

**CITY OF SELMA**  
**JOINT CITY COUNCIL/CHAMBER OF COMMERCE MEETING**  
**February 2, 2015**

The joint City Council/Chamber of Commerce meeting was called to order at 5:09 p.m. in the Council chambers. Council members answering roll call were: Derr, Montijo, Rodriguez, Mayor Pro Tem Avalos and Mayor Robertson.

Attending for the Chamber of Commerce were Chamber Executive Director Allen, Board members: Cho, Boyd, Esquivel, Lees, Staley, Tovar, Tucker, and President Galvan. Board member Perez arrived at 5:20 p.m.

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.

President Galvan explained and distributed materials to Council. Packet materials included background information on the Chamber, summary of revenue and expenses, upcoming events, and the newest chamber directory.

Chamber Executive Director Allen also discussed flyers that they provide to hotels with information on upcoming events in Selma, and Certificates of Origin that are required by the Customs Department when shipping out of the country. He then asked Council for input on areas the Chamber can improve on.

City Manager Grey inquired if the Chamber would contact South Valley Chambers and market Selma to those required to travel on Highway 99 on a daily basis.

After discussion, Council thanked the Chamber Board for their hard work.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 5:52 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

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Scott Robertson  
Mayor of the City of Selma

**CITY OF SELMA  
REGULAR COUNCIL MEETING  
February 2, 2015**

The regular meeting of the Selma City Council was called to order at 6:02 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, Fire Chief Kain, Police Chief Garner, 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:** Pastor Seth Pankrantz of Selma First Baptist led the Invocation.

**PRESENTATION BY THE LEADERSHIP 19<sup>TH</sup> CLASS:** Mr. David Staley and Pastor Seth Pankrantz stepped forward and discussed the class project of replacing the “Welcome to Selma” Freeway Signs, and provided a PowerPoint presentation of different options for the signs. After discussion regarding fundraising and sign costs, they inquired if the City would assist with the funding. Mayor Robertson thanked them for attending and it was the consensus of Council to bring the matter back to Council at a future time to discuss the signs.

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

AYES: Derr, Montijo, Rodriguez, Avalos, Robertson

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the January 20, 2015 workshop/pre-Council meeting approved by standard motion.
- b. Minutes of the January 20, 2015 regular meeting approved by standard motion.
- c. Pulled for separate discussion.
- d. RESOLUTION NO. 2015-9, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ADOPTING THE AMENDED CAFETERIA PLAN YEAR ENDING DECEMBER 31, 2015. Resolution approved by standard motion.
- e. Denial of Claim – Eduardo Quezada, claimant. Claim denied by standard motion.
- f. Check register dated January 27, 2015 approved by standard motion.

**AGENDA ITEM 1.c. CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND- PARK RESTROOM FACILITY PROJECT:**

After discussion, motion to approve RESOLUTION NO. 2015 – 8R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CA. APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND, PARK RESTROOM FACILITY PROJECT was made by Council member Derr and seconded by Mayor Pro Tem Avalos. Motion then carried with the following vote:

AYES: Derr, Avalos, Montijo, Rodriguez, Robertson  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION AMENDING USER FEES FOR SELMA YOUTH SPORTS ORGANIZATIONS' USAGE OF BALL FIELDS FOR LEAGUE GAMES AND/OR PRACTICES:**

Community Services Director Kirchner reported on the history of the fees, and stated that this matter was brought back at the request of Council.

After discussion and clarification, Mayor Pro Tem Avalos motioned to remain at the current fee schedule of \$200 with the option to increase the amount to \$400 next year after Council receives information from all the youth organizations. The motion died for a lack of a second.

After further discussion, Council member Montijo motioned to approve RESOLUTION NO. 2015 – 9R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING A SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES (USER FEES) FOR YOUTH BALL FIELD USAGE TO \$400 PER YOUTH ORGANIZATION EFFECTIVE DECEMBER 2016 THRU DECEMBER 2017. Council member Derr seconded the motion, and the motion carried with the following vote:

AYES: Montijo, Derr, Rodriguez, Avalos, Robertson  
NOES: None  
ABSTAIN: None  
ABSENT: None

Council member Rodriguez motioned to change the order of the agenda items and allow current agenda item 6 to be heard next. The motion died for lack of a second.

**CONSIDERATION AND NECESSARY ACTION ON AUTHORIZING THE CALL FOR BIDS FOR THE REMODEL OR REPLACEMENT OF THE SHAFER PARK RESTROOMS:** City Manager reported on the matter for Council. After discussion from Council and staff, public comment was heard.

Mr. Danny Serimian, Mr. Chris Ambrose, Mr. Jose Cerda, Ms. Harpreet Purewall, Ms. Lisa Franco, all stepped forward and stated that they were in favor of portable units.

Ms. Joan Nelson stated that she was in favor to remodel the restrooms.

Ms. Yolanda Kaiser stated that she would like to see the remodel and the purchase of portable units.

After much discussion, motion to deny the authorization for the call for bids on the remodel or replacement of Shafer Park restrooms was made by Council member Rodriguez, and seconded by Council member Derr. Motion then failed with the following vote:

AYES: Rodriguez, Derr  
NOES: Montijo, Avalos, Robertson  
ABSTAIN: None  
ABSENT: None

After further discussion, Mayor Robertson motioned to AUTHORIZE THE CALL FOR BIDS FOR THE REMODEL OF SHAFER PARK RESTROOMS and seconded by Mayor Pro Tem Avalos. Motion then carried with the following vote:

AYES: Robertson, Avalos, Montijo  
NOES: Derr, Rodriguez  
ABSTAIN: None  
ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON AUTHORIZING THE PURCHASE OF AN ULTRA LAV PORTABLE RESTROOM UNIT:** City Manager Grey provided the report for Council.

After much discussion and clarification, motion to authorize the purchase of an Ultra Lav Portable Restroom Unit was made by Mayor Robertson and seconded by Mayor Pro Tem Avalos. Motion then carried by the following vote:



AYES: Robertson, Avalos, Montijo  
NOES: Derr, Rodriguez  
ABSTAIN: None  
ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION ACCEPTING PROPOSAL OF GATEWAY ENGINEERING INC. FOR FINAL SEWER DESIGN AND COSTS FOR CONSTRUCTION OF TRUNK SEWER MAIN TO SERVE FUTURE DEVELOPMENT NORTH OF DINUBA AVENUE:** City Manager Grey discussed the engineering proposal and the area that it would serve.

After discussion, motion to approve RESOLUTION NO. 2015 – 11R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING AND AUTHORIZING ACCEPTANCE OF A PROPOSAL FOR THE PREPARATION OF FINAL DESIGN OF SEWER MAINS AND FINAL ESTIMATES OF PROBABLE CONSTRUCTION COSTS, was made by Council member Rodriguez and seconded by Council member Montijo. Motion was carried by the following vote:

AYES: Rodriguez, Montijo, Derr, Avalos, Robertson  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTION DEDICATION OR DIRECTING ALLOCATION OF TRANSIENT OCCUPANCY TAX (TOT)**

After discussion, public comment was received.

Mr. Chris Ambrose stepped forward and stated that the funding should go towards kids and sports.

Ms. Sandi Wilson, representing the the Smart Center discussed the issues at the Salazar Center and the Salazar Park. She then introduced Jim and Kristin Horstmann, who are the SMART Center directors. Mr. and Mrs. Jim Horstmann stepped forward to discuss the conditions of the SMART Center, and noted the various functions and programs that are provided for the citizens of Selma at the SMART Center.

Ms. Jeanette Jurkovich, stepped forward and asked Council to consider assisting all areas of Selma, including the Pioneer Village.

Ms. Virginia Lees, Pioneer Village Chairperson stated that the Pioneer Village Commission did not have comments on the issue.

