

**AGENDA
SELMA CITY COUNCIL
REGULAR MEETING**

April 6, 2015

Selma City Council Chambers
1710 Tucker Street
Selma, CA 93662

Next Ordinance No. 2015- 4
Next Resolution No. 2015 – 18R

Call to order at **6:00 p.m.**

Invocation led by Pastor Louis Quintana, Center Point Church

Pledge of Allegiance led by Council member Rodriguez

Roll Call: Council members Derr, Montijo, Rodriguez, Mayor Pro Tem Avalos, and
Mayor Robertson

Potential Conflicts of Interest: Any Council member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.

SPECIAL PRESENTATIONS

- Proclamation Declaring April as Safe Digging Month

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: This is the time for any citizen to come forward and address the City Council on any issue within its jurisdiction but not on the agenda. Citizens may also address the Council on any item appearing on the agenda at the time of consideration. The time allowed to speak is limited to three minutes (pursuant to City Council Resolution No. 2009-12R) unless an extension is granted by the City Council through the Mayor.

CONSENT CALENDAR

All items listed under the Consent Calendar category are considered routine. The complete Consent Calendar will be enacted by one motion by ROLL CALL VOTE. For purposes of discussion, any Councilmember may have an item removed from the Consent Calendar and made part of the regular agenda. The Council can then approve the remainder of the Consent Calendar.

Item No.

<i>p.1</i>	1.a.	Consideration and necessary action on minutes of the March 16, 2015 workshop/ pre-Council meeting.	Rivera
<i>p.2</i>	b.	Consideration and necessary action on minutes of the March 16, 2015 regular mtg.	Rivera
<i>p.6</i>	c.	_____Consideration and necessary action on Resolution consenting to the use of Public Facilities and the proposed Re-Routing of Traffic-Special Event, Sikh Parade.	Grey
<i>p.9</i>	d.	_____Consideration and necessary action on Resolution outlining Fire Department personnel compensation reimbursement for participating in mutual aid activities to outside agencies.	Kain
<i>p. 14</i>	e.	_____Consideration and necessary action on Resolution authorizing City Manager to Execute Agreement with K.W.P. H. Enterprises (American Ambulance) for Ambulance Services.	Kain
<i>p. 30</i>	f.	_____Consideration and necessary action on changes to Trustees of the City of Selma 457 Tax Deferred Compensation Plan – Plan Number 609015164.	Grey
<i>p.33</i>	g.	Consideration and necessary action on check register dated March 24, 2015.	Yribarren

PUBLIC HEARING

- p. 35 2. _____ Consideration and necessary action on Resolution Revising Schedule of Development Impact Fees for Law Enforcement, Fire Suppression, Circulation System, Storm Drainage, Wastewater, General Facilities, Public Use Facilities, Parks, and Open Space – Pursuant to Title XII, Ch. 2, Section 3(A) and 3(B) of the City Municipal Code– *public hearing and adoption.* Grey
- p. 42 3. _____ Consideration and necessary action on Resolution Extending the Urgency Ordinance establishing a moratorium on Tobacco Stores (Smoke Shops), Hookah Lounges, Cigar Lounges, Vapor or E-cigarettes, Tobacco Products or Tobacco Paraphernalia Vendors Pending Completion of Study and Evaluation on Appropriate Regulation of Such Establishments adopted on March 2, 2015 by ten months and 15 days – *public hearing and adoption.* Grey/
Costanzo
- p.52 4. _____ Consideration and necessary action on Resolution Authorizing Abandonment of a Portion of North Street Between West Front and East Front Streets- *public hearing.* Grey

REGULAR BUSINESS

- p. 58 5. Consideration and necessary action on request from The Selma Youth Soccer 2nd Annual Rib Cook Off accepting payment of flat fee rate for Pioneer Village. Kirchner
- p. 62 6. _____ Consideration and necessary action on Ordinance amending Title II, Chapter 9 Section 5 of the City Municipal Code Entitled “Meetings”, as it relates to The Pioneer Village Advisory Commission Quorum – *Introduction and first reading* Kirchner/
Costanzo
- p. 68 7. Consideration and necessary discussion/direction on Five Cities Economic Development Joint Powers Agreement (JPA). Grey
- p. 70 8. Consideration and necessary discussion/direction on Grant Writing Firms. Grey

DEPARTMENTAL REPORTS

- City Manager
- City Attorney
- Community Development **Demo Report**
- Finance
- Public Works
- Fire
- Police
- Recreation

COUNCIL REPORTS

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: This is the final opportunity for any citizen to come forward and address the City Council on any issue within its jurisdiction but not on the agenda. The time allowed to speak is limited to three minutes (pursuant to City Council Resolution No. 2009-12R) unless an extension is granted by the City Council through the Mayor.

EXECUTIVE SESSION

ADJOURNMENT

- Any writings or documents provided to a majority of the Selma City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 1710 Tucker Street during normal business hours.
- A speech amplification device is available for use by the general public at all City Council meetings. Please call 891-2200 to reserve its use.



**CITY OF SELMA
WORKSHOP/PRE-COUNCIL MEETING
March 16, 2015**

The Workshop/ pre-Council meeting of the Selma City Council was called to order at 4:30 p.m. in the Council chambers. Council members answering roll call were: Derr, Montijo, Rodriguez, Mayor Pro Tem Avalos and Mayor Robertson.

Also present were City Manager Grey, City Attorney Costanzo, Financial Consultant Yribarren, 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.

GRANT WRITING PRESENTATION: City Manager Grey introduced Mr. Richard Harman and Ms. Chelsea Vonehr of Townsend Public Affairs, who stepped forward and provided a PowerPoint presentation regarding their firm. After discussion, they were thanked for the information.

EXECUTIVE SESSION: At 5:04 p.m., Mayor Robertson recessed the meeting into Executive Session to discuss two cases of Pending Litigation: City of Selma v. City of Kingsburg and the Joint Application of City of Selma and California Water Service Company to recover costs for Groundwater Fees, CPUC Case no. A14-01-008.

The meeting reconvened at 5:30 p.m., with Mayor Robertson announcing that there was no reportable action.

GRANT WRITING PRESENTATION: Mr. John Quiring and Mr. Tom Daly representing Acquisition Partners stepped forward and provided a PowerPoint presentation on the overview of their firm. After questions from Council; Mayor Robertson thanked them for their time.

City Manager Grey stated that there was another firm that would be providing information, and would accommodate during the regular meeting.

ADJOURNMENT: There being no further business, the meeting was adjourned at 5:59 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

Scott Robertson
Mayor of the City of Selma

**CITY OF SELMA
REGULAR COUNCIL MEETING
March 16, 2015**

The regular meeting of the Selma City Council was called to order at 6:07 p.m. Council members answering roll call were: Derr, Montijo, Rodriguez, Mayor Pro Tem Avalos, and Mayor Robertson.

Also present were City Manager Grey, City Attorney Costanzo, Community Services Director Kirchner, Financial Consultant Yribarren, Fire Chief Kain, Police Chief Garner, 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.

INVOCATION: Chaplain Erika Valenzuela, Adventist Health led the Invocation.

CONSENT CALENDAR: Council member Rodriguez requested that agenda item 1.a. be pulled for separate consideration, and Mayor Pro Tem Avalos requested item 1.c. also be pulled for discussion. Motion to approve the remainder of the Consent Calendar was made by Council member Derr and seconded by Council member Rodriguez. Motion carried with the following vote:

AYES: Derr, Rodriguez, Montijo, Avalos, Robertson

NOES: None

ABSTAIN: None

ABSENT: None

- a. Pulled for separate discussion.
- b. Minutes of the March 2, 2015 regular meeting approved by standard motion.
- c. Pulled for separate discussion.

**AGENDA ITEM 1.a. CONSIDERATION AND NECESSARY ACTION ON
MINUTES OF THE MARCH 2, 2015 WORKSHOP/PRE-COUNCIL MEETING:**

Council member Rodriguez stated that due to his absence, he would be abstaining from approving the minutes of the workshop. Motion to approve the minutes as read was made by Council member Derr and seconded by Mayor Pro Tem Avalos. Motion carried with the following vote:

AYES: Derr, Avalos, Montijo, Robertson

NOES: None

ABSTAIN: Rodriguez

ABSENT: None

AGENDA ITEM 1.c. CONSIDERATION AND NECESSARY ACTION ON CHECK REGISTER DATED MARCH 10, 2015: After discussion, motion to approve CHECK REGISTER DATED MARCH 10, 2015 was made by Mayor Pro Tem Avalos and seconded by Council member Derr. Motion carried by the following vote:

AYES: Avalos, Derr, Montijo, Rodriguez, Robertson

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTIONS RELATED TO LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 (LLMD 1) FOR 2015-2016 FISCAL YEAR: City Manager Grey reported that the rates for LLMD 1 will be the same as last year. He further explained that because there are no rate increases for fiscal year 2015-2016, there is no need to issue the Proposition 218 letters. He commended the Public Works Department for their due diligence on keeping costs down.

After discussion, motion to approve RESOLUTION NO. 2015-14R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF SELMA & RESOLUTION NO. 2015 – 15R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, OF 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 Rodriguez and seconded by Mayor Pro Tem Avalos. Motion carried with the following vote:

AYES: Rodriguez, Avalos, Derr, Montijo, Robertson

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ACCEPTING THE PROPOSAL OF NHA ADVISORS, LLC FOR FINANCIAL CONSULTING SERVICES FOR FUNDING OF CONSTRUCTION OF TRUNK SEWER MAIN TO SERVE FUTURE DEVELOPMENT NORTH OF DINUBA AVENUE: City Manager Grey discussed the Proposal from NHA Advisors, LLC. He stated that NHA Advisors, LLC, will be able to determine the optimal method of financing the Project.

After discussion, motion was made by Council member Derr to approve RESOLUTION NO. 2015-16R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AND AUTHORIZING ACCEPTANCE OF A PROPOSAL FOR FINANCIAL CONSULTING SERVICES FOR FUNDING THE NORTH SELMA SEWER MAIN PROJECT. The motion was seconded by Council member Rodriguez, and carried with the following vote:

AYES: Derr, Rodriguez, Montijo, Avalos, Robertson

NOES: None

ABSTAIN: None

ABSENT: None

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION DECLARING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF INDEBTEDNESS: City Manager Grey explained to Council that the Resolution provides the ability to be reimbursed for the upfront costs on the project, that the City is having to incur to move forward with the North Selma sewer main project.

Motion to approve RESOLUTION NO. 2015-17R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA DECLARING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF INDEBTEDNESS was made by Mayor Pro Tem Avalos. Motion was seconded by Council member Montijo and carried by the following vote:

AYES: Avalos, Montijo, Derr, Rodriguez, Robertson

NOES: None

ABSTAIN: None

ABSENT: None

At this point in the meeting, City Manager Grey stated that the representatives from California Consulting would be providing there informational grant writing presentation: Ms. Shari Herbold, Director of Operations and Mr. Tristan Shampe, Statewide Grant Manager both stepped forward to provide information on California Consulting, LLC. After much discussion, they were thanked by Council for their attendance.

CONSIDERATION AND NECESSARY DISCUSSION ON CAPITAL EXPENDITURE PLAN UPDATE: City Manager Grey provided updates for Council on various capital expenditures. He stated that while not all the issues have been resolved; many of them are in the process of being completed. After discussion, City Manager Grey

was thanked for the update and it was the consensus of Council to place the information on the city website.

DEPARTMENTAL REPORTS: City Manager Grey provided Council with copies of a recently received PG&E rate increase notice on Diablo Canyon. He reminded Council that in February 2013, Council approved a Resolution in opposition of a rate increase for Diablo Canyon. After discussion, it was the consensus of Council to provide updated information to the California Public Utilities Commission regarding the matter. City Manager Grey also distributed and discussed a recently received sales tax report.

City Clerk Rivera discussed upcoming meetings, including the cancelled May 18th meeting and the June 1st budget workshop.

Council then discussed the grant writers, and it was the consensus of Council to place the matter on the next agenda.

COUNCIL REPORTS: Council member Derr reported on attending the recent SKF meeting, and invited everyone to the upcoming Mother's Day Concert at the Arts Center.

Council member Montijo also reported on attending the SKF meeting.

Mayor Pro Tem Avalos reported on a recent meeting with Jim Costa regarding the Dinuba Avenue overpass.

Mayor Robertson reported on attending a meeting with Caltrans, Little League Opening Day, and the Kings Mortgage annual fundraiser.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

Scott Robertson
Mayor of the City of Selma

Resolution Nos: 2015 – 14R, 2015 – 15R, 2015 – 16R, 2015 – 17R

**CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING DATE:**

April 6 2015

ITEM NO:

1. C.

SUBJECT:

Consideration and necessary action on Resolution consenting to the use of public facilities regarding the proposed re-routing of traffic on Highland Avenue for participants of the Annual Selma Sikh Parade.

BACKGROUND:

The Sikh Center of the Pacific Coast Sikh Temple, even before beginning the process, met with the City of Selma to discuss concerns. They have worked closely with the City of Selma in the planning of this event.

