

CITY OF SELMA
REGULAR COUNCIL MEETING
November 18, 2013

The regular meeting of the Selma City Council was called to order at 6:00 p.m. Council members answering roll call were: Derr, Robertson, Mayor Grey, and Mayor Pro Tem Rodriguez at 6:03 p.m. Council member Avalos was absent.

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.

SPECIAL PRESENTATIONS: Council member Derr welcomed Girl Scouts Troop 2149, and gave a brief description on local government. Ms. Yvette Montijo, stepped forward and gave Council a presentation of the Girl Scouts and their mission statement. Council thanked them for their presentation.

ORAL COMMUNICATIONS: Ms. Sandi Niswander, stepped forward to report on a recent issue where she contacted the Police Department regarding street people. Mayor Grey asked that Police Chief Garner comment on the issue. Police Chief Garner encouraged citizens to contact the Police Department when they notice any type of suspicious activity.

A representative from Lewis C. Nelson Construction stepped forward to present Council with a scrapbook of various pictures of the Arts Center.

Ms. Vicki Filgas, 12100 E. Floral Avenue, stepped forward to update Council on the mural project that will be placed downtown.

CONSENT CALENDAR: Motion to approve the Consent Calendar as read was made by Mayor Pro Tem Rodriguez and seconded by Council member Robertson. Motion carried with the following vote:

AYES: Rodriguez, Robertson, Derr, Grey

NOES: None

ABSTAIN: None

ABSENT: Avalos

- a. Minutes of the November 4, 2013 workshop/Pre-Council meeting approved as written.
- b. Minutes of the November 4, 2013 regular meeting approved as written.
- c. Pioneer Village Commission recommendation to foam insulate a portion of the Vincent House, approved by standard motion.
- d. Notice of Completion for the Selma Arts Center Project, approved by standard motion.
- e. Check register dated November 14, 2013, approved by standard motion.

CONSIDERATION AND NECESSARY ACTION ON AN APPLICATION FOR A FENCE PLACEMENT VARIANCE BY ANNA YANEZ, 1492 NELSON BLVD: City Manager Heusser provided a Power point presentation for Council regarding the proposed fence variance.

Ms. Anna Yanez, applicant stepped forward to answer various questions from Council. She also stated that there was some confusion on the need for a fence permit, since she was issued a fence permit on an existing side fence.

Mr. Richard Rosenfeld, 1486 Nelson Blvd, stepped forward to testify against the proposed fence placement variance.

Mr. Chris Ambrose, 1491 Nelson Blvd, also stepped forward to testify against the proposed fence placement variance, stating that if the variance was granted that emergency personnel would not be able to enter the residence.

Mr. Herbert Wingfield, 1494 Nelson Blvd, stepped forward as a neutral party, inquiring if the concerns regarding the proposed fence could be addressed with the neighborhood Covenants, Conditions, and Restrictions (C C and R's).

After further discussion, Mayor Grey motioned and Mayor Pro Tem Rodriguez seconded that the issue be continued so that staff could further review the matter. Motion then carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION DECLARING THE RESULTS OF ELECTION ON MEASURE VOTED UPON (MEASURE K): City Manager Heusser reported that the certified results had been received from the Fresno County Clerk's office. He also explained that the Transient Occupancy Tax is collected quarterly and notification will be sent stating that the increase will be effective January 1, 2014.

Mayor Grey requested that staff add a statement to the notification being sent to all hotel/motel lodging operators regarding the effective date of January 1 regardless of when the customer reserved the room.

After discussion, motion to approve RESOLUTION NO. 2013 – 55R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING THE RESULTS OF ELECTION ON MEASURE VOTED UPON 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: None

ABSTAIN: None

ABSENT: Avalos

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN CITY OF SELMA AND SECOND CHANCE ANIMAL SHELTER OF SELMA FOR OPERATION OF ANIMAL SHELTER. City Attorney Costanzo discussed a procedural matter prior to the the agenda item. He informed Council that Council member Robertson would be recusing himself from the matter regarding the Second Chance Animal Shelter. To ensure there could be no challenge to approval of the item based on a claim of indirect involvement of the recused member, he also discussed and read into record an email that Council member Robertson sent to Police Chief Garner:

“Hi Greg, Would you please let your feelings be known about SCAS (that's the nonprofit) taking the shelter adoptions off the PD's hands during the council meeting. I'm hoping you will have a positive take on this. I will need to recuse myself from the discussion because I am part of the nonprofit.”

City Attorney Costanzo stated that although the email would likely not qualify as a prohibited indirect involvement of a recused member, if there were a violation it would be cured by disclosing the email.

At this point in the meeting, Council member Robertson recused himself from the matter and left the Council Chambers at 7:19 p.m.

City Manager Heusser reported on the history of the animal shelter and the proposed agreement with the Second Chance Animal Shelter. Chief Garner stepped forward to express his support of the agreement. After discussion regarding the agreement, Mayor Grey asked for public comment on the issue.

Ms. Sandi Niswander, Ms. Sara Trujillo, Mr. Louis Franco, and Ms. Yvette Montijo all stepped forward in favor of the agreement. A statement on behalf of Selma Unified School District Superintendent Mark Sutton was read by Mr. Louis Franco in support of the agreement with Second Chance Animal Shelter.

After further discussion, Mayor Pro Tem Rodriguez requested that staff provide detailed information on the expenditure for the agreement, he then motioned to approve RESOLUTION NO. 2013-56R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE AGREEMENT WITH SECOND CHANCE ANIMAL SHELTER OF SELMA, A CALIFORNIA NON-PROFIT TO ASSUME OPERATION AND MAINTENANCE OF THE ANIMAL SHELTER. Council member Derr seconded the motion. Motion carried with the following vote:

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

Council member Robertson returned to the Council Chambers at 8:00 p.m.

**CONSIDERATION AND NECESSARY ACTION ON ORDINANCE
ESTABLISHING AN ADMINISTRATIVE CONDITIONAL USE PERMIT
REQUIREMENT FOR TOBACCO, E-CIGARETTES, AND SMOKING
PARAPHERNALIA VENDORS AND STORES, CIGAR AND HOOKAH LOUNGES
AND AMENDING INCONSISTENT PROVISIONS OF EXISTING MUNICIPAL**

CODE– intro & first reading: City Manager Heusser reported on the proposed Ordinance for Council.

After discussion, motion to introduce and waive the first reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA ESTABLISHING AN ADMINISTRATIVE CONDITIONAL USE PERMIT REQUIREMENT FOR TOBACCO, E-CIGARETTES, AND SMOKING PARAPHERNALIA VENDORS AND STORES, CIGAR AND HOOKAH LOUNGES AND AMENDING INCONSISTENT PROVISIONS OF EXISTING MUNICIPAL CODE was made by Council member Derr and seconded by Mayor Pro tem Rodriguez. Motion carried with the following vote:

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

COUNCIL REPORTS: Council member Derr updated Council on the upcoming play, The Best Christmas Play Ever.

Council member Robertson thanked Council for approving the animal shelter agreement. Mayor Pro Tem Rodriguez reported on the approval of Measure K, the Big League of Dreams, the placement of a measure on a future election, and the restrooms at Shafer Park. A discussion then occurred regarding the timeline on a measure. City Manager Heusser was directed to provide information at a future meeting.

Mayor Grey inquired about the Selma Women's Clubhouse and requested that staff research various options. He also reported on the Beauty and the Beast Play, and encouraged everyone to support the mural project.

ADJOURNMENT: There being no further business, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

Kenneth Grey
Mayor of the City of Selma

Resolutions Nos: 2013-55R, 2013-56R