

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

December 2, 2019

ITEM NO:

1.

SUBJECT:

City Council Reorganization- Confirmation of Mayor and Mayor Pro Tempore per Ordinance 2016-6

RECOMMENDATION: No formal vote of the Council is required for this item. The most senior member Mayor Pro Tem Louis Franco, must confirm whether he will accept the role as Mayor, and the next most senior member, Council member Sarah Guerra, must be confirmed whether she will accept the role as Mayor Pro Tempore.

DISCUSSION: Section 1-7-1 of the City's Municipal Code ("Code") establishes the procedure for the selection of the Mayor and Mayor Pro Tempore. The Code was adopted by the Council on October 17, 2016, and became effective November 16, 2016. The Code simply provides for a rotational system in which, at the beginning of the first meeting of December, the most senior Councilperson, and next most senior Councilperson assume the offices of Mayor and Mayor Pro Tempore, respectively.

Any Council member may opt out or pass on occupying the position of either Mayor Pro Tempore or Mayor, but if they do, they are relegated to be the least senior member, for purposes of the selection of Mayor and Mayor Pro Tempore.

Attachments: Ordinance 2016-6

RECOMMENDATION: No formal vote of the Council is required for this item. The most senior member Mayor Pro Tem Louis Franco, must confirm whether he will accept the role as Mayor, and the next most senior member, Council member Sarah Guerra, must be confirmed whether she will accept the role as Mayor Pro Tempore.


Reyna Rivera, City Clerk

11-25-19
Date

/s/
Neal Costanzo, Special Counsel

11/26/2019
Date

ORDINANCE NO. 2016 – 6

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA
AMENDING SECTION 1, OF CHAPTER 7 OF TITLE I OF THE
SELMA MUNICIPAL CODE ENTITLED MAYOR SELECTION**

WHEREAS, existing ordinances of the City of Selma relating to the selection of Mayor and Mayor Pro Tempore are in Title I, Chapter 7 of the Selma Municipal Code; and

WHEREAS, the City Council of the City of Selma desires to amend Section 1, Chapter 7 of Title I to provide for a rotational system of selecting a Mayor and mayor Pro Tempore, and for the rotation of members occupying that portion on an annual basis; and

WHEREAS, Title I, Chapter 1, Section 3 of the Selma Municipal Code provides that an ordinance amending the Selma Municipal Code that sets forth the title, chapter or section number or the sections to be amended is sufficient compliance with any requirement pertaining to the amendment or revision by ordinance of any part of the Selma Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA
DOES HEREBY ORDAIN** as follows:

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

“SECTION 1-7-1: MAYOR; SELECTION:

The offices' of Mayor and Mayor Pro Tempore shall be rotated among members of the City Council each year. At the first meeting of the City Council, in the month of December each year, one member of the City Council shall assume the office of Mayor, and another shall assume the office of Mayor Pro Tempore. At the first meeting of the City Council in the month of December each year, the most senior member of the City Council, in terms of length of continuous service on the City Council shall assume the office of Mayor and the member having the next longest term of service as a City Council Member shall assume the office of Mayor Pro Tempore. In the event members eligible to assume the office of Mayor and Mayor Pro Tempore are of equal seniority, the member who had received the most votes at the most recent Municipal election shall be treated as having more seniority than the other member. In the year following the year on which the most senior member of the City Council occupies the office of Mayor the Mayor Pro Tempore shall assume the office of Mayor and the Member occupying the office of Mayor following the effective date of this ordinance and during the prior year shall be treated as the least senior member of the City Council for purposes of applying this Ordinance only until such time as all remaining members have occupied that office. In that same year the next most senior member shall assume the position of Mayor Pro Tempore.

Newly elected members shall be treated as having less seniority than those who remain on the City Council beyond their initial four-year term. Any member may decline to serve in either the position of Mayor or Mayor Pro Tempore, in which case, such member shall be treated as having served one year as Mayor or Mayor Pro Tempore, as the case may be. It is the intent of this provision that the office of Mayor and Mayor Pro Tempore shall only be occupied by a member of the City Council for one year and that no member shall occupy the office of Mayor or Mayor Pro Tempore for more than one year during any five-year period”.

In the event the member occupying the position of Mayor or Mayor Pro Tempore resigns, dies, becomes incapacitated or is otherwise unable or unwilling to remain as a member of the City Council, then the member having the highest seniority, or who received the most votes in the most recent election, in the event there are two members having equal seniority, shall assume the position of Mayor or Mayor Pro Tempore, as the case may be, for the remainder of the term of the member who has ceased to remain as a member of the City Council. The assumption of that member of the position of Mayor or Mayor Pro Tempore shall not affect that person's seniority with respect to occupying either office following the completion of the term, as Mayor or Mayor Pro Tempore, as the case may be, of the person who has ceased to be a member of the City Council.

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

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

SECTION 4: Effective Date and Posting of Ordinance: This Ordinance shall take effect and be in force thirty (30) days from and after the date of 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, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at the October 3, 2016, regular City Council meeting and passed at a regular meeting of the City Council of the City of Selma on the 17th day of October 2016, by the following vote, to wit:

AYES: 3 COUNCIL MEMBERS: Rodriguez, Montijo, Derr
NOES: 2 COUNCIL MEMBERS: Avalos, Robertson
ABSENT: 0 COUNCIL MEMBERS: None
ABSTAIN: 0 COUNCIL MEMBERS: None

/s/ Scott Robertson

Scott Robertson, Mayor of the City of Selma

ATTEST:

/s/ Reyna Rivera

Reyna Rivera, City Clerk

APPROVED AS TO FORM:

/s/ Neal E. Costanzo

Neal E. Costanzo, City Attorney

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

December 2, 2019

ITEM NO:

2.a.

SUBJECT: Consideration of the emergency medical services capital expenditures for the purpose of the Selma Ambulance Department

RECOMMENDATION: Staff recommends that Council approve the capital purchase of one Stryker Lifepak 15 heart monitor and one Ford Transit style ambulance with a Stryker Power Load patient retention system and authorize the City Manager to execute all necessary documents.

BACKGROUND: At the meeting on November 4, 2019, Council approved the re-integration of Emergency Medical Services (EMS) back within the operational scope of the fire department. The projected timeline for implementation calls for the establishment of a 12-hour ambulance in early 2020, followed by full re-integration July 1, 2022.

DISCUSSION: To facilitate program implementation, and maintain the projected timeline, it will be necessary to make several capital purchases in the next couple of months.

The first capital purchase will be a Ford Transit Van ambulance, which will include a Stryker Power Load patient retention system at a cost not to exceed \$144,078.

By purchasing the components for the power load system prior to the end of 2019, the City will be saving approximately \$15,000 - \$19,000. This is due to the company (Stryker) selling existing inventory at a discount prior to 2020.

The Ford Transit Van ambulance will be very similar to the ambulances that American Ambulance uses. They are economical, and will work well for our needs. The Stryker Power Load system allows the crew members to load patients into the back of the ambulance using a power system, rather than doing so manually by having to lift the gurney into place. This system reduces wear and tear on our crew members and helps to reduce the potential for work related back injuries.

The second capital purchase will be a Lifepak 15 heart monitor at a cost of \$38,373.05. This is the piece of equipment that our Paramedics use to diagnose and treat patients with cardiac related problems.

The total cost of all capital items is \$182,451.05, which leaves a sufficient fund balance to purchase additional supplies to stock the ambulance and keep the costs within the amended budget that Council approved on November 4, 2019, which projected a start-up cost of \$200,000 for each ambulance.

<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>
Heart Monitor - \$38,373.05 Ambulance with patient loading system - \$ 144,078		Combined cost of both items: \$182,451.05
<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: Ambulance Fund Fund Balance: \$3,590,098		None

RECOMMENDATION: Staff recommends that Council approve the capital purchase of one Stryker Lifepak 15 heart monitor and one Ford Transit style ambulance with a Stryker Power Load patient retention system and authorizes the City Manager to execute all necessary documents.


 Robert Petersen, Fire Chief

11-26-19
 Date


 Teresa Gallavan, City Manager

11-26-19
 Date

LEADER
EMERGENCY VEHICLES
10941 Weaver Avenue
South El Monte, CA 91733

Kevin Oberthier, Factory Direct Sales
Mobile: (559) 761-9382
Fax: (559) 276-3235

QUOTATION

20-Nov-2019

Selma Fire Department
1711 Tucker Street
Selma, CA. 93662

QUANTITY	TERMS COD	FOB South El Monte, CA	SHIP VIA Ground	Pricing	
		DESCRIPTION	EACH	EXTENDED AMOUNT	
1		2019 Sprinter Type-2 Leader Conversion Unit to be Painted RED, Auto Eject Shoreline, All LED Lighting Approved design and layout To be completed at Final Build. Inverter/Charger, map console, Additional Overhead cabinet on S/B Rear Intersection, Tinted windows, Cargo Net at head of S/B. Stryker Power Load system will be Installed.	\$97,813.00	\$97,813.00	
		Sub-Total	\$ 97,813.00	\$97,813.00	
1		Sales Tax 8.25% Selma	\$8,290.00	\$ 8,290.00	
5		CA Tire Fee : \$1.75 (Per Tire)	\$ 8.75	\$ 8.75	
1		DMV Vehicle Registration Fee	N/A	N/A	
		TOTAL QUOTED AMOUNT	\$ 106,111.75	\$ 106,111.75	
Delivery 35-45 Days After Receipt of Chassis					
Customer Approval:			Payment: (Please check one)		
Signature _____			Leasing <input type="checkbox"/>		
Date _____			Company Check <input type="checkbox"/>		
			Wire Transfer <input type="checkbox"/>		
<p><small>Purchaser agrees to defend, indemnify and hold Halcore Group Inc., dba Leader Industries, harmless from any claims, costs (including actual attorney's fees), damages and liabilities caused in whole or in part by any alteration or modification of, or change</small></p> <p>TERMS: All Vehicle Sales Are C.O.D. Titles to be Processed Upon Receipt of Payment in Full.</p> <p>Quotation is valid for 60 days</p> <p>THANK YOU FOR YOUR BUSINESS</p>					



LP15

Quote Number: 10074820
Version: 1
Prepared For: SELMA FIRE DEPT
Attn:

Remit to: P.O. Box 93308
Chicago, IL 60673-3308
Rep: Antonella Bondi
Email: antonella.bondi@stryker.com
Phone Number:

Quote Date: 11/07/2019
Expiration Date: 02/05/2020

Delivery Address		End User - Shipping - Billing		Bill To Account	
Name:	SELMA FIRE DEPT	Name:	SELMA FIRE DEPT	Name:	SELMA FIRE DEPT
Account #:	1323329	Account #:	1323329	Account #:	1323329
Address:	1711 TUCKER ST	Address:	1711 TUCKER ST	Address:	1711 TUCKER ST
	SELMA		SELMA		SELMA
	California 93662		California 93662		California 93662

Equipment Products:

#	Product	Description	Qty	List Price	Sell Price	Total
1.0	99577-001957	LIFEPAK 15 V4 Monitor/Defib - Manual & AED, Trending, Noninvasive Pacing, SpO2, SpCO, NIBP, 12-Lead ECG, EtCO2, BT.	1	\$36,730.00	\$26,770.00	\$26,770.00
2.0	41577-000288	Ship Kit -QUIK-COMBO Therapy Cable; 2 rolls100mm Paper; RC-4, Patient Cable, 4ft.; NIBP Hose, Coiled; NIBP Cuff, Reusable, adult; 12-Lead ECG Cable, 4-Wire Limb Leads, 5ft; 12-Lead ECG Cable, 6-Wire Precordial attachment	1	\$0.00	\$0.00	\$0.00
3.0	21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	3	\$494.00	\$294.00	\$882.00
4.0	11141-000115	REDI-CHARGE Base (power cord not included)	1	\$1,605.00	\$1,364.25	\$1,364.25
5.0	11140-000015	AC power cord	1	\$83.00	\$70.55	\$70.55
6.0	11140-000052	LP15 REDI-CHARGE Adapter Tray	1	\$218.00	\$185.30	\$185.30
7.0	11171-000049	Masimo™Rainbow™ DCI Adult Reusable SpO2, SpCO, SpMet Sensor, 3 FT. For use with RC Patient Cable.	1	\$640.00	\$544.00	\$544.00
8.0	11160-000011	NIBP Cuff-Reusable, Infant	1	\$23.00	\$19.55	\$19.55
9.0	11160-000013	NIBP Cuff-Reusable, Child	1	\$26.00	\$22.10	\$22.10
10.0	11160-000015	NIBP Cuff-Reusable, Adult	1	\$32.00	\$27.20	\$27.20
11.0	11160-000017	NIBP Cuff -Reusable, Large Adult	1	\$36.00	\$30.60	\$30.60
12.0	11160-000019	NIBP Cuff-Reusable, Adult X Large	1	\$51.00	\$43.35	\$43.35
13.0	11577-000002	LIFEPAK 15 Basic carry case w/right & left pouches; shoulder strap (11577-000001) included at no additional charge when case ordered with a LIFEPAK 15 device	1	\$337.00	\$286.45	\$286.45



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Email: antonella.bondi@stryker.com
Phone Number:

Quote Date: 11/07/2019
Expiration Date: 02/05/2020

#	Product	Description	Qty	List Price	Sell Price	Total
14.0	11220-000028	LIFEPAK 15 Carry case top pouch	1	\$61.00	\$51.85	\$51.85
15.0	11260-000039	LIFEPAK 15 Carry case back pouch	1	\$87.00	\$73.95	\$73.95
16.0	11996-000480	4G Titan III Trio Modem: Verizon or AT&T WiFi/ Cellular/Audio (audio on/off configurable by customer), for use with customer data plan. Customer will obtain SIM card to configure for Verizon or AT&T	1	\$2,295.00	\$1,881.90	\$1,881.90
Equipment Total:						\$32,253.05

ProCare Products:

#	Product	Description	Years	Qty	List Price	Sell Price	Total
17.1	78000008	Prevent Plus Batteries (Onsite) for LIFEPAK 15 V4 Monitor/Defib - Manual & AED, Trending, Noninvasive Pacing, SpO2, SpCO, NIBP, 12-Lead ECG, EtCO2, BT.	4	1	\$7,200.00	\$6,120.00	\$6,120.00
ProCare Total:							\$6,120.00

Price Totals:

Grand Total: \$38,373.05

Prices: In effect for 60 days.

Terms: Net 30 Days

Ask your Stryker Sales Rep about our flexible financing options.



LP15

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Email: antonella.bondi@stryker.com
Phone Number:

Quote Date: 11/07/2019
Expiration Date: 02/05/2020

AUTHORIZED CUSTOMER SIGNATURE

PENDING APPROVAL

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.

Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency.

Terms: Net 30 days. FOB origin. A copy of Stryker Medical's standard terms and conditions can be obtained by calling Stryker Medical's Customer Service at 1-800-Stryker.

In the event of any conflict between Stryker Medical's Standard Terms and Conditions and any other terms and conditions, as may be included in any purchase order or purchase contract, Stryker's terms and conditions shall govern.

Cancellation and Return Policy: In the event of damaged or defective shipments, please notify Stryker within 30 days and we will remedy the situation. Cancellation of orders must be received 30 days prior to the agreed upon delivery date. If the order is cancelled within the 30 day window, a fee of 25% of the total purchase order price and return shipping charges will apply.

November 25, 2019

Stryker is the sole-source provider in the Hospital (hospitals and hospital-owned facilities), Emergency Response Services and Emergency Response Training (paramedics, professional and volunteer fire) markets in the U.S. for the following products:

- New LIFEPAK® 15 monitor/defibrillators
- New LIFEPAK 20e defibrillator/monitors
- New LIFEPAK 1000 automated external defibrillators
- New LUCAS® chest compression system
- TrueCPR™ coaching devices
- CODE-STAT™ data review software and service

Stryker is the sole-source provider in all markets for the following products and services:

- RELISM (Refurbished Equipment from the Lifesaving Innovators) devices
- LIFENET® system and related software
- Factory-authorized inspection and repair services which include repair parts, upgrades, inspections and repairs
- HealthEMS® Software
- HomeSolutions.NET® Software
- ACLS (non-clinical) LIFEPAK defibrillator/monitors
- Heart Safe SolutionSM Government Campus Solution
- MultiTech 4G and Titan III gateways

Stryker is also the sole-source distributor of the following products for EMS customers in the U.S. and Canadian markets:

- McGRATH™ MAC EMS video laryngoscope
- McGRATH MAC disposable laryngoscope blades
- McGRATH X Blade™

Stryker does not authorize any third-parties to sell these products or services in the markets listed above. We will not fulfill orders placed by non-authorized businesses seeking to resell our products or services. If you have questions, please feel free to contact your local Stryker customer service representative at 800.442.1142.

Sincerely,



Matt Van Der Wende, Senior Director, Americas Sales

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GDR 3321967_K

Emergency Care

11811 Willows Road NE, Redmond, WA 98052 USA | P +1 425 867 4000 | Toll-free +1 800 442 1142 | stryker.com



powered system promo

Quote Number: 10081336
Version: 1
Prepared For: SELMA FIRE DEPT
Attn:

Remit to: P.O. Box 93308
Chicago, IL 60673-3308
Rep: Antonella Bondi
Email: antonella.bondi@stryker.com
Phone Number:

Quote Date: 11/21/2019
Expiration Date: 12/11/2019

Delivery Address

Name: SELMA FIRE DEPT
Account #: 1323329
Address: 1711 TUCKER ST
SELMA
California 93662

End User - Shipping - Billing

Name: SELMA FIRE DEPT
Account #: 1323329
Address: 1711 TUCKER ST
SELMA
California 93662

Bill To Account

Name: SELMA FIRE DEPT
Account #: 1323329
Address: 1711 TUCKER ST
SELMA
California 93662

Equipment Products:

#	Product	Description	Qty	List Price	Sell Price	Total
1.0	639005550001	MTS POWER LOAD	1	\$29,173.00	\$18,965.37	\$18,965.37
2.0	6506000000	Power-PRO XT	1	\$24,727.00	\$16,075.02	\$16,075.02
2.1	6085033000	PR Cot Retaining Post				
2.2	7777881669	3 Yr X-Frame Powertrain Wrnty				
2.3	7777881670	2 Yr Bumper to Bumper Warranty				
2.4	6506026000	Power Pro Standard Components				
2.5	6500001430	X-RESTRAINT PACKAGE				
2.6	0054030000	DOM SHIP (NOT HI, AK, PR, GM)				
2.7	650606160000	ONE PER ORDER, MANUAL, ENG OPT				
2.8	6500082000	Knee-Gatch/Trendelenburg				
2.9	6506038000	Steer Lock Option				
2.10	6092036018	J Hook				
2.11	6506034002	6506 PWR-LOAD/PERF-LOAD OPTION				
2.12	6500038000	SMRT KIT-120V AC,12V DC, Brckt				
2.13	6500003130	KNEE GATCH BOLSTER MATRSS, XPS				
2.14	6506040000	XPS Option				
2.15	6085046000	Retractable Head Section O2				



powered system promo

Quote Number: 10081336
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Rep: Antonella Bondi
Email: antonella.bondi@stryker.com
Phone Number:

Quote Date: 11/21/2019
Expiration Date: 12/11/2019

#	Product	Description	Qty	List Price	Sell Price	Total
2.16	0054200994	NO RUNNER				
2.17	6500315000	3 Stage IV Pole PR Option				
2.18	6506012003	STANDARD FOWLER				
2.19	6500130000	Pocketed Back Rest Pouch				
2.20	6500128000	Head End Storage Flat				
2.21	6500147000	Equipment Hook				
3.0	6252000000	Stair-PRO Model 6252	1	\$4,202.00	\$3,530.10	\$3,530.10
3.1	7777881660	1 year parts, labor & travel				
3.2	6252009001	Stair-Pro Operations Manual				
3.3	6250001162	In-Service Video (DVD)				
3.4	6252026000	Common Components				
3.5	6250021000	2 Piece ABS Panel Seat				
3.6	6250160000	Polypropylene Restraint Set(Plastic Buckles)				
3.7	6252022000	Main Frame Assy Option				
3.8	6250024000	Standard Length Lower LiftHandles				
3.9	6252027000	Footrest Option				
3.10	6252024000	No IV Clip Option				
5.0	6390027000	Wheel Guide Option	1	\$426.79	\$362.77	\$362.77
Equipment List Price:						\$58,528.79
Equipment Total:						\$38,933.28

ProCare Products:

#	Product	Description	Years	Qty	List Price	Sell Price	Total
4.1	76011PT	Prevent - PowerLoad - TOS for MTS POWER LOAD	6	1	\$10,386.00	\$8,308.80	\$8,308.80



powered system promo

Quote Number: 10081336
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Rep: Antonella Bondi
Email: antonella.bondi@stryker.com
Phone Number:

Quote Date: 11/21/2019
Expiration Date: 12/11/2019

#	Product	Description	Years	Qty	List Price	Sell Price	Total
4.2	71061PT	Prevent - Power Cot -TOS for Power-PRO XT	5	1	\$6,590.00	\$5,272.00	\$5,272.00
4.3	73071PT	Prevent - Stair Chair - TOS for Stair-PRO Model 6252	6	1	\$1,416.00	\$1,132.80	\$1,132.80
ProCare List Price:							\$18,392.00
ProCare Total:							\$14,713.60

Price Totals:

Grand Total: \$53,646.88

Prices: In effect for 60 days.

Terms: Net 30 Days

Ask your Stryker Sales Rep about our flexible financing options.

AUTHORIZED CUSTOMER SIGNATURE

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.

Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency.

Terms: Net 30 days. FOB origin. A copy of Stryker Medical's standard terms and conditions can be obtained by calling Stryker Medical's Customer Service at 1-800-Stryker.

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

December 2, 2019

ITEM NO: 2.b.

SUBJECT: Consideration of Acceptance of Funds from the Edward Byrne Justice Assistance Grant Program

RECOMMENDATION: Authorize the Mayor to execute certifications and assurances for acceptance of the Edward Byrnes Justice Assistance Grant Program.

DISCUSSION: The Edward Byrne Memorial Justice Assistance Grant ("JAG") Program is the primary provider of federal criminal justice funding to states and units of local government. These funds awarded may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs

The City's Police Department has utilized this grant for special operations including DUI enforcement details, monitor criminal activity at community events, parole violation stings, and gang details as well as other enforcement activities. This provides overtime hours to officers and non-sworn personnel to conduct operations that have not been allowable in past years without the grant, due to budget limitations.

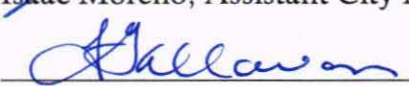
For the Fiscal Year 2019, the City's Police Department was awarded \$18,223 to perform the services set forth above, and community outreach, through the Bringing Broken Neighborhoods Back to Life program.

In order to utilize the funds, the City must execute the grant certifications and assurances. This form must be signed by the highest-ranking official, Chief Executive Officer (CEO), the Mayor. In addition, Staff requests authorization to permit the Mayor to execute any future forms necessary to implement this grant.

RECOMMENDATION: Authorize the Mayor to execute certifications and assurances for acceptance of the Edward Byrnes Justice Assistance Grant Program.


Isaac Moreno, Assistant City Manager

11-26-19
Date


Teresa Gallavan, City Manager

11-25-19
Date

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2019 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

Rev. March 6, 2019

26
BJA-2019-15141

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

December 2, 2019

ITEM NO: 2.c.

SUBJECT: Second Reading and Adoption of an Ordinance Amending Subdivision (D) of Section 11-8-10 (Packaged Alcoholic Beverage Sales) Allowing Discretionary Adjustment or Elimination of Density Requirements for Retail Facilities of Less than 15,000 Square Feet in Area Selling Packaged Alcoholic Beverages at Retail

RECOMMENDATION: It is recommended that the City Council adopt Ordinance No. 2019- __, an Ordinance of the City Council of the City of Selma, Allowing for Discretionary Adjustment or for Elimination of Density Requirements for Retail Facilities Selling Packaged Alcoholic Beverages at Retail and Having Less than 15,000 Square Feet in Area.

DISCUSSION: The effect of all city zoning is to concentrate particular types of uses of real property in designated areas of a city. The standard business model of any gas station/convenience store is to include in the variety of items sold packaged alcoholic beverages, typically beer and wine. The Ordinance proposed to be amended applies only to retail businesses of less than 15,000 square feet in area or having 10% of the total area devoted to the display or storage of packaged alcoholic beverages. In addition to numerous requirements relating to how such businesses must be conducted, all of which appear designed to deter the public consumption of alcoholic beverages and associated adverse impacts of such activities, the section contains the following requirement at Subdivision (D):

“(D) Density: The following criteria shall be used to determine the density of facilities under this section in the City:

1. All facilities shall be minimum of three hundred feet (300') from any public park and any public or private school.
2. All facilities shall be a minimum of five hundred feet (500') from any existing non-exempt facility which conducts retail sales of packaged alcoholic beverages.”

The Ordinance was adopted in 1994. As more property within the affected Zones are developed, the occurrence of proposed new locations where packaged alcoholic beverages may be sold located within 500 feet of an existing non-exempt facility that sells alcoholic beverages has naturally increased over time. The same is true with respect to the location of such new facilities in relation to a school or park since newly developed facilities tend to be on the outskirts of the affected Zones which are naturally closer to schools or parks.

While the prohibition does eliminate concentration of facilities that sell packaged alcoholic beverages and, therefore, inferentially reduces the occurrence of public consumption of packaged alcoholic beverages, no studies or evaluations have been made which establish this as fact. The prohibition is not subject to any exception or qualification and cannot be


overridden by either the Planning Commission or City Council, even though good reasons for doing so may exist in a given case. Consequently, it is possible to attack the density requirement of Subdivision (D) as an arbitrary classification that is not based upon any substantial evidence and therefore lacks a rational basis. New facilities wishing to engage in incidental sales of alcoholic beverages in connection with the operation of retail stores, primarily gas station/convenience stores that are not allowed to sell this product are placed at a competitive disadvantage by virtue of being located within 500 feet of an existing non-exempt facility that does sell such products.