Mr. Gerald Hayes stepped forward and read an excerpt from a previous Selma Enterprise article regarding the ballot measure, and stated that the majority of the revenue should be earmarked for kids, and favored the baseball park.

Mr. Louis Franco stepped forward and asked Council to review the minutes from when Council approved the measure to be placed on the ballot to define where the revenue should be placed.

City Manager Grey reported that the information was placed on the ballot as a general tax and not a dedicated tax.

Mr. Ken Robinson, stepped forward to discuss the the conditions of the Pickle-ball courts and asked that Council consider citizens of all ages.

Mr. Danny Serimian inquired as to what would occur to the current parks if there was a new park built.

After further discussion regarding budgeted amounts, General Fund and dedication of revenues to be allocated to other funds, Financial Consultant Yribarren stepped forward to provide history on the revenue allocation to the general fund and the budget process.

Ms. Marleny Senn stated that the SMART Center leased the Salazar Center, which included maintenance of the building, but that the lease did not include the park.

Motion to direct 100% of the incremental 6% increase in TOT revenues be allocated for the funding of a sports park and placed into the Parks and Recreation Capital Facilities fund was made by Council member Rodriguez. The motion died for lack of a second.

Mayor Pro Tem Avalos motioned to direct 50% of the incremental 6% increase in TOT revenues be allocated to the Parks and Recreation Departmental Budget, 20% to the funding of Art and Cultural Activities and Facilities fund, and 30% to fund General Governmental functions or purposes. The motion died for lack of a second.

Council member Derr motioned to direct 75% of the incremental 6% increase in TOT revenues be allocated to the Parks and Recreation Capital Facilities Fund, and 25% to fund Art and Cultural Activities and Facilities fund. Council member Rodriguez seconded the motion. Motion then failed with the following vote:

AYES: Derr, Rodriguez  
NOES: Montijo, Avalos, Robertson  
ABSTAIN: None  
ABSENT: None

Mayor Robertson motioned to direct 80% of the incremental 6% increase in TOT revenues be allocated to the Parks and Recreation Departmental budget, and 20% to the funding of Art and Cultural Activities and Facilities fund. After discussion, Mayor Robertson amended his motion to direct 40% for the Parks and Recreation Capital Facilities Fund and 40% for the Parks and Recreation Departmental Budget and 20% for the Art and Cultural Activities Fund.

After further discussion, Mayor Robertson amended his motion to approve RESOLUTION NO. 2015-12R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA ALLOCATING AND DESIGNATING USE OF INCREMENTAL INCREASE IN TRANSIENT OCCUPANCY TAX (TOT) REVENUES DERIVED FROM MEASURE K WITH THE ALLOCATIONS TO DIRECT 50% OF THE INCREMENTAL 6% INCREASE IN TOT REVENUES BE ALLOCATED TO THE PARKS AND RECREATION CAPITAL FACILITIES FUND, 30% TO THE PARKS AND RECREATION DEPARTMENTAL BUDGET, AND 20% TO THE ART AND CULTURAL ACTIVITIES AND FACILITIES FUND. Mayor Pro Tem Avalos seconded the motion, and the motion carried with the following vote:

AYES: Robertson, Avalos, Derr, Montijo  
NOES: Rodriguez  
ABSTAIN: None  
ABSENT: None

**CONSIDERATION AND NECESSARY ACTION ON ORDINANCE AMENDING SECTION 9 OF CHAPTER 7 OF TITLE IX OF THE SELMA MUNICIPAL CODE RELATING TO “ENCROACHMENT PERMITS”**: City Attorney Costanzo reported on the need for the amendment to Council. After discussion, motion to introduce and waive

the first reading of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTION 9 OF CHAPTER 7 OF TITLE IX OF THE SELMA MUNICIPAL CODE RELATING TO "ENCROACHMENT PERMITS" 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

**DEPARTMENTAL REPORTS:** City Manager Grey reported to Council that the City has had an increase to new residential properties and that a new commercial business will be coming to Selma soon.

**COUNCIL REPORTS:** Council member Rodriguez thanked everyone for their attendance.

Council member Derr reported on attending a recent show at the Arts Center and the CASA conference.

Council member Montijo commented on the meeting.

Mayor Pro Tem Avalos reported on attending a meeting that discussed charter schools.

Mayor Robertson thanked the Public Works employees that donated their time to repair the lighting at Salazar Park, and reported on a recent article in the Fresno Bee. He then reported that during the next Council meeting he would be presenting information regarding Grants.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Reyna Rivera  
City Clerk

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Scott Robertson  
Mayor of the City of Selma

Resolution Nos: 2015-8R, 2015-9R, 2015-10R, 2015-11R, 2015-12R

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

February 17, 2015

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**ITEM NO:**

1. C.

**SUBJECT:**

Consideration and necessary action on request to approve payment following the Rock N Brews event.

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**DISCUSSION:** The third annual Rock N Brews event is scheduled on August 22, 2105 at Pioneer Village and Louis Franco will be the Chairperson of the Rock N Brews event again this year. Louis Franco is requesting City Council consider receiving payment until after the event occurs and that this be an on-going year to year acceptance of policy amendment.

For the past two years, City Council has amended the fee rental policy for the Rock N Brews event with the understanding there would be a contribution following the event based on the fundraising efforts. The first year event the majority of funds went towards the Animal Shelter and the second year to Firefighter Chris Nelson. The event organizers did donate back \$600.00 to Pioneer Village in 2013 and \$1,500.00 in 2014. (The Rental Policy normally for this type of event/organization would be \$500.00 payment or 20% of profit, whichever is higher). Louis Franco has informed staff the intentions of the group is to make this an annual event and requested City Council consider an on-going year to year waiver of payment policy. The Pioneer Village Advisory Commission did approve this request at their January 8, 2015 meeting, (See attachment A) with the following conditions being recommended:

1. Approve payment to be made following the event, but the payment must be a minimum of \$500.00 per year.
2. Organizers will still be responsible for facility cleaning and security fees if an occurrence arises.
3. The event still will be required to pay for Officers/Security as per the Selma Police Department, follow all Rental Policies and provide insurance coverage for the event on a year to year basis.

At the Pioneer Village Commission meeting Louis Franco also stated that Pioneer Village is being considered as an organization to that would be the beneficiary of the event fundraising efforts, similar the Animal Shelter and/or Chris Nelson.

City Council may consider amending fee policy for this event on a year to year basis with the understanding that the event will be evaluated yearly. Representatives of the Rock N Brews may be asked to attend a City Council meeting in the future to discuss the event should any concerns arise. Louis Franco was notified that this item would be on the agenda for consideration.



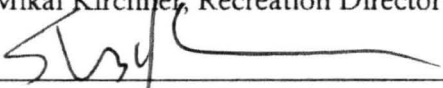
		<b>BUDGET IMPACT:</b> (Enter amount this non-budgeted item will impact this years' budget – if budgeted, enter NONE).
No cost.		N/A
<b>FUNDING:</b> (Enter the funding source for this item – if fund exists, enter the balance in the fund).		<b>ON-GOING COST:</b> (Enter the amount that will need to be budgeted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

**RECOMMENDATION:**

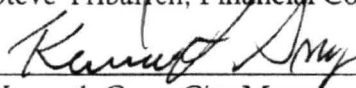
Consideration and necessary action on request to waive Payment policy and fees for use of Pioneer Village for Annual Rock N Brews event.

  
Mikal Kirchner, Recreation Director

2/3/15  
Date

  
Steve Yribarren, Financial Consultant

2/10/15  
Date

  
Kenneth Grey, City Manager

2/10/2015  
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.

