

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

April 16, 2018

ITEM NO: 1 . a .

SUBJECT: Review and approve Senate Bill (SB) 1 Proposed Project List Form for funding year FY18/19.

BACKGROUND: Pursuant to the SB 1 guidelines, a list of projects must be adopted to receive funding.

The project(s) being submitted for the 2018-2019 funding cycle is:

1. Nebraska Avenue Improvement Project:
Located in Selma on Nebraska Avenue from Highway 43 to Mitchell Avenue, reconstruct the existing 2-lane rural roadway including widening the westbound roadway to the ultimate width, providing enhanced access in and out of downtown Selma and congestion relief at the Thompson/Highland intersection.
2. Arterial Street Rehabilitation:
Patch longitudinal cracking with Hot Mix Asphalt (HMA) along Arterials and Major Collectors within the City.
3. Alphabet Streets Reconstruction:
Reconstruction of roadway structural sections, replacement of damaged sidewalks, construction of sidewalks to provide a continuous path of travel through neighborhoods, and upgrades to curb ramps to current ADA standards in the Alphabet Streets.

DISCUSSION:

The projects are scalable depending on the remaining funds available from SB1.

<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>
SB1 - \$ 417,742		None
<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>
Funding Source: SB1 - \$ 417,742 LTF- \$ Remainder Fund Balance: SB1 - \$ 32,849 LTF- \$ 2.728.768		None

RECOMMENDATION: Approve Senate Bill (SB) 1 Proposed Project List Form for funding year FY18/19.


Daniel Bond – City Engineer

4/12/18
Date

/s/ Henry Perea
Henry Perea – Interim City Manager

04/13/2018
Date

We _____ and _____
Henry Perea, Interim City Manager Daniel Bond, City Engineer

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

RESOLUTION NO. 2018- R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
APPROVING THE PROJECT LIST FOR SENATE BILL (SB) 1 FUNDING FOR
FISCAL YEAR 2018-2019**

WHEREAS, the City of Selma is applying for SB1 funding for fiscal year 2018-2019 from the California Transportation Commission for the following proposed project(s);

	<u>Project Location and Description</u>	<u>Estimated Completion Date</u>		<u>Estimated Useful Life</u>
		<u>Pre-Construction</u>	<u>Construction</u>	
1.	Nebraska Avenue Improvement Project	01/2019	05/2019	20-25 Years
2.	Arterial Street Rehabilitation	01/2019	05/2019	20-25 Years
3.	Alphabet Streets (A through E) Reconstruction Project	01/2019	08/2019	20-25 Years

and

WHEREAS, the amount of the application is \$ 417,742.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Selma does hereby approve the project list for the SB1 funding for the fiscal year 2018-2019, and it is to be sent to the California Transportation Commission (CTC) for approval. The City Council of the City of Selma further resolves that the City Manager is hereby authorized to sign the necessary project agreement(s) once received from the CTC and any amendments to the agreement thereof.

I, REYNA RIVERA, City Clerk of the City of Selma, do hereby certify that the foregoing Resolution was approved at a regular meeting of the Selma City Council held on the 16th day of April, 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Jim Avalos
Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk

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

April 16, 2018

ITEM NO:

SUBJECT: 1.b. Award contract to R.J. Berry Jr., Inc. for the Highway Safety Improvement Project 5096(032).

DISCUSSION: Bids for construction of improvements for the Highway Safety Improvement Project 5096(032) were opened on April 4, 2018. The bid results were as follows:

Contractor:

R.J. Berry Jr., Inc.

Todd Companies

Avison Construction

Bid Amount:

\$540,300.00

\$545,887.18

\$546,300.00

The project consists of installing rectangular rapid flashing beacons at un-protected mid-block crosswalks, striping, adding sidewalk where there are gaps, drive approaches and rebuilding curb ramps to current ADA standards on Thompson Avenue from Dinuba Avenue to Rose Avenue. It is anticipated that construction will begin in May, 2018.

<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>
\$540,300.00		None
<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>
Funding Source: HSIP Grant & LTF		None

RECOMMENDATION: Approve resolution awarding construction contract to R.J. Berry Jr., Inc. for the Highway Safety Improvement Project 5096(032) in the amount of \$540,300.00

/s/ Joey Daggett

Joseph Daggett, City Engineer

04/13/2018

Date

/s/ Isaac Moreno

Isaac Moreno, Interim Finance Director

04/13/2018

Date

/s/ Henry Perea

Henry Perea, Interim City Manager

04/13/2018

Date

RESOLUTION NO. 2018- R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AWARDING CONTRACT
FOR HIGHWAY SAFETY IMPROVEMENT PROJECT 5096(032)**

WHEREAS, the City of Selma has received funds through Highway Safety Improvement Program and Local Transportation Fund (LTF); and

WHEREAS, the plans and specifications for construction of improvements for the Highway Safety Improvement Project 5096(032) been prepared by Gateway Engineering, Inc. and approved by the City of Selma Public Works/Engineering; and

WHEREAS, the project has been advertised and bids have been received on the project; and

WHEREAS, the bids were opened on April 4, 2018.

NOW THEREFORE BE IT RESOLVED, that the contract for construction of improvements for Highway Safety Improvement Project 5096(032) is awarded to R.J. Berry Jr., Inc. at a cost of \$540,300.00.

The foregoing Resolution was duly adopted at a regular meeting of the Selma City Council on April 16, 2018, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Jim Avalos
Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk for the City of Selma

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

April 16, 2018

ITEM NO: 1 . c .

SUBJECT: Consideration and Necessary Action on Resolution approving the Memorandum of Understanding between the Tulare County Association of Governments, The City of Kingsburg, The City of Selma, and the Fresno Council of Governments for a feasibility study for SR 99 Mendocino Avenue and SR 99 Mt. View Avenue Interchanges.