On November 12, 2019, at a special meeting, the Planning Commission recommended adoption of an amendment to Subdivision (D) of Section 11-8-10 of the SMC. The amendment qualifies the prohibition against the establishment of facilities that sell packaged alcoholic beverages at retail that are less than 15,000 square feet in area by allowing either the Planning Commission or the City Council on appeal from a Planning Commission's decision to adjust, alter, modify or completely eliminate these "density requirements" if, based on identified legitimate non-discriminatory considerations the proposed business will not result in an adverse effect on property within a 300 foot radius of the permitted use, or upon a finding that allowance of retail sales of packaged alcoholic beverages from the proposed facility promotes the public convenience or necessity. The addition of that qualification would effectively eliminate the possibility of a successful claim that this subdivision is invalid either because it is arbitrary or lacks a rational basis. Any attack on the density requirement as amended, would require a showing that either the Planning Commission or the City Council, as the case may be, has abused its discretion which requires a showing that the decision exceeds the bounds of reason, a much more difficult showing to make in connection with an attack on the Ordinance.

As the commercial zone fills in, availability and space for the establishment of businesses that sell alcoholic beverages in packages and at retail will ultimately become impossible to locate. That will typically lead to a challenge to an ordinance of this type that strictly forbids the establishment of that business. Incorporating the proposed provisions allowing discretionary alteration or elimination of the density requirements more effectively shields the City from potential challenge to this particular ordinance.

During the November 18, 2019 Council meeting, the City Council introduced the Ordinance allowing for discretionary adjustment or for elimination of density requirement for retail facilities, amending Subdivision (D) of Section 11-8-10 of the SMC.

RECOMMENDATION: It is recommended that the City Council adopt Ordinance No. 2019- __, an Ordinance of the City Council of the City of Selma, Allowing for Discretionary Adjustment or for Elimination of Density Requirements for Retail Facilities Selling Packaged Alcoholic Beverages at Retail and Having Less than 15,000 Square Feet in Area.



Teresa Gallavan, City Manager

11-25-19

Date

/s/

Neal E. Costanzo, Special Counsel

11/26/2019

Date

ORDINANCE NO. 2019 – __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, AMENDING SUBDIVISION D OF SECTION 11-8-10 (PACKAGED ALCOHOLIC BEVERAGE SALES) OF THE CITY OF SELMA MUNICIPAL CODE ALLOWING FOR DISCRETIONARY ADJUSTMENT OR ELIMINATION OF DENSITY REQUIREMENTS FOR RETAIL FACILITIES SELLING PACKAGED ALCOHOLIC BEVERAGES HAVING LESS THAN 15,000 SQUARE FEET IN AREA WHERE DISPLAY AND STORAGE AREA FOR ALCOHOLIC BEVERAGES CONSTITUTE MORE THAN 10% OF THE FLOOR SPACE OF THE ESTABLISHMENT

WHEREAS, the Selma Municipal Code Title 11 (Zoning) Chapter 8 (C-1 Neighborhood Commercial) Section 10 (11-8-10) (Packaged Alcoholic Beverage Sales) is limited in its application to retail facilities that are less than 15,000 square feet in area and where the display and storage areas for alcoholic beverages constitute 10% or less of the floor area of the establishment; and

WHEREAS, businesses selling at retail packaged alcoholic beverages falling below the square footage or above display and storage areas devoted to alcoholic beverages specified in subdivision A of 11-8-10 are subject to numerous requirements contained in that section designed to alleviate adverse impacts arising from the retail sale of packaged alcoholic beverage products, including, but not limited to, the consumption of alcoholic beverages in public places and/or on the premises of the facility selling packaged alcoholic beverages at retail and all such facilities are permitted only with a Conditional Use Permit, and are required to observe specific development standards relating to store security, visibility of the cashier area, parking areas, and prohibiting visual obstruction of windows; requiring specific parking lot lighting, signs prohibiting loitering and/or possession of opened alcoholic beverages on the premises and in adjacent public areas and prohibiting specific entertainment or gaming amenities such as video games, pool tables or similar electronic or mechanical devices; and

WHEREAS, Subdivision D of Section 11-8-10 includes a density requirement which reads as follows:

(D) Density: The following criteria shall be used to determine the density of facilities under this section in the City:

1. All facilities shall be minimum of three hundred feet (300') from any public park and any public or private school.

2. All facilities shall be a minimum of five hundred feet (500') from any existing non-exempt facility which conducts retail sales of packaged alcoholic beverages"; and

WHEREAS, existing uses are exempt from the density requirement unless expanded, modified or the use is discontinued for a period of three months or longer or there is a change in the character or mode of the use; and

WHEREAS, the density provisions of Subdivision (D) of Section 11-8-10 effectively prohibit, without exception or qualification the establishment of any business less than 15,000 square feet in area and having not more than 10% of the display or storage area devoted to packaged alcoholic beverages and/or sales in most available locations within the C-1 Neighborhood Commercial Zone because of the natural tendency or requirements of City Zoning which necessarily provide for the concentration of various commercial activities in the affected zone because all such commercial activities are prohibited in residential zones and are limited to the various commercial zones of the City; and

WHEREAS, the setting of the density limitations is not supported by any scientific, statistical or other study and sets limits on the allowance of commercial operations within the C-1 Zone which can have the unintended effect of prohibiting commercial enterprises which sell alcohol in packaged containers when those sales are incidental to and not the primary purpose of the facility, placing newly established commercial enterprises in this zone that cannot sell packaged alcoholic beverages at retail at a competitive disadvantage to existing facilities that are located within 500 feet of the proposed facility and the subdivision provides for no exception, discretionary or otherwise, allowing an evaluation in connection with the issuance of a CUP required for all such facilities of whether or not the facility creates or contributes to the consumption of packaged alcoholic beverages at or in the vicinity of a public park, public or private school, or other public places; and

WHEREAS, the City Council desires to amend Subdivision (D) of Section 11-8-10 so as to allow for discretionary exceptions or qualifications to the density requirements in connection with the consideration of a Conditional Use Permit (CUP) for such facilities, which is required of such facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The facts set forth in the foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Amendment of Municipal Code. The City of Selma Municipal Code Title 11, Chapter 8, Section 10 (11-8-10), Subdivision D is hereby amended to read in its entirety as follows:

“(D) Density: The following criteria shall be used to determine the density of facilities under this section in the City:

1. All facilities shall be minimum of three hundred feet (300 feet) from any public park and any public or private school.

2. All facilities shall be a minimum of five hundred feet (500 feet) in numbers from any existing non-exempt facility which conducts retail sales of packaged alcoholic beverages.

3. Notwithstanding the foregoing, the Planning Commission and/or City Council may, in connection with issuance of a Conditional Use Permit under Subdivision (B) of this section, or on an appeal from an action taken by the Planning Commission to the City Council on such Conditional Use Permit, adjust, alter, modify or completely eliminate the density requirements of this subdivision if, in assessing the adverse effect on property within a 300 foot radius of a facility subject to the requirements of this subdivision, it determines either that the modification, alteration or elimination of the density requirements will not result in an adverse effect on property within a 300 foot radius of the permitted use and conditions are established by the Conditional Use Permit so issued limiting the display and/or storage areas of packaged alcoholic beverages to 10% or less of the total area of such facility and/or any other conditions found necessary based upon the quality and character of the proposed facility or upon a finding and determination that the allowance of retails sales of packaged alcoholic beverages from such facilities promotes the public convenience or necessity. In making that determination, the Planning Commission or City Council, as the case may be, shall take into account the following

(a) The total square footage of the facility and the percentage of that area that will be devoted to display or storage of alcoholic beverages.

(b) The extent to which the proposed facility is less than the minimum prescribed 300 feet from a public park and/or any public or private school and the susceptibility of the park, or school to open consumption of packaged alcoholic beverages on the premises.

(c) The overall concentration of retail facilities selling packaged alcoholic beverages within the Zone.

(d) The nature, square footage and percentage of the square footage of the non-exempt facilities located within 500 feet of the proposed facility selling packaged alcoholic beverages and the extent to which, in the view of the Planning Commission or City Council, adherence to the density requirements of this section will place the proposed facility at a competitive disadvantage to the existing non-exempt facility located within 500 feet of the proposed new facility.”

SECTION 3. Effect of Amendment. This amendment to Subdivision (D) of Section 11-8-10 of the Selma Municipal Code shall not affect any other subdivision, word or phrase used in Section 11-8-10 of the Selma Municipal Code and is intended to amend

and only amend Subdivision (D) of that section and the remaining parts and subdivisions of that section shall remain in full force and effect.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Selma hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 5. Effective Date. This Ordinance shall take effect thirty days after the date of its adoption.

Section 6. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of this ordinance to be published and posted as required by law.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2019, by the following vote:

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

Scott Robertson, Mayor

ATTEST:

Reyna Rivera, City Clerk

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

December 2, 2019

ITEM NO: 2.d.

SUBJECT: Consideration to Amend the City's Land Use Element changing the maximum density of the High Density (HD) Residential and Mixed Use (MU) Land Use designations to 24.0 units per acre and to create an R-4 Zone District allowing a density of up to 24.0 units per acre

The City of Selma is implementing these projects to bring their 2007 Housing Element into compliance with current State of California Housing Element laws.

RECOMMENDATION:

Staff is presenting these projects to the City Council for their consideration. Staff is recommending that the City Council adopt the Resolution approving the General Plan Amendment No. 2019-0020 and Amendment to the Zone Ordinance No. 2019-0021, along with consideration and approval of the Addendum to the City of Selma General Plan Update 2035 EIR. The City Council may approve this project, deny this project, or direct staff to amend the documents presented.

BACKGROUND: The purpose of this agenda item is for the City Council to consider amending the Land Use Element of the Selma General Plan to change the maximum density of the High Density (HD) Residential and Mixed Use (MU) land use designations from 19 units per acre to 24 units per acre. In conjunction with the proposed amendments is the creation of an R-4 Zone District in the City of Selma which would allow a minimum of 20.0 residential units per gross acre and a maximum of 24.0 residential units per gross acre, in addition to commercial uses within a multi-family residential development. The R-4 Zone District would be allowed in the HD Residential and MU land use designations in the Selma General Plan.

The Planning Commission heard this item at their October 28, 2019 hearing and after review and consideration, made a recommendation to the City Council to approve all three items. The Planning Commission's recommendation to City Council was to approve a maximum allowable density of 20 units per acre for the HD and MU land use designations and a maximum of 20.0 units per gross acre in the R-4 District. In providing an update to the California Department of Housing and Community Development (HCD), they requested that a range of density for the R-4 Zone District be allowed with 20 units per acre as a minimum allowed density. Upon review by staff and Counsel, it was determined that a range would be preferred as it provided a cap to the maximum density for the R-4 Zone District, as only a minimum was provided in the original text considered by the Planning

Commission. The revisions are consistent with what was approved by the Planning Commission and also with their discussion at the hearing of desiring a cap on the maximum density.

The Selma City Council held a public hearing, introduction and first reading during the November 18, 2019 Council meeting and received one comment from the public at the hearing who spoke in opposition of the item, citing feasibility on density.

DISCUSSION:

The City of Selma is implementing these projects to bring their 2007 Housing Element into compliance with current State of California Housing Element laws. The 2007 Housing Element stated the City would identify a minimum of 8.5 acres within the City to rezone to the R-4 Zone District at a density of 20 units per acre to allow for the building of 169 residential units to meet the City's Regional Housing Needs Allocation (RHNA) assigned to the City by the California Department of Housing and Community Development (HCD). These proposed projects are necessary for the City to bring their Housing Element into compliance. At this time, HCD is withholding State housing funding until the City brings their Housing Element into compliance.

Selma's General Plan directs the City to create an R-4 Zone District. The City is proposing the density of the R-4 Zone District to allow a maximum of 24 units per acre in order to meet the requirements to bring the City's Housing Element into compliance. This is the same for the General Plan Amendment. This project does not rezone any physical property but only creates the R-4 Zone District and amends the HD and MU designations so that they are consistent with the density of 24 units per acre.

At the Planning Commission hearing on October 28, 2019, the Planning Commission recommended City Council to approve the creation of an R-4 Zone District and a General Plan Amendment as described above. Following the Planning Commission hearing, and communication with HCD, it was determined that a maximum density of 20 units per acre would not fully address the requirements stated in the City's 2007 Housing Element. Therefore, the below change has been made to the language recommended by the Planning Commission to ensure the City's ability to meet HCD's request and bring the Housing Element into compliance:

The ~~minimum site area~~ density shall be no less than one (1) dwelling unit per 2,178 square feet of gross lot area (20 units per acre) and shall not exceed one (1) dwelling unit per 1,815 square feet of gross lot area (24 units per acre).

This change provides a range and cap to the density allowed in the R-4 Zone District.


Environmental (CEQA)

An Addendum to the General Plan EIR has been prepared for these projects. The Addendum has concluded that substantial changes are not proposed to the 2035 General Plan nor have substantial adverse effects that would require major revisions to the adopted 2035 General Plan EIR prepared for the 2035 General Plan. Impacts beyond those identified and analyzed in the adopted 2035 General Plan EIR would not be expected to occur as a result of the revised project. Overall, the proposed amendments to the 2035 General Plan that constitute the revised project would result in no new impacts or mitigation of substantial importance that would generate new, more severe impacts or require new mitigation measures compared to those identified for the 2035 General Plan in the adopted 2035 General Plan EIR.

RECOMMENDATION:

Staff is presenting these projects to the City Council for their consideration. Staff is recommending that the City Council adopt the Resolution approving General Plan Amendment No. 2019-0020 and Amendment to the Zone Ordinance No. 2019-0021, along with consideration and approval of the Addendum to the City of Selma General Plan Update 2035 EIR. The City Council may approve this project, deny this project, or direct staff to amend the documents presented.

/s/
Kira Noguera, Planning Consultant


Teresa Gallavan, City Manager

11/21/2019
Date

11-25-19
Date

ORDINANCE NO. 2019 – __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SELMA ADDING CHAPTER 5.5 TO TITLE 11 OF
THE SELMA MUNICIPAL CODE (SMC) ESTABLISHING A
R-4 HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE TO COMPLY
WITH STATE HOUSING LAW

WHEREAS, the Selma Municipal Code, at Title 11, is the zoning ordinance of the City of Selma (“City”) and provides a guide for orderly physical growth and development of the city to promote and protect the public health, safety, comfort and general welfare, and to implement the general plan, specifically the land use element of the general plan; and

WHEREAS, the City of Selma is required by state law (Government Code Section 65583.2) to identify a zone or zones where the development of housing at a density of at least 20 units per acre is appropriate; and

WHEREAS, the City will identify areas in the City suitable for the development of Multi-Family High Density Housing with a density of at least 20 units per acre, not to exceed 24 units per acre, and designate those areas as the R-4 zone, which will be created by this Ordinance and added to the City’s zoning ordinance by adding Chapter 5.5 to Title 11 of the Selma Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Incorporation of Recitals. The facts set forth in the foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Amendment of Municipal Code. Chapter 5.5 of Title 11 is hereby added to the City of Selma Municipal Code to read as follows:

“Chapter 5.5

R-4 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL

11-5.1-1: REGULATIONS APPLICABLE:	2
11-5.1-2: PERMITTED USES:	2
11-5.1-3: USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL USE PERMIT:	3

11-5.1-4: HEIGHT:.....	3
11-5.1-5: LOT WIDTH:.....	3
11-5.1-6: LOT DEPTH:	3
11-5.1-7: FRONT YARD:.....	4
11-5.1-8: SIDE YARD:.....	4
11-5.1-9: REAR YARD:	4
11-5.1-10: BUILDABLE AREA:.....	4
11-5.1-11: SPACE BETWEEN BUILDINGS:.....	4
11-1.5-12: LOT AREA:.....	5
11-5.1-13: POPULATION DENSITY:.....	5
11-5.1-14: OFF STREET PARKING:.....	5
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11-5.1-16: RECREATION AND LEISURE AREAS _ COMMON OPEN SPACE:.....	5

This article of the Zoning Ordinance is intended to be applied in areas of the city where multi-family dwellings, at a density of at least twenty (20) dwelling units per acre not to exceed twenty four (24) dwelling units per net acre, are the logical and desirable uses, due to environmental conditions and proximity to commercial and community service facilities. It is intended that these areas of high density multiple-family residential use be located appropriately next to high-capacity streets and near services. It is specifically the intent of this section to ensure that R-4 zoned properties be intermixed with residential development of other densities and/or commercial properties to ensure that R-4 zoned properties are not overly concentrated. The following regulations shall apply to every lot and building in the R-4 High Density Multiple-Family Zone.

11-5.1-1: REGULATIONS APPLICABLE:

The following regulations set forth in this Chapter shall apply in the R-4 High Density Multiple-Family Zone unless otherwise provided in this Title.

11-5.1-2: PERMITTED USES:

- (A) Any uses permitted in the R-2 Zone without first securing a conditional use permit; except one-family dwelling units, churches (houses of worship), and accessory dwelling units.

- (B) Multiple dwellings subject to the provisions of Chapter 20.1, Site Plan Review.
- (C) Accessory buildings and structures.
- (D) For general provisions and exceptions see Chapter 20 of this Title.

11-5.1-3: USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL USE PERMIT:

- (A) Projects, due to site conditions or to meet the minimum density requirement for the zone district, requesting exceedance to building height, setbacks, lot coverage, or parking requirements.
- (B) Commercial uses consistent with the C-1 Neighborhood Commercial Zone on the first floor of a multifamily structure, occupying no more than 50 percent of the first floor area.
- (C) For general provisions and exceptions see Chapter 20 of this Title.

11-5.1-4: HEIGHT:

- (A) No main building or structure shall have a height greater than three (3) stories not to exceed forty five feet (45').
- (B) No accessory building shall have a height greater than one story not to exceed twelve feet (12') to plate height.
- (C) For general provisions and exceptions see Chapter 20 of this Title.

11-5.1-5: LOT WIDTH:

- (A) All lots created after July 5, 1977, shall comply with the following lot width standards and lots existing as of July 5, 1977, may not be reduced below these standards.
- (B) Every lot shall have a minimum lot width of sixty feet (60') excepting that a corner lot shall have a minimum lot width of seventy feet (70').
- (C) Reversed corner lots shall have a minimum lot width of seventy five feet (75').
- (D) Cul-de-sac or loop out lots shall have a minimum width of forty feet (40') with a minimum lot width at building setback line of sixty feet (60').
- (E) Lots siding on freeways and railroads shall have a minimum width of eighty feet (80').

11-5.1-6: LOT DEPTH:

- (A) All lots created after July 5, 1977, shall comply with the following lot depth standards and lots existing as of July 5, 1977, may not be reduced below these standards.
- (B) Every lot shall have a minimum lot depth of one hundred feet (100').
- (C) Lots backing on freeways and railroads shall have a minimum depth of one hundred thirty feet (130').

11-5.1-7: FRONT YARD:

- (A) Every lot shall have a front yard with a minimum depth of fifteen feet (15'), extending across the full width of the lot, or twenty five percent (25%) of the depth of the lot, whichever is less, except that when a lot is adjacent to or abuts a lot fronting on the same street zoned R-A, R-1, R-1-9, or R-1-12, the required front yard setback of the adjacent or abutting lot shall apply for a minimum distance of the first fifty feet (50') extending across the front of the lot.
- (B) For general provisions and exceptions see chapter 20 of this title.

11-5.1-8: SIDE YARD:

- (A) Every interior lot shall have side yards with a minimum of five feet (5') on each side of the main building.
- (B) For two (2) story or higher multiple-family buildings, a minimum setback of ten feet (10') shall be provided, except when adjoining adjacent properties zoned for single-family, the second story portion of any building shall have a minimum setback of twenty feet (20').
- (C) Corner lots, unless otherwise specified in this code, shall have side yards abutting the street not less than fifteen feet (15') in width, excepting garages and carports fronting on a street side yard shall be a minimum of twenty feet (20'). For reverse corner lots, the street side yard setback shall be the same as the minimum front yard setback of the adjacent or abutting lot and shall apply for a minimum distance of the first fifty feet (50') extending across the street side yard of the lot.
- (D) For lots siding on freeways and railroads, the side yard setback adjacent to the freeway for residential structures shall be a minimum of twenty five feet (25').
- (E) For general provisions and exceptions see chapter 20 of this title.

11-5.1-9: REAR YARD:

- (A) The minimum requirements of the R-2 zone (section 11-4.1-9 of this title) shall apply.
- (B) For general provisions and exceptions see chapter 20 of this title.

11-5.1-10: BUILDABLE AREA:

- (A) The buildable area, or percentage of a lot, which may be occupied by any and all buildings, shall not exceed a total amount of sixty five percent (65%) except at the discretion of the Community Development Director. The buildable area may exceed 65 percent, where such additional lot coverage will not, in the opinion of the Community Development Director, adversely affect the aesthetics of the local area.

11-5.1-11: SPACE BETWEEN BUILDINGS:

- (A) The minimum requirements shall be at the discretion of the Community Development Director and as required by the current building code.
- (B) See section 11-20-8 of this title, accessory buildings.

11-1.5-12: LOT AREA:

(A) The minimum lot area requirement of the R-4 zone is 30,000 square feet.

11-5.1-13: DENSITY:

(A) The density shall be one (1) dwelling unit per 2,178 square feet of gross lot area (20 units per acre) and shall not exceed one (1) dwelling unit per 1,815 square feet of gross lot area (24 units per acre).

11-5.1-14: OFF STREET PARKING:

(A) For residential uses, the provisions of the R-2 zone (section 11-4.1-14 of this title) shall apply. The Community Development Director has discretion to reduce off street parking requirements by up to 15 percent where such reduction is needed to meet other building requirements or to improve overall project design.

(B) For nonresidential uses, the off street parking provisions set forth in chapter 17 of this title shall apply.

11-5.1-15: RECREATION AND LEISURE AREAS / PRIVATE OPEN SPACE:

(A) Usable private open space provided for individual dwelling units shall be a minimum of (60) square feet minimum for second floor and higher units as balconies. Private open space for ground floor units is optional.

11-5.1-16: RECREATION AND LEISURE AREAS / COMMON OPEN SPACE:

(A) The minimum requirements of the R-2 zone (section 11-4.1-16 of this title) shall apply."

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Selma hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 4. Effective Date. This Ordinance shall take effect thirty days after the date of its adoption.

Section 5. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of this ordinance to be published and posted as required by law.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2019, by the following vote:

AYES: COUNCIL MEMBER:
NOES: COUNCIL MEMBER:
ABSENT: COUNCIL MEMBER:
ABSTAIN: COUNCIL MEMBER:

Scott Robertson, Mayor

ATTEST:

Reyna Rivera, City Clerk

RESOLUTION NO. 2019 – ___R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA,
APPROVING GENERAL PLAN AMENDMENT NO. 2019-1**

WHEREAS, on November 18, 2019, the Selma City Council held a public hearing to consider a general plan amendment proposed by the City of Selma to amend the land use element of the City's 2035 General Plan to comply with State housing law by creating an R-4 Zone which will allow high density multi-family development with a density of at least 20 units per acre not to exceed 24 units per acre. The proposed land use amendment is attached hereto and incorporated herein by this reference as Attachment A; and

WHEREAS, on October 28, 2019, the Planning Commission of the City of Selma considered the application and recommended that the City Council of the City of Selma approve the General Plan amendment, adopt an ordinance adding Chapter 5.5 to Title 11 of the Selma Municipal Code creating an R-4 Zone, and based on an analysis of the Project prepared by the City determine that the Project will not require amendment to the General Plan EIR; and

WHEREAS, the City of Selma is responsible for determining whether an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration shall be required pursuant to Public Resources Code §21080.1, Division 13, California Environmental Quality Act ("CEQA"); and

WHEREAS, the City prepared an analysis of any potential environmental effects that may be generated from the amendment of the 2035 General Plan and the proposed Ordinance and concluded that no substantial changes to the 2035 General Plan are proposed or would occur that would require revisions to the adopted 2035 General Plan EIR and that no impacts to the environment beyond those identified and analyzed in the 2035 General Plan EIR are expected to occur as a result of the proposed General Plan amendment and creation of an R-4 Zone in the City of Selma. Therefore, the Project would not result in any condition identified in the State CEQA guidelines §15162 that would require a supplemental environmental review or a subsequent EIR. Based upon substantial evidence provided in the analysis, which is part of the record of the proceedings before the City Council and Planning Commission referred to above, the City is not required to prepare an Environmental Impact Report, a Negative Declaration, a Mitigated Negative Declaration or any supplemental Environmental Review or subsequent EIR related to this Project; and

WHEREAS, the City Council determines based upon substantial evidence that the following findings of fact for approval listed and included in this Resolution can be made based upon the reports, evidence and verbal presentations as follows:

1. The City of Selma is committed to ensuring the peace, tranquility, health, safety and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.

2. The proposed General Plan amendment is consistent with the goals and objectives of the General Plan and the General Plan Land Use Element.
3. The City of Selma finds the need to revise the current General Plan Land Use Element to conform to State law and that the change to the General Plan Land Use element will better provide sufficient land designated as high-density multi-family residential land use.
4. That the City of Selma 2035 General Plan Land Use Element, without the implementation of this amendment, does not adequately provide for the need for high density multi-family residential development.

NOW, THEREFORE, be it resolved by the City Council as follows:

1. That the above recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. That the findings set forth in this Resolution are supported by the record and presentation to the City Council.
3. That the City Council approves General Plan Amendment No. 2019-1, attached hereto and incorporated by this reference herein as Attachment A.

The foregoing resolution was duly approved by the Selma City Council at a regular meeting held on the 2nd day of December 2019 by the following vote, to wit:

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

Scott Robertson, Mayor

ATTEST:

Reyna Rivera, City Clerk

1.0 LAND USE ELEMENT

1.1 Introduction

The Land Use Element is a guide to future land use within Selma and affects many of the issues addressed in the other General Plan Elements. The Land Use Element identifies the type and location of future land uses within the City. The specific land uses and their location in turn affect the remaining General Plan Elements. For example, the location and type of land uses outlined in the Land Use Element affect the circulation system that is identified in the Circulation Element. They also reflect the application of the community's goals for its future form and character. In addition to land uses, the Land Use Element also addresses how and when growth will occur, with special attention given to public services and facilities as well as economic development.