# PIONEER VILLAGE ADVISORY COMMISSION

## Minutes

January 8, 2015

Attachment A

### Call to Order:

The meeting of the Pioneer Village Advisory Commission was called to order by Chairperson Virginia Lees at 5:32 p.m. at City Hall, 1710 Tucker Street.

### Roll Call:

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


Absent: Commissioners: None. (Staff informed the Commission that Commissioner Nelson submitted a letter of resignation from the Commission).

**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 Alcaraz, to approve Regular Meeting Minutes, motion carried, unanimously.

**Special Presentations:** None.

**Public Comment:** None.

### Regular Business:

 **A. Rock N Brews Event Request.** Louis Franco was present requesting consideration to waive the payment for use of Pioneer Village until after the event and also to request an on-going year to year request so that one does not have to be made each year. Following further discussion and questions, Jeanette Jurkovich approached the Commission to state opposition of waiving the fees for this event. The Commission discussed the event and waiver and a motion by Commissioner Allen to approve the waiving of the payment until after the event based on funds raised as well as recommending approval of a year to year waiver was made with the following conditions:

1. A minimum of a \$500.00 payment for use of Pioneer Village must be made each year.
2. Cleaning and Security Fees and costs will be required and not waived.
3. Costs for Police/Security will still be required and not waived.
4. Should there be any problems with an event, organizers will be asked to attend a Commission meeting to discuss and clarify for future events.

Seconded, by Commissioner Lees, motion carried with the following vote:

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

**B. Sustainability and Business Plan** – The Commission held an open meeting for discussion of a Pioneer Village Sustainability Plan and Business Plan. Each Commissioner discussed and talked about their vision and ideas relating to Pioneer Village. Topics and ideas discussed included, Marketing, Fundraising, Updated Rental Fee Structure, Access to Pioneer Village, School Tours, Ag Museum being constructed at Pioneer Village, Vincent House and bringing additional events to the Village including a Christmas Show. Jeanette Jurkovich also provided information of her ideas to the Commission. During this discussion, staff and the Commission discussed the financial responsibility of Pioneer Village to cover the year to year costs to operate Pioneer Village. The estimate of funds needed to be raised in addition to the Cattlemen's and DAHS Rent is approximately \$30,000.00 per



year. Following the Commission remarks and discussion, Louis Franco approached the Commission to discuss some ideas and concepts he envisioned.

Commissioner's Report: No reports.

**Adjourn:**

Meeting adjourned at 7:55p.m.

Respectfully Submitted

Mikal Kirchner

# Check Register Report

Date: 02/10/2015

Time: 1:28 pm

Page: 1

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK Checks</b>							
64908	02/03/2015	Printed		10100.238	5.11 INC.	POLICE UNIFORMS-REVOLVING ACCT	156.89
64909	02/03/2015	Printed		10110.020	ABBEY DOOR SERVICE	REPAIR ROLL UP DOOR-W FRONT FD	485.00
64910	02/03/2015	Printed		10190.063	AMERICAN AMBULANCE	FEBRUARY 2015 PAYMENT	80,333.33
64911	02/03/2015	Printed		10197.319	ASOKA INDIAN CUISINE	BUSINES LIC OVERPAYMENT REIMB	49.00
64912	02/03/2015	Printed		10198.245	ASSOCIATION OF ENVIRONMENTAL	2015 AEP CEQA STATUE/GUIDELINE	15.00
64913	02/03/2015	Printed		10100.510	AT&T	TELEPHONE-JANUARY 2015	18.65
64914	02/03/2015	Printed		10100.515	AT&T	FAX CHARGES-JANUARY 2015	79.97
64915	02/03/2015	Printed		10210.255	BANNER PEST CONTROL INC	PEST CONTROL-JANUARY 2015	441.00
64916	02/03/2015	Printed		10328.177	CASTELLANOS SERVICES	PV LANDSCAPING-JANUARY 15	2,500.00
64917	02/03/2015	Printed		10300.253	CENTRAL FLOOR SUPPLY	SENIOR CENTER CARPET	272.16
64918	02/03/2015	Printed		10360.111	CITY OF CLOVIS	I-300 ICS INTER ICS CLASS -FD	100.00
64919	02/03/2015	Printed		10370.310	COLONIAL SUPPLEMENTAL INSURANC	EMPLOYEE INSURANCE PREM-JAN 15	5,521.94
64920	02/03/2015	Printed		10370.375	COMCAST	INTERNET SERVICE-JAN 2015	1,214.45
64921	02/03/2015	Printed		10370.953	COOL AIR SPECIALTY	REPAIR COMPUTER ROOM LEAK	7,400.00
64922	02/03/2015	Printed		10370.969	CORELOGIC	REALQUEST SERVICE-DEC 2014	481.25
64923	02/03/2015	Printed		10371.210	COUNTY OF FRESNO	TELECOMMUNICATION CHARGES	2,672.33
64924	02/03/2015	Printed		10430.150	DEPARTMENT OF TRANSPORTATION	SHARED SIGNAL MAINT OCT-DEC 14	2,380.55
64925	02/03/2015	Printed		10430.126	DEPT OF VETERANS AFFAIR	REFUND AMBULANCE OVERPAYMENT	1,501.70
64926	02/03/2015	Printed		10430.125	DEPT OF VETERANS AFFAIRS	REFUND AMBULANCE OVERPAYMENT	95.73
64927	02/03/2015	Printed		10440.072	DINUBA FIRE DEPARTMENT	FIRE MED-ADMIN COSTS	374.02
64928	02/03/2015	Printed		10620.210	FEDOR PLUMBING	REPAIR W FRONT FIRE STA	635.79
64929	02/03/2015	Printed		1650.978	FOY INVENTERPRISES, INC.	PICKETT TRANSP-MARY POPPINS	2,068.84
64930	02/03/2015	Printed		10670.050	FRESNO BEE	ART CENTER PAGE-MARY POPPINS	200.00
64931	02/03/2015	Printed		10670.292	FRESNO COUNTY AUDITOR'S OFFICE	COUNTY PARKING DECEMBER 2014	12.50
64932	02/03/2015	Printed		10670.160	FRESNO COUNTY CLERK	CUP'S	150.00
64933	02/03/2015	Printed		10670.237	FRESNO COUNTY FIRE	TRAINING CLASS-STAGING AREA	150.00
64934	02/03/2015	Printed		10720.010	GATEWAY ENGINEERING, INC.	CITY ENG SERV/N.SIDE SEWER PRO	11,420.00
64935	02/03/2015	Printed		10753.143	MIKE GRIFFITHS	MARY POPPINS SUPPLIES	49.74
64936	02/03/2015	Printed		10760.064	ANTHONY GUZMAN	SENIOD DANCE DJ 2/13/15	275.00
64937	02/03/2015	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,VISION,CHIRO 1/21/15	1,558.19
64938	02/03/2015	Printed		10830.711	KAREN HITCH	MARY POPPINS SUPPLIES	11.55
64939	02/03/2015	Printed		10923.014	HUMANA HEALTH CARE PLANS	REFUND AMBULANCE OVERPAYMENT	550.26
64940	02/03/2015	Printed		10970.783	INTERNATIONAL ASSOCIATION OF	MEMBERSHIP DUES-PD CHIEF	150.00
64941	02/03/2015	Printed		11000.150	J'S COMMUNICATION INC.	QTRLY SERVICE FEB-APR 2015	1,338.00
64942	02/03/2015	Printed		11110.753	KASCOPH ENTERPRISES	ART SUPPLIES	45.00
64943	02/03/2015	Printed		11120.510	JEFF KESTLY	MEDICAL PREMIUM REIMB FEB 15	148.78
64944	02/03/2015	Printed		11220.027	LEE CENTRAL CALIFORNIA	CUP'S	212.38
64945	02/03/2015	Printed		11250.630	LOSS PROTECTION AND	MONTHLY SERVICES OF CONTAINERS	60.00
64946	02/03/2015	Printed		11330.050	STEVEN MCINTIRE	MEDICAL PREMIUM REIMB FEB 15	1,373.43
64947	02/03/2015	Printed		11340.800	METRO UNIFORM	POLICE UNIFORMS-REVOLVING ACCT	256.43
64948	02/03/2015	Printed		11530.100	OFFICE DEPOT	OFFICE SUPPLIES	79.90
64949	02/03/2015	Printed		11620.724	ANNE PETERSON	MARY POPPINS SUPPLIES	27.74
64950	02/03/2015	Printed		11630.500	PHYSIO-CONTROL, INC	QTRLY BILLING LIFE PACK MAINT	1,074.21
64951	02/03/2015	Printed		11660.847	PRINTING SYSTEMS	W-2 FORMS	169.32
64952	02/03/2015	Printed		11810.361	RAY MORGAN COMPANY	MAINT/COPY AGREEMENT-DEC 14	937.92
64953	02/03/2015	Printed		11833.210	RJ BERRY JR. INC.	CDGB 13651 RETENTION	18,302.55