BACKGROUND: Caltrans, Fresno COG, Tulare COG, Kingsburg and Selma City representatives have been discussing the SR 99 Mendocino Avenue and SR 99 Mt. View Avenue Interchanges in order to improve operations and safety.

FCOG has issued a memorandum of understanding to all participating parties for the development of a feasibility study. The study will identify geometric deficiencies, develop improvements; include Traffic and Safety Analysis, develop Conceptual Improvement Drawings, Preliminary Cost Estimates, and provide a Summary Report.

The MOU would commit the City to our fair share of the study which is \$10,000; payable once the study is complete. Caltrans is approximating that the study would take 9 months.

RECOMMENDATION: Authorize Approval of the Memorandum of Understanding between the Fresno Council of Government and the City of Selma for the Regional Pavement Management System

/s/ Henry Perea 04/13/2018
Henry Perea, Interim City Manager Date

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made this ___ day of _____, 2018, by and between the Tulare County Association of Governments (TCAG), the City of Kingsburg, the City of Selma, and the Fresno Council of Governments (FCOG) is regarding a feasibility study for SR 99 Mendocino Ave and SR 99 Mt View Ave Interchanges.

WHEREAS the above mentioned agencies have agreed to enter into an understanding in which Tulare County Association of Governments, the City of Kingsburg, the City of Selma, and FCOG will participate in a feasibility study for SR 99 Mendocino Ave and SR 99 Mt View Ave Interchanges, and

WHEREAS Tulare County Association of Governments, the City of Kingsburg, the City of Selma, and FCOG desire to enter into this Memorandum of Understanding setting out the terms, conditions, and services to be provided by such understanding and collaboration on the feasibility study for SR 99 Mendocino Ave and SR 99 Mt View Ave Interchanges.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. MISSION

The Mission of this Memorandum is to provide the framework for the feasibility study for SR 99 Mendocino Ave and SR 99 Mtn View Ave Interchanges and to outline the payment plan of said document.

2. COOPERATION

The feasibility study for SR 99 Mendocino Ave and SR 99 Mt View Ave Interchanges activities and services shall include, but are not limited to:

- a. Contact and collaboration with Caltrans;
- b. Contact and collaboration with all other agencies via meetings hosted by the Fresno Council of Governments

3. RESOURCES

FCOG agrees to provide the following resources in respect to the feasibility study:

- a. Contract administration
- b. Act as an facilitator on behalf of Tulare County Association of Governments, the City of Kingsburg, the City of Selma
- c. Project management in partnership with Tulare County Association of Governments, the City of Kingsburg, the City of Selma, and Caltrans

4. FUNDING

All agencies shall provide the following amounts to fund the feasibility study for SR 99 Mendocino and SR 99 Mtn View Interchanges:

Agency	Agency Specific Cost
FCOG	\$40,000
TCAG	\$30,000
Kingsburg	\$10,000
Selma	\$10,000

The four (4) agencies hereby agree that each of them shall not be liable for more than the amount stated above.

The final price negotiated with the consultant is contingent upon a final agreement between ALL of the listed agencies but is not to exceed \$90,000.

Furthermore, FCOG shall make payments to Caltrans as invoiced and bill the four agencies separately. FCOG will not be liable for any jurisdiction's failure to make payments, nor will FCOG charge the four agencies for work performed by FCOG staff.

5. DURATION

This Memorandum shall come into effect on the Date of Execution and shall remain in full force and effect until the feasibility study is complete with a final report provided by Caltrans, unless extended by mutual agreement between the

parties hereto in writing.

Any amendments to this Memorandum are strictly prohibited, unless such amendments are agreed to by each agency.

IN WITNESS HEREOF, the agencies have executed this Memorandum as of the date first above written, DATED this ____ day of _____, 2018.

Agency	Name	Title	Signature
Fresno Council of Governments			
Tulare County Association of Governments			
City of Kingsburg			
City of Selma			

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

April 16, 2018

ITEM NO:

1 . d .

SUBJECT:

Consideration and Necessary Action on Request for support of
AB 2649, Water Rights: Water Management

DISCUSSION The Office of Assembly member Dr. Joaquin Arambula has requested support for Assembly Bill 2649. Attached is information on the Assembly Bill.

Attached for Council consideration is the request and sample letter.

RECOMMENDATION: Consider request from Assembly member Arambula regarding Water Rights, Water Management

/s/ Henry Perea
Henry Perea, Interim City Manager

04/13/2018
Date

April 5, 2018

Assemblymember Eduardo Garcia
Chair, Water, Parks, and Wildlife Committee
1020 N Street, Room 160
Sacramento, CA 95814

RE: Support for AB 2649 Water rights: water management.

Dear Assemblymember Garcia,

The organization(s) listed below support Assembly Bill 2649 (Arambula) which aims to codify the current temporary permit for capturing high precipitation events and deems groundwater recharge use consistent with groundwater sustainability plans a beneficial use.

In 2015, the Governor issued Executive Order B-36-15 which recognized the need to capture high precipitation events and encouraged groundwater recharge. AB 2649 will maintain the process outlined in Executive Order B-36-15 for temporary flood permits issued by the State Water Resources Control Board. By keeping a streamlined process in place, AB 2649 will allow more applicants to take advantage of and capture high event flows allowing for critically over drafted aquifers to be replenished.

The recent droughts combined with the Sustainable Groundwater Management Act (SGMA) are going to vastly change the landscape of our farming and urban communities if we do not adequately prepare. SGMA requires that aquifers be replenished but currently groundwater recharge is not classified as a beneficial use of water. AB 2649 would deem groundwater recharge as a beneficial use consistent with groundwater sustainability plans.

For these reason, we collectively support AB 2649. We respectfully urge the passage of AB 2649.



