

**CITY OF SELMA**  
**REGULAR CITY COUNCIL MEETING**  
**MAY 7, 2007**

The regular meeting of the Selma City Council was called to order at 7:03 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 Chief Kestly, 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.

**RECOGNITION OF POLICE EXPLORER PARTICIPANTS:** Police Chief Whiteside stepped forward and introduced the Police Explorer leader, Karri Kirkendol, who introduced the members of the Explorer program and reported that the group had done very well in a recent competition. They were congratulated by the Council.

**PRESENTATION OF CPRS AWARD RECIPIENTS:** Recreation & Community Development Director Kirchner introduced the award winners at the recent CPRS banquet. Ms. Tonie Hill, Aurora Wright, Lawrence Allenger, Henry Cortez, Dan Barcellos, Michael Cottey, Gary Bixler, and Adventist Health all received awards. They were congratulated by the Council.

**INTRODUCTION OF NEW VISTA DISASTER MANAGEMENT COORDINATOR:** Fire Chief Kestly introduced the department's new Disaster Management Coordinator VISTA. Ms. Dawn Essenmacher was welcomed by the Council.

**PRESENTATION OF PUBLIC WORKS WEEK PROCLAMATION:** Council member Niswander read and presented Public Works Director Weaver with a proclamation for Public Works Week. He thanked the Council for the recognition.

**SELMA MAGAZINE:** City Manager Heusser reported that Selma's first City magazine "Selma Connection" will be mailed out soon. He then handed out copies to the Council and reported that it is fully self-supporting through ads placed in the magazine.

He also presented Council with an award the Redevelopment Agency had received for the positive outcome of the UpRight bankruptcy. He reported that escrow on the facility will close soon and that the buyer will be making many improvements.

**ORAL COMMUNICATIONS:** Mr. Ed Blanton stepped forward to let the Council know that the S-K-F Management Audit Report will be presented to their Board on Thursday, May 10<sup>th</sup> and that he does not agree with it. He reported that it only shows S-K-F's capacity

to be 4 million gallons per day not 8 million as originally built. He stated that he wanted to urge the community to attend this meeting and voice their concerns. He also reported that the financial condition at S-K-F is not what the three communities have been led to believe and that it should be looked into further.

Mr. Phil Mirwald, CalWater District Manager for Visalia, stepped forward to introduce himself and to let the Council know that he will be filling while Selma's Manager recuperates from his accident. He was welcomed by the Council.

**CONSENT CALENDAR:** Motion to approve 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. Minutes of the April 16, 2007 workshop/pre-Council meeting approved as written.
- b. Minutes of the April 16, 2007 regular Council meeting approved as written.
- c. Minutes of the April 23, 2007 special meeting approved as written.
- d. Claim for damages from Elia Martinez denied by standard motion.
- e. Notice of Completion for off-site improvements for Villa Corvino III – Tract 4889, Raven/Alves approved by standard motion.
- f. RESOLUTION NO. 2007-22R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING THE COUNTY OF FRESNO TO SUBMIT A HOUSEHOLD HAZARDOUS WASTE (HHW) GRANT APPLICATION TO THE STATE OF CALIFORNIA ON BEHALF OF THE CITY OF SELMA, FRESNO COUNTY AND 14 OTHER PARTICIPATING JURISDICTIONS. Resolution adopted by standard motion.
- g. Purchase of emergency generator for City Hall approved by standard motion.
- h. Check register dated April 24, 2007 approved by standard motion.

At this point in the meeting City Manager Heusser stated that the next agenda item should have been placed under the Public Hearing category on the agenda and that to move it a 4/5's vote is needed. He also reported that the item had been properly noticed as a public hearing item.

Motion to move agenda item 2 from "Regular Business" to "Public Hearings" 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 EITHER AFFIRMING THE PLANNING COMMISSION'S DENIAL OR APPROVING THE CONDITIONAL USE PERMIT FOR A PROPOSED GROUP HOME TO BE LOCATED AT 1434 & 1440 PEACH STREET – ALPHONSO R. BIGELOW, APPLICANT – KDTA GROUP HOMES, INC – PUBLIC HEARING AND**

**ADOPTION:** Community Development Director Gaston reviewed a proposal for Council which, if approved, would allow a Group Home at 1434 & 1440 Peach Street. He reported that the item had been denied by the Planning Commission and that the applicant was now appealing the denial to the City Council.