1.2 Purpose of the Land Use Element

State law requires that Selma prepare and adopt a General Plan as a tool to manage growth and development. The Land Use Element is one of the seven mandatory elements of the General Plan. The purpose of the Land Use Element is to describe present and planned land uses and their relationship to the community's long-range goals for the future. The Land Use Element identifies the proposed general distribution, location, and extent of land uses such as residential, commercial, industrial, and public/quasi public. The Element consists of text and a map (reference map pocket) that outlines the future land uses within the City and how these uses are integrated with the other General Plan Elements and policies. The Land Use Map is a particularly important feature of the Element since it shows the location and types of development within the City. The Element also describes the intensity or density of development planned for the community. The Land Use Element of the Selma General Plan represents the City's desire for long-range changes and enhancements of land uses. Finally, the goals, objectives and policies and standards contained in this Element establish the framework for future land use planning and decision making in Selma.

1.3 Scope and Content of the Land Use Element

The Land Use Element complies with the requirements of the General Plan Land Use Element mandated in Government Code §65302(a). The Element is comprised of five sections: the Introduction; Purpose of the Land Use Element; Scope and Content of the Land Use Element; Goals, Objectives, and Policies and Standards; and Land Use Map. In the Goals, Objectives, and Policies and Standards section, major land use issues are identified and related goals and policies are established to address these issues. The goals, which are overall statements of community desires, are comprised of broad statements of purpose and direction. Policies serve as guides for community economic development strategies. To achieve the goals, objectives and policies, a logical, organized land use pattern is established with standards for future community development. The Land Use Map graphically identifies the planned land uses within Selma.

1.4 Growth Management

The issue of growth management is central to the general plan process. Growth impacts the community in a variety of ways affecting all of its residents. When growth takes place in a manner consistent with the community's ability to provide necessary services, growth can have positive impacts. Unplanned growth or rapid growth beyond the ability to provide services can create an unpleasant environment and have a devastating affect on the long term economic vitality of the community.

It is in the context of managed growth that the impact of the General Plan can best be understood. A general plan can be broadly defined as an adopted statement of policy for the physical development of a community. As such, it not only represents the official policy regarding the nature and quality of development within the community, but also represents an assessment of the type, quantity, and timing of future development. A major purpose of this General plan is to provide a clear statement of the City's desire for future development. The Plan will be used in the decision making process and is designed to be the framework for policy decisions on both private development projects and City capital expenditures.

The General Plan reflects a serious interest in the effects of urban development on the City's operation and capital budgets. All land use decisions have an effect on future City tax revenues and on the cost of delivering services. As long as the City continues to grow in population, the operating and capital budgets have to address increased service demands. The purpose of a growth management strategy is to reach a balance between the need to house new population and the need to balance the City's budget while providing acceptable levels of service.

The City's strategy for growth management can best be described as the prudent location and timing of new development to maximize the efficient use of urban facilities and services. The General Plan gives direction to the growth the City will experience in the future. Where and when growth is accommodated has major implications for service levels and on the costs of City operations.

1.5 Zoning Consistency

To meet requirements of State Law and simplify the planning process, all land within the Sphere of Influence identified on the General Plan map is provided with a land use designation. The classifications of land are adopted as General Plan policy and are intentionally broad to allow flexibility in project planning. Typically, this flexibility may allow more than one zoning district to be consistent with a single general plan land use designation.

By law, the Land Use Element must establish standards of population density and building intensity for each land use designation. Residential land use density and intensity is expressed in terms of units per gross acre. A gross acre is the raw land before any dedication of streets, setbacks or other restrictions are applied. Units per gross acre is used because it is easier to understand and convey to the general public. Each residential category includes minimum and maximum densities specified in a range of units per gross acre. This allows for a variety of development proposals and zoning requests to be consistent with the General Plan land use designation. The figures are estimates based on average housing units per gross acre. The ultimate population density may be obtained by multiplying the number of units by the average household size to determine the number of persons per acre.

Commercial and industrial land uses include a maximum lot coverage which should not be exceeded. It would not include parking areas (except garages and carports), sidewalks and similar features.

While the Land Use Element specifies a range of unit densities per acre, the Zoning Ordinance of the Selma Municipal Code regulates lot size, parking requirements and other development standards. Under a given land use designation, different zone districts may be appropriate. Consideration of different development requirements within a land use designation is accomplished under the Planned Development provisions of the Zoning Ordinance.

Table 1-1 provides a summary of the density ranges allowed in residential designations and the maximum lot coverage area ratio allowed in non-residential designations and also lists the zoning districts appropriate for each land use.

1.6 Agricultural Management

GOAL 1

Protect adjacent and nearby agricultural lands within the City's Planning Area, while providing for logical growth of the City.

Policies and Standards

- 1.1 The following agricultural land use category identifies land throughout the Planning Area that is intended primarily for agricultural uses.

Agriculture (AG) 0 to 0.05 Units Per Gross Acre.

This designation provides for agriculture and agriculturally-related uses with a 20-acre minimum lot size, and is generally applied to lands outside of urbanized areas or areas planned for future urbanization. Although lands designated Agriculture are not always under the direct control of the City of Selma, the agricultural designation of these lands is intended to express the City's preference that these areas remain in agricultural use and production.

**Table 1-1
Land Use and Zoning Consistency**

General Plan Designation Residential Land Uses	Units Per Acre		Lot Size (sq. ft)	Consistent Zoning
	Min	Max	Min	
<i>Extremely Low Density</i>	0.0	0.5	20,000	AE, OS, RA
Very Low Density (VLD)	0.0	2.0	12,000	R-1-12
Low Density (LD)	1.0	4.0	9,000	R-1-9, R-1-12
Medium Low Density (MLD)	3.0	5.5	7,000	R-1-7, R-1-9
Medium Density (MD)	4.5	9.0	6,000	R-2
Medium High Density (MHD)	8.0	14.0	20,000	R-3, R-2
High Density (HD)	13.0	19.0 24.0	30,000	R-4, R-3
Commercial Land Uses	Max Lot Coverage		Min Lot Size	Consistent Zoning
Neighborhood Commercial (NC)	40%		1 Acre	C-1
Community Commercial (CC)	60%		20,000	C-2
Commercial Office (CO)	40%		5 Acres	C-O
Service Commercial (SC)	75%		20,000	CS
Highway Commercial (HC)	70%		20,000	CH
Regional Commercial (RC)	60%		5 Acres	C-3
Planned Medical Devel. (PMD)	50%		20,000	PMD
Central Business District (CBD)	100%		None	CBD
Industrial Land Uses	Max Lot Coverage		Min Lot Size	Consistent Zoning
Light Industrial (LI)	80%		10,000	M1
Heavy Industrial (HI)	90%		10,000	M2
Business Park (BP)	75%		10,000	BP
Miscellaneous Land Uses	Max Lot Coverage		Min Lot Size	Consistent Zoning
Public Facilities (PF)	N/A		None	Any
Park (PA)	N/A		1 Acre	OS
Reserve (RE)	N/A		N/A	RA, OS

- 1.2 In order to preserve them as a natural resource and provide a buffer between existing and future development in the City and neighboring cities, prime agricultural lands should not be designated for urban development to the extent feasible.
- 1.3 The premature conversion of productive agricultural lands to urban uses is discouraged. Steps to curb conversion of these lands include the use of Williamson Act contracts, Farmland Security Zone contracts, agricultural zoning, purchase/transfer of development rights and "right to farm" covenants.

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- 1.4 Request that Fresno County amend the County's Selma Community Plan to be consistent with the City's General Plan.
- 1.5 Support Fresno County General Plan objectives and policies which protect agricultural lands by maintaining large agricultural parcel sizes and preventing the development of these parcels until it is appropriate to be annexed into the City for development.
- 1.6 Support agricultural industries within the City, but not in the unincorporated areas of the Selma Sphere of Influence. The City shall discourage agricultural industries in unincorporated lands as it would blur the City edge and create demand for annexation and City services.
- 1.7 Require a "right to farm" covenant to be recorded for all development adjacent to productive agricultural lands, in order to provide notice to future owners and protect the farming activities.
- 1.8 New development in the community should be sequential and contiguous to existing development, to ensure the orderly extension of municipal services and preservation of an adequate circulation system.
- 1.9 While the City prefers contiguous urban development, this may not always be feasible or possible given short-term ownership and development constraints. However, leapfrog development greater than ¼ mile from existing urban uses should be discouraged. Such development should be required to submit an analysis of the fiscal and service impacts the development would have upon the City.
- 1.10 The in-fill of existing vacant lands within the City limits should be encouraged over development on the periphery of the community.
- 1.11 Development of peninsulas of urban development into agricultural lands shall be discouraged.
- 1.12 In cooperation with Fresno County and the Fresno Local Agency Formation Commission, the City shall adopt and maintain a Sphere of Influence consistent with this General Plan. The Sphere of Influence shall serve the mutual interests of the County and City by preserving agricultural uses in areas vulnerable to development while protecting the ultimate growth area of the City from potential incompatible or unplanned urban uses.
- 1.13 The City shall discourage extension of urban services for land which will not be annexed into the City for greater than one year, except when required to eliminate health and safety problems in existing developments.
- 1.14 The City shall oppose untimely urban development in the unincorporated areas of the Sphere of Influence.

1.7 Residential Land Use

GOAL 2

Provide adequate land and services to facilitate the development of a wide range of housing types within the City of Selma.

Policies and Standards

- 1.15 The following residential land use categories identify land throughout the Planning Area that is acceptable for housing; clarifies the overall type of housing to be developed within each category; and allows for a mixture of housing types, lot sizes and affordability within the community.

Extremely Low Density (ELD): 0.0 to 0.5 Units Per Gross Acre

This designation allows for large lot sizes typically 20 acres and larger. Typical zoning would be RA (Residential Agricultural), and OS (Open space). Other permitted uses include crop and tree farming, horticulture, temporary stands for the sale of agricultural products grown on the same property, small farming, and publicly owned parks and playgrounds. Estate sized lots and areas where horses could be kept may also be compatible in some areas.

Very Low Density (VLD): 0 to 2.0 Units Per Gross Acre

This category is characterized by larger lot sizes ranging from a minimum of 12,000 square feet to a more typical 20,000 square feet. Typical zoning would be R-1-12. A planned unit development may be appropriate if accompanied by a recreational amenity such as a golf course, lake or similar amenity. Estate sized lots and areas where horses could be kept may also be compatible in some areas.

Low Density (LD): 1.0 to 4.0 Units Per Gross Acre

The intent of this classification is to provide locations for the construction of single family homes. Zoning classifications under this designation include R-1-9 and R-1-12 with 9,000 and 12,000 square foot lot minimums respectively.

Medium Low Density (MLD): 3.0 to 5.5 Units Per Gross Acre

This Designation allows for a transition of housing types between higher density development and conventional single family developments. Typical zoning would be R-1-7 or R-1-9. This land use designation is representative of most existing single family developments within the City. Minimum lot size is 7,000 square feet.

Medium Density (MD): 4.5 to 9.0 Units Per Gross Acre

Small-lot, clustered development and low density multiple family development would be acceptable in this designation. To accommodate these types of development, typical zoning would be R-2, having a minimum lot size of 6,000 square feet with an additional 4,000 square feet for each additional unit on the same lot. In addition, specific development standards would be necessary on a project by project basis to insure that there would be sufficient open space, parking, etc. The majority of multiple family development in this district would be in the form of duplexes.

Medium High Density (MHD): 8.0 to 14.0 Units Per Gross Acre

This classification provides for lower intensity multiple family developments. Typical zoning would be R-2 with a minimum lot size of 20,000 square feet. A lot with the minimum lot size would typically have up to 4 residential units. Typical development would be tri- and four-plexes and single story apartment complexes.

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High Density (HD): 13.0 to ~~19.0~~ 24.0 Units Per Gross Acre

Notable apartment developments are provided within this designation. Typical zoning for the HD designation would be R-3 and R-4. A new zone district, R-4, which will be required to be developed in the zoning ordinance. R-3 zoning has a minimum lot size of 20,000 square feet, which could accommodate up to 14 units, and R-4 zoning will have has a minimum lot size of 30,000 square feet, which could accommodate up to 24 units. A lot with the minimum lot size could potentially have up to 13 residential units. This designation would likely result in multiple story apartment complexes and mixed use developments.

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Mixed Use (MU) 5.0 to 19.0 24.0 Units Per Gross Acre

This classification accommodates a variety of retail, government, and commercial services, including but not limited to, restaurants, offices, inns/hotels, and entertainment uses. Residential uses can be provided above commercial or in free-standing buildings.

Innovative housing options, integration with commercial and office uses, and pedestrian-oriented design are particularly encouraged within the Mixed Use land use designation.

- 1.16 For fostering competition and choice of housing, the City shall identify approximately 150 percent of the estimated land needed for development to accommodate the projected growth of the community during the plan period on the general plan land use map.
- 1.17 Within one year of adoption of the General Plan, the City shall review its Capital Improvements Program to ensure that planned improvements are consistent with the Plan.
- 1.18 The City shall work closely with the school district in monitoring housing, population, school enrollment trends and in planning for future school facility needs, and shall assist the school district in locating appropriate sites for new schools.
 - a. The City will involve the school district as early as possible in the planning process to ensure that the analysis of and provision for adequate school facilities are an integral part of any project review.
 - b. New schools should be located as close as possible to housing developments so children can walk/bike to school, and to minimize district transportation costs.
 - c. New school sites should be located adjacent to public parks and/or open space to allow joint use of public land.
 - d. New school sites should be located to minimize the need for young children to cross major roadways, railroads or other physically challenging barriers.
 - e. The City shall assist the school district in finding sites for the elementary schools, middle schools and high schools which the school district indicated would be necessary to serve the population growth projected in this General Plan update.
- 1.19 The City will work closely with the school district to ensure that school facilities will keep pace with new development. The City may assist the school district in securing funding for new school facilities and, where legally feasible, the City may provide a mechanism which, along with state and local sources, requires development projects to satisfy the school district's financing program based upon evidence of their impact.
 - a. The school district will impose fees as legally allowed by the state on residential development projects for the construction and/or reconstruction of school facilities. The fees on residential development projects may be adjusted every two years for inflation.
 - b. The City will encourage the school district to take actions necessary to qualify for state school funds.

GOAL 3

Provide a high quality living environment in residential neighborhoods.

Policies and Standards

- 1.20 Support smart growth principles that advance mixed use, higher density, walkable, bikeable and accessible neighborhoods which coordinate land use and transportation with open space areas for recreation. Promote green/sustainable building standards for private residential, multifamily, and commercial projects.

- 1.21 The City will encourage Leadership in Energy and Environmental Design (LEED) features for new construction including commercial, residential, industrial and public facilities. LEED was established to provide the building industry with design tools and standards which create high performing, environmentally friendly, sustainable buildings.
- 1.22 Residential neighborhoods should be protected from encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
- 1.23 New residential developments shall incorporate specific and unique design features into their projects to help promote a sense of ownership and place in a neighborhood. Proposed elevations and materials shall be compatible with adjacent or nearby neighborhoods. Design features shall include the physical appearance and materials used on a structure as well as the placement of structures within a development. Elevations and floor plans shall be reviewed and evaluated prior to approval of new residential developments.
- 1.24 In order to encourage the integration of neighborhood and community commercial uses into neighborhoods, designs should de-emphasize the usage of walls as buffers where they create barriers to pedestrian access. Continuous block walls shall be discouraged, and offsets and openings shall be encouraged, other types of uses, such as open space, may be utilized as buffers.
- 1.25 If walls are used, they shall be designed in a manner that incorporates a variety of materials and textures as well as landscaping. Wall design and materials shall be reviewed and evaluated at the time of approval of new residential developments.
- 1.26 The City shall plan new residential areas to be within the recommended distance of ½ mile of school playgrounds and/or recreational open space. Park facilities shall be provided in each quadrant of the City within a recommended ¼ mile walking distance of most residents.
- 1.27 Required front yard setbacks shall be landscaped and provided with permanent irrigation systems prior to issuance of occupancy permits for single family residential developments. A minimum of one street tree for every 30 feet of street frontage shall be provided. Such trees shall not be less than two inches in diameter, measured four and one half feet from the root ball, and shall be a variety from the City's list of approved trees.
- 1.28 To provide additional security, privacy and noise reduction, all new residential development shall require minimum setbacks of 20 feet for structures abutting arterial streets and 10 feet for structures abutting collector streets.
- 1.29 The following access restrictions shall apply to new single family subdivisions:
 - a. New single family residential lots shall not be permitted to have vehicle access to arterial streets.
 - b. New single family residential lots shall not be permitted to have vehicle access to collector streets where it can be avoided.
 - c. The use of frontage roads, corner lots, open end cul-de-sacs or other street design solutions for access is encouraged
- 1.30 The east side of McCall Avenue between Floral Avenue and Gaither Street shall be designated as a Special Policy Area. The purpose of the Special Policy Area is to define the area of existing single family residential uses that are subject to changing urban environments that may reduce the suitability of the area for new residential development. The anticipated impacts of street widening that would affect the single family residential use of property, include: reduction in front yard building setbacks for existing homes, increased awareness of

the arterial street classification due to nearness of the street improvements and increased traffic volumes. The McCall Avenue Special Policy Area shall be subject to the following:

1. In order to protect the existing residential nature of the area, all properties shall continue to be designated for medium density residential use.
2. In consideration of the potential effects of the future widening of McCall Avenue, the properties within the McCall Special Policy Area shall be permitted to develop with office commercial uses in a manner that considers and protects the residential environment of the existing uses.
3. Any proposal to develop commercial office uses shall be subject to a precise plan overlay district, which may be enacted subject to making the following findings:
 - a. The size and shape of the property is adequate to provide for the proposed development.
 - b. The development gives consideration to the potential effect of development on other immediately adjacent properties by providing compatible architectural building designs, setbacks, significant landscape treatment, shared driveway access and on site circulation and parking facilities.
 - c. The commercial office development does not generate vehicular traffic that significantly affects the adjacent residential uses.
 - d. The conversion of existing residential buildings for commercial office use provides for structurally safe, as well as aesthetically pleasing buildings as a result of the change of occupancy.
4. Precise plans for commercial office development within the special policy area shall incorporate the following general development guidelines.
 - a. The placement of buildings on the property shall conform to the average building line of the existing development along the east side of McCall Avenue.
 - b. The architectural design of new office buildings shall reflect the residential character of the single family residential buildings in the area. Detailed architectural elevations and renderings shall be submitted for review during the precise plan approval process.
5. The conversion of existing residential buildings to commercial office use shall be subject to the same architectural review as new office buildings. The detailed architectural elevations submitted for review shall provide assurance that architectural building enhancements are incorporated into the change of occupancy consistent with other improvements to the property.
 - a. The use of existing residential buildings for commercial office use shall be subject to code compliance inspection performed by a licensed architect or engineer. The Code compliance inspection shall be performed to assure that any existing building used for office commercial use is safe for commercial occupancy.
 - b. All parking areas shall be located to the rear of buildings and or shall be setback a minimum of 20 feet and screened from McCall Avenue by buildings, low brick walls and extensive landscaping. Shared parking facilities shall be encouraged.
 - c. Drive approaches and driveways serving development from McCall Avenue shall be to the one way residential standard 12 to 15 feet in width and shall be spaced to retain the residential character of the area. Shared driveway access shall be encouraged.

- d. The landscaping plan shall include the planting of large trees, at least 24 inch nursery box size, along the front or street side of the property. Trees shall be spaced in a manner that provides a 100 percent shade canopy, upon tree maturity, along street frontages.
- e. Adjacent properties are encouraged to consolidate and join together in order to provide adequate property size for commercial office development.

GOAL 4

Ensure that higher density residential developments provide amenities and maintenance of facilities that assures an adequate standard of living to the residents of the development.

Policies and Standards

- 1.31 In order to meet a portion of the open space and recreational needs generated by higher density residential developments, private recreational facilities should be provided in all residential planned unit developments and multiple family residential projects over five units

GOAL 5

Ensure that higher residential densities do not negatively affect existing neighborhoods.

Policies and Standards

- 1.32 "Medium High" and "High" residential land use districts should be distributed throughout the community. However, such residential districts shall be located at or near intersections of arterial and/or collector streets and should be close to shopping, transit and schools. Access to developments within these districts through single family residential neighborhoods is discouraged.
- 1.33 Higher density residential developments should be designed in a manner that minimizes the impacts upon adjacent properties. To that end, the following development standards should be incorporated into higher density residential projects:
 - a. Outdoor recreation areas, game courts, pools and solid waste collection areas on multifamily properties shall be oriented away from adjacent properties planned for single family residential.
 - b. Parking areas, garages, other non-residential structures and access drives shall be separated from adjacent properties planned for single family residential with a 10-foot landscaped setback containing deciduous and evergreen trees.
 - c. Exterior area lighting for multiple family residential parking, carports, garages, access drives and outdoor recreation areas shall be shielded to minimize line-of-sight visibility from abutting property planned for single family residential.
 - d. Multiple family residential buildings greater than 20 feet in height shall be prohibited within 25 feet of property planned for single family residential.
 - e. Permanent fences or walls shall be provided adjacent to non-street project boundaries.
- 1.34 Driveway access within 175 feet of the intersection of two arterials for multiple family residential should not be permitted.
- 1.35 Multiple family residential development projects should be no larger than 120 units. Developments larger than this should be designed, approved and managed as separate projects.

- 1.36 Multiple family residential development projects in the "Medium High" and "High" land use designations should be of sufficient size to provide on-site management.

GOAL 6

Provide for a mix of densities which will ensure adequate and affordable housing for all economic segments of the community.

Policies and Standards

- 1.37 The minimum lot area for a single family dwelling unit shall be 7,000 square feet, with exceptions to this minimum allowed subject to the approval of a Conditional Use Permit or Specific Plan as set forth in the City of Selma Zoning Ordinance.
- 1.38 Prior to development of less than the minimum range specified for a given residential General Plan Designation or amendment of the General Plan to allow a lower density designation for a parcel of land, the findings listed below shall be made. The intent of this policy is to make efficient use of land and ensure the viability of long-range financing mechanisms used to finance public improvements.
- A determination that the density will not cause a shortfall in any assessment district, reimbursement agreement or other fee program implemented by the City.
 - That the design of the project addresses noise, traffic, and access within the confines of the project.
 - That adjacent land uses, existing or planned, are not significantly impaired, or prohibited, as a result of the lower density.
 - That the lower density is consistent with the requirements of State Government Code Section 65863.
- 1.39 The maximum densities provided for in this general plan land use element may be exceeded for reconstruction of existing multiple dwelling units in accordance with the following:
- Demolition and reconstruction of existing multiple dwelling units on a single legal parcel in areas designated or zoned for single family development may be permitted subject to review and approval by the Planning Commission at a public hearing and in accordance with the following:
- The multiple dwelling units were legally constructed. For the purposes of this policy, legally constructed shall include all multiple dwellings which have approved entitlements, approved building permits for construction or conversion, or can be shown by City records to have existed prior to 1970.
 - The lot can be shown to accommodate reasonable facilities for the scale of the development, such as open space, parking and common areas. A minimum of one hundred fifty (150) square feet of private open space per unit should be provided.
 - A minimum of one (1) on-site parking space per unit shall be provided. Where parking in excess of one space per unit exists, parking spaces numbering not less than the existing number shall be provided upon completion of the reconstruction.
 - There shall be no increase in the intensity of the land use over that which previously existed. No increase in the number of units shall occur. The average size of all units on the property shall not be increased, except as required to meet any minimum size required by the Selma Municipal Code.

- e. The proposed height and bulk of the dwellings shall be compatible with the surrounding neighborhood.
- f. The exterior materials and architecture shall be compatible with the surrounding neighborhood.

1.8 Commercial Land Uses

GOAL 7

Promote a full range of commercial activity appropriate to the community.

Policies and Standards

- 1.40 The Land Use Element and plan map include eight commercial categories intended to provide a complete range of neighborhood, community, service, regional and highway commercial needs. In addition, there are districts identified for commercial office, planned medical development and the central business district. Below is a summary of the commercial land uses provided for in this General Plan:

Neighborhood Commercial (NC): 40% Lot Coverage

This designation includes convenience commercial and neighborhood shopping centers providing a range of necessary day-to-day retail goods and services serving a market area generally less than ½ mile around the site. Neighborhood commercial areas should be on a 1-5 acre site.

Commercial Office (CO): 40% Lot Coverage

This designation is intended for the exclusive development of non-retail business and professional offices. New sites should be a minimum of one acre or larger in size.

Community Commercial (CC): 60% Lot Coverage

This designation includes a variety of uses that serve the community and occasionally nearby rural areas and small cities. New Community Commercial development usually includes multiple anchor tenants such as grocery-drugstore combinations as well as smaller retail and service businesses. New Community Commercial designations should occupy sites ranging in size from 5-25 acres and be located at arterial intersections. Existing Community Commercial sites in the downtown or surrounding area could be as small as a depth of 500 feet.

Central Business District (CBD): 100% Lot Coverage

The Central Business District represents the historical business center of Selma. It is currently developed with a variety of retail stores, offices and parking lots. The Central Business District designation is designed to provide flexibility in the development of new uses within the downtown area, while maintaining the ambience of the area.

Planned Medical Development (PMD): 40% Lot Coverage

The Planned Medical Development designation is designed to provide development opportunities for medical oriented offices and businesses in close proximity to the existing hospital. The clustering of medical related professional services will provide convenient access to the public and to the professionals who provide the services.

Regional Commercial (RC): 60% Lot Coverage

This designation is designed to provide development opportunities for those uses that attract customers from well outside the City of Selma. To fulfill the role as a regional commercial provider, such development must be close to major transportation links and contain sufficient

area to provide adequate facilities and parking. Regional uses have anchor tenants with market areas generally covering at least a fifteen mile radius such as larger durable good retail stores and vehicle sales.

Highway Commercial (HC): 70% Lot Coverage

This designation includes several types of uses distinguishable because of their service orientation to the highway traveler. Uses include hotels and motels, restaurants, service stations, truck stops, and associated uses. Highway Commercial designations are limited to the areas surrounding the interchanges with Highway 99.

Service Commercial (SC): 75% Lot Coverage

This designation includes a broad range of commercial activities that can include businesses with both retail and service components. Among these uses are: auto repair, service stations, building materials, warehousing, contractors, equipment yards and similar uses. Uses within this designation would usually be conducted entirely within a building, with outside storage screened from public view.