ASSEMBLYMEMBER DR. JOAQUIN ARAMBULA, 31ST DISTRICT

AB 2649 – Water Rights: Water Management. – As Amended – April 4, 2018

Summary

The implementation of the Sustainable Groundwater Management Act (SGMA) is going to require groundwater basins to be brought into balanced levels of pumping and recharge. One of the greatest opportunities for recharge is by capturing high precipitation events using a temporary permit from the California State Water Resources Control Board.

Background

On November 13, 2015, the Governor signed Executive Order B-36-15 requiring the State Water Board to prioritize temporary water rights permits to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events this winter and spring for local storage or recharge and later beneficial uses.

On April 6, 2017, Governor Brown signed Executive Order B-39-17, which directed the State Water Board to prioritize temporary water right permits to accelerate approvals for projects that enhance the ability of a local or state agency to capture high runoff events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. The Order also suspends CEQA for State Water Board actions on these types of temporary permits.

Prior to issuing a temporary permit, the State Water Board is required to make all of the findings listed below:

- The applicant has an urgent need for the water proposed to be diverted and used,
- The water may be diverted and used without injury to any lawful water user,
- The water may be diverted and used without unreasonable effect on fish, wildlife, or other instream beneficial uses,
- The proposed diversion and use are in the public interest.

On September 16, 2014, Governor Jerry Brown signed into law [AB 1739 \(Dickinson\)](#), [SB 1168](#)

(Pavley), and [SB 1319 \(Pavley\)](#), collectively known as the [Sustainable Groundwater Management Act \(SGMA\)](#) which requires a framework for sustainable, groundwater management -- “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.” Under SGMA, local Groundwater Sustainability Agencies (GSAs) will be formed to develop and implement Groundwater Sustainability Plans (GSPs) that will aim to achieve sustainability by 2040.

The SWRCB defines groundwater recharge as, “the augmentation of groundwater, by natural or artificial means, with surface water or recycled water. Some groundwater recharge projects may use short-term water surpluses that occur only infrequently.”

In addition, state policy for water quality control in California is directed toward achieving the highest water quality consistent with maximum benefit to the people of the state (i.e., household domestic use, irrigation of agricultural land, and municipal uses).

This bill

This bill requires the board to prioritize a temporary water permit for recharge projects, exempts temporary permits for these projects from the California Environmental Quality Act, and would also require the board to set a reduced application fee for an applicant for a temporary permit for these projects.

This bill also deems groundwater recharge undertaken pursuant to or consistent with a groundwater sustainability plan authorized by a groundwater sustainability agency as a beneficial use.

Related Legislation

[AB 647 \(Eggman\)](#) Beneficial use: storing of water underground. 2015

[SB 228 \(Cannella\)](#) Groundwater storage: beneficial use. 2015

For More Information Call

Arturo Barajas
916-319-2031
arturo.barajas@asm.ca.gov

Fact Sheet for AB 2649 (Arambula)

AMENDED IN ASSEMBLY APRIL 4, 2018
AMENDED IN ASSEMBLY MARCH 22, 2018
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2649

Introduced by Assembly Member Arambula

February 15, 2018

An act to amend ~~Section 1426~~ *Sections 1426 and 10720.5* of, and to add Section 1432 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2649, as amended, Arambula. Water rights: ~~temporary permit: high precipitation events:~~ *water management.*

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law allows a person who has an urgent need to divert and use water to apply for, and the board to issue, a temporary permit, as prescribed. Existing law requires an applicant to pay an application fee and a permit fee, if a temporary permit is issued, both computed as specified.

This bill would require the board to prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. The bill would exempt temporary permits for these projects from the California Environmental Quality Act. The bill would require the board to set a reduced application fee for an applicant for a temporary permit for these projects.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act requires groundwater management pursuant to the act to be consistent with the constitutional provision and provides that the act does not modify rights or priorities to use or store groundwater consistent with the constitutional provision, with a specified exception relating to claims of prescription. Under existing law, nothing in the act or in any adopted groundwater management plan determines or alters surface water rights or groundwater rights, as specified. The act authorizes water rights to be determined in a comprehensive adjudication action.

This bill would require groundwater recharge or groundwater banking, or both, undertaken pursuant to or consistent with a groundwater sustainability plan adopted pursuant to the act or otherwise authorized by a groundwater sustainability agency to be deemed a beneficial and reasonable use of water consistent with the constitutional provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1426 of the Water Code is amended to
- 2 read:
- 3 1426. (a) The application for a temporary permit shall be
- 4 completed in accordance with the provisions of Section 1260 and
- 5 shall be accompanied by such maps, drawings, and other data as
- 6 may be required by the board.
- 7 (b) An applicant for a temporary permit shall pay an application
- 8 fee, and a permit fee if a temporary permit is issued, both computed

1 in accordance with the provisions of Chapter 8 (commencing with
2 Section 1525) of this part. The board shall set a reduced application
3 fee for an applicant for a temporary permit for a project that
4 enhances the ability of a local or state agency to capture high
5 precipitation events for local storage or recharge.

6 SEC. 2. Section 1432 is added to the Water Code, to read:

7 1432. (a) The board shall prioritize a temporary permit for a
8 project that enhances the ability of a local or state agency to capture
9 high precipitation events for local storage or recharge, consistent
10 with water rights priorities and protections for fish and wildlife.

11 (b) Division 13 (commencing with Section 21000) of the Public
12 Resources Code does not apply to actions by the board on a
13 temporary permit for a project that enhances the ability of a local
14 or state agency to capture high precipitation events for local storage
15 or recharge.

16 SEC. 3. Section 10720.5 of the Water Code is amended to read:

17 10720.5. (a) Groundwater management pursuant to this part
18 shall be consistent with Section 2 of Article X of the California
19 Constitution. Nothing in this part modifies rights or priorities to
20 use or store groundwater consistent with Section 2 of Article X of
21 the California Constitution, except that in basins designated
22 medium- or high-priority basins by the department, no extraction
23 of groundwater between January 1, 2015, and the date of adoption
24 of a groundwater sustainability plan pursuant to this part or the
25 approval by the department of an alternative submitted under
26 Section 10733.6, whichever is sooner, may be used as evidence
27 of, or to establish or defend against, any claim of prescription.

