

**CITY OF SELMA  
REGULAR COUNCIL MEETING  
November 4, 2013**

The regular meeting of the Selma City Council was called to order at 6:07 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, Fire Chief Kain, Police Chief Garner, 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.

**CERTIFICATE OF RECOGNITION:** Mayor Grey presented a certificate of recognition to Mr. Larry Johnson, owner of Selma Disposal Service, in appreciation of his service to the City. Council congratulated him on his retirement.

**ORAL COMMUNICATIONS:** Mr. Scott Bailey, California Water Service General Manager stepped forward and introduced Tom Brassfield as the new Selma Office Manager. Council welcomed Mr. Brassfield to Selma.

Ms. Lisa Franco stepped forward to congratulate and thank Larry Johnson for his service to the community.

**CONSENT CALENDAR:** Council member Derr requested that agenda item 1.e. be pulled for separate discussion. Motion to approve the remainder of the Consent Calendar 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

- a. Minutes of the October 21, 2013 workshop/Pre-Council meeting approved as written.
- b. Minutes of the October 21, 2013 regular meeting approved as written.
- c. RESOLUTION NO. 2013-52R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING FINAL PARCEL MAP NO. 2013-0009 AND ACCEPTING THE DEDICATION OF REAL PROPERTY. Resolution approved by standard motion.

- d. RESOLUTION NO. 2013-53R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE CONSULTANT AGREEMENT WITH GATEWAY ENGINEERING FOR PRELIMINARY ENGINEERING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT NO. 13651 IN THE CITY OF SELMA FOR FISCAL YEAR 2013-2014. Resolution approved by standard motion.
- e. Pulled for separate consideration.

**AGENDA ITEM 1.e. CONSIDERATION AND NECESSARY ACTION ON CHECK REGISTER DATED OCTOBER 30, 2013:** After discussion, motion to approve Check Register dated October 30, 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 RESOLUTION DECLARING REAL PROPERTY TO BE A PUBLIC NUISANCE, AUTHORIZING ISSUANCE OF ABATEMENT NOTICE – public hearing:** Mayor Grey stated that he had a conflict of interest on the property and recused himself from the matter, leaving the Council chambers during the discussion.

City Manager Heusser reported on the property located at 1538 E. Front Street, and provided Council with a PowerPoint presentation showing the conditions of the property.

Mayor Pro Tem Rodriguez opened the public hearing at 6:15 p.m., there being no one to speak for or against the matter the public hearing was closed at 6:16 p.m.

After discussion, motion to approve RESOLUTION NO. 2013-54R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING THE BUILDING LOCATED AT 1538 E. FRONT STREET, A NUISANCE AND ORDERING THE PROPERTY OWNER TO ABATE THE NUISANCE was made by Council member Avalos, and seconded by Council member Robertson. Motion carried with the following vote:

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

At this point in the meeting, Mayor Grey returned to the Council Chambers.

**CONSIDERATION AND NECESSARY ACTION ON AN ORDINANCE  
AMENDING CHAPTER 11 OF TITLE VIII OF THE SELMA MUNICIPAL CODE  
RELATING TO ABANDONED RESIDENTIAL PROPERTIES – *public hearing and***

***adoption:*** City Attorney Costanzo reviewed for Council the amendment to the Ordinance relating to penalties for abandoned residential properties. He explained that the Ordinance would allow for the imposition of a one thousand dollar per day fine for failure to maintain and secure a vacant residential property.

Mayor Grey opened the public hearing portion of the meeting at 6:19 p.m. Mayor Grey then closed the public hearing at 6:20 p.m., and referred the matter back to Council since there was no public testimony on the matter.

After discussion, motion to adopt ORDINANCE NO. 2013 – 6, AN 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 Robertson, and seconded by Council member Derr. Motion carried with the following vote:

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

**CONSIDERATION AND NECESSARY ACTION ON AN ORDINANCE  
AMENDING TITLE I BY ADDING CHAPTER 20 OF THE SELMA MUNICIPAL  
CODE ENTITLED ADMINISTRATIVE CITATIONS – *public hearing and adoption:***

City Attorney Costanzo reported to Council the current procedures and timeline for any citations issued under the City Municipal Code, and further explained the amendment which would streamline the process and cost of implementation by utilizing a Hearing Officer appointed by the City Manager.

Mayor Grey opened the public hearing portion of the meeting at 6:28 pm.

Mr. Louis Franco, 1064 Mill Street stepped forward to inquire on the appeal process.

