The workshop/pre-Council meeting was called to order at 7:10 p.m. in the Council chambers. Council members answering roll call were: Avalos, Derr, Lujan, Mayor Pro Tem Rodriguez, and Mayor Grey.

Also present were City Manager Heusser, City Attorney Costanzo, Interim Police Chief Dyck, Acting Fire Chief Kain, 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.

**ORAL COMMUNICATIONS:** Pastor Ming stepped to the podium and invited the Council and all present to a special 10-year remembrance of the 9-11 tragedy.

Mr. Quannah Morgan, stepped forward to report on an illegal carport structure on his street. Staff reported that they would look into the matter.

**CONSENT CALENDAR:** Council member Derr asked that agenda item 1.c. be pulled for separate discussion. Motion to approve the remainder of 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, Derr, Lujan, Grey
- **NOES:** None
- **ABSTAIN:** None
- **ABSENT:** None

  a. Minutes of the August 1, 2011 workshop/pre-Council meeting approved as written.
  b. Minutes of the August 1, 2011 regular meeting approved as written.
  c. Pulled for separate discussion
  d. Check register dated August 9, 2011 approved by standard motion.
AGENDA ITEM 1.c. – RESOLUTION RE-ADOPTING THE 2003 SELMA BICYCLE TRANSPORTATION PLAN WITH APPROVED CHANGES: Council member Derr stated that he had asked for this to be pulled in order to show Council a walkway/bicycle route map for the City of Clovis.

After discussion, motion to approve RESOLUTION NO. 2011-42R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA RE-ADOPTION THE 2003 SELMA BICYCLE TRANSPORTATION PLAN WITH APPROVED CHANGE was made by Council member Derr and seconded by Council member Lujan. Motion carried with the following vote:

AYES: Derr, Lujan, Avalos, Rodriguez, Grey

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ACCEPTING STATE CITIZENS OPTION FOR PUBLIC SAFETY (COPS) GRANT – PUBLIC HEARING AND ADOPTION: Mayor Grey opened the public hearing at 7:20 p.m. There being no one to speak for or against the proposal, the public hearing was closed at 7:21 p.m.

After discussion, motion to approve RESOLUTION NO. 2011-43R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ACCEPTING STATE CITIZENS OPTION FOR PUBLIC SAFETY (COPS) GRANT was made by Council member Derr and seconded by Mayor Pro Tem Rodriguez. Motion carried with the following vote:

AYES: Derr, Rodriguez, Avalos, Lujan, Grey

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND DETERMINATION OF WHETHER COUNCIL MEMBER DERR HAD A DISQUALIFYING INTEREST IN VOTES ON OR PARTICIPATION IN MATTERS RELATING TO THE FISCAL YEAR 2011-2012 BUDGET ADOPTION: Before beginning discussion, Council member Derr recused himself from discussion and left the room.
City Attorney Costanzo reviewed for the Council the allegations that have arisen regarding Council member Derr’s lack of disclosure that his wife works for the Selma Chamber of Commerce prior to voting for adoption of the 2011-2012 fiscal year budget.

He reviewed the applicable sections of the Public Records Act and stated that in his opinion a disqualifying Conflict of Interest did not exist since Mrs. Derr is part time, or does not hold a managerial position or ownership interest in the Chamber of Commerce.

Since the next item on the agenda pertained to him and is similar, Mayor Grey recused himself from the meeting and left the room.

Discussion then occurred and Council member Lujan moved to send the matter to the Fair Political Practices Commission (FPPC) for opinion. The motion was seconded by Council member Avalos and carried with the following vote:

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

CONSIDERATION AND DETERMINATION OF WHETHER COUNCIL MEMBER GREY HAD A DISQUALIFYING INTEREST IN VOTES ON OR PARTICIPATION IN MATTERS RELATING TO CALIFORNIA WATER SERVICE COMPANY:

Before beginning discussion, Council member Derr returned to the dais. Mayor Grey was not present.

City Attorney Costanzo reviewed for the Council the allegations which have arisen regarding Mayor Grey’s lack of disclosure that his company, BVI Construction, has had construction contracts with California Water Service Company (in the past), prior to discussion of Selma’s water rates and possible takeover, by eminent domain, of the water system.

He reviewed the applicable sections of the Public Records Act and reported that in his opinion no disqualifying Conflict of Interest exists because prior to the July 18, 2011 Council meeting nothing had appeared on an agenda regarding the take-over of the water system, from Cal Water, and that the only time it had been scheduled (July 18, 2011 as potential litigation in closed session) Mayor Grey had recused himself and left the room. He also stated that all discussion prior to July 18 had only been about contacting the California Public Utilities Commission (CPUC) regarding a possible reduction in the water
rates for the citizens of Selma and representing the City at a meeting regarding those rates. He also reported that Mayor Grey had reported California Water Service Company as a source of income on his 2008 and 2010 Form 700 (Conflict of Interest form) filed with the FPPC.

Discussion then occurred and Council member Lujan moved to send the matter to the Fair Political Practices Commission (FPPC) for opinion. The motion was seconded by Council member Avalos and carried with the following vote:

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

**DEPARTMENTAL REPORTS:** City Manager Heusser reported on attending a League meeting regarding high-speed rail and its proposed route, and a meeting with the County regarding medical marijuana. He also reported that the City’s TRAN will close on Thursday and that the City has received plans for 66 homes in the Valley View tract. He also reminded the Council of the Hyundai ribbon cutting on Wednesday.

**COUNCIL REPORTS:** Council member Avalos reported on attending an event at Valley Life Church in which Alan Autry spoke.

Council member Lujan reported on problems with Police Department dispatching and his disappointment with Senator Rubio’s position on the high-speed rail route.

Council member Derr stated and consensus was given for him to miss the Annual League Conference in September since the City will be represented by another individual. He reported on attending a retirement event at S-K-F and that he will be playing music at the next “Concert in the Park” and that he will be paid by the Chamber of Commerce.

Mayor Pro Tem Rodriguez reported on attending a ribbon cutting at the new cupcake store and that the Shock U10 girls softball team had placed 5th in their recent event.

Mayor Grey also reported on dispatching problems and the need for clean up at a vacant lot on Sierra View Street.

**ORAL COMMUNICATIONS:** Mr. Dennis McKenry, 1315 Evergreen stepped forward to report on two vacant houses in his neighborhood that need clean up due to weeds.
ADJOURNMENT: There being no further business, the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

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Kenneth Grey
Mayor of the City of Selma