On March 17, 2015 the Sikh Center of the Pacific Coast Sikh Temple applied for a Special Event to be held at 2211 Highland Avenue.

This event will cause the re-directing of traffic on HWY43/Highland Avenue between Rose and Nebraska Avenues from 10:00 a.m. to 2:00 p.m.

DISCUSSION:

Because the event and the participants will utilize State facilities (HWY 43) the California Department of Transportation is requesting a resolution endorsing the event from the City of Selma.

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RESOLUTION NO. 2015 – __R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
CONSENTING TO THE USE OF PUBLIC FACILITIES
AND THE PROPOSED RE-ROUTING OF TRAFFIC**

**SPECIAL EVENT
ANNUAL SELMA SIKH PARADE**

WHEREAS, on April 6, 2015, the Selma City Council, at a regularly scheduled meeting, considered a request by The Sikh Center of the Pacific Coast Sikh Temple for the re-routing of traffic on HWY 43 Highland Avenue between Rose Avenue and Nebraska Avenue; and

WHEREAS, The Sikh Temple has applied to the State of California to conduct a special event – Sikh Festival Parade on State property; and

WHEREAS, Sikh Festival Parade will require the temporary closure of State Highway Route 43 on April 19, 2015 between 10:00 a.m. and 2:00 p.m.

NOW THEREFORE, be it resolved that the Selma City Council approves and consents to the proposed re-routing of traffic onto and over city streets and upon terms and conditions deemed appropriate and necessary by the State of California, Department of Transportation.

The foregoing Resolution was duly approved by the Selma City Council at a regular meeting held on the 6th day of April, 2015, by the following vote, to wit:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Scott Robertson
Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk

**CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING DATE:**

April 6, 2015

ITEM NO:
SUBJECT:

1. d.

Consideration and necessary action on Resolution Outlining Fire
Department Personnel Compensation for Mutual Aid Activities to
Outside Agencies

BACKGROUND:

Under the terms of the proposed 2015 California Fire Assistance Agreement (CFAA) local fire agencies are required to define how their employees are compensated, how the use of backfill/shift replacement is needed to maintain minimum staffing and that employees are paid on a twenty-four (24) hour basis during their normal course of work. These items are outlined in the existing Selma Firefighters Association Memorandum of Understanding and/or City and Department policy.

EXECUTIVE SUMMARY:

Every year the Selma Fire Department assists the State of California, Federal Fire Agencies and/or other local government agencies during times of severe wildfire conditions or other large-scale emergency incidents. These emergencies often require the need for additional personnel and/or fire apparatus to effectively address the emergency at hand. For many years now the City has been responsive to these requests for assistance provided that there was some form of reimbursement for a majority of these responses to ensure there is no direct impact to the local taxpayer. The California Fire Assistance Agreement (CFAA) is the main contract used between the various statewide agencies to share resources and provide a system for reimbursement. In short, certain Federal agencies are seeking ways to save money by not paying for certain portions of the response by local agencies such as travel to and from the incident (portal to portal) and during rest periods. Since fire personnel sent are not allowed to leave their incident or crew, and also required to remain ready for an emergency callout even during rest periods and not reimbursing these activities it will put the burden to pay on the local agencies and local taxpayers. By passing this Resolution, the City Council will be communicating that the City of Selma will require the requesting agencies to pay the full amount of the reimbursement, and if not, authorize the Fire Chief to deny future requests for assistance under the CFAA contract.

FISCAL IMPACT:

The intent of the Resolution is to continue being reimbursed for the full costs associated with sending mutual aid resources. For more than twenty (20) years the costs for responding additional personnel and equipment to these emergencies were fully reimbursed under the CFAA. If the reimbursements do not cover all of the required overtime and backfill as outlined in the existing employees' Memorandum of Understanding, then this cost would have to be covered by local funds. Therefore with the passage of this Resolution the City of Selma will have no adverse fiscal impact if the requesting agencies solicit for mutual aid resources.

ALTERNATIVES:

Do not approve this resolution in which case the potential for not receiving full reimbursements from mutual aid requests is likely.

ACTIONS FOLLOWING APPROVAL:

After approval the City of Selma Fire Department will submit a copy of the approved Resolution to the State of California, Office of Emergency Services and the Resolution will be used in conjunction with reimbursement policies under the terms outlined in the California Fire Assistance Agreement (CFAA).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
OUTLINING FIRE DEPARTMENT PERSONNEL COMPENSATION
REIMBURSEMENT FOR PARTICIPATING IN MUTUAL AID ACTIVITIES
TO OUTSIDE AGENCIES

WHEREAS, the Selma Fire Department actively participates in Statewide Master Mutual Aid activities; and

WHEREAS, the State of California, Federal Fire Agencies, or other local government agencies, at times of severe wildfire conditions, and/or other emergencies often have the need for additional emergency personnel and/or fire apparatus to provide fire protection or perform other tasks during emergency incidents; and

WHEREAS, the requirements for responding to emergencies under "Agreement for Local Fire and Emergency Assistance to the State of California and Federal Fire Agencies", hereinafter referred to as the "California Fire Assistance Agreement (CFAA)"; and

WHEREAS, the Selma Fire Department provides personnel, fire apparatus and/or apparatus leased to the City of Selma Fire Department by the State of California, Office of Emergency Services to participate in the California Master Mutual Aid System to assist in mitigating severe wildfires and other emergencies; and

WHEREAS, the Selma Fire Department must maintain minimum staffing standards to protect the citizens of Selma and fire department employees must be compensated under the terms and agreements as outlined in the Selma Firefighters Association Memorandum of Understanding and/or under existing City/Fire Department policy.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Selma that Selma Fire Department personnel when responding to emergency incidents under the California Fire Assistance Agreement (CFAA) shall be reimbursed to the City of Selma, based on the respective employee classification/title (i.e. Firefighter, Engineer, Lieutenant, Captain, Battalion Chief and Deputy Chief) at a time and one half rate, for a complete twenty-four (24) hour period or all time on the incident, including portal to portal.

BE IT FURTHER RESOLVED, a salary survey will be completed in June of each year detailing the rate of pay per classification/title, submitted to the State of California, Office of Emergency Services (Fire and Rescue Branch).

I hereby certify that the foregoing was duly passed and approved by the City Council of the City of Selma, Fresno County, State of California, at its regular meeting thereof held on April 6, 2015, by the following vote:

AYES:	Council Members:
NOES:	Council Members:
ABSTAIN:	Council Members:
ABSENT:	Council Members:

Scott Robertson
Mayor of the City of Selma

Attest:

Reyna Rivera
City Clerk

**CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING DATE:**

April 6, 2015

ITEM NO:

SUBJECT:

1. c.
Consideration and necessary action on Service Agreement with
American Ambulance (K.W.P.H. Enterprises)

HISTORY:

In 2011, Council approved a 3-year contract with American Ambulance to provide ambulance transport to the citizens of Selma. This Partnership has proven to be very successful and continues to provide an outstanding service to Selma. Over the last three years American did not increase the cost of this service and provided the city with back-up units when needed. Because of this arrangement, the Selma Fire Department can provide a top-notch fire service; which was documented in our latest ISO rating that reduced the cost of insurance to its citizens.

DISCUSSION:

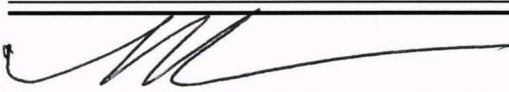

The contract with American Ambulance will allow the City to staff each of its two (2) engines with a minimum of two (2) firefighters per shift, a total of four (4) on-duty per shift. The contract will allow the Fire Department to have a staffing of: "A" Shift - 6 persons, "B" Shift - 6 persons, and "C" Shift - 5 persons.

- This would allow firefighters time to train, do company inspections and the work needed to operate a fire department. In addition, it would allow minimum staffing response so that we would meet the Cal OSHA's two-in-two-out rule.
- Under the American Ambulance agreement, they would provide two (2) dedicated units to the City of Selma and our response area. They would be stationed in the City of Selma and be staffed with one (1) paramedic and one (1) EMT – the same personnel currently on our ambulances.

<u>COST:</u> (Enter cost of item to be purchased in box below)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
\$89,500/month from May 2015 to Dec 2016 \$92,500/month from Jan 2017 to April 2018		None
<u>FUNDING:</u> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: Ambulance revenue Fund Balance:		None

RECOMMENDATION:

Staff recommends approval of the attached agreement with K.W.P.H. Enterprises (dba, American Ambulance).

	_____	<u>April 2 2015</u>
Michael Kain, Fire Chief	Date	
	_____	<u>4/2/15</u>
Steve Yribarren, Financial Consultant	Date	
	_____	<u>4-3-2015</u>
Ken Grey, City Manager	Date	

We _____ and _____
 Ken Grey, City Manager Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

RESOLUTION NO. 2015 –

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
APPROVING AGREEMENT WITH K.W.P.H. ENTERPRISES (AMERICAN
AMBULANCE) FOR AMBULANCE SERVICES**

WHEREAS, the City of Selma has been operating the ambulance service since 1991 when it was assumed from the Selma Hospital District; and

WHEREAS, when the complete ambulance service/operation was assumed, the City established the Ambulance Division within the Fire Department; and

WHEREAS, over the years the Ambulance Division has funded over one-half of the Fire Division's personnel costs thereby allowing for adequate staffing in the fire division; and

WHEREAS, the volume of ambulance related calls have increased to such a level that many times Ambulance personnel are out on calls and cannot respond to fire calls, if needed, leaving the citizens of Selma without proper fire coverage; and

WHEREAS, the City of Selma has determined that in order to better serve its residents it is now time to contract with an outside agency (American Ambulance) to provide ambulance services, therefore providing funding for needed fire related services; and

WHEREAS, American Ambulance has provided ambulance service to the residents of Selma since 2011;

WHEREAS, American Ambulance has presented the City of Selma with a proposed agreement extending their contract, a copy of which is attached and incorporated as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. That the City Council of the City of Selma hereby approves, and authorizes the Mayor to execute the Ambulance Services Agreement with K.W.P.H. Enterprises (American Ambulance) to be effective for a period of three years.
3. That the net revenues derived from providing ambulance services by the City of Selma through the agreement with K.W.P.H. Enterprises (American Ambulance) approved by this resolution, shall be used to fund and dedicated to funding the operations of the Selma Fire Department which shall be operated by the City of Selma during the three year term of the approved agreement with K.W.P.H. Enterprises (American Ambulance).

The foregoing Resolution was duly approved by the Selma City Council at a regular meeting held on the 6th day of March 2015 by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Scott Robertson
Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk

EXHIBIT A

AMBULANCE SERVICES AGREEMENT

BETWEEN

City of Selma

AND

**K.W.P.H. ENTERPRISES
dba, AMERICAN AMBULANCE**

_____, 2015

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AMBULANCE SERVICES AGREEMENT

THIS AGREEMENT made and entered into ____th day of _____, 2015, by and between the City of Selma ("SELMA") and, K.W.P.H. Enterprises dba, American Ambulance, a California corporation (AMERICAN). Performance of the parties' obligations under this Agreement, subject to the conditions and provisions hereinafter set forth, shall commence on _____.

WHEREAS, SELMA contracts with the County of Fresno to provide ambulance services within the City of Selma and surrounding area specifically defined as "Service Area", below.

WHEREAS, AMERICAN is authorized by the County of Fresno to provide ambulance services to persons throughout the County of Fresno; and

WHEREAS, SELMA desires to subcontract to AMERICAN for the provision of ambulance services required by SELMA's Fresno County ambulance contract in accordance with the terms, conditions, and provisions of this Agreement;

The parties therefore agree as follows:

1. DEFINITIONS.

Unless the particular provisions or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this Agreement.

- a. "ALS" means Advanced Life Support as defined in California Health and Safety Code Section 1797.52.
- b. "Ambulance" means a vehicle that is specially constructed, modified, equipped or arranged, and operated for the purpose of transportation and/or transportation and emergency care of the sick, injured, convalescent, infirm, or otherwise incapacitated persons. Such vehicle shall conform to State mandate and shall be certified and permitted in accord with such mandate.
- c. "BLS" means Basic Life Support as defined in the California Health and Safety Code.
- d. "Council" means the City Council for the City of Selma.
- e. "AMERICAN" means K.W.P.H. Enterprises, (dba, American Ambulance), a

California corporation.

- f. "CCEMSA" means the Central California EMS Agency.
- g. "Contracted Paramedic Unit" means a specific Paramedic Unit assigned primarily to SELMA.
- h. "County" means the County of Fresno.
- i. "Cover Car" means a temporary Paramedic Unit provided to cover the Service Area.
- j. "Dispatch" means ordering the movement of an Ambulance to or from any location.
- k. "SELMA" means the City of Selma, California.
- l. "EMT-I" means an individual trained in all facets of basic life support according to standards prescribed by Division 2.5 of the Health and Safety Code and who has a valid certificate issued pursuant to Division 2.5 of the Health and Safety Code.
- m. "Paramedic" means an individual whose scope of practice to provide advanced life support is according to standards prescribed by Division 2.5 of the Health and Safety Code and who has a valid certificate issued pursuant to Division 2.5 of the Health and Safety Code.
- n. "Paramedic Unit" means the sum total of the ambulance, paramedic, EMT-I, and medical equipment.
- o. "Service Area" means Fresno County Response Zone G as defined in CCEMSA Policy 405.4.
- p. "Services" means providing emergency and non-emergency ambulance services, transport and non-transport ambulance services, scheduled or unscheduled ambulance services, and first aid services; including: advanced life support (ALS) paramedic ambulance services, and basic life support (BLS) ambulance services.

