

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

October 17, 2022

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**ITEM NO:** 1.a.

**SUBJECT:** Consideration of a Resolution Authorizing the City to Continue with Teleconferenced Public Meetings Pursuant to Assembly Bill 361

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**BACKGROUND:** On September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code Section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) the legislative body holds a state of emergency, and meeting during a proclaimed state or local officials have imposed or recommended measures to promote social distancing; (B) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**DISCUSSION:** In order for the City Council to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the City Council to conduct teleconferenced meetings for a period of thirty (30) days. In addition, AB 361 requires the City to make specified findings every 30 days thereafter. City Council initially approved Resolution No. 2021-57R on September 27, 2021 and subsequently thereafter.

**FISCAL IMPACT:** None.

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**RECOMMENDATION:** If the City Council wishes to Continue with Remote Teleconference Meetings, the Council should adopt the attached Resolution Authorizing Remote Teleconference Public Meetings by the City Council and Commissions of the City in Accordance with Assembly Bill 361.

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\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan, City Manager

\_\_\_\_\_10/12/2022\_\_\_\_\_  
Date

**RESOLUTION NO. 2022 – \_\_\_\_**

**A RESOLUTION OF THE CITY OF SELMA, CALIFORNIA AUTHORIZING CONTINUED USE OF REMOTE TELECONFERENCING PROVISIONS (AB 361)**

**WHEREAS**, the City Council of the City of Selma (“City Council”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

**WHEREAS**, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

**WHEREAS**, the City Council recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

**WHEREAS**, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

**WHEREAS**, on September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (B) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, in order for the City Council to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the City Council to conduct teleconferenced meetings for a period of thirty (30) days; and

**WHEREAS**, the City Council initially approved Resolution No. 2021-57R on September 27, 2021; and

**WHEREAS**, on October 18, 2021, November 15, 2021, December 6, 2021, December 21, 2021, January 18, 2022, February 7, 2022, March 7, 2022, April 4, 2022, May 2, 2022, June 7, 2022, June 20, 2022, July 18, 2022, August 15, 2022, September 6, 2022, and October 3, 2022, the City Council adopted resolutions authorizing the continued use of teleconferenced meetings; and

**WHEREAS**, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled “Proclamation of a State of Emergency,” signed March 4, 2020; and

**WHEREAS**, the California Occupational and Safety Health Administration (OSHA) continues to recommend certain social distancing requirements, as described in detail in California Code of Regulations Title 8, section 3205 Covid Prevention; and

**WHEREAS**, the Fresno County Department of Public Health supports the well-being of its communities and County residents and recommends ways to slow the spread of COVID-19 including through social distancing (i.e., “staying at least 6 feet (about 2 arm lengths) from others who don’t live with you” and by avoiding crowds. The Fresno County Department of Public Health states “[t]he more people you are in contact with, the more likely you are to be exposed to COVID-19.”

**WHEREAS**, the City Council hereby finds that the state and local emergencies have caused and will continue to cause imminent risks to the health or safety of attendees; and

**WHEREAS**, the City Council is conducting its meetings through the use of telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment.

**NOW THEREFORE, BE IT RESOLVED**, that the recitals set forth above are true and correct and fully incorporated into this Resolution by reference.

**BE IT FURTHER RESOLVED**, that the City Council is conducting meetings during a state of emergency and OSHA recommends measures to promote social distancing; and/or

**BE IT FURTHER RESOLVED**, that the City Council has determined that given the state of emergency, holding in-person only meetings would present imminent risks to the health or safety of attendees.

**BE IT FURTHER RESOLVED**, that the actions taken by the City Council through this resolution shall be applied to all City committees and commissions governed by the Brown Act unless otherwise desired by that committee/commission.

**BE IT FURTHER RESOLVED**, the City Council authorizes the City Manager or their designee(s) to take all actions necessary to conduct City Council meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution after which the City Council will again reconsider the circumstances of the state of emergency.

**PASSED AND ADOPTED** by the Selma City Council on this 17<sup>th</sup> day of October 2022, by the following vote:

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

ATTEST:

\_\_\_\_\_  
Scott Robertson, Mayor

\_\_\_\_\_  
Reyna Rivera, City Clerk

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

October 17, 2022

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**ITEM NO:** 1.b.

**SUBJECT:** Second Reading and Adoption of an Ordinance to Establish the Selma Downtown Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989

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**BACKGROUND:** Section 36500 of the California Streets and Highways Code allows for the creation of a business improvement district (BID) within a municipality, whereby businesses within the district can self-assess an annual fee in order to pay for improvements and activities, which benefit the overall business district. The intent of the state law is to provide a funding mechanism for business districts to promote economic vitality.

In accordance with Section 36500 of the California Streets and Highways Code, and with Government Code section 54954.6, on July 18, 2022, the Selma City Council adopted a Resolution of Intent to establish the Selma Downtown Business Improvement District, via Resolution 2022-63R, which is attached for reference (Attachment 2). The Resolution of Intent set September 19, 2022 at the hour of 6:00 p.m., or shortly thereafter, in the City Council Chambers, 1710 Tucker Street, Selma, California, as the day, time and place when the City Council shall conduct a public hearing where any and all persons having any desire to be heard may appear and state their views for or against the formation of the District, the extent of the area of the District, the type of services to be conducted in the District, the levy of assessments and the amount thereof and any other issues related to the District.

Public hearing notices for the September 19, 2022 Council Meeting were published in the Selma Enterprise on August 3, 2022, and delivered to business owners within the proposed district boundaries in accordance with California Streets and Highways Code Section 36523. At the September 19<sup>th</sup> meeting, Council voted to continue the public hearing to October 3, 2022, to allow for additional time for prospective BID Advisory Board Members to submit their applications. On October 3, 2022, Council held the Public Hearing, conducted the First Reading of the Introduced Ordinance, and voted unanimously in support of the Ordinance.

**DISCUSSION:** Attached for second reading and consideration of adoption by the City Council is the Ordinance to establish the Selma Downtown Business Improvement District (Attachment 1). The Ordinance would add Chapter 25 to Title 5 of the Selma Municipal Code, establishing and detailing the Selma Downtown Business Improvement District, as required by Section 36500 of the California Streets and Highways Code.

Staff has determined that this project is exempt under California Environmental Quality Act (CEQA) Section 15061(b)(3) and Section 15183. The project is exempt under the “common sense” exemption because it does not involve the construction or alteration of facilities that will have a significant effect on the environment.

**FISCAL IMPACT:** The BID will be funded by a levy of annual assessments upon businesses that benefit from the services and activities within the district. Annual assessments will be based upon an allocation of program costs. Annual maximum assessment for the first year of the district will be 100% of business license fees. Businesses within the district that don't require a business license will pay fee of \$100. Total district assessment budget for its first year of operations is estimated at \$25,000. Additional budgetary details can be found in the BID Management District Plan, which is included within Attachment 2.

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**RECOMMENDATION:** Staff recommends that City Council waive the second reading, and approve the Ordinance to establish the Selma Downtown Business Improvement District, as introduced by Resolution 2022-63R on July 18, 2022 in accordance with Government Code section 54954.6, and first read on October 3, 2022.

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\_\_\_\_\_/s/\_\_\_\_\_  
Amy Smart  
Community Services Director

\_\_\_\_\_/10/14/2022\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Rob Terry  
Deputy City Manager

\_\_\_\_\_/10/14/2022\_\_\_\_\_  
Date

**Attachments**

1. An Ordinance adding Chapter 25 to Title 5 of the Selma Municipal Code, establishing the Selma Downtown Business Improvement District
2. Resolution 2022-63R – a Resolution of Intention to Establish the Selma Downtown Business Improvement District.
  - a. Exhibit A – Downtown Selma BID Management Plan

**ORDINANCE NO. 2022-**

**AN ORDINANCE OF THE CITY OF SELMA ADDING CHAPTER 25 OF TITLE 5 OF THE SELMA MUNICIPAL CODE CREATING THE DOWNTOWN SELMA BUSINESS IMPROVEMENT DISTRICT**

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

SECTION 1. Chapter 25 of Title 5 of the Selma Municipal Code shall be created to read as follows:

5-25-1: This chapter is adopted pursuant to the provisions of the "Parking and Business Improvement Area Law of 1989," being Sections 36500 et seq. of the California Streets and Highway Code.

5-25-2: Designation. There is created and established a business improvement district area designated as the "Downtown Selma Business Improvement District" ("District").

5-25-3: Description of the District. The exterior boundaries of the District is that portion of the Central Commercial Zone District in the City of Selma, County of Fresno, State of California, within the streets and address ranges as shown on Exhibit "A" to this Ordinance.

5-25-4: Increase of Business License Fee. Effective January 1, 2023, there is imposed an initial increase and additional levy of business license fees upon all businesses located within the boundaries of the District which are required to pay a business license fee under the provisions of Chapter 1 of Title 5 of this Code.

