

CITY OF SELMA
REGULAR CITY COUNCIL MEETING
April 2, 2012

The regular meeting of the Selma City Council was called to order at 7:01 p.m. in the Council chambers. Council members answering roll call were: Avalos, Derr, Mayor Pro Tem Rodriguez and Mayor Grey. Council member Lujan arrived at 7:03 p.m.

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

The flag salute was led by two local boy scouts.

PRESENTATION OF PROCLAMATION DECLARING APRIL 8 – 14, 2012

NATIONAL COMMUNITY DEVELOPMENT WEEK: Mayor Grey read and presented Public Works Supervisor Romeo Shiplee with a proclamation declaring April 8-14, 2012 National Community Development Week.

ORAL COMMUNICATIONS: Ms. Georgeanna Johnson, representing the Church of Jesus Christ of Latter-Day Saints in Selma, stepped forward and invited Council to join them on April 28th at Pioneer Village for the Mormon Helping Hands Day.

Mr. Joe Gonzales, 2305 Nebraska, stepped forward and reported on a bullying issue taking place with his granddaughter at Lincoln Middle School.

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

AYES: Derr, Rodriguez, Avalos, Lujan, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the March 19, 2012 regular meeting approved as written.
- b. Approval of one-year extension (to April 2013) on Vesting Tentative Tract Map No. 5540 (Alves Ranch)- R.J. Hill, applicant, approved by standard motion.

- c. Appointment of Council member Derr and Administrative Analyst Galvan to the Redevelopment Successor Agency Board approved by standard motion.
- d. Support the concept of a Regional Rail Authority for Governance of the San Joaquin Amtrak service, approved by standard motion.
- e. RESOLUTION NO. 2012-12R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES TO PREPARE AND ENVIRONMENTAL REPORT (EIR) AND ANNEXATION APPLICATION FOR TRACT 5521- THE VILLAGES AT BRANDYWINE RANCH (UNION COMMUNITY PARTNERS). Resolution approved by standard motion.
- f. Check register dated March 29, 2012, approved by standard motion.

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION FINDING THAT PUBLIC CONVENIENCE NECESSITY IS OR IS NOT SERVED BY ISSUANCE OF A TYPE 48 ABC LICENSE AT 1915 W. FRONT (LEE'S HALFWAY BAR)-Johnny Hernandez, applicant: City Manager Heusser distributed a map of active ABC Licenses in the City of Selma, and reviewed for Council that the address has a Conditional Use Permit Type 48, but the business changed ownership, and is required to have a Public Convenience Necessity.

Mr. Johnny Hernandez stepped forward to answer various questions from Council.

After discussion, motion to approve the RESOLUTION NO. 2012-13R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DETERMINING THAT PUBLIC CONVENIENCE AND/OR NECESSITY IS SERVED BY ISSUANCE OF A TYPE 48 ON-SITE GENERAL ALCOHOLIC BEVERAGE CONTROL LICENSE FOR 1915 WEST FRONT STREET, SELMA CALIFORNIA was made by Council member Avalos on the basis that all conditions made by the Police Chief are met. The motion was seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Avalos, Rodriguez, Derr, Grey

NOES: Lujan

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION FINDING THAT PUBLIC CONVENIENCE NECESSITY IS OR IS NOT SERVED BY ISSUANCE OF A TYPE 20 ABC LICENSE AT 3000 FLORAL: City Manager Heusser stated that the application is for a Type 20 License which is for off-site beer and wine sales. He also stated that the

applicant was previously denied a Type 21 License by Council, which would have included the sale of liquor.

After discussion, Council member Lujan made a motion to approve RESOLUTION NO. 2012-14R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DETERMINING THAT PUBLIC CONVENIENCE AND/OR NECESSITY IS SERVED BY THE ISSUANCE OF A TYPE 20 OFF-SITE BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE FOR 3000 FLORAL AVENUE, SELMA CALIFORNIA. The motion was seconded by Mayor Pro Tem Rodriguez.

At this point in the meeting, Mayor Grey asked for public testimony.

Sandi Niswander, 2474 Country Club Lane, stepped forward and asked Council to add a provision to the Resolution that would limit the amount of sales display floor space to ten percent of the floor area of the establishment.