2. DUTIES OF AMERICAN.

- a. AMERICAN shall operate two (2) Contracted Paramedic Units in compliance with the policies, procedures, and protocols of Fresno County and CCEMSA. AMERICAN shall furnish and provide all services, equipment, and materials,

as are hereinafter set forth, in order to provide ground ambulance Services to persons within the Service Area in need thereof.

- b. AMERICAN shall furnish and/or manage ambulance dispatch services, field operations, personnel management and training, equipment maintenance, quality improvement monitoring, purchasing and inventory control, and related support services.
- c. AMERICAN shall provide two ambulance vehicles. A backup ambulance vehicle will be provided whenever a primary vehicle is unavailable due to maintenance or repair. AMERICAN shall maintain and repair the ambulances provided hereunder, including all fuel, oil, brake, tire, and other mechanical maintenance or repairs.
- d. AMERICAN shall furnish, maintain and replace as necessary on-board durable and non-durable medical equipment and medical supplies.
- e. AMERICAN shall furnish all durable and disposable ambulance inventory and supplies.
- f. AMERICAN personnel shall have responsibility for patient management during medical operations upon arrival on scene of a call for which they have been dispatched.
- g. AMERICAN shall participate actively in the medical audit process, provide special training and support to personnel found in need of special assistance to specific skill or knowledge areas, and provide additional clinical leadership by maintaining a current and extensive knowledge of developments in equipment and procedures throughout the industry. Where questions related to clinical performance are concerned, AMERICAN shall satisfy CCEMSA.
- h. AMERICAN shall maintain state and local vehicle permits and personnel certifications.
- i. AMERICAN shall allow Selma Fire Department paramedic firefighters to attend American's Advanced Cardiac Life Support and Pediatric Advanced Life Support courses free of tuition charges. SELMA shall pay for its firefighters' course materials and supplies.

3. QUALIFICATION OF AMERICAN.

AMERICAN shall at all times meet the requirements set forth by the California

Highway Patrol, the County of Fresno, and CCEMSA. In the event of conflicting statutes, ordinances or regulations, the statute, ordinance or regulation setting forth the most stringent requirements shall be adhered to.

4. SERVICE AREA.

The Contracted Paramedic Units shall provide Services upon dispatch to any location or incident within the Service Area as defined by this agreement.

5. OPERATION OF SERVICES BY AMERICAN.

It is agreed by AMERICAN and SELMA that CCEMSA has the authority to develop overall plans, policies, procedures, and protocols to assure that effective levels of medical transportation and emergency care are maintained within Fresno County.

- a. AMERICAN shall provide its Services in accordance with CCEMSA policies, procedures, and protocols.
- b. AMERICAN shall staff two (2) Contracted Paramedic Units which shall be available on call three hundred sixty-five days (or three hundred sixty-six days in leap years), twenty-four hours each day, to provide Services described in this Agreement to the Service Area. When both of the Contracted Paramedic Ambulances are unavailable because they are committed to an emergency incident or a patient transport, AMERICAN shall provide a Cover Car to SELMA, subject to AMERICAN's metro system being above level-5. The Cover Car shall remain in the Service Area until the Contracted Paramedic Unit returns to the Service area unless AMERICAN's metro system falls to level-5 or below. The Cover Car shall be posted to the area of the station location and receive dispatches from where the Contracted Paramedic Unit for which it is covering is normally assigned. AMERICAN shall not charge SELMA for cover car services; however, all revenue generated by Cover Car ambulances shall be retained by AMERICAN.
- c. The Contracted Paramedic Units and all Cover Cars assigned to SELMA shall be subject to dispatch to any incident deemed appropriate by AMERICAN.

6. PERSONNEL OF AMERICAN; STAFFING.

- a. Notwithstanding any other provision of this Agreement, the relationship between SELMA and AMERICAN is that of an independent contractor, and AMERICAN's employees are not employees of SELMA.

- b. AMERICAN's personnel assigned to SELMA shall wear uniforms designated by AMERICAN.
- c. AMERICAN's field personnel shall comply with all applicable regulations concerning vehicles, on-board equipment, and collection and recording of data. Certified personnel are prohibited by the laws, rules, and regulations which govern this system from operating equipment that is substantially out of compliance with system standards, as well as from falsifying data on reports (e.g., trip tickets, dispatch records, incident reports, etc.).
- d. AMERICAN shall ensure its field personnel maintain personal professional responsibility concerning issues related to the delivery of patient care, confidentiality and the accurate reporting of primary data.
- e. AMERICAN shall utilize reasonable work schedules, shift assignments, and provide adequate working conditions. AMERICAN shall utilize management practices which ensure field personnel working extended shifts, part-time jobs, voluntary overtime, or mandatory overtime do not work to an extent which might impair judgment, motor skills, or patient care.
- f. Because the Services to be provided hereunder are often rendered in the context of a highly stressful situation, AMERICAN and its employees shall maintain professional and courteous conduct. AMERICAN shall address and correct any departure from this standard of conduct.
- g. AMERICAN shall ensure all persons employed by AMERICAN in the performance of Services under this Agreement shall hold appropriate permits and certifications in their respective trades or professions.

7. HOUSING.

AMERICAN shall provide housing for its personnel while on duty under this Agreement. Such housing shall be located within the City of Selma as agreed to by the parties.

8. RECORDS.

AMERICAN shall promptly document, complete, and maintain a record of all ambulance dispatches and services rendered under this Agreement. AMERICAN shall complete and submit all forms and reports as required by the CCEMSA.

9. TERM OF AGREEMENT.

- a. Except as set forth below, and subject to the provisions and conditions contained in this Agreement, the term of this Agreement shall be for three (3) years, beginning on May 1, 2015 and continuing in full force and effect until 11:59 p.m. (local time) on April 30, 2018. The parties agree to engage in negotiations regarding a new Agreement or extension of the existing Agreement during the last four (4) months of this Agreement.
- b. Notwithstanding the above, either party may terminate this Agreement, at any time, for cause (i.e., material breach of Agreement) by following and subject to the procedures set forth in paragraph 13, below.

10. SELMA COMPENSATION FOR SERVICES.

- a. As compensation for providing two Contracted Paramedic Units at SELMA in accordance with this Agreement, SELMA agrees to pay AMERICAN a monthly sum in accordance with the following schedule:
 - May 2015 – December 2016: \$89,500.00 per month
 - January 2017 – April 2018: \$92,500.00 per month

SELMA may request additional ambulance services on an hourly basis beyond the two Contracted Paramedic Units. The hourly rate for additional Paramedic Units is \$100 per hour, calculated in 15-minute increments at \$25 per 15-minute increment.

- b. SELMA shall pay AMERICAN no later than the fifteenth (15th) day of the month in which the services are provided by AMERICAN without the necessity of AMERICAN to submit invoices to SELMA. All payments shall be remitted to AMERICAN at the following address: American Ambulance, 2911 East Tulare Street, Fresno CA 93721.

11. PATIENT CHARGES.

- a. For Services rendered by the Contracted Paramedic Units, SELMA is responsible for establishing all billing policies and provision of ambulance billing services.
- b. For service provided by Cover Cars, AMERICAN shall retain for its own use all monies or payments collected, paid, derived, or otherwise.

12. INSURANCE.

- a. A liability policy shall be maintained by AMERICAN at all times during this Agreement, which shall provide combined bodily injury and property damage liability insurance to a total limit of \$2,000,000.00 for each occurrence. Such policy shall also name the SELMA as an additional insured.
- b. AMERICAN shall maintain at all times during this Agreement professional liability insurance in an amount not less than \$2,000,000.00 for any disability or death arising out of any one incident. Professional liability insurance furnished under this policy shall be an "occurrence" type policy, rather than a "claims made" type policy. That is, as long as the incident occurred during the policy period, coverage shall be provided no matter when the claim is made, even if the claim is made several months or years after the actual event took place or after this contract has expired. A certificate of such insurance shall be on file with SELMA, and it shall name SELMA as additional insured.
- c. All liability policies shall contain a provision requiring that thirty (30) days written notice shall be given to SELMA prior to cancellation, modification, or reduction of the limits of AMERICAN's policy(s) by the insurer.
- d. Workers' compensation insurance shall be provided by AMERICAN protecting any and all employees of AMERICAN who will be assigned by AMERICAN to perform Services within the Service Area.
- e. AMERICAN shall maintain at all times during this Agreement an automobile insurance policy in an amount not less than \$2,000,000.00 for any one incident. Such policy shall also name SELMA as additional insured.

13. TERMINATION FOR CAUSE, MATERIAL BREACH OR DEFAULT.

- a. "Event of Default" means "just cause," namely, the material breach of this Agreement by AMERICAN or SELMA or their employees or agents. Within a reasonable time of learning of the occurrence of an Event of Default, the non-defaulting party shall give written notice ("Notice of Complaint") to the defaulting party specifying in reasonable detail the Event of Default. The defaulting party shall have sixty (60) calendar days from its receipt of a Notice of Complaint to cure the Event of Default in a reasonable manner or to take reasonable steps to so cure or rectify or remove or give reasonable assurances to the non-defaulting party that such Event of Default will be cured or rectified or removed within a reasonable period of time. In the

event the defaulting party, fails to cure or rectify the breach, the non-defaulting party may (without limitation of any other remedies available to such non-defaulting party) terminate this Agreement by giving written notice of such termination ("Notice of Termination") to the defaulting party stating that this Agreement is terminated and the reasons therefore. In that event, said termination shall be effective upon receipt by the defaulting party of the written Notice of Termination.

- b. Either party may terminate this contract without cause by giving the other party six (6) months written notice.

14. ENTIRE AGREEMENT OF THE PARTIES AND PARTIES BOUND BY AGREEMENT.

The parties hereby agree that this instrument contains the parties entire integrated agreement; that there are no prior oral or written agreements; that all of the terms of this Agreement are set forth herein; and that this Agreement shall be binding upon the parties hereto and upon their successors. No variation or modification of this Agreement and no waiver of any of its provisions or conditions shall be valid unless in writing and signed by both the Board of SELMA and by AMERICAN and attached hereto as an Addendum.

15. NO SUBCONTRACTING.

Notwithstanding anything to the contrary contained in this Agreement, this Agreement may not be assigned or transferred, or in any manner pledged or encumbered, voluntarily or involuntarily, by AMERICAN without the prior written consent of the Council.

16. INDEPENDENT CONTRACTOR STATUS OF AMERICAN.

It is stipulated that AMERICAN is an independent contractor. AMERICAN's independent contract status shall never be altered by any events.

17. DUTY TO DEFEND AND INDEMNIFY.

To the extent any claim is not fully covered by the insurance coverage set forth in paragraph 12 above, the parties agree that should either party to this Agreement be subjected to any loss, expense, claim, allegation, or damages as the result of the conduct of the other party in the performance of its obligations under this Agreement, the party whose conduct is complained of agrees to defend (with counsel of the other party's choice) the other party from the loss, expense, claim, allegation, or damages, and agrees to indemnify said party for any loss, expense, claim, or damage suffered as a result of the other's conduct.

18. HEADINGS.

The section headings used in this Agreement are intended for convenience only and are not to be used in interpreting this Agreement or in determining any of the rights of obligations of the parties to this Agreement.

19. AMBIGUITIES.

Each party and its counsel have participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party do not apply in interpreting this Agreement.

20. WAIVER.

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement will be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy will be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor will any waiver constitute a continuing waiver unless the writing so specifies.

21. ATTORNEY FEES.

In the event litigation is initiated to enforce the terms of this agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees and costs, including expert witness fees.

22. GOVERNING LAW.

This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives executed this Agreement:

Date: _____

City of Selma

By: _____

Name: _____

Its: _____

Date: _____

K.W.P.H. Enterprises, dba American Ambulance
A California Corporation

By: _____

Name: Todd R. Valeri

Its: President

**CITY MANAGER'S /STAFF'S REPORT
COUNCIL MEETING DATE:**

April 6, 2015

ITEM NO:

1. f.

SUBJECT: Consideration and Necessary action on Changes of Trustee(s) of the City of Selma 457 Tax Deferred Compensation Plan – Plan Number 609015164

DISCUSSION:

Due to changes in staff, individuals designated as Trustee(s) of the City of Selma 457 Tax Deferred Compensation Plan need to be changed.

Documents have been prepared naming the City Manager, the Human Resources Analyst and the Finance Department Manager as Trustee(s) of the Plan.