5-25-5: Initial Rate of Increase and Additional Levy of Business License Fee. The initial increase and additional levy of the business license fees imposed upon businesses within the District shall be an amount equal to one hundred percent (100%) of the business license fees imposed by Chapter 1 of Title 5, and subsequent amendments thereto, as the same applies to businesses located within the District and which are required to pay a business license fee ("District Assessment"). Business within the District not required to pay a business fee will be assessed an annual fee of One Hundred Dollars (\$100.00). The Advisory Board as defined in Section 5-25-10 may recommend to the City Council adjustments to the District Assessment and the City Council shall have the authority to adjust the amount of the District Assessment by resolution of the City Council.

5-25-6: Definitions and Classifications. The definitions and classifications of businesses shall be determined by the definitions and classifications set forth in Chapter 1 of Title 5 as the same apply to businesses within the District.

5-25-7: Collection of District Assessments. The collection of the District Assessments imposed by this chapter shall be made at the same time and in the same manner as the ordinary business license fees pursuant to the provisions of Chapter 1 of Title 5 and shall be due and payable and subject to the same penalties for delinquencies as provided in Chapter 1 of Title 5 as the same applies to businesses paying a regular business license fee.

5-25-8: Enforcement of Provisions. It shall be the duty of the City Clerk for the city or his/her appointee to enforce the provisions of this chapter by any lawful means.

5-25-9: District Services. The services (collectively "District Services") to be initially provided by the District are as follows:

- (A) Marketing strategies and programming to create an appealing and vibrant Downtown Selma will be developed as part of the overall program. Efforts will be made to encourage both locals and visitors to explore Downtown Selma. Traditional and non-traditional marketing activities and products will be explored including an interactive website, electronic communication tools and printed materials.
- (B) Attention will be made to address physical improvements. These may include pressure washing sidewalks and alleys along with curb painting, above and beyond what is currently done by the City. These efforts will improve walkability within the Downtown.
- (C) Business recruitment efforts will seek to increase the mix of retail/restaurant businesses in collaboration with the City of Selma Economic Development Department. In addition, compilation of periodic market reports will guide the direction of business development.

The Advisory Board as defined in Section 5-25-10 may recommend to the city council changes to the District Services and the city council shall have the authority to change the District Services by resolution of the city council

5-25-10: Advisory Board. For the purpose of advising the City Council and making recommendations regarding the operation of the District, the services performed by the District, and the methods and ways in which the revenue derived from the levy of the District Assessments imposed by this chapter shall be used within the scope of the services set forth in this chapter; and to perform such other powers and duties as the City Council may determine, the Downtown Selma Business Improvement District Advisory Board ("Advisory Board") is created.

The Advisory Board shall consist of seven (7) members appointed by a majority vote of the City Council for a term of one (1) year.

The Advisory Board members shall be persons who own businesses within the District that pay District Assessments as provided by this chapter. Annually, the Advisory Board shall present an annual budget to the city council for review and approval. The proposed budget shall include an estimate of income and expenditures by the Advisory Board to carry out the purposes of the District.

5-25-11: Regular and Additional Revenues - Deposits. The District Assessments shall be deposited in the Downtown Selma Business Improvement District Fund ("Fund") to be created by the city. All expenses of the District shall be paid only from District Assessments deposited in the Fund.

5-25-12: Disestablishment. The City Council may disestablish the District by adopting an ordinance after holding a public hearing on disestablishment in accordance with the provisions on Section 36550 of the California Streets and Highway Code as amended. Upon disestablishment of the District, any remaining revenues derivate from the levy of District Assessments shall be refunded to the owners of the businesses located and operating in the District in accordance with the provisions of Section 36551 of the California Streets and Highway Code as amended.

SECTION 2: California Environmental Quality Act: The City Council, having considered the staff report and all public comments, has determined that the Zoning Code Text Amendment is exempt under California Environmental Quality Act (CEQA) Section 15061(b)(3) and Section 15183. The project is exempt under the “common sense” exemption because it does not involve the construction or alteration of facilities that will have a significant effect on the environment.

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 full force thirty (30) days from and after the date of passage. The City Clerk of the City of Selma shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in the Selma Enterprise, or other local publication, with the names of those City Council Members voting for or against the Ordinance.

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I, REYNA RIVERA, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Selma held on the 3rd day of October 2022, and passed and adopted at a regular meeting of the City Council held on the 17th day of October 2022, by the following vote, to wit:

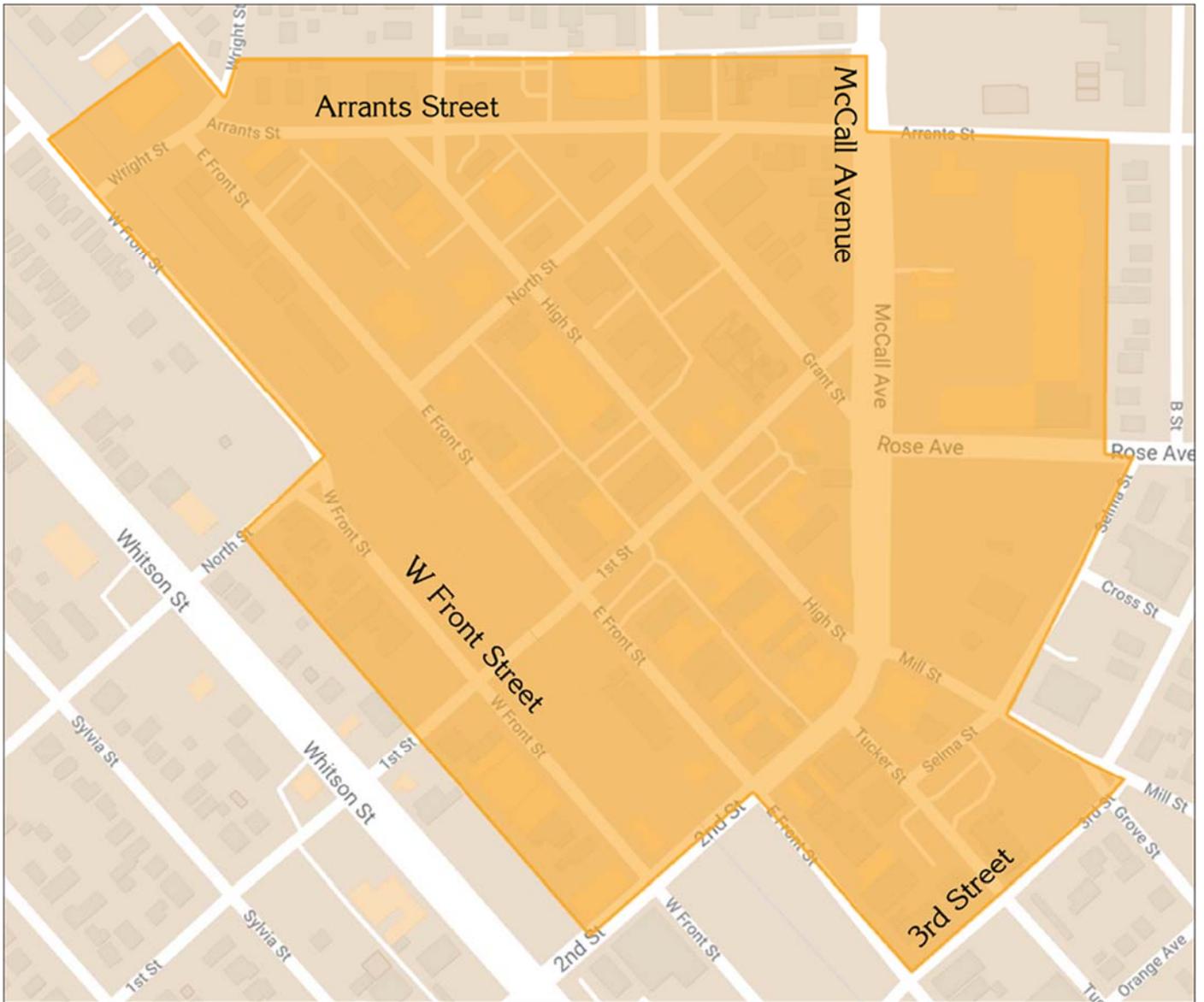
AYES:            COUNCIL MEMBERS:  
NOES:            COUNCIL MEMBERS:  
ABSTAIN:        COUNCIL MEMBERS:  
ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
Scott Robertson, Mayor

\_\_\_\_\_  
Reyna Rivera, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

EXHIBIT "A"



**RESOLUTION NO. 2022 – 63 R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA  
DECLARING ITS INTENTION TO ESTABLISH THE SELMA  
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT PURSUANT TO  
THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989**

**WHEREAS**, in response to requests from the many businesses in Downtown Selma, the City Council of the City of Selma (“City Council”), pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code Section 36500 et seq.), intends to form a parking and business improvement area to be known as the "Downtown Selma Business Improvement District".

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

1. Pursuant to Chapter 2 of the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code section 36522 et seq.), the City Council hereby declares its intention to form a parking and business improvement area in the City of Selma known as the "Downtown Selma Business Improvement District" ("District").

2. The boundaries of the area to be included in the District shall be that portion of the Central Commercial Zone District area in the City of Selma within the streets and address ranges and as depicted on Exhibit “A” which is attached hereto and made a part hereof.

3. The purpose of forming the District as a parking and business improvement area under the Parking and Business and Improvement Area Law of 1989 is to provide revenue to pay the costs of marketing and improvements, along with business development and research, which will benefit businesses in the District including, without limitation.

