

**CITY OF SELMA
REGULAR CITY COUNCIL MEETING
APRIL 17, 2006**

The regular meeting of the Selma City Council was called to order at 7:20 p.m. in the Council chambers. Council members answering roll call were: Avalos, Derr, Niswander, Mayor Pro Tem Lujan, and Mayor Tow.

Also present were City Manager Heusser, City Attorney Hargrove, Police Chief Whiteside, Fire Chief Kestly, Public Works Director Weaver, Recreation and Community Services Director Kirchner, Finance Director Bier, 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.

PRESENTATION OF PROCLAMATION DECLARING APRIL 17-23, 2006

NATIONAL COMMUNITY DEVELOPMENT WEEK: Mayor Pro Tem Lujan read and presented City Manager Heusser with a proclamation declaring April 17-23, 2006 National Community Development Week.

ORAL COMMUNICATIONS: Dr. Hadden, a candidate for County Coroner, stepped to the podium to let the Council know that he feels a person in that position should have a medical background and urged the Council to vote for him in the upcoming election.

Mr. Diego Haro, 3701 Olive, appeared before the Council with the Selma High School girls soccer team to report that they have recently placed third in the regionals and will be traveling to Idaho for the nationals. He reported that the team will be leaving on April 20, 2006 and is still in need of donations. After discussion, Mr. James Pace of Wellington Group, stepped forward and donated \$1,000 to help fund the trip. Recreation and Community Services Director Kirchner reported and it was the consensus of Council to donate the remaining \$400 in Youth Group funds to the soccer team. They thanked Mr. Pace and the Council for the donations.

Mr. Bill Alves, stepped to the podium to ask permission to place a fundraising status sign in the Veterans Plaza. After discussion, permission was given and he was directed to meet with the Planning Department to discuss the details. Mr. Nathan Williams, 2722 McCall Avenue, stepped forward to let the Council know that he feels the track will be beneficial to the entire community and that he will be assisting with the fundraising efforts.

Mr. Louis Franco, 1064 Mill Street, stepped forward to ask the status of the safety survey. It was reported that Council is still in the process of gathering background information.

Dr. Stan Louie, 1198 Rorden, stepped forward to thank the Fire department for their presentation.

EXECUTIVE SESSION: At 7:45 p.m. Mayor Tow recessed the meeting into Executive Session to discuss labor negotiations for the Secretarial/Clerical/ Technical employee group. The meeting reconvened at 8:10 p.m. with the announcement that the Council would take action on the proposed Memorandum of Understanding later in the meeting.

CONSENT CALENDAR: Council member Avalos asked that agenda item 1.c. be pulled for separate consideration and Council member Derr asked that agenda item 1.d. be pulled. Motion to approve the remainder of the Consent Calendar was made by Council member Niswander and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Niswander, Lujan, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the April 3, 2006 regular meeting approved as written.
- b. 2004/2005 Housing Element Annual Report approved by standard motion.
- c. Pulled for separate consideration.
- d. Pulled for separate consideration.

AGENDA ITEM 1.c. - CONSIDERATION AND NECESSARY ACTION ON RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AWARING BID FOR PRE-FABRICATED RESTROOMS AT BERRY AND BRENTLINGER PARKS: Council member Avalos asked if the new restrooms can be gated and/or locked. It was reported that the new facilities will be secured each night to help cut down on vandalism.

Motion to adopt RESOLUTION NO. 2006-26R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AWARING BID FOR PRE-FABRICATED RESTROOMS FOR BERRY AND BRENTLINGER PARKS to The Public Restroom Company at a total cost of \$194,289.00, was made by Council member Derr and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Derr, Niswander, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CHECK REGISTER DATED APRIL 12, 2006 APPROVED BY STANDARD

MOTION: After various questions, Council member Derr moved and Council member Niswander seconded the motion to approve the check register dated April 12, 2006. The motion was seconded by Council member Niswander and carried with the following vote:

AYES: Derr, Niswander, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE REPEALING CHAPTER 25 OF TITLE VI OF THE SELMA MUNICIPAL CODE REGARDING MEDICAL MARIJUANA DISPENSARIES, THE CULTIVATION OF MEDICAL MARIJUANA AND AMENDING SECTION 11 OF CHAPTER 1 OF TITLE XI OF THE SELMA MUNICIPAL CODE:

Mayor Tow opened the hearing at 8:22 p.m. There being no one to speak for or against the Ordinance the public hearing was closed at 8:23 p.m.

