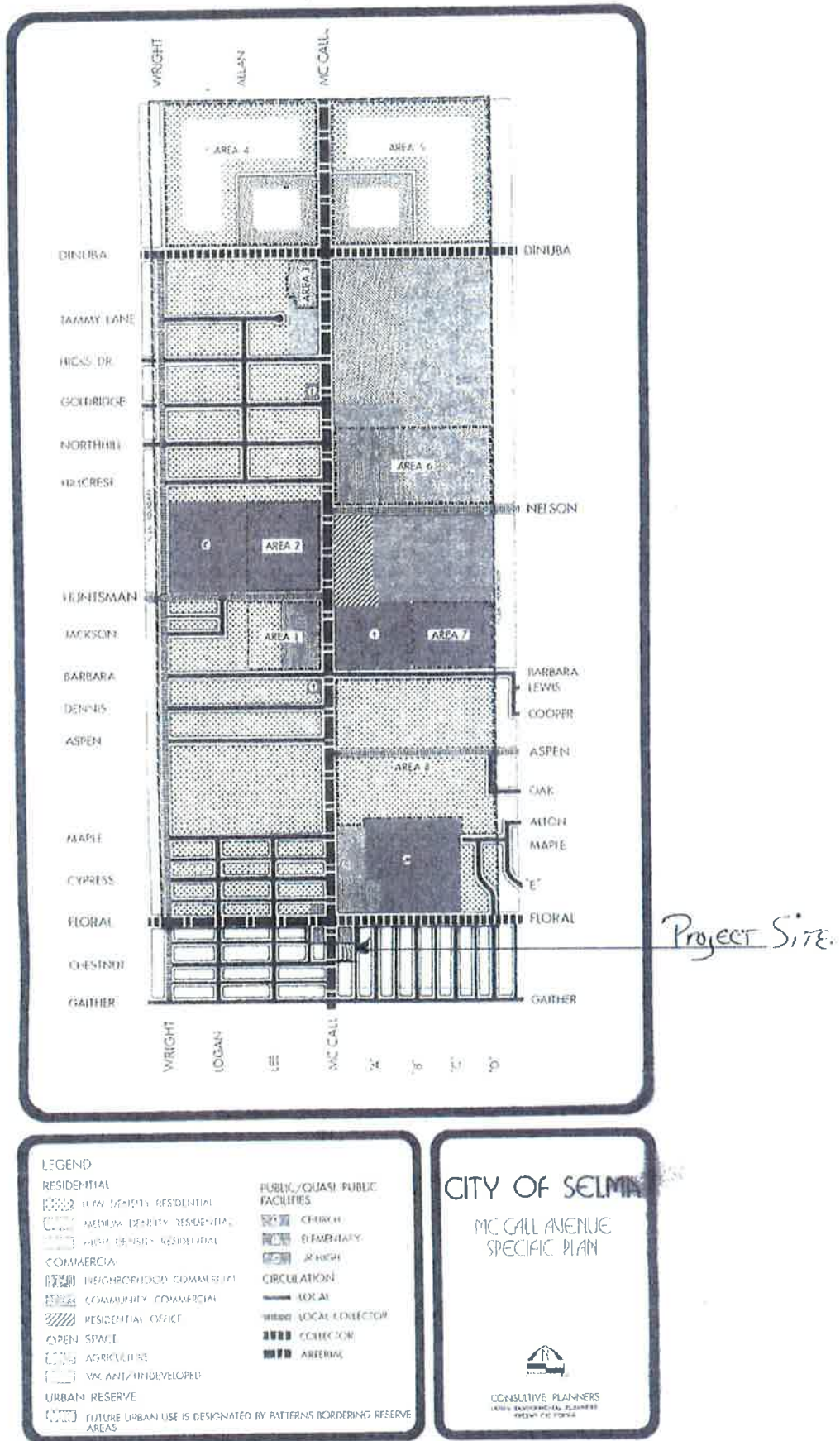
---

Neal E. Costanzo, City Attorney

# EXHIBIT 'A'

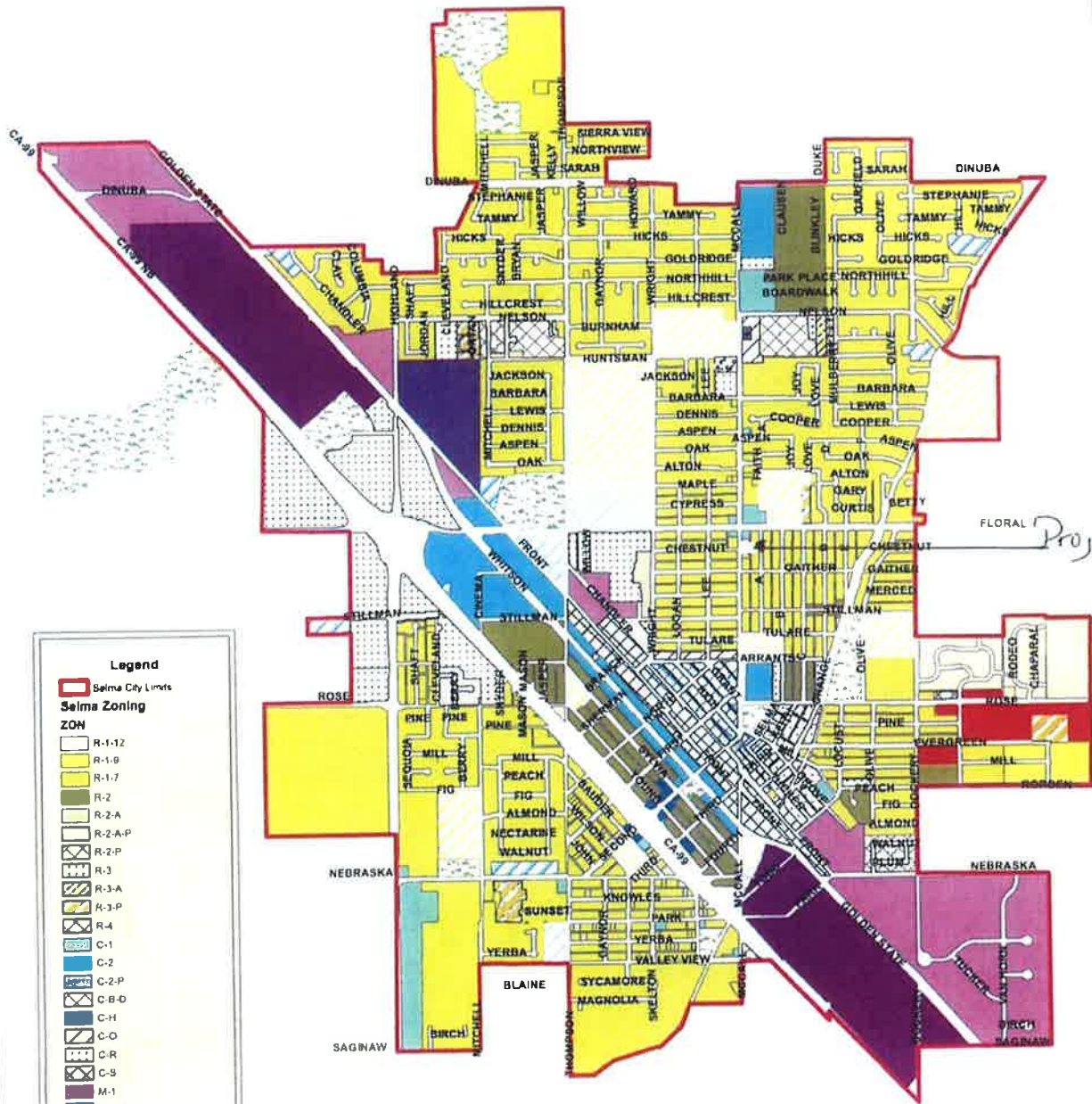
## City of Selma 2035 General Plan







# City of Selma Zoning



**Draft**  
**CITY OF SELMA**  
**MINUTES OF PLANNING COMMISSION MEETING**  
**September 22, 2014**

The meeting of the Selma Planning Commission was called to order at 6:06 p.m. in the Council Chambers by Commissioner Serimian. Commission members answering roll call were: Gonzalez, Kessler, Sindher, Ivory and Serimian. Commissioner Edwards was absent.