City Attorney Costanzo explained the appeal process would not be to the Hearing Officer, it would be to the Superior Court.

There being no further testimony on the matter, Mayor Grey closed the public hearing at 6:29 p.m.

After further discussion, motion was made by Council member Avalos, and seconded by Council member Robertson to adopt ORDINANCE NO. 2013 – 7, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING TITLE I OF THE SELMA MUNICIPAL CODE BY ADDING CHAPTER 20 TITLED ADMINISTRATIVE CITATIONS. Motion carried with the following vote:

AYES: Avalos, Robertson, Derr, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON AN ORDINANCE AMENDING TITLE I BY ADDING CHAPTER 21 OF THE SELMA MUNICIPAL CODE ENTITLED “ADMINISTRATIVE AND SUMMARY ABATEMENT” –**

**public hearing and adoption:** City Attorney Costanzo explained that this amendment relates to the abatement of nuisances and would shorten the process, especially in instances where the nature of the nuisance creates an imminent threat to the health or safety of any person.

After discussion, Mayor Grey opened the public hearing portion of the meeting at 6:40 p.m. There being no one to speak on the issue, the public hearing was closed at 6:41 p.m., and the matter was referred back to Council.

After further discussion motion was made by Council member Derr and seconded by Council member Avalos to adopt ORDINANCE NO. 2013 – 8, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING TITLE I OF THE SELMA MUNICIPAL CODE BY ADDING CHAPTER 21 TITLED ADMINISTRATIVE AND SUMMARY ABATEMENT. Motion carried with the following vote:

AYES: Derr, Avalos, Robertson, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON AN ORDINANCE  
AMENDING CHAPTER 4 OF TITLE I OF THE SELMA MUNICIPAL CODE**

**ENTITLED GENERAL PENALTY – *public hearing and adoption***: City Attorney Costanzo reported that this is a housekeeping matter, and the Ordinance strengthens the City's penalty provision as they appear in the Municipal Code.

Mayor Grey opened the public hearing at 6:43 p.m. The public hearing was then closed at 6:44 p.m., with no public testimony on the issue.

Motion to adopt ORDINANCE NO. 2013 – 9, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING CHAPTER 4 OF TITLE I OF THE SELMA MUNICIPAL CODE TITLED 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

**CONSIDERATION AND NECESSARY ACTION ON INTERIM URGENCY  
ORDINANCE ESTABLISHING A MORATORIUM ON TOBACCO STORES  
(SMOKE SHOPS) VENDORS OF E-CIGARETTES, TOBACCO PRODUCTS AND  
PARAPHERNALIA AND CIGAR, SMOKING OR HOOKAH LOUNGES  
PENDING COMPLETION OF UPDATE TO CITY ZONING ORDINANCE**

**REGARDING THE SAME**: City Manager Heusser explained that Selma has recently seen a significant proliferation in the number of smoke shop establishments, and stated that in order to research health and safety concerns particularly as they impact minors the City is requesting this Urgency Ordinance. He further stated that in order for the adoption of the Urgency Ordinance, Council must approve by a four-fifths vote.

After discussion, motion was made by Council member Avalos, and seconded by Council member Derr to adopt URGENCY ORDINANCE NO. 2013 – 10, AN INTERIM

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA ESTABLISHING A MORATORIUM ON TOBACCO STORES (SMOKE SHOPS), VAPOR OR E-CIGARETTE VENDORS AND HOOKAH LOUNGES IN THE CITY PENDING COMPLETION OF THE COMPREHENSIVE UPDATE TO THE CITY'S ZONING ORDINANCE REGARDING THE SAME. Motion carried with the following vote:

AYES: Avalos, Derr, Robertson, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

**COUNCIL REPORTS:** Council member Derr updated Council on the rehearsals for the upcoming play.

Council member Robertson reported on complaints regarding speeding near Dockery and Bethel avenues, increase in homeless around the City, and updated Council on the animal shelter progress.

Mayor Pro Tem Rodriguez reminded everyone about the upcoming election and encouraged everyone to vote.

Mayor Grey reported on recent and upcoming concert events at the Arts Center. He also thanked the Public Works Department for their work on beautifying downtown, and the Police Department for their hard work.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:04 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

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Kenneth Grey  
Mayor of the City of Selma

Resolution Nos: 2013 –52R, 2013 –53R, 2013 – 54R  
Ordinance Nos: 2013– 6, 2013 –7, 2013 – 8, 2013 – 9, 2013 –10