# Check Register Report

Date: 02/10/2015

Time: 1:28 pm

Page: 2

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK Checks</b>							
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64955	02/03/2015	Printed		11960.254	SIGN RANCH	MARY POPPINS POSTERS/BANNERS	723.47
64956	02/03/2015	Printed		11965.406	SOUND CONTRACTING	SERV CALL-ART CNT VIDEO EQUIP	2,096.53
64957	02/03/2015	Printed		11900.389	SPARKLETTES	WATER SERVICE-FD ST#2	251.46
64958	02/03/2015	Printed		11975.610	JIM STEPHENSON	MARY POPPINS SUPPLIES	41.61
64959	02/03/2015	Printed		11989.467	MEGHAN SWEENEY	REFUND AMBULANCE OVERPAYMENT	90.00
64960	02/03/2015	Printed		12010.108	TAG-AMS, INC.	ANNUAL RENEWAL FEE	250.00
64961	02/03/2015	Printed		12013.245	TB CONSTRUCTION	BUSINESS LIC OVERPAYMENT REIMB	76.00
64962	02/03/2015	Printed		12030.143	THE SHIRT SHAK	MARRY POPPINS T-SHIRTS	1,016.82
64963	02/03/2015	Printed		12072.972	TYCO INTEGRATED SECURITY LLC	ALARM SERVICES 2/1-4/30/15	879.86
64964	02/03/2015	Printed		11530.115	U.S. BANCORP EQUIPMENT FINANCE	LEASE PAYMENT-FEB 2015	979.62
				<b>Total Checks: 57</b>		<b>Checks Total (excluding void checks):</b>	<b>159,255.87</b>
				<b>Total Payments: 57</b>		<b>Bank Total (excluding void checks):</b>	<b>159,255.87</b>
				<b>Total Payments: 57</b>		<b>Grand Total (excluding void checks):</b>	<b>159,255.87</b>

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

February 17, 2015

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**ITEM NO:**

2.

**SUBJECT:** Consideration and necessary action on Ordinance No. 2015-1, Repealing and Replacing Chapter 18 of Title V of the Selma Municipal Code (SMC) Relating to "Massage Establishments".  
Public hearing and adoption.

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**DISCUSSION** In 1977, Selma enacted Chapter 18 of Title V relating to Massage Establishments. At the time, State law did not regulate the business of massage or the administration of massage for compensation by any person. Selma's 1977 Ordinance filled that void by imposing a permitting requirement for anyone proposing to operate a massage establishment or administering massage for compensation. The permitting process required those proposing to operate as such to undergo or show proof of having specific training or education, provided for extensive criminal and background checks on such persons and prohibited a wide array of activity from occurring at the massage establishment, typically, sexual activity or sexually suggestive activity. The obvious purpose of the ordinance was to discourage those operating massage establishments from allowing them to be degraded into houses of prostitution.

On January 1, 2015, AB 1147 became effective. That new law adds a number of provisions to the Business & Professions and Government Codes which comprehensively regulate the business of providing massages for compensation. The law creates the California Massage Therapy Council (CMTC). It requires that all persons administering massage for compensation, whether at a fixed location or not, to first procure a certificate either as a "Massage Therapist" or a "Massage Practitioner". The certificates are issued by CMTC and are effective for two years.

To procure a certificate one must meet very specific training and educational requirements and undergo an extensive criminal and background review conducted by CMTC, through the Department of Justice. Certificate holders must meet continuing educational and training requirements and their certificates must be reviewed and, if appropriate, renewed every two years. Any report of, arrest for or conviction of any form prohibited activities, which in this context always involves sexual activity or sexually suggestive activity, will result in the CMTC taking appropriate disciplinary action against the certificate holder which can lead to revocation of the certificate. Revocation of the certificate is mandatory on a criminal conviction for what amounts to prostitution or soliciting for prostitution. Local governmental entities and law enforcement are given free rein to monitor, inspect and either report to CMTC or arrest persons or administer fines or punish those engaging in prohibited activities of that nature. But, cities and other local governmental entities are prohibited from enacting or enforcing any ordinance which conflicts with the provisions of the new law. Cities and other governmental entities cannot prohibit any person or persons



who hold a valid certificate from engaging in the business of providing massage for compensation.

Fortunately, the standards for operating a massage establishment or administering a massage for compensation, and the activities a certificate holder is prohibited from engaging in, established by the new law, are at least as stringent and restrictive and if not more so than is the City's existing ordinance. As a result, by simply prohibiting the operation of any massage establishment or the administration of a massage for compensation by any person who is not the holder of a valid certificate, the City may maintain the same, or actually more restrictive regulations with respect to massage establishments as exists under the 1977 Ordinance. However, because the 1977 Ordinance contains a permitting requirement and the standards for obtaining that permit are different from those prescribed by the new law, the provisions of the 1977 Ordinance relating to the permitting process are effectively preempted by the new State law and cannot be enforced.

Accordingly, the proposed ordinance repeals the entirety of Chapter 18 of Title V and replaces it with a simple prohibition against the operation of any massage establishment or the administration of any massage for compensation by any person who is not a certificate holder. The former ordinance was lengthy and comprehensive with respect to the requirements for issuance of a permit for a massage establishment and included provisions for revocation of the permit and appeals from denials of or revocation or suspension of any permit. All of those provisions have been deleted from the new proposed ordinance but others, relating to operation of the massage establishment that have not been affected by the new law have been retained. These include requirements for the display of the certificate issued by CMTC at the business location, allowing inspection of the enterprise at any time by law enforcement or any other City official, the prohibition against specific types of advertising, the presence of alcoholic beverages on the premises, the presence of persons under 18 years of age on the premises, and other requirements concerning the massage establishment facilities which essentially require and provide for suitable, sanitary facilities for the location of the enterprise.

The new law actually makes the regulation of these enterprises much easier and less costly for the City which is no longer required to evaluate and either grant or deny applications for permits, and may now regulate those businesses simply by ensuring that the persons operating them are certificate holders. Any discovery of any form of prohibited activity can be dealt with in any number of ways, including by administrative citations or actual arrest and prosecution. More importantly, the City, or law enforcement, may report any prohibited activity to CMTC which is then required to investigate and appropriately discipline the certificate holder. An arrest for sexually related activity that is prohibited by the Penal Code (primarily prostitution or solicitation for prostitution) is automatically reported to CMTC and results in the automatic temporary suspension of the certificate with proceedings for revocation of the certificate occurring after the person has received formal notification of those proceedings and an opportunity to be heard.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
None		
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (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

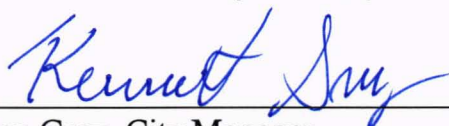
**RECOMMENDATION:** Hold Public Hearing for an Ordinance of the City of Selma repealing and replacing Chapter 18 of Title V of the Selma Municipal Code relating to Massage Establishments.