Also present were: City Attorney Slater and Assistant Planner Hemby.

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.

**CONSENT CALENDAR:** The minutes of the August 28, 2014, regular meeting were approved unanimously as written.

**CHANGE TO THE AGENDA:** Staff advised the Commission that because of a noticing error the third site seeking a General Plan Amendment and Zone Change for 1261 & 1265 Rose Avenue was being pulled from the agenda and will be set for a new Planning Commission Meeting.

**CONSIDERATION AND NECESSARY ACTION FOR A GENERAL PLAN AMENDMENT, ZONE CHANGE, MCCALL SPECIFIC PLAN AMENDMENT, LOT MERGER, ZONE VARIANCE AT 2828 MCCALL AVENUE, SELMA, CA 93662 – public hearing and approval:**

Staff explained that the City of Selma is seeking a General Plan Amendment to re-designate the parcels from single family residential to multifamily residential. Along with this General Plan Amendment the parcel must be rezoned from R-1-7 to R-3. The lots are also located in the McCall Specific Plan Area with a Vacant/Undeveloped land use designation. The designation will be changed to High Density Residential to comply with the General Plan Map. The two parcels will be merged into one, which will allow a larger footprint for the project. A Zone Variance is needed to allow two of the buildings to encroach 10 feet into the 30 feet front setback area.

Commissioner Serimian opened the public hearing portion of the meeting at 6:15 p.m.

Lydia Mendez, 2004 Gaither Street, Selma, CA 93662, stepped forward and voiced concerns regarding the tenants that the apartment might bring.

Michael Rosenfeld, 2481 Silverbooke, Kingsburg, CA 93631, the builder of the apartment complex stepped forward to speak in favor of the project and provided an in depth description of his project.

Commissioner Sindher inquired on the traffic access. Staff explained the current design shows the traffic access will be in the alley.

Joey Valdez, 2835 A Street, Selma, CA. 93662, stepped forward and also voiced concerns about the new tenants.

Varina Rosenfeld, 2481 Silverbooke, Kingsburg, CA 903631 stepped forward and reinforced her husband's comments on the upscale and quality of the development.

There being no further public testimony, Commissioner Serimian closed the public hearing at 6:58 p.m.



Commissioners Serimian asked for clarification from the developer on the size of the project and some design features. Mr. Michael Rosenfeld stepped forward and answered Commissioners Serimian inquiries.

Jesse Mendez, 2004 Gaither Street, Selma, CA 93662, stepped forward and had concerns about graffiti, parking and other security problems that are associated with apartments.

Commissioner Gonzalez made a comment regarding traffic, water and sewer and stated that he could not support the General Plan Amendment exemption from CEQA.

After discussion Commissioner Serimian motioned to recommend approval of Resolution No. 2014-0009, a General Plan Amendment re-designating two parcels from Medium Low Density Residential to High Density Residential, the motion was seconded by Commissioner Ivory. The motion carried by the following vote:

AYES:	Serimian, Ivory Kessler, Sindher
NOES:	Gonzalez
ABSTAIN:	None
ABSENT:	Edwards

Staff explained the project had several entitlements that were being approved for both sites and it may be confusing to approve each resolution separately. Commissioner Serimian motioned to approve and recommend the following resolutions to the City Council: Resolution No. 2014-0010 a McCall Specific Plan Amendment re-designating two parcels from Vacant/Undeveloped to High Density; Resolution No. 2014-0011 rezoning two parcels from R-1-7 to R-3; Resolution No. 2014-0012 for a Lot Merger; and Resolution No. 2014-0013 for a Zone Variance to allow two new buildings to encroach 10' into the 30' front yard setback. The motion was seconded by Commissioner Ivory. The motion carried by the following vote:

AYES:	Serimian, Ivory, Kessler, Sindher
NOES:	Gonzalez
ABSTAIN:	None
ABSENT:	Edwards

