

**CITY OF SELMA
REGULAR CITY COUNCIL MEETING
May 7, 2012**

The regular meeting of the Selma City Council was called to order at 7:00 p.m. in the Council chambers. Council members answering roll call were: Avalos, Derr, Lujan, Mayor Pro Tem Rodriguez and Mayor Grey.

Also present were City Manager Heusser, City Attorney Costanzo, Interim Police Chief Dyck, 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.

SPECIAL PRESENTATIONS: City Manager Heusser asked that Council move agenda item 5 to special presentations. City Manager Heusser explained that one organization did not reapply as of the deadline (Gospel Light Church). He stated that six organizations have submitted interest cards and have been placed into the drawing: Selma Spanish Church of Nazarene, Selma Youth Soccer League, Selma Youth Basketball League, Valley Life Community Church, New Hope Family Church, and First Southern Baptist Church. The winner was Valley Life Community Church, pulled by Interim Police Chief Dyck.

ORAL COMMUNICATIONS: Mr. Scott Robertson, Ms. Jayden Purewall, Mr. Louis Franco, and Ms. Joan Nelson all stepped forward to ask Council to proceed with the construction of the Art Center building on High Street.

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

AYES: Lujan, Rodriguez, Avalos, Derr, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the April 16, 2012 regular meeting approved as written.
- b. The Adopt-A-Park Project approved by standard motion.
- c. Check register dated May 2, 2012 approved by standard motion.

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 -public hearing and adoption. City Manager Heusser reviewed for Council the amended Ordinance, and explained that this amendment would pare down the number of vendors from four to two by way of attrition, and that vendors would have to hold both a permit and a business license.

Mayor Grey opened the public hearing at 7:15 p.m.

Ms. Sandi Niswander stepped forward and stated this amendment would be interfering with free enterprise, and inquired about why there is not a grace period for the vendors. She also asked about the appearance of the ice cream trucks.

Mr. Dennis Galavis stepped forward and asked Council why his business received a notice on graffiti, but the ice cream vendors do not. He also mentioned that other cities have a graffiti youth program, and if Selma can implement one as well.

There being no one else to speak for or against the ordinance, Mayor Grey closed the public hearing at 7:23 p.m.

Council member Lujan made a motion to approve the Ordinance. The motion was seconded by Council member Avalos.

After further discussion, motion to adopt ORDINANCE NO . 2012-1, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA 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 AND adding a grace period of 5 days was made by Council member Lujan and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Lujan, Avalos, Grey

NOES: Derr, Rodriguez

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-*public hearing and adoption:*

City Manager Heusser explained the history of the Ordinance, and that this Ordinance is unconstitutional and not enforceable in its current state. He also stated that without the regulations of an Ordinance anyone can start a business of fortune telling anywhere within the City.

Mayor Grey opened the public hearing at 7:48 p.m.

Ms. Nancy Flores, Mr. Ken Rasmussen, Ms. Devina Garcia, Mr. Dale Davis, Mr. Steve Lara, Ms. Erica Almaguer, Mr. Danny Edwards, Mr. Fidencio Ramirez, Ms. Adriana Garcia, Mr. Luis Quintana, Ms. Rhonda Singh, Mr. Cameron Wells, Ms. Marian Ramirez all stepped forward to speak against the business of fortune telling.

Mr. Dennis Beaver stepped forward to address the Council and the many interested citizens, to explain that the matter is unconstitutional according to the first amendment.

Mr. Ed Silva stepped forward and addressed the issue of his religion and stated that it is a celebration of beliefs and cultures, and should not be prohibited in the City.

Ms. Sandi Niswander stepped forward and questioned the proposed zoning for fortune telling.

City Manager Heusser explained that the Ordinance places restrictions and strict guidelines on such businesses and asked for suggestions and possible restrictions from the public.

There being no one else to speak on the matter, Mayor Grey closed the public hearing at 8:48 p.m.