/s/ Neal E. Costanzo

February 9, 2015

Neal Costanzo, City Attorney

Date



2-10-2015

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.

## **ORDINANCE NO. 2015-1**

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### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA REPEALING AND REPLACING CHAPTER 18 OF TITLE V OF THE SELMA MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS**

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**WHEREAS**, on January 1, 2015, AB 1147, adding multiple provisions to the Business & Professions and Government Codes regulating massage establishments or persons administering massage for compensation became effective; and

**WHEREAS**, AB 1147, among other things, provides for a comprehensive process for the certification or licensing of persons as massage therapists and massage practitioners, for renewal of those certificates or licenses, for disciplinary proceedings against certificate holders and for suspension or revocation of certificates held by persons engaging in prohibited activities, consisting, for the most part, of committing any act that is punishable as a sexually related crime or as to which the person convicted is required to register as a sex offender or engaging in any form of sexually suggestive advertising or sexual activity, engaging in any activity that is fraudulent, dishonest or corrupt, dressing in a provocative manner and from essentially doing anything other than administering massage consistent with prevailing norms in the healing arts relating to the administration of massage which is defined as the scientific manipulation of soft tissue; and

**WHEREAS**, certain provisions of AB 1147 prohibit every city from enacting or enforcing any ordinance or other regulation concerning massage establishments or administration of massage for compensation that are in any sense inconsistent or in conflict with the provisions of AB 1147, including any requirement that the person engaging in that practice or enterprise undergo any form of background check or procure any license or permit that requires adherence to standards that are any different from those imposed by AB 1147 and requires cities and all local governmental entities to permit persons who are certified as massage therapists or massage practitioners by a newly created administrative agency, the California Massage Therapy Council (CMTCC) which administers the new State licensing or certification process to operate as such; and

**WHEREAS**, current City ordinance, at Chapter 18 of Title V of the Selma Municipal Code imposes a permitting requirement that is not consistent with AB 1147 and is no longer enforceable.



**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

SECTION 1: Existing Chapter 18 of Title V of the Selma Municipal Code is hereby repealed and replaced to read as follows:

**5-18-1: TITLE:**

This Article shall be known as the City of Selma Massage Business Ordinance.

**5-18-2: DEFINITIONS:**

- (A) Unless the particular provision 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 Article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this Section, the definitions and provisions contained in Title I of Chapter 3 of this Code shall also govern the construction, meaning and application of words and phrases used in this Article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.
- (B) "Employee" means any person over eighteen (18) years of age, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.
- (C) "Massage" means the scientific manipulation of the soft tissues, including but not limited to any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatever.
- (D) "Massage Practitioner" means a person who is certified as such by the California Massage Therapy Council (CMTC) and who administers massage for compensation.
- (E) "Massage Therapist" means a person certified as such by CMTC and who administers massage for compensation.
- (F) "Patron" means any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration whatsoever therefor.
- (G) "Massage Establishment" means any establishment having a fixed location, other than a residence, where any individual, firm, association, partnership, corporation or combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massages, baths or health treatments involving massage or baths as the principal function for compensation, excluding those locations where massage is only provided on out-call basis.
- (H) "Sole Provider" means a massage business where the owner owns 100% of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active certificate issued by the CMTC and has no other employees or independent contractors.

### **5-18-3: PROHIBITED CONDUCT**

- (A) Certificate Required: No person shall engage in or carry on the business of massage or administer massage for compensation unless such person has a valid Massage Practitioner or Massage Therapist certificate issued by CMTC.
- (B) Business License Required: In addition to the required Massage Practitioner or Massage Therapist Certificate, each and every separate office or place of business operating as a Massage Establishment shall pay a business license as prescribed by this Code.

### **5-18-4: DISPLAY OF CERTIFICATE:**

The Massage Establishment permittee shall display the original Massage Practitioner or Massage Therapist Certificate issued by CMTC of each and every person employed in the establishment, or administering massage at the Establishment for compensation in an open and conspicuous place on the premises of the Establishment.

### **5-18-5: KEEPING OF RECORDS:**

Every person who operates a Massage Establishment or administers massage for compensation shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection by the City or any authorized representative of the City.

Every person who practices or operates a Massage Establishment, and administers massage for compensation at any location other than the Massage Establishment including but not limited to any motel or hotel, must first give notice of his or her presence on the premises at that location and fully identify himself or herself, the massage business operator and the patron upon whom the person intends to practice or provide a massage to the owner, manager or person in charge of that location before rendering any service. This provision shall be deemed complied with where the location is a motel or hotel by giving such notice and identification to the person in charge of the registration desk of such motel or hotel. A record of such appointment shall also be kept in the appointment book hereinabove specified.

### **5-18-6: NOTIFICATION OF CHANGES:**

Every Massage Establishment shall report immediately to the City any and all changes of ownership or management of the massage business, including but not limited to changes of manager or other person principally in charge, stockholders holding more than ten percent (10%) of the stock of the corporation, officers, directors and partners; any and all changes of name, style or designation under which the business is to be conducted; any and all changes of business address or telephone numbers where the business is to be conducted; and any and all changes or transfers of Massage Practitioners or Massage Therapists employed in the Massage Establishment or administering massage at the Massage Establishment whether by new or renewed employment, discharge or termination or otherwise.

#### **5-18-7: SANITATION AND SAFETY REQUIREMENTS:**

All Massage Establishments shall be periodically inspected by the City or an authorized representative for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one patron. Heavy white paper may be substituted for sheets provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of Statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof.

#### **5-18-8: ADVERTISING:**

No person shall publish or distribute, or cause to be published or distributed, any advertising matter or business identification card that states or depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than a massage as defined in Section 5-18-2.

#### **5-18-9: SUPERVISION**

Any Massage Establishment shall have one person who holds a valid Massage Therapist or Massage Practitioner's certificate issued by CMTC on the premises at all times while the establishment is open. A certificate holder shall personally supervise the business and shall not violate, or permit others to violate, any applicable provision of this ordinance or of applicable statute and any such violation by any agent or employee of the Massage Establishment shall constitute a violation by the certificate holder.

#### **5-18-10: PERSONS UNDER AGE EIGHTEEN PROHIBITED ON THE PREMISES:**

No person shall permit any person under the age of eighteen (18) years to come into or remain on the premises of any Massage Establishment.

#### **5-18-11: ALCOHOLIC BEVERAGES PROHIBITED ON THE PREMISES:**

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage as defined in Section 23004 of the Business and Professional Code of the State on the premises of any Massage Establishment.

#### **5-18-12: ACTIVITIES AT RESIDENCE:**

No person shall, for compensation, administer the activities covered by this Chapter at his private residence at any time or permanently at any residence.

#### **5-18-13: INSPECTION REQUIRED:**

The City or any authorized representative shall, from time to time, make inspection of each Massage Establishment for the purposes of determining that the provisions of this Chapter and of statute are fully complied with.