- a. Marketing strategies and programming to create an appealing and vibrant Downtown Selma will be developed as part of the overall program. Efforts will be made to encourage both locals and visitors to explore Downtown Selma. Traditional and non-traditional marketing activities and products will be explored including an interactive website, electronic communication tools and printed materials.
- b. Attention will be made to address physical improvements. These may include pressure washing sidewalks and alleys along with curb painting, above and beyond what is currently done by the City. These efforts will improve walkability within the Downtown.
- c. Business recruitment efforts will seek to increase the mix of retail/restaurant businesses in collaboration with the City of Selma Economic Development Department. In addition, compilation of periodic market reports will guide the direction of business development.

4. All businesses operating in the District will pay an annual assessment based upon an allocation of service costs and a percentage of City business license fees. The maximum annual assessment for the first year of the District will be 100% of the City business license fee paid by each business in the District. New businesses will be exempt from the levy of an assessment for a period not to exceed one year (California Streets and Highways Code Section 36531). Businesses within the District that do not pay a City business license fee will pay a flat assessment of \$100.00 per year.

5. The above described assessment is an annual charge and shall be levied, collected, and enforced in the same manner, at the same time, and with the same penalties and interest as a City business license.

6. The total assessment collected from any business under the provisions of the ordinance creating the District shall not exceed one hundred percent (100%) of the annual business license fee paid by the business.

7. Pursuant to Section 54954.6 of the California Government Code, notice is hereby given, that September 19, 2022 at the hour of 6:00 p.m., or shortly thereafter, in the City Council Chambers, 1710 Tucker Street, Selma, California, is fixed as the time and place when the City Council shall conduct a public hearing where any and all persons having any desire to be heard may appear and state their views for or against the formation of the District, the extent of the area of the District, the type of services to be conducted in the District, the levy of assessments and the amount thereof and any other issues related to the District.

8. The City Clerk is hereby directed to give notice of the above-mentioned public hearing by both publication and mailing pursuant to Section 54954.5 of the California Government Code.

9. At the public hearing, the City Council shall hear and consider all protests against the establishment of the District, the extent of the District area or the furnishing of specified types of services within the District. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity of defect to which the objection is made.

10. Every written protest shall be filed with the City Clerk at or before the time fixed for the public hearing. The City Council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

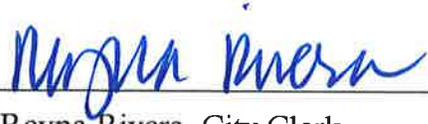
This Resolution was duly adopted by the City Council of the City of Selma at a regular meeting on the 18<sup>th</sup> of July, 2022 by the following vote:

AYES: 5 COUNCIL MEMBERS: Guerra, Mendoza-Navarro, Trujillo, Cho, Robertson  
NOES: 0 COUNCIL MEMBERS: None  
ABSTAIN: 0 COUNCIL MEMBERS: None  
ABSENT: 0 COUNCIL MEMBERS: None

(Signature on following page)



Scott Robertson, Mayor



Reyna Rivera, City Clerk

**Management District Plan**  
for the creation of the  
Downtown Selma Business Improvement District

**Contents**

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BID Boundaries

Work Program

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Calculation of Assessments

Assessment Adjustments

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**Exhibits**

- List of businesses to be benefited
- Base level of services letter of intention from City of Selma

Prepared for the  
City of Selma and the Downtown Selma BID Steering Committee  
by AMI Concepts

## SUMMARY

The proposed Downtown Selma Business Improvement District (BID) will be an assessment district that conveys special benefits to the businesses located within the district boundaries. As described in this plan, it is proposed that the BID will provide marketing and improvements above and beyond those provided by the City of Selma. This approach has been used successfully in downtowns throughout California and the nation, helping to improve the business mix, promote walkability and increase sales.

### Location

The district will encompass the core of the downtown area bounded approximately by McCall Ave, 3<sup>rd</sup> St, W Front St and Arrants St. A map is included to provide details.

### Services and Activities

The goal of the BID is to create an economically vital Downtown. The district will finance marketing and improvements to attract residents and visitors while stabilizing and improving the Downtown environment and experience. All businesses within the district will receive benefits.

### Method of Financing

The district will be funded by a levy of assessments upon businesses that benefit from services and activities within the district.

### Budget

Total district assessment budget for its first year of operations is \$25,000 (estimate).

ACTIVITY	BUDGET	% OF TOTAL
District Activities	\$23,750	95%
Contingency	\$1,250	5%
TOTAL	\$25,000	100%

### Cost

Annual assessments are based upon an allocation of program costs. Annual maximum assessment for the first year of the district is 100% of business license fees. Businesses within the district that don't require a business license will pay fee of \$100.

### City Services

The City of Selma has established and documented the base level of preexisting City services and has evidenced its intention to continue to deliver and/or pay for these services if a BID is formed. The BID will not replace any pre-existing general City services.

### District Governance

The BID Advisory Board will be appointed by the Selma City Council. The Board shall consist of seven (7) members approved annually by a majority vote of the Selma City Council. Prospective Board members will complete applications prior to the Downtown BID annual review. The BID Advisory Board will make recommendations and monitor service delivery.

### District Creation

The Downtown Selma BID district will be formed by the Selma City Council upon request by the Downtown Selma BID Workgroup. Included in this first ordinance will be the Management District Plan with a budget and assessment rates.

### Duration

The BID remains in place once approved unless it is disestablished. However, annual Council actions are required to keep it operable. Those include accepting the annual report, appointing the BID Advisory Board, approving the annual budget, and approving assessments.

## WHY CREATE THE DOWNTOWN SELMA BID?

### What is a BID?

A Business Improvement District (BID) is created to energize a business district through a public-private partnership that is a catalyst for revitalization. The district can provide activities, such as marketing, maintenance, and image enhancement, that are in addition to those provided by local government. BIDs provide services that improve the overall viability of business districts resulting in increased sales.

### Why Downtown Selma?

- **Create a vibrant Downtown** Downtown Selma faces similar challenges to other small downtowns in the Central Valley. The BID is viewed as a proactive step to create immediate impact through marketing and other improvements.
- **Attract New Businesses and Customers to Downtown** The Downtown area has shops and restaurants, but would benefit from increasing the ratio of retail/restaurant businesses to service businesses, creating a more walkable Downtown. This would set the stage for attracting more customers, both Selma residents and visitors. Working in concert with the City of Selma, the BID will provide supplemental resources to improve Downtown's image to these markets
- **Enhance Sales and Occupancies** BIDs are acknowledged as a critical ingredient in downtown revitalization and are proven to work by funding services that enhance the economic viability of a business district. Success is measured by higher sales and targeted occupancy rates.
- **Private Sector Control** An Advisory Board consisting of downtown business owners will govern the BID. Annual BID workplans and budgets will be developed by the Advisory Board, ensuring that the BID will be directly accountable to those who pay an assessment.

## IMPROVEMENT AND ACTIVITY PLAN

### Process

In the spring of 2020, the City of Selma sought grants to fund a feasibility study to explore a Downtown Selma BID. The consulting firm of AMI Concepts was retained by the City to guide the process. Key steps of the process included:

- **BID Steering Committee** To guide the consultant team and test BID concepts, a group of business owners was formed. A roster of the BID Steering Committee is provided in the Appendix.
- **Business Owner Engagement** Working with business owners, the consultant held an Open House and conducted a survey in May 2021, then held a series of meetings during the summer of 2021. Priorities that emerged:
  - Increase sales and walkability
  - Improve the business mix to include more retail and restaurant businesses
  - Confirm BID services as supplemental to, and not in replacement of, City services
  - Focus on marketing and improvements
- **City Base Level of Services** A letter was provided by the Community Development Director identifying current relevant city services and an intention to continue these services throughout the life of the BID.
- **Plan Review & Final Plan** The draft BID Management District Plan and budget were reviewed by the BID Steering Committee and individual business owners. Business owners were invited to an Open House in September 2021 to review the plan. Input from this meeting, plus with

Steering Committee members, led to the completion of the final plan.

### Bid Boundaries

The proposed BID district will encompass the core of the Downtown area. A detailed map of the proposed district boundary is provided here.



### Work Program

- ***An Inviting, Attractive and Economically Vital Downtown***  
To respond to stakeholder priorities and guiding principles for a Downtown Selma BID, the BID Steering Committee reviewed several scenarios for providing district-wide services. Objectives in developing the scenarios included:
  - Deploy a program that will make a visible, tangible and lasting impact.
  - Ensure that BID-funded services are supplemental to, and do not replace, existing City services.
  - Provide flexibility in the modeling of the program so that the BID can make adjustments as market conditions change.

