

**CITY OF SELMA  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 5, 2012**

The regular meeting of the Selma City Council was called to order at 6:51 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, Finance Director Mustaciola, Acting Fire Chief Kain, Interim Police Chief Dyck, 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.

**ADDITION TO THE AGENDA:** City Attorney Costanzo reported an item came to the City's attention after the agenda went out and that it needs to be taken care of prior to the next meeting.

After discussion, Mayor Pro Tem Rodriguez moved to add the Big League Dreams License Agreement to the agenda. The motion was seconded by Council member Avalos, and carried with the following vote:

AYES: Rodriguez, Avalos, Lujan, Grey

NOES: Derr

ABSTAIN: None

ABSENT: None

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

AYES: Rodriguez, Derr, Avalos, Lujan, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Pulled for separate discussion.
- b. Pulled for separate discussion.
- c. Pulled for separate discussion.
- d. Pulled for separate discussion.
- e. Check register dated Nov 2, 2012 approved by standard motion.

**AGENDA ITEM 1.a. & 1.b. – CONSIDERATION AND NECESSARY ACTION ON MINUTES OF THE OCTOBER 15, 2012 WORKSHOP/ PRE-COUNCIL MEETING & REGULAR MEETING:**

Motion to approve minutes of the October 15, 2012 Workshop/ Pre-council meeting and the Regular meeting was made by Council member Lujan, and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

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

**AGENDA ITEM 1.c. & 1.d. – CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING AMENDED UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY AGREEMENT & RESOLUTION AUTHORIZING ADOPTION OF THE REVISED KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT PLAN:**

Motion to approve RESOLUTION NO. 2012 –49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AMENDED UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY AGREEMENT & RESOLUTION NO. 2012 –50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING ADOPTION OF THE REVISED KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT PLAN was made by Council member Lujan, and seconded by Council member Derr. Motion carried with the following vote:

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

**CONSIDERATION AND NECESSARY ACTION ON ORDINANCE ADDING CHAPTER 4 TITLE XII OF THE SELMA MUNICIPAL CODE, ENTITLED “GROUNDWATER OVERDRAFT MITIGATION FEES” – public hearing and adoption:**  
City Manager Heusser reviewed the background of the ordinance for Council.

Mayor Grey opened the public hearing for comments at 7:07 p.m.

Mr. Joe Gonzales, 2305 Nebraska, stepped forward and spoke in opposition of the Ordinance.

There being no one else to speak on the issue, Mayor Grey closed the public hearing at 7:10 p.m.

After much discussion, motion to adopt Ordinance 2012-4, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA ADDING CHAPTER 4 TITLE XII OF THE SELMA MUNICIPAL CODE, ENTITLED “GROUNDWATER OVERDRAFT

MITIGATION FEES” was made by Council member Derr, and seconded by Mayor Pro Tem Rodriguez. Motion carried by the following vote:

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

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION DECLARING REAL PROPERTY TO BE A PUBLIC NUISANCE, AUTHORIZING ISSUANCE OF ABATEMENT NOTICE AND ABATEMENT OF NUISANCE WITH ASSESSMENT OF COSTS THEREOF AS A LIEN ON THE REAL PROPERTY:** City Manager

Heusser stated that this allows the City to move forward on the property located at 2578 Oak Street.

Council member Lujan moved, and Council member Derr seconded the motion to approve RESOLUTION NO. 2012-51R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING CERTAIN REAL PROPERTY TO BE A PUBLIC NUISANCE, AUTHORIZING ISSUANCE OF ABATEMENT NOTICE AND ABATEMENT OF NUISANCE WITH ASSESSMENT OF COSTS THEREOF AS A LIEN ON THE REAL PROPERTY. Motion carried with the following vote:

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

**CONSIDERATION AND NECESSARY ACTION ON APPLICATION FOR FENCE PLACEMENT VARIANCE BY JESSE MENDEZ, 2004 GAITHER:** City Manager

Heusser explained for Council that the request for a fence variance was made by Mr. Mendez for both security and beautification of his property.

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 APPROVAL OF LICENSE AGREEMENT WITH BIG LEAGUE DREAMS:** City Attorney Costanzo stated that

Council received a proposed license agreement with Big League Dreams after the agenda was distributed and requires immediate attention. After review, Council asked for amendments on the agreement. The amendments included changes to the deposit verbiage of the agreement and a change to the radius area.

Mr. Rick Odekirk and Mr. Jeff Hopkins representing Big League Dreams stated that the amendments are accepted.

After discussion, motion to approve the Amended License Agreement with Big League Dreams 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

**DEPARTMENTAL REPORTS:** City Manager Heusser reported that the building on Front and Second Street was marked as unsafe to occupy. He asked Council to respond to Cal Waters' annual turkey giveaway requests. He also reported that City Hall would be closed in observance of the upcoming holidays.

**COUNCIL REPORTS:** Council member Avalos reported on attending the Valley Life and New Hope Church Halloween events, and commended them on the events. He then inquired about a removed crosswalk on McCall and Hicks. City Manager Heusser responded to the inquiry, and stated that the crosswalk was a mid-blocked crosswalk and was removed because it was dangerous.

Council member Lujan reported on attending a recent meeting with various city leaders regarding a Fresno County Economic Opportunities Commission Program.

Council member Derr wished everyone good luck on the upcoming election.

Mayor Pro Tem Rodriguez reported on overgrown weeds located on Orange and Rose Avenues, and spoke in support of the recently approved license agreement.

Mayor Grey reported on the recent band festival and thanked the Public Works Department for the work they did to beautify the area and on the current crime report issued and congratulated the Police Department on the drop in crime. Mayor Grey also thanked the Fire Department staff for their hard work.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

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Kenneth Grey  
Mayor of the City of Selma

Resolution Nos: 2012-49R, 2012-50R, 2012-51R  
Ordinance Nos: 2012-4