## **5-18-14: MESSAGE ESTABLISHMENT FACILITIES:**

Every massage establishment shall maintain facilities meeting the following requirements:

- (A) Sign: Subject to applicable ordinances, a recognizable and legible sign shall be posted at the main entrance identifying the establishment as a massage establishment.
- (B) Lighting: Minimum lighting shall be provided in accordance with the Uniform Building Code, and, in addition, at least one artificial light of not less than forty (40) watts shall be provided in each room or enclosure where massage services are performed on patrons.
- (C) Ventilation: Minimum ventilation shall be provided in accordance with the Uniform Building Code.
- (D) Equipment: Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.
- (E) Water: Hot and cold running water shall be provided at all times.
- (F) Linen Storage: Closed cabinets shall be provided for storage of clean linens and approved receptacles shall be provided for storage of soiled linen.
- (G) Separation of Sexes: If male and female patrons are to be served simultaneously at the massage establishment, a separate massage room or rooms, separate dressing facilities and separate toilet facilities shall be provided for male and female patrons, and each such separate facility or room shall be clearly marked as such.
- (H) Bathing, Dressing, Locker, Toilet Facilities: Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, and a minimum of one toilet and one wash basin shall be provided for every Massage Establishment.
- (I) Facilities for Employees: A minimum of one separate wash basin shall be provided in each Massage Establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or close as practical to the area devoted to the performing of massage services. In addition, there shall be provided sanitary towels in permanently installed dispensers at each wash basin.

## **5-18-15: MESSAGE FACILITIES OPERATION:**

Every massage establishment shall comply with the following operating requirements. These requirements shall be prominently and publicly displayed in a conspicuous place upon every premises operating under the provisions of this Chapter.

- (A) Bath and massage operations shall be carried on and the premises shall be open only between the hours of seven o'clock (7:00) A.M. and twelve o'clock (12:00) midnight.
- (B) A list of services available and the cost of such services shall be posted in an open, public place on the premises and shall be described in readily understandable language. No owner, operator, responsible managing employee, manager or certificate holder shall permit and no Massage Practitioner or Massage Therapist shall offer to perform any services other than those posted.

- (C) Wet and dry heat rooms, steam or vapor rooms or cabinets, shower rooms and compartments, toilet rooms and pools shall be thoroughly cleaned and disinfected as needed and at least once each day the premises are open with a disinfectant approved by the Health Department. Bath tubs shall be thoroughly cleaned with a disinfectant approved by the Health Department after each use. All walls, ceilings, floors and other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition.
- (D) Massages shall not be given unless patrons are wearing clothing, or are draped, fully covering their genitals and female patrons are in addition wearing clothing, or are draped, fully covering their breasts. Where such clothing, or draping, is furnished patrons by the establishment, it shall not be used by more than one patron unless it has first been laundered and disinfected. Massage Therapists and Massage Practitioners shall be fully clothed from the knee to the neck in clean clothing.
- (E) No massage establishment shall operate as a school of massage, nor use the same facilities as that of a school of massage. It shall be unlawful for any person to perform massage upon a member of the general public while on the premises of a school of massage. Instructors and students of such schools may practice massage only upon a bona fide employee of the school or student. A dummy may be used.

#### **5-18-16: PENALTY FOR VIOLATION:**

Any person violating the provisions of this Ordinance shall be reported to CMTC and shall be subject to those penalties as prescribed by Chapter 4 of Title I of this Code for a violation of this Code.

#### **5-18-17: CONDUCTING AS A NUISANCE:**

Any Massage Establishment operated, conducted or maintained contrary to the provisions of this Chapter or of applicable statute shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof in the manner provided by law or by this Code; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such Massage Establishment and restrain and enjoin any person from operating, conducting or maintaining a Massage Establishment contrary to the provisions of this Chapter or applicable statute.

#### **5-18-18: EXCEPTIONS:**

The provisions of this Chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

- (A) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective professions in the State of California.
- (B) Hospitals, nursing homes, sanatoriums or other health care facilities duly licensed by the State of California.
- (C) Nurses registered under the laws of the State of California.



(D) Barber shops and beauty parlors, barbers and beauticians who are duly licensed under the laws of the State, provided that such massage is limited to the head and scalp.

(E) Accredited high schools and colleges, and coaches and trainers therein while acting within the scope of their employment.

(F) Trainers of any amateur, semi-professional or professional athlete or athletic team.

#### **5-18-19: SEVERABILITY:**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter. The Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

#### **5-18-20: APPLICATION OF ORDINANCE TO EXISTING BUSINESSES:**

The provisions of this Chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of this Chapter.

SECTION 2: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this Ordinance is not a project under the California Environmental Quality Act because the Ordinance has no potential for resulting in a physical change in the environment. Since the Ordinance 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 final 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 \_\_\_\_\_, 2015, regular City

Council meeting and duly adopted at a regular meeting of the City of Selma on the \_\_\_\_\_ day of \_\_\_\_\_, 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



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

February 17, 2015

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**ITEM NO:**

3.

**SUBJECT:**

Consideration and Necessary Action on Ordinance Amending Section 9 of Chapter of Title IX of the Selma Municipal Code (SMC) Relating to Encroachment Permits – *Public Hearing and adoption*

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**DISCUSSION:** Current City Ordinance exempts from the usual requirement imposed on anyone applying for an encroachment permit to construct or install infrastructure or conduit within the public right of way of providing a bond guaranteeing faithful performance of that work, or a deposit in lieu of a bond, public agencies and public utilities having a franchise agreement with the City. Public agencies are exempt by statute from providing any such bond or deposit, but public utilities, whether they have a franchise agreement with the City or not, are not exempt by statute.

Installation of conduit and similar construction activities by public utilities within the right of way pursuant to an encroachment permit always presents the possibility that the work will not be properly performed either by virtue of negligence in construction or design, unforeseen circumstances, or acts of God. The only manner in which to satisfactorily ensure that if defective work does materialize as a result of the installation of conduit or other construction by a public utility within the public right of way is repaired without cost or effort on the part of the City is to require a bond guaranteeing faithful performance of that construction work or installation. If a bond, or a deposit in lieu of a bond is required, and the work is not done properly, there is a bonding company or a sufficient deposit which will perform or pay for the necessary repairs. Accordingly, the proposed amendment to Section 9 of Chapter 7 of Title IX effectively retains the exemption from providing a bond or deposit with respect to any public agency exempt by statute, but eliminates the exemption with respect to public utilities. With this amendment, the City will be able to require the appropriate bond or deposit guaranteeing that the work is properly performed by the public utility obtaining an encroachment permit.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
None		
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (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:** Hold Public Hearing for the Ordinance of Amending Section 9 of Chapter 7 of Title IX of the Selma Municipal Code.

/s/ Neal E. Costanzo

February 9, 2015

Neal Costanzo, City Attorney

Date



2-10-2015

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.

**ORDINANCE NO. 2015- \_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA  
AMENDING SECTION 9 OF CHAPTER 7, TITLE IX OF THE SELMA  
MUNICIPAL CODE RELATING TO ENCROACHMENT PERMITS**

**WHEREAS**, Section 9, Chapter 7 of the Selma Municipal Code, included in Title IX provides for issuance of encroachment permits for construction or installation of underground infrastructure within the public right of way and requires issuance of a permit and, in most cases, a bond issued by a corporation licensed to transact business in the State of California guaranteeing faithful performance of the construction or installation covered by the encroachment permit; and

**WHEREAS**, Section 9 of Chapter 7, Title IX of the Municipal Code (9-7-9) provides that no bond or deposit in lieu of a bond is required with respect to any public agency or public utility company operating under a franchise issued by the City; and

**WHEREAS**, public agencies, consisting of local public entities as that term is defined by the Government Code, the State of California, and the federal government are all statutorily exempt from the requirement of posting a bond or a deposit to ensure the faithful performance of any work covered by an encroachment permit, but public utility companies, whether operating under a franchise issued by the City or not, are not exempt by statute; and

**WHEREAS**, construction or installation within the public right of way necessarily creates the possibility that the work will not be properly done, or will be defective either because of negligence in design or construction, unforeseen circumstances, or even act of God, and the only way of ensuring that the work is properly done or repairs are properly made and paid for by the entity performing the work is to procure a bond or a deposit and because such defective conditions have in fact materialized with respect to work performed by public utilities in the public right of way the City wishes to eliminate the exemption for public utilities, but retain the exemption for public agencies, consistent with statute.

