

**CITY OF SELMA
REGULAR COUNCIL MEETING
December 2, 2013**

The regular meeting of the Selma City Council was called to order at 6:17 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, 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: Fire Chief Kain introduced recently promoted Fire Captain Demmers and Fire Marshal Beasley. Council congratulated them both.

CONSENT CALENDAR: Council member Avalos requested that agenda item 1.a. be pulled for discussion. Council member Robertson requested that agenda item 1.e. also be pulled for separate discussion. 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, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

- a. Pulled for separate consideration.
- b. RESOLUTION NO. 2013-57R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA REPEALING CITY OF SELMA FINE SCHEDULE ADOPTED BY RESOLUTION NO. 2001 – 79R. Resolution approved by standard motion.
- c. RESOLUTION NO. 2013-58R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING THE SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES. Resolution approved by standard motion.
- d. Notice of Completion for the Safe Routes to School Project SR2SL-5096(027), Stillman Street 75' west of Dockery Avenue, Second Street at Wilson Street and Orange Avenue at Lewis Street, approved by standard motion.
- e. Pulled for separate consideration.
- f. Check register dated November 26, 2013, approved by standard motion.

AGENDA ITEM 1.a. – CONSIDERATION AND NECESSARY ACTION ON MINUTES OF THE NOVEMBER 18, 2013 REGULAR MEETING: Council member Avalos stated that he was absent that day, so he will abstain from the vote. Council member Robertson stated that he is formally recusing himself from Resolution No. 2013 – 56R.

Motion was made by Council member Derr and seconded by Mayor Pro Tem Rodriguez to approve the MINUTES OF THE NOVEMBER 18, 2013 REGULAR MEETING with the amendment stating that Council member Robertson formally recused himself from RESOLUTION NO. 2013 – 56R. Motion carried with the following vote:

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

AGENDA ITEM 1.b. – CONSIDERATION AND NECESSARY ACTION ON RESOLUTION AWARDDING BID FOR THE REPAIRING AND RECOATING OF SECTIONS OF THE ROOF AT THE SELMA POLICE DEPARTMENT, LOCATED AT 1935 E. FRONT STREET: After discussion, motion to approve RESOLUTION NO. 2013 – 59R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AWARDDING THE CONTRACT FOR REPAIRING AND RECOATING SECTIONS OF THE ROOF AT THE SELMA POLICE DEPARTMENT LOCATED AT 1935 E. FRONT 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

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE ESTABLISHING AN ADMINISTRATIVE CONDITION 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 – *public hearing and adoption*: City Manager Heusser reported on the proposed Ordinance for Council.

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

After discussion, motion to adopt ORDINANCE NO. 2013 – 11R, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING THE CITY'S ZONING ORDINANCE (TITLE 11) RELATED TO SMOKE SHOPS AND AMENDING CHAPTER 24 OF TITLE 6 RELATED TO USE OF ELECTRONIC CIGARETTES IN THE CITY OF SELMA 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 ANNA YANEZ, 1492 NELSON

BOULEVARD: City Manager Heusser stated that the matter had been continued from the November 18, 2013 Council meeting with Council directing staff to further research the matter. City Manager Heusser explained that the original fence permit dated January 5, 2012 was described as fence between properties.

After discussion regarding the placement of the existing side fence and the proposed fence, Ms. Anna Yanez, *applicant* stepped forward to address concerns.

Mr. Richard Rosenfeld, 1486 Nelson Boulevard, and Mr. Chris Ambrose, 1491 Nelson Boulevard both stepped forward to speak against the proposed fence placement variance.

Mr. David Negrete Jr., 1497 Nelson Boulevard, stepped forward in favor of a fence for the purpose of security.

After further discussion, motion to deny the proposed fence placement variance 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

DEPARTMENTAL REPORTS: City Manager Heusser explained and distributed information requested on funding sources for the agreement between the City of Selma and the Second Chance Animal Shelter of Selma. He also distributed information regarding massage establishments.

COUNCIL REPORTS: Council member Avalos thanked staff on their continued hard work.

Council member Robertson expressed his concerns on the need to relocate safety personnel to new facilities, the Second Chance Animal Shelter agreement, and the progress of the animal shelter.

Mayor Pro Tem Rodriguez reported on attending a Five Cities Economic Development meeting and a recent softball event.

Mayor Grey reported on recent events at the new Arts Center.

ORAL COMMUNICATIONS: Mr. Louis Franco stepped forward to discuss future long-term facilities for safety personnel.

ADJOURNMENT: There being no further business, the meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Reyna Rivera
City Clerk

Kenneth Grey
Mayor of the City of Selma

Resolutions Nos: 2013-57R, 2013-58R, 2013-59R
Ordinance Nos: 2013-11