**CONSIDERATION AND NECESSARY ACTION FOR A GENERAL PLAN AMENDMENT , ZONE CHANGE, MCCALL SPECIFIC PLAN, AND A ZONE VARIANCE FOR ASSESSORS PARCELS NUMBER: 358-070-78 & 358-070-79, LOCATED IN THE 3400 BLOCK OF MCCALL AVENUE, SELMA, CA 93662 – public hearing and approval:** Staff reported that the City of Selma is seeking a General Plan Amendment to re-designate a vacant parcel from Single Family Residential to Multifamily Residential. Along with this General Plan Amendment the parcel must be rezoned from R-1-7 to R-3. The lots are in the McCall Specific Plan Area and the designation will be changed from Elementary to High Density Residential. A Zone Variance is needed to allow two of the buildings to encroach 10' into the 30' front set back area in the McCall Specific Plan standards.

Commissioner Serimian opened the public hearing portion of the meeting at 7:20 p.m.

Nick Sahota, 2132 High Street, the designer for the project stepped forward and asked the Commission for their support of the project.

Harbhajan S. Nagra, from 11160 S. Chestnut, Fresno, CA 93725, the owner of the property gave a brief description of the project to the Commission.

Donna Murry, 2051 Hillcrest Street; Marty Alvarado, 2048 Hillcrest Street; Connie Lujan, 2053 Hillcrest Street; Frank Whitlock, 2005 Hillcrest Street; Joel Fedor, 2021 Hillcrest Street; Phyllis English, 2039 Hillcrest Street, all stepped forward and spoke in opposition of the project because of issues with traffic, noise, and other concerns associated with apartments.

Commissioner Gonzalez discussed the safety issue with traffic, and stated that he could not support this General Plan Amendment.

Commissioner Serimian reopened the public portion of the meeting.

Varina Rosenfeld, 2481 Silverbooke, Kingsburg, CA 903631 reinforced her husband's comment on the upscale housing development.

Commissioner Serimian closed the public portion again and referred the item to the Commission for consideration.

Commissioner Ivory discussed the traffic issued and aesthetics of the project.

City Attorney Slater recommended the previously approved resolutions 2014-0009, 2014-0010 and 2014-0012 be amended to remove the second project 3400 McCall project Assessor's Parcel Number 358-070-78 and 358-070-79 prior to being recommended to the City Council.

Commissioner Serimian recommended Resolution No. 2014-0009, a General Plan Amendment re-designating two parcels from Medium Low Density Residential to High Density Residential with amendments to the City Council. The motion was seconded by Commissioner Sindher. The motions carried by the following vote:

AYES:	Serimian, Sindher, Kessler, Ivory,
NOES:	Gonzalez
ABSTAIN:	None
ABSENT:	Edwards

Commissioner Serimian recommended Resolution No. 2014-0010, a McCall Specific Plan Amendment re-designating two parcels from Vacant/Undeveloped to High Density Residential with amendments to the City Council. The motion was seconded by Commissioner Kessler. The motions carried by the following vote:

AYES:	Serimian, Kessler, Ivory, Sindher
NOES:	Gonzalez
ABSTAIN:	None
ABSENT:	Edwards

Commissioner Serimian recommended Resolution No. 2014-0011, a Zone Change of two parcels at 2828 McCall Avenue from R-1-7 to R-3 with amendments to the Selma City Council. The motion was seconded by Commissioner Ivory. The motions carried by the following vote:

AYES: Serimian, Ivory, Kessler, Sindher,  
NOES: Gonzalez  
ABSTAIN: None  
ABSENT: Edwards

Commissioner Serimian approved Resolution No. 2014-0013, a Zone Variance for 2828 McCall Avenue with amendments excluding Assessor's Parcel Numbers: 358-070-78 and 358-070-79. The motion was seconded by Commissioner Ivory. The motion carried by the following vote:

AYES: Serimian, Ivory, Kessler, Sindher,  
NOES: Gonzalez  
ABSTAIN: None  
ABSENT: Edwards

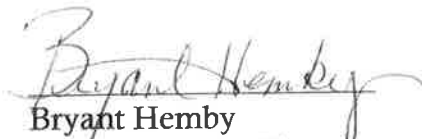
At this time staff explained to the applicants and the audience, that 2828 McCall Avenue will move forward to the City Council on the 6<sup>th</sup> of October, for approval of the General Plan Amendment. The 3400 McCall project would be continued to the October 27, 2014 Planning Commission for further consideration.