**NOW, THEREFORE**, the City Council of the City of Selma does hereby ordain as follows:

**SECTION 1:** Section 9 of Chapter 7 of Title IX of the Selma Municipal Code is hereby amended to read as follows:

“9-7-9:           Exception for Public Entities.

No bond or deposit is required with respect to the United States Government, or any department thereof, the State of California, or any department or agency thereof, and/or any local public entity, as defined by Government Code §900.4.”

**SECTION 2:** California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this ordinance is not a project under the California Environmental Quality Act because the ordinance has no potential for resulting in a physical change in the environment. Since the ordinance 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 final 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 \_\_\_\_\_, 2015, regular City Council meeting and passed at a regular meeting of the City Council of the City of Selma on the \_\_\_\_ day of \_\_\_\_\_ 2015, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: 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:**

February 17, 2015

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**ITEM NO:**

4.

**SUBJECT:**

Consideration and Necessary Action on pursuing new laws affecting bicycle transportation, Senate Bill 1183

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**DISCUSSION:** During the November 3, 2014 Selma City Council meeting, Council was provided with an update on Senate Bill 1183 which authorizes cities, counties, and regional parks districts to impose, subject to two-thirds voter approval, vehicle registration surcharges up to \$5.00 on Motor Vehicles registered within their respective jurisdiction until January 1, 2025. Revenues received are to be used for improvements to paved and natural surface trails and bikeways, including but not limited to the development of new trails and bikeways, rehab and expansion of existing trails and bikeways, and maintenance and upkeep of existing bikeway and trail systems.

<b><u>COST:</u></b> (Enter cost of item to be purchased in box below)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
<b><u>FUNDING:</u></b> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (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 consider Senate Bill 1183, and direct staff appropriately.

  
 Ken Grey, City Manager

2/10/2015  
 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.

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

February 17, 2015

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**ITEM NO:**

5.

**SUBJECT:**

Consideration and necessary action on request to expend funds to pay for new lighting at the Little League Field and agree to seven year reimbursement plan.

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**BACKGROUND:** Selma Little League is requesting that Council consider assisting Little League with making the payment for new lighting at the Little League Field, with the understanding that Little League will be reimbursing the City the total cost of the project.

**DISCUSSION:**

At the January 28, 2015 Recreation Commission meeting Selma Little League President Josh Forney approached the Commission for consideration that the City of Selma assist with new lighting at the Little League Field. Selma Little League has been instructed by the Little League District that they will not be able to have night games this year unless new lighting is installed. The current lighting is outdated and is a safety hazard. Without the ability to have night games, it will hinder the scheduling due to the number of teams and fields available.

Selma Little League has received a proposal for the project (Attachment A) at a cost of \$27,608.78. Little League has \$3,000.78 to contribute to the project at this time. Selma Little League requested the City of Selma consider providing the remaining \$24,608.00 to the project so that it can be completed this year in time for the 2015 season. Selma Little League requested the City of Selma consider a 10 year reimbursement plan at \$2,468.00 per year by Little League to the City of Selma. Selma Little League also agreed to sign a contract outlining the reimbursement.

Following the discussion, the Recreation Commission agreed to recommend the funding of this project along with Director Mikal Kirchner recommendations with the following conditions:

1. A signed contract with each current board member signing.
2. A copy of Little League Minutes that shows this item was approved by the Little League Board.
3. The Commission recommended a seven year reimbursement schedule at \$3,515.42.

(Recreation Commission minutes Attachment B).

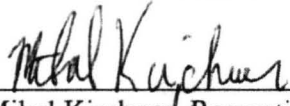
Staff has requested Little League President attend this meeting to answer any questions.  
February 17, 2015 Council Packet



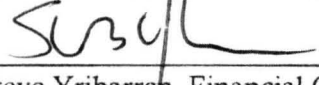
<b><u>COST:</u></b> (Enter cost of item to be purchased)		<b><u>BUDGET IMPACT:</u></b> (Enter amount this non-budgeted item will impact this years' budget – if budgeted, enter NONE).
\$24,608.00		\$24,608.00 (Fully Reimbursed: Seven Year Payment Plan)
<b><u>FUNDING:</u></b> (Enter the funding source for this item – if fund exists, enter the balance in the fund).		<b><u>ON-GOING COST:</u></b> (Enter the amount that will need to be budgeted each year – if one-time cost, enter NONE).
Park Development Fund:  \$475,000.00 (estimate)		None

**RECOMMENDATION:**

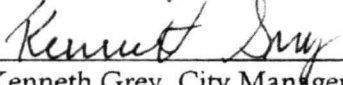
Consideration on request to expend funds to pay for new new lighting at the Little League Field and agree to seven year reimbursement plan.

  
Mikal Kirchner, Recreation Director

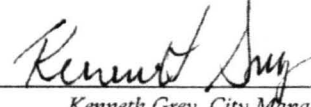
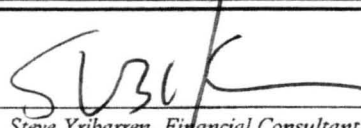
2/4/15  
Date

  
Steve Yribarren, Financial Consultant

2/10/15  
Date

  
Kenneth Grey, City Manager

2/10/2015  
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.



To all concerned and interested parties,

As some of you may know, Selma Little League hosts between three hundred to three hundred and fifty kids each year. We provide them with a safe place to grow and learn the game of baseball. We feel that we have a very successful program and that we provide a positive experience for each and every child. That being said, we also have a primary facility, the Little League field, that is in desperate need of new lighting. The situation is desperate enough that District officials are looking at the existing lighting as a very real safety issue that could possibly eliminate all night games. Eliminating night games would have a very negative effect on our scheduling and could possibly affect our ability to provide the games necessary to compete in official Little League post season play. In 2014 we had a very successful 10 year old tournament team that captured the District 10 championship. The downside for this team was the fact that they could not play on their home field due to inadequate lighting.

When this field was first established, there was a total community effort put forth to make Little League baseball in Selma a reality. Poles and lights were set by PG & E volunteers. Area businesses contributed time, materials and labor and the result was the beautiful field that exists to this day.

At this time, we are again looking for community help to better this field that allows so many to play baseball. The current lights are the original lights and they need upgraded and enhanced.

At this time we are asking the City to aide us in this matter. We have a quote in the amount of \$27,608.78 from Fluoresco Services of Fresno for total replacement of the lights. We are asking the City of Selma for their help with funding this effort. At this time the Selma Little League is capable of a \$3000.00 down payment for this project. We are asking the City of Selma to take on the balance of this cost. Selma Little League will then be responsible to the City for annual payments as discussed and agreed upon by both parties. Obviously, time is of the essence as the opening ceremonies take place on April 11, 2015.

We respectfully ask that the City give this matter as much urgent attention as it can so that the league can further plan and schedule the activities that will ensure a successful season for all of the kids that are looking forward to playing Little League baseball.

Thanking you in advance for your consideration,

A handwritten signature in black ink, appearing to read "Josh Forney", is written over a large, stylized circular flourish.