After discussion, Council member Lujan amended his motion to include the provision limiting the amount of sales display floor space to ten percent of the establishment. Mayor Pro Tem Rodriguez amended his second to include the provision as well.

After further discussion, Mayor Grey called for a vote on the amended motion. Motion then carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE REPEALING AND REENACTING CHAPTER 20 OF TITLE V OF THE SELMA MUNICIPAL CODE, RELATING TO FORTUNE TELLING - introduction and first reading:

City Attorney Costanzo stated the reason for repealing and reenacting the code is that it has been found to violate the Constitution, and that the current Ordinance is not enforceable as written. The City can regulate the business to protect the users of such services from fraud.

Mr. Dennis Beaver stepped forward and stated the statute the City had for the Ordinance became unconstitutional and brought it to the attention of City Attorney Costanzo when the he was trying to establish a business in Selma.

Ms. Stephanie Davis stepped forward to let Council know that she is in the process of applying for a business license and is willing to take all the necessary steps.

City Manager Heusser stated that the public hearing would be occurring on the first meeting in May.

After further discussion motion to introduce and waive the first reading of ORDINANCE NO. 2012-1, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA REPEALING AND REENACTING CHAPTER 20 OF TITLE V RELATING TO FORTUNE TELLING was made by Mayor Pro Tem Rodriguez and seconded by Council member Avalos. Motion carried by the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE AMENDING CHAPTER 22 OF TITLE V OF THE SELMA MUNICIPAL CODE, REGULATING FOR PURPOSES OF PUBLIC SAFETY, THE VENDING OF FOOD PRODUCTS FROM VEHICLES UPON ANY STREET WITHIN A RESIDENTIAL ZONE OF THE CITY OF SELMA - introduction and first reading: City Manager Heusser reviewed for Council the history of the amendment to the Ordinance. He stated the Ordinance would reduce the number of vendors from four to two. He also stated the public hearing would occur at the first meeting in May.

Council member Lujan stated Mr. Kumar brought this issue to his attention for the reason of children's safety and not to limit business.

Mayor Grey stated that he feels it is a nuisance for the City, when you have several ice cream trucks driving into neighborhoods one after another and that he agrees with the amendment.

Council member Derr stated that if there is indeed a safety issue the City should get rid of all ice cream trucks.

After further discussion, motion to introduce and waive the first reading of ORDINANCE NO. 2012-2, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING CHAPTER 22 OF TITLE 5 OF THE SELMA MUNICIPAL CODE RELATING TO FOOD VENDING FROM VEHICLES WITHIN A RESIDENTIAL ZONE was made by Council member Lujan and seconded by Council member Avalos. Motion carried by the following vote:

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

DEPARTMENTAL REPORTS: City Manager Heusser stated that last week the Governor made changes in the High Speed Rail proposal. He then distributed a draft of the summary of major changes. He reported on construction in the area of Rose and Orange Avenues, and that he had been approached by a citizen stating that it would be a good to start the Council meetings at an earlier time.

City Manager Heusser asked Council for direction on the applications received for the open commissioner positions. It was the consensus of Council to have Mayor Grey and Mayor Pro Tem Rodriguez review the applicants with City Manager Heusser.

COUNCIL REPORTS: Council member Avalos reported on attending the One Voice trip in Sacramento, and that his recent attendance at a School Board meeting was as a citizen and not as a representative of the City.

Council member Derr reported on attending a League of California Cities meeting and watching the recent production of the Cool Kids Players.

Council member Lujan reported that Leland Bergstrom is no longer on the Kingsburg Council due to health issues. He questioned the Kingsburg sign on Mountain View, school boundaries with respect to the City limits, and broken streetlights on Lewis Street between Mulberry and Orange.

Mayor Pro Tem Rodriguez invited Council to the Five Cities meeting on April 23rd. He also stated he was approached by Santiago Ocegüera regarding undeveloped park space, and a citizen complaint about broken streetlights on Grove Street.

Mayor Grey reported on a broken sign at the intersection of Rose and McCall, and on attending the San Joaquin Valley Economic Summit.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Reyna Rivera
Acting City Clerk

Kenneth Grey
Mayor of the City of Selma