**DIRECTOR'S REPORTS:**

None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

  
Bryant Hemby  
Secretary to the Planning Commission

  
Danny Serimian, Chairperson of the  
Planning Commission

**RESOLUTION NO. 2014-0009**

**A RESOLUTION OF THE SELMA PLANNING COMMISSION RECOMMENDING  
APPROVAL OF GENERAL PLAN AMENDMENT NO. 2014-0001,  
TO THE SELMA CITY COUNCIL**

**WHEREAS**, on September 22, 2014, the Selma Planning Commission, at a regularly scheduled public hearing, considered a General Plan Amendment filed by the City of Selma. The General Plan Amendment will be Re-designate +/- .43 of an acre from Medium Low Density Residential to High Density Residential, at 2828 McCall Avenue; and

**WHEREAS**, the Planning Commission conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony presented for the project prior to finalizing their recommendations to the City Council; and

**WHEREAS**, the Planning Commission examined and considered Environmental Assessment, and found that the project was exempt under the statutory in-fill project exemption. However, after review the City Council finds that while the Project is an in-fill project it may not meet all the statutory requirements for the in-fill exemption because, among other reasons, the City's zoning and zoning map have not yet been updated following the adoption of the City's 2035 General Plan update; and

**WHEREAS**, The City Council, after examining and considering the entire record and all of the comments has determined that the Project is consistent with the objectives and policies of the General Plan of the City of Selma. The City Council further finds that there is no possibility that the Project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to 14 CCR Section 15061(b)(3) based on but not limited to the following findings:

1. The General Plan Amendment will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community. There are no physical constraints that would prohibit development.
2. The Planning Commission finds that the proposed General Plan Amendment meets the requirements and standards of development as set forth in both the Land Use Element and Circulation Element of the Selma General Plan and Selma Municipal Code.
3. The Planning Commission finds that the City of Selma is committed to insure the peace, tranquility, health, safety, and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.

4. The Planning Commission finds that this action advances the public interests, protects life and property with which the City of Selma is charged to protect and will not have a negative impact on life in the community. The General Plan Amendment will have no significant environmental impacts.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Selma Planning Commission hereby finds and takes the following actions:

1. The above findings and recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. The above findings are supported by the record and presentation to the Planning Commission.
3. The Planning Commission recommends the City Council approve the General Plan Amendment, subject to the Findings for Approval made part of this Resolution.


The foregoing Resolution was duly approved by the Selma Planning commission at a regular meeting held on the 22<sup>nd</sup> day of September 2014 by the following vote, to wit:


AYES: COMMISSIONERS: Serimian, Sindher, Kessler, Ivory

NOES: COMMISSIONERS: Gonzalez

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Edwards

  
DANNY SERIMIAN,  
VICE CHAIRMAN OF  
THE PLANNING COMMISSION

ATTEST:   
Bryant Hemby, Assistant Planner  
Secretary, Selma City Planning Commission

**RESOLUTION NO. 2014-0010**

**A RESOLUTION OF THE SELMA PLANNING COMMISSION RECOMMENDING  
APPROVAL OF MCCALL SPECIFIC PLAN AMENDMENT  
TO THE SELMA CITY COUNCIL**

**WHEREAS**, on September 22, 2014, the Selma Planning Commission, at a regularly scheduled public hearing, considered a McCall Specific Plan Amendment submitted by the City of Selma. The McCall Specific Plan Map will be amended to reflect the re-designation +/- .43 of an acre from Vacant/Undeveloped, at 2828 McCall Avenue; and

**WHEREAS**, the Planning Commission conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony presented for the project prior to finalizing their recommendations to the City Council; and