28 (b) Nothing in this part, or in any groundwater management
29 plan adopted pursuant to this part, determines or alters surface
30 water rights or groundwater rights under common law or any
31 provision of law that determines or grants surface water rights.

32 (c) *Notwithstanding subdivisions (a) and (b), groundwater*
33 *recharge or groundwater banking, or both, undertaken pursuant*
34 *to or consistent with a groundwater sustainability plan adopted*
35 *pursuant to this part or otherwise authorized by a groundwater*
36 *sustainability agency shall be deemed a beneficial and reasonable*
37 *use of water consistent with Section 2 of Article X of the California*
38 *Constitution.*

39 (e)

- 1 *(d)* Water rights may be determined in an adjudication action
- 2 pursuant to Chapter 7 (commencing with Section 830) of Title 10
- 3 of Part 2 of the Code of Civil Procedure.

O

CHECK REGISTER REPORT

CHECK NUMBER	CHECK DATE	STATUS	VENDOR NAME	CHECK DESCRIPTION	CATEGORY	AMOUNT
70461	03/23/2018	Printed	ADVENTIST HEALTH	AMBULANCE OVERPAYMENT REIMB		1,550.00
70462	03/23/2018	Printed	MARK ALVES/ALVES ELECTRIC	INSTALLED POWER FOR CAMERAS		2,841.14
70463	03/23/2018	Printed	AMERICAN AMBULANCE	APRIL 2018 PAYMENT		92,500.00
70464	03/23/2018	Printed	AT&T	TELEPHONE-MARCH 2018		59.24
70465	03/23/2018	Printed	AT&T MOBILITY	TELEPHONE-MDT'S 2/3/18-3/2/18		1,986.03
70466	03/23/2018	Printed	CHRIS AYALA	TRAFFIC COLLISION COURSE PER DIEM 4/2/18-4/6/18		55.00
70467	03/23/2018	Printed	BANNER PEST CONTROL INC	PEST CONTROL-MARCH 18		441.00
70468	03/23/2018	Printed	CESAR F. BEJARANO/RAPID BOARD UP	BOARD UP 1826 ROSE AVE		95.00
70469	03/23/2018	Printed	BENNETT & BENNETT, INC.	MISC IRRIGATION SUPPLIES		10.37
70470	03/23/2018	Printed	JAY WESLEY BROCK/TOP DOG TRAINING CENTER	MONTHLY K9 MAINTENANCE		270.00
70471	03/23/2018	Printed	ROD CARSEY	PLAN CHECKS		2,629.12
70472	03/23/2018	Printed	CDCE INCORPORATED	MDT MONTHLY LEASES		4,755.00
70473	03/23/2018	Printed	CENTRAL VALLEY TOXICOLOGY INC.	DRUG TESTING		333.00
70474	03/23/2018	Printed	CITY OF SANGER FIRE DEPARTMENT	CONSULTING FOR IGT-FEB 18		810.00
70475	03/23/2018	Printed	COUNTY OF FRESNO-COMM HEALTH D	DISPATCHING SERVICES		3,543.67
70476	03/23/2018	Printed	DINUBA FIRE DEPARTMENT	FIRE MED ADMIN CHARGES		376.14
70477	03/23/2018	Printed	FEHR & PEERS	ATP PROJECT 12/30/17-1/26/18	G	917.50
70478	03/23/2018	Printed	FINANCIAL PACIFIC LEASING	LEASE PAYMENT INTEREST		1,454.53
70479	03/23/2018	Printed	DOMINIC GRIJALVA	ART CENTER PAMPHLET		200.00
70480	03/23/2018	Printed	HEALTH NET	AMBULANCE OVERPAYMENT REIMB		186.03
70481	03/23/2018	Printed	HEALTHEDGE ADMINISTRATORS INC.	DENTAL 3/7/18		617.40
70482	03/23/2018	Printed	HEALTHEDGE ADMINISTRATORS INC.	DENTAL 3/14/18		1,023.82
70483	03/23/2018	Printed	HEALTHEDGE ADMINISTRATORS INC.	ADMINISTRATIVE FEES-APRIL 2018		654.02
70484	03/23/2018	Printed	HEWLETT-PACKARD FINANCIAL	LEASE FOR NIMBLE STORAGE		4,940.67
70485	03/23/2018	Printed	ICC	GOVERNMENTAL MEMBER DUES		135.00
70486	03/23/2018	Printed	BRENT JENSEN	PARAMEDIC RECERT REIMBURSEMENT		265.00
70487	03/23/2018	Printed	KENT M. KAWOGOE, PH.D.	PRE-EMPL PSYCHOLOGICAL EXAMS		1,250.00
70488	03/23/2018	Printed	JEFF KESTLY	MEDICAL PREMIUM REIMB APR 18		164.16
70489	03/23/2018	Printed	RUSSELL A KULOW/KULOW BROTHERS	COURTESY NOTICES-PD		552.13
70490	03/23/2018	Printed	LIEBERT, CASSIDY, WHITMORE INC	PERSONNEL ISSUE ATTORNEY FEES		406.00
70491	03/23/2018	Printed	STEVEN MCINTIRE	MEDICAL PREMIUM REIMB APR 18		1,278.89
70492	03/23/2018	Printed	DWAYNE MCPHERSON	TRAFFIC COLLISION COURSE PER DIEM 4/2/18-4/6/18		55.00
70493	03/23/2018	Printed	METRO UNIFORM	POLICE REVOLVING ACCT		545.52
70494	03/23/2018	Printed	MUNISERVICES,LLC	SUTA SERVICES QRT END 9/30/17		701.05
70495	03/23/2018	Printed	OFFICE DEPOT, INC.	OFFICE SUPPLIES		211.96
70496	03/23/2018	Printed	PG&E	UTILITIES-MARCH 2018		21,523.67
70497	03/23/2018	Printed	RRM DESIGN GROUP	NEW FIRE STATION DESIGN-MAR 18		1,468.36
70498	03/23/2018	Printed	SAN JOAQUIN VALLEY AIR	ANNUAL PERMIT-FD GENERATOR		88.00
70499	03/23/2018	Printed	SECOND CHANCE ANIMAL SHELTER	MONTHLY SUPPORT PAYMENT		6,978.00
70500	03/23/2018	Printed	SELMA DISTRICT CHAMBER OF	AWARD BANQUET		35.00
70501	03/23/2018	Printed	SEQUOIA SAFETY COUNCIL, INC.	AMBULANCE OVERPAYMENT REIMB		200.00
70502	03/23/2018	Printed	SPARKLETTS	WATER SERVICE		117.31
70503	03/23/2018	Printed	SUN LIFE	EMPLOYEE INSURANCE-APR 18		1,049.30
70504	03/23/2018	Printed	SUPERIOR VISION INSURANCE INC	VISION INSURANCE PREM-APR 18		1,588.73
70505	03/23/2018	Printed	TAG-AMS, INC.	EMPLOYEE DRUG TESTING		174.00
70506	03/23/2018	Printed	THE CRISCOM COMPANY	POLICE/SEWER INFRASTRUCTURE		4,500.00
70507	03/23/2018	Printed	TYLER TECHNOLOGIES, INC.	EXECUTIME ANNUAL FEE 3/1/18-2/28/19		7,389.00
70508	03/23/2018	Printed	U.S. BANCORP EQUIPMENT FINANCE	COPY MACHINE LEASE-APRIL 18		1,063.70
70509	03/23/2018	Printed	UNITED HEALTHCARE	AMBULANCE OVERPAYMENT REIMB		374.77
70510	03/23/2018	Printed	UNITED HEALTHCARE	AMBULANCE OVERPAYMENT REIMB		722.03
70511	03/23/2018	Printed	ROSALEE F VALENCIA	SPRING AWAKENING WIG STYLIST		200.00
70512	03/23/2018	Printed	YASH P. VERMA	PRE EMPLOYMENT PHYSICAL-PD		877.00
70513	04/04/2018	Printed	DIVISION OF THE STATE	ADA BUSINESS LICENSE FEE		107.20
70514	04/04/2018	Printed	SURVEILLANCE INTEGRATION INC.	PHASE II OF INTERSECTION PROJ		62,998.83
TOTAL						239,268.29