- 1.41 The City shall monitor the availability of vacant lands for each commercial land use designation. When the amount of available land is less than required for three years of average growth, the City shall initiate applications, such as zoning and general plan amendments, excluding annexation, to ensure that at least a three-year supply of commercial lands are available for development.
- 1.42 The City shall provide pre-application services for commercial activities if requested.
- 1.43 The City shall monitor and update plans for public streets and utilities, particularly as they pertain to new commercial areas
- 1.44 The City shall assist in the planning of privately owned public utilities.

GOAL 8

Provide an appropriate interface between commercial and residential land uses.

Policies and Standards

- 1.45 A minimum six-foot high, grout reinforced, solid masonry wall shall be constructed between all new commercial developments and land designated for residential use. A wall taller than six feet may be allowed when required for sound reduction as identified in a noise study or as determined to be necessary for security of commercial property. Openings in the wall may be provided at appropriate locations to allow for pedestrian connectivity.
- 1.46 A 20 foot-minimum setback shall be provided between all new developments in the Regional Commercial and Highway Commercial land use designations, and properties designated for residential uses. Half the width of streets and alleys may be counted towards this setback. The setback area shall be landscaped and not include any parking, trash, loading, storage, or similar facilities.
- 1.47 A 10-foot minimum setback shall be provided between all new developments in all commercial land use designations and properties designated for residential uses, except the Central Business District, Regional Commercial and Highway Commercial land use designations. Half the width of streets and alleys may be counted towards this setback. The setback area shall be landscaped and not include any parking, trash, loading, storage, or similar facilities.
- 1.48 Commercial building height shall not exceed twice the distance to the nearest property line which is shared with property designated for residential uses.

GOAL 9

Developers shall provide pleasant interfaces between commercial uses and adjacent public areas.

Policies and Standards

- 1.49 A minimum of 20 feet of landscaping shall be required for all new commercial development adjacent to arterial streets, except in the CBD land use designation.
- 1.50 A minimum of 10 feet of landscaping shall be required for all new commercial development adjacent to collector and local streets, except in the CBD land use designation.
- 1.51 Parking areas shall be screened from adjacent streets in all new commercial developments by either landscaped berming, dense landscaping or low height walls.
- 1.52 All commercial outdoor storage areas shall be screened from adjacent public right-of-ways.
- 1.53 All new commercial developments or substantially rehabilitated commercial buildings shall include trash enclosures. Within the Central Business District and in cases of substantially rehabilitated commercial buildings, the size and configuration of the enclosure may be adjusted to the scale and size of the property.

GOAL 10

Commercial areas adjacent to Highway 99 shall present a visually pleasing image to the traveler and potential customer to Selma businesses.

Policies and Standards

- 1.54 All commercial areas adjacent to Highway 99 shall be designed so that truck bays, trash areas, loading docks and other similar areas are visibly screened from the freeway.
- 1.55 If the rear or sides of new buildings or substantially remodeled buildings will be visible from Highway 99, then those building faces shall have architectural features similar to the main entrance to the building. Buildings adjacent to Highway 99 shall contain features such that flat, non-descript walls are eliminated.
- 1.56 Visible metal exteriors on commercial buildings shall be prohibited on parcels adjacent to Highway 99, except in the Highway Commercial land use designation.

GOAL 11

Adequate parking should be provided for commercial uses.

Policies and Standards

- 1.57 The City shall require adequate off-street parking for all new commercial developments.
- 1.58 The City shall review all substantial changes of use for adequate parking. If the new use will result in a substantial increase in required off-street parking, then additional parking shall be provided on-site or within 300 feet of the new use prior to commencement of the use, except in the CBD land use designation.
- 1.59 The City shall allow shared parking when it can be clearly demonstrated that two or more uses will not require use of the same parking spaces at the same time. No greater than 75 percent of required parking may be shared parking.

GOAL 12

Promote new interest in the Central Business District through policies which recognize the unique attributes of the CBD and facilitate the establishment of new uses.

Policies and Standards

- 1.60 The City shall promote and encourage retail and restaurant uses on the street level floor of Second Street and High Street between Second and North Streets. The use of public sidewalks for outside sales and food service is encouraged, provided a minimum of five feet of sidewalk remains clear for pedestrian traffic.
- 1.61 To encourage new development that is consistent with the existing CBD building pattern and character, the following shall apply to new construction within the CBD:
 - a. Setbacks and landscape areas shall not be required. However, small window planters and similar features are encouraged to add color and interest to individual store fronts.
 - b. Parking shall not be required as a condition of construction due to the existence of municipal parking facilities. The City will seek to provide additional municipal parking areas in the CBD.
 - c. All new or substantially remodeled buildings should include architectural features consistent with the Selma Redevelopment Design Standards. Architectural features include covered walkways, canopies, and building facades which include variations in textures, materials and surface.
 - d. Building facade materials shall be consistent with existing and historic materials in the CBD.
- 1.62 New or remodeled buildings shall not have a building face adjacent to a public street or sidewalk greater than 15 feet without a door or window.
- 1.63 The City shall identify appropriate sites for new civic facilities in the CBD and cooperate with other governmental and quasi-governmental agencies in locating facilities in the CBD.

GOAL 13

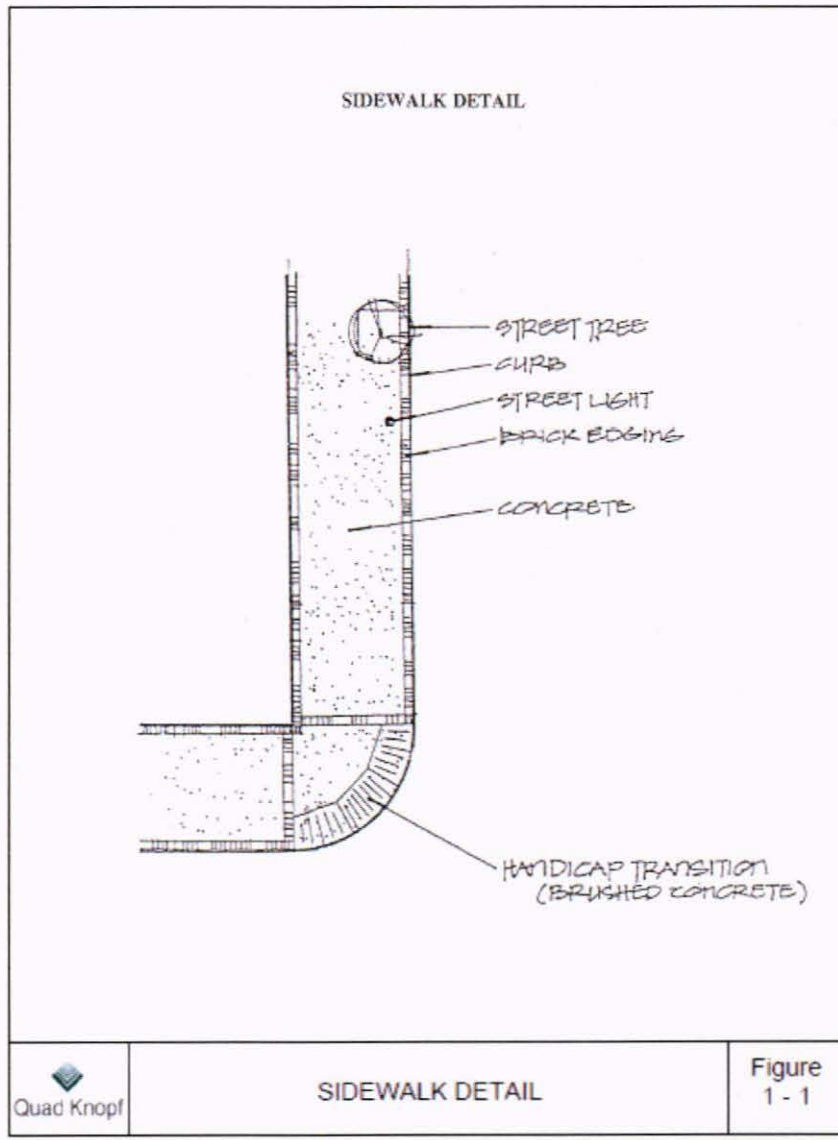
Improve the appearance of the Whitson Street corridor (both sides of Whitson Street between Highland and Todd) and promote reintroduction of commercial businesses.

Policies and Standards

The following policies and standards apply only to lands located within the Whitson Street corridor.

- 1.64 All new permitted and conditional proposed uses within the Whitson Street corridor shall be subject to site plan review requirements as set forth in the City of Selma Zoning Code, in addition to any other permitting requirements. Site plan application materials, including exterior elevations, shall be prepared by a licensed architect or similarly qualified professional.
- 1.65 Brick, stucco, wood and similar materials should be used to minimize the amount of visible metal surfaces on store fronts.
- 1.66 Bay doors, loading areas and trash enclosure openings should be screened from Whitson Street.
- 1.67 Parking areas along Whitson Street are encouraged to be placed to the rear of buildings, so that buildings become the predominate feature and create a more pedestrian-oriented environment.

- 1.68 Whitson Street shall have a sidewalk of not less than seven feet in width where feasible and shall include tree wells a minimum of 25 feet on-center. The sidewalk shall be constructed using a combination of brick and cement similar to the design used in the Selma Redevelopment Plan Area (see Figure 1-1).
- 1.69 Patio areas with outdoor seating are encouraged for restaurants in areas adjacent to Whitson Street.
- 1.70 Second story dwelling units over commercial businesses may be permitted, subject to approval by the Selma Planning Commission.
- 1.71 The use of common or shared parking areas, and common driveways between adjoining uses on the Whitson Street corridor is encouraged



1.9 Industrial Land Use Districts

GOAL 14

Provide sufficient industrially designated land to accommodate industrial users.

Policies and Standards

- 1.72 To foster potential for a broad range of industrial development with the City, the General Plan provides for three industrial land use districts. Each of these districts is designed to accommodate a different intensity of industrial use and serves to improve the marketability of the City for new job creation.

Business Park (BP): 75% Lot Coverage.

The Business Park designation is intended to provide for the development of campus type office developments that would utilize substantial landscaping and innovative architectural designs. Parking areas would typically be screened from the street and the sites would provide amenities for employees. Some commercial uses, such as restaurants and daycare, should be permitted to serve the employees.

Light Industrial (LI): 80% Lot Coverage.

The Light Industrial designation provides development opportunities for those industrial uses that would not typically utilize major manufacturing processes. Lower intensity assembly, fabrication and food processing may be consistent with the land use designation.

Heavy Industrial (HI): 90% Lot Coverage.

The heavy industrial designation is intended to allow for the development of facilities and businesses engaged in intense manufacturing and fabrication. Heavy industrial uses typically require large properties and may require access to rail and highway transportation for the receipt and shipment of materials.

- 1.73 The City shall monitor the availability of vacant lands for each industrial land use designation. When the amount of available land is less than required for five years of average growth, the City shall initiate applications, such as zoning and general plan amendments, but excluding annexation, to ensure that at least a five-year supply of industrial lands are available for development.
- 1.74 The City shall monitor and update plans for public streets and utilities, particularly as they pertain to new industrial areas. The City shall also assist in the planning of privately owned public utilities. Provision of planning services and infrastructure is essential to providing adequate land for industrial development.
- 1.75 The City shall assist private developers in locating and developing appropriate land for industrial development through economic development assistance and planning consultations from the initial contact through project completion.

GOAL 15

Provide an appropriate interface between industrial land uses and non-industrial uses.

Policies and Standards

- 1.76 A minimum of a six-foot high, grout reinforced, solid masonry wall shall be constructed between all new industrial developments and land designated for non-industrial use. Walls higher than six feet may be permitted when required for sound reduction as identified in a noise study or as determined by the Planning Commission as necessary for site security.

- 1.77 A –20 foot minimum setback shall be provided between all new industrial developments and properties designated for residential uses. Half the width of streets and alleys may be counted towards this setback. The setback area shall be landscaped. Parking, trash, loading, storage, or similar facilities shall not be permitted within the setback area and shall be kept from view from residential uses.
- 1.78 A 10 foot minimum setback shall be provided between all new industrial developments and properties designated for non-industrial uses, except residential uses where policy 1.72 shall apply. Half the width of streets and alleys may be counted towards this setback. The setback area shall be landscaped. Parking, trash, loading, storage, or similar facilities may be permitted if it is determined that a conflict with the adjacent land use will not occur.
- 1.79 Industrial building height shall not exceed twice the distance to the nearest property line which is shared with property designated for residential uses.
- 1.80 New industrial developments shall be served by streets which do not require access through residential neighborhoods.

GOAL 16

Developers shall provide pleasant interfaces between industrial uses and adjacent public areas.

Policies and Standards

- 1.81 A minimum of 20 feet of landscaping shall be required for all new industrial development adjacent to arterial streets.
- 1.82 A minimum 10 foot landscaped setback shall be required for all new industrial development adjacent to collector and local streets.
- 1.83 All outdoor storage areas shall be screened from adjacent public right-of-ways which are classified as arterial streets or larger by the Selma General Plan Circulation Element.
- 1.84 All new industrial developments or substantially rehabilitated industrial buildings shall provide adequate trash enclosures.
- 1.85 All new proposed uses on lands zoned for industrial uses shall be subject to site plan review requirements as set forth in the City of Selma Zoning Code, in addition to any other permitting requirements. Site plan application materials, including exterior elevations, shall be prepared by a licensed architect or similarly qualified professional.

GOAL 17

Industrial areas adjacent to Highway 99 shall present a visually pleasing image to the highway traveler and potential customer to Selma businesses.

Deleted: traveller

Policies and Standards

- 1.86 All industrial areas adjacent to Highway 99 shall be designed so that truck bays, trash areas, loading docks and other similar areas are screened from view from the highway.

GOAL 18

Adequate parking should be provided for industrial uses.

Policies and Standards

- 1.87 The City shall require adequate off-street parking for all new industrial developments.

- 1.88 The City may allow shared parking when it can be clearly demonstrated that two or more uses will not require use of the same parking spaces at the same time. No greater than 75 percent of required parking may be shared parking.

1.10 Miscellaneous Land Use Districts

GOAL 19

Provide flexibility in providing public facilities where needed.

Policies and Standards

- 1.89 The following land use districts are intended to accommodate a variety of public facility and recreational uses.

Public Facility (PF).

This designation is intended for public and quasi-public facilities, including, but not limited, to, government services and facilities, fire stations, wastewater treatment facilities, electrical substations, airports, domestic water treatment and storage, recreational facilities, and similar uses. It is also appropriate for institutional uses, such as schools and accredited secondary educational facilities, hospitals, and cemeteries, as well as appropriate lands controlled by philanthropic and nonprofit organizers for existing or future public uses. Facilities such as those described above are not restricted to being located on lands designated Public Facility.

Open Space/Park (OS).

This designation is for a variety of active and passive public recreational facilities and for city-owned open space facilities. This includes natural open spaces and areas which have been designated as environmentally and ecologically significant. Facilities such as those described above are not restricted to being located on lands designated Open Space/Park.

- 1.90 The zoning of land less than one acre and designated as Public Facility shall be consistent with adjacent parcels. Where more than one zoning exists adjacent to a Public Facility designation, the Selma Planning Commission shall recommend to the Selma City Council the appropriate zone district. The Selma City Council shall make the final determination.
- 1.91 Because of the wide variety of uses and area requirements, public facilities shall not be subject to the minimum lot size of the underlying zone district.

1.11 Planned Growth

GOAL 20

Maintain a viable population growth rate in Selma over the plan period that provides for orderly growth with minimal adverse impacts upon City services within the community and consistent with the character of Selma, and with a planned average annual growth rate of 4.0 percent.

Policies and Standards

- 1.92 Residential development at urban densities shall be located only where services and facilities can be provided.
- 1.93 In any given three-year period where the average annual growth rate exceeds 4.0 percent, the City shall enact measures which control the number of building permits issued for new residential construction. At the time the average annual population growth rate exceeds 4.0 percent, the City shall determine the number of residential permits which will be needed to be

issued over the next two years to establish a 4.0 percent growth rate for that 5-year period. The number of annual permits may be prorated on a monthly basis and adjusted for traditional seasonal construction. Residential units constructed or reconstructed by funds provided in full or part by the Selma Redevelopment agency shall be exempt from this policy.

- 1.94 Development shall be allowed only in areas that already have urban services or are within a master plan to provide those services. Development of lands outside of current service or master plan areas (such as the SKF Sewer District, City of Selma Master Plan for Storm Drainage Area, etc.) may be considered if the following findings can be made:
- a. The development will not cause a shortfall, either short- or long-term in the financing of any public facility.
 - b. The development will not significantly delay the provision of a public improvement.
 - c. The development will not accelerate the need for a public improvement beyond the ability of the improvement fund to adjust for the improvement.
 - d. Expansion of the master plan area and/or public facility will not result in the City being unable to maintain existing facilities at their current service levels.
 - e. Notwithstanding the improvements proposed by any development, all developments will be required to contribute their pro rata share towards the completion of established Master Plan improvements.

GOAL 21

The City shall establish Urban Development Boundaries to direct growth into areas with adequate infrastructure.

Policies and Standards

- 1.95 The City shall maintain a 40,000 population and 70,000 population Urban Development Boundary (UDB) that limits development to within those boundaries until the City's population exceeds the corresponding UDB population. The City shall not develop or annex areas designated as "Reserve" within the Planning Area until such time as additional land is needed.
- 1.96 Establish Urban Development Boundaries as urbanizable areas within which a full-range of urban services will need to be extended to accommodate urban development. These boundaries shall be established based on the following factors:
- a. Adequate residential, commercial and industrial capacity for the planning period.
 - b. Inclusion of at least a 50 percent vacancy factor ("flexibility factor") for residential and commercial development.
 - c. Provision of adequate industrial land.
 - d. Adequacy of infrastructure including existing and planned capacity of water and sewer facilities, school, roadways, and other urban services and facilities.
 - e. Community growth priorities.
- 1.97 The City shall consider the appropriateness of opening up lands designated as Reserve for development based upon the following factors:

- Availability of land for development within the UDB has become limited. This is defined as when the City's population, as measured by the California Department of Finance, exceeds 40,000 individuals.
 - Proximity of reserve lands to existing developed land (to minimize leapfrog development).
 - Implications for overall community form and relationship to the existing community.
 - Market feasibility of development in this area, including the expected rate of absorption.
 - Infrastructure availability and impact to existing infrastructure and other public services.
 - Consideration of circulation patterns and improvements.
 - Implications of providing public services, including law enforcement and fire protection services.
- 1.98 The City shall evaluate the UDB annually to ensure there is enough capacity to accommodate anticipated growth.
- 1.99 Encourage Fresno County to strictly limit the establishment of new or expanded developments in the City's Urban Development Boundary.
- 1.100 The City shall discourage leapfrog development (defined as urban development more than ½ mile from existing urban development) and development of peninsulas extending into agricultural lands to avoid adverse effects on agricultural lands, and to avoid adverse effects on agricultural operations that contribute to premature conversion.
- 1.101 The City shall support non-renewal processes for Williamson Act designated lands within the 40,000 population Urban Development Boundary.

GOAL 22

The City shall maintain reserve areas in an undeveloped state until their development becomes required for further growth of the City.

Policies and Standards

- 1.102 The City shall establish Reserve land use designations for Business Park, Commercial, Light Industrial, and Residential uses. Reserve designations are intended to prevent incompatible development on land within the area covered by the City's General Plan, but outside its current city limits, that is not intended for development in the immediate future.
- 1.103 The City shall work with neighboring jurisdictions to prevent development on lands designated Reserve that would create potential inconsistencies with their future annexation into the City of Selma. When the development of lands designated Reserve becomes necessary for further growth of the City, the City will pursue their annexation and place them under a land use designation and zoning district appropriate to their intended use.
- 1.104 The City shall not approve a general plan amendment, pre-zoning or any development entitlement application for reserve areas for a period of at least five years from the adoption of this general plan update.
- 1.105 The City shall not approve a general plan amendment, pre-zoning or any development entitlement application for reserve areas until a minimum of 80 percent of all non-reserve property with the same general designation within the general plan boundaries have been developed or have approved development entitlements.

1.12 Airports and Heliport

GOAL 23

Protect future operations at the Selma Aerodome and the Quinn airstrip.

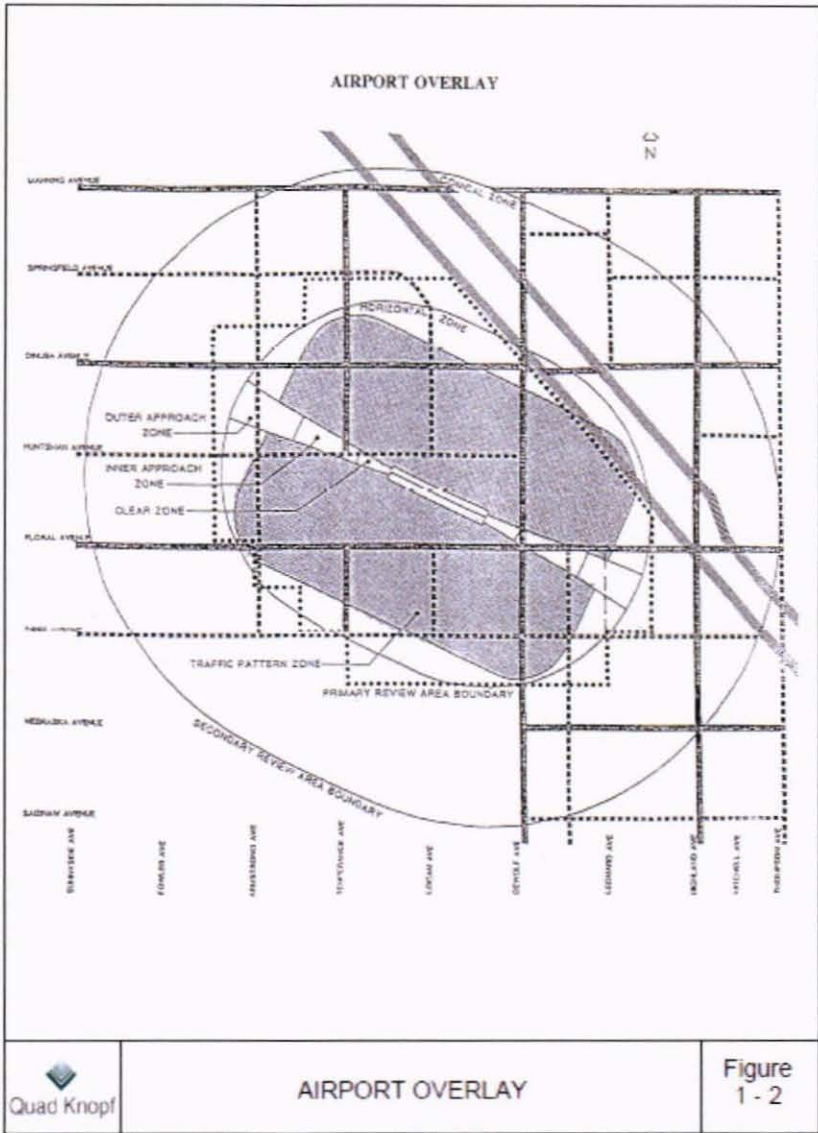
Policies and Standards

- 1.106 Development occurring within the primary and secondary review radii of the Fresno County Airports Land Use Policy Plan shall be reviewed for consistency with the Airport/Land Use Safety Compatibility Criteria (Table 1-2 and Figure 1-2) as adopted by the Fresno County Airport Land Use Commission.

Table 1-2
Airport/Land Use Safety Compatibility Criteria

Land Use Characteristics	Clear of Runway	Inner Approach	Outer Approach & Traffic Patter	Horizontal & Conical
Residential	-	A, F	B, F	+
Other Uses in Structures	-	C, E, F	B, F	+
Other Uses Not in Structures	C, G	D	+	+
Light or Flare	-	-	-	G
Smoke or Electronic Interference	-	-	-	G
Attractor of Birds	-	-	-	+

+ Acceptable
- Unacceptable
A Density no greater than 1 du/3 acres.
B Density no greater than 4 du/acre.
C No uses attracting more than 10 persons/acre.
D No uses attracting more than 25 persons/acre.
E No schools, hospitals, nursing homes or similar uses.
F At least 20% of area open (having a size and shape such that a small aircraft could conceivably make an emergency landing without damage to buildings or serious injury to aircraft occupants).
G Characteristic cannot reasonably be avoided or located.



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

December 2, 2019

ITEM NO: 2.e.

SUBJECT: Consideration of a Rejection of Claim, Susan Urias, Claimant

DISCUSSION: On November 07, 2019 the City received a new claim from Susan Urias.

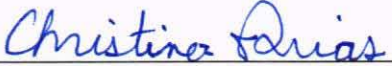
Upon receipt, this claim was forwarded to the Program Director of Liability Claims (AIMS) for their review. The incident occurred on February 16, 2019.

The claim presented to the City on November 07, 2019 was returned to Ms. Urias because it was not presented within six (6) months after the incident/accident as required by law. (Sections 901 and 911.2 of the Government Code.)

On November 18, 2019, Susan Urias submitted a written statement explaining her reason for not submitting the claim on time. She stated that the claim form she was given did not indicate a time limit.

After consideration and investigation, AIMS is recommending that this claim be placed on the Council Agenda for Consideration of rejection.

RECOMMENDATION: Rejection of Claim.


Christina Arias, Human Resources Manager

11/25/19
Date


Teresa Gallavan, City Manager

11-25-19
Date

November 18, 2019

City of Selma
Attn: Christina Arias
1701 Tucker
Selma, CA. 93662

RECEIVED
NOV 18 2019
City of Selma

To Whom It May Concern

I am respectfully requesting a leave to present a late claim for reimbursement for damage to my mobile home.

As is enclosed in my documentation. In the late evening of February 16, 2019, Selma fire truck E111 was responding to an emergency call to the mobile home park where I live. The fire truck came down the wrong street and needed to turn around in a limited space. Miscommunication between the driver and spotter resulted in the fire truck backing up into my mobile home.

After the responders had completed their call, one of the firefighters returned to apologize for the accident. He directed me to contact the city to receive the necessary information to resolve the situation.

I went to City Hall and was given a claim form and directed across the street to the fire department. Staff there were very sympathetic and again apologized for the incident. I was told to secure repairs and submit the claim along with receipts. However, I do not recall ever being told a time limit was in effect. The claim form also does not indicate a time limit is in effect. This was the only physical information I was given. The "notice of return, without action, of a claim required to be filed within six months - form D" clearly states timelines, and in bold letters.