**WHEREAS**, the Planning Commission examined and considered Environmental Assessment, and found that the project was exempt under the statutory in-fill project exemption. However, after review the City Council finds that while the Project is an in-fill project it may not meet all the statutory requirements for the in-fill exemption because, among other reasons, the City's zoning and zoning map have not yet been updated following the adoption of the City's 2035 General Plan update; and

**WHEREAS**, The City Council, after examining and considering the entire record and all of the comments has determined that the Project is consistent with the objectives and policies of the General Plan of the City of Selma. The City Council further finds that there is no possibility that the Project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to 14 CCR Section 15061(b)(3) based on but not limited to the following findings:

1. The Planning Commission finds that this McCall Specific Plan Amendment will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community.
2. The Planning Commission finds that the proposed McCall Specific Plan Amendment meets the requirements and standards of development as set forth in both the Land Use Element and Circulation Element of the Selma General Plan and Selma Municipal Code. There are no physical constraints that would prohibit development.
3. The Planning Commission finds that the City of Selma is committed to insure the peace, tranquility, health, safety, and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.

4. The Planning Commission finds that this action advances the public interests, protects life and property with which the City of Selma is charged to protect and will not have a negative impact on life in the community. The McCall Specific Plan Amendment will have no significant environmental impacts.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Selma Planning Commission hereby finds and takes the following actions:

1. The above findings and recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. The above findings are supported by the record and presentation to the Planning Commission.
3. The Planning Commission recommends the City Council approve this McCall Specific Plan Amendment, subject to the Findings for Approval made part of this Resolution.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 22<sup>nd</sup> day of, September 2014, by the following vote, to wit:

AYES: COMMISSIONERS: Serimian, Kessler, Ivory, Sindher

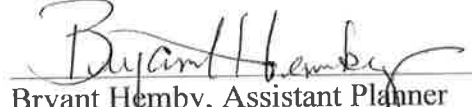
NOES: COMMISSIONERS: Gonzalez

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Edwards

  
DANNY SERIMIAN,  
VICE CHAIRMAN OF  
THE PLANNING COMMISSION

ATTEST:

  
Bryant Hemby, Assistant Planner  
Secretary, Selma City Planning Commission

**RESOLUTION NO. 2014-0011**

**A RESOLUTION OF THE SELMA PLANNING COMMISSION  
RECOMMENDING APPROVAL OF ZONE CHANGE NO. 2014-0001,  
TO THE SELMA CITY COUNCIL**

**WHEREAS**, on September 22, 2014, the Selma Planning Commission, at a regularly scheduled public hearing, considered a Zone Change request by the City of Selma. This Zone Change will +/- .43 of an acre from Medium Low Density Residential (R-1-7) to High Density Residential (R-3), at 2828 McCall Avenue; and

**WHEREAS**, the Planning Commission conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony presented for the project prior to finalizing their recommendations to the City Council; and

**WHEREAS**, the Planning Commission examined and considered Environmental Assessment, and found that the project was exempt under the statutory in-fill project exemption. However, after review the City Council finds that while the Project is an in-fill project it may not meet all the statutory requirements for the in-fill exemption because, among other reasons, the City's zoning and zoning map have not yet been updated following the adoption of the City's 2035 General Plan update; and

**WHEREAS**, The City Council, after examining and considering the entire record and all of the comments has determined that the Project is consistent with the objectives and policies of the General Plan of the City of Selma. The City Council further finds that there is no possibility that the Project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to 14 CCR Section 15061(b)(3) based on but not limited to the following findings:

1. The Planning Commission finds that the proposed Zone Change will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community.
2. The Planning Commission finds that the proposed Zone Change meets the requirements and standards of development as set forth in both the Land Use Element and Circulation Element of the Selma General Plan and Selma Municipal Code. There are no physical constraints that would prohibit development.
3. The Planning Commission finds that the City of Selma is committed to insure the peace, tranquility, health, safety, and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.