- *Marketing*  
Marketing strategies and programming to create an appealing and vibrant Downtown Selma will be developed as part of the overall program. Efforts will be made to encourage both locals and visitors to explore Downtown Selma. Traditional and non-traditional marketing activities and products will be explored including an interactive website, electronic communication tools and printed materials.
- *Improvements*  
Attention will be made to address physical improvements. These may include pressure washing sidewalks and alleys along with curb painting, above and beyond what is currently done by the City. These efforts will improve walkability within the Downtown.
- *Business Development and Market Research*  
Business recruitment efforts will seek to increase the mix of retail/restaurant businesses in collaboration with the City of Selma Economic Development Department. In addition, compilation of periodic market reports will guide the direction of business development.
- *Management and Reserve*  
Fund management will be performed by the City of Selma in accordance with the budgets and activities approved by the BID Advisory Board. Monthly reports will be provided by the City. There will be no charge for this service. A reserve fund of 5% is budgeted to provide a contingency for unforeseen program needs and to provide a cushion for assessment delinquencies.

**Plan Budget**

The total improvement and activity plan budget is projected to be \$25,000. The initial budget allocation is summarized here.

ACTIVITY	AMOUNT	PERCENTAGE
Marketing and Improvements	\$18,750	75%
Business Development and Market Research	\$5,000	20%
Contingency	\$1,250	5%
<b>TOTALS</b>	<b>\$25,000</b>	<b>100%</b>

Final budget allocation decisions will be subject to the annual budget process of the BID Advisory Board. Other monies received for the benefit of the BID will not be included in this budget and can be spent as budgeted separately by the Advisory Board.

**ASSESSMENT**

**Assessment Methodology**

The primary BID assessment methodology is a common BID structure assessing businesses whereby business license fees are used as the basis. In addition, businesses not subject to business license fees will be assessed a \$100 flat fee. A factor of each fee is assessed annually, as determined by the BID Advisory Board. All businesses within the district are subject to assessment with one exception.

**Assessment Exceptions**

A business recently established in the district is exempt from the levy of assessments for a period not to exceed one year from the date the business commenced operating in the district.

**Calculation of Assessments**

The preceding methodology is applied to a database that has been constructed by the City of Selma

working with the BID Steering Committee. It consists of all businesses within the BID district.

### Assessment Adjustments

- *Annual Assessment Factor*  
An annual assessment factor will be determined by the BID Advisory Board. This factor will not exceed the initial assessment factor of 100% of both types of fees. Fees include business license fees and those assessed of businesses within the district that are not subject to business licenses.
- *Budget Process*  
A balanced budget approach is utilized to develop each annual budget within the constraints of the assessment rates. Any annual budget surplus or deficit is tracked. Prior year surpluses may be used as necessary, based on the allocations described in the Management District Plan.
- *Time and Manner for Collecting Assessments*  
As provided by state law, the City of Selma will bill the assessments in conjunction with the annual business license statement, or separately in the case of businesses that are not required to have City business licenses. Existing laws for enforcement and appeal of business license fees will apply to BID assessments.
- *Disestablishment*  
State law provides for the disestablishment of a BID pursuant to an annual review process. Each year that the BID is in existence, there will be a 30-day period during which the business owners will have the opportunity to request disestablishment of the District. This 30-day period begins each year on the anniversary day that the district was first established by City Council. Within that 30-day period, if a written petition is submitted by the business owners who pay more than 50 percent (50%) of the assessments levied, the BID may be disestablished. The City Council will hold a public hearing on disestablishing the PBID prior to doing so.
- *Issuance of Bonds*  
No bonds or other bonded debt are to be issued to finance activities and services envisioned in the Management District Plan.

## GOVERNANCE

Selma City Council will appoint the BID Advisory Board as part of the district formation process, and annually thereafter during the review process. The BID Advisory Board shall consist of seven (7) members who represent a business within the BID district. They are selected from available applicants and represent a broad mix of business types.

The BID Advisory Board meets monthly. Meetings are open to the public. It will hold district-wide meetings as needed for input on services and operations, including an annual nomination meeting for the BID Advisory Board.

BID Advisory Board will recommend budgets, services, and Advisory Board members. It will monitor service delivery and provide oversight of the district. The Advisory Board oversight will:

- Review monthly reports from the City of Selma
- Leverage BID funds with resources, programs and capabilities provided by other agencies and organizations in Selma
- Eliminate the potential for duplication of enhanced services and activities
- Ensure that Downtown Selma is represented by a unified voice, thereby maximizing Downtown's influence in policies and civic affairs.

Pursuant to State of California law, the BID Advisory Board will be subject to disclosure and notification guidelines set by the Ralph M. Brown Act and California Public Records Act.

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

October 17, 2022

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**ITEM NO:** 1.c.

**SUBJECT:** Consideration of Various Resolutions to Receive the City of Selma's Allocation of 2022-2023 Measure C Funds

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**BACKGROUND:** The Fresno County Transportation Authority (FCTA), at its June 8, 2022, board meeting, adopted the Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds apportionment for the fiscal year 2022-23 (Resolution 2022-06). As a result, local agency pass-through revenues from the Measure C Extension are available to claim for fiscal year 2022-23.

**DISCUSSION:** FCTA has made its estimate of Measure C Extension Funds expected in the 2022-2023 fiscal year. It is estimated that the City of Selma will receive a total of \$890,003 with the breakdown as follows:

ADA Compliance	\$ 13,720
Flexible Spending	\$ 484,292
Street Maintenance	\$ 391,992

It is necessary for the City of Selma to submit an executed resolution for each sub-program prior to funding disbursement by the FCTA. A singular resolution containing appropriate notation of each sub-program, along with Certification Claim Forms for each sub-program, have been prepared and are attached for Council consideration.

**FISCAL IMPACT:** This item is annual Measure C funding and it is in the adopted current budget.

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**RECOMMENDATION:** Staff recommends that City Council approve and adopt the attached resolution, and authorize the City Manager, or designee, to sign and forward Certification and Claim Forms to the Fresno County Transportation Authority.

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\_\_\_\_\_/s/\_\_\_\_\_  
Philip L. Romero, Interim City Engineer

\_\_\_\_\_/10/13/2022\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Rob Terry, Deputy City Manager

\_\_\_\_\_/10/13/2022\_\_\_\_\_  
Date

**Attachments**

1. Resolution Approving and Adopting the Measure C Extension Fund Certification and Claim Form Submissions and Local Transportation Purpose Funds for FY 2022-2023
  - a. Measure C Extension Local Transportation Pass Through Revenues Certification and Claim Form for FY 2022-2023 – ADA Compliance
  - b. Measure C Extension Local Transportation Pass Through Revenues Certification and Claim Form for FY 2022-2023 – Flexible Funding
  - c. Measure C Extension Local Transportation Pass Through Revenues Certification and Claim Form for FY 2022-2023 – Street Maintenance

**RESOLUTION NO. 2022 – \_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA,  
APPROVING AND ADOPTING THE LOCAL TRANSPORTATION PURPOSES  
CERTIFICATION AND CLAIM AND AUTHORIZING ITS EXECUTION FOR  
MEASURE C EXTENSION FUNDS**

**WHEREAS**, the Fresno County Transportation Authority (FCTA) has adopted the Local Transportation Purpose Funds Apportionment, Measure C Extension, for Street Maintenance, ADA Compliance and Flexible Funding sub-programs for fiscal year 2022-2023; and

**WHEREAS**, the FCTA has adopted a Resolution of Apportionment for Fiscal Year 2022-2023 setting the City of Selma’s estimated overall percentage at 2.33% which shall be the proportionate share of local Transportation Purposes monies to which the City shall be entitled within the fiscal year; and

**WHEREAS**, the City of Selma is required to furnish FCTA with 2022-2023 Certificate and Claim forms approved by resolution of the City Council.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Selma hereby finds, determines, and declares the following:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The City of Selma hereby submits the Local Transportation Purposes Certification and Claim for Fiscal Year 2022-2023 (Attached).
3. The City Manager is hereby authorized and directed to execute the Certification and Claim forms on behalf of the City of Selma.
4. The City of Selma shall complete the prior fiscal years reporting requirements and claims forms for Measure C Extension Expenditures prior to November 15, 2022.
5. The City hereby requests the FCTA to allocate all Local Transportation Purpose Funds to the City of Selma for Fiscal Year 2022-2023, as identified in the attached claim forms, and as follows:

ADA Compliance	\$13,720
Flexible Spending	\$484,292
Street Maintenance	\$391,992

6. 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.
7. 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.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Selma held on the 17<sup>th</sup> day of October 2022 by the following vote:

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

\_\_\_\_\_  
Scott Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Reyna Rivera, City Clerk

**MEASURE C EXTENSION  
LOCAL TRANSPORTATION PASS THROUGH REVENUES  
CERTIFICATION AND CLAIM FOR FY2022-23**

TO: Fresno County Transportation Authority

FROM: City of Selma  
*Local Agency Name*

Address: 1710 Tucker Street, Selma, CA 93662

Contact: Fernando Santillan

Telephone: (559) 891-2205 x2250 FAX: \_\_\_\_\_

Email Address: fernandos@cityofselma.com

**1. Applicable Funding Program: (Check One)**

- |   |  |  |
|---|--|--|
| <i>Regional Public Transit Program</i>              | <i>Local Transportation Program</i>                | <i>Alternative Transportation Program</i>                            |
| <input type="checkbox"/> Fresno Area Express        | <input type="checkbox"/> Street Maintenance        | <input type="checkbox"/> Rail Consolidation Subprogram               |
| <input type="checkbox"/> Clovis Transit             | <input checked="" type="checkbox"/> ADA Compliance | <i>Environmental Enhancement Program</i>                             |
| <input type="checkbox"/> FCRTA                      | <input type="checkbox"/> Flexible Funding          | <input type="checkbox"/> School Bus Replacement                      |
| <input type="checkbox"/> PTIS/Transit Consolidation | <input type="checkbox"/> Pedestrian/Trails Urban   | <input type="checkbox"/> Transit Oriented Infrastructure for In-Fill |
| <input type="checkbox"/> ADA/Seniors/Paratransit    | <input type="checkbox"/> Pedestrian/Trails Rural   | <i>Administrative/Planning Program</i>                               |
| <input type="checkbox"/> Farmworker Van Pools       | <input type="checkbox"/> Bicycle Facilities        | <input type="checkbox"/> Fresno COG                                  |
| <input type="checkbox"/> Car/Van Pools              | <i>Regional Transportation Program</i>             |  |
| <input type="checkbox"/> New Technology Reserve     | <input type="checkbox"/> Fresno Airports           |  |