<u>COST:</u> (Enter cost of item to be purchased)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget – if budgeted, enter NONE).
None		None
<u>FUNDING:</u> (Enter the funding source for this item – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year – if one-time cost, enter NONE).
Funding Source: N/A Fund Balance: N/A		None

RECOMMENDATION:

Approve Resolution designating and removing individuals as Trustee(s) of the City of Selma 457 Tax Deferred Compensation Plan – Plan Number 609015164.

Tesla Nason
Tesla Nason, Human Resources Analyst

3/26/15
Date

Ken Grey
Ken Grey, City Manager

4/2/2015
Date

We _____ and _____
Ken Grey, City Manager Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

RESOLUTION NO. 2015 – R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
REMOVING AND DESIGNATING PERSONS AS TRUSTEES OF THE CITY OF SELMA
457 TAX DEFERRED COMPENSATION PLAN - PLAN NUMBER 609015164**

WHEREAS, the City of Selma provides a 457 Tax Deferred Compensation Plan to its Employees of which its assets are held in Trust by the Plan's Trustee(s) pursuant to a Trust Agreement, and

WHEREAS, the City of Selma should designate certain person(s) as Trustee(s) of the Plan to hold the Plan assets in trust for the benefit of the Plan Participants, and;

WHEREAS, the City of Selma should remove previously designated persons(s) as Trustee(s) of the Plan that are no longer employed by the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Selma does hereby designate the following persons as Trustee(s) of the Plan: **Kenneth Grey** as City Manager, **Tesla Nason** as Human Resources Analyst and **Isaac Moreno** as Finance Department Manager, and

BE IT FURTHER RESOLVED, that the following person(s) are removed as Trustee(s) of the Plan: **Douglas-Bruce Heusser** former City Manager and **Roberta Araki** former Interim Finance Director.

The foregoing Resolution was duly approved by the City Council of the City of Selma, State of California, at a regular meeting held on the 6th day of April, 2015 by the following vote, to wit:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Scott Robertson
Mayor of the City of Selma

Attest:

Reyna Rivera
City Clerk

Check Register Report

1.g.

Date: 03/24/2015

Time: 4:55 pm

Page: 1

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
65079	03/11/2015	Printed		12030.138	THEATRE WORLD BACKDROPS LLC	REPAIR OF BACKDROP	2,200.00
65080	03/17/2015	Printed		10180.850	ALVES ELECTRIC	REPAIR HOIST/LIFT AT CITY YARD	80.00
65081	03/17/2015	Printed		10197.156	DAVID AREVALO	REIMB EXPENSES TO PICKUP TURF	74.88
65082	03/17/2015	Printed		10100.515	AT&T	TELEPHONE SERVICE-FEB 15	2,639.05
65083	03/17/2015	Printed		10199.093	MARISOL AVILA	SHELTER REIMBURSEMENT	45.00
65084	03/17/2015	Printed		10280.024	JOY BRATTON	REIMB.MUSIC MAN COSTUMES	426.23
65085	03/17/2015	Printed		10320.798	CALIFORNIA RAIN GUTTERS	REPLACE DOWNSPOUT-CITY HALL	150.00
65086	03/17/2015	Printed		10310.455	CALIFORNIA WATER SERVICE	WATER SERVICE -FEBRUARY 2015	5,473.17
65087	03/17/2015	Printed		10328.177	CASTELLANOS SERVICES	PV LANDSCAPING-FEBRUARY 15	2,500.00
65088	03/17/2015	Printed		10330.283	CENTRAL VALLEY TOXICOLOGY INC.	DRUG TESTING CS# 15-0260	342.00
65089	03/17/2015	Printed		11620.728	CITY OF SELMA	PETTY CASH FOR SPECIAL OPS-PD	500.00
65090	03/17/2015	Printed		10370.375	COMCAST	INTERNET SERVICE-MAR 2015	2,120.00
65091	03/17/2015	Printed		10370.953	COOL AIR SPECIALTY	SPRING SERVICE	2,060.00
65092	03/17/2015	Printed		10370.969	CORELOGIC	REALQUEST SERVICE-FEB 2015	962.50
65093	03/17/2015	Printed		10371.000	COSTANZO & ASSOCIATES	FEBRUARY 2015 LEGAL FEES	15,986.35
65094	03/17/2015	Printed		10371.210	COUNTY OF FRESNO	TELECOMMUNICATION CHARGES	197.33
65095	03/17/2015	Printed		10670.218	COUNTY OF FRESNO-COMM HEALTH D	DISPATCHING SERVICES-JAN 15	758.00
65096	03/17/2015	Printed		10371.212	COUNTY OF FRESNO-TREASURER	2015 DEVICE REGISTRATION	644.40
65097	03/17/2015	Printed		10430.071	DEPARTMENT OF JUSTICE	BLOOD ALCOHOL ANALYSIS-FEB 15	154.00
65098	03/17/2015	Printed		10570.165	ENTENMANN-ROVIN CO.	POLICE OFFICER BADGE-REV ACCT	112.40
65099	03/17/2015	Printed		10660.099	FRANCHISE TAX BOARD	CS#550680107	452.81
65100	03/17/2015	Printed		10670.260	FRESNO CO RECORDER	LIEN RELEASE FEE	19.00
65101	03/17/2015	Printed		10670.270	FRESNO CO TREASURER-SHERIFF	RMS/JMS/CAD ACCESS FEES-FEB 15	479.54
65102	03/17/2015	Printed		10670.159	FRESNO COUNTY CLERK REGISTRAR	NOV 2014 GENERAL ELECTION FEE	3,106.68
65103	03/17/2015	Printed		10700.080	G&K SERVICES	SUMMER UNIFORMS-PW	5,040.00
65104	03/17/2015	Printed		10720.010	GATEWAY ENGINEERING, INC.	N.SELMA PROJ/CITY ENG SERVS	26,025.00
65105	03/17/2015	Printed		10729.124	SIMRANJIT GILL	PHLEBOTOMY SERVICE 15-1149	50.00
65106	03/17/2015	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,CHIRO 3/4/15	2,299.93
65107	03/17/2015	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,CHIRO 3/11/15	2,789.54
65108	03/17/2015	Printed		10820.034	HEALTHWISE SERVICES	KIOSK MEDICAL WASTE SERVICE	150.00
65109	03/17/2015	Printed		10820.155	HENRY SCHEIN INC.	MEDICAL SUPPLIES	21.60
65110	03/17/2015	Printed		10820.702	HEWLETT-PACKARD FINANCIAL SERV	LEASES	11,913.51
65111	03/17/2015	Printed		10900.362	INDUSTRIAL HEALTH CARE	PRE EMPLOYMENT PHYSICAL-PD	361.00
65112	03/17/2015	Printed		10900.440	INGRAM DIGITAL ELECTRONICS	INST AUDIBLE PEDESTRIAN SIGNAL	1,367.55
65113	03/17/2015	Printed		11040.619	JERRY DEWAYNE JONES	INSTRUCTOR FIRE INP 1A	1,200.00
65114	03/17/2015	Printed		11200.150	L.N. CURTIS & SONS	SCBA PARTS	930.40
65115	03/17/2015	Printed		11220.110	LEAGUE OF CALIFORNIA CITIES	2015 DIVISION DUES	79.40
65116	03/17/2015	Printed		11220.027	LEE CENTRAL CALIFORNIA	ADS-FIRE INS/CODE ENF	602.82
65117	03/17/2015	Printed		11350.330	MID VALLEY PUBLISHING	ADS-FIRE INS/CODE ENF	56.85
65118	03/17/2015	Printed		11361.134	MPI PRIME CONSTRUCTION INC	FINAL 10% PIONEER VILLAGE PROJ	3,790.00
65119	03/17/2015	Printed		11300.105	MUNISERVICES LLC	STARS SERVICES 3RD QRT	1,050.00
65120	03/17/2015	Printed		11400.037	NHA ADVISORS	2014 ASSESSMENT BOND	3,643.75
65121	03/17/2015	Printed		11610.155	PACIFIC GAS & ELECTRIC CO.	UTILITIES-FEBRUARY 2015	35,016.22
65122	03/17/2015	Printed		11640.988	PITNEY BOWES	POSTAGE REFILL	1,000.00
65123	03/17/2015	Printed		11750.320	QUILL CORPORATION	OFFICE SUPPLIES	259.93
65124	03/17/2015	Printed		11820.814	REVENUE COST SPECIALISTS LLC.	DEV IMP FEES-2ND PAYMENT	8,140.00
65125	03/17/2015	Printed		11840.010	ROBINA WRIGHT ARCHITECT &	PLAN REVIEW-ADA UPGRADE	270.00

Check Register Report

Date: 03/24/2015

Time: 4:55 pm

Page: 2

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
65126	03/17/2015	Printed		10270.182	RPS BOLLINGER SPORTS & LEISURE	ASA LIABILITY INSURANCE	300.00
65127	03/17/2015	Printed		11910.761	SAN JOAQUIN VALLEY AIR	GENERATOR PERMIT-FD	80.00
65128	03/17/2015	Printed		11945.298	SELMA DISPOSAL	GARBAGE-FEBRUARY 2015	111,996.11
65129	03/17/2015	Printed		11945.500	SELMA LIONS CLUB	COMMUNITY CLEAN UP AD	160.00
65130	03/17/2015	Printed		11945.800	SELMA UNIFIED SCHOOL DISTRICT	FUEL-FEBRUARY 2015	10,809.72
65131	03/17/2015	Printed		11946.197	SEQUOIA COUNCIL	EXPLOER POST REGISTRATION	352.00
65132	03/17/2015	Printed		11960.254	SIGN RANCH	COOL KIDS LEGALLY BLONDE	102.58
65133	03/17/2015	Printed		11900.389	SPARKLETTS	WATER SERIVCE-FD ST#1	101.70
65134	03/17/2015	Printed		11975.624	STERICYCLE, INC.	SERI-SAFE OSHA COMPLIANCE	65.08
65135	03/17/2015	Printed		12010.108	TAG-AMS, INC.	EMPLOYEE DRUG TESING -PW	125.00
65136	03/17/2015	Printed		12060.210	TRANS UNION CORPORATION	PRE EMPLOYMENT CREDIT CHECK	12.78

Total Checks: 58

Checks Total (excluding void checks):

271,645.81

Total Payments: 58

Bank Total (excluding void checks):

271,645.81

Total Payments: 58

Grand Total (excluding void checks):

271,645.81

CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING DATE:

April 6, 2015

ITEM NO:

2.

SUBJECT:

Consideration and Necessary Action on Resolution Revising the Schedule of Development Impact Fees for the City of Selma- public hearing and adoption.

DISCUSSION:

The City currently has a schedule of fees prescribing the charges for a variety of City Facility Impact Fees. In April 2005, the City contracted with Revenue and Cost Specialists (RCS) to conduct a user fee study to analyze the City's services and the fees charged for those services.

On September 15, 2014, Selma City Council approved the contract with RCS to complete a new Master Facility Plan and a Development Impact Fee Calculation and Nexus Report.

Staff has reviewed our existing fees; based on the information supported by the Development Impact Fee Nexus Report ("Nexus Report") received from RCS is recommending changes to the current fees. The Nexus Report examines the estimated cost of providing the identified services or establishing the needed infrastructure attributable to specific types of development or change in land use, and sets the amount of each fee so that there is a reasonable relationship between the amount of the fee and the cost to the City of providing the facilities or service anticipated to be necessary for that development or change in land use.

Attached for your review is a schedule of proposed Impact Fees. It is important to note that reviewing the fee schedule does not automatically mean that fees are being increased; some fees are being reduced due to changes in calculations. Other changes in implementation refer to the two sub-categories of the Park Impact Fee, one is for subdivided land (according to the Quimby Act) and one is for non-subdivided land (According to the Fee Mitigation Act). The Fee Mitigation Act funding cannot be used for repairs or rehabilitation of existing parks, whereas, the Quimby Act references "rehabilitation" of existing parks.

Given the volume of material, attachments are available upon request. They are also available for viewing in the City Clerk's Office or Planning Department's Office.

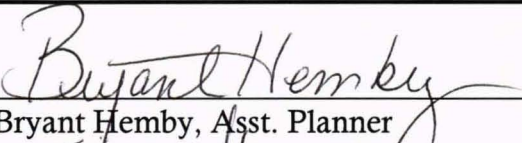
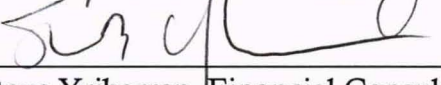
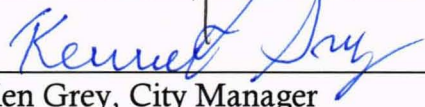
In accordance with CEQA Guidelines Section 15378 (b) (4), this is not a project subject to CEQA because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

If approved the new fees will be effective June 8, 2015.

<u>COST:</u> (Enter cost of item to be purchased in box below)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
None		Unknown at this time
<u>FUNDING:</u> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: N/A Fund Balance: N/A		None

RECOMMENDATION:

Hold public hearing and adopt resolution revising schedule of development impact fees; and supporting documentation: Nexus Report and Master Facility Plan.