After various questions, Mayor Tow opened the public hearing at 8:10 p.m. and called for testimony from all in favor of the proposal.

Mr. Alfonso Bigelow, owner of KDTA Group Homes, stepped forward and explained the proposed project. He also stated that he plans to bring the "better" kids to Selma and that their day will be so structured that they do not have any time to cause problems.

Discussion then occurred regarding the size of the group home and the lack of recreational facilities for its occupants.

There being no further testimony in favor of the proposal Mayor Tow then opened the meeting to anyone opposed to the project.

Mr. Rick Whitford, a resident of Peach Street, and Mr. Travis Garrett, a resident of Olive Street, both stepped forward and stated that they feel the proposed Group Home does not belong in this area due to gang problems in and around Selma.

Ms. Lisa Franco, a resident on Mill Street, stated that she does not want more trouble being brought into Selma and that we need to take care of our existing issues first. There being no one else to testify the public hearing was closed at 8:25 p.m.

Council member Avalos then stated he feels children should be placed in a good environment not one that already has problems and that he does not feel the area is safe for already troubled children.

Mayor Pro Tem Lujan stated that he feels Selma has already done our share for troubled children and that we are even having to consider a safety tax to pay for our current needs.

Mayor Tow stated that he feels the facility will be too cramped and that the children should be housed in a larger area. He then suggested cutting the number of children housed down to six instead of the proposed twelve in order to provide the City with a track record.

Council member Derr then asked where the children go to school? It was reported that they usually go to school in the neighborhood in which they live.

Council member Niswander asked who would go after them if they run away? It was reported that the facility supervisors and then the Police Department does. She then stated that it seems a group home would put additional strain on an already over-extended Police Department. She stated that Selma Unified may not even have the facilities to handle these types of problem kids.

Interim School Superintendent Sutton stepped forward to let the Council know that no one contacted the school district regarding this matter.

After this discussion, motion to adopt RESOLUTION NO. 2007-23R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AFFIRMING THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT FOR A PROPOSED GROUP HOME TO BE LOCATED AT 1434 & 1440 PEACH STREET – ALPHONSO R. BIGELOW, APPLICANT – KTDA GROUP HOMES, INC. 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 ORDINANCE  
ESTABLISHING THE SPECIFIC PLAN (S-p) ZONING DISTRICT FOR THE  
AMBERWOOD, NORTHEAST, SOUTH SELMA, ROCKWELL, AND  
NORTHWEST SPECIFIC PLANS AND OTHER SPECIFIC PLAN AREAS AS MAY  
BE HEREAFTER ESTABLISHED – INTRODUCTION AND FIRST READING:**

Community Development Director Gaston reviewed for the Council a proposal to add the S-P (Specific Plan) Zoning District to the Selma Municipal Code.

After discussion, motion to introduce and waive the first reading of ORDINANCE NO. 2007-6, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA ESTABLISHING THE SPECIFIC PLAN (S-p) ZONING DISTRICT FOR THE AMBERWOOD, NORTHEAST, SOUTH SELMA, ROCKWELL, AND NORTHWEST SPECIFIC PLANS AND OTHER SPECIFIC PLAN AREAS AS MAY BE HEREAFTER ESTABLISHED 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 OF  
INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN  
THE CITY COUNCIL OF THE CITY OF SELMA AND THE BOARD OF  
ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES'**

**RETIREMENT SYSTEM (PERS):** Motion to adopt RESOLUTION NO. 2007-24R, A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SELMA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM 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 ORDINANCE  
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY  
COUNCIL OF THE CITY OF SELMA AND THE BOARD OF ADMINISTRATION  
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM –**

**INTRODUCTION AND FIRST READING:** Motion to introduce and waive the first reading of ORDINANCE NO. 2007-7, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SELMA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM 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

ABSTAIN: None

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING  
A CONTRACT EXTENSION FOR LANDSCAPE AND LIGHTING  
MAINTENANCE DISTRICT SERVICES WITH COMMERCIAL GROUNDS**

**MAINTENANCE:** Public Works Director Weaver reviewed for the Council the extension proposal for Landscape and Lighting Maintenance District services with Commercial Grounds Maintenance.