2. The City of Selma ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to *Local Agency Name* California Public Utilities Code Section 142257.
3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2022-2023 setting 2.32% of \$590,901 (or \$13,720) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:
- (a) Monthly payments consistent with adopted percentage, based on actual receipts
  - (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass-Through Funding programs and Other Revenue Program Funding
4. On behalf of claimant, I hereby certify as follows:
- (a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
  - (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
  - (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.
5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: Finance Director

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: \_\_\_\_\_

**MEASURE C EXTENSION  
LOCAL TRANSPORTATION PASS THROUGH REVENUES  
CERTIFICATION AND CLAIM FOR FY2022-23**

**TO:** Fresno County Transportation Authority

**FROM:** City of Selma  
*Local Agency Name*

Address: 1710 Tucker Street, Selma, CA 93662

Contact: Fernando Santillan

Telephone: (559) 891-2205 x2250 FAX: \_\_\_\_\_

Email Address: fernandos@cityofselma.com

**1. Applicable Funding Program: (Check One)**

- |   |  |  |
|---|--|--|
| <i>Regional Public Transit Program</i>              | <i>Local Transportation Program</i>                  | <i>Alternative Transportation Program</i>                            |
| <input type="checkbox"/> Fresno Area Express        | <input type="checkbox"/> Street Maintenance          | <input type="checkbox"/> Rail Consolidation Subprogram               |
| <input type="checkbox"/> Clovis Transit             | <input type="checkbox"/> ADA Compliance              | <i>Environmental Enhancement Program</i>                             |
| <input type="checkbox"/> FCRTA                      | <input checked="" type="checkbox"/> Flexible Funding | <input type="checkbox"/> School Bus Replacement                      |
| <input type="checkbox"/> PTIS/Transit Consolidation | <input type="checkbox"/> Pedestrian/Trails Urban     | <input type="checkbox"/> Transit Oriented Infrastructure for In-Fill |
| <input type="checkbox"/> ADA/Seniors/Paratransit    | <input type="checkbox"/> Pedestrian/Trails Rural     | <i>Administrative/Planning Program</i>                               |
| <input type="checkbox"/> Farmworker Van Pools       | <input type="checkbox"/> Bicycle Facilities          | <input type="checkbox"/> Fresno COG                                  |
| <input type="checkbox"/> Car/Van Pools              | <i>Regional Transportation Program</i>               |  |
| <input type="checkbox"/> New Technology Reserve     | <input type="checkbox"/> Fresno Airports             |  |

2. The **City of Selma** ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to *Local Agency Name* California Public Utilities Code Section 142257.
3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2022-2023 setting 2.85% of \$16,972,627 (or **\$484,292**) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:
- (a) Monthly payments consistent with adopted percentage, based on actual receipts
  - (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass-Through Funding programs and Other Revenue Program Funding
4. On behalf of claimant, I hereby certify as follows:
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5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: Finance Director

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: \_\_\_\_\_

**MEASURE C EXTENSION  
LOCAL TRANSPORTATION PASS THROUGH REVENUES  
CERTIFICATION AND CLAIM FOR FY2022-23**

**TO:** Fresno County Transportation Authority

**FROM:** City of Selma  
*Local Agency Name*

Address: 1710 Tucker Street, Selma, CA 93662

Contact: Fernando Santillan

Telephone: (559) 891-2205 x2250 FAX: \_\_\_\_\_

Email Address: fernandos@cityofselma.com

**1. Applicable Funding Program: (Check One)**

- |   |  |  |
|---|--|--|
| <i>Regional Public Transit Program</i>              | <i>Local Transportation Program</i>                    | <i>Alternative Transportation Program</i>                            |
| <input type="checkbox"/> Fresno Area Express        | <input checked="" type="checkbox"/> Street Maintenance | <input type="checkbox"/> Rail Consolidation Subprogram               |
| <input type="checkbox"/> Clovis Transit             | <input type="checkbox"/> ADA Compliance                | <i>Environmental Enhancement Program</i>                             |
| <input type="checkbox"/> FCRTA                      | <input type="checkbox"/> Flexible Funding              | <input type="checkbox"/> School Bus Replacement                      |
| <input type="checkbox"/> PTIS/Transit Consolidation | <input type="checkbox"/> Pedestrian/Trails Urban       | <input type="checkbox"/> Transit Oriented Infrastructure for In-Fill |
| <input type="checkbox"/> ADA/Seniors/Paratransit    | <input type="checkbox"/> Pedestrian/Trails Rural       | <i>Administrative/Planning Program</i>                               |
| <input type="checkbox"/> Farmworker Van Pools       | <input type="checkbox"/> Bicycle Facilities            | <input type="checkbox"/> Fresno COG                                  |
| <input type="checkbox"/> Car/Van Pools              | <i>Regional Transportation Program</i>                 |  |
| <input type="checkbox"/> New Technology Reserve     | <input type="checkbox"/> Fresno Airports               |  |

2. The **City of Selma** ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to *Local Agency Name* California Public Utilities Code Section 142257.
3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2022-2023 setting **2.32%** of \$16,882,882 (or **\$391,992**) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:
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  - (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass-Through Funding programs and Other Revenue Program Funding
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5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: Finance Director