Grant: G

PD Station Bond: PDSB (458)

PD State Appropriation: PDSA (457)

Reimbursement: R

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

April 16, 2018

ITEM NO: 2

SUBJECT: Public Hearing to consider Submittal No. 2018-18 (True North Properties), Parcel Map to divide one parcel into two legal parcels

DISCUSSION: This site is currently a Commercial Shopping Center and is known as the Floral/99 Shopping Center. The owner is proposing to divide the 2.102-acre parcel into two Parcels: Parcel "A" 1.142 and Parcel "B" 0.960.

This item was not heard by the Planning Commission because the parcel map recordation is essential to the negotiation of the property owner and a prospective client. There is also a public dedication associated with the parcel map which would require this parcel map to come before this body.

The California State Subdivision Map Act provides that a local agency must make certain findings prior to making recommendations on any tentative map. Staff has prepared a resolution for approval incorporating the required findings and conditions of approval. Parcel Map No. 2018-18 is consistent with the provisions of the California State Subdivision Map Act.

The public hearing for the entire submittal has been noticed for this meeting in the Selma Enterprise.

RECOMMENDATION: Hold public hearing, and consider Resolution approving Parcel Map 2018-18.

/s/ Neal Costanzo

04/13/2018

Neal Costanzo, City Attorney

Date

/s/ Henry Perea

04/13/2018

Henry Perea, Interim City Manager

Date

FOR SUBDIVISION PURPOSES
IN THE CITY OF SELMA, COUNTY OF FRESNO, STATE OF CALIFORNIA.

PARCEL C OF LOT LINE ADJUSTMENT NO. 2015-0051, APPROVED BY THE CITY OF SELMA ON AUGUST 31, 2015, REDISTRICTED SEPTEMBER 28, 2015, AS INSTRUMENT NO. 2015-00208 DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCELS B, C AND D OF PARCELS MAP NO. 2005-0051, IN THE CITY OF SELMA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED MAY 7, 2007 IN BOOK 87 OF PARCELS MAPS AT PAGES 43 AND 46, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

[illegible]

(A) EXISTING 15' WIDE PRIVATE WATER MAIN AGREEMENT FOR CALIFORNIA WATER SERVICES, PER PW NO. 2005-0155, AGREEMENT SHOWN FOR REFERENCE BUT NOT ACCEPTED BY CALIFORNIA WATER SERVICE.
 (B) EXISTING REDWOOD ACCESS AGREEMENT, BY AND BETWEEN WAT-WAY REAL ESTATE BUSINESS TRUST AND ANGEL SPEED, L.P. (F.A.M.), RECORDED MAY 17TH, 2012, INSTRUMENT NO. 2012-030676, O.R.
 (C) EXISTING AGREEMENT FOR WATER PIPELINE, CONDUIT, TRENCHES, VALVES, FITTINGS AND BOXES, VALVES, HYDRANTS AND RIGHT TO WATER STORAGE AND INCIDENTAL PURPOSES IS GRANTED TO CALIFORNIA WATER SERVICE COMPANY, PER INSTRUMENT 2016-030614, RECORDED MAY 10, 2016, O.R.
 (D) PROPOSED 15' PEDESTRIAN AGREEMENT NOW OFFERED FOR DESIGN.

