

**CITY OF SELMA
REGULAR CITY COUNCIL MEETING
May 6, 2013**

The regular meeting of the Selma City Council was called to order at 6:00 p.m. in the Council Chambers. Council members answering roll call were: Avalos, Derr, Robertson, Mayor Pro Tem Rodriguez, and Mayor Grey.

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

FRESNO COUNTY AFFORDABLE HOUSING PROGRAM PRESENTATION:

Program Manager Yvette Quiroga, stepped forward to inform Council of the Housing Programs that are available for Selma residents.

FIREWORKS STAND LOTTERY DRAWING: City Manager Heusser explained that one organization did not reapply as of the deadline (Valley Life Church). He stated that two organizations have submitted interest cards and have been placed into the drawing: Antioch Church, and Selma High Basketball. The winner was Selma High Basketball, pulled by Ms. Felicia Matlosz of the Selma Enterprise.

ORAL COMMUNICATIONS: Mr. Stanley Riggs stepped forward and commended Council for their hard work during the difficult economic times.

Mr. Jose Alvarez stepped forward to speak on behalf of his son who will be wrestling in the Junior Olympics in New Zealand.

CONSENT CALENDAR: Council member Avalos asked that consent calendar 1.b. be pulled for 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 by the following vote:

AYES: Rodriguez, Derr, Avalos Robertson, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the April 15, 2013 regular meeting approved as written.
- b. Pulled for separate consideration
- c. Check register dated May 3, 2013 approved by standard motion.

CONSIDERATION AND NECESSARY ACTION REGARDING LEASE AGREEMENTS BETWEEN THE CITY OF SELMA AND CALIFORNIA WATER SERVICE COMPANY (CAL WATER): City Manager Heusser reviewed for Council the two agreements, and stated that the length of the agreement is for ten years.

Council member Avalos inquired into the possibility of Cal Water selling the property.

City Attorney Costanzo stated that Cal Water has indicated that they would retain the property.

Mr. Scott Bailey, District Manager for Cal Water, stepped forward to answer questions regarding the property.

Mr. Jim Miyakawa, Papa Murphy's Restaurant owner, stepped forward and stated that he had concerns regarding odor and cleanliness.

Ms. Melody Overholser and Ms. Sandi Niswander both stepped forward in favor of the proposed lease with California Water Service and the City of Selma. They also thanked the Council and Cal Water.

After further discussion, motion to approve the LEASE AGREEMENTS BETWEEN THE CITY OF SELMA AND CALIFORNIA WATER SERVICE COMPANY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENTS WHEN ALL ISSUES ARE ADDRESSED was made by Mayor Pro Tem Rodriguez and seconded by Council member Avalos. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING THE REPORT FOR THE LEVY AND COLLECTION OF THE ANNUAL ASSESSMENT FOR SERVICES RENDERED IN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) NO. 1 IN THE CITY OF SELMA FOR THE 2013-2014 FISCAL YEAR- *public hearing and adoption*: City Manager Heusser reviewed for Council the proposed charges for LLMD No. 1 for the 2013-2014 fiscal year. He stated that these are based on the actual costs incurred for each area, and this action is to recoup the charges already expended.

Mayor Grey opened the public hearing at 6:50 p.m.

Speaking against the proposal was Ms. Colleen Nelson, 1721 Oak, who felt that an area near her home is not being well maintained.

City Manager Heusser reported that seventy verified written protest letter had been received on the new rates. He also stated that staff would be reviewing the area, and evaluating the LLMD names for better clarification.

There being no one else to speak for or against the proposal, the public hearing was closed at 6:52 p.m.

Motion was then made by Council member Derr, and seconded by Mayor Pro Tem Rodriguez to approve RESOLUTION NO. 2013-16R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE REPORT FOR THE LEVY AND COLLECTION OF THE ANNUAL ASSESSMENT FOR SERVICES RENDERED IN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) NO. 1 IN THE CITY OF SELMA FOR THE 2013-2014 FISCAL YEAR.

Motion carried with the following vote:

AYES: Derr, Rodriguez, Avalos, Robertson, Grey

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ESTABLISHING ENCROACHMENT PERMIT FEES FOR WORK DONE IN THE PUBLIC RIGHT OF WAY: City Manager Heusser reported that with the recent adoption of the Ordinance relating to encroachment permits for any work done in the Public Right of Way, a Resolution implementing encroachment permit fees needs to be established. He also stated that a round table discussion with the various franchise utility companies operating in the City of Selma was held to discuss in detail the new provisions, fees and traffic control measures.

Mr. Eric Johnson, AT&T External Affairs Executive Director; and Ms. Jeanette Ishii, PG&E Senior Government Relations Representative, stepped forward to thank Council and staff for the blanket permits option and for the new e-file implementation.

After discussion, motion to approve RESOLUTION NO. 2013-17R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ESTABLISHING ENCROACHMENT PERMIT FEES FOR WORK DONE IN THE PUBLIC RIGHT OF WAY, was made by Council member Derr, and seconded by Council member Robertson. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON 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 APN NOS. 358-220-35, 358-220-39, 390-030-39, AND 390-030-70 *introduction and first reading*: City Manager Heusser reviewed the Ordinance for Council.

After discussion, motion to introduce and waive the first reading of the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING THE GENERAL PLAN 2035 LAND USE DESIGNATION, ZONING, AND MCCALL SPECIFIC PLAN ON APN NOS. 358-220-35, 358-220-39, 390-030-39, AND 390-030-70 was made by Council member Avalos, and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION TO ESTABLISH GARBAGE RATES FOR 2013-2014 FISCAL YEAR AND SET DATE FOR PROTEST HEARING: City Manager Heusser reported that Selma Disposal & Recycling has proposed a rate increase for the 2013-2014 fiscal year of \$1.00 per month for residential customers and various other rates for commercial customers depending on their selected services.

After discussion, motion to approve the proposed new garbage rates and setting the protest hearing for July 1, 2013 was made by Council member Derr and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON APPLICATION FOR FENCE PLACEMENT VARIANCE AT 2026 ORCHARD, BY MARICELA DIAZ: Motion was made by Mayor Pro Tem Rodriguez, and seconded by Council member Avalos to approve the fence variance with the conditions set by the Engineering Department to remove the existing footing and to have the construction of the block wall fence completed by a license contractor. Motion carried with the following vote:

AYES: Rodriguez, Avalos, Derr, Robertson, Grey

NOES: None

ABSTAIN: None

ABSENT: None

DEPARTMENTAL REPORTS: City Manager Heusser reported that the May 20th Council meeting would be cancelled, and that the next regular scheduled meeting would be held on June 3rd.

COUNCIL REPORTS: Council member Avalos reported on the recent Raisin Festival Carnival and inquired on the status of a building demolition.

Council member Derr thanked the Chamber of Commerce for the recent Raisin Festival Carnival.

Council member Robertson thanked Council for approving the lease with Cal Water and commended the Public Works Department for their hard work.

Mayor Pro Tem Rodriguez reported on an upcoming softball tournament that will be held in Selma.

Mayor Grey reported on the recent fundraiser held benefiting the new arts center.

ORAL COMMUNICATIONS: Mr. Louis Franco stepped forward to invite Council to the Central Valley Jazz Festival to be held on June 15th at the Pioneer Village.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

Kenneth Grey
Mayor of the City of Selma

Resolution Nos: 2013-16R, 2013-17R