Josh Forney, Selma Little League President



## **Selma Little League Lighting**

**Project Total:           \$27608.78**

**SLL Money Down:       \$3000.78**

**Asking City of Selma: \$24608.00**

**Annual Payment:       \$2,460.80 annually for the next ten years with a  
signed contract to make payments at the end of  
each season.**

**If possible, Selma Little League will make extra payments to shorten  
the length of the loan.**



QUOTE 109534-1  
Quoted Date: 09/29/14

Page: 1

To: SELMA LITTLE LEAGUE  
1710 TUCKER STREET

Site Id: FLFNO2550ADR  
Location: SELMA LITTLE LEAGUE  
Address: 2550 OLIVE STREET

SELMA, CA 93662  
Attn: ~~TONY ESCOBEDO~~

SELMA, CA 93662  
Contact: ~~TONY ESCOBEDO~~

Qty	Item#	Description	Price	Amount
40	6105	MISCELLANEOUS PRODUCT CHARGES 1000W METAL HALIDE LIGHT FIXTURES	\$337.00	\$13,480.00
1	6105	MISCELLANEOUS PRODUCT CHARGES BRACKETS AND HARDWARE	\$5,337.00	\$5,337.00
1	6700	LABOR PROVIDE LABOR & EQUIPMENT FOR THE REMOVAL & DISPOSAL OF 39 EXISTING FIXTURES AND THE INSTALLATION OF 40 NEW FIXTURES ON TO EXISTING WOOD POLES.	\$7,150.00	\$7,150.00

I hereby accept this quotation/change order, please place my order.

Signature /

Date

Print Name

Subtotal: \$25,967.00

Sales Tax: \$1,641.78

Project total: \$27,608.78

Deposit Required: \$13,804.39

Total \$13,804.39

Add A Timer Box

Joanne Parvin  
Phone: (559) 221-7273 Ext. 7273  
Direct Phone: 559-221-7273 Fax (559) 221-7274  
Email: jparvin@fluoresco.com

QUOTATION VALID FOR 30 DAYS FROM THE DATE INDICATED ABOVE.  
Remit To: Everbrite, LLC , Bin #88164, Milwaukee, WI 53288

LIGHTS OUT? EVERBRITE'S DEDICATED SERVICE & MAINTENANCE TEAM IS HERE FOR ALL YOUR NEEDS.  
CALL 855-680-7378



SELMA LITTLE LEAGUE MINUTES  
Wednesday, FEBRUARY 4th, 2015

1. Josh Forney-President started the meeting at 6:45 p.m., board members that were in attendance was Joseph Cardosa-Vice-Pres., Stacey Johnson-Tres., Eddie Avalos-Member At Large, Monica Vasques-Member at Large, Jimmy Tellez-Safety Officer, James Casarez-member at Large and guests: Doug Wells, Jennifer Bustillos and Dick Forney.
2. Joseph Cardosa then proposed a vote to approve new members to the League: Jennifer Bustillos, Dick Forney and Deanna Cook so the vote was second by Stacey Johnson and the other members that approved the vote were: Eddie Avalos, Jimmy Tellez, Monica Vasquez and James Casarez.
3. Doug Wells informed us that the City of Selma will be charging organizations a fee of \$200.00 to \$400.00 to offset the cost for P G & E.
4. Josh Forney-President spoke about the Parks & Recreation Meeting on January 28<sup>th</sup>, 2015 at 7:00 p.m., regarding the proposal to borrow the money from the City of Selma to repair the lights at the Little League Field with a Down Payment of \$3000.78 and a repayment plan of seven years back to the City of Selma annually at \$3,515.42. Then a proposal for the vote of the lights was made by Joseph Cardosa- Vice-President then Member Dick Forney second the vote and the following members also approved the vote: Stacey Johnson-Tres., Monica Vasquez-Member, Jennifer Bustillos-Member, Eddie Avalos-Member, Jimmy Tellez-Safety Officer, James Casarez-Member voted to approve the proposal and repayment plan for the lights.
5. Monica Vasquez Mentioned that the Caro Family would like to pay for one child's registration fee and Eddie Avalos also informed the league that Becky Gonzalez would also like to sponsor a child as well.
6. Doug Wells discussed the Challenger program, which is for ages 5-18 but the program does have a Senior Team.
7. The dates for the Giants game on May 3<sup>rd</sup> or May 10<sup>th</sup> were discussed but a date was not decided.
8. Josh Forney discussed the need to purchase a new refrigerator since the current one is not cooling properly and the service of the swamp cooler.
9. Joseph Cardosa proposed for volunteers to clean up the field to remove gophers on 2-8-15.
10. Stacey Johnson to verify the additional bid for lights with Madco Electric on Thursday, February 5, 2015.
11. Stacey Johnson to call Cal State to spray snack Bar for annual service.



# RECREATION AND COMMUNITY SERVICES COMMISSION

January 28, 2015

## Minutes

The meeting was called to order at 7:00 p.m. by Chairperson Diego Haro in the City of Selma Council Chambers.

### ROLL CALL:

Present: Commissioners: Haro, Teixeira, Ambrose and Zamora.

Absent: Rivera and Navarro. (Hayes-To Be Sworn-In).

### APPROVAL OF MINUTES:

A motion was made to accept the December 17, 2014 minutes, motion Vice-Chairperson Teixeira and seconded by Commissioner Zamora minutes as read, motion carried unanimously.

**Public Comment:** None.

### REGULAR BUSINESS:

**Agenda Item A. Little League Light Request:** President of Little League Josh Forney approached the Commission for consideration the City of Selma cover the cost of new lights at the Little League Field, with Little League making yearly payments to reimburse the City of Selma. Mr. Forney stated without new lights, Little League will not be allowed to have night games due to safety issues and this would greatly hinder the scheduling of games. The proposed cost of the lights is \$27,608.78, and Little League has \$3,000.78 to provide to the project. Little League is requesting the City of Selma consider contributing \$24,608.00 so that the lights could be installed this year. Little League proposed the City of Selma consider a 10 year reimbursement plan with a year to year payment from Little League of \$2,460.80. Little League stated a signed contract would be agreed upon and if additional dollars were raised, Little League would hope to have this paid off sooner. Following the discussion, Director Kirchner stated that the City Council has the authority to make this decision, however, a signed contract with signatures of all members would be required, as well as minutes from the Selma Little League Board approving this project and expenditure. Staff felt a signed contract be required as the Little League Board will change year to year and it's vital to have this documentation for new members of Little League to be aware of. The Commission felt a ten year plan was too long. Motion from Commissioner Ambrose to recommend funding this project with a seven year payback plan at \$3,515.42 per year, seconded by Vice-Chairperson Teixeira, motion carried.

Ayes: Ambrose, Teixeira, Haro, and Zamora.

Noes: None

Abstain: None

Absent: Rivera and Navarro.

**Agenda Item B. Athletic Hall of Fame:** Following the review and voting procedures, the Commission reviewed each of the nominees being considered for the 2015 Selma Athletic Hall of Fame. Following the review, the Commission voted to nominate Bob McGill, John

Parks and Ray Guzman into the Selma Athletic Hall of Fame. A confirmation of the election was made with the following vote:

Ayes:	Ambrose, Teixeira, Haro, and Zamora.
Noes:	None
Abstain:	None
Absent:	Rivera and Navarro.

**Agenda Item C. Project Development Review:** Each Commissioner provided their project priority list to Director Mikal Kirchner. These projects will be put into a report and forwarded to the City Manager for consideration during the 2015-16 Budget Fiscal Year.

**Agenda Item D. Youth Sports Fee Structure:** Director Mikal Kirchner updated the Commission on the City Council consideration of the yearly charges being considered for each of the Selma Youth Sports Organizations that use parks and/or ball fields.

**Agenda Item E. Park Development Impact Fund.** A report was provided on the Park Development Fund for the new commissioners.

**Department Report:** Director of Recreation and Community Services Mikal Kirchner reported on the improvements being made at the Senior Center.

**Adjourn**

The meeting was adjourned at 7:54 p.m.

Respectfully submitted by:

Mikal Kirchner



## **Selma Little League Lighting**

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**Asking City of Selma: \$24608.00**

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