 Bryant Hemby, Asst. Planner	<u>4/2/2015</u> Date
 Steve Yribarren, Financial Consultant	<u>4/2/15</u> Date
 Ken Grey, City Manager	<u>4/2/2015</u> Date

We _____ and _____
 Ken Grey, City Manager Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

RESOLUTION NO. 2015 - __R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
REVISING SCHEDULE OF DEVELOPMENT IMPACT FEES FOR LAW
ENFORCEMENT, FIRE SUPPRESSION, CIRCULATION SYSTEM, STORM
DRAINAGE, SEWER SYSTEM, GENERAL FACILITIES, PUBLIC USE FACILITIES
AND PARKS PURSUANT TO TITLE XII, CHAPTER 2, SECTION 3(A) AND 3 (B) OF
THE CITY CODE**

WHEREAS, the City Code of the City of Selma in Title XII, Chapter 3 Sections 3 (a) and 3 (b) provides for the levy of Development Impact Fees, the amounts of which shall be established by Resolution of the City Council; and

WHEREAS, the amended fee schedules are based on the on the Calculations and Nexus Report for the Master Facilities Plan on file with the City Clerk and prepared in accordance with the Fee Mitigation Act, Government Code Section 66000, et. seq. which has been made available to and considered by the City Council; and

WHEREAS, after reflecting independent judgment and analysis the City Council determined the project to be categorically exempt under CEQA Guidelines and that this action will not have a significant effect on the environment; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA,
CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1: Amended Fee Schedule: The Schedule of Development Impact Fees for the fee changes attached and incorporated by reference as Exhibit A and Exhibit B is hereby approved.

Section 2: Separate Fee for each Process: All fees set by this resolution are for each identified schedule Land Use Category. Where fees are indicated on a per unit or measurement basis the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Section 3: Repeal: All resolutions and other actions of the City Council in conflict with the contents of this Resolution are hereby repealed.

Section 4: Effective Date: This resolution shall go into full force and effect within 60 days of the date approved, and shall be subject to the terms and conditions of Title 12, Chapter 3 of the Selma Municipal Code.

BE IT FURTHER RESOLVED, THAT the attached fees shall be adjusted on the 1st day of January each year to the inflation rate reflected for the period of the previous twelve (12) months of the average Construction Cost Index in the Engineering News Record or similar record.

The foregoing Resolution was duly approved by the Selma City Council at a regular meeting held on the 6th day of April 2015 by the following vote, to wit:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Scott Robertson
Mayor of the City of Selma

Attest:

Reyna Rivera
City Clerk

EXHIBIT A

Schedule 2.1

City of Selma at General Plan Build-out Costs

Summary of Development Impact Fees By Type of Fee (continued on next page)

(Costs/Fees per Residential Type Dwelling Unit, or Business Type Square Foot)

Land-use Category	Law Enforcement Facilities	Fire Protection Facilities	Circulation System Facilities	Storm Drainage Facilities	Wastewater Collection System	General Government Facilities
	Schedule 3.2	Schedule 4.2	Schedule 5.2	Schedule 6.2	Schedule 7.2	Schedule 8.2
Calculated Development Impact Costs						
Low Density Detached Dwellings	\$431	\$429	\$1,531	\$4,848	\$622	\$473
Medium Density Detached Dwellings	\$431	\$429	\$1,531	\$2,937	\$622	\$473
Attached Dwellings	\$1,216	\$1,486	\$1,022	\$1,364	\$591	\$473
Mobile Home Dwellings	\$124	\$3,732	\$556	\$1,818	\$298	\$473
Commercial Lodging Units	\$413	\$912	\$457	\$838	\$256	\$118
Retail/Service/Office Uses	\$0.372	\$0.064	\$2.629	\$0.962	\$0.074	\$0.081
Regional Commercial Uses	\$0.372	\$0.064	\$3.482	\$0.635	\$0.074	\$0.081
Industrial/Manufacturing Uses	\$0.003	\$0.007	\$2.113	\$0.493	\$0.076	\$0.081
Potential Collection with Recommended Impact Fee Schedule						
Low Density Detached Dwellings	\$1,580,477	\$1,573,143	\$5,614,177	\$17,777,616	\$2,280,874	\$1,734,491
Medium Density Detached Dwellings	\$7,614,908	\$7,579,572	\$27,049,708	\$51,890,916	\$10,989,496	\$8,356,964
Attached Dwellings	\$4,476,096	\$5,469,966	\$3,761,982	\$5,020,884	\$2,175,471	\$1,741,113
Mobile Home Dwellings	\$1,116	\$33,588	\$5,004	\$16,362	\$2,682	\$4,257
Commercial Lodging Units	\$553,420	\$1,222,080	\$612,380	\$1,122,920	\$343,040	\$158,120
Retail/Service/Office Uses	\$2,169,110	\$373,180	\$15,329,547	\$5,609,366	\$431,490	\$472,306
Regional Commercial Uses	\$8,372,740	\$1,440,471	\$78,370,645	\$14,292,177	\$1,665,545	\$1,823,097
Industrial/Manufacturing Uses	\$113,012	\$263,695	\$79,598,164	\$18,571,649	\$2,862,972	\$3,051,326
Total	\$24,880,879	\$17,955,695	\$210,341,607	\$114,301,890	\$20,751,570	\$17,341,674
Potential DIF Receipts	\$24,880,879	\$17,955,695	\$210,341,607	\$114,301,890	\$20,751,570	\$17,341,674
Less: DIF Fund Balances	\$118,565	\$252,785	\$1,116,690	\$241,115	\$941,723	\$695,367
Less: Other Financial Resources	\$0	\$200,000	\$45,000,000	\$0	\$0	\$0
Financial Resource Total	\$24,999,444	\$18,408,480	\$256,458,297	\$114,543,005	\$21,693,293	\$18,037,041
Required Capital Total	\$30,483,185	\$23,385,297	\$256,463,903	\$114,542,413	\$24,146,323	\$24,394,250
Over or (Under) Collection	-\$5,483,741	-\$4,976,817	-\$5,606	\$592	-\$2,453,030	-\$6,357,209

EXHIBIT A

Schedule 2.1

City of Selma at General Plan Build-out Costs

Summary of Development Impact Fees By Type of Fee

(Costs/Fees per Residential Type Dwelling Unit, or Business Type Square Foot)

Land-use Category	Public Meeting Facilities	Park Land and Park Improvements	Open Space Acquisition	Development Impact Fee Total Per Unit or Square Feet
	Schedule 9.1	Schedule 10.1	Schedule 11.2	
Calculated Development Impact Costs				
Low Density Detached Dwellings	\$1,695	\$5,791	\$169	\$15,989 per Unit
Medium Density Detached Dwellings	\$1,695	\$5,791	\$169	\$14,078 per Unit
Attached Dwellings	\$1,612	\$5,508	\$161	\$13,433 per Unit
Mobile Home Dwellings	\$814	\$2,779	\$81	\$10,675 per Unit
Commercial Lodging Units	No Fee	No Fee	\$18	\$3,012 per Unit
Retail/Service/Office Uses	No Fee	No Fee	\$0.020	\$4.202 per Unit
Regional Commercial Uses	No Fee	No Fee	\$0.013	\$4.721 per Unit
Industrial/Manufacturing Uses	No Fee	No Fee	\$0.010	\$2.783 per Unit
Potential Collection with Recommended Impact Fee Schedule				
Low Density Detached Dwellings	\$6,215,565	\$21,235,597	\$619,723	\$58,631,663
Medium Density Detached Dwellings	\$29,947,260	\$102,315,388	\$2,985,892	\$248,730,104
Attached Dwellings	\$5,933,772	\$20,274,948	\$592,641	\$49,446,873
Mobile Home Dwellings	\$7,326	\$25,011	\$729	\$96,075
Commercial Lodging Units	\$0	\$0	\$24,120	\$4,036,080
Retail/Service/Office Uses	\$0	\$0	\$116,619	\$24,501,618
Regional Commercial Uses	\$0	\$0	\$292,596	\$106,257,271
Industrial/Manufacturing Uses	\$0	\$0	\$376,707	\$104,837,525
Total	\$42,103,923	\$143,850,944	\$5,009,027	\$596,537,209
Potential DIF Receipts	\$42,103,923	\$143,850,944	\$5,009,027	\$596,537,209
Less: Other Resources	\$60,677	\$456,693	\$0	\$3,883,615
Less: Other Resources	\$0	\$0	\$0	\$45,200,000
Financial Resource Total	\$42,164,600	\$144,307,637	\$5,009,027	\$645,620,824
Required Capital Total	\$42,164,598	\$144,303,724	\$5,009,027	\$664,892,719
Over or (Under) Collection	\$2	\$3,913	\$0	-\$19,271,895

Table 5-2
Detail of Circulation System Minimal Needs-based Development (rounded)
Impact Fees for Specific General Plan Area Retail/Service/Office Uses

LAND USE	Adjusted Trip-ends	Average Distance	Trip-end to Trip	Additional Trip-miles	Cost per Trip-mile	Cost per 1,000 Square Feet or Dwelling Unit
INDUSTRIAL (per 1,000 SF):						
General Light Industrial	6.17	9.0	0.5	27.8	\$44.26	\$1,230.43 /KSF
Heavy Industrial	6.38	9.0	0.5	28.7	\$44.26	\$1,270.26 /KSF
Manufacturing	2.73	9.0	0.5	12.3	\$44.26	\$544.40 /KSF
Warehousing	4.39	9.0	0.5	19.8	\$44.26	\$876.35 /KSF
MISCELLANEOUS BUSINESS USES (per 1,000 SF):						
Office Park	9.08	8.8	0.5	40.0	\$44.26	\$1,770.40 /KSF
Research Park	7.18	8.8	0.5	31.6	\$44.26	\$1,398.62 /KSF
Business Park (Specific)	11.29	8.8	0.5	49.7	\$44.26	\$2,199.72 /KSF
RETAIL/SERVICE USES (per 1,000 SF):						
Automobile Parts Sales	28.79	4.3	0.5	61.9	\$44.26	\$2,739.69 /KSF
Bldg. Materials/Lumber Store	29.35	4.3	0.5	63.1	\$44.26	\$2,792.81 /KSF
Church	6.97	4.3	0.5	15.0	\$44.26	\$663.90 /KSF
Convenience Market	43.57	4.3	0.5	93.7	\$44.26	\$4,147.16 /KSF
Convenience Market 24 hour	479.69	4.3	0.5	1031.3	\$44.26	\$45,645.34 /KSF
Discount Center	62.93	4.3	0.5	135.3	\$44.26	\$5,988.38 /KSF
Discount Club	27.17	4.3	0.5	58.4	\$44.26	\$2,584.78 /KSF
Factory Outlet	26.63	4.3	0.5	57.3	\$44.26	\$2,536.10 /KSF
Garden Center	23.45	4.3	0.5	50.4	\$44.26	\$2,230.70 /KSF
General Office Building	7.16	4.3	0.5	15.4	\$44.26	\$681.60 /KSF
Hardware/Paint Store	33.34	4.3	0.5	71.7	\$44.26	\$3,173.44 /KSF
High-Turnover Restaurant	9.51	4.3	0.5	20.4	\$44.26	\$902.90 /KSF
Hospital	15.02	4.3	0.5	32.3	\$44.26	\$1,429.60 /KSF
Medical-Dental Office	25.63	8.8	0.5	112.8	\$44.26	\$4,992.53 /KSF
Movie Theater	2.83	4.3	0.5	6.1	\$44.26	\$269.99 /KSF
New Car Sales	15.50	4.3	0.5	33.3	\$44.26	\$1,473.86 /KSF
Shopping Center	27.91	4.3	0.5	60.0	\$44.26	\$2,655.60 /KSF
Supermarket	66.46	4.3	0.5	142.9	\$44.26	\$6,324.75 /KSF
Tire Store	11.56	4.3	0.5	24.9	\$44.26	\$1,102.07 /KSF
Walk-in Bank	12.03	4.3	0.5	25.9	\$44.26	\$1,146.33 /KSF
Other: (not available "per KSF")						
Cemetery (per acre)	3.07	4.3	0.5	6.6	\$44.26	\$292.12 /Acre
Service Station/Market (avg)	77.04	4.3	0.5	165.6	\$44.26	\$7,329.46 /FP/Day (4)
Service Station/Car Wash	71.07	4.3	0.5	152.8	\$44.26	\$6,762.93 /FP/Day (4)

NOTES:

1. ADT = Average Daily Trips

2. KSF = Thousand Square Feet of Gross Floor Area

3. Adjusted for Pass-by and Diverted Trips.

4. FP/Day = per "Fueling Position" per day.

**CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING:**

April 6, 2015

ITEM NO:

3.

SUBJECT: Public Hearing, Consideration and Necessary Action on Resolution Extending by 10 months and 15 days the Interim Urgency Ordinance Establishing a Moratorium on Tobacco Stores (Smoke Shops), Hookah Lounges, Cigar Lounges, Vapor or E-cigarettes, Tobacco Products or Tobacco, or Smoking Paraphernalia Vendors Pending Completion of Study and Evaluation of Appropriate Regulations of Such Establishments.