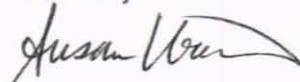
I experienced many starts and stops as I inquired about repairs to my home with no idea a time limit was looming, I completed repairs in November, 2019.

Please take into consideration that I do not possess home owners insurance. The cost of the repairs will also present a financial hardship for me. The repairs I opted for seemed the least expensive route to take.

I am, therefore, respectfully requesting a leave to present a late claim.

Your consideration to this request is greatly appreciated.

Sincerely



Susan Urias

CHECK REGISTER REPORT

CHECK NUMBER	CHECK DATE	STATUS	VENDOR NAME	CHECK DESCRIPTION	CATEGORY	AMOUNT
73858	11/21/2019	Printed	AIRGAS USA LLC	OXYGEN CYLINDER RENTAL		110.70
73859	11/21/2019	Printed	DAN ALDAPE / WOW PRODUCTIONS	BEAUTY & THE BEAST LIGHTING DESIGN & RENTALS		825.00
73860	11/21/2019	Printed	BOB ALLEN	PIONEER VILLAGE LUNCH FUNDRAISER REIMB.		1,001.00
73861	11/21/2019	Printed	ALEJANDRO ALVAREZ	DET ICI CORE COURSE PER DIEM 12/2/19-12/13/19	R	110.00
73862	11/21/2019	Printed	MARK ALVES / ALVES ELECTRIC	INSTALL CIRCUITS FOR NEW PRINTERS AT CITY HALL		540.00
73863	11/21/2019	Printed	ANTHEM BLUE CROSS	AMBULANCE OVERPAYMENT REIMB		1,399.44
73864	11/21/2019	Void				
73865	11/21/2019	Void				
73866	11/21/2019	Void				
73867	11/21/2019	Void				
73868	11/21/2019	Void				
73869	11/21/2019	Printed	ARAMARK UNIFORM	UNIFORMS/TOWELS/FIRST AID KITS 10/3-11/14/19		3,343.86
73870	11/21/2019	Printed	ANTHONY ARIAS	MUSICIAN FOR CABARET		200.00
73871	11/21/2019	Printed	AT&T	INTERNET SERVICE FOR EXPLORER BLDG-NOV 2019		42.80
73872	11/21/2019	Printed	AT&T	TELEPHONE 10/4/19-11/3/19		1,419.18
73873	11/21/2019	Printed	AT&T	TELEPHONE 10/4/19-11/3/19		152.17
73874	11/21/2019	Printed	AT&T	TELEPHONE 10/4/19-11/3/19		146.31
73875	11/21/2019	Printed	AT&T	TELEPHONE 10/12/19-11/11/19		62.76
73876	11/21/2019	Printed	AT&T MOBILITY	TELEPHONE-MDT'S 10/1-10/31/19		438.11
73877	11/21/2019	Printed	BANNER PEST CONTROL INC	PEST CONTROL-NOVEMBER 2019		441.00
73878	11/21/2019	Printed	CALIFORNIA WATER SERVICE	WATER SERVICE-OCTOBER 2019		20,963.79
73879	11/21/2019	Printed	JONATHAN CARRILLO	HS11550 TRAINING PER DIEM 12/9/19-12/11/19	R	33.00
73880	11/21/2019	Printed	GREGORY N. CHERNEY	PRE-EMPLOYMENT PSYCHOLOGICAL EXAM		450.00
73881	11/21/2019	Printed	COMCAST	INTERNET SERVICE-NOV 2019		821.45
73882	11/21/2019	Printed	COMCAST	PD TO FCSCO-OCT 2019		706.03
73883	11/21/2019	Printed	CORELOGIC SOLUTIONS LLC	REALQUEST SERVICE-OCT 19		481.25
73884	11/21/2019	Printed	COUNTY OF FRESNO	RMS/JMS/CAD ACCESS FEES-OCT 19		494.84
73885	11/21/2019	Printed	DATAPATH LLC	SERVERS & STORAGE		63,116.42
73886	11/21/2019	Printed	DEPARTMENT OF JUSTICE	FINGERPRINTS-OCT 19		549.00
73887	11/21/2019	Printed	JERRY DODGE	AMBULANCE OVERPAYMENT REIMB		20.40
73888	11/21/2019	Printed	NIKOLAUS EAST	MUSICIAN FOR CABARET		200.00
73889	11/21/2019	Printed	ENTENMANN-ROVIN CO.	CODE ENFORCEMENT & DETECTIVE BADGES		703.49
73890	11/21/2019	Printed	PAUL DEREK ESQUIBEL	HS11550 TRAINING PER DIEM 12/9/19-12/11/19	R	33.00
73891	11/21/2019	Printed	JOEL A FEDOR / FEDOR PLUMBING	CLEANOUT AT THE PD & REPAIR BROKEN LINE AT PD DEMO SITE		742.55
73892	11/21/2019	Printed	FORENSIC NURSE SPECIALIST, INC	EXAM 19-6832		1,000.00
73893	11/21/2019	Printed	FRESNO COUNTY TAX COLLECTOR	PROPERTY TAX/SEWER 1ST INSTALL		3,452.18
73894	11/21/2019	Printed	FRUSA EMS LLC	AMBULANCE BILLING-OCT 19		10,513.72
73895	11/21/2019	Printed	GATEWAY ENGINEERING, INC.	CITY ENGINEERING SERVICES		9,302.50
73896	11/21/2019	Printed	WYATT GORMAN	HS11550 TRAINING PER DIEM 12/9/19-12/11/19	R	33.00
73897	11/21/2019	Printed	PHILIP C GRIJALVA	CABARET STICKERS		51.00
73898	11/21/2019	Printed	HEALTHEDGE ADMINISTRATORS INC.	DENTAL 10/30/19		2,344.10
73899	11/21/2019	Printed	HEALTHWISE SERVICES, LLC.	KIOSK MEDICAL WASTE SERVICES	R	150.00
73900	11/21/2019	Printed	HENRY SCHEIN INC.	MEDICAL SUPPLIES		62.61
73901	11/21/2019	Printed	ANNE HEUDRICKSON	MUSICIAN FOR CABARET		200.00
73902	11/21/2019	Printed	HEWLETT-PACKARD FINANCIAL	LEASE FOR FIRE ADMIN BLDG 11/18/19-12/17/19		339.78
73903	11/21/2019	Printed	ALEXIS HOLLADAY	MUSICIAN FOR CABARET		200.00
73904	11/21/2019	Printed	JORGENSEN & COMPANY	ANNUAL FIRE EXT SERVICE CITY YARD & SHOP		318.37
73905	11/21/2019	Printed	KINGS INDUSTRIAL OCCUPATION	PRE-EMPLOYMENT PHYSICALS & DRUG TESTING		1,206.00

CHECK REGISTER REPORT

CHECK NUMBER	CHECK DATE	STATUS	VENDOR NAME	CHECK DESCRIPTION	CATEGORY	AMOUNT
73906	11/21/2019	Printed	L.N. CURTIS & SONS	REPAIR FOR JAWS		632.49
73907	11/21/2019	Printed	HEATHER ELIZABETH LEMON	INTERPRETING SERVICES		700.00
73908	11/21/2019	Printed	LOGISTICARE	AMBULANCE OVERPAYMENT REIMB		164.35
73909	11/21/2019	Printed	LOGISTICARE	AMBULANCE OVERPAYMENT REIMB		434.23
73910	11/21/2019	Printed	LOGISTICARE	AMBULANCE OVERPAYMENT REIMB		385.15
73911	11/21/2019	Printed	LOGISTICARE	AMBULANCE OVERPAYMENT REIMB		125.30
73912	11/21/2019	Printed	LOGISTICARE	AMBULANCE OVERPAYMENT REIMB		346.10
73913	11/21/2019	Printed	LOGISTICARE	AMBULANCE OVERPAYMENT REIMB		346.10
73914	11/21/2019	Printed	RACHEL MARTINEZ	AMBULANCE OVERPAYMENT REIMB		20.00
73915	11/21/2019	Printed	METRO UNIFORM	CODE ENF, FIRE, PD REVOLVING ACCT	R	2,933.48
73916	11/21/2019	Printed	NATIONAL BAND & TAG COMPANY	2020 DOG TAGS		268.53
73917	11/21/2019	Printed	NEW ENGLAND FIRE TRAINING LLC	FORCIBLE ENTRY TRAINING PROP		4,852.00
73918	11/21/2019	Printed	OFFICE DEPOT, INC.	OFFICE SUPPLIES		542.54
73919	11/21/2019	Printed	DAMEN ROMAN PARDO	CABARET COSTUME & PROP REIMB		402.64
73920	11/21/2019	Printed	ARMANDO PEREZ	PIONEER VILLAGE RENTAL REIMB		530.00
73921	11/21/2019	Printed	PG&E	UTILITIES-NOVEMBER 2019		163.69
73922	11/21/2019	Printed	QUAD KNOPF, INC.	ON-CALL PLANNING SERVICES 10/6/19-11/2/19		18,263.80
73923	11/21/2019	Printed	JOSE RAMIREZ	MUSICIAN FOR CABARET		200.00
73924	11/21/2019	Printed	RAY MORGAN COMPANY INC	COPIER MAINT/COPY AGREEMENT 10/1/19-10/31/19		886.46
73925	11/21/2019	Printed	THOMAS R & AIMII REDEMER / REDEMER CONCEPTS	CABARET PROGRAMS		1,506.72
73926	11/21/2019	Printed	SAMPSON,SAMPSON, AND PATTERSON	ACCOUNTING SERVICES-SEPT & OCT		5,135.00
73927	11/21/2019	Printed	SELMA LIONS CLUB	SHS BASKETBALL TOURNAMENT ADVERTISING -CAL RECYCLE REIMB	G	160.00
73928	11/21/2019	Printed	SELMA UNIFIED SCHOOL DISTRICT	FUEL-OCTOBER 2019		18,443.06
73929	11/21/2019	Printed	MATTHEW SMOKE	CABARET MUSIC DIRECTOR		300.00
73930	11/21/2019	Printed	SOUTH COUNTY VETERINARY	MONTHLY FREEZER USE-OCT 19		175.00
73931	11/21/2019	Printed	STERLING CODIFIERS INC.	ORDINANCE CODIFICATION		143.00
73932	11/21/2019	Printed	SUN BADGE CO	CHIEF BADGE		81.24
73933	11/21/2019	Printed	SURVEILLANCE INTEGRATION INC.	SECURITY CAMERAS AT CITY YARD		30,814.62
73934	11/21/2019	Printed	SWAN COURT CONFERENCE CENTER	MEETING ROOM ORDER		107.35
73935	11/21/2019	Printed	THE CALIFORNIA PEACE OFFICERS'	CPOA MEMBERSHIP DUES		1,150.00
73936	11/21/2019	Printed	THE CRISCOM COMPANY	SEWER INFRASTRUCTURE-DEC 19		4,500.00
73937	11/21/2019	Printed	U.S. BANK EQUIPMENT FINANCE	COPY MACHINE LEASES-NOV 19		1,012.07
73938	11/21/2019	Printed	VALLEY SHREDDING LLC	DOCUMENT DESTRUCTION SERVICE		60.00
73939	11/21/2019	Printed	VANIR CONSTRUCTION	POLICE DEPT CONSTRUCTION MANAGEMENT 10/1/19-10/31/19	PDSA	25,797.57
73940	11/21/2019	Printed	WASTE MANAGEMENT-USA WASTE	GARBAGE-OCTOBER 2019		118,566.08
73941	11/21/2019	Printed	JESSICA WILLIAMS	MUSICIAN FOR CABARET		200.00
73942	11/21/2019	Printed	JORDAN WILLIAMS	MUSICIAN FOR CABARET		95.00
73943	11/21/2019	Printed	ANTHONY RODRIGUEZ	MUSICIAN FOR CABARET		200.00
TOTAL						369,364.38

Grant: G PD Station Bond: PDSB (458) PD State Appropriation: PDSA (457) Reimbursement: R

PAYROLL TRANSACTIONS

CHECK REGISTER

Date	Check No.	Amount
11/15/2019	115755-115762	\$2,585.76
11/22/2019	115794-115816	\$37,538.06

Remittance Checks

Date	Check No.	Amount
11/15/2019	115763-115770	\$22,928.38

ACH Payment

Date	Description	Amount
11/15/2019	PR 11 15 19	\$227,101.62

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

December 2, 2019

ITEM NO: 3.

SUBJECT: Public Hearing for (1) Consideration and Necessary Action on Resolution Submitting to the Voters at Special Municipal Election of March 3, 2020 a Measure Allowing One Licensed Gambling Establishment (Cardroom) in the City; and (2) Second Reading and Adoption of Ordinance to be Approved by the Voters Allowing a Licensed Gambling Establishment in the City of Selma in Accordance with the Provisions of Business and Professions Code §19960(c)

RECOMMENDATION: Council can consider the following options: 1) Approve Resolution placing Measure Allowing Licensed Gambling Establishment (Cardroom) on Ballot for Election of March 3, 2020 and Adopt Ordinance to be Approved by the Voters Allowing Licensed Gambling Establishment in Selma; or

2) Postpone the item and Adopt a Similar Resolution and Ordinance on a Date At Least Eighty-Eight Days before November 5, 2020; or,

3) Take no Action on the Item.

DISCUSSION: The owner of Legends Tap House and Grill (Legends), a Restaurant and Banquet Facility (formerly Spike & Rail), has requested that the City Council adopt a resolution placing a measure on the ballot for March 3, 2020 to approve a licensed gambling establishment in the City of Selma in accordance with existing law most of which appears in the Business and Professions Code or Penal Code of the State of California. The gambling establishment is proposed to be what amounts to a cardroom which is required to be licensed by the Bureau of Gambling Control of the State Department of Justice and is a business that conducts “games” as that term is defined by the Gambling Control Act, in essence to mean card games involving the making of wagers. There is currently a moratorium on the establishment of such facilities, but in anticipation of that moratorium being lifted, qualified or changed the property owner of Legends wishes to have placed on the ballot the required measure. Legal cardrooms or gaming establishments are allowed in the State of California, if at all, only with the approval of the voters of the municipality where the cardroom or gaming establishment is to be located.

The proposed ordinance is Exhibit A to the Resolution placing the Measure on the Ballot and is what would be approved by the voters by voting “yes” on the measure. It first needs to be approved by the City Council. The Council would also need to approve – by a 4/5ths vote - the resolution placing the proposition of adopting such an ordinance on the ballot for March 3, 2020. If the City Council approves the ordinance and adopts the resolution the

measure would appear on the March 3, 2020 ballot. Any resolution of this City Council which places a measure on the ballot for March 3, 2020, must be delivered to the Fresno County Clerk/Registrar of Voters by December 6, 2019.

The Resolution mimics the statutory authorization and requirements for placement of the measure on a ballot to be consolidated with the Presidential Primary Election on March 3, 2020 and has been reviewed by the County Registrar of Voters. The Ordinance contains detailed regulations concerning the conduct of a cardroom. If approved by the voters, the ordinance will allow, once the moratorium either expires or is changed or altered by the Legislature, a single cardroom at a single location within the City. The ordinance includes a provision which allows this Council to adopt by resolution an annual licensing fee to be paid to the City of Selma based on the revenues of the cardroom. The ordinance also allows for an annual review of the conduct of the cardroom by this City Council which may take a variety of actions against the cardroom for any failure to conform to any requirements set by the ordinance for the operation of the cardroom, for failures to conform with the terms of the license issued by the State, or for failure to conform with any other provision of the Selma Municipal Code (SMC). The ordinance has detailed regulations concerning the application for a City-issued License, work permits (with background checks) and Site Plan approval for the cardroom. Fees to be set by resolution for each regulatory activity are provided for by the Ordinance. Those fees should be set at amounts adequate to cover the City's cost providing those services.

The owner of Legends has agreed to cover all costs incurred by the City in processing the ordinance and resolution and having the matter placed on the March 3, 2020 ballot and has executed the attached promissory note.

<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>
Election Costs Estimated between \$18,000 and \$25,000 for March 2020. Consultants, Staff time, and publication noticing are undetermined		(The operator of the cardroom has agreed to fully reimburse the City for all costs incurred in processing the ordinance and placing the measure on the ballot.)
<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: Not applicable. (The operator of the cardroom has agreed to fully reimburse the City for all costs incurred in processing the ordinance and placing the measure on the ballot.) Fund Balance:		None.

RECOMMENDATION: Council can consider the following options: 1) Approve Resolution placing Measure allowing licensed gambling establishment (cardroom) on ballot for election of March 3, 2020 and adopt Ordinance to be approved by the voters allowing Licensed Gambling Establishment in Selma; or

2) Postpone the item and Adopt a Similar Resolution and Ordinance on a Date At Least Eighty-Eight Days before November 5, 2020; or,

3) Take no Action on the Item.

/s/ _____ 11/26/2019
Neal E. Costanzo, Special Counsel Date

/s/ _____ 11/26/2019
Teresa Gallavan, City Manager Date

Exhibit A

[PROPOSED] ORDINANCE NO. ____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SELMA APPROVING A LICENSED GAMBLING ESTABLISHMENT IN THE CITY OF SELMA IN ACCORDANCE WITH BUSINESS AND PROFESSIONS CODE SECTION 19960(C)

The People of the City of Selma do ordain as follows:

SECTION 1. TITLE

This Ordinance shall be known as “The Selma Legal Gaming Act.”

SECTION 2. RECITALS AND FINDINGS

The City of Selma is in the need of additional funding to enhance its ability to provide public safety, street maintenance, recreational programs, and other general public services, to enhance the quality of life of Selma residents; and

Many of the existing seventy-three (73) State-licensed card rooms listed on the Department of Justice’s Bureau of Gambling Control’s webpage are significant sources of local tax revenues that can fund public safety, staffing, economic development, and public infrastructure projects, that are necessary to provide adequate services to city residents; and

The State’s Gambling Control Act, provisions in the State’s Penal Code, the State’s regulations, and local gambling ordinances provide comprehensive regulatory frameworks so that the Gambling Control Commission, State Department of Justice’s Bureau of Gambling Control, and local jurisdictions can ensure that legalized gambling in card rooms is highly regulated and problem gambling is controlled; and

A licensed Gambling Establishment located in the City of Selma has the potential to generate significant sources of tax revenue that will directly benefit its residents, businesses, and visitors by providing additional public safety services, street maintenance, recreational programs, and other general public services; and

California Business and Professions Code Section 19960(c) requires that the voters of a city must be asked to approve any measure that permits controlled gambling within the city; and

It is the purpose and intent of the People of Selma that this Ordinance go into effect when State law permits legal gambling in the City of Selma; and

Based on the foregoing, the People of the City of Selma find it is in the best interest of the City of Selma to approve a ballot measure to add Chapter 25 of Title 5 of the Municipal Code regarding issuance of a license to operate a card room in compliance with State law.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed approval of Ordinance No. ____ by the People of the City of Selma is not a “project” under the California Environmental Quality Act of 1970 (“CEQA”), as amended, and any implementing local or state guidelines. Specifically, the proposed action is not a “project” under CEQA Guidelines Section 15378 because it does not have the potential to result in either a direct physical change in the environment or a

reasonably foreseeable indirect physical change in the environment. The possibility of any indirect physical change in the environment resulting from the approval of the ordinance is too speculative to require environmental review under CEQA because of (a) the need for State legislation; (b) the need for voter approval; and (c) the need for future environmental discretionary permits to be approved by the City Council. Even if all three of these speculative and necessary prerequisites were to occur, any potential physical changes in the environment would still be subject to CEQA review in connection with the City Council's consideration of the required discretionary permits.

The proposed action is also exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (for the reasons described in the preceding paragraph).

The proposed action is also exempt from CEQA under CEQA Guidelines Section 15273 (Rates, Tolls, Fares and Charges) because approval of the ordinance is to raise revenues for the City of Selma to assist in funding for public safety, capital improvements, recreational programs, and other general governmental services.

SECTION 4. AMENDMENT TO TITLE 5 OF SELMA MUNICIPAL CODE CHAPTER

The Selma City Code is hereby amended to add a new Chapter 25 to Title 5 of the Selma City Code and shall read as follows:

Title 5, Chapter 25 GAMBLING CONTROL REGULATORY PROGRAM

5-25-1 TITLE:

This Ordinance shall be known as "The Selma Legal Gaming Act."

5-25-2 RECITALS AND FINDINGS:

The City of Selma is in the need of additional funding to enhance its ability to provide public safety, street maintenance, recreational programs, and other general public services, to enhance the quality of life of Selma residents; and

Many of the existing seventy-three (73) State-licensed card rooms listed on the Department of Justice's Bureau of Gambling Control's webpage are significant sources of local tax revenues that can fund public safety, staffing, economic development, and public infrastructure projects, that are necessary to provide adequate services to city residents; and

The State's Gambling Control Act, provisions in the State's Penal Code, the State's regulations, and local gambling ordinances provide comprehensive regulatory frameworks so that the Gambling Control Commission, State Department of Justice's Bureau of Gambling Control, and local jurisdictions can ensure that legalized gambling in card rooms is highly regulated and problem gambling is controlled; and

A licensed Gambling Establishment located in the City of Selma has the potential to generate significant sources of tax revenue that will directly benefit its residents, businesses, and visitors by providing additional public safety services, street maintenance, recreational programs, and other general public services; and

California Business and Professions Code Section 19960(c) requires that the voters of a city must be asked to approve any measure that permits controlled gambling within the city; and

It is the purpose and intent of the People of Selma that this Ordinance go into effect when State law permits legal gambling in the City of Selma; and

Based on the foregoing, the People of the City of Selma find it is in the best interest of the City of Selma to approve a ballot measure to add Chapter 25 to Title 5 of the Municipal Code regarding issuance of a license to operate a Card Room in compliance with State law.

5-25-3 – AUTHORITY.

- A. Nothing herein contained is intended or shall be construed to be in conflict with or as a limitation upon any of the provisions of the Gambling Control Act (Bus. & Prof. Code § 19800 et seq.) or any other provision of State or federal law.
- B. The provisions of this Chapter shall not be construed so as to authorize legal gambling within the City's boundaries unless and until:
 - 1. A majority of the electors of the City voting thereon, and in a manner that complies with Business & Professions Code § 19960(c), affirmatively approves a measure permitting controlled gambling within the City; and
 - 2. California Business & Professions Code § 19962(a):
 - a. expires; or
 - b. is repealed; or
 - c. is amended or partially repealed in a manner that would permit the City to authorize legal gambling within its boundaries; or
 - d. is superseded by any State or federal law that permits the City to authorize legal gambling within its boundaries; and
 - 3. The requirements of this Chapter pertaining to the issuance of a License, as defined in Section 5(r), have been satisfied.
- C. In no event shall this Chapter be effective until January 1, 2021.

5-25-4 – DECLARATION OF INTENT AND PURPOSES.

The people of the City of Selma find and declare that the regulation of Gambling Establishments, as defined in Section 5(o), located in the City of Selma is necessary for the protection of the public health, safety, and welfare. The provisions of this Title shall be broadly construed for the purposes of authorizing strict regulatory controls and oversight of any Gambling Establishment, funding sources, and the practices, activities, persons, and places associated with or involved in gambling in the City of Selma. Any license, permit, or approval issued pursuant to the provisions of this Title is a revocable privilege and no holder acquires any right in the license, permit, or approval other than the procedural rights granted under this Title or as required by the United States or California Constitution.

5-25-5 – DEFINITIONS.

For the purposes of this Chapter, the words and phrases hereinafter set forth shall have the following meanings ascribed to them unless the context clearly requires a different meaning:

- (a) "Bureau" means the Bureau of Gambling Control of the State Department of Justice.
- (b) "Card Room" means a business or enterprise licensed under the provisions of this Chapter for the playing of "Games" as defined in this Section.
- (c) "Card Room Administrator" means the Person identified by the City Manager to administer the City's regulation of any Licensee.
- (d) "Card Room Business" means the conduct of "Games" as defined in this Section and shall not include any "Related Business" as defined in this Section.
- (e) "Chapter" means Chapter 25 of Title 5 of this Municipal Code.
- (f) "Chief of Police" means the designated representative of the Selma Police Department.
- (g) "City" means the City of Selma.
- (h) "City Council" means the Selma City Council.
- (i) "City Manager" means the City Manager of Selma.
- (j) "Clerk" means the City Clerk of Selma.
- (k) "Commission" shall mean the California Gambling Control Commission as detailed in Business and Professions Code Section 19811 or any successor agency.
- (l) "Employee Applicant" means any Person who has applied for a work permit or renewal of a work permit for employment in a Card Room.
- (m) "Financier" means any Person who offers or provides a loan, credit, or any other form of financing to the Licensee Applicant or Licensee in any way related to the Card Room, provided "Financier" shall not be construed to include any Person with whom Licensee Applicant or Licensee has an agreement for the lease of equipment or other personal property.
- (n) "Finance Director" means The Treasurer or Finance Director of the City of Selma.
- (o) "Gambling Establishment" is defined as set forth in California Business and Professions Code Section 19805(o).
- (p) "Gambling Table" means a table upon which a Game is played and to which a drop box is attached for the purpose of collecting fees for the play of the Game.
- (q) "Game" or "Games" means all games (whether or not involving the use of cards) that are lawful in the State of California.
- (r) "License" means a license for the operation of a Card Room.
- (s) "License Applicant" means any Person who has applied for a License or renewal of a License to operate a Card Room in the City.
- (t) "License Application" means an application for License Permit to this Chapter.

- (u) "License Fee" means all fees levied upon a license pursuant to this Chapter.
- (v) "Licensee" means the Person or entity to whom a license has been issued for the operation of a Card Room pursuant to this Chapter.
- (w) "Municipal Code" means the City Code of Selma, California.
- (x) "Owner" means every Person, firm, association, corporation, partnership, or other entity having any interest, whether legal, equitable, financial, or of any other kind or character, in any Card Room or License.
- (y) "Person" means and includes a natural person, association, organization, partnership, business trust, company, corporation, or any other entity.
- (z) "Permittee" means the Person to whom an employee work permit has been issued for employment in a Card Room pursuant to this Chapter.
- (aa) "Related Business" means business activities occurring at a Card Room other than the playing of the Games, such as entertainment, dancing, events, fundraising by non-profits, the sale of food, beverages (including alcoholic beverages for consumption on the premises), sundries and other items, and the provision of services such as barber shop services.
- (bb) "Security Deposit" means any security or deposit required by this Chapter to ensure the prompt and full payment of any License Fees imposed by the City pursuant to this Chapter.
- (cc) "State" means the State of California.