4. The Planning Commission finds that this action advances the public interests, protects life and property with which the City of Selma is charged to protect and will not have a negative impact on life in the community. The Zone Change will have no significant environmental impacts.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Selma Planning Commission hereby finds and takes the following actions:

1. The above findings and recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. The above findings are supported by the record and presentation to the Planning Commission.
3. The Planning Commission recommends the City Council approve this Zone Change, subject to the Findings for Approval made part of this Resolution.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 22<sup>nd</sup> day of September 2014, by the following vote, to wit:


AYES: COMMISSIONERS: Serimian, Ivory, Kessler, Sindher

NOES: COMMISSIONERS: Gonzalez

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Edwards

  
DANNY SERIMIAN,  
VICE CHAIRMAN OF  
THE PLANNING COMMISSION

ATTEST:   
Bryant Hemby, Assistant Planner  
Secretary, Selma City Planning Commission

**SELMA PLANNING COMMISSION  
STAFF REPORT**

Meeting Date: September 22, 2014

**TO: Selma Planning Commission**  
**FROM: Community Development Department**  
**SUBJECT: AGENDA ITEM NO. 2**

General Plan Amendment  
McCall Specific Plan Amendment  
Zone Change  
Zone Variance  
Lot Merger  
Environmental Assessment

**Summary and Purpose**

The purpose of this agenda item is to conduct a public hearing to consider several entitlements which includes: 1) General Plan Amendment of six parcels; 2) Zone Change for six parcels; 3) Specific Plan Amendment for four parcels; 4) Lot Merger of two parcels into one; 5) Zone Variance for four parcels and an Environmental Assessment.

**First Project Site Application Information**

Applicant: Harry Stepanian & Pam Stepanian Family Trust Est., 16766 McCall Avenue, Selma, CA. 93662.

Project Locations: 2828 McCall Avenue, (APN: 358-061-15 &-16).

Land Use; General Plan; Zoning: Vacant, Medium Low Density, R-1-7.

Applicant's Proposal: The property owner wants to build a new six apartments complex on these two vacant parcels. This project will require the following entitlements.

General Plan Amendment: Re-designate the General Plan Land Use Designation from Medium Low Density Residential to High Density Residential.

McCall Specific Plan Amendment: Re-designate the McCall Specific Plan Land Use Designation from Vacant/Undeveloped to High Density Residential.

Zone Change: This Zone Change will change the current zoning from R-1-7 to R-3.

Zone Variance: A Zone Variance to allow two of the new buildings to encroach 10' into the front setback.

Lot Merger: The Lot Merger will merge the existing two parcels into one.

**First Project Discussion and Analysis**

Mr. Stephanian the owner of 2828 McCall Avenue purchased two parcels with the idea of placing apartments on them. Currently the parcels are zoned R-1-7 residential with a Medium Low Density General Plan Land Use Designation. The Land Use Designation must be changed from Medium Low Density Residential to High Density Residential in order for the project to move forward. The two parcels are also located in the McCall Specific Plan area with a Vacant/Undeveloped Land Use. To be consistent with the General Plan Map and the new zoning, the McCall Specific Plan Map must be changed from Vacant/Undeveloped to High Density Residential. The Zone Change will change the current zoning from R-1-7 to R-3. The Zone Variance is to allow two of the new apartments to encroach 10' into the front 30' yard setback required by the McCall Specific Plan. This encroachment will allow the new structures to align with the existing buildings to the north and south. The lot merger will combine the two existing parcels into one.

**Second Project Site Application Information**

Applicant: Harbhajan S. Nagra, 11160 S. Chestnut Ave., Fresno, CA 93725.

Project Locations: Vacant parcels at (APN: 358-070-79 & 78).

Land Use; General Plan; Zoning: Vacant, Medium Low Density Residential, R-1-7.

Applicant's Proposal: The property owner wants to build a new apartment complex on these two vacant parcels. This project will require the following entitlements.

General Plan Amendment: Re-designate the General Plan Land Use Designation from Medium Low Density to High Density Residential.

McCall Specific Plan Amendment: Re-designate the McCall Specific Plan Land Use Designation from Elementary to High Density Residential.

Zone Change: A Zone Change to change the current zoning from R-1-7 to R-3.

Zone Variance: A Zone Variance to allow two of the new buildings to encroach 10' into the front setback.

