

**CITY OF SELMA  
REGULAR CITY COUNCIL MEETING  
JUNE 19, 2006**

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, Niswander, Mayor Pro Tem Lujan, and Mayor Tow.

Also present were City Manager Heusser, City Attorney Hargrove, Assistant City Manager Hull, Police Lieutenant Johnson, 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.

At this point in the meeting City Manager Heusser reported that agenda item #4 is being pulled at the request of the applicant and that it will be reconsidered at a later date.

**CONSENT CALENDAR:** Council member Derr asked that agenda items 1.a. and 1.b. pulled since he had not been present at the meetings.

Motion to approve the remainder of the Consent Calendar 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

- a. Pulled for separate consideration.
- b. Pulled for separate consideration.
- c. Minutes of the June 12, 2006 special meeting/budget workshop approved by standard motion.
- d. RESOLUTION NO. 2006-42R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ADOPTING THE ANNUAL APPROPRIATIONS (GANN) LIMIT FOR FISCAL YEAR 2006/2007. Resolution adopted by standard motion.
- e. RESOLUTION NO. 2006-43R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING SUBMITTAL OF CLAIM FOR LOCAL TRANSPORTATION FUNDS (LTF) FOR THE 2006/2007 FISCAL YEAR – TRANSIT. Resolution adopted by standard motion.

- f. RESOLUTION NO. 2006-44R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AND ADOPTING THE LOCAL TRANSPORTATION PURPOSES CERTIFICATION AND CLAIM AND AUTHORIZING ITS EXECUTION – MEASURE “C”. Resolution adopted by standard motion.
- g. Claim for damages from Melba Oliver denied by standard motion.
- h. RESOLUTION NO. 2006-45R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA SUPPORTING THE EFFORTS OF ALL LAW ENFORCEMENT AGENCIES IN ERADICATING CRIMINAL STREET GANG ACTIVITIES. Resolution adopted by standard motion.
- i. Check register dated June 14, 2006 approved by standard motion.

**AGENDA ITEMS 1.A. AND 1.B.:** Motion to approve agenda items 1.a. and 1.b., minutes of the June 5, 2006 workshop/pre-council meeting and the June 5, 2006 regular meeting was made by Mayor Pro Tem Lujan and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Lujan, Niswander, Avalos, Tow  
NOES: None  
ABSTAIN: None  
ABSENT: Derr

**ADDITION OF URGENT ITEM:** City Manager Heusser reported that an issue has come up since the agenda went out that can not wait until the next Council meeting. He reported that it has to do with the telecommunications bill (AB 2987) and that the Legislature will be considering it next week.

After discussion, motion approving the addition of the resolution to the agenda was made by Mayor Pro Tem Lujan and seconded by Council member Derr. Motion carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow  
NOES: None  
ABSTAIN: None  
ABSENT: None

After discussion, motion to adopt RESOLUTION NO. 2006-51R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA OPPOSING AB 2987 Nuñez/Levine) ESTABLISHING A STATEWIDE FRANCHISE FOR VIDEO CABLE SERVICE WAS

MADE BY Mayor Pro Tem Lujan and seconded by Council member Derr. Motion carried with the following vote:

AYES: Lujan, Derr, Avalos, Niswander, Tow  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ADOPTING THE 2006-2007 FISCAL YEAR BUDGET FOR THE CITY OF SELMA – PUBLIC HEARING AND ADOPTION:** Finance Director Bier reviewed for the Council the revenues and expenditures proposed for the new fiscal year.

After discussion, Mayor Tow opened the public hearing at 7:15 p.m. There being no one to speak for or against the budget the public hearing was closed at 7:16 p.m.

Motion to adopt RESOLUTION NO. 2006-46R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ADOPTING THE 2006-2007 FISCAL YEAR BUDGET FOR THE CITY OF SELMA 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

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ESTABLISHING DISPOSAL SERVICE RATES AND REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH – PUBLIC HEARING AND ADOPTION:** Finance Director Bier reviewed for the Council the proposed disposal service rates and reported that the amount being asked for will be reduced (if approved) by \$1.10 per month per residential customer using the tipping fee refund received from the County.

Mayor Tow opened the public hearing at 7:28 p.m. There being no one to speak for or against the proposed new rates or the use of the tipping fee refund in this manner, the public hearing was closed at 7:29 p.m.

