

**CITY OF SELMA**  
**REGULAR COUNCIL MEETING**  
**October 7, 2013**

The regular meeting of the Selma City Council was called to order at 6:10 p.m. 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, Community Services Director Kirchner, Financial Consultant Yribarren, Fire Chief Kain, Police Chief Garner, 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.

**PRESENTATION OF POLICE DEPARTMENT VOLUNTEER AWARD:** Police Chief Garner presented Ms. Dori Moya with the Fresno-Madera Police Chiefs Association Citizens Award. She was also presented with a certificate of recognition from Council for her continued service of over ten years with the Selma Police Department's Volunteer in Policing Program.

**RE-INTRODUCTION OF POLICE DEPARTMENT TRAFFIC UNIT:** Chief Garner announced that there are three police officers that have been certified and assigned to the traffic unit.

**ORAL COMMUNICATIONS:** Mr. Michael Barron, 2003 Alton, stepped forward to thank City Manager Heusser for his continued assistance with a neighbor issue.

Mr. Louis Franco, 1064 Mill Street, stepped forward to thank everyone for their participation in the recent Rock N Brews event held at Pioneer Village.

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

AYES: Rodriguez, Robertson, Avalos, Derr, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Pulled for separate discussion.
- b. Pulled for separate discussion.
- c. Recommendation by the Pioneer Village Advisory Commission to initiate the bid process for the Vincent House porch approved by standard motion.
- d. Approval and Implementation of Disclosure Policy. Policy approved by standard motion.

- e. Notice of Completion for Community Development Block Grant (CDBG) Project No. 12651, Selma East Rose Estates Flooding Mitigation, approved by standard motion.
- f. Acceptance of quitclaim deed from Royal Country Estates LLC for real property, approved by standard motion.
- g. pulled for separate discussion.
- h. Check register dated October 1, 2013 approved by standard motion.

**AGENDA ITEM 1.a. & 1.b. – CONSIDERATION AND NECESSARY ACTION ON MINUTES OF THE SEPTEMBER 16, 2013 WORKSHOP/PRE-COUNCIL MEETING & REGULAR MEETING:** Motion to approve minutes of the September 16, 2013 Workshop/Pre-council meeting and the Regular meeting was made by Council member Derr and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Derr, Avalos, Robertson, Grey

NOES: None

ABSTAIN: Rodriguez

ABSENT: None

**AGENDA ITEM 1.G – CONSIDERATION AND NECESSARY ACTION ON AMENDMENT TO THE INSTANT AID AGREEMENT WITH FRESNO COUNTY FIRE PROTECTION DISTRICT (FCFPD):** Fire Chief Kain explained the amendment for Council. After a brief discussion, motion to approve AMENDMENT TO THE INSTANT AID AGREEMENT WITH FRESNO COUNTY FIRE PROTECTION DISTRICT was made by Council member Derr and seconded by Council member Robertson. Motion then carried with the following vote:

AYES: Derr, Robertson, Avalos, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTIONS ON AN ORDINANCE RELATED TO MEDICAL MARIJUANA DISPENSARIES AND THE CULTIVATION AND PUBLIC CONSUMPTION OF MEDICAL MARIJUANA *public hearing and adoption:*** City Attorney Costanzo explained the ordinance that would repeal and replace the current ordinance that is in place. He also reported that a change had been made to include an additional provision regarding felony convictions.

Mayor Grey opened the public hearing portion at 6:36 p.m. There being no one to speak for or against the matter, the public hearing was closed at 6:37 p.m.

After discussion, motion to approve ORDINANCE 2013 – 5, 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, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON AN APPLICATION FOR A FENCE PLACEMENT VARIANCE BY JOGINDER BOPARAI, 2481 THOMPSON:** City Manager Heusser reviewed for Council the details of the fence variance, and stated that staff recommends denial. He then provided Council with a PowerPoint presentation of the current fence. City Manager Heusser also explained the two types of height requirements and setbacks on fences.