APPLICANT/SUBMITTER
FLORAL AND BBL, LP
1155 W. SHAW AVENUE
FRESNO, CA 93711
559-272-5788

RECORD OWNER
FLORAL AND 99, LP
1155 W. SHAW AVENUE, SUITE 104
FRESNO, CA 93711
558-222-5788

DOHERTY
THE LORE, PC
LORE ENGINEERING, INC.
800 DOWITT AVENUE, SUITE 100
CLARK, CA 92612
(560) 287-5200 EXT. 1

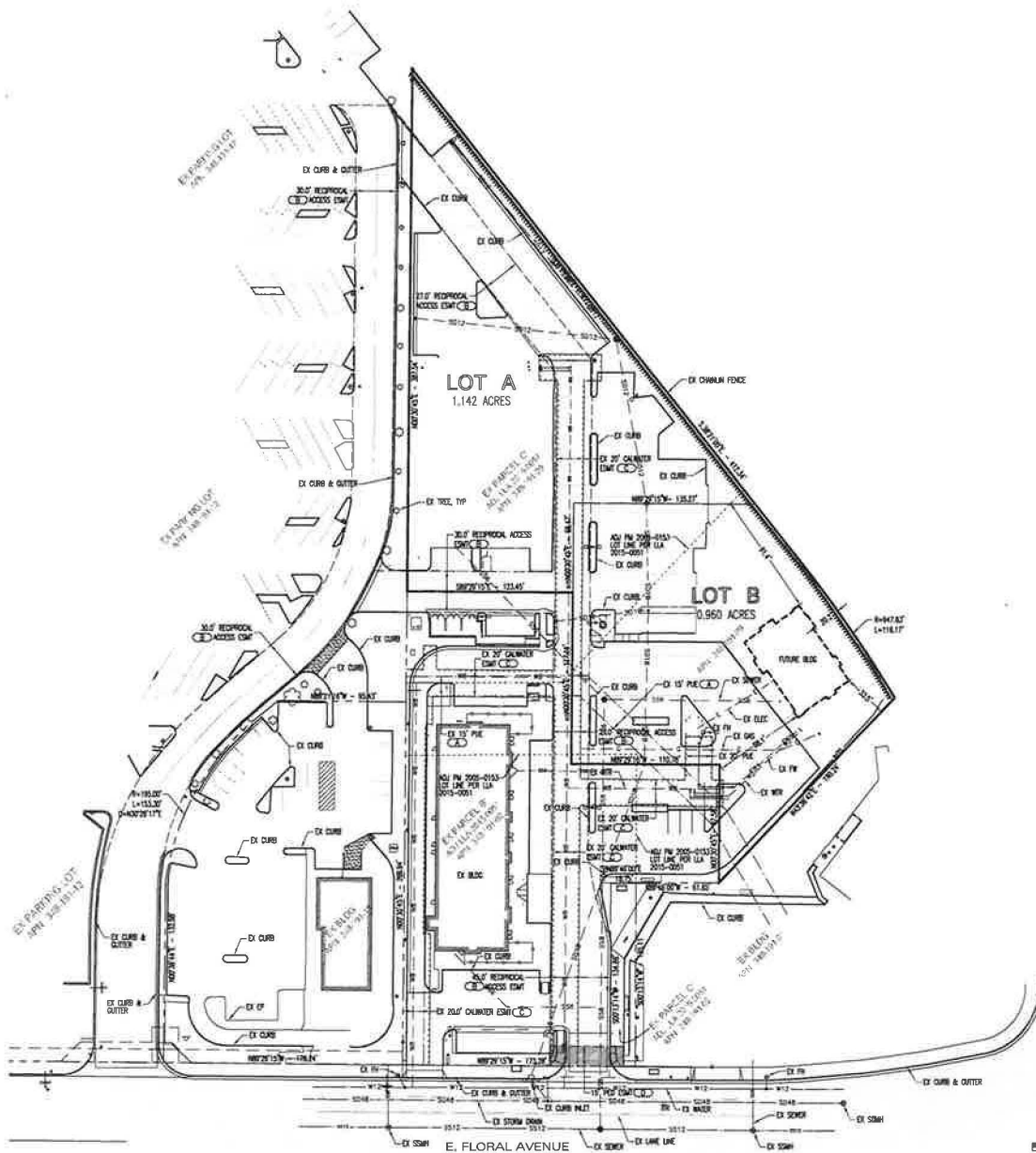
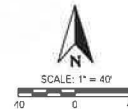
1. PROPOSED STORM DRAINAGE, CONCRETE CURBS, GUTTERS, AND SIDEWALK IMPROVEMENTS TO BE INSTALLED PER CITY OF SELMA STANDARD PLANS AND SPECIFICATIONS.
2. THERE ARE NO EXISTING OVERHEAD UTILITIES OR EXISTING TREES AFFECTING PUBLIC RIGHTS OF WAY WITHIN THE PROPOSED LIMITS OF THIS MAP.
3. THERE ARE NO ONCE IDENTIFICATION OF ANY OTHER MAPS LOCATED AT PROPERTY LINES WITHIN THE LIMITS OF THIS MAP.
4. THIS MAP SHALL BE SUBJECT TO THE TERMS AND PROVISIONS OF THE ENTITLED "TELEPHONE, CABLEVISION AGREEMENT WITH CABLEVISION, CONDITIONS AND RESTRICTIONS" DATED JANUARY 27, 2010 (RECEIVED FEBRUARY 1, 2010) AND INCREMENT NO. 2010-0011193.
5. THIS MAP SHALL BE SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, EVALUATIONS AND DISCLOSURES CONTAINED IN THE AGREEMENT ENTITLED "TELEPHONE, CABLEVISION AGREEMENT" BY AND BETWEEN BAY-WIRE RAIL, INC. (BAY WIRE), CABLE BUSINESS STUFF AND ANGUS STEEL, L.P. ET AL. (BAY WIRE AND CABLE BUSINESS STUFF AND ANGUS STEEL), DATED JANUARY 27, 2010 (RECEIVED FEBRUARY 1, 2010) AND INCREMENT NO. 2010-0011193.