Council member Lujan moved to direct staff not to issue any fortune telling business licenses or permits until Council has had enough time to implement an Ordinance and to have the time to do it correctly. The motion was seconded by Council member Avalos but did not carry.

After further discussion, Mayor Grey moved to adopt ORDINANCE NO. 2012-2, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA REPEALING AND REENACTING CHAPTER 20 OF TITLE V OF THE SELMA MUNICIPAL CODE RELATING TO FORTUNE TELLING and adding that the Planning Commission establish conditions of approval for fortune telling. Motion was seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Grey, Rodriguez, Avalos, Derr

NOES: Lujan

ABSTAIN: None

ABSENT: None

RECESS AND RECONVENE: At 9:00 p.m. Mayor Grey called for a break in the meeting. The meeting reconvened at 9:11 p.m.

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION MAKING FINDINGS AND APPROVING ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT NO. 2012-0024 TO ALLOW A MODULAR BUILDING AT 1820 NORTH STREET- *public hearing*: Mayor Grey opened the public hearing at 9:14 p.m.

Ms. Sandi Niswander stepped forward and stated that she is concerned because this is on the Golden State Corridor. She also requested wording on the length of time it will be used as a temporary building.

Mr. Louis Franco stepped forward and asked about it moving into the industrial park.

Mr. Olan Campbell, and Mr. Matty Montion representing Sporty's Bar both stepped forward and spoke against the issue stating that this would be detrimental to the business.

There being no one else to speak on the issue, Mayor Grey closed the public hearing at 9:25 p.m.

After further discussion, motion to deny the RESOLUTION MAKING FINDINGS AND APPROVING ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT NO. 2012-0024 TO ALLOW A MODULAR BUILDING AT 1820 NORTH STREET was made by Council member Lujan and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Lujan, Rodriguez, Avalos

NOES: Derr, Grey

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON APPLICATION FOR FENCE PLACEMENT VARIANCE BY JOSE TINOCO, 2388 CHANDLER: City Manager Heusser explained for Council that the request for a fence variance was made by Mr. Jose Tinoco in order to make his property more secure.

Motion to approve the fence variance, was made by Council member Lujan and seconded by Mayor Pro Tem Rodriguez. Motion carried by the following vote:

AYES: Lujan, Rodriguez, Avalos, Derr, Grey

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTIONS RELATED TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 (LLMD 1) FOR THE 2012-2013 FISCAL YEAR: City Manager Heusser explained for Council that all rates are the same as last year.

After discussion, motion to approve RESOLUTION NO. 2012-15R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA *and* RESOLUTION NO. 2012-16R OF THE CITY COUNCIL OF THE CITY OF SELMA OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA, was made by Council member Derr, and seconded by Mayor Pro Tem Rodriguez. Motion carried by the following vote:

AYES: Derr, Rodriguez, Avalos, Lujan, Grey

NOES: None

ABSTAIN: None

ABSENT: None

DEPARTMENTAL REPORTS: Acting Fire Chief Kain explained and distributed information regarding the Fire Department transition.

Financial Consultant Yribarren presented a financial report updating the Council of the City's status and stated that he anticipates slow but steady growth in the next couple of years.

COUNCIL REPORTS: Council member Avalos reported on attending the National Day of Prayer and the Clean-Up Day at Pioneer Village.

Council member Derr stated that the Raisin Festival had been very successful and inquired about the Sign Ordinance.

Council member Lujan reported on attending the National Day of Prayer and on various complaints from citizens.

Mayor Pro Tem Rodriguez asked about several abandoned homes.

Mayor Grey reported on attending an event benefiting the Selma Education Foundation, and asked Mr. Louis Franco to step forward and explain the history of the foundation.

ORAL COMMUNICATIONS: Mr. Louis Franco stepped forward to discuss the issue of Measure "S". He also asked Council to place the issue on the next agenda.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:29 p.m.

Respectfully submitted,

Reyna Rivera
Acting City Clerk

Kenneth Grey
Mayor of the City of Selma

Ordinance Nos: 2012-1, 2012-2
Resolution No: 2012-15R