Discussion then occurred regarding the use of the tipping fee, and City Attorney Hargrove stated that it is his opinion that it should be used for the same purpose in which it was collected. He was then directed to research the matter further and report back to Council.

After further discussion, motion to adopt RESOLUTION NO. 2006-47R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ESTABLISHING

DISPOSAL SERVICE RATES AND REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH and approving the use of the tipping fee refund for this year only 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

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING VESTING TENTATIVE TRACT MAP NO. 5639 WITH FINDINGS AND CONDITIONS, AND ENVIRONMENTAL ASSESSMENT NO. 2005-0151 – LINGO – PUBLIC HEARING AND ADOPTION:** At the request of the developer this item was pulled from the agenda for consideration at a later date.

**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 AND COLLECT THE ANNUAL ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA:** Motion to adopt RESOLUTION NO. 2006-48R, 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. 2006-49R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA 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

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING THE SUBMITTAL OF A COUNTYWIDE APPLICATION FOR A CALIFORNIA COMMUNITY ENTERPRISE ZONE DESIGNATION:** City Manager Heusser reported

that Fresno County is applying for designation as a County-wide Enterprise Zone and is asking for authorization from each of the cities in the County to include them in the application. He reported that the cost for applying would be shared by each entity participating. He stated that it is an economic development tool used by industrial, commercial, and retail businesses, both new and existing.

He also reported that the City of Selma's initial share of cost would amount to \$10,522 with another \$7,014 due later for the environmental work if approved.

After discussion, motion to adopt RESOLUTION NO. 2006-50R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING THE SUBMITTAL OF A COUNTYWIDE APPLICATION FOR A CALIFORNIA COMMUNITY ENTERPRISE ZONE DESIGNATION was made by Council member Avalos and seconded by Council member Niswander. Motion carried with the following vote:

AYES: Avalos, Niswander, Derr, Tow

NOES: Lujan

ABSTAIN: None

ABSENT: None

**DEPARTMENTAL REPORTS:** City Manager Heusser reminded the Council that the July 3<sup>rd</sup> meeting is being cancelled due to the Independence Day celebration/fireworks.

Fire Chief Kestly reported that one of the City's new ambulances arrived yesterday. He reported that the department has received a \$5,000 grant to be used for a paramedic bike team. He also reported that the department is organizing an illegal fireworks taskforce which will be put into place during the upcoming Independence Day holiday period.

Recreation and Community Services Director Kirchner reminded everyone that the gates for the fireworks show will open at 6:30 p.m. the evening of July 3<sup>rd</sup> and that entertainment will be provided for both adults and children. He also reminded the Council of the skate park grand opening on Saturday, June 24<sup>th</sup> at 10:00 a.m. at Berry Park.

**COUNCIL REPORTS:** Council member Avalos reported that he had participated in a VIP ride-along and that it had been very positive.

Council member Derr reported that the Thompson Avenue construction trailer is in the process of being removed. He reported that there are numerous non-permanent business signs being placed in the public right-of-way around town. He reported that Selma's section of Golden State Boulevard is in need of repair and that the fence at West Front and Arrants has been damaged. Staff reported that they would look into the matters. He also reported on the Blueprint Summit to take place on June 28, 2006.

Council member Niswander reported on attending the ribbon cutting for "Designing Women" and the League meeting in Coalinga. She also asked the status of the Orange Avenue paving project. It was reported that the telephone poles have been moved and that

the road should be paved within the next few weeks. She also brought to Council's attention the weeds on Golden State Boulevard.

Mayor Pro Tem Lujan asked the status of a vicious dog ordinance. City Manager Heusser stated that the matter has been turned over to the City Attorney's office. He then asked the status of a Multiple Family Recycling ordinance. Finance Director Bier reported that work has been delayed due to the new budget but she is continuing to work on this project. He also asked if preference can be given to local contractors on major projects. City Attorney Hargrove reported that state and federal regulations govern the bidding process and that no preferences can be given.

Mayor Tow asked staff to contact the developer to find out when the alley between Country Club Lane and the Country Rose Estates subdivision will be paved.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Melanie A. Carter, CMC  
City Clerk

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Don Tow  
Mayor of the City of Selma

Resolution Nos: 2006-42R, 2006-43R, 2006-44R, 2006-45R, 2006-46R, 2006-47R,  
2006-48R, 2006-49R, 2006-50R, 2006-51R