----- PROPERTY BOUNDARY
----- PROPOSED LOT LINE
----- CENTERLINE
===== EX RELINQUISHED OF ACCESS RIGHTS PER BOOK 4475, PAGE 164 O.R. RECORDED DECEMBER 5, 1960
----- EXISTING PROPERTY LINE

EX PARCEL	348-191-29
APR:	2.102 AC
ACREAGE:	ZONE X
FLOOD ZONE:	C-R
ZONING (EXISTING):	C-R
ZONING (PROPOSED):	REGIONAL COMMERCIAL
EXISTING USE:	REGIONAL COMMERCIAL
PROPOSED USE:	

UTILITIES	
ELECTRICITY:	PG&E
WATER:	CALIFORNIA WATER SERVICE
TELEPHONE:	AT&T
REFUSE:	CITY OF SELMA
NATURAL GAS:	PG&E
SEWER:	SKF

VICINITY MAP
(NOT TO SCALE)

[illegible]

RESOLUTION NO. ____R

**A RESOLUTION OF THE CITY OF SELMA CITY COUNCIL
MAKING FINDINGS AND APPROVING PARCEL MAP AND
ENVIRONMENTAL ASSESSMENT NO. 2018-18**

**TRUE NORTH PROPERTIES PARCEL MAP
3100 FLORAL AVENUE. SELMA, CA**

WHEREAS, on March 16, 2018 the Selma City Council, at a regularly scheduled public hearing, considered an application filed by True North Properties for a Final Parcel Map. The Parcel Map is a request to subdivide ± 2.102 acres at 3100 Floral Avenue, Selma, CA (APN: 348-191-29), into Two (2) legal parcels: Parcel "A", ± 1.142 of an acre and Parcel "B", ± 0.960 of an acre; and

WHEREAS, the City Council conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony of interested parties; and

WHEREAS, the City Council examined and considered Environmental Assessment, and finds that the project is consistent with the objectives and policies of the General Plan of the City of Selma. The Selma City Council finds that the project is exempt under CEQA pursuant to Section 15315. Minor Land Divisions: Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent; and

WHEREAS, the City Council deliberated and determined that the following findings stated and included in this Resolution based on the reports, evidence and verbal presentations to support the action taken at this meeting:

1. The City Council finds that the proposed Parcel Map will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community. There are no physical constraints that would prohibit development.
2. The City Council finds that the proposed Parcel Map meets the requirements and standards of the Subdivision Map Act and Selma Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the City of Selma City Council hereby finds and takes the following actions:

1. The above facts are true and correct.
2. To complete the process the owner/engineer of record shall a final map with a deed reflecting the new parcels. These documents shall be recorded with the Fresno County Recorder's Office upon review and approval of the City of Selma's Engineer
3. The above findings are supported by the record and presentation to the City Council.
3. The City Council approves the Parcel Map subject to the Findings for Approval made part of this Resolution.

The foregoing Resolution was duly approved by the Selma City Council at a regular meeting held on the 16th day of April 2018 by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

JIM AVALOS,
Mayor of the City of Selma

ATTEST:

By: _____
Reyna Rivera,
City Clerk

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

April 16, 2018

ITEM NO:

3 .

SUBJECT:

Status Update on Amberwood Project.

VERBAL REPORT ONLY


Henry Perea, Interim City Manager

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

April 16, 2018

ITEM NO: 4 .

SUBJECT: Consideration and necessary action on request from Selma Chamber of Commerce to waive fees for the annual Raisin Festival.

DISCUSSION: The Selma Chamber of Commerce has submitted a request to waive fees associated with the annual Raisin Festival.

Fees associated with this event include Special Events Permit, Park Rental, Facility Use Rental, Street Closure Permit, Sound Permit, Barricade Fees which total approximately \$1,000. This does not include any Staff time, Public Works man hours or Police overtime. The cost for staff would equate to aprox \$7,100.

This event will take place on May 2 - 6, 2018. City Council may consider waiving fees for this event on a year to year basis or consider an ongoing fee waiver, with an option to review at any point of time.

RECOMMENDATION: Consider request from the Selma District Chamber of Commerce to Waive fees for the Annual Raisin Festival.

/s/ Henry Perea
Henry Perea, Interim City Manager

04/13/2018
Date

ITEM NO: 5.

SUBJECT: Consideration and Necessary action of an Ordinance Amending Section 6 of Chapter 21 of Title VI of the Selma Municipal Code Entitled Graffiti, *first Reading and Introduction*

DISCUSSION: At the Council's Budget Workshop, on April 6, 2018, the Council was informed of the manner in which the City removes or abates graffiti, either through its own forces or by requiring the property owner to remove the graffiti. During its discussion of the item, the Council came to a consensus that it would be appropriate to have the City repair, remove or paint over the graffiti, as appropriate, in the event the property owner fails to do so within 72 hours of receiving notice of the need to do so.

The City's current Ordinance on graffiti is at Chapter 21 of Title 6 and it does not provide any means of allowing the City to remove graffiti if the property owner does not. The summary abatement of nuisance provisions of Title I, Chapter 21 of the Municipal Code does include graffiti as a nuisance subject to the abatement procedures prescribed by that chapter. Because that chapter provides for an appeal of the notice to abate a public nuisance, including graffiti, relying on that provision could result in the graffiti being present much longer than 72 hours. Accordingly, to have an enforceable mechanism for requiring the removal of graffiti within 72 hours and to allow for the City to remove the graffiti through its own forces in the event the property owner fails to do so, it is necessary, by virtue of Government Code §38772, 38773.2 and 38773.6, to enact an ordinance which imposes this obligation on the property owner, and gives notice that the City will remove the graffiti if the property owner does not.