**Second Project Site Discussion and Analysis**

Mr. Nagra purchased two parcels to build apartments on them. On July 28, 2014 these two parcels were merged, however this lot merger has not been recorded as of yet. Currently the parcels are zoned R-1-7 Residential and have a Medium Low Density General Plan Land Use Designation. The Land Use Designation must be changed from Medium Low Density Residential to High Density Residential. The two parcels are also located in the McCall Specific Plan area with an Elementary Land Use Designation. To be consistent with the General Plan Map and the new zoning, the McCall Specific Plan Map must be changed from Elementary to High Density Residential. The Zone Change will change the current zoning of these parcels from R-1-7 to R-3. The Zone Variance is to allow two of the new apartments to encroach 10' into the front 30' yard setback. This encroachment will allow the new structures to align with the existing buildings to the north and south.

**Third Project Site Application Information**

Applicant: Kristie Serimian, 2414 Chaparral, Selma, CA. 93662.

Project Locations: 1265 & 1261 Rose Avenue, Selma, CA (APN: 389-261-18 & 19).

Land Use; General Plan; Zoning: Residential, Medium Low Density, R-1-7.

Applicant's Proposal: The property owners wants the ability to have an office in the existing residential structure. To accomplish this change the following entitlements are required.

General Plan Amendment: This General Plan Amendment will change the current Land Use Designation from Medium Low Density to Community Office.

Zone Change: A Zone Change to change the current zoning from R-1-7 Residential to C-O Commercial Office.

**Third Project Site Discussion and Analysis**

Ms. Serimian the owner wants the ability to have an office in an existing single family resident. The Residential Land Use does not allow an office that generates pedestrian traffic; however the Commercial Office Land Use does allow a low impact office is a single family resident. The property will be changed from Medium Low Density Residential to Commercial Office and be rezoned from R-1-7 to C-O.

**Environmental (CEQA)**

These projects are consistent with the CEQA Guidelines for a Categorical Exemption (Section 15061(b) (3) as a General Rule project and (Section 15195.(a)(3) as a Residential Infill Project. These entitlements will make the General Plan Map, the McCall Specific Plan Map and the Zoning Map consistent per state law.

**Notice of Public Hearing**

The Notice of Public hearing has been published one time in The Selma Enterprise on September 10, 2014, as well as the notification to adjacent property owners within a 300-foot radius of the site.

**Recommendation**

Staff recommends the Planning Commission adopt Resolutions No's; 2014-0009, 2014-0010, 2014-0011, 2014-0012, 2014-0013, 2014-0014, 2014-0015.

  
Bryant Hemby, Assistant Planner  
Community Development Department

Approved by:

  
Kenneth Grey, City Manager  
Interim Community Development Director

**Attachments**

1. Maps:	
Location Map .....	6
General Plan Map .....	7
Zoning Map .....	8
McCall Specific Plan Map .....	9
2. Site Plan & Elevations:	
Site & Elevations for the 3400 block of McCall .....	10 - 11
Site & Elevations for 2828 McCall .....	12 - 14

3. Resolutions:

<del>Resolution No. 2014-0009 recommending approval of General Plan Amendment and Environmental Assessment No. 2014-0001 to the Selma City Council.....</del>	<del>15-16</del>
<del>Resolution No. 2014-0010 recommending approval of McCall Specific Plan Amendment No. 2014-0001 to the Selma City Council .....</del>	<del>17-18</del>
<del>Resolution No. 2014-0011 recommending approval of Zone Change To the Selma City Council .....</del>	<del>19-20</del>
<del>Resolution No. 2014-0012 approving Lot Merger No. 2014-0020 .....</del>	<del>21-22</del>
<del>Resolution No. 2014-0013 approving Zone Variance No. 2014-0020 ...</del>	<del>23-24</del>
<del>Resolution No. 2014-0014 recommending approval of General Plan Amendment No. 2014-0001 to the Selma City Council .....</del>	<del>25-26</del>
<del>Resolution No. 2014-0015 recommending approval of Zone Change No. 2014-0001 to the City Council.....</del>	<del>27-28</del>
<del>3. Zone Ordinance .....</del>	<del>29-31</del>