5-25-6 – MAXIMUM NUMBER OF GAMBLING ESTABLISHMENTS.

The maximum number of Card Rooms permitted in the City shall be one (1), unless and until otherwise authorized by a vote of the people in accordance with State law.

5-25-7 – LICENSE REQUIRED, LICENSE FEE.

A. License Requirement. It is unlawful for any Person to establish, commence, conduct, operate, or otherwise allow or permit within the City any business, activity, or enterprise of any Games for which a fee, commission, or other compensation is directly or indirectly charged, accepted, or received from players or participants until such Person shall have first obtained a License in full compliance with the provisions of this Chapter.

B. License Fee. Each Licensee shall pay to the City a License Fee as in the amount and according to the terms set by resolution and amended, from time to time, by the City Council. The License Fee shall be a percentage of gross revenues of the Licensee based upon the Monthly Statement of Revenue submitted to City by Licensee.

C. Business License. Nothing in this Chapter shall be deemed to exempt Licensee from obtaining and maintaining a business license in the City of Selma.

5-25-8 – FILING AN APPLICATION FOR A CARD ROOM LICENSE.

- A. Filing of Application. Any Person desiring to operate a Card Room shall file with the Card Room Administrator an application for a License. The filed application shall be executed under penalty of perjury and shall contain, in addition to all other information that the Card Room Administrator may require, the following information and material:
1. A copy of all licenses required by the State of California under State Gambling Law;
 2. An official receipt from the City Finance Director, indicating receipt of payment in full of the Application Fee as required by Section 8(I) of this Chapter;
 3. The date of the application;
 4. The true name of the License Applicant, any aliases of the License Applicant, and any fictitious business name or names under which the License Applicant currently operates a business;
 5. The status of the License Applicant as being an individual (or two or more individuals), firm, association, corporation, partnership, joint venture, or other entity and a statement of the experience of the Applicant or of the person or persons who will have charge over the cardroom;
 6. The status of the License Applicant as being eligible for a License pursuant to any requirements under State law;
 7. The residence and business address of each individual License Applicant;
 8. The name, residence, and business address of each of the partners, shareholders, and principal officers and directors of any non-individual License Applicant, including each of the partners, shareholders, and principal officers and directors of any parent company, holding company, subsidiary, or otherwise that may in any way be affiliated with the License Applicant for the License application, License, or Card Room, except for any publicly held entity;
 9. The business and employment history of the License Applicant(s) and of each proposed individual listed in Section 8(A)(8), including a list of all places of previous residence;
 10. The proposed location for the Card Room, although nothing in this Section shall require that the premises in which the Card Room Business will take place be designed, constructed, or completed prior to the issuance of a License;
 11. A list of the Games proposed to be played initially upon opening of the Card Room and a statement that those Games comply with State law;
 12. The number of Game tables proposed to be used in the Card Room;
 13. A description of any Related Businesses proposed to be conducted at the same location;

14. In the event the proposed location is partly or wholly owned by persons or entities other than the License Applicant, the names and addresses of such other persons or entities and complete information pertaining to the nature and percentage of ownership;
15. A three-year detailed cash flow projection, a pro forma financial statement, a statement of preopening cash, a financing plan, and copies of all loan agreements of the License Applicant;
16. A full and complete financial statement for the three most recent years and the three most recent annual income tax returns of the License Applicant, and a full and complete financial and invested capital statement for the most recent three years of each person who is a limited partner, general partner, officer, or director of the License Applicant;
17. A full and complete and truthful statement of financial position of the Applicant and any general or limited partner or person having more than a ten percent (10%) interest in the Applicant.
18. A full and complete patron safety and security plan designed to protect patrons and other persons who are lawfully on the Card Room premises, including parking facility;
19. A full and complete accounting and internal control plan for card table funds, collection of fees, drop box and transportation and storage, counting of fees, cashiers cage operation, internal audit, security and monitoring, records retention, financial reports, tips, and signature authority;
20. A statement that the License Applicant understands and agrees that the application shall be, considered by the City Council only after full investigations and reports have been made by all applicable City staff;
21. A complete listing of all criminal arrests and convictions of the License Applicant and each partner, shareholder, officer, and director of the License Applicant, if any, not including traffic offenses, with explanations therefor;
22. A statement that the License Applicant understands and agrees that any business or activity conducted or operated under any License shall be operated in full conformity with all the laws of the State and the laws and regulations of the City applicable thereto, and that any violation of any such laws and regulations in such place of business, or in connection therewith, shall render any License subject to immediate suspension or revocation;
23. A statement that the License Applicant has read the provisions of this Chapter, understands the same and agrees to abide by all requirements contained in this Chapter; and
24. A statement by the License Applicant agreeing that the sole and exclusive discretion as to the granting or denial of any such License shall be vested in the City Council.
25. A detailed Site Plan showing the dimensions of the cardroom, a floor plan, a schematic and rendering of the cardroom including parking facilities, the location of

all tables and entry and exit ways.

- B. Filing of Business Records. The City will permit License Applicant to file proprietary business information confidentially. The confidential portions of the License application shall remain confidential and shall not be disclosed to any Person, unless otherwise required by law. In the event a request is made by a third party for any information set forth in this Section, the City will provide the License Applicant or the Licensee with reasonable and adequate notice to seek a protection from disclosure by a court of competent jurisdiction.
- C. Burden of Proof. The burden of proving its qualifications to receive a License is at all times on the License Applicant by preponderance of the evidence. By filing the application, the License Applicant accepts any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which may result from action with respect to the application and expressly waives any claim for damages or otherwise as a result thereof.
- D. Obligation to Provide Information. A License Applicant may claim any privilege afforded by the Constitution of the United States in refusing to answer questions by the City Council, provided any such claim of privilege with respect to an application shall constitute sufficient grounds for denial of the application.
- E. Identity of Owners. The License Applicant shall also file with the Card Room Administrator a list of the names and addresses of all of the Owners. The Chief of Police shall determine whether or not an investigation of any Owner should be made by a teletype search of the records of the State Criminal Investigation and Identification Unit in Sacramento, California, or otherwise, and forthwith conduct said search or investigation as appropriate.
- F. Statements Confidential. All personally identifiable information, including but not limited to financial information, telephone numbers, and addresses, required to be submitted as part of an application pursuant to this Chapter shall be confidential and not available for public inspection, unless otherwise authorized or required by law.
- G. Fingerprints - Photographs. Concurrently with filing the application, the License Applicant, each Owner, and officer shall be fingerprinted and photographed by the Chief of Police or designee.
- H. Control by Landlord or Financier. The Card Room Administrator may require the landlord of the Card Room site or Financier of the Card Room to submit a full application in compliance with this Chapter.
- I. Application Fee. The Application Fee is for regulation purposes and is levied pursuant to the authority of applicable laws. An application for a License shall be accompanied by deposit, payable to the City in cash, cashier's check, or other immediately available funds approved by the City, as follows:
 - 1. Application Fee. A non-refundable Application Fee in an amount to set and amended, from time to time, by resolution of the City Council shall be paid to the City at the time of the filing of the Application. Additionally, the Licensee shall deposit Five Thousand Dollars (\$5,000) with the City, at the time of filing the Application, to be retained by the City as a deposit for the costs and expenses of the investigation of the License Applicant and the processing of the License Application. License Applicant shall pay the City for all costs and expenses associated with the

processing of the Application based on the fully-burdened hourly rate of the applicable employee(s) or individual(s) including consultants, performing the investigative services and processing of the License Application. If, the cost to the City of the processing of the Application exceeds the Application Fee and Security Deposit, the License Applicant shall make further deposits, in increments of five thousand dollars (\$5,000) within two (2) business days after being notified by the City that the amount on deposit has been expended. Failure by the License Applicant to provide an additional deposit as required by this section shall constitute grounds for the City to suspend or terminate the processing of the License Application, as determined by the City Manager or his or her designee.

5-25-9 – INVESTIGATION OF APPLICATION AND DETERMINATION IF LICENSE APPLICATION IS FULL AND COMPLETE.

- A. Whenever an application for a License has been filed with the Card Room Administrator, the Card Room Administrator shall determine whether the filed application is complete pursuant to this Section 8 of this Chapter. If the Card Room Administrator determines that the filed application is complete, the Card Room Administrator shall promptly refer such application or a copy thereof to the City Manager's office and other departments of the City, and promptly and diligently conduct an investigation to determine if the application is full and complete. Such matters subject to investigation include:
1. A full and complete investigation as to the identity, character, and background of the License Applicant and the License Applicant's partners, officers, directors, management, and staff including any partners, officers, directors, management, and staff of any parent company, holding company, subsidiary, or otherwise that may in any way be affiliated with the License Applicant for the License application, License or Card Room;
 2. A full and complete evaluation of the security and law enforcement requirements of the proposed Card Room;
 3. A comprehensive evaluation of the License Applicant's financial ability to adequately protect the patrons of the Card Room and the citizens of the community; and
 4. A comprehensive evaluation of all public health, welfare, and safety matters concerning the proposed Card Room.
- B. The Card Room Administrator should determine if the filed application is full and complete or if the City needs to supplement the filed application with additional material within ninety (90) days of receiving the filed application. Within that time period, the Card Room Administrator or any other staff delegated an investigative responsibility by the City Manager may request in writing that the License Applicant provide additional relevant information or data not included in the application. The License Applicant shall submit such requested information within thirty (30) days after such request. Once all of the requested and required documents, records, information, data, or otherwise have been adequately provided, the City shall inform the License Applicant that the application is full and complete and will be considered by the City Council.

5-25-10 – REPORT AND RECOMMENDATION TO CITY COUNCIL ON THE FULL AND

COMPLETE LICENSE APPLICATION AND INVESTIGATION.

- A. The City Manager shall prepare and submit a report and recommendation concerning the full and complete application and the results of the investigation conducted pursuant to Section 9(A) of this Chapter.
- B. The report and recommendation shall be submitted to the City Council no later than sixty (60) days from the date upon which the City Manager has certified the application is full and complete pursuant to Section 9(B) of this Chapter.
- C. Submission of the report and recommendation by the City Manager shall trigger the notice requirement in this Section.
- D. In the event that the City Manager does not file the report and recommendation within the time specified in Section 10(B) of this Chapter, the City Council may either proceed further without the City Manager's report and recommendation or may extend one (1) time set forth in Section 10(B) of this Chapter by an additional forty-five (45) days the deadline for the City Manager to submit the report and recommendation to the City Council.
- E. In the event that more than one complete application is filed with the City, all such applications will be reviewed and considered by the City, provided such additional applications have been received prior to the serving of notice under this Section following the submission of the report and recommendation by the City Manager. The City shall not accept for filing, review or consider any additional applications once the notice provided for by this Section has been issued. If more than one complete application is filed and received prior to the issuance of notice provided for by this Section, City Council shall determine in its judgment, which if any of the various applications will receive a license. In determining whether to grant the license, in the event there is more than one complete application presented to the City Council the Council shall be guided by the policy that the license shall be issued only to those persons who will operate licensed cardrooms so as to best protect the public health, safety, morals, good order and welfare of the residents of the City. If multiple applicants are under consideration by the City Council, the applicants must each meet the requirements for issuance of the license and the cardroom license shall be granted to the qualified applicant who the Council, in its sole discretion, determines best meets the following criteria:
 - (1) Least disruptive location.
 - (2) Best program for policing the operation.
 - (3) Greatest revenues potential for the City of Selma.
 - (4) Greatest experience and financial ability of the applicant.
 - (5) Best potential for quality operation.
 - (6) Any other considerations that will protect the public, health, safety, order, and welfare of the residents of the City of Selma.

The action of the City Council in accordance with this Chapter shall be final.

- F. At such time as the City Manager files the report and recommendation on an application determined to be full and complete written notice at the time and place of the City Council's hearing on the cardroom license application shall be given, at least ten (10) days in advance of the City Council's consideration of the application or applications to the applicant, to every person who's name and address appears on the last Equalized County Assessment Roll as the owner of any property within 300 feet of the exterior boundaries of the premises of the proposed cardroom, and to every person filing with the City Clerk a written request for notice of any hearing to proposed cardrooms.

5-25-11 – NOTICE TO THE PUBLIC AND APPLICANT OF A HEARING BY CITY COUNCIL TO CONSIDER WHETHER TO ISSUE A LICENSE.

- A. Whenever the City Manager submits a report and recommendation to the City Council on a full and complete License application and investigation pursuant to Section 10 of this Chapter, or in the event the City Manager does not file a report and recommendation and the City Council intends to act upon the application pursuant to Section 10(D) of this Chapter, the City shall publish notice of a public hearing concerning its intent to consider whether the License application should be issued at least fifteen (15) days prior to the hearing date as determined by the City Council in accordance with California Government Code Section 6061. Mailed notice shall be provided to all property owners located within a 300-foot radius of the proposed location for the cardroom, as shown by the last Equalized County Assessment Roll. The City shall also provide the License Applicant with notice at least five (5) days prior to the hearing date. Both the notice to the public and to the License Applicant shall set forth the time and place of the hearing.
- B. At the hearing, the City Council shall take public testimony.
- C. At the hearing, the City Council shall vote either to:
1. Approve the application and grant the License applied for therein;
 2. Approve the application and grant the License applied for therein with the recommended conditions from the City Manager;
 3. Conditionally approve the application and grant the License applied for therein subject to specific conditions in addition to those conditions set forth in the application or recommended by the City Manager; or
 4. Deny the application and refuse to grant the License applied for therein pursuant to the grounds set forth in Section 13(A) of this Chapter.
- D. The decision of the City Council shall be final and conclusive.

2-25-12 – APPROVAL OF A LICENSE APPLICATION.

- A. If the City Council approves the application, the License Applicant will be required to comply with all of the terms, conditions, and obligations in the application, the License, the provisions of this Chapter, the Municipal Code and all other State and federal laws.
- B. If the City Council approves the application with conditions not set forth in the application, the License Applicant will be required to comply with the conditions the City Council

imposed as an express condition of approval of the application, all of the terms, conditions, and obligations in the application, the License, the provisions of this Chapter, the Municipal Code and all other State and federal laws.

- C. Within ten (10) days of approval of the application, the Card Room Administrator shall provide to the License Applicant a copy of the City's acceptance form, which shall contain any additional conditions imposed by the City Council and which shall state that the License Applicant is aware of and will abide by all conditions imposed by the City Council. Within ten (10) days of receipt of the City's acceptance form, the Card Room Administrator must receive the acceptance form signed by the License Applicant. Upon receipt of the acceptance form signed by the License Applicant, the Card Room Administrator shall issue the License.

5-25-13 – GROUNDS FOR DENIAL OF AN APPLICATION.

- A. The City Council may deny a License application based on any one or more of the following reasons:
1. The proposed business or activity to be operated violates any federal, State, or City law or regulation.
 2. The License Applicant, including any shareholder or officer, has been convicted of any crime punishable as a felony (including a plea of no contest) or of any crime of violence, any crime involving fraud, gambling, loan sharking, bookmaking, thievery, bunco, moral turpitude, or any crime involving evasion of taxes, or any other crime of moral turpitude indicating a lack of business integrity or business honesty, whether committed in the State of California or elsewhere, whether denominated as a felony or as a misdemeanor and notwithstanding the passage of time since the conviction.
 3. The License Applicant has been credibly identified by any law enforcement agency, legislative body, or crime commission as a member of, or an associate of, organized criminal elements.
 4. The License Applicant knowingly made any false statement in the filed application or in presenting any other information as part of the application process or investigation.
 5. The License Applicant failed to satisfy the City Council as to the source of funds to be invested in the Card Room.
 6. The License Applicant does not have the financial capability or business experience to operate a Card Room in a manner that would adequately protect the patrons of the Card Room and the citizens of the community.
 7. The License Applicant is presently under indictment or the subject of a criminal complaint for any of the crimes described in Section 13(A)(2) of this Chapter.
 8. The application failed to present reasonable evidence that there is adequate financing available to pay potential current obligations and provide adequate working capital to finance opening of the proposed Card Room.

9. The failure of any Person named in the application to appear before the City Council after having been requested by the City Council to appear and provide information or answer questions before it.
 10. The failure to include in the application an adequate plan for maintaining the security of the Card Room to ensure that all cash reserves and deposits in the Card Room, as well as the employees and patrons of the Card Room, are reasonably safe from theft, robbery, burglary, or other crimes.
 11. The Commission has revoked or suspended the License Applicant's State gambling license or has denied the License Applicant's application therefor or denied the application of a shareholder or officer or that of which an entity which she/he is the shareholder or officer.
 12. Approving the License application is contrary to public interest and the policies of this Chapter.
- B. In the resolution denying the application pursuant to Section 13(A) of this Chapter, the City Council shall set forth the ground or grounds for its action.

5-25-14 – TERM, TRANSFER, AND RENEWAL OF A CARD ROOM LICENSE.

- A. The term of a Card Room License shall be ten (10) years from the date on which it was issued, and may be renewed for an additional ten (10) years, on an Application for Renewal, in accordance with the provisions of Section 8 of this Chapter, as applicable.
- B. No Card Room License may be transferred except in accordance with this Chapter. Any proposed transfer or assignment of any License, including changes in new shareholder, partners, or ownership interest of the Licensee, shall be considered for all purposes as a new application for a License, and all the provisions of this Chapter applicable to new and original applications shall apply.

5-25-15 – SURRENDER, SUSPENSION, REVOCATION, OR DIVESTITURE OF A CARD ROOM LICENSE.

- A. A Licensee may surrender its License by written notice to the City Manager.
- B. Any License issued under this Chapter may be suspended or revoked by the City Council for violation of any of the provisions of the License, this Chapter, or any provisions of this Municipal Code, or of a federal or State law. The holder of a License shall be given prompt written notice of revocation or suspension of said License. Said notice shall fix a time and place, not less than five (5) nor more than thirty (30) days after service thereof, at which time the holder of said License may appear before the City Council and be granted a hearing upon the merits of said suspension or revocation.
- C. Any Licensee or Owner, including shareholders and officers, who is convicted (or pled no contest) of a misdemeanor involving moral turpitude or a felony shall immediately notify the Card Room Administrator and divest himself/herself of such ownership interest within thirty (30) days after the service of a notice of divestiture by the City. Upon receipt of a notice of divestiture, the Licensee or Owner may request in writing a hearing before the City Council to appeal the notice and request a waiver of the divestiture requirement. A hearing shall be

scheduled before the City Council within thirty (30) days after the receipt of such request. Upon the conclusion of the hearing, the City Council may disregard the conviction or take other action if it is determined by the City Council that mitigating circumstances exist and that the public interest will be adequately protected. The decision of the City Council shall be final and conclusive. Failure to comply with the provisions of this Section 15 shall constitute a misdemeanor, punishable by a fine or imprisonment. Each day of noncompliance shall constitute a separate and complete offense. In addition, the City Attorney may invoke any appropriate civil remedies available to enforce compliance. No Person required pursuant hereto to divest his/her interest in a Card Room may transfer the same to his/her spouse, children, siblings, or parents or to his/her spouse's children, siblings or parents, or any other Person.

- D. Revocation for Failure to Maintain a Business License. A license issued pursuant to this Chapter may be revoked by the City if the Licensee fails to maintain an active Business License in the City of Selma.
- E. Fines and Penalties in Lieu of Suspension or Revocation. The City Council, in its discretion, may in addition to or in lieu of a suspension or revocation of a License for violation of any provision of this Chapter, levy a fine or penalty against the Licensee upon a determination that grounds exist which would justify the suspension or revocation of a License. Such fines or penalties may also be levied against the Licensee if the Licensee, key management employee, or employee of the Licensee has committed any act in violation of this Chapter which would justify a suspension or revocation of a License. In the event that the City Council determines to issue a fine or penalty pursuant to this section, then the City shall give the holder of a license prompt written notice of the fine or penalty which shall include a time and place, not less than five (5) more than thirty (30) days after the service thereof, at which the holder of the license may appear before the City Council and be granted a hearing upon the merits of said fine or penalty.
- F. Violation of this Chapter. The Licensee has violated any provision of this Chapter or failed to timely pay any fees due under this Chapter.
- G. Area Specific Considerations. The operation of the cardroom substantially aggravates a crime problem that already exists in the area, makes law enforcement unduly difficult or is otherwise detrimental to crime prevention or to the public peace, health, safety or welfare in the area.

5-25-16 – WHERE A CARD ROOM MAY BE LOCATED.

A Card Room may only be located in the C-R regional commercial zoning district identified in Title 11, Chapter 7, of the Municipal Code. The location of the Card Room License shall be site specific and any changes to the approved location specified in the License shall require an amendment to the License approved by the City Council.

5-25-17 – HOURS OF OPERATION AND DISPLAY OF LICENSE.

A Card Room is permitted to operate twenty-four (24) hours each day of the year at the specific location authorized in the License. Licensee shall have its business hours clearly posted at all entrances to give law enforcement and patrons notice of the hours during which the licensed Card Room will remain open for business. Licensee shall display the License issued by the City in a conspicuous location in the cardroom and each employee shall wear a work permit or identification card issued by the City and shall display his

or her work permit upon request.

5-25-18: LEGAL GAMES.

Any Game permitted by law in the State of California may be played in a Card Room licensed under this Chapter.

5-25-19 – WAGERING LIMITS.

There shall be no limit on the size of any bet except as may be determined by the Licensee and as permitted under State law.

5-25-20 – MAXIMUM NUMBER OF TABLES.

- A. There shall be no more than thirty (30) licensed gambling tables in the City.
- B. The maximum number of gambling tables permitted in any one (1) Card Room shall be thirty (30).
- C. In the event State law requires a lesser number of gambling tables within the City or in any one (1) Card Room, the maximum number of tables authorized under State law shall apply.

5-25-21 – REMOVAL OF PERSONS AND EXCLUSION OF UNDESIRABLE PERSONS FROM CARD ROOM PREMISES.

A. Removal

- 1. A Licensee may remove any Person from, in, on, or about any Licensed Card Room premises if that Person:
 - a. Appears to or otherwise engages or has engaged in disorderly conduct, as defined in Section 647 of the California Penal Code;
 - b. Appears to or otherwise interferes or has interfered with a lawful gambling operation;
 - c. Appears to or otherwise solicits or has solicited or engages or has engaged in any act of prostitution;
 - d. Appears to or otherwise is or has been under the influence of any intoxicating liquor or drug;
 - e. Appears to or otherwise has been mentally incapacitated to the extent that such Person cannot care for himself/herself or control his/her actions;
 - f. Appears to or otherwise is or has been overly loud, panhandles, is boisterous, or is otherwise disturbing or offensive to other persons in, on, or about the Card Room;
 - g. Appears to or otherwise commits or has committed any public offense;

- h. Is, was, or appears to be a Person whose presence is inimical to the interests of the Licensee or the business of the Card Room, as determined by Licensee in its reasonable discretion;
 - i. Is a Person, whose name appears on the list of persons the Commission has determined are to be excluded or ejected from any gaming establishment pursuant to Business and Professions Code Section 19844 and any regulation adopted pursuant thereto;
 - j. Has requested, pursuant to Section 12464 of Title IV of the California Code of Regulations, to be self-excluded from the Card Room; or
 - k. Has requested, pursuant to Section 12463 of Title IV of the California Code of Regulations, that their access to the Card Room be self-limited and the Licensee, in its reasonable discretion, determines that removal of the Person is required to comply with that request.
2. Except as provided in Section 21(B) of this Chapter, removal of a Person from the premises of a Card Room pursuant to Section 21 of this Chapter carries no presumption that the Person is within the class of Persons defined as “undesirable persons” in Section 21(B)(1) of this Chapter.

B. Exclusion

1. A Licensee may exclude from all or any portion of the premises of a Card Room Premises any Person who is determined to be “undesirable” within the meaning of this Section. For the purposes of this Section, the following persons shall be deemed to be “undesirable”:
- a. Persons who have engaged in any act of, or who have been convicted of bookmaking or illegal wagering;
 - b. Persons who appeared to or otherwise have engaged in any act prohibited in Section 21(A) of this Chapter;
 - c. Persons who have been convicted of or pled no contest to any violation of Section 337a of the California Penal Code or any other felony, misdemeanor, or violation relating to the act of cheating in, on, or about the premises of a Card Room whether or not convicted within or outside the state;
 - d. Persons whose presence is inimical to the interests of the Licensee or the business of the Card Room, as determined by Licensee in its reasonable discretion; or
 - e. Persons who have requested, pursuant to Section 12463 of Title IV of the California Code of Regulations, that their access to the Card Room be self-limited and whom the Licensee, in its reasonable discretion, determines must be excluded in order to comply with that request.

2. For purposes of this Section:

- a. "Bookmaking" means and includes, but is not limited to, any act prohibited by Section 337a of the California Penal Code, or by Section 19595 of the California Business and Professions Code;
 - b. "Illegal wagering" includes, but is not limited to, any act prohibited by Sections 319 through 336, inclusive, of the California Penal Code.
3. Licensee shall inform any Person excluded from the premises of a Card Room of the reason for the exclusion and shall notify such Person of the provisions of Section 21 of this Chapter. Notification of an order of exclusion issued by a Licensee shall be made by personal delivery to the Person excluded. A copy of Section 21 of this Chapter shall be attached to such notification.
 4. Licensee shall immediately notify the Selma Police Department of the name of the Person so excluded and the reason for the exclusion, and provide such other information required by the Selma Police Department.
 5. No Person named in an order of exclusion shall fail to comply with the terms of such order. An order of exclusion shall be enforceable by Licensee by any lawful means, including a civil injunction proceeding or other appropriate remedy, in the Fresno County Superior Court or other court of competent jurisdiction, or by local law enforcement.
 6. A Licensee may also exclude from all or any portion of the Licensed Card Room premises any Person who:
 - a. Is a Person, whose name appears on the list of Persons the Commission has determined are to be excluded or ejected from any gaming establishment pursuant to Business and Professions Code Section 19844 and any regulation adopted pursuant thereto; or
 - b. Has requested, pursuant to Section 12464 of Title IV of the California Code of Regulations, to be self-excluded from the Card Room.
 - c. Sections 21(B)(3), 21(B)(4) and 21(B)(5) of this Chapter shall not apply to the exclusion of any Person pursuant to this Section 21(B)(6) of this Chapter.