Motion to waive the second reading and adopt ORDINANCE NO. 2006-4, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA REPEALING CHAPTER 25 OF TITLE VI OF THE SELMA MUNICIPAL CODE REGARDING MEDICAL MARIJUANA DISPENSARIES, THE CULTIVATION OF MEDICAL MARIJUANA AND AMENDING SECTION 11 OF CHAPTER 1 OF TITLE XI OF THE SELMA MUNICIPAL CODE was made by Mayor Pro Tem Lujan and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Lujan, Avalos, Derr, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION DETERMINING THAT PUBLIC CONVENIENCE AND/OR NECESSITY IS OR IS NOT SERVED BY THE ISSUANCE OF A TYPE 20 OFF-SITE SALE OF BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE FOR 1701 WHITSON STREET (SELMA SAVE-N-GO):

City Manager Heusser reviewed for the Council a request for an alcoholic beverage control license at Selma Save-n-Go at 1701 Whitson. He

also reported that this particular census tract currently has 23 Type 20/21 alcoholic beverage control licenses.

There being no one in the audience to speak for or against the proposal, Mayor Pro Tem Lujan moved to adopt RESOLUTION NO. 2006-27R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DETERMINING THAT PUBLIC CONVENIENCE AND/OR NECESSITY **IS NOT** SERVED BY THE ISSUANCE OF A TYPE 20 OFF-SITE SALE OF BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE FOR 1701 WHITSON STREET (SELMA SAVE-N-GO). The motion was seconded by Council member Derr and carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SELMA AND THE SECRETARIAL/CLERICAL/TECHNICAL EMPLOYEE UNIT: Motion to adopt RESOLUTION NO. 2006-28R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SELMA AND THE SECRETARIAL /CLERICAL /TECHNICAL EMPLOYEE UNIT was made by Mayor Pro Tem Lujan and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Lujan, Niswander, Avalos, Derr, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION EXTENDING CONTRACT BETWEEN THE CITY OF SELMA AND COMMERCIAL GROUNDS MAINTENANCE FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT SERVICES: Motion to adopt RESOLUTION NO. 2006-29R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA EXTENDING CONTRACT BETWEEN THE CITY OF SELMA AND COMMERCIAL GROUNDS MAINTENANCE FOR LANDSCAPING AND LIGHTING MAINTENANCE

DISTRICT SERVICES was made by Council member Derr and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Derr, Lujan, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RECOMMENDATION TO APPROVE EXPENDITURE FOR LIGHTING AT SKATE PARK, PLAYGROUND

AND IN BERRY PARK: Motion to approve a \$33,500 expenditure from the Parks Development Fund for the installation of lighting at the new skate park, the playground and in Berry Park was made by Council member Niswander and seconded by Council member Derr. Motion carried with the following vote:

AYES: Niswander, Derr, Avalos, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

DEPARTMENTAL REPORTS: City Manager Heusser reported that Nelson's Hardware will be receiving a Fresno Bee Excellence in Business award at their annual event on May 17th. He then handed out the blog from the First Baptist Church's recent trip to Venice Louisiana. He also handed out the City's most recent financial report.

Finance Director Bier then reviewed the upcoming process and handed out the proposed budget calendar.

Police Chief Whiteside reported on a Public Safety Day event being scheduled for June 3rd from 12:00 – 4:00 p.m.

COUNCIL REPORTS: Council member Avalos reported on attending a 5 Cities meeting in which joint problem solving was discussed.

Council member Niswander reported that a candidate's forum is scheduled for April 18th at 6:30 p.m. in the City Hall Council chambers. She asked the status of the Cleveland Street/Auto Mall parking problem? City Manager Heusser reported that he had checked recently and that the number of non-resident vehicles had been reduced significantly. She

also reported on receiving a complaint regarding the Valley Life Church electronic reader board being left on all night. Staff reported that they would look into the matter.

Mayor Pro Tem Lujan asked staff to look into the removal or undergrounding of the signal controllers at McCall Avenue and Nelson Boulevard. He reported on attending an SKF meeting in which another rate increase was discussed. He also asked the status of the McCall Avenue reconstruction project. Staff reported that the project will be funded with CDBG funds and is in the engineering phase.

Mayor Tow reported on loitering in the Thompson/Golden State area and staff stated that it would be looked into.

Council member Derr reported that he will be out of town from May 17th through June 9th.

ORAL COMMUNICATIONS: Mr. Gabriel Dillard, reporter for the Selma Enterprise, stepped forward to let the Council know that this was his last meeting as he has accepted a position with the Business Journal. He was wished well by the Council.

Mr. Russ Noble stepped forward to report that approximately 500 Selma High School alumni will be in town this weekend for their annual reunion.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Melanie A. Carter, CMC
City Clerk

Don Tow
Mayor of the City of Selma

Ordinance No: 2006-4
Resolution Nos: 2006-26R, 2006-27R, 2006-28R, 2006-29R