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: \_\_\_\_\_

**CHECK REGISTER REPORT**

CHECK NUMBER	CHECK DATE	STATUS	VENDOR NAME	CHECK DESCRIPTION	CATEGORY	AMOUNT
80384	10/06/22	Printed	A&S PUMP SERVICE	PUMP REPAIRS -RINGO PARK		4,156.47
80385	10/06/22	Printed	ADVENTIST HEALTH TULARE	BLOOD/ALCOHOL ANALYSIS -PD		392.00
80386	10/06/22	Printed	AIRGAS USA LLC	OXYGEN SUPPLIES -CVTC	R	23.74
80387	10/06/22	Printed	ALEJANDRO ALVAREZ	PERISHABLE SKILLS TRAINING PER DIEM 10/11-10/14/22	R	44.00
80388	10/06/22	Printed	ARAMARK UNIFORM	UNIFORMS/TOWELS/FIRST AID KITS 9/8/22		334.12
80389	10/06/22	Printed	AT&T	TELEPHONE -SEPTEMBER 2022		28.93
80390	10/06/22	Printed	AT&T	PD FIRE ALARM		221.49
80391	10/06/22	Printed	AT&T MOBILITY	TELEPHONE-MDT'S 8/12-9/11/22		1,738.88
80392	10/06/22	Printed	BANNER PEST CONTROL INC	PEST CONTROL -SEPTEMBER 2022		441.00
80393	10/06/22	Printed	LIANA J. BRIGHAM / PICTURE THIS EMBROIDERY	SUMMER SHIRTS & HATS -PW NEW EMPLOYEE		373.80
80394	10/06/22	Printed	CENTRAL SANITARY SUPPLY	JANITORIAL SUPPLIES		2,927.48
80395	10/06/22	Printed	CENTRAL VALLEY LOCK & SAFE INC	INSTALLED NEW DEADBOLT -BERRY PARK		414.80
80396	10/06/22	Printed	CISCO SYSTEMS CAPITAL CRP	LEASE-PHONE SYSTEM/BACKUP		1,375.84
80397	10/06/22	Printed	CHRISTOPHER CISNEROS	EMT RECERT. & PARAMEDIC RENEWAL REIMBURSEMENT		348.00
80398	10/06/22	Printed	COLLEGE OF THE SEQUOIAS	H&S 11550 TRAINING COURSE 9/20/22-9/22/22	R	500.00
80399	10/06/22	Printed	CSJVRMA	2022/2023 2ND QTR DEPOSIT		299,641.00
80400	10/06/22	Printed	CUMMINS INC.	REPAIRS TO ENGINE		349.60
80401	10/06/22	Printed	DATA TICKET, INC.	PARKING CITATION PROCESSING AUGUST 2022		200.00
80402	10/06/22	Printed	DATAPATH LLC	NETCARE/ON SITE SUPPORT OCTOBER 2022		9,587.00
80403	10/06/22	Printed	DOOLEY ENTERPRISES, INC.	AMMUNITION		1,873.84
80404	10/06/22	Printed	ESO SOLUTIONS, INC.	WEBINAR & ONLINE SCHEDULING REPORTING -FD		2,685.00
80405	10/06/22	Printed	CASSY FAIN	PERISHABLE SKILLS TRAINING PER DIEM 10/11-10/14/22	R	44.00
80406	10/06/22	Printed	JOEL A FEDOR / FEDOR PLUMBING	INSTALLED TEMP SOLENOID-SENIOR CENTER DRINKING FOUNTAIN		340.87
80407	10/06/22	Printed	FIVE CITIES EDA	2nd QUARTER DUES OCT-DEC 22		1,387.68
80408	10/06/22	Printed	FRESNO COUNTY DPH-EMS DIVISION	DISPATCHING SERVICES-JULY 2022		1,409.17
80409	10/06/22	Printed	FRESNO COUNTY EDC	CENTRAL VALLEY TRAINING CENTER 8/1/22-8/31/22	R	37,031.75
80410	10/06/22	Printed	FRESNO OXYGEN	OXYGEN RENTALS		546.11
80411	10/06/22	Printed	GATEWAY ENGINEERING, INC.	AMBERWOOD ADDRESSING AND STREET NAMING, DINUBA & MCCALL TRAFFIC SIGNAL SUPERVISOR COURSE PER DIEM 10/10-10/21/22	PARTIAL G	5,674.00
80412	10/06/22	Printed	ANDREW GUZMAN	MEDICAL SUPPLIES	R	150.00
80413	10/06/22	Printed	HENRY SCHEIN INC.	MEDICAL SUPPLIES		1,603.33
80414	10/06/22	Printed	IRG MASTER HOLDINGS, LLC	CENTRAL VALLEY TRAINING CENTER LEASE - OCTOBER 2022 & UTILITIES 7/26-8/24/22	R	12,280.01
80415	10/06/22	Printed	J'S COMMUNICATION INC.	SERVICE AGREEMENT -OCTOBER 2022		446.00
80416	10/06/22	Printed	KOSMONT & ASSOCIATES INC	INFRASTRUCTURE & FINANCING ANALYSIS - AUGUST 2022		7,111.00
80417	10/06/22	Printed	RUSSELL A KULOW / KULOW BROTHERS	COURTESY NOTICE BOOKS		647.19
80418	10/06/22	Printed	TIM J LAW / LAW & ASSOCIATES	LAW ENFORCEMENT BACKGROUND		700.00
80419	10/06/22	Printed	LEXIPOL LLC	LE MANAGEMENT SERVICES		6,669.15
80420	10/06/22	Printed	LIFE-ASSIST INC.	MEDICAL SUPPLIES		378.10
80421	10/06/22	Printed	LOZANO SMITH LLP	LEGAL SERVICES -AUGUST 2022		20,101.09
80422	10/06/22	Printed	CHRISTINA MCCOLLAM-MARTINEZ	LIGHTING DESIGN FOR CAMP ROCK & SPONGEBOB		550.00
80423	10/06/22	Printed	MEDLINE INDUSTRIES, INC.	MEDICAL SUPPLIES		2,031.16
80424	10/06/22	Printed	METRO UNIFORM	NAME PLATES FOR FIRE & EMS, FD REVOLVING ACCT	PARTIAL R	530.77
80425	10/06/22	Printed	MOTOROLA SOLUTIONS, INC.	COMPLETION OF DISPATCH CENTER	PDSA	18,521.21
80426	10/06/22	Printed	DANIEL MURRIETA	GRAPHICS FOR GATORS		3,405.47
80427	10/06/22	Printed	MUSIC THEATRE INTERNATIONAL	SHREK JR STREAMING RIGHTS & LITTLE SHOP OF HORRORS BALANCE		1,249.04
80428	10/06/22	Void		Void Check		0.00
80429	10/06/22	Printed	ODP BUSINESS SOLUTIONS LLC	OFFICE SUPPLIES		1,394.57
80430	10/06/22	Printed	CHRISTOPHER ORTIZ-BELCHER	CAMP ROCK MARKETING ARTWORK		300.00
80431	10/06/22	Printed	PAUL JACOBS CONSTRUCTION INC / 1-800 BOARD UP	2331 NEBRASKA	R	247.56
80432	10/06/22	Printed	PG&E	UTILITIES -SEPTEMBER 2022		12.45
80433	10/06/22	Printed	PG&E	UTILITIES -SEPTEMBER 2022		582.23

**CHECK REGISTER REPORT**

<b>CHECK NUMBER</b>	<b>CHECK DATE</b>	<b>STATUS</b>	<b>VENDOR NAME</b>	<b>CHECK DESCRIPTION</b>	<b>CATEGORY</b>	<b>AMOUNT</b>
80434	10/06/22	Printed	PG&E	UTILITIES -SEPTEMBER 2022		47,893.26
80435	10/06/22	Printed	PG&E	UTILITIES -SEPTEMBER 2022		17,548.91
80436	10/06/22	Printed	PG&E	UTILITIES -SEPTEMBER 2022		730.69
80437	10/06/22	Printed	PITNEY BOWES BANK INC	POSTAGE REFILL -CH		1,003.00
80438	10/06/22	Printed	REGIONAL GOVERNMENT SERVICES	CONTRACT SERVICES -AUGUST 2022		41,720.23
80439	10/06/22	Printed	DEVON RICKETTS	PLOTTER PAPER		120.63
80440	10/06/22	Printed	FERNANDO SANTILLAN	EXECUTIVE TEAM MEETING REIMBURSEMENT		53.98
80441	10/06/22	Printed	SELMA UNIFIED SCHOOL DISTRICT	FUEL -JULY 2022		26,162.25
80442	10/06/22	Printed	SPARKLETTS	WATER SERVICE -PD		231.88
80443	10/06/22	Printed	SPARKLETTS	WATER SERVICE -CVTC	R	39.99
80444	10/06/22	Printed	SPARKLETTS	WATER SERVICE -CVTC	R	39.99
80445	10/06/22	Printed	STATEWIDE TRAFFIC SAFETY AND	ROAD SIGNAGE		1,274.40
80446	10/06/22	Printed	STEAM CLEANERS, INC.	HOSE,COUPLERS,WASHERS -PW		145.25
80447	10/06/22	Printed	STERICYCLE, INC.	STERI-SAFE OSHA COMPLIANCE OCTOBER 2022		189.28
80448	10/06/22	Printed	KATHERINE L. STILWELL / MINDFUL CREATIONS	LOGOS FOR WILDLAND GEAR		60.00
80449	10/06/22	Printed	TARGET SOLUTIONS LEARNING LLC	ONLINE TRAINING PROGRAM -FD		1,436.85
80450	10/06/22	Printed	TELEFLEX LLC	MEDICAL SUPPLIES		1,501.55
80451	10/06/22	Printed	THE CRISCOM COMPANY	SEWER INFRASTRUCTURE OCTOBER 2022		4,500.00
80452	10/06/22	Printed	THOMAS J O'LAUGHLIN MD INC.	MEDICAL DIRECTOR NOVEMBER 2022		500.00
					<b>TOTAL</b>	<b>598,153.04</b>

Grant: G PD State Appropriation: PDSA (457) Reimbursement: R

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

October 17, 2022

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**ITEM NO:** 2.

**SUBJECT:** Consideration of Tract No. 5303 Condition Amendment

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**BACKGROUND:** On August 16, 2004, the Selma City Council approved Vesting Tentative Tract Map No. 5303, via Resolution 2004-62R. Contained within the resolution are Conditions of Approval specific to the project. Condition #37 within the resolution addressed an improvement to a portion of the CID canal which interfaces with the project at the southeast portion of the development, in what was ultimately the final phase of the map. Over the years as the project has built out, discussions relating to the extent of the improvements required between the developer, CID, and the City have been on-going. Ultimately, both CID and the City would prefer to see the canal fully piped and undergrounded, with a paved public trail placed within the easement along the entire alignment, which stretches from Thompson Ave just south of the Saginaw Avenue alignment, northeast to Valley View Street just across from Salazar Park.

**DISCUSSION:** Fulfillment of Condition #37 as currently approved would place infrastructure that would not be conducive to this goal, and would also place infrastructure that would need to be removed or significantly adjusted to place the desired improvements for the area. As such, an amendment to Condition #37, allowing for the applicant/developer to submit a cash deposit to be held by the City, totaling the engineering estimate for the conditioned improvements (\$216,976.50) in-lieu of construction is currently being requested.

The "Deposit Agreement Regarding Amendment of Existing Condition of Approval," dated October 17, 2022, which is attached to the Resolution, details the proposed amended condition language, and collective understanding for the payment in-lieu. Should Council support amending the condition, and authorize the City to accept the in-lieu payment, the City would then continue to work with CID to locate and obtain funding to pipe and underground the area, and incorporate a public use trail within the easement, connecting Salazar Park and the Future Thompson Ave park site. The in-lieu deposit would be used as seed money for this larger effort.

At the regular meeting of September 26, 2022, the Selma Planning Commission received a staff report and presentation relating to the proposed amendment, resulting in their recommendation of approval to the City Council via Resolution 2022-6 (see Attachment 2).