DISCUSSION: On March 2, 2015, this Council adopted, unanimously, an Interim Urgency Ordinance of the City Council establishing a temporary 45 day moratorium on the establishing or operation or the issuance of any entitlement, permit or license to any new hookah lounges, cigar lounges, vapor or e-cigarette, tobacco products or tobacco or smoking paraphernalia vendors (collectively hereinafter referred to as "smoke shops") within the City of Selma. The purpose of the moratorium is to give the City of Selma the opportunity to evaluate and develop, consistent with applicable law, the best way of regulating smoke shops and similar establishments referred to above to protect the public health, safety and welfare. The Urgency Ordinance provided for only a 45 day moratorium and that amount of time is insufficient to study or evaluate the appropriate regulations, if any, to enact with respect to these types of establishments in order to best promote the public health, safety and welfare.

State law allows the Council, following the conduct of a public hearing, which has been duly noticed for this meeting of the City Council to extend the moratorium established by the Urgency Ordinance for a period of 10 months and 15 days. The proposed resolution provides for an extension of this amount of time. The extension is necessary for the City to complete its research, study and evaluation of the appropriate regulations to enact that are consistent with and not subject to challenge under California law.

<i>COST:</i> (Enter cost of item to be purchased in box below)		<i>BUDGET IMPACT:</i> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
None		None
<i>FUNDING:</i> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<i>ON-GOING COST:</i> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: None Fund Balance:		None

RECOMMENDATION:

Conduct public hearing and approve, with a 100-000 vote, the proposed resolution presented by the Board of the City of Chicago, Illinois, placing a new bond on the ballot for the City.

/s/ Mark E. Collins

March 24, 2015

Mark E. Collins, City Manager

None

Robert J. Daley
Mayor, City of Chicago

4/6/2015
None

W. Scott Collins
City of Chicago

W. Scott Collins, President

to certify that the following is a true and correct copy of the original text as shown to the public.

RESOLUTION NO. 2015 – __R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
EXTENDING INTERIM URGENCY ORDINANCE ESTABLISHING A
MORATORIUM ON TOBACCO STORES (SMOKE SHOPS), VAPOR OR
E-CIGARETTE OR SMOKING PARAPHERNALIA VENDORS AND HOOKAH OR
CIGAR LOUNGES IN THE CITY PENDING COMPLETION OF STUDY ON
REGULATING SAME**

WHEREAS, pursuant to Government Code §65858 on March 2, 2015, the City Council of the city of Selma voted, unanimously, to adopt an Interim Urgency Ordinance of the City placing a 45 day moratorium on the establishment of any new cigar lounge, hookah lounge, tobacco store, vapor or e-cigarette, tobacco or smoking paraphernalia vendor in the City and the issuance of any temporary or special use permit, site development permit, conditional use permit, tentative map, parcel map, variance, grading permit, building permit, building plans, zone change, use permit, business license, certificate of occupancy or other applicable approval for the operation or establishment of any hookah, cigar or smoking lounge or tobacco store (smoke shop) and/or any vendor of vapor or e-cigarettes, tobacco or smoking paraphernalia, all as specifically defined in the adopted urgency ordinance; and

WHEREAS, the City is currently in the process of drafting regulations to address the concerns and findings made by the City Council in adopting the aforementioned Interim Urgency Ordinance and an extension of the moratorium is necessary to ensure that the City has time to properly draft the regulations relating to these establishments in a manner that comports with applicable law; and

WHEREAS, it is necessary that the City continue to research and study the possible adoption of amendments to the City's Municipal Code regarding tobacco shops, hookah lounges, cigar lounges, vapor or e-cigarette, tobacco products or tobacco paraphernalia vendors (hereinafter collectively referred to as smoke shops); and

WHEREAS, Government Code §65848 provides for the adoption of the Interim Urgency Ordinance to be effective for a period of 45 days by a four-fifths vote of the majority of the voting City Council Members and, that after providing notice pursuant to Government Code §65090 and a public hearing, the City Council may, by four-fifths votes, extend the moratorium for an additional period not to exceed ten months and 15 days; and

WHEREAS, Government Code §65858, subsection (c) provides that legislative bodies may not adopt or extend such interim urgency ordinances unless they contain findings that there is a current and immediate threat to the public health, safety or welfare and that the approval of additional entitlements would result in that threat to the public health, safety or welfare; and

WHEREAS, there is a current and immediate threat to the public health, safety and welfare if new smoke shops continue to locate in the City without proper regulations in place and that this current and immediate threat to the public health, safety and welfare exists by virtue of the findings made and contained in the Interim Urgency Ordinance adopted by this City Council on March 2, 2015, and referred to above; and

WHEREAS, the City Council desires to (1) address the community concerns regarding smoke shops; (2) study the potential impacts of smoke shops on the public health, safety and welfare; (3) study and determine what local regulation may be appropriate or necessary for smoke shops; (4) study and determine the appropriate zoning and location for smoke shops and (5) determine appropriate controls for the protection of public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct and the findings of the City Council set forth in the Interim Urgency Ordinance establishing a moratorium on tobacco stores (smoke shops), vapor or e-cigarette or smoking paraphernalia vendors and hookah or cigar lounges in the City, a copy of which is attached and incorporated by reference as Exhibit A are hereby reaffirmed.
2. The moratorium imposed on the establishment or operation of any new cigar lounge, hookah lounge, tobacco store, vapor or e-cigarette, tobacco or smoking paraphernalia vendor and the prohibition of the issuance of any special use permit, site development permit, conditional use permit, tentative map, parcel map, variance, grading permit, building permit, building plans, zone change, use permit, business license, certificate of occupancy or other applicable approval provided for by the Urgency Ordinance, attached as Exhibit A is hereby extended and shall remain in effect for a period of ten months and fifteen days from the date of the adoption of this resolution.

* * * * *

I, Reyna Rivera, City Clerk to the City of Selma do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Selma on _____, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Scott Robertson, Mayor

ATTEST:

Reyna Rivera
City Clerk of the City of Selma

EXHIBIT A

ORDINANCE NO. 2015 – 3

**INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SELMA ESTABLISHING A MORATORIUM ON TOBACCO
STORES (SMOKE SHOPS), VAPOR OR E-CIGARETTE OR SMOKING
PARAPHERNALIA VENDORS AND HOOKAH OR CIGAR LOUNGES
IN THE CITY PENDING COMPLETION OF STUDY ON REGULATING SAME**

WHEREAS, the City Council of the City of Selma ("City") is authorized pursuant to Article 11, Section 7 of the California Constitution to make and enforce within its boundaries all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, California Government Code §65858 authorizes the City Council to adopt an interim urgency ordinance, by a four-fifths vote, without following the procedures otherwise required for adoption of an ordinance to protect the public health, safety and welfare prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or a zoning proposal that the City Council, Planning Commission or Planning Department is considering studying or intends to study within a reasonable time.

The City Council of the City of Selma does hereby ordain as follows:

Section 1: This Urgency Ordinance is adopted pursuant to Section 65858 of the California Government Code.

Section 2: Based on information contained in the record, the City Council makes the following findings:

1. The development of tobacco stores (smoke shops) e-cigarette or vapor, tobacco and smoking paraphernalia vendors and/or smoking lounges or hookah lounges present an immediate threat to the public health, safety and welfare by virtue of the following:

(a) There are regulations regarding the development, operation and location standards for these types of uses, but the standards that exist have continued to allow for what appears to be an abnormal proliferation of these types of uses;

(b) Significant concerns have been raised in the community regarding the lack of adequate regulations to address tobacco stores (smoke shops), e-cigarette, vapor, tobacco, or smoking paraphernalia vendors and/or tobacco lounges and hookah lounges within the City. Specifically, residents of the City have expressed

EXHIBIT A

concern regarding the impact or potential for impact of these uses on the community, including safety, effect on minors, noise, location near sensitive uses and other public health impacts.

(c) Numerous laws exist which acknowledge the public health impacts of tobacco, specifically its impact on minors and State law prohibits public school students from smoking or using tobacco while on campus while attending school sponsored facilities or activities or while under the supervision or control of school district employees (Education Code §48901). State law also prohibits smoking in playgrounds and tot lots. It also prohibits smoking within 20 feet of the main entrances and exits of all public buildings. (Health & Safety Code §104495).

(d) There are numerous tobacco shops or stores, hookah lounges, and retail establishments that sell vapor or e-cigarettes, tobacco and smoking paraphernalia operating within or near, or proposing to operate within the City and residences and businesses within the City have expressed concern regarding the proliferation of such businesses within the City. Specifically, there are concerns these establishments may be located in close proximity to sensitive uses such as residential areas, churches, schools, parks, arcades, and other similar uses where minors tend to congregate and the existence of these uses tends to attract minors to use of such products which are recognized to be harmful to their health.

(e) Tobacco stores, hookah lounges, vendors of vapor or e-cigarettes, tobacco, and smoking paraphernalia are a target for theft and vandalism and in many cases have been found to be affiliated with the sale of drug paraphernalia that encourages illegal activity and which can negatively affect the neighborhoods and surrounding community.

(f) The establishment of hookah lounges, cigar lounges, smoking lounges and similar establishments produce secondary smoke which can negatively affect workers, passersby, neighbors, the elderly, sick and disabled and in particular minors. State law recognizes the health risks associated with such uses by virtue of Labor Code §6404.4 prohibiting unlawful smoking of tobacco and hookah pipes in an enclosed place of employment as well as prohibiting the smoking of tobacco and hookah pipes by those under 18 years of age. (Penal Code §308).

(g) E-cigarettes are battery powered devices that convert liquid nicotine and propylene glycol and/or vegetable glycerin into a mist or vapor that is inhaled. E-cigarettes contain no tobacco and are marketed as the alternative way of consuming nicotine. The health impacts of e-cigarettes and similar devices has not been sufficiently studied or evaluated but the product does encourage the consumption of nicotine and the presence of vendors or retail outlets selling such devices may be

EXHIBIT A

located in proximity to sensitive uses such as residential areas, churches, schools, parks and other similar uses where minors tend to congregate and present an attraction for minors to engage in the uses of e-cigarettes or similar devices for the purpose of consuming nicotine, which has acknowledged health impacts.

(h) The City wishes to evaluate and study how changes to its Zoning and other Ordinances can best regulate or set standards or requirements for tobacco stores, smoke shops, vapor or e-cigarette, tobacco and smoking paraphernalia vendors in the City in order to determine how and whether such standards should be adopted and implemented and the City Council finds and determines that interim prohibition on such uses and the issuance of any such applicable entitlement is necessary for a period of 45 days to permit the City to conduct that study.

Section 3: Imposition of Moratorium. Based on the above findings, the City Council orders as follows:

A. In accordance with the authority granted the City of Selma under Government Code §65858(a) and pursuant to the findings stated above, for a period of 45 days from and after the date of the adoption of this ordinance:

1. No new cigar lounge, hookah lounge, tobacco store, vapor or e-cigarette, tobacco or smoking paraphernalia vendor may be established or operate in the City of Selma.

2. No temporary or special use permit, site development permit, conditional use permit, tentative map, parcel map, variance, grading permit, building permit, building plans, zone change, use permit, business license, certificate of occupancy or other applicable approval will be approved or issued for the establishment or operation of any hookah, cigar or smoking lounge or tobacco store (smoke shop) and/or any vendor of vapor or e-cigarette, tobacco, or smoking paraphernalia.

Section 4: Definitions. As used in this ordinance, the following definitions apply:

1. "Hookah" means glass or metal water pipe usually decorated and shaped somehow like a bottle or small tank with a long flexible core pipe also known as a sisha, nargile, hubble, bubble, nag, or Turkish water pipe.

2. "Hookah Lounge" means an area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use hookahs, but does not include private use of hookahs in personal residence, if otherwise in compliance with applicable law.

EXHIBIT A

3. "E-cigarette or vapor cigarette" means a battery operated device that converts liquid nicotine and propylene glycol and/or vegetable glycerin into a mist or vapor that is inhaled.

4. "Tobacco Paraphernalia" means any device, product, equipment or material of any kind that intended or designed for use for smoking, inhaling or ingesting tobacco, notwithstanding that the device, product, equipment or material may also be used for smoking, inhaling or ingesting any controlled substances. Tobacco paraphernalia includes but is not limited to metal, ivory, wooden, or acrylic, glass, stone, plastic or ceramic pipes; water pipes, bongs, cigarette papers or wrappers, cigarette rolling machines, blunt wraps as defined in Section 308 of the Penal Code, hookahs or similar devices constructed with a receptacle or container in which water or some other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested.

5. "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco; and any product or formulation of matter containing biologically detectable amounts of nicotine that is manufactured, sold, offered for sale or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the Federal Food and Drug Administration for use in treating nicotine or tobacco product dependence.

6. "Tobacco Store" means a retail or wholesale business or any person that sells, offers for sale or offers to exchange for any form of consideration, tobacco, tobacco products, e-cigarette or vapor cigarettes or tobacco paraphernalia and has 15% or more of its square feet in the establishment used for the sale or display of tobacco, tobacco products or tobacco paraphernalia, e-cigarette or vapor cigarette, or advertising.