C. Indemnification

Licensee shall protect, indemnify, defend, and hold City, its City Council members, officers, employees, and agents harmless from and against any and all liability, loss, cost, demand, and obligation arising out of or relating from any injury or loss caused directly or indirectly by any cause whatsoever in connection with or incidental to Licensee removal or exclusion of any Person pursuant to this Section 21 of this Chapter.

5-25-22 – PROTECTION OF MINORS.

No Licensee or Permittee shall knowingly or willingly permit or allow any Person under the age of eighteen (18) years at any time to be in or upon the part of the Card Room premises, nor shall any Licensee or Permittee knowingly or willingly permit or allow any Person under the age of twenty-one

(21) to play any of the Games authorized by the License. Notwithstanding, Persons under the age of twenty-one (21) shall be permitted in the following areas:

- A. An area, physically separated from any gambling area, for the exclusive purpose of dining. For purposes of this Section, any place where food or beverages are dispensed primarily by vending machines shall not constitute a place for dining;
- B. Restrooms; and
- C. A supervised room that is physically separated from any gambling area and used exclusively for the purpose of entertainment or recreation.

5-25-23 – REPORTING OF CRIMINAL ACTIVITY AND 911 CALLS.

- A. Owner, Licensee, or employee shall immediately make a report to the Selma Police Department upon discovery of any conduct which raises a reasonable suspicion that a misdemeanor or felony crime has been committed on the Card Room premises. In addition, Owner, Licensee, or employee shall report any conduct which raises a reasonable suspicion of a violation of this Chapter to the Card Room Administrator within four (4) hours of its discovery.
- B. Licensee shall maintain a chronological criminal activity log and such other reports as the Card Room Administrator may determine are needed in order to effectively assist the Selma Police Department to carry out its law enforcement function and protect the public health, safety, and welfare.

5-25-24 – EMPLOYEE WORK PERMITS.

- A. A Person who desires to be employed by a Card Room in the City shall obtain an employee work permit. It is unlawful for any Licensed Card Room to employ any Person who does not have an employee work permit issued by the Chief of Police. The Chief of Police shall maintain a list of all current and past possessors of an employee work permit.
- B. Each and every independent contractor, vendor, or other third Person who performs work or services at the Card Room premises shall be approved by the Chief of Police prior to commencing any work or services at the Card Room premises. The Chief of Police, in his/her reasonable discretion, may require the independent contractor, vendor, or other third Person to submit an employee work permit application and follow the process set forth in this Section 24 of this Chapter and such Person or Persons together with Persons identified in Section 24(A) above, shall be designated Employee Applicants for purposes of this Section.
- C. Employee work permits may not be transferred or assigned in any manner.
- D. Any Person wishing to obtain an employee work permit from the City shall file an application with the Chief of Police. The Chief of Police shall process and review all applications for employee work permits in accordance with such rules and regulations as may be promulgated by the City in accordance with this Chapter. The application shall be completed and the Employee Applicant will be required to provide photographs and fingerprints, in addition to such other information as the application may require. The

investigation and permitting fee for each prospective employee shall be determined and approved by the City Council as part of the City's Schedule of Fees. The Licensee may reimburse any employee work permit holder for the amount of the investigation and permitting fee.

- E. Work permits shall expire five (5) years after issuance. The person wishing to renew a work permit must make the same filings and submissions and pay the same fees as required for the original work permit application.
- F. The Chief of Police shall immediately notify the Employee Applicant, in writing, if the application for an employee work permit is approved or denied. For a minimum of one (1) year from the revocation or denial of an employee work permit, the Employee Applicant or former permittee shall not reapply for an employee work permit absent a change in facts showing good cause.
- G. The Chief of Police shall, on behalf of the City, promptly upon receipt of such application, submit the completed application to the California State Department of Justice. The State Department of Justice shall provide summary criminal history information to the Chief of Police for the purpose of issuing work permits. Upon the receipt by the Chief of Police of such criminal history information, provided the criminal history information does not reveal any grounds set forth in Section 24(G) of this Chapter for denial of an application and the application does not require any additional investigation as determined by the Chief of Police, the Chief of Police shall approve the application within thirty (30) days.
- H. The Chief of Police may deny, suspend, or revoke an employee work permit, provided that such action is based on one or more of the following reasons:
 - 1. The Employee Applicant has made any false statements in the application or any other information presented as part of the application, or the Employee Applicant has failed to disclose, misstated, or otherwise misled the City with respect to any fact contained in any application for a work permit;
 - 2. The Employee Applicant is less than twenty-one (21) years of age;
 - 3. The Employee Applicant has been convicted of, or failed to disclose a prior conviction of or pled no contest to, a felony or, in the case of a conviction by a federal court or a court in another state, a crime that would constitute a felony if committed in California;
 - 4. The Employee Applicant has been convicted of or pled no contest to, or failed to disclose a prior conviction of any misdemeanor involving dishonesty or moral turpitude within the ten-year period immediately preceding the submission of an application, unless the Employee Applicant has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided, however, that the granting of relief pursuant to these Sections shall not constitute a limitation on the discretion of the City;
 - 5. Association of the Employee Applicant or employee with criminal profiteering activity or organized crimes, as defined by Section 186.2 of the Penal Code;
 - 6. The Employee Applicant has committed, attempted, or conspired to do any acts

prohibited under the Gambling Control Act;

7. The Employee Applicant has committed, attempted, or conspired to commit, any embezzlement or larceny against a gambling licensee or upon the premises of a Gambling Establishment;
 8. The Employee Applicant has been convicted in any jurisdiction of, or failed to disclose a prior conviction of, any offense involving or relating to gambling;
 9. The Employee Applicant has been refused, or failed to disclose the prior refusal of, the issuance of any license, permit, or approval to engage in or be involved with gambling or pari-mutuel wagering in any jurisdiction, or had the license, permit, or approval revoked or suspended;
 10. The Employee Applicant has been prohibited under color of governmental authority, or failed to disclose a prior prohibition, from being present upon the premises of any licensed Gambling Establishment where pari-mutuel wagering is conducted, for any reason relating to improper gambling activities or any illegal act; or
 11. Any applicable federal, State, or City law or regulation requires that the application be denied.
- I. The Chief of Police is authorized to issue temporary or conditional work permit pending a full investigation and processing of an employee work permit application, provided such temporary or conditional work permit may be revoked at any time based on any of the factors set forth in Section 24(G) of this Chapter. A revocation of the temporary or conditional work permit shall be considered a denial of the employee work permit application and the Employee Applicant may appeal such decision as provided in this Section 24(I) of this Chapter.
- J. If an application is denied by the Chief of Police, the Employee Applicant may appeal such denial by written notice to the Card Room Administrator within ten (10) calendar days of the denial decision. A reasonable fee may be charged for such appeal in accordance with the City's Schedule of Fees approved by the City Council. The Card Room Administrator shall cause a hearing to be held before a hearing officer within thirty (30) calendar days of receipt of such written notice requesting an appeal. The hearing officer may be an employee of the City provided the employee was not involved in the decision to deny the work permit application and will serve as an independent, neutral hearing officer. The hearing officer shall schedule and conduct such hearing in accordance with the rules and regulations promulgated in Municipal Code Title 1, Chapter 20, Section 9. At the conclusion of such hearing, the hearing officer shall issue a decision in writing within fifteen (15) calendar days which shall reflect either the hearing officer's approval, conditional approval, or denial of the application. The hearing officer's decision shall be final and conclusive.
- K. The Chief of Police may issue an order summarily suspending or revoking a Person's work permit upon a finding that the suspension is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The order is effective when served upon the holder of the permit. An order of summary suspension or revocation shall state the specific facts upon which the finding of necessity for the suspension or revocation is based. An order of summary suspension or revocation shall remain in effect for no more

than thirty (30) calendar days, or until a final decision is rendered by a hearing officer appointed by the Card Room Administrator, whichever occurs last.

- L. In the event that a work permit is suspended or revoked, the holder of the permit may appeal the determination by submitting a written request to the Card Room Administrator no later than ten (10) calendar days from the date the notice was served upon the holder of the permit. A reasonable fee may be charged for the filing of a request for an appeal in accordance with the City's Schedule of Fees approved by the City Council. Upon receipt of the written request, the Card Room Administrator shall cause a hearing to be held before a hearing officer within thirty (30) calendar days in accordance with the procedures set forth in Section 22(I) of this Chapter. Failure to submit a written request for a hearing within the ten (10) calendar days shall be deemed a waiver of the right of appeal. Except for an order summarily suspending or revoking a Person's work permit as described in Section 22(J) of this Chapter, during the time period following the date the notice of suspension or revocation was issued and any time period prior to the scheduled appeal hearing date, any proposed action, including termination of the employee or any reduction in employee compensation shall be stayed pending final determination of the hearing officer. Upon the final decision or order of the hearing officer suspending or revoking the permit, the holder of the permit may petition the Superior Court for the County of Fresno for judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.
- M. The Application must be accompanied by a fee for the appeal of the denial of a work permit as set forth in this Chapter in an amount to be set and amended, from time to time, by the City Council. A Notice of Appeal will not be deemed received unless such fee is paid. When the application for an employee work permit is approved or conditionally approved, whether by the Chief of Police or the hearing officer, the City shall promptly issue an employee work permit to such employee and shall promptly so advise the Card Room employer in writing. Once issued, the employee work permit shall remain valid for a period of up to five (5) years or until it is revoked, suspended, or surrendered. The employee shall apply with the Chief of Police for a renewal of the employee work permit at least sixty (60) days prior to expiration of the employee work permit and pay the applicable renewal fee as approved by the City Council as part of the City's Schedule of Fees.
- N. The employee shall be required to visibly carry the employee work permit on his or her Person at all times while working on the Licensed Card Room premises. The employee work permit, or such other evidence of employment of each employee by the Card Room, shall be displayed on the Person of such employee in accordance with the rules established by the Card Room employer.
- O. When a Licensee terminates the employment of an employee for any reason whatsoever, the holder of the employee work permit shall immediately surrender his or her employee work permit to the Licensee who shall then promptly remit the same to the City.
- P. When all appeals of the denial, suspension, or revocation of an employee work permit have concluded, upon final and conclusive action by the hearing officer, or in the absence of any appeal, the holder of the employee work permit shall immediately surrender his or her employee work permit to the Licensee who shall then remit the same to the City. Upon the Licensee being advised in writing of the conclusion of such appeals upon such final and conclusive action of the hearing officer, or in the absence of any appeal, the Licensee shall immediately cease to employ the Employee Applicant at the Card Room.

- Q. All information received by the City by means of an application for an employee work permit shall be treated as confidential and shall be accessible only to the Card Room Administrator and/or designee, the Police Department, the City Attorney, and, if determined appropriate by the Chief of Police or City Attorney, to the Permittee or Employee Applicant, or their attorney, unless otherwise authorized by law.
- R. Licensee shall keep on file with the Selma Police Department and on the Card Room premises, as to each employee of the Card Room, a comprehensive employee list and the following current information:
- 1) Residence address;
 - 2) Current occupation and employment;
 - 3) Age, date of birth, height, weight, color of hair, and eyes;
 - 4) Driver's license and social security numbers; and
 - 5) A current full face photo of each owner, officer, employee, or agent of the Card Room.

The information kept on file at the Card Room Premises shall be made available on demand for viewing and copying by the Card Room Administrator or Selma Police Department.

5-25-25 – DESIGNATION OF AGENT; UPDATING INFORMATION

- A. For the purpose of providing updated information only, a Licensee may designate an agent or agents who shall be authorized to act for Licensee in providing such information.
- B. Updating Information. Licensee shall ensure that all information submitted with the License Application including, but not limited to, contact information and the name, residence and business address of each partner, shareholder, principal officer, directors or other key personnel or employees of Licensee is promptly updated.

5-25-26 – ADMINISTRATION BY THE CITY.

- A. The City Manager shall designate a Card Room Administrator who will manage, coordinate, implement, and enforce all of the functions, powers, and duties as set forth in this Chapter. The Card Room Administrator shall report to the City Manager or Police Chief, as the City Manager deems appropriate.
- B. In conjunction with the City's departments, the Card Room Administrator shall:
1. Coordinate the interaction of all of the City's department administrators with the Licensee, including but not limited to the City Manager, the City Attorney, the head of the Department of Finance, and the Chief of Police;
 2. Investigate the qualifications of License Applicants and prescribed all forms to be used for the investigation of the qualifications of License Applicants;
 3. Conduct investigations to:
 - a. Determine whether there has been any violation of this Chapter or of State or federal law;

- b. Determine any facts, conditions, practices, or matters necessary to the enforcement of this Chapter;
 - c. Aid in promulgating regulations;
- 4. Conduct audits and reviews of Card Room operations as described in this Chapter to assure compliance with the requirements of this Chapter;
- 5. In conjunction with the Chief of Police, investigate and take any actions authorized under this Chapter regarding all work permit cases affecting the granting, renewal, suspension, revocation, and addition of limitations and conditions to any work permit;
- 6. Investigate and take any actions authorized under this Chapter concerning regulatory action against Card Room Licensees and Permittees;
- 7. Perform such other functions and duties and hold such powers as are specifically conferred elsewhere in this Chapter; and
- 8. Perform such other functions related to the administration of this Chapter as he or she finds necessary or appropriate.
- C. Notwithstanding the provisions of Section 26(B) of this Chapter, the Card Room Administrator is not authorized to conduct criminal investigations. Criminal investigations shall be conducted separately by the Selma Police Department and not by the Card Room Administrator.

5-25-27 – REGULATIONS.

- A. The Card Room Administrator is authorized to promulgate all regulations necessary to implement the requirements and fulfill the policies of this Chapter, including, but not limited to the following subjects:
 - 1. Prescribe license and work permit application and renewal application forms and the scope of information required for licensing and permitting, including, but not limited to fingerprints, photographs, releases for criminal arrest, conviction, and other criminal history information, releases for financial, credit, business, and employment history, and certification of applicant responses under penalty of perjury;
 - 2. Procedures for investigating all applicants for licenses and work permits;
 - 3. Procedures for Card Rooms to accept negotiable instruments from patrons;
 - 4. Procedures for regulatory action on licenses and permits, and for suspension, revocation, renewal, and setting of limitations and conditions on work permits;
 - 5. Procedures for amendments to licenses and permits;
 - 6. Minimum security and surveillance controls by Card Rooms;

7. Minimum internal controls for the effective control of internal Card Room fiscal and operational matters including, but not limited to the safeguarding of assets and revenues and maintenance of reliable records, accounts, and operations;
 8. Methods to assess and collect fees, late penalties, and interest;
 9. Criteria and procedures for reporting criminal or potential illegal activity on Card Room premises or connected with the operation of a Card Room to the police department; and
 10. Define and limit areas of operation of the Card Room and the rules of the controlled games that Card Rooms are permitted to play under this Chapter.
 11. Regulations requiring the rules relating to each game allowed at the cardroom, and any other rule relating to the conduct of any game or the conduct of any patron of the cardroom.
- B. All the regulations promulgated by the Card Room Administrator, provisional or final, shall have the force and effect of law.

5-25-28 – VISIBILITY AND INSPECTION OF PREMISES.

All rooms in which Games are played shall be accessible and visible to all patrons. Licensee shall permit the Card Room Administrator or any City official authorized by the Card Room Administrator to inspect the entire premises of the Card Room, including but not limited to Game areas, administrative areas, security areas, security and surveillance equipment, cash counting rooms, and vaults at any time without a search warrant.

5-25-29 – ACCESS TO RECORDS.

The Licensee shall allow the Card Room Administrator or his/her designee unrestricted access to inspect, copy, or otherwise remove all books, records, or security and surveillance equipment, video or photographs, personnel records, records and information stored in any medium or system including computers of the Card Room. Certain books and records are confidential and the contents thereof shall not become known except to the Persons charged by law with the administration of the provisions of this Chapter or pursuant to the order of any court of competent jurisdiction. All information obtained pursuant to this Chapter, or any statement or other information filed by Licensee, shall be treated as confidential and shall not be subject to public inspection, unless otherwise authorized or required by law. Notwithstanding, such information may be used in connection with the enforcement of this Chapter. Failure to give the City prompt access to records pursuant to this Section shall constitute grounds for suspension or revocation of the License.

5-25-30 – PATRON SAFETY AND SECURITY PLAN.

Licensee shall provide and maintain reasonable security on the Card Room premises including the parking area. Licensee shall employ a professional security staff to monitor the activities on the Card Room premises and take all reasonable steps necessary to assure that employees, patrons, and visitors are not involved in criminal activity or victims of criminal activity. The Card Room Administrator and/or Chief of Police shall have the right to require amendments to the patron safety and security plan approved as part of the License application at any time that are, in his or her judgment, necessary to protect the public peace, health, safety, and welfare.

5-25-31 – AUDITS.

- A. Monthly Statement of Revenue. Each Licensee shall file with the Finance Director before the fifteenth (15th) day of each month for the prior month a statement, under oath, showing the true and correct amount of gross revenue derived from the card game business permitted by the License issued to or held by such Licensee for the preceding month. Such statements shall be accompanied by the payment of the correct amount of License Fee due and owing in accordance with the provisions of this Chapter. The City's acceptance of these payments shall be subject to the City's right to audit the matters reported in the Monthly Statements of Revenue to determine the accuracy of the Monthly Statements of Revenues and whether or not the correct amount payable to the City has been paid pursuant to the audit provisions of this Chapter. Such Monthly Statement of Revenue shall be submitted in a format acceptable to the Finance Director. A signed Declaration Certificate shall be attached to each Monthly Statement of Revenue, or included therein, substantially in the following form:

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Licensee

- B. The Licensee shall submit to the Card Room Administrator an annual financial statement audit and shall include an Annual Statement of Revenue in the same form as a Monthly Statement of Revenue described in Section 31(A) of this Chapter. The financial statement shall be conducted by an independent certified public accountant licensed to practice in the State of California and shall be acceptable to the Card Room Administrator. The financial statement shall be submitted to the Card Room Administrator within seventy-five (75) days of the end of every calendar year.
- C. The Card Room Administrator may perform such financial compliance reviews and oversight of each Licensee as the Card Room Administrator considers necessary in order to assure that each Licensee is in full compliance with the requirements of this Chapter. The Card Room Administrator is authorized to contract for certified public accountants or other professionals that the Card Room Administrator considers necessary in order to conduct any independent audit or review or any compliance audit or review of Licensee. The Licensee shall bear all expense of any contractor retained by the Cardroom Administrator.
- D. The Card Room Administrator has the right to review and approve any changes to the Licensee accounting and internal control plan approved with the License application before such changes are implemented. The Card Room Administrator shall have the right to require amendments to the accounting and internal control plan at any time that are, in his or her judgment, necessary to protect the public peace, health, safety, and welfare.
- E. All monthly statements of revenue annual financial statements, or documents submitted, provided to or obtained by the Card Room Administrator or City pursuant to this Section are proprietary information and shall remain confidential and not to be disclosed to any Person, unless otherwise required by law. In the event a request is made from a third party for any information set forth in this Section or for any other information provided on a confidential basis to the City by the Licensee, the City will provide Licensee with reasonable and

adequate notice to seek a protection from disclosure by a court of competent jurisdiction.

- F. Failure to comply with the audit provision of this Section 31 shall constitute ground for revocation or suspension of the License.

5-25-32 – NONDISCRIMINATION—COMPLIANCE WITH LAWS AND REGULATIONS.

- A. The Licensee shall not unlawfully discriminate nor permit any unlawful discrimination in connection with the operation of the Card Room, including, but not limited to any unlawful discrimination based upon race, sex, marital status, age, color, creed, religion, national origin, or ancestry.
- B. The Licensee shall use its best efforts to employ as many Persons as reasonably possible who live within the City, who reflect the demographic makeup of the City, and who otherwise satisfy the employment requirements of the Card Room. The Licensee may request the City to use City facilities to obtain employees and shall advertise in publications that are circulated in the general area of the Licensee's location.
- C. The Licensee will from time to time, upon request by the City, furnish to the City reasonable data concerning the nature of the efforts by the Licensee to otherwise comply with this Section.

5-25-33 – AMENDMENTS.

- A. The people of the City reserve the right and power to amend any and all provisions of this Chapter. Any amendment to this Chapter may not violate any provision of State or federal law or the final judgment of a court of competent jurisdiction.
- B. Subject to the exceptions in this Section 33(B), the City Council may, without a vote of the electorate, amend any of the provisions of this Chapter.
 - 1. The City Council may not limit without the vote of the electorate:
 - a. The types of Games in Section 18 of this Chapter; or
 - b. The limits on wagers in Section 19 of this Chapter.
 - 2. The City Council may without the vote of the electorate:
 - a. Increase the number of tables that may be offered in a Card Room or throughout the City as set forth in Section 20 of this Chapter. Any increase in the number of tables must be consistent with State law. The City council has no authority to decrease the number of tables under that Section without the vote of the electorate.

5-25-34 – PROHIBITED GAMBLING.

- A. Except as provided in this Chapter, no Person shall deal, play, carry on, open, cause to be opened, or conduct any Game prohibited by State or federal law.
- B. It is unlawful for any Person, firm, corporation or association, owning, leasing, managing,

controlling, or having any interest in any property or premises lying within the City to allow the operation of any Game prohibited by State or federal law on such property or premises.

5-25-35 – RESPONSIBLE GAMBLING PROGRAM FOR EMPLOYEES.

- A. Each Licensee shall provide to its employees a responsible gambling program that will include, at a minimum, the following elements:
 - 1. An employee assistance program;
 - 2. Mandatory referral of employees who appear to be at risk for compulsive gambling; and
 - 3. Provision of literature to employees on problem gambling and a list of referrals to agencies in the Fresno County Area with programs for problem gamblers.
- B. Each Licensee shall provide the Card Room Administrator with an annual plan for a responsible gambling program that includes the program elements listed in this Section 35 of this Chapter.
- C. No employee of a Card Room Licensee, with the exception of a proposition player, shall play any permissible game during the employee's work hours, including any paid or unpaid breaks in the employee's work hours.
- D. No Licensee shall allow, permit, or suffer any employee of the Licensee, with the exception of proposition player, to play any permissible game during the employee's work hours, including any paid or unpaid breaks in the employee's work hours.
- E. Each Licensee is encouraged to undertake further efforts beyond the minimum responsible gambling program required by this Chapter.

5-25-36 – RESPONSIBLE GAMBLING PROGRAM FOR PATRONS.

- A. Each Licensee shall make literature on problem or compulsive gambling easily available in locations visible to patrons in the Card Room.
- B. If literature on problem or compulsive gambling is reasonably available in English, Spanish, Vietnamese, Tagalog, Mandarin, and/or Cantonese-Chinese, then the Licensee shall be required to make such literature easily available.
- C. Each Licensee shall participate in any State-required responsible gambling program for patrons and make all required payments to the State to support such programs. The Licensee shall also satisfy any requirements of the Gambling Control Act relating to providing assistance for gambling addictions.

5-25-37 – PATRON DEPOSIT ACCOUNTS AND CREDIT.

- A. No Licensee, employee, funded player, or otherwise shall:
 - 1. Provide any loan or credit to any patron including offering any loan or credit

involving currency, checks, or other negotiable instruments, or any other thing of value or any representation of value.

5-25-38 – NO TRANSFER OF LICENSE.

The License issued pursuant to this Chapter is not transferrable and may not be sold, transferred or assigned to any person or entity without the prior approval of the City Council and any attempt to sell, transfer or assign the License issued pursuant to this Chapter without obtaining that prior consent of the City Council shall be null and void. Further, no transfer of the License or any interest therein shall occur by operation of any law, including the law relating to decedents and estates, bankruptcy, or corporate law relating to the successors, assigns, merger or acquisition of any entity and no such transfer shall occur by operation of any law until such time as the City Council has approved the transfer. Any transfer, whether voluntary or by operation of law, shall be approved by the Council only after the making of an application for such transfer and the proposed transferee has paid all fees required of an original applicant for issuance of a License under this Chapter.

5-25-39 – ENFORCEMENT.

Violation of any provision of this Chapter may be enforced in any manner authorized by this Chapter, the Municipal Code, or in law or equity.

5-25-40 – NO VESTED RIGHT.

This Chapter did not create any vested or other property right of any kind in any Licensee, point holder, employee, person, or entity.

SECTION 5. AMENDMENT TO MUNICIPAL CODE TITLE 6, CHAPTER 1, SECTION 13

Title 6, Chapter 1, Section 13 of the Selma City Code is hereby amended as follows:

“Except as provided in Title 5, Chapter 25 of the Selma Municipal Code, it shall be unlawful for any person to draw, play or conduct, either as an owner, employee or lessee, whether or not for hire, any game played with cards, dice or any other device for money, checks, credit representative of value.”

SECTION 6. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part shall not affect the validity of the remainder. Except for those provisions of this Chapter providing for the payment of License Fees and the allowing of a License for legal gambling and gaming within the City shall not be severable from the other. If the requirements of this Chapter relating to the payment of License Fees are subsequently amended, held to be invalid or unenforceable for any reason by the final judgment of a court of competent jurisdiction or superseded by any statute then this Chapter in its entirety shall thereupon become null and void and the license issued pursuant to this Chapter shall likewise become null and void and any gaming or gambling authorized by this statute within the City shall thereupon become unlawful to the same extent as such activity was unlawful prior to the adoption of this Chapter.

