The regular meeting of the Selma City Council was called to order at 7:00 p.m. in the Council chambers. Council members answering roll call were: Avalos, Derr, Lujan, and Mayor Pro Tem Rodriguez. Mayor Grey was absent.

Also present were City Manager Heusser, City Attorney Costanzo, Interim Police Chief Dyck, Fire Chief Kestly, Public Works Director Weaver, Financial Consultant Yribarren, 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:** Mayor Pro Tem Rodriguez reported that the Soccer and Wrestling Team presentations would be postponed until a later date due to scheduling conflicts and that the fire department equipment presentation would occur at a future Council meeting.

**ORAL COMMUNICATIONS:** Mr. Louis Franco, 1064 Mill Street, stepped forward to let the Council know that he is against the City taking over the water service from Cal Water.

**CONSENT CALENDAR:** Motion to approve the Consent Calendar was made by Council member Lujan and seconded by Council member Derr. Motion carried with the following vote:

- **AYES:** Lujan, Derr, Avalos, Rodriguez
- **NOES:** None
- **ABSTAIN:** None
- **ABSENT:** Grey

a. Minutes of the April 18, 2011 workshop/pre-Council meeting approved as written.
b. Minutes of the April 18, 2011 regular meeting approved as written.
d. Check register dated April 26, 2011 approved by standard motion.
DRAWING FOR ONE AVAILABLE FIREWORKS PERMIT: City Clerk Carter reported that for 2011 there is one vacancy in the allowed number of fireworks permits. She reported that six interest cards were received by the deadline. She then asked Mr. Doug Hoagland, of the Selma Enterprise, to draw the winning entry. The non-profit group drawn was the Selma Youth Football Bears. They were congratulated by the Council.

CONSIDERATION AND NECESSARY ACTION ON PROPOSED REFUSE COLLECTION RATES FOR THE 2011-2012 FISCAL YEAR AND SETTING DATE FOR PROTEST HEARING: City Manager Heusser reported that Selma Disposal & Recycling has proposed a rate increase for the 2011-2012 fiscal year of $1.35 per month for residential customers and various other rates for commercial customers depending on their selected services. He reported that the increase is needed because of increased tipping fees, which took effect last year, and increased fuel and maintenance costs. He then presented Mr. Jeff Johns, CPA for Selma Disposal, who stepped forward and reviewed the proposed increase for Council. He also reported that in light of the economy, the rates charged last year had been held at the 2009 level with no increase. He then provided a comparison chart of area cities which showed that Selma’s rates, even with the proposed increase, would still be second lowest of those in Fresno County.

After discussion, motion to approve the proposed new garbage rates and setting the protest hearing for June 20, 2011 was made by Council member Lujan and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Lujan, Rodriguez, Avalos, Derr

NOES: None

ABSTAIN: None

ABSENT: Grey

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA and CONSIDERATION AND NECESSARY ACTION ON RESOLUTION OF INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA: Public Works Director Weaver reported that this is the annual assessment for Landscaping and Lighting Maintenance District No. 1 and that there are no increases proposed for the 2011-2012 fiscal year.

After discussion, motion to approve RESOLUTION NO. 2011-17R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA INITIATING PROCEEDINGS
FOR THE ANNUAL LEVY OF ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA and RESOLUTION NO. 2011-18R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA was made by Council member Avalos and seconded by Council member Lujan. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON APPROVAL OF LETTER TO CALIFORNIA WATER SERVICE COMPANY REQUESTING THE MODIFICATION OF WATER RATE INCREASES APPROVED BY THE CALIFORNIA STATE PUBLIC UTILITIES COMMISSION (CPUC) FOR 2011-2013:

City Attorney Costanzo explained the process for modification of the recent water rate increase as approved by the California State Public Utilities Commission (CPUC). He also reviewed the letter that has been written to California Water Service Company requesting their participation in the modification process. Council member Lujan then requested a few changes to the letter and that it be read into the record for those present. City Attorney Costanzo then read the following:

May 3, 2011

SENT VIA U.S. MAIL/EMAIL:

Mr. Thomas F. Smegal, III
California Water Company
1720 N. First Street
San Jose, CA 95112

Re: California Public Utilities Commission (CPUC) Approved Rate Increase of 29.4% for 2011, 1.3% for 2012 and 1.2% for 2013

Dear Mr. Smegal:

Thank you for appearing at the Selma City Council’s meeting of April 18, 2011, to discuss the referenced rate increases. In the course of your presentation, there was some indication of a willingness by Cal Water to reduce the rate increase to some extent, which was not specified, if that were approved by the CPUC. But, since there is a current, and final order of the PUC approving the rate increase, that can only be accomplished through a further application to CPUC for modification or reduction of the rate increase approved. There was some indication that the modification request would need to be initiated by Selma, and not by Cal Water. Following the meeting,
the City had the opportunity to evaluate the proposed methodology of seeking a reduction in the rate increases, and we have concluded that any request for modification of the approved rate increase must come from a party to the original rate case, in this case, California Water Service Company.

