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, Lujan, Mayor Pro Tem Rodriguez, and Mayor Grey. Council member Derr 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.

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

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

a. Minutes of the May 2, 2011 workshop/pre-Council meeting approved as written.
b. Minutes of the May 2, 2011 regular meeting approved as written.
c. Memorandum of Understanding with the San Joaquin Valley Unified Air Pollution Control District for grant funding for upgrade of City-owned street lights approved by standard motion.
d. Check register dated May 11, 2011 approved by standard motion.

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: City Manager Heusser reviewed for the Council an Ordinance which, if approved, would limit the number of food vending vehicles in residential neighborhoods. He reported that numerous concerns regarding the safety of children have been received.

Mayor Grey opened the public hearing at 7:36 p.m. There being no one to speak for or against the proposal, the public hearing was closed at 7:37 p.m.

Motion to waive the second reading and adopt 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, Grey

NOES: None

ABSTAIN: None

ABSENT: Derr

CONSIDERATION AND NECESSARY ACTION ON APPEAL FOR FIREWORKS
BOOTH PERMIT: City Manager Heusser reported on receiving an appeal from Pastor
Ming for reinstatement of New Hope Family Church’s permit to sell fireworks. He reported
that the Church missed the filing deadline due to human error and that they would like the
Council to consider reinstatement of their permit. He reported that the current fireworks
ordinance allows for ten (10) booths until Selma’s population reaches 35,000.

Discussion then occurred regarding the procedures and timeframe for amending the
Ordinance and the possible setting of precedence if the group is allowed in as booth number
eleven.

City Attorney Costanzo then suggested the repeal of just one sentence of the ordinance – the
one dealing with the number of booths allowed. He stated that it would need to be
introduced and the first reading held on June 6th, be noticed in the newspaper, and then go
for public hearing, second reading and adoption on June 20th. He reported that if the
sentence is repealed it would open up the process to everyone and the Council could then
take its time to adopt a new ordinance for next year.

Mayor Pro Tem Rodriguez stated that to be fair he would like everyone interested in a
booth to be notified of the possible change.

Pastor Ming then stepped forward to ask the Council to not hold the kids that benefit from
this fundraiser responsible for his mistake.

City Manager Heusser stated that the city does not have a legal obligation to notify each
organization because it will be published in the newspaper but morally they should be. He
reported that this change could cause a flood of vendors and cause profits to go down.

City Attorney Costanzo also stated that tonight’s action by Council just sets the matter for
introduction and first reading and that there is a possibility the repeal still may not go
through depending on the action taken on June 6th.
Discussion then occurred and it was learned that June 15th is the State Fire Marshall deadline and that the group may need to also check with the fireworks vendor regarding their cutoff.

After discussion, motion to repeal the sentence containing the maximum number of fireworks booths, setting it for introduction and first reading on June 6th, and authorizing the amendment of the current fireworks ordinance was made by Council member Lujan and seconded by Council member Avalos. Motion carried with the following vote:

**AYES:** Lujan, Avalos, Rodriguez, Grey

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Derr

**CONSIDERATION AND NECESSARY ACTION ON AGREEMENT TO PROCEED WITH PURCHASE OF PROPERTY AT 2604 DOCKERY FOR ALLEYWAY AND DEFER PAYMENT TO PROPERTY OWNER UNTIL SUCH TIME AS PROPERTY IS NEEDED AND/OR UNTIL FUNDS ARE AVAILABLE:** At the request of the property owner this item was pulled from the agenda for consideration at a later date.

**CONSIDERATION AND NECESSARY ACTION ON AGREEMENT WITH DWIGHT NELSON CONCERNING AUTOMOTIVE DEALERSHIPS and CONSIDERATION AND NECESSARY ACTION ON FIRST AMENDMENT TO AGREEMENT WITH DWIGHT NELSON CONCERNING MITSUBISHI AUTOMOTIVE DEALERSHIP IN THE SELMA AUTO MALL and CONSIDERATION AND NECESSARY ACTION ON SECOND AMENDMENT TO AGREEMENT WITH DWIGHT NELSON CONCERNING AUTOMOTIVE DEALERSHIP IN THE SELMA AUTO MALL:** Before beginning discussions, City Attorney Costanzo reported that changes to the proposed agreements were brought to his attention after the Council packets went out. He then distributed revised agreements.