By amending Section 6, Chapter 21 of Title VI, the attached ordinance provides for a mechanism by which the City may require a property owner to either remove the graffiti present on his property within 72 hours of receiving notice from the City of the need for removing the graffiti by making it unlawful for anyone to maintain graffiti on his or her property for a period longer than 72 hours after receiving notice of the need to abate the graffiti from the City.

It is unclear whether the City can lawfully require a property owner to remove graffiti, or to pay the cost of the City's removal of the graffiti, on a mere 72 hours' notice. The only City that appears to have a time frame at or near 72 hours is the City of Novatto. The standard that generally prevails in most California cities is to give the owner 10 days to remove graffiti. Novatto gives the property owner only 48 hours' notice. The State has Legislatively determined that graffiti is a public nuisance. That would appear to give the City of Selma compelling reasons for requiring action on a short, 72 hours' notice, so that

the requirement is lawful and enforceable, although the question has never been considered by any California court.

If the notice proposed by the Ordinance is ultimately determined to be insufficient or too short, because the City is, typically, simply painting over graffiti placed on real property, it is unlikely that anyone would suffer any appreciable damage as a result of the City's removal of graffiti. As a result, it is unlikely, that the City would be confronted with any legal challenge or liability for removing graffiti. Imposing a lien against the real property, however, is far more problematic and would at minimum require that the property owner be given a much longer notice of intent to impose the lien (at least 30 days) and allowed to appeal to an independent hearing officer. For that reason, the proposed ordinance, provides for the same right to appeal a notice of the intent to assess a lien as are applicable to an administrative citation for violation of the Municipal Code.

RECOMMENDATION: Waive First Reading and Introduction of Ordinance Amending Section 6 of Chapter 21 of Title VI of the Selma Municipal Code.

/s/ Neal Costanzo 04/13/2018
Neal E. Costanzo, City Attorney Date

/s/ Henry Perea 04/13/2018
Henry Perea, Interim City Manager Date

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING
CHAPTER 21 OF TITLE VI OF THE SELMA MUNICIPAL CODE ENTITLED GRAFFITI**

The City Council of the City of Selma, California the ("City") does ordain as follows:

WHEREAS, current City ordinance prohibits graffiti and provides for its removal from public property by City forces, and on private property, but only by the person responsible for applying it or his or her parents if the person is a minor or by the City with the consent of the property owner; and

WHEREAS, the City Council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community and that unless the City, or the property owner where the graffiti is located acts to remove it either from public or private property, the graffiti tends to remain, other properties become targets of graffiti and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the City; and

WHEREAS, Government Code §§38772, 38773.2 and 38773.3 specifically authorize an ordinance by a city requiring a property owner to remove, or pay the cost of the City's removal of graffiti unless removed by the property owner following of receipt of notice as provided for by this ordinance.

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

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. Section 6 of Chapter 21 of Title 6 of the Selma Municipal Code is hereby amended to read as follows:

6-21-6 Removal:

(A) General: Any person applying graffiti within the City shall have the duty to remove same in a manner approved by the City and the property owner within 24 hours after notice by the City or a public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation of this Chapter.

Consistent with Civil Code §1714.1, where graffiti is applied by minors, the parent or guardian shall be responsible for such removal or payment of cost thereof.

(B) **Public Property:** Whenever the City Manager or his designee representative determines that graffiti exists upon property owned by the City, it shall be removed as soon as possible. When the property is owned by a public entity, other than the City, the removal of the graffiti may be authorized by the City Manager or his representative, and removal undertaken by the City only after securing the consent of the public entity having jurisdiction over the property.

(C) **Property Owner Responsibility:** It is unlawful for any person who is the owner of or in possession and control of real property or who is otherwise primarily responsible for control of the property or repair or maintenance of property in the City of Selma to permit property that has been defaced with graffiti to remain defaced for a period of 72 hours after service, by personal delivery or by certified mail or following the posting, at a conspicuous place on the property where graffiti is located, written notice to the owner and to any lessee, occupant or other person having possession of real property within the City that graffiti must be removed within 72 hours of the date of the service of the notice. The notice shall apprise the property owner or other lessee or person in possession of the real property that the graffiti must be removed, repaired or painted over and that a failure to do so is cause for the City or its contractor to enter upon the property and to abate the public nuisance by removing or painting over the graffiti located on the property. If the property owner or responsible party in possession fails to remove the offending graffiti within the time specified by this Section, the City may paint, repair or otherwise remove the graffiti and the cost thereof shall be assessed upon the property as a lien in the manner provided for by this Section.

(D) **Cost Recovery:** Whenever the City is required to abate graffiti as a public nuisance as allowed by this Section, the City may recover pursuant to California Government Code §38773, the cost of such abatement through the assessment of a lien against the property on which the nuisance was maintained. Prior to the recordation of a lien against such property for the recovery of abatement and related administrative costs, the City shall, in accordance with §38773.1 or 38773.5 of the Government Code provide written notification, by registered or certified mail, to the property owner that a lien will be assessed against the property and such costs will continue as a lien upon the property until it paid. On receipt of such notification, a property owner may, within the time and in the manner prescribed by Chapter 20 of Title I of this Code appeal the proposed assessment of the lien on the property by filing an appeal with the City Manager in the manner specified by Section 8 of Chapter 20 of Title I of this Code and may pursue all appeal rights provided for by that Chapter. Following the conclusion of any such appeal, or if the notice is not timely appealed, the lien as proposed by the notice shall be recorded against the real property.

Section 3. 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 4. 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 5. 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 News with the names of those City Council Members voting for or against the Ordinance.

I, Reyna Rivera, Chief Deputy City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at the _____, 2018 regular City Council meeting and passed at a regular meeting of the City Council of the City of Selma on the _____ day of _____ 2018, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Mayor of the City of Selma

ATTEST:

Reyna Rivera, City Clerk