Ms. Joginder Boparai stepped forward to explain the circumstances of her request for the fence placement variance on her rental property.

After much discussion, motion to deny the fence placement variance was made by Mayor Pro Tem Rodriguez, and seconded by Council member Derr. Motion carried with the following vote:

AYES: Rodriguez, Derr, Robertson, Grey

NOES: Avalos

ABSTAIN: None

ABSENT: None

Ms. Joginder Boparai requested an extension of time to make the proper adjustments in order for the fence to be in compliance. It was the consensus of Council to direct Ms. Joginder Boparai to work with City Manager Heusser regarding the timeframe needed to adjust the height and move the fence to the proper setback.

**CONSIDERATION AND NECESSARY ACTION ON AN ORDINANCE AMENDING CHAPTER 11 OF TITLE VIII OF THE SELMA MUNICIPAL CODE RELATING TO ABANDONED RESIDENTIAL PROPERTIES – *introduction and first reading*:** City Attorney Costanzo explained 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 CHAPTER 11 OF TITLE VIII OF THE SELMA MUNICIPAL CODE RELATING TO ABANDONED RESIDENTIAL PROPERTIES 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 ON ORDINANCE AMENDING TITLE I BY ADDING CHAPTER 20 OF THE SELMA MUNICIPAL CODE ENTITLED**

**ADMINISTRATIVE CITATIONS** – *introduction and first reading*: City Attorney Costanzo reported on the City’s current procedures when a citation is issued and explained that the proposed ordinance would streamline the process significantly.

After much discussion, motion was made by Council member Robertson and seconded by Mayor Pro Tem Rodriguez to introduce and waive the first reading of the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING TITLE I BY ADDING CHAPTER 20 OF THE SELMA MUNICIPAL CODE ENTITLED ADMINISTRATIVE CITATIONS. Motion carried with the following vote:

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

**CONSIDERATION AND NECESSARY ACTION ON ORDINANCE AMENDING TITLE I BY ADDING CHAPTER 21 OF THE SELMA MUNICIPAL CODE ENTITLED**

**“ADMINISTRATIVE AND SUMMARY ABATEMENT”** – *introduction and first reading*: After discussion, motion to introduce and waive the first reading of the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING TITLE I BY ADDING CHAPTER 21 OF THE SELMA MUNICIPAL CODE ENTITLED ADMINISTRATIVE AND SUMMARY ABATEMENT 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 ON ORDINANCE AMENDING CHAPTER 4 OF TITLE I OF THE SELMA MUNICIPAL CODE ENTITLED GENERAL PENALTY – introduction and first reading:**

City Attorney Costanzo explained that this Ordinance is a housekeeping item, and that it strengthens the penalty provisions by providing options to enforce the Municipal Code.

After discussion, motion to introduce and waive the first reading of the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING CHAPTER 4 OF TITLE I OF THE SELMA MUNICIPAL CODE ENTITLED GENERAL PENALTY was made by Council member Avalos and seconded by Council member Robertson. Motion carried with the following vote:

AYES: Avalos, Robertson, Derr, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

**DEPARTMENTAL REPORTS:** City Manager Heusser reported on the upcoming annual Selma Horse Race occurring at the Fresno Fair, and the Fall Clean-Up week.

**COUNCIL REPORTS:** Council member Avalos thanked the public for attending the Council meeting.

Council member Derr requested a meeting with Police Chief Garner regarding bicycle safety, and reported on directing the Best Christmas Play Ever.

Council member Robertson reported on the recent events that took place at the Pioneer Village, and thanked all the volunteers for their assistance.

Mayor Pro Tem Rodriguez thanked everyone for their support as his family mourns over the recent passing of his grandfather.

Mayor Grey inquired on a bicycle path in Selma, and thanked the Public Works Department for the improvements of the Pioneer Village.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

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Kenneth Grey  
Mayor of the City of Selma