

**CITY OF SELMA  
REGULAR CITY COUNCIL MEETING  
MARCH 19, 2007**

The regular meeting of the Selma City Council was called to order at 7:08 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 Costanzo, Assistant City Manager Hull, Police Chief Whiteside, Fire Division Chief Kain, Public Works Director Weaver, Recreation and Community Services Director Kirchner, Finance Director Bier, Community Development Director Gaston, 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:** Fire Division Chief Michael Kain introduced his department's newest firefighters. Mr. Eric Beasley, Mr. Rich Essegian, and Mr. Jeff Loyd were welcomed by the Council.

**ORAL COMMUNICATIONS:** Mr. Harvey Singh, 7425 E. Dinuba Avenue, stepped forward to let the Council know that he is interested in farming the property the City just purchased. City Manager Heusser reported that the City's insurance company is concerned about the City's liability. He also stated that he has been approached by other interested individuals and that if the Council should approve leasing the property for farming purposes it would have to be opened up for bids. After discussion, it was the consensus of Council to allow farming for one additional season and directing the City Manager to advertise for bids.

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Mr. Ray Castenon, 1417 Tucker Street, stepped forward to let the Council know that when his car cover had been installed he had gotten approval from the Planning Department and that now he is being told he has to take it down. He reported that he had been told that because it was portable it did not fall under the setback rules. After discussion, it was the consensus of Council to suspend the writing of citations and courtesy notices until an investigation can take place and until recommendations and/or a policy can be approved. Mr. Russell Whitlock, 2025 Hillcrest, also spoke regarding this item.

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Mr. Scott Bailey, Manager of Selma's California Water Service branch, stepped forward to present a rebuttal to the previous Council meeting's discussion on utility rates.

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Ms. Aurora Martinez, Ms. Shelly Abajian, Mr. Dewey White, and Mr. Melvin Hamm all stepped forward to let the Council know that they are against the proposed location of the San Joaquin Valley Power Authority's power plant. Their main concern was the proximity to Indianola School. They also asked for the Council to take a stand on the matter. After discussion, it was the consensus of Council to go on record as being opposed to the proposed location and to let the San Joaquin Valley Power Authority know that the preferred location is at the Selma-Kingsburg-Fowler County Sanitation District. Ms. Abajian then invited Council to a community meeting at Indianola School on Tuesday, March 27<sup>th</sup>.

**CONSENT CALENDAR:** The Council requested that agenda items 1.c. and 1.f. be pulled for separate discussion. Motion to approve the remainder of the Consent Calendar 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

- a. Minutes of the March 5, 2007 workshop/pre-Council meeting approved by standard motion.
- b. Minutes of the March 5, 2007 regular Council meeting approved by standard motion.
- c. Pulled for separate discussion.
- d. Concession stand agreement for Shafer Park approved by standard motion.
- e. RESOLUTION NO. 2007-11R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA SUPPORTING THE FOOTHILL HIGHWAY/FREEWAY (STATE ROUTE 65) PLANNING STUDY (IN CONCEPT). Resolution adopted by standard motion.
- f. Pulled for separate discussion.

**CONSIDERATION AND NECESSARY ACTION ON NOTICE OF COMPLETION ON COUNTRY ROSE ESTATES – PHASE I:** Council member Niswander asked various questions regarding the Notice of Completion. After discussion, it was the consensus of Council that the Notice of Completion should include the language “except landscaping.”

Motion to approve the Notice of Completion with the above change was made by Council member Niswander and seconded by Council member Avalos. Motion carried with the following vote:

AYES: Niswander, Avalos, Derr, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON CHECK REGISTER DATED**

**MARCH 13, 2007:** After various questions motion to approve the check register dated March 13, 2007 was made by Council member Derr and seconded by Mayor Pro Tem Lujan. Motion carried with the following vote:

AYES: Derr, Lujan, Avalos, Niswander, Tow

NOES: None

ABSTAIN: None

ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON ORDINANCE AMENDING SECTIONS 8-1-2 AND 8-1-13 THROUGH 8-1-15 TO CHAPTER 1 OF TITLE VIII OF THE SELMA MUNICIPAL CODE ENTITLED "GARBAGE REGULATIONS" –**

**PUBLIC HEARING, SECOND READING AND ADOPTION:** Mayor Tow opened the public hearing at 9:00 p.m. There being no one to speak for or against the Ordinance the public hearing was closed at 9:01 p.m.

Motion to waive the second reading and adopt ORDINANCE NO. 2007-3, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTIONS 8-1-2 AND 8-1-3 AND ADDING SECTIONS 8-1-13 THROUGH 8-1-15 TO CHAPTER 1 OF TITLE VIII OF THE SELMA MUNICIPAL CODE ENTITLED "GARBAGE REGULATIONS" 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

**AGENDA ITEMS 3a.-e. – BRATTON I VESTING TENTATIVE TRACT MAP NO.**

**5765:** At the request of the developer, this item was continued to the April 2, 2007 Council meeting.

**CONSIDERATION AND NECESSARY ACTION ON AUTHORIZATION TO PROCEED WITH CONTRACT FOR THE DEVELOPMENT OF A PROJECT STUDY REPORT FOR THE STATE ROUTE 99/DINUBA AVENUE/HIGHWAY 43 INTERCHANGE PROJECT:**

City Manager Heusser reviewed for the Council the need to initiate a Project Study Report (PSR) for the State Route 99/Dinuba Avenue/Highway 43 Interchange Project. He reported that this is the first step required by Caltrans in order to move on the project.

After discussion, motion authorizing the PSR for the State Route 99/Dinuba Avenue/Highway 43 Interchange Project was made by Council member Avalos and seconded by Council member Derr. Motion carried with the following vote:

AYES: Avalos, Derr, Niswander, Lujan, Tow

NOES: None

ABSTAIN: None

ABSENT: None

**DEPARTMENTAL REPORTS:** City Manager Heusser asked Council to set a date for the next Council retreat. After discussion, April 2, 2007 was selected.

Recreation and Community Services Director Kirchner reported that the Lincoln Park Bandstand rededication has been scheduled for Saturday, April 21<sup>st</sup> at 2:00 p.m.

**COUNCIL REPORTS:** Council member Avalos stated that he felt tonight's meeting was very positive.

Council member Derr asked the status of the 5-Cities organization. Council member Avalos provided an update. Council member Derr also reported on graffiti on the Shafer Park trash enclosure and bin.

Council member Niswander commended the Public Works Department on the bandstand repairs. She also stated that the ponding basins around town are needing attention and the weeds on the First Street from Grant to the railroad tracks need to be taken care of.

Mayor Pro Tem Lujan reported that he and other elected officials will be meeting with the Governor this week. He commended Public Works for the bandstand repairs. He asked staff to look into the landscaping of the Raven ponding basin. He also suggested the placement of benches around the bandstand.

Mayor Tow also commended Public Works on the bandstand repairs. He questioned the landscaping along Mill Street. He asked for help from the Police Department on the Young Pond motorcycle racing problem. City Manager Heusser reported that staff will research the matter and bring back options at a future meeting. He reported on the on-going SKF will-serve problem. Community Development Director Gaston reported that he can not get answers from SKF. Council member Lujan suggested giving them a deadline to respond or face the consequences.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:42 p.m.

Attest:

Melanie A. Carter, CMC  
City Clerk

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Don Tow  
Mayor of the City of Selma

Ordinance No: 2007-3  
Resolution No: 2007-11R