

**CITY OF SELMA
REGULAR COUNCIL MEETING
September 16, 2013**

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 Grey. Mayor Pro Tem Rodriguez was absent.

Also present were City Manager Heusser, City Attorney Slater, Community Services Director Kirchner, Financial Consultant Yribarren, Fire Chief Kain, Police Chief Garner, 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.

PRESENTATION OF PROCLAMATION DECLARING SEPTEMBER 16, 2013 AS

PLEDGE NO TEXT/DRIVE DAY: Council member Derr read and presented the President of the AT&T Pioneers Council with a Proclamation declaring September 16, 2013 as Pledge No Text and Drive Day in the City of Selma. Ms. Judy Horton thanked Council for the Proclamation.

ORAL COMMUNICATIONS: Mr. Scott Simmer, 2356 Northview stepped to the podium and provided Council with a copy of the City of Parlier's noise courtesy notice, and asked Council to adopt a similar noise code.

Mr. Michael Barron, 2003 Alton, stepped forward to thank the Council and staff for assisting with a recent neighbor issue.

Ms. Victoria Delgadillo, 2029 Alton, stepped to the podium to also thank Council and staff for assisting with a recent neighbor issue, and voiced concerns regarding graffiti in Selma.

Mr. John Martin, 1450 E. Front Street, stepped forward to discuss the recent theft at his business, and provided pictures of the area surrounding his property and the need for code enforcement.

Ms. Vicki Filgas, 12100 E. Floral, stepped to the podium to inform the Council of fundraising efforts for another downtown mural. She distributed information to Council regarding the mural.

Ms. Sylvia Garza, stepped forward to thank Council for participating in the Mariachi Festival.

Mr. Joe Hernandez, 2220 Jasper Street, stepped to the podium to ask that Council repair Nebraska Avenue, and stated that the area is significantly damaged.

ADDITION TO THE AGENDA: Motion to add CONSIDERATION AND NECESSARY ACTION ON PROPOSED INCREASE IN INSURANCE CAPS FOR THE 2014 CALENDAR YEAR to the consent agenda as item 1.i. was made by Council member Robertson and seconded by Council member Avalos. Motion carried with the following vote:

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

CONSENT CALENDAR: City Manager Heusser stated that item 1.c. needed to be removed from the calendar, at the request of the Pioneer Village Commission Chairperson. Motion to approve the remainder of the Consent Calendar was made by Council member Derr, and seconded by Council member Robertson. Motion carried with the following vote:

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

- a. Minutes of the August 19, 2013 workshop/pre-Council meeting approved as written.
- b. Minutes of the August 19, 2013 regular meeting approved as written.
- c. Pulled from agenda.
- d. RESOLUTION NO. 2013-49R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING OPTION AND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR A PORTION OF THE COMMUNICATIONS TOWER. Resolution approved by standard motion.
- e. Consultant Agreement for Accessibility Compliance (ADA) Inspector and Reviewer. Agreement approved by standard motion.
- f. RESOLUTION NO. 2013-50R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CONFIRMING SUPPORT FOR PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION TO ESTABLISH AN ENHANCED ECONOMIC DEVELOPMENT RATE. Resolution approved by standard motion.
- g. Contracted Law Enforcement Agreement. Agreement approved by standard motion.
- h. Check register dated September 10, 2013 approved by standard motion.
- i. Health insurance cap increase for calendar year 2014 approved by standard motion.

DISCUSSION AND NECESSARY ACTION REGARDING THE RESOLUTIONS BEING CONSIDERED AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL MEETING: City Manager Heusser reviewed the two Resolutions being discussed at the League's annual meeting. After discussion, it was the consensus of Council to direct the voting delegate (City Manager Heusser) to approve both Resolutions on behalf of the City of Selma.

DISCUSSION AND NECESSARY ACTION REGARDING A REQUEST TO ALLOW A CIGAR LOUNGE IN PIONEER VILLAGE AT THE ROCK N’ BREWS EVENT:

City Manager Heusser informed Council on a correction to the staff report by stating that the City of Selma is one of the co-sponsors of the event. He then reviewed current policy, and explained the request from the event organizers.

Council member Avalos expressed his concerns regarding the request, and motioned to deny the cigar lounge. The motion failed for lack of a second.

Mr. Louis Franco, representing the Rock N’ Brews committee stepped forward and answered various questions from Council.

After much discussion, Council member Robertson made a motion to allow the cigar lounge with various restrictions. Council member Derr seconded the motion, and the motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTIONS ON AN ORDINANCE RELATED TO MEDICAL MARIJUANA DISPENSARIES AND THE CULTIVATION AND PUBLIC CONSUMPTION OF MEDICAL MARIJUANA *introduction and first reading:*

City Attorney Slater explained the ordinance that repeals and replaces the current ordinance in place.

After discussion, motion to introduce and waive the first reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA REPEALING CHAPTER 32 OF TITLE 11 AND ENACTING CHAPTER 27 OF TITLE 6 AND CHAPTER 33 OF TITLE 11 OF THE SELMA MUNICIPAL CODE RELATED TO MEDICAL MARIJUANA was made by Council member Avalos, and seconded by Council member Derr. Motion carried with the following vote:

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

DEPARTMENTAL REPORTS: City Manager Heusser asked for possible dates from Council to hold commissioner interviews. It was the consensus of Council to hold interviews before the next Council meeting.

Fire Chief Kain displayed a new fire thermal imager purchased with grant funds.

COUNCIL REPORTS: Council member Derr reported on attending the recent Mariachi festival.

Council member Robertson thanked Ms. Sylvia Garza for all her work on the Mariachi Festival. He also identified different areas in need of graffiti removal.

Mayor Grey thanked the Public Works department for their hard work, and reported on the recent Sound of Music play held at the new Arts Center.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

Kenneth Grey
Mayor of the City of Selma

Resolution Nos: 2013 – 49R, 2013 – 50R