SECTION 7. EFFECTIVE DATE

This Chapter, and all of the provisions thereof, shall become effective as set forth in Title 5, Chapter 25 of the Selma Municipal Code.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SELMA AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 3, 2020 A BALLOT MEASURE PROPOSAL TO ADD CHAPTER 25 TO TITLE 5 OF THE MUNICIPAL CODE REGARDING ISSUANCE OF A LICENSE TO OPERATE A CARDROOM IN COMPLIANCE WITH STATE LAW

WHEREAS, the City of Selma is in the need of additional funding to enhance its ability to provide public safety, street maintenance, recreational programs, and other general public services, to enhance the quality of life of Selma residents; and

WHEREAS, many of the existing seventy-three (73) State-licensed cardrooms listed on the Department of Justice's Bureau of Gambling Control's webpage are significant sources of local revenue that can fund staffing, economic development, and public infrastructure projects; and

WHEREAS, the State's Gambling Control Act, provisions in the State's Penal Code, the State's regulations and local gambling ordinances provide comprehensive regulatory frameworks so that the Gambling Control Commission, State Department of Justice's Bureau of Gambling Control and local jurisdictions can ensure that legalized gambling in cardrooms is highly regulated and problem gambling is controlled; and

WHEREAS, among other regulatory roles: the Gambling Control Commission licenses cardrooms, key employees, and employees on a periodic basis; and the Bureau of Gambling Control performs background checks as part of the Commission's licensing process and authorizes games for play in cardrooms only if they are legal under California law; and

WHEREAS, the revenue to the City from a single cardroom license could generate revenue to pay for additional police officers, firefighters, street maintenance, recreational programs, and other general governmental services and programs; and

WHEREAS, Business and Professions Code Section 19960(c) requires that the voters of a city must be asked to approve any measure that permits controlled gambling within the city; and

WHEREAS, pursuant to California Elections Code Section 9222, the City Council has authority to place propositions on the ballot to be considered at a Special Municipal Election; and

WHEREAS, the City Council has called a Special Municipal Election to be consolidated with the statewide Presidential Primary Election on Tuesday, March 3, 2020; and

WHEREAS, the City Council desires to submit to the electors of the City of Selma at the Special Municipal Election on Tuesday, March 3, 2020 a ballot measure proposal to add Chapter 25 to Title 5 of the Municipal Code to allow the City to issue a single license to operate a cardroom within the City in compliance with State law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. **Record.** The City Council has considered the full record before it, including but not limited to the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. **CEQA.** The proposed City Council action is not a “project” under the California Environmental Quality Act of 1970 (“CEQA”), as amended, and any implementing local or State guidelines. Specifically, the proposed City Council action is not a “project” under CEQA Guidelines Section 15378 because it does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The possibility of any indirect physical change in the environment resulting from the City Council’s action is too speculative to require environmental review under CEQA because of (a) the need for State legislation; (b) the need for voter approval; and (c) the need for future environmental discretionary permits to be approved by the City Council. Even if all three (3) of these speculative and necessary prerequisites were to occur, any potential physical changes in the environment would still be subject to CEQA review in connection with the City Council’s consideration of the required discretionary permits.

The proposed City Council action is also exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (for the reasons described in the preceding paragraph).

The proposed City Council action is also exempt from CEQA under CEQA Guidelines Section 15273 (Rates, Tolls, Fares and Charges) because the City Council action is to raise revenue for the City of Selma to assist in funding for public safety, capital improvements, recreational programs, and other general governmental services.

3. **Calling Municipal Election and Submission of Ballot Measure.** Pursuant to California Revenue and Taxation Code Section 7285.9, Elections Code Section 9222, and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, by a four-fifth’s supermajority vote, hereby calls and orders to be held in the City of Selma on Tuesday, March 3, 2020, a Special Municipal Election for the purpose of submitting the proposed Ordinance No. ___ attached as Exhibit A to this Resolution and incorporated herein by this reference to the qualified electors of the City, the “Measure”, with said election to be held and consolidated with the Presidential Primary Election on Tuesday, March 3, 2020.

- a. **Ballot Measure.** The ballot measure will be placed on the ballot for the March 3, 2020 election in the following form:

Shall one licensed gambling establishment in which any controlled games permitted by law, such as draw poker, low- ball poker, panguine (pan), seven-card stud, or other lawful card games or tile games, are played, be allowed in the City of Selma?

YES	
NO	

- b. **Implementing Ordinance.** The proposed Ordinance No. ____ attached as Exhibit A shall appear in full in the sample ballot pamphlet in accordance with California Business and Professions Code Section 19960(c)(2).
- c. **Availability of Ordinance.** The Proposed Ordinance No. _____ shall be printed pursuant to California Elections Code Section 9223. Voters may obtain a copy of this Resolution, the Ballot Ordinance and/or ballot measure, at no cost, upon request made to the City Clerk.
4. **Election Official.** Pursuant to California Elections Code Section 12111 and California Government Code Section 6061, the City Council hereby directs the City Elections Official to (a) cause a notice and synopsis of the proposed measure to be published in the Selma Enterprise, a newspaper of general circulation within the City of Selma; and (b) do all other things required by law to submit the specified measure to the electors of the City of Selma at the Special Municipal Election scheduled for March 3, 2020, including causing the full text of the proposed ordinance to be made available in the Office of the City Clerk at no cost and posted on the City website.
5. **Consolidated Election.** Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors of the County of Fresno County is hereby requested to consent and agree to the consolidation of the Special Municipal Election with the statewide Presidential Primary Election to be held on Tuesday, March 3, 2020 for the purpose of submitting the ballot measure to the voters of the City of Selma. The City of Selma requests the services of the Board of Supervisors of the County of Fresno and the Registrar of Voters of the County of Fresno to conduct said Special Municipal Election and to consolidate such election. The Registrar of Voters is requested to provide all necessary election services and to canvass the returns of the Special Municipal Election. The City of Selma shall reimburse the County of Fresno for services performed when the election is completed and upon presentation to the City of Selma of a properly approved bill.
6. **Impartial Analysis.** The City Council hereby directs the City Attorney to prepare an impartial analysis of the ballot measure not to exceed five hundred (500) words in accordance with California Elections Code Section 9280.
7. **Arguments in Favor.** Pursuant to California Elections Code Sections 9282-9287, the City Council hereby approves the Mayor and/or designee to prepare and submit a written argument in favor of the proposed ballot measure, not to exceed three hundred (300) words in length, on behalf of the City Council. Such written argument in favor of the proposed measure may include up to five (5) signatures in accordance with California Elections Code Section 9283.
8. **Arguments For and Against; Rebuttals.** Arguments for and against the ballot measure and rebuttal arguments may be filed in accordance with California Elections Code Section 9282-9287, on or before the deadline established by the Fresno County Clerk, Registrar of Voters. The City Council hereby approves the submittal of rebuttal arguments in response to arguments against the ballot measure and authorizes the Mayor to author and submit a rebuttal, if any.
9. **Public Examination Periods.** In accordance with California Elections Code Section 9295 voters may examine the ballot measure, the impartial analysis, the argument for the ballot measure and the argument against the ballot measure and/or any rebuttal in the Office of the

City Clerk at 1710 Tucker Street, Selma, California 93662, between the hours of 8:00 a.m. and 5:00 p.m. (PST), Monday through Friday or at the office of the Fresno County Clerk Registrar of Voters during normal business hours or during such dates and times as established by the Registrar of Voters.

10. **Compliance with Law.** In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.
11. **Certified Copy.** The City Council also directs the City Clerk to forward without delay to the Board of Supervisors of the County of Fresno and County Elections Official, each, a certified copy of this Resolution, including the proposed Ordinance No. ____ attached hereto as Exhibit A.
12. **Miscellaneous.** The City Manager is authorized to make changes to the language of this resolution, including but not limited to the date for submission of arguments for or against the measure, the Measure to be voted on and the attached Ordinance to conform to any requirements of the Fresno County Registrar of Voters that does not alter the substantive terms of these enactments.
13. **Effective.** This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNCILMEMBERS:

COUNCILMEMBERS:

COUNCILMEMBERS:

COUNCILMEMBERS:

ATTEST:

APPROVED:

Reyna Rivera, City Clerk

Scott Robertson, Mayor

UNSECURED NON-NEGOTIABLE PROMISSORY NOTE

I, Dwight Nelson promise to pay the City of Selma on demand the following:

1. The amount of all invoices presented to or paid by the City of Selma by the Fresno County Clerk/Registrar of Voters for conducting the election on a measure authorizing a licensed gambling establishment in the City of Selma;
2. The amount of all invoices received or paid by the City of Selma for publication of any notice of any public hearing on a proposed ordinance approving a licensed gaming establishing in the City of Selma; and
3. The amount of all invoices of consultants, including attorneys, and the fully-burdened hourly rate for staff time verified by the City Manager for time reasonably spent on the processing of a proposed ordinance approving a licensed gambling establishment in the City of Selma or a resolution placing the adoption of such an ordinance on the ballot as a measure to be approved by the voters.

This non-negotiable unsecured promissory note is executed by me on November 18, 2019 at Selma, California. This Note shall be binding on me and my heirs, successors and assigns. This Note is specifically for payment of costs incurred by the City of Selma in processing the adoption and presentation to the voters of a measure for establishment of a single cardroom in the City and I acknowledge having received estimates of each item of cost referred to in this Note and that the precise amount payable to the City will not be known or ascertainable until after March 3, 2020.

Dwight Nelson

Date

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

December 2, 2019

ITEM NO:

4.

SUBJECT: Second Reading, Public Hearing, and Adoption of an Ordinance Adding Section 14 to Chapter 3 of Title 9 of the Selma Municipal Code Establishing Revolving Loan Fund to Finance Abatement of Certain Public Nuisances and consideration of a Resolution Establishing User Fees for the Program

RECOMMENDATION: It is recommended that Council conduct the Public Hearing, waive second reading, and adopt an Ordinance Establishing Revolving Loan Fund to Finance Abatement of Certain Public Nuisances and Adopt a Resolution Establishing Program User Fees.

DISCUSSION: As part of the goals and priorities set by City Council in April 2019, staff is taking a proactive approach to property cleanup and abatement to deter blighted areas and promote beautification in the City. As part of this approach, our Problem Oriented Policing (POP) Officer and Code Enforcement have reached out to property owners that consistently have trash, weeds, and structures that should be demolished to cleanup and abate the public nuisance.

Some property owners have complied with City Staff request, while others have expressed a lack of financial means to do so. Although Code Enforcement has the means to abate a property, it could take up to 45-60 days to complete the process. Then the Finance Department can lien the property and file to the tax roll if payment is not received.

To speed up the process and work with our community, staff recommends establishing an ordinance that will create a revolving loan program with only an annual administration fee and a one-time application fee. The parameters of the program will be as follows:

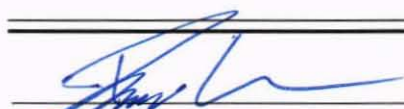
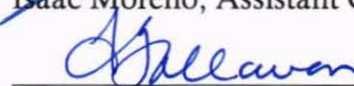
- City Staff must deem the property a public nuisance
- Property owner can be loaned a max of \$2,500 for cleanup and \$5,000 for structure demolition
- All loan obligations will be filed with the County Records Office as a lien
- Loans will be billed monthly with a max term of 5 years
- Application fee will be established at \$75.00 and annual administration fee for the loan will be set \$100.00 Annual

To establish this new program and fund, the Finance Department requests transferring \$25,000 from the retained earnings (fund balance) from the Transit Fund. The Finance Department will accept applications until the funds are exhausted. All payments received will be deposited back into the revolving fund (except administration and application fee) and new applications will be accepted as funds become available. The loans will be made to those property owners that are applying to finance the abatement of any of the conditions that are deemed nuisances by the Selma Municipal Code which includes removal of weeds, rubbish and the demolition of dangerous and other nuisance structures or conditions on real property.

During the November 18, 2019 Council meeting, the City Council introduced and waived the first reading of the Ordinance establishing a revolving loan fund to finance abatement of certain public nuisances.

<u>COST:</u> (Enter cost of item to be purchased in box below)		<u>BUDGET IMPACT:</u> (Enter amount this non-budgeted item will impact this years' budget in box below – if budgeted, enter NONE).
\$25,000		
<u>FUNDING:</u> (Enter the funding source for this item in box below – if fund exists, enter the balance in the fund).		<u>ON-GOING COST:</u> (Enter the amount that will need to be budgeted each year in box below – if one-time cost, enter NONE).
Funding Source: Transit Fund Fund Balance: \$257,449		

RECOMMENDATION: It is recommended that Council conduct the Public Hearing, waive second reading, and adopt an Ordinance Establishing Revolving Loan Fund to Finance Abatement of Certain Public Nuisances and Adopt a Resolution establishing Program User Fees.

 Isaac Moreno, Assistant City Manager	<u>11-26-19</u> Date
 Teresa Gallavan, City Manager	<u>11-26-19</u> Date

ORDINANCE NO. 2019 – __

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SELMA ADDING SECTION 14 TO CHAPTER 3 OF TITLE 9 OF
THE SELMA MUNICIPAL CODE (SMC) ESTABLISHING A
REVOLVING LOAN FUND TO FINANCE ABATEMENT OF
CERTAIN CONDITIONS DECLARED TO BE PUBLIC NUISANCES**

WHEREAS, the Selma Municipal Code, at Title 9 specifies certain conditions existing on real property including rubbish, refuse, weeds, delapidated and dangerous structures and other conditions of real property and declares the same to be public nuisances; and

WHEREAS, to assist property owners in covering the expense of abatement of the aforementioned conditions of real property that are declared to be public nuisances by the Selma Municipal Cod and to encourage the abatement of nuisance conditions, the City Council desires to establish a revolving loan fund and loan program to be administered by the City to provide financial assistance at below market rates for property owners to address the financial burden of abating such nuisance conditions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Incorporation of Recitals. The facts set forth in the foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Amendment of Municipal Code. Section 14 of Chapter 3 of Title 9 is hereby added to the City of Selma Municipal Code to read as follows:

“9-3-14: PUBLIC NUISANCES:

A rubbish, refuse, weeds, and structure removal revolving fund in the sum of twenty five thousand dollars (\$25,000.00) for financing and paying for the cleanup of property in the city is hereby established, and the Finance Department is directed to transfer from the Transit Fund into the rubbish, refuse, weeds, and structure removal revolving fund, the sum of twenty five thousand dollars (\$25,000.00). The rubbish, refuse, weeds, and structure removal revolving fund shall thereafter be maintained, if at all, as determined necessary by resolution of the city council.

(A) Purpose: The rubbish, refuse, weeds, and structure removal revolving fund shall be used and expended only to provide monies to property owners for the cleanup, removal, and abatement of nuisances that are declared a public nuisances by Environmental Control Officer.

(B) Public Nuisances Standards of Cleanup, Removal, and Abatement: All property cleanup, removal, and abatement as provided in this chapter shall conform with the standards and specifications of the city and to the satisfaction of the Environmental Control Officer.

(C) Advances; Applications and Agreements: Any owner of real property desiring to finance the cleanup, removal, and abatement using the rubbish, refuse, weeds, and structure removal revolving fund shall make a written application and pay an application processing fee in an amount as set and/or amended by resolution of the City Council to the Finance Department. The maximum amount that may be requested is two thousand five hundred dollars (\$2,500.00) for cleanup or five thousand (\$5,000) for demolition of structure. If such application is accepted and approved, the city and the owner shall enter into a written agreement, including a promissory note, recorded on the property for the payment for such cleanup, removal, and abatement of rubbish, refuse, weeds, and structure on property from said fund. Said owner shall by such agreement obligate himself or herself to repay to the city all sums paid from said fund for such cleanup, removal, and abatement of property. The entire amount thereof to be fully repaid to the city within a period of not exceeding five (5) years from the date of such agreement, and on such terms and under such conditions as may be set forth in such written agreement. The entire balance due under such agreement shall constitute a special assessment against the parcel of real property thus benefited, and shall be a lien on the property for the amount thereof including a prorated share of the administration cost not to exceed one hundred dollars (\$100.00) per year, and shall continue to be a lien thereon until the full amount thereof is paid and discharged in full. Property owner shall only have one loan agreement at a time but may reapply once obligation is fulfilled.

(D) Advances; Assessments As Taxes: The Finance Department, on or before the first Monday in March of each year, shall cause to be filed with the county assessor a description of the property, together with the name of the owner or reputed owner thereof, against which such special assessment shall be made, and the installments then due and unpaid, with administrative fees, together with all other sums of money due and unpaid under such agreement, may be assessed as taxes against the real property, and the amount of money so assessed shall bear the same penalties and interest as taxes regularly assessed on default of payment thereof.

(E) Deposits: All money received by the city under such written agreements or assessed or collected by the city shall be deposited in the rubbish, refuse, weeds, and structure removal revolving fund."

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Selma hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections,

subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 4. Effective Date. This Ordinance shall take effect thirty days after the date of its adoption.

Section 5. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of this ordinance to be published and posted as required by law.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2019, by the following vote:

AYES:	COUNCIL MEMBER:
NOES:	COUNCIL MEMBER:
ABSENT:	COUNCIL MEMBER:
ABSTAIN:	COUNCIL MEMBER:

Scott Robertson, Mayor

ATTEST:

Reyna Rivera, City Clerk

RESOLUTION NO. 2019 - R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
AMENDING THE SCHEDULE OF FEES AND CHARGES
FOR CITY SERVICES (USER FEES)**

WHEREAS, the City is permitted to adopt fees for municipal services, provided, however, that such fees do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, the City has conducted an analysis of its services, the costs reasonably borne for providing those services, the beneficiaries of those services, and the revenues by those paying fees and charges for special services; and

WHEREAS, the City has established a policy of recovering the full costs reasonably borne for providing special services of a voluntary and limited nature, such that general taxes are not diverted for general services of a broad nature, and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, a schedule of fees and charges to be paid by those requesting such special services need to be adopted so that the City might carry into effect its policies; and

WHEREAS, City Staff has revised the City's existing fee schedule to reflect the estimated cost of provide certain services; and

WHEREAS, notice of the public hearing on the proposed user fees was published in the Selma Enterprise on November 20, 2019, in accordance with the provisions of Government Code Section 6062a and the City's Code; and

WHEREAS, on December 2, 2019, the City Council conducted a duly noticed public hearing to consider the proposed fees, and considered all testimony written and oral; and

WHEREAS, the City Council desires to amend the City's existing fee schedule as set forth in Exhibit A, attached hereto and incorporated herein by reference, said fees do not exceed the estimated reasonable cost of providing such services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1: The above recitals are true and correct, and are incorporated herein by reference.

Section 2: Fee Schedule Adoption. The fees set forth in Exhibit A are hereby adopted by the City Council as the fees for the services set forth therein. Said fees pertaining to development shall take effect 60 days following the date of adoption. All others shall take effect following date of adoption.

Section 3: Separate Fee for each Process. All fees set by this resolution are for each individual process, additional fees shall be required for each additional process or service that is requested or required. Where fees are indicated on a per unit or measurement basis the fee is for each individual unit or portion thereof within the indicated ranges of such units.

Section 4. Severability. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

Section 5. Effective Date. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED at a Regular Meeting of the city Council of the City of Selma on this 2nd day of December, 2019, by the following roll call vote:

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

Scott Robertson, Mayor

Attest:

Reyna Rivera, City Clerk

Exhibit A

Reference #	Fee Type	Fee Name	Current Fee Structure	Proposed Change
MC-017	User	Revolving Loan Application	N/A	\$ 75
MC-018	User	Revolving Loan Annual Administration Fee	N/A	\$ 100

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

December 2, 2019

ITEM NO:

5.

SUBJECT: Second Reading of an Ordinance of the City Council Amending Chapter 11 of Title 1 of the Selma Municipal Code to Establish the Election of Four Members of the City Council by Four Districts with an Elective Mayor, the Boundaries and Identification Number of Each District, the Election Order of Each District and of the Elective Mayor and the Term of Office of the Elective Mayor


RECOMMENDATION: Waive Second Reading and adopt Ordinance Amending Chapter 11 of Title 1 of the Selma Municipal Code to establish the election of four members of the City Council by four districts with an elective Mayor.

DISCUSSION: At its November 18, 2019, regular meeting, the City Council designated a two year term of the elective Mayor to be elected by the voters of the entire City, selected the "Pear" Map as the district electoral map for election of the four City Council members to a four year term, and determined the sequencing of the election of Council persons from the four numbered districts shown on the "Pear" Map. A map that is the Pear Map, but on which the title has changed and is suitable for codification is attached. The waiving of the Second Reading and adoption of the Ordinance Amending Chapter 11 of Title 1 of the Selma Municipal Code will complete the process of establishing an election of 4 members of the City Council by 4 districts with an elective Mayor.

RECOMMENDATION: Waive Second Reading and adopt Ordinance Amending Chapter 11 of Title 1 of the Selma Municipal Code to establish the election of four members of the City Council by four districts with an elective Mayor.

/s/
Neal E. Costanzo, Special Counsel

11/26/2019
Date


Teresa Gallavan, City Manager

11-25-19
Date

ORDINANCE NO. 2019 – __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, AMENDING CHAPTER 11 (ELECTIONS) OF TITLE 1 (ADMINISTRATIVE) OF THE CITY OF SELMA MUNICIPAL CODE, TO ESTABLISH THE ELECTION OF FOUR MEMBERS OF THE CITY COUNCIL BY FOUR DISTRICTS, WITH AN ELECTIVE MAYOR THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, THE ELECTION ORDER OF EACH DISTRICT AND OF THE ELECTIVE MAYOR AND THE TERM OF OFFICE OF THE ELECTIVE MAYOR

WHEREAS, the City currently elects its five (5) City Councilmembers using an at-large election system, whereby candidates may reside in any part of the City, and each Councilmember is elected by the voters of the entire City; and

WHEREAS, California Government Code Section 34886, effective January 1, 2017, permits the City Council of any city to change the city's method of election by ordinance, to a system in which four members of the City Council are elected by district with only the voters in the district in which the candidate resides, electing the four members, with an elective Mayor to be elected on a city-wide basis by the voters of the entire City; and

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes from an at-large city council method of election to a by-district method of election of four districts with an elected Mayor is required to conduct a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and

WHEREAS, at a regular meeting of the City Council held on October 7, 2019 the City Council adopted Amended Resolution No. 2019-39R, declaring its intention to consider adoption of an ordinance creating four electoral districts for the election of four members of the City Council and an elected Mayor pursuant to Government Code §34886 and Elections Code §10010, and adopting a schedule of the proceedings thereon; and

WHEREAS, thereafter, at regular meetings of the City Council of the City of Selma held on October 7, 2019, and October 21, 2019, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council considered and discussed the same; and

WHEREAS, thereafter, at regular meetings of the City Council held on November 4, 2019, and November 18, 2019, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, the proposed sequence of elections, and the term of office of the elective Mayor and the City Council considered and discussed the same; and

WHEREAS, at the regular meeting of the City Council of the City of Selma held on November 18, 2019, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map, attached hereto as Attachment A and incorporated herein by reference and determined that the term for the elective mayor shall be two years and that the City Council members to be elected by district shall be sequenced so that the by-district Council members for Districts 1 and 4 shall appear on the November 2020 ballot and that the council members for Districts 2 and 3 shall be elected at the General Municipal Election in 2022; and

WHEREAS, throughout the foregoing process, the City invited the public to participate in the districting process, published public hearing notices in the newspaper, and posted the districting information on the City's website, as required in California Elections Code Section 10010; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of members of the City Council by-district, in four single-member districts, as reflected in Attachment A to this Ordinance, with an elective Mayor in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) and to implement the guarantees of Section 7 of Article 1 and of Section of Article II of the California Constitution; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds that based upon substantial evidence presented to the City Council during the November 18, 2019 public hearing, that all of the facts set forth in the Recitals, are true and correct, and are incorporated herein by reference.

SECTION 2. Selma Municipal Code Amendment. Chapter 11 (Elections) of Title 1 (Administrative) of the City of Selma Municipal Code is hereby amended to read in its entirety as follows:

"1-11-1 City Council Elections. The general election laws of the State shall be made applicable and shall be observed in all Municipal elections, general or special, held in the City.

"1-11-2 Declaration of Purpose. The City Council of the City of Selma hereby declares that the change of method of electing members of this Council hereby enacted is being made in furtherance of the California Voting Rights Act of 2001.

"1-11-3 City Council Districts Established. Four City Council districts and an elected Mayor are hereby established in the City of Selma. The boundaries

and identifying number of each district shall be as described on the Council District Map attached hereto as Exhibit "A" and incorporated herein by this reference, and which shall be codified in this Section.

"1-11-4 Election of Members of the City Council by District.

"a. Following the effective date of this ordinance and upon the commencement of "by district" elections of four members of the City Council and an elected Mayor, in the order established in Section 1-11-5 of this Code, four Members of the City Council shall be elected "by District" as defined in California Government Code Section 34871 or any successor statute and an elective Mayor shall be elected on a city-wide basis by the voters of the entire city. No term of any Member of the City Council that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

"b. Registered voters signing nomination papers or voting for any one of the four Members of the City Council to be elected by district shall be residents of the geographical area making up the district from which the Member is to be elected. Registered voters signing nomination papers or voting for the elective Mayor shall be residents of the City.

"c. The terms of the office of each City Council Member elected to the City council by district shall be four (4) years. The term of office of the elective Mayor of the City shall be two (2) years.

"d. No person shall simultaneously seek election to the position of elective Mayor and as City Council Member of any of the four electoral districts for City Council members.

"1-11-5 Commencement of District Elections. Commencing with the general municipal election in November of 2020 and thereafter, the voters in districts one (1) and four (4) shall elect Members of the City Council by district for full four (4) year terms and the voters of the entire City shall elect the elective Mayor for a two (2) year term. At the general municipal election in 2022 and thereafter, the voters in districts two (2) and three (3) shall elect Members of the City Council by district for full four (4) year terms, and the voters of the entire City shall elect the elective Mayor for a two (2) year term.

"Pursuant to Elections Code Section 21606, the term of office of any council member who has been elected and whose term of office has not expired shall not be affected by the amendment of this ordinance or by any change in the boundaries of the district from which he or she was elected; or, in the case of the elective Mayor, shall not be affected by any change in or establishment of any district for election of Council members."

Section 3. Clerical Errors. The City Council directs the City Clerk to correct any clerical errors found in this Ordinance including, but not limited to, typographical errors, irregular number and incorrect section references.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Selma hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 5. Effective Date. Pursuant to the provisions of Government Code Section 36937(a), this Ordinance shall take effect immediately upon its adoption.

Section 6. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of this ordinance to be published and posted as required by law.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2019, by the following vote:

AYES:	COUNCILMEMBER:
NOES:	COUNCILMEMBER:
ABSENT:	COUNCILMEMBER:
ABSTAIN:	COUNCILMEMBER:

Scott Robertson, Mayor

ATTEST:

Reyna Rivera, City Clerk

City of Selma 2019 Districting