**FISCAL IMPACT:** The City would hold the in-lieu payment of \$216,976.50, and would utilize the deposit as seed money for the desired build out; including being utilized as match funds for applicable grant options, funding to accommodate design, engineering, or other related costs associated with the ultimate project. Approval for any additional funding associated with the project would require Council action at the appropriate time in the future.

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**RECOMMENDATION:** Staff recommends that City Council approve the attached Resolution, amending Condition of Approval #37 for Vesting Tract Map No. 5303 (Valley View Homes), and authorize allowance for the project applicant/developer to submit a deposit to be held by the City, which will fulfill the condition through payment in-lieu of construction.

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\_\_\_\_\_/s/\_\_\_\_\_  
Rob Terry  
Deputy City Manager

\_\_\_\_\_/10/13/2022\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_/10/13/2022\_\_\_\_\_  
Date

**Attachments**

1. Resolution approving the amending of Condition #37 of Vesting Tentative Tract Map No. 5303
  - a. Deposit Agreement Regarding Amendment of Existing Condition of Approval, dated October 17, 2022
2. Selma Planning Commission Resolution 2022-6

**RESOLUTION NO. 2022 – \_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, APPROVING THE AMENDMENT OF CONDITION #37 FOR VESTING TRACT #5303**

**WHEREAS**, on August 16, 2004, the Selma City Council approved Vesting Tentative Tract Map No. 5303, via Resolution 2004-62R; and

**WHEREAS**, contained within the resolution are Conditions of Approval specific to the project. Condition #37 within the resolution addressed an improvement to a portion of the Consolidated Irrigation District (CID) canal which interfaces with the project at the southeast portion of the development, in what was ultimately the final phase of the map; and

**WHEREAS**, both CID and the City would prefer to see the canal fully piped and undergrounded, with a paved public trail placed within the easement along the entire alignment, which stretches from Thompson Ave just south of the Saginaw Avenue alignment, northeast to Valley View Street just across from Salazar Park; and

**WHEREAS**, fulfillment of Condition #37 as currently approved would place infrastructure that would not be conducive to this goal, and would also place infrastructure that would need to be removed or significantly adjusted to place the desired improvements for the area; and

**WHEREAS**, the applicant has submitted a request to pay a cash deposit to be held by the City, totaling the engineering estimate for the conditioned improvements (\$216,976.50) in-lieu of construction; and

**WHEREAS**, the City and the applicant are in agreeance that Condition #37 would need to be amended to allow for the in-lieu deposit to be accepted in fulfillment of the condition; and

**WHEREAS**, the City, applicant, and CID are in mutual agreeance that if the City approves acceptance of the in-lieu payment, the City would then continue to work with CID to locate and attain funding to pipe and underground the area, and incorporate a public use trail within the easement, connecting Salazar Park and the Future Thompson Ave park site, utilizing the deposit amount as seed money for said efforts; and

**WHEREAS**, the Selma Planning Commission considered this request at their regularly scheduled meeting of September 26, 2022, and recommended approval to the City Council via Resolution 2022-6.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The City Council hereby approves the amending of Condition #37, which originally read as:

*“The CID Canal shall be undergrounded from the center line of the southern projection of San Juan Bautista Street to the southeast corner of Lot 161. A private pipeline that traverses the property shall be relocated. District coordination and engineering shall be approved by the City Engineer and the City Council prior to the approval of the Final Map.”*

To be amended to read:

*“Payment in-lieu of undergrounding the CID Canal from the center line of the southern projection of San Juan Bautista Street to the southeast corner of Lot 161 shall be provided in the amount of \$216,976.50. A private pipeline that traverses the property shall be relocated. The City and District will coordinate undergrounding activities for the CID canal in a future project to be determined, with the aforementioned payment utilized to assist in these efforts.”*

SECTION 3. The City Council hereby authorizes the City Manager, or their designee, to memorialize the amendment of Condition #37 for Vesting Tract #5303 through the establishment of a “Deposit Agreement Regarding Amendment of Existing Condition of Approval,” as attached to this Resolution.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of October, 2022, by the following vote:

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

\_\_\_\_\_  
Scott Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Reyna Rivera, City Clerk

October 17, 2022

Lori Koester  
Executive Director  
Corporation for Better Housing/1480 Skelton St., L.P.  
20750 Ventura Blvd., Suite 155  
Woodland Hills, CA 91364

**SUBJECT: Deposit Agreement Regarding Amendment of Existing Condition of Approval**

Ms. Koester:

This letter serves to formalize mutual understanding and concurrence in regards to the Condition of Approval #37 for Vesting Tract Map No. 5303 (Valley View terrace Homes), as listed within the attached City of Selma Resolution No. 2004-62R. Integrated Community Development (“Developer”) and the City of Selma (“City”) hereby mutually agree that the City intends to amend Condition #37 to allow for payment in-lieu of construction in the following manner:

- Developer shall submit to the City a deposit of \$216,976.50, as identified within the attached Engineer’s Estimate by Walsh Engineering dated 7/25/2022 for said work specific to Condition #37, to be held in deposit by the City, and used for canal undergrounding and improvement costs along the entirety of the Consolidated Irrigation District (CID) canal bordering Tract No. 5303, associated with a future project the City and CID are seeking to undertake; and
- Developer understands that the City is under no timing obligation to expend the funds; and
- Developer understands that the City may utilize the funding in any form deemed necessary to seek undergrounding and/or improvements to any portion of the canal, either for a project with or without partnership with CID; and

With the aforementioned items understood and agreed upon, the City proposes to amend Condition #37 to generally read:

*“Payment in-lieu of undergrounding the CID Canal from the center line of the southern projection of San Juan Bautista Street to the southeast corner of Lot 161 shall be provided in the amount of \$216,976.50. A private pipeline that traverses the property shall be relocated. The City and District will coordinate undergrounding activities for the CID canal in a future project to be determined, with the aforementioned payment utilized to assist in these efforts.”*

If you agree with the aforementioned items, please place your signature below, confirming agreeance with the City in seeking amendment of Condition #37, and committing to the Developer's responsibilities listed. Once signed, please return a copy to me, and the City will begin the formal Condition Amendment process.

If you have any questions, please feel free to contact me at (559) 891-2248, or via email at [robt@cityofselma.com](mailto:robt@cityofselma.com).

Respectfully,



Rob Terry, AICP MPA  
Deputy City Manager

CC: Fernando Santillan, City Manager, City of Selma

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I agree with the contents within this letter, and acknowledge the Developer's commitment to the process and details contained within it. I understand that the City will begin the formal process of amending Condition #37 following receipt of this signed acknowledgement. I further understand that payment of the in-lieu fee will be due following formal amending of the specific condition, and before any final occupancy or notice of completion for the development will be permitted.

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Lori Koester  
Executive Director  
Corporation for Better Housing

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Date

RESOLUTION NO. 2004-62R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA MAKING  
FINDINGS FOR APPROVAL AND CONDITIONALLY APPROVING  
VESTING TENTATIVE TRACT MAP NO. 5303  
AND ENVIRONMENTAL ASSESSMENT NO. 2003-0121

WHEREAS, on August 16, 2004, the Selma City Council, at a regularly scheduled meeting, considered a request by Benjamin T. Lingo, Lynx Realty & Management for approximately 192 single family residential lots, one remainder lot for a ponding basin and vacant land. The Vesting Tentative Tract Map was a part of Submittal No. 2003-0121, which also included other concurrent applications. The vesting tentative tract map and applications for other entitlements is for property (APN 390-020-74S, 393-170-51, 393-170-52) on the southeast corner of Thompson Avenue and Valley View Street; and

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

WHEREAS, the City Council found that Vesting Tentative Tract Map No. 5303 is consistent with the Selma General Plan, because the regulations further the goals of the General Plan as listed in the Findings for Approval. The project is consistent with the objectives and policies of the General Plan and is an implementing device of the same; and

WHEREAS, the City Council, using independent judgment and analysis, considered Environmental Assessment No. 2003-0121 per the Public Resources Code, Section 21080.1, Division 13, Environmental Quality Act (CEQA). The City of Selma is responsible for determining whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required. Based on all of the substantial evidence in the entire record, the Initial Study prepared for this project shows no substantial evidence that the project may have a significant effect on the environment, and the City Council certifies the adequacy of the document and adopts the Negative Declaration; and

WHEREAS, the City Council conducted a public hearing, as heretofore specified, and considered the Planning Division staff report and the findings and recommendations of the Planning Commission decision together with all public testimony of interested parties; and

WHEREAS, the City Council deliberated and prepared the following findings of fact for approval listed and included in this resolution, based on the reports, evidence and verbal presentations, subject to annexation and minor sphere of influence amendment:

1. The proposed map is consistent with applicable general plans.
2. The proposed vesting tentative tract map design and improvements are consistent with the Selma General Plan and any applicable specific plans because the design complies with the implementation and policies set for in the General Plan document.
3. The site is physically suitable for the type of development.

4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. All conditions of approval related to dedications, street improvements, the installation of infrastructure such as sewer and water lines, storm drain facilities, and other public improvements have been evaluated and it has been confirmed that there is a rough proportionality and/or a required degree of connection exists between the dedication imposed or public improvement required and the proposed development.