Section 4: Pursuant to Government Code §65858(a) this ordinance shall take effect immediately but shall be in no further force and effect 45 days from this date of adoption, unless the City Council, after notice and public hearing as provided under Government Code §65858(a) and adoption of the findings required by Government Code §65858(c), subsequently extends this ordinance. Pursuant to Government Code §65858(d), ten days prior to the expiration or any extension of this ordinance, the City Council will issue a report describing the measures taken to elevate the conditions that lead to the adoption of this interim ordinance.

EXHIBIT A

Section 5: The Mayor shall sign this interim urgency ordinance and the City Clerk shall attest thereto and shall within 15 days of this adoption cause it to be published in the Selma Enterprise, a newspaper of general circulation within the City, or shall cause the publication of a summary thereof in accordance with applicable law.

Section 6: The City Clerk shall certify the adoption of this ordinance.

I, Reyna Rivera, City Clerk of the City of Selma, do hereby certify that the foregoing Interim Urgency Ordinance was adopted at the March 2, 2015, Regular City Council meeting, by the following vote, to wit:

AYES:	5	COUNCIL MEMBERS:	Avalos, Rodriguez, Derr, Montijo, Robertson
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

/s/ Scott Robertson

Scott Robertson, Mayor of the City of Selma

ATTEST:

/s/ Reyna Rivera

Reyna Rivera
City Clerk of the City of Selma

**CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING DATE:**

April 6, 2015

ITEM NO:

4.

SUBJECT:

Consideration and necessary action on resolution abandoning a Portion of North Street between West Front and East Front Streets – Public hearing and adoption.

BACKGROUND: This proposal is to vacate (abandon) a strip of surplus Dedicated right-of-way of North Street between East Front Street and West Front.

The proposed vacated land (right-of-way) is no longer needed by the City for present or future uses. The land is undeveloped and will have zero impact if it is approved for abandonment.

It is important to note that State Law, under the Subdivision Map Act, states that any publicly owned parcel not used for the purpose intended must be deeded back to the original subdivider. However, in the absence of the original owner, adjacent property owners will each receive one-half of the vacated land. Staff has prepared deeds for this matter should the Council approve the abandonment.

The strip was granted to the City with the Northhill Terrace subdivision, Tract No. 1844, and recorded in Book 20 Page 63 in the Fresno County Recorder's Office.

Section 8300 of the Streets and Highway Code provides that prior to vacation of any Public Streets, Highway and Service Easements, the City Council shall pass a Resolution stating its intention to vacate the Public right-of-way and hold a public hearing on the matter.

A map showing the location is attached the legal description of the proposed street vacation will be completed if and when the street vacation is approved by Council.


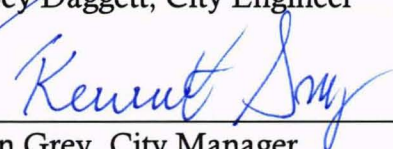
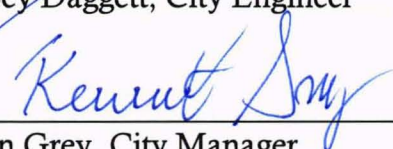
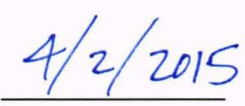
DISCUSSION:

On June 16, 2003 the City Council adopted Resolution 2003-38R authorizing temporary closure of this portion of North Street. The City of Selma feels it is in the best interest of the community to abandon this portion of North Street.

In order to carry out city's obligation, staff will need to prepare quitclaim deeds, deeding one half of the abandoned portion of North Street to each adjoining property owner.

<u>COST:</u> (Enter cost of item to be purchased in box below)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
N/A		None
<u>FUNDING:</u> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: None Fund Balance: None		None

RECOMMENDATION: Hold public hearing and consider adopt a resolution approving the abandonment for the portion of North Street between East Front and West Front Streets.

	
Joey Daggett, City Engineer	Ken Grey, City Manager
	
Ken Grey, City Manager	Steve Yribarren, Financial Consultant

We _____ and _____
Ken Grey, City Manager Steve Yribarren, Financial Consultant
do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

Attachments

1.	Location Map	4
2.	Resolution approving the abandonment and Quit Claim Deeds for the portion on North Street between East & West Front Streets.....	5



**CITY OF SELMA
COMMUNITY DEVELOPMENT
DEPARTMENT**

AREA TO BE ABANDON



RESOLUTION NO. 2015- R

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF SELMA
AUTHORIZING ABANDONMENT OF
A PORTION OF NORTH STREET
BETWEEN WEST FRONT AND EAST FRONT STREETS.**

WHEREAS, the City of Selma has carefully examined the question of abandoning a strip of North Street between West Front Street and East Front Street. The portion within the above referenced limits has been determined as unnecessary for present or prospective public use; and

WHEREAS, the public hearing was noticed in accordance in accordance with all applicable state and local laws; and

WHEREAS, the City council conducted a public hearing, as heretofore specified, and considered the proposal and the report together with all public testimony of interested parties; and

WHEREAS, pursuant to Streets and Highways Code Section 8300 et. Seq., the City Council of the City of Selma desires to vacate a strip of surplus right-of-way of North Street between West Front and East Front Streets; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Selma as follows:

1. The City Council does hereby vacate a portion of North Street Right-of-way between West Front Street and East Front Street. Said vacation is hereby determined to be of a minor nature.
2. The vacation proceedings were conducted pursuant to Chapter 3, part 3, of the Streets and Highways Code (Streets, and Highway Code, Section 8300 et. seq.) and Section 8334 thereof.
3. The City Clerk shall cause a certified copy of this Resolution to be recorded with the Recorder's Office of the Count of Fresno. From and after the date of recording of this Resolution with the Recorder's Office of the County of Fresno, that the portion described above longer constitutes a street.
4. Upon vacation, title to said Vacated Street shall be merged proportionally with the contiguous properties as shown on Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED, that the City Engineer is appointed and directed for the special purpose of recording the quit claim deeds on behalf of the City of Selma.

I, Reyna Rivera, City Clerk to the City of Selma do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Selma on April 6, 2015, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Scott Robertson
Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk of the City of Selma

**CITY MANAGER'S/STAFF'S REPORT
CITY COUNCIL MEETING:**

April 6, 2015

ITEM NO:

5.

SUBJECT: Consider request from the Selma Youth Soccer 2nd Annual Rib Cook Off to waive Pioneer Village 20% clause in rental policy and pay a flat rate fee of \$500.00 to Pioneer Village.

DISCUSSION: The Selma Youth Soccer League has submitted a request to waive a portion of fees at Pioneer Village for Selma Youth Soccer 2nd Annual Rib Cook-Off.

The Rib Cook-Off is scheduled for Saturday, June 6, 2015 at Pioneer Village. The event is being offered to assist in fundraising for a Selma Youth Team travel expenses to Europe to participate in a tournament. Diego Haro is the coach and is representing the Selma Youth Soccer League. Diego Haro will be taking 15 youth to Europe, fourteen of which are residents of Selma and one living in Fresno.

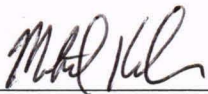
Pioneer Village normally requires a \$500.00 payment or 20% of profit, whichever is higher for a Non-Profit Group. Diego Haro is requesting consideration of a flat rate rental fee of \$500.00. Last year Selma Youth Soccer also contributed an additional \$500.00 for wiring repairs of lighting at the Peter Ringo Park Soccer Field.

The Pioneer Village Advisory Commission did unanimously approve the recommendation to waive the 20% clause in the rental policy and recommended a flat rate charge of \$500.00 be charged for use of Pioneer Village and \$500.00 to the City of Selma for the wiring damage at Peter Ringo Park at their March 12, 2015 meeting. (Pioneer Village Commission Meeting Minutes Attachment A).


Diego Haro has been notified to attend the meeting to answer any potential questions City Council may have.

<u>COST:</u> <i>(Enter cost of item to be purchased)</i>		<u>BUDGET IMPACT:</u> <i>(Enter amount this non-budgeted item will impact this years' budget – if budgeted, enter NONE).</i>
No cost. Staff time preparing grounds.		N/A
<u>FUNDING:</u> <i>(Enter the funding source for this item – if fund exists, enter the balance in the fund).</i>		<u>ON-GOING COST:</u> <i>(Enter the amount that will need to be budgeted each year – if one-time cost, enter NONE).</i>
N/A		N/A

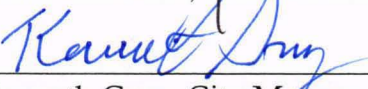
RECOMMENDATION: Consider request from the Selma Youth Soccer to waive a portion of fees for use of Pioneer Village for a Rib Cook-Off.


 Mikal Kirchner, Director of Recreation

3/18/15
 Date


 Steve Yribarren, Finance Consultant

4/2/15
 Date


 Kenneth Grey, City Manager

4/2/2015
 Date

We _____ and _____
 D-B Heusser, City Manager Steve Yribarren, Finance Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

PIONEER VILLAGE ADVISORY COMMISSION

Minutes

March 12, 2015

Attachment A.

Call to Order:

The meeting of the Pioneer Village Advisory Commission was called to order by Chairperson Virginia Lees at 6:30 p.m. at City Hall, 1710 Tucker Street.

Roll Call:

Present: Commissioners: Virginia Lees, Susan Wells, Jim Stephenson, Bob Allen and Al King.

Absent: Commissioners: Ken Maxey.

Agenda/Minutes: The agenda was duly posted seventy-two hours prior to this meeting in a location visible at all times by the general public. A motion by Commissioner Allen and seconded by Commissioner Stephenson, to approve Regular Meeting Minutes, motion carried, unanimously.

Special Presentations: None.

Public Comment: Boyd Frandsen approached the Commission regarding the willingness to complete an Eagle Scout Project at Pioneer Village. Following his presentation, the Commission requested staff have on the agenda at the next meeting a report and action item to consider. The project being considered is refurbishing the Hay Stack Pole on the barn.

Regular Business:

- * (A) **Rib Cook-Off Fundraiser.** Diego Haro approached the Commission regarding the 2nd Annual Rib Cook-Off at Pioneer Village for Selma Youth Soccer. The event is scheduled for June 6, 2015 at Pioneer Village. The fee structure for this type of organization renting Pioneer Village states, \$500.00 or 20% of profit, whichever is higher. The request from Selma Youth Soccer, as with last year, is to waive the 20% portion and approve a base rate of \$500.00. Last year Selma Youth Soccer paid the \$500.00 base rate and donated \$500.00 to the repairs of wiring on the lights at Peter Ringo Soccer field. Following discussion, a motion by Commissioner King to approve a base rate of \$50.00, seconded by Commissioner Allen, motion carried with the following vote:

Ayes: King, Allen, Wells, Stephenson and Lees.

Noes: None.

Abstain: None.

Absent: Maxey.

- B. **Hot Dog Festival** – Louis Franco was present to update the Commission regarding the Hot Dog Festival scheduled for May 16, 2015 at Pioneer Village. All funds raised would be directed back to Pioneer Village. Louis Franco did request consideration to waive the beer garden requirement and allow alcohol to be carried around throughout Pioneer Village. Those with wrist bands would be allowed to be served alcohol. Staff stated requiring a Beer Garden is a policy of Pioneer Village and that staff will be working through the City Manager's office regarding this policy. No action required.
- C. **Rental and Use Rates** – Staff provided a report on consideration of updated rental rates relating to Pioneer Village. The rate to use Pioneer Village limits general use due to the costs and staff is hoping new rates would generate a greater interest in Pioneer Village. Staff stated there is no intention of "giving away" Pioneer Village, but trying to make it more reasonable for families, etc... to reserve. The fees for large events and rentals would remain the same. The only other significant

proposed revision is events sponsored by the City of Selma pay a base rate of \$400.00 for fundraising events, instead of how it presently reads 50% of profits. The Commission reviewed the proposed rates and informed staff to place this on the next meeting agenda as an Action Item.

- D. Ordinance of Commission Membership – The Commission presently has nine (9) seats. There has been one opening for over two years and two other members have recently resigned. Presently there are six members and one application on file in the City Clerk's office. Staff recommended the Commission consider forwarding a recommendation to City Council to reduce the Pioneer Village Commission to seven (7) members, in which both the Planning and Recreation Commissions currently have. Following the discussion, a motion by Commissioner King to recommend a revision to seven members be forwarded to City Council, seconded by Commissioner Allen, motion carried with the following vote:

Ayes: King, Allen, Stephenson, Wells and Lees.
Noes: None.
Abstain: None.
Absent: Maxey.

- E. St. Patrick's Lunch– An update on the St. Patrick's Day Luncheon scheduled for Wednesday, March 18, 2015 was provided. Volunteers are needed for food preparation on Tuesday, March 17 and also to prep and serve on Wednesday, March 18. No action was required.
- F. Clean Up Day Approval– An update on the Clean Up Day which is scheduled for April 25 was held. No action was required.
- G. Ag Museum – No new information was provided regarding the Ag Museum.
- H. Finance Report – Staff is working on presenting an updated Finance Report to the Commission.