He reported that the agreements would allow for the sharing of sales tax revenue derived from certain dealership at the Selma Auto Mall. He reported that the first agreement is an extension of an existing agreement to 2018, the second agreement (Honda) is an extension of its current agreement to 2018, and the third agreement entitled “Mitsubishi Agreement” but now occupied by the Suzuki and Hyundai dealerships, also extends the agreement to 2018. He reported that these agreements have been written site specific not dealership specific and that the third agreement would only take effect if Mr. Nelson gets the Chrysler dealership he is proposing and the Suzuki and Hyundai dealerships stay in Selma. He also pointed out that all three agreements remove the $200,000 threshold and cap and share all sales tax derived (excluding the Measure S funds received) 50%/50%.
Mr. Nelson then stepped forward and reviewed the history of the proposed Chrysler
dealership and his plans for the auto mall.

After various questions from Council, motion to approve all three agreements as amended
was made by Mayor Pro Tem Rodriguez and seconded by Council member Lujan. Motion
carried with the following vote:

AYES: Rodriguez, Lujan, Avalos, Grey

NOES: None

ABSTAIN: None

ABSENT: Derr

CONSIDERATION AND NECESSARY ACTION ON AUTHORIZATION FOR
CITY MANAGER TO ENTER INTO NEGOTIATION WITH SELMA
FIREFIGHTERS UNION AND THE SELMA MID-MANAGEMENT UNIT
REGARDING PRESENT BUDGET PROCESS AND THE DEVELOPMENT OF
NECESSARY TRANSITION AGREEMENT: City Manager Heusser reviewed for the
Council his request for authorization to enter into negotiation with the Selma Firefighters
Union, the Mid-Management Bargaining Unit, and the one non-represented employee
(department head) for purposes of negotiating a transition agreement to CalFire. He stated
that this is the next step in the process.

Dr. Stan Louie stepped forward to report that this would allow actual numbers to be
produced and discussed. He stated that this authorization would also permit the City
Manager to sign a non-binding letter of intent to contract.

After discussion, motion AUTHORIZING THE CITY MANAGER TO ENTER INTO
NEGOTIATION WITH SELMA FIREFIGHTERS UNION AND THE SELMA MID-
MANAGEMENT UNIT REGARDING PRESENT BUDGET PROCESS AND THE
DEVELOPMENT OF NECESSARY TRANSITION AGREEMENT was made by Mayor
Pro Tem Rodriguez and seconded by Council member Lujan. Motion carried with the
following vote:

AYES: Rodriguez, Lujan, Avalos, Grey

NOES: None

ABSTAIN: None

ABSENT: Derr
DEPARTMENTAL REPORTS: City Manager Heusser reviewed for the Council the Governor's May budget revise.

COUNCIL REPORTS: Council member Avalos thanked the Police and Fire departments for the recent help he received. He also reported on a complaint received regarding recycling scavengers around town.

Council member Lujan stated that he feels people caught going through trashcans should be cited. He also reported on receiving a complaint about the cutting down of downtown trees and a trailer of trash being parked in town.

Mayor Pro Tem Rodriguez asked that a chain and lock be installed at the Babe Ruth ball field and reported on an issue at “F” and Alton Street.

Mayor Grey asked about a green waste drop-off point. He reported on attending a SKF meeting and that there are no increases proposed for this year. He also reported on attending a CalFire Advisory Meeting and an event for the McMullan Grade recharge effort. He also stated that he feels we should go ahead and take our CID numbers to the PUC.

ORAL COMMUNICATIONS: Mr. Jeremy Owens, representing the Selma Fire Department stepped forward to ask if the previous action of Council included the signing of a Letter of Intent to Contract with CalFire. Council assured him that it did.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

Kenneth Grey
Mayor of the City of Selma

Ordinance No: 2011-2