Further, we view it as unlikely that the CPUC would even entertain a request from a non-party, consumer, for modification of its approved rate for Cal Water. If for some reason Cal Water is unable to make the modification request on its own, and the modification request is technically required to be prosecuted by the City, we believe that it would have a better chance of success with the expressed concurrence of Cal Water.

Accordingly, pursuant to the suggestion that was made at our meeting, the City of Selma does wish to pursue the filing of a formal request for modification or reduction of the rate increase approved and referred to above. It wishes to seek a 50% reduction of the rate increase so that the increase is approximately 15.4%, as opposed to 31.9% over the referenced 3 year time frame. For the reasons noted above, we are requesting that Cal Water file with the CPUC the appropriate application seeking that reduction. If there is some legal impediment to Cal Water seeking the modification itself, we would ask that Cal Water prepare and provide to us the appropriate application for the rate modification to be filed by the City, and a separate pleading by Cal Water, joining in and consenting to the reduction requested. If Cal Water is willing to file or assist in the filing of a request to modify the rate increase, but wishes to have it reduced by less than 50%, we would ask that Cal Water provide to Selma the percentage decrease that it believes to be appropriate.

Given the fact that the rates are already in place, we do wish to prosecute the request for their modification as soon as possible. Accordingly, we would ask that Cal Water provide us with a response to this request within the next ten days, so that the City can determine how best to proceed in seeking a reduction of the rate increase previously approved by the CPUC.

If you have any questions, please do not hesitate to contact our City Manager, D-B Heusser at (559) 891-2200, or by mail or email at dbh@cityofselma.com. The making of this request has been considered and approved by the Selma City Council.

Very truly yours,

Kenneth Grey, Mayor
After discussion, motion to approve the above letter and authorizing its mailing was made by Council member Lujan and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Lujan, Rodriguez, Derr, Avalos

NOES: None

ABSTAIN: None

ABSENT: Grey

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE ADDING CHAPTER 22 TO TITLE V OF THE SELMA MUNICIPAL CODE, REGULATING FOR PURPOSES OF PUBLIC SAFETY, THE VENDING OF FOOD PRODUCTS FROM VEHICLES UPON ANY STREET WITHIN A RESIDENTIAL ZONE OF THE CITY OF SELMA – introduction and first reading: City Manager Heusser reviewed for the Council an Ordinance which, if approved, would limit the number of food vending trucks in residential areas of town. He stated that numerous complaints have been received regarding the number of trucks and the concern for the safety of children in residential neighbourhoods.

After discussion, motion to introduce and waive the first reading of ORDINANCE NO. 2011-2, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA ADDING CHAPTER 22 TO TITLE V OF THE SELMA MUNICIPAL CODE, REGULATING FOR PURPOSES OF PUBLIC SAFETY, THE VENDING OF FOOD PRODUCTS FROM VEHICLES UPON ANY STREET WITHIN A RESIDENTIAL ZONE OF THE CITY OF SELMA was made by Mayor Pro Tem Rodriguez and seconded by Council member Lujan. Motion carried with the following vote:

AYES: Rodriguez, Lujan, Avalos

NOES: Derr

ABSTAIN: None

ABSENT: Grey

DEPARTMENTAL REPORTS: City Manager Heusser reported that this is Raisin Festival Week, announced that Thursday, May 5th is the World Day of Prayer, and reminded everyone that Sunday is Mother’s Day.
COUNCIL REPORTS: Council member Derr reported on attending a sanitation conference.

Mayor Pro Tem Rodriguez reported that he has been appointed head coach for the Girls Under 10 Softball League.

ORAL COMMUNICATIONS: Ms. Sylvia Clark, an area resident, stepped forward and stated that she would like the city to take over the water service and that she feels the garbage charges should be taken off the tax rolls.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

Kenneth Grey
Mayor of the City of Selma

Ordinance No: 2011-2