Director's Report: Staff is working with Gary Howard on meeting at Pioneer Village regarding the potential repairs.

The letter to City Council regarding the Cattlemen's rent has been approved and will be signed by the Chairperson and forwarded to the City Manager.

Commissioner's Report: Staff was asked if the landscaping is being reviewed and if there are any other options due to the price.

Adjourn:

Meeting adjourned at 7:40p.m.

Respectfully Submitted

Mikal Kirchner

**CITY MANAGER'S/STAFF'S REPORT
CITY COUNCIL MEETING:**

April 6, 2015

ITEM NO:

6.

SUBJECT:

Consideration of amending Title II, Chapter 9, Section 5 of the Selma Municipal Code Entitled "Membership" (Section 2-9-2) at it relates to Pioneer Village Advisory Commission, first reading.

BACKGROUND:

On March 12, 2015 staff presented the Pioneer Village Advisory Commission a recommendation to consider revising a portion of the membership section of Title II, Chapter 9, Section 5 of the Selma Municipal Code Entitled "Membership" (Section 2-9-2).

DISCUSSION:

Presently the Pioneer Village Advisory Commission has nine (9) seats. The Commission has had a vacancy for over two years and over the last three months, two more vacancies have opened due to members resigning. The Pioneer Village Advisory Commission voted unanimously to recommend City Council consider revising the membership to be revised to seven (7) members:

2-9-2 MEMBERSHIP (Attachment A)

The Pioneer Village Advisory Commission shall be composed of ~~nine~~ (9) **seven (7) regular members**. The members of the Advisory Commission shall be appointed at large by the City Council. Members of the Advisory Commission must live, own a business, or pay real property tax within the area delineated by the boundaries of the Selma Unified School District, as now or hereafter amended. One member of the Advisory Commission may, at the discretion of the City Council, be appointed without meeting the aforementioned qualifications."

Staff has also attached a copy of the minutes from the Pioneer Village Advisory Commission relating to this agenda item, Attachment B. In addition, the Commission understands there is an application on file from a resident interested in serving on Pioneer Village Advisory Commission. The Commission consensus was to recommend to City Council to consider filling the final (seventh member) seat.

		BUDGET IMPACT: <i>(Enter amount this non-budgeted item will impact this years' budget – if budgeted, enter NONE).</i>
No cost.		N/A
FUNDING: <i>(Enter the funding source for this item – if fund exists, enter the balance in the fund).</i>		ON-GOING COST: <i>(Enter the amount that will need to be budgeted each year – if one-time cost, enter NONE).</i>
N/A		N/A

RECOMMENDATION: Consideration of amending Title II, Chapter 9, Section 5 of the Selma Municipal Code Entitled "Meetings" (Section 2-9-5) at it relates to Pioneer Village Advisory Commission, first reading.


 Mikal Kirchner, Recreation Director

3/19/15
 Date


 Kenneth Grey, City Manager

4/2/2015
 Date

We _____ and _____
 Kenneth Grey, City Manager Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.

ORDINANCE NO. 2015-____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SELMA AMENDING SECTION 2-9-2 OF THE
SELMA MUNICIPAL CODE RELATING TO THE
PIONEER VILLAGE ADVISORY COMMISSION

THE CITY COUNCIL OF THE CITY OF SELMA DOES HEREBY ORDAIN as follows:

SECTION 1. Title II Chapter 9 Section 2 of the Municipal Code of the City of Selma is hereby amended to read as follows:

“ ...

2-9-2 MEMBERSHIP

The Advisory Commission shall be composed of seven (7) regular members. The members of the Advisory Commission shall be appointed at large by the City Council. Members of the Advisory Commission must live, own a business, or pay real property tax within the area delineated by the boundaries of the Selma Unified School District, as now or hereafter amended. One member of the Advisory Commission may, at the discretion of the City Council, be appointed without meeting the aforementioned qualifications.”

SECTION 2: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that the amendment is not a project under the California Environmental Quality Act because the amendment has no potential for resulting in a physical change in the environment. Since the amendment is not a project, no environmental documentation is required.

SECTION 3: Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 4: Effective Date and Posting of Ordinance: This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage. The City Clerk of the City of Selma shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in The Selma Enterprise with the names of those City Council Members voting for or against the Ordinance.

* * * * *

I, REYNA RIVERA, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at the April 6, 2015 regular City Council meeting and duly adopted at a regular meeting held on April 20, 2015, by the following vote, to wit:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Scott Robertson
Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk of the City of Selma

APPROVED AS TO FORM:

Neal E. Costanzo
City Attorney

PIONEER VILLAGE ADVISORY COMMISSION
Minutes
March 12, 2015

Attachment B.

Call to Order:

The meeting of the Pioneer Village Advisory Commission was called to order by Chairperson Virginia Lees at 6:30 p.m. at City Hall, 1710 Tucker Street.

Roll Call:

Present: Commissioners: Virginia Lees, Susan Wells, Jim Stephenson, Bob Allen and Al King.
Absent: Commissioners: Ken Maxey.

Agenda/Minutes: The agenda was duly posted seventy-two hours prior to this meeting in a location visible at all times by the general public. A motion by Commissioner Allen and seconded by Commissioner Stephenson, to approve Regular Meeting Minutes, motion carried, unanimously.

Special Presentations: None.

Public Comment: Boyd Frandsen approached the Commission regarding the willingness to complete an Eagle Scout Project at Pioneer Village. Following his presentation, the Commission requested staff have on the agenda at the next meeting a report and action item to consider. The project being considered is refurbishing the Hay Stack Pole on the barn.

Regular Business:

- A. Rib Cook-Off Fundraiser. Diego Haro approached the Commission regarding the 2nd Annual Rib Cook-Off at Pioneer Village for Selma Youth Soccer. The event is scheduled for June 6, 2015 at Pioneer Village. The fee structure for this type of organization renting Pioneer Village states, \$500.00 or 20% of profit, whichever is higher. The request from Selma Youth Soccer, as with last year, is to waive the 20% portion and approve a base rate of \$500.00. Last year Selma Youth Soccer paid the \$500.00 base rate and donated \$500.00 to the repairs of wiring on the lights at Peter Ringo Soccer field. Following discussion, a motion by Commissioner King to approve a base rate of \$50.00, seconded by Commissioner Allen, motion carried with the following vote:
- Ayes: King, Allen, Wells, Stephenson and Lees.
Noes: None.
Abstain: None.
Absent: Maxey.
- B. Hot Dog Festival – Louis Franco was present to update the Commission regarding the Hot Dog Festival scheduled for May 16, 2015 at Pioneer Village. All funds raised would be directed back to Pioneer Village. Louis Franco did request consideration to waive the beer garden requirement and allow alcohol to be carried around throughout Pioneer Village. Those with wrist bands would be allowed to be served alcohol. Staff stated requiring a Beer Garden is a policy of Pioneer Village and that staff will be working through the City Manager's office regarding this policy. No action required.
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- * (D) Ordinance of Commission Membership – The Commission presently has nine (9) seats. There has been one opening for over two years and two other members have recently resigned. Presently there are six members and one application on file in the City Clerk's office. Staff recommended the Commission consider forwarding a recommendation to City Council to reduce the Pioneer Village Commission to seven (7) members, in which both the Planning and Recreation Commissions currently have. Following the discussion, a motion by Commissioner King to recommend a revision to seven members be forwarded to City Council, seconded by Commissioner Allen, motion carried with the following vote:

Ayes: King, Allen, Stephenson, Wells and Lees.
Noes: None.
Abstain: None.
Absent: Maxey.

- E. St. Patrick's Lunch– An update on the St. Patrick's Day Luncheon scheduled for Wednesday, March 18, 2015 was provided. Volunteers are needed for food preparation on Tuesday, March 17 and also to prep and serve on Wednesday, March 18. No action was required.
- F. Clean Up Day Approval– An update on the Clean Up Day which is scheduled for April 25 was held. No action was required.
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- H. Finance Report – Staff is working on presenting an updated Finance Report to the Commission.

Director's Report: Staff is working with Gary Howard on meeting at Pioneer Village regarding the potential repairs.

The letter to City Council regarding the Cattlemen's rent has been approved and will be signed by the Chairperson and forwarded to the City Manager.

Commissioner's Report: Staff was asked if the landscaping is being reviewed and if there are any other options due to the price.

Adjourn:

Meeting adjourned at 7:40p.m.

Respectfully Submitted

Mikal Kirchner

**CITY MANAGER'S/STAFF'S REPORT
REGULAR CITY COUNCIL MEETING DATE:**

April 6, 2015

ITEM NO:

7.

SUBJECT:

Five Cities Economic Development Authority Membership

BACKGROUND:

The Five Cities Economic Development Authority was created on April 1, 1998 by the cities of Fowler, Parlier, Reedley, Sanger and Selma on the east side of Fresno County. The primary focus was an Enterprise Zone or Targeted Tax Zone designation and other potential grants for Southeast Fresno County. Because of Kingsburg's demographics, they were not included initially as part of the group. After a number of years, the group decided it would be advantageous to expand the organization to include additional agencies on the east side of Fresno County. On November 6, 2004, Fresno County joined the authority, followed by Kingsburg on December 5, 2006 and Orange Cove on September 27, 2010.

The purpose of the Five Cities Economic Development Authority is to provide staff resources, personnel and expertise to assist member agencies to develop local economic development resources; establish cooperative relationships for the planning of allocation of resources; to pursue legislation that assists local government economic development efforts; to pursue funds (grants) for economic development within the Joint Powers Authority; and to implement the Regional Economic Development Program and strategies.

It was found that companies located in one of the communities had employees from all of the neighboring communities. An example was UpRight Company that used to be located in Selma. Only 20% of the workforce was from Selma, the other employees came from neighboring communities.


DISCUSSION:

The City of Selma has participated as a member of the Five Cities EDA since 1998. Each City provided administrative services when they were chair of the committee until the early 2000's when the Fresno County Economic Development Corporation (EDC) contracted to provide this service. During the 2008-09 fiscal year, the duties were taken over by a private consultant. In 2009-10 Fresno County provided the service for a fee. In 2010-11, the City of Selma was allowed to exchange their membership for provision of administrative services, which has continued to the present year (2014-15). During the audits that were conducted the past two years, it was determined that even though there was a surplus in the checking account (due to a grant from PG&E that had not been fully spent), the Five Cities EDA was operating at a deficit. In the current fiscal year any surplus monies will be depleted (other than PG&E grant). The Board asked the Executive Committee to bring recommendations to the Board at the April 2015 meeting. At the March 2015 Five Cities Executive Committee meeting, the City Managers in attendance decided to include the Administrative Services as part of the EDC contract at no additional cost. The City of Selma would then be required to pay their membership in 2015-16 with no reimbursement. Staff has budgeted this expense in the 2015-16 budget thus far pending direction from the City Council.

There are options available to the City Council at this time: 1) budget the expense in the 2015-16 budget and continue as a member. 2) Discontinue membership and remove the expense from the 2015-16 budget. 3) Other ideas that the Council may generate.

<u>COST:</u> (Enter cost of item to be purchased in box below)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
N/A		Five Cities Membership included in 2015-16 Economic Development budget.
<u>FUNDING:</u> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: General Fund Fund Balance:		Annual expense to City of Selma- 2015/16 amount would be \$5,544.25 for the year, divided into four payments paid quarterly.

RECOMMENDATION: Provide staff direction regarding membership in the Five Cities Economic Development Authority for 2015-16 and beyond.


 Roseann Galvan, Administrative Analyst

March 31, 2015

Date


 Kenneth Grey, City Manager

4/2/2015
 Date

**CITY MANAGER'S/STAFF'S REPORT
CITY COUNCIL MEETING:**

April 6, 2015

ITEM NO:

8.

SUBJECT: Consideration and necessary discussion/direction on Grant Writing Firms.

DISCUSSION: On February 17, 2015 Mayor Robertson and Council member Montijo provided background information on Grant Writing Proposals received.

Presentations were provided by three firms during the March 16 2015 Council meeting. At the request of Council, this item was continued in order to provide three weeks for any other Council person to submit additional grant writing firms for consideration.

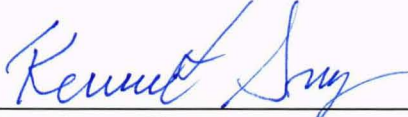
The firms that attended the Council meeting, to provide further information and answer various questions from Council were:

1. Townsend Public Affairs, Inc.
2. Acquisition-Partners
3. California Consulting

Although there is no funding in current year's budget, the only way of determining funding feasibility for next fiscal year would be for Council to direct staff to negotiate a contract with a firm and decide on the terms of a per grant fee basis or monthly retainer.

<u>COST:</u> (Enter cost of item to be purchased in box below)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
<u>FUNDING:</u> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: Fund Balance:		

RECOMMENDATION: Council to discuss and provide staff with direction.

	<u>4/2/2015</u>
Ken Grey, City Manager	Date

We _____ and _____
Ken Grey, City Manager Steve Yribarren, Financial Consultant

do hereby agree that the funding for the above is correct and that enough funds exist to cover the expenditure.