Council member Niswander stated that she has no problem with the extension but she would like a better mechanism for the timely reporting and replacement of dead and damaged trees and plants in the District. Public Works Director Weaver stated that he will set up a meeting with the contractor to establish a procedure.

Motion to adopt RESOLUTION NO. 2007-25R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING A CONTRACT EXTENSION FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT SERVICES WITH COMMERCIAL GROUNDS MAINTENANCE was made by Council member Derr and seconded by Mayor Pro Tem Lujan.

AYES: Derr, Lujan, Niswander, Avalos, Tow

NOES: None

ABSTAIN: None

ABSENT: None

**PRESENTATION AND DISCUSSION ON PROPOSED NEW 2007/2008 GARBAGE RATES AND SETTING OF MAJORITY-PROTEST HEARING:** Finance Director Bier reported that because of a recent ruling garbage rate increases are now subject to the provisions of Proposition 218. She reported that a majority-protest hearing is now required anytime property related rates will be increased and that tonight's action will only be to set the date and time for the hearing which she was recommending for June 25<sup>th</sup> at 5:30 p.m. She then presented Mr. Jeff Johns who presented the proposed rates and explained the need for an increase.

During discussion Council reported that they had received complaints regarding the maintenance of the refuse trucks and trash being left in the streets. City Manager Heusser reported that he will set up a meeting with the owner of Selma Disposal to try and take care of these matters.

After discussion, motion setting the date of June 25, 2007 at 5:30 p.m. for the protest-hearing on the proposed refuse rate increase 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

**DEPARTMENTAL REPORTS:** City Manager Heusser reminded the Council of the Nissan ribbon cutting on May 15<sup>th</sup> and the Shafer Park playground equipment dedication on May 11<sup>th</sup>. He reported that PG & E would like to meet with Council to discuss the power plant issue and that staff is closely watching a number of State Propositions. He also asked for direction since he and two Council members will be absent from the next regular Council meeting. After discussion, it was the consensus of Council to cancel the May 21, 2007 Council meeting.

He also reported that he is looking into a possible adjustment to commercial impact fees due to the fact that if the City makes an adjustment the development would have to pay prevailing wages on their project which would drive the costs up.

**COUNCIL REPORTS:** Council member Avalos reported that the new playground equipment looks very nice and is already getting a lot of use. He also reported on an increasing graffiti problem.

Council member Derr stated that the bandstand looks great and thanked the Public Works Department for their hard work on the project. He also reported on a traffic problem at Dinuba and Duke Avenues.

Council member Niswander reported that the Raisin Festival had gone well and that she also feels the Public Works Department did an excellent job. She reported on the numerous signs around town and suggested that Code Enforcement stagger their on-duty time so as to be available on the weekends. She also suggested establishing a crosswalk public safety campaign.

Mayor Pro Tem Lujan suggested that a stop sign be placed at Brentlinger Park at Olive Avenue and on Thompson at the High School. He also reported on attending a campaign fund raiser for Bob Waterston.

Mayor Tow reported on receiving numerous comments on the public safety flyer which had been mailed out. He also reported on attending a meeting with Attorney General Jerry Brown. He also encouraged everyone to attend the upcoming S-K-F Board meeting.

**EXECUTIVE SESSION:** Mayor Tow recessed the meeting into Executive Session at 10:08 p.m. to discuss the City Attorney position. The meeting reconvened at 10:09 p.m. with no action to be declared in the open session of the meeting.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 11:10 p.m.

Attest:

Melanie A. Carter, CMC  
City Clerk

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Don Tow  
Mayor of the City of Selma

Ordinance Nos: 2007-6, 2007-7  
Resolution Nos: 2007-22R, 2007-23R, 2007-24R, 2007-25R