WHEREAS, the City Council, having made its Findings for Approval, was of the opinion that Tentative Tract Map No. 5303 should be approved subject to the following certain conditions of approval to be listed and made a part of the Resolution:

**Planning Division**

1. Vesting Tentative Tract Map No. 5303 is approved subject to the conditions as developed.
2. Vesting Tentative Tract Map No. 5303 shall be valid for two (2) years from the date of approval, unless extended in accordance with the Selma Municipal Code. If a Final Tract Map (the 'Tract Map') is not filed and approved prior to the end of the two-year life of the Vesting Tentative Tract Map approval, the Vesting Tentative Tract Map approval shall expire and become null and void.
3. The design improvements of the subdivision shall be consistent with the Selma General Plan and the appropriate residential zone classification. The design and improvements of the Tract Map shall conform to the Selma City Zoning Ordinance or as otherwise permitted by this approval.
4. Upon final recordation of this Tract Map, it shall be the Subdivider's responsibility to furnish to the Planning Department a minimum of four (4) scale copies of the original map obtained from the Fresno County Recorder's office.
5. The Subdivider shall relay all Conditions of Approval for this Vesting Tentative Tract Map to all subsequent purchasers of individual lots if applicable and/or to subsequent purchasers of this entire Tract Map development.
6. The Subdivider shall contact and comply with the requirements of the United States Postal Service - Selma Office - for the cost, location and type of mailbox to be installed

- if one is to be utilized on-site. The location of the facilities shall be approved by the Engineer prior to approval of improvement plans or any construction. Cluster boxes, when required, shall be installed at the Subdivider's cost by the Subdivider.
7. The Subdivider shall obtain City approval in advance for temporary and permanent signs through a Master Signage Plan in a separate sign review consistent with the development criteria of the Selma Municipal Code Sign Ordinance. Signs require the submittal of a sign application, fees and approval by the Community Development Department prior to installation.
  8. The Subdivider shall provide landscaping and irrigation plans incorporating the east side of Thompson Avenue, and on the north side of Saginaw Avenue public rights-of-way for review and approval by the Community Development Department. All irrigation systems shall be operated by an electric timer. No battery operated timers shall be permitted.
  9. The Subdivider shall plant two trees in the front yard setbacks of each single family residential lot. The trees shall be located outside of the ten (10) foot public right-of-way as measured from the face of the street curb. The trees within the front yard shall be selected by the lot owner from a list approved by the Community Development Department.
  10. All required trees shall be double-staked and tied with durable materials. Planting details shall be clearly shown on the submitted plans. Species of street trees to be planted shall be approved by the Community Development Department. All trees shall be of a fifteen-gallon container size or larger and not less than two inches in diameter, measured four and one half feet from the root ball. The trees must be planted prior to issuance of the occupancy permit.
  11. Root barriers shall be installed in accordance with City standards for all trees planted within five (5) feet of a sidewalk, curb or masonry/other wall. Landscaping shall be provided on the street side yards of all corner lots.
  12. The landscape plan shall show the landscape frontage adjacent to/ and running the entire length of the east side of Thompson Avenue (minimum 17'), and the north side of Saginaw Avenue (5') as shown on the Vesting Tentative Tract Map.
  13. The Subdivider shall request annexing the landscaped area along the east side of Thompson Avenue and the north side of Saginaw into a landscape and lighting maintenance district. These landscape areas shall be maintained by the developer for 120 days from the day of the Notice of Completion approval and prior to the district formation.
  14. The Subdivider is to provide a covenant for the Landscape and Lighting Maintenance District. The Subdivider acknowledges and agrees that such request serves as a petition pursuant to California State Propositions 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the Final Map. The estimated annual assessment is subject to limited annual adjustments. The Subdivider shall notify all potential lot buyers before they purchase a lot that this tract is a part of a Landscape

and Lighting Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The Subdivider shall supply all necessary assessment diagrams and other pertinent materials for the Landscape and Lighting Maintenance District.

15. All landscape improvements shall be installed prior to completion of the first phase of development.
16. The street names designated on the Tract Map are not approved street names. Street names shall be reviewed and approved by the Community Development Department prior to the submission of the Final Map.

#### **Building Division**

17. All private domestic or agriculture water wells and existing sewage disposal systems shall be safely and properly destroyed under permit and inspection in accordance with Fresno County Health Department standards and under the direction of the Building Official.
18. The Subdivider shall provide all necessary building plans for review and approval by the Building Official. All required building permits and inspections shall be obtained prior to the issuance of a Certificate of Occupancy.
19. The Subdivider shall comply with the most currently adopted version of all California Uniform Codes and regulations.

#### **Engineering Division**

20. The Subdivider shall have a Final Tract Map (the 'Tract Map') prepared in the form prescribed by the Subdivision Map Act and City of Selma Municipal Code. The Tract Map shall be submitted to the Engineer, and should include, but not be limited to, Tract Map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
21. The Tract Map shall incorporate a "Right to Farm" covenant statement on the map to ensure that normal farming operations may continue on adjacent and nearby agricultural uses and properties.
22. The Subdivider shall submit to the Engineer, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements (the 'Improvement Plans'). The Improvement Plans shall be prepared by a registered civil engineer, and shall include a site grading and drainage plan and an overall site utility plan showing locations and sizes of sewer, water, irrigation, and storm drain mains, laterals, manholes, meters, valves, hydrants, other facilities, etc. Plan check and inspection fees per City of Selma shall be paid with the first submittal of said Improvement Plans. All Improvement Plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

23. The design and construction of all off site improvements shall be in accordance with City standard drawings and construction specifications. The Subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements.
24. The Subdivider shall comply with, and be responsible for obtaining encroachment permits from the City of Selma for all work performed within the City's right-of-way.
25. The Subdivider shall pay all applicable Community Development Fees prior to Final Map approval by Council.
26. The Subdivider shall provide a dedication for a ten (10) foot public utility easement along all frontages of all lots as approved by the Engineer and the public utilities companies. No public utility easements (electric, gas, cable, telephone, sewer, water) shall be permitted in rear lot setback areas.
27. The Subdivider shall comply with the requirements of the Pacific, Gas and Electric Company (P. G. & E.), SBC, ComCast. It shall be the responsibility of the Subdivider to notify P.G. & E. and SBC to remove utility poles where necessary. The City shall not accept first submittals without proof that the Subdivider has paid the appropriate P.G. & E. engineering fees and provided P.G. & E. with a set of plans showing proposed electrical vaults and proposed sidewalk and curb grades adjacent to the vaults. All P.G. & E. vaults in which lids can not be sloped to match the proposed finished grading shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
28. The Subdivider shall submit a soils report to the Engineer.
29. All existing overhead and new utility facilities located on-site, or within the street rights-of-way adjacent to this subdivision shall be undergrounded.
30. All underground utilities installed under streets shall be installed, backfilled, compacted, tested and approved by the Engineer prior to placement of any aggregate base or asphalt concrete surfacing. Easements for utilities, including water, gas, telephone, electricity, sewage, pedestrian access, fire access, storm drainage, and irrigation facilities shall be provided, as required.
31. The Subdivider shall install street lights on metal poles to local utility providers' standards at the locations designated by the Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights shall be owned and maintained by the applicable local utility providers. Proof of local utility provider's approval shall be provided.
32. Drainage, grading, on-site and utility improvements shall be in accordance with plans reviewed and approved by the Engineer. The Subdivider shall be responsible for the preparation of plans prior to the approval of the Final Map. The applicant shall construct storm drainage facilities as deemed necessary by the Engineer to service the project site. The Final Map shall not be approved prior to the development of storm drainage master plans for the subject site and tributary areas.

33. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Selma standards (i.e retaining walls).
34. The ultimate widths of Thompson Avenue and Valley View Street public rights-of-way, are sixty (60) feet. The street frontage portions shall be developed to approximately forty-two (42) feet of the public right-of-way. The street improvements consist of curb, gutter, sidewalk, and street lights on the east side of the Thompson Avenue, and the south side of Valley View Street, and one drive lane as part of the street improvements. Additional improvements may include, but are not limited to grading, paving, retaining walls, transitions, pavement markings, signage, and physical street barriers. The Subdivider shall construct a meandering sidewalk along the frontage of Thompson Avenue.
35. The ultimate width of Saginaw Avenue public right-of-way, a collector street, is sixty (60) feet. Saginaw shall be constructed as a 2 lane undivided street facility with a total right of way cross section of 60 feet in width from Thompson Avenue to east of the southern projection line of San Juan Bautista Street centerline. The street improvements include standard curb, gutter, sidewalk, handicap ramps, street lighting and full width permanent paving (40' permanent), pavement marking and signage. The Subdivider shall construct a meandering sidewalk along the frontage of Saginaw Avenue. Approved barricades shall be placed at the edge of pavement at the intersection of San Juan Bautista and Saginaw Avenues.
36. All other interior streets shall be constructed as ultimate sixty (60) foot rights-of-way, including standard curb, gutter, sidewalk, handicap ramps, street lighting and full width permanent paving (40' permanent), pavement marking and signage.
37. The CID Canal shall be undergrounded from the center line of the southern projection of San Juan Bautista Street to the southeast corner of Lot 161. A private pipeline that traverses the property shall be relocated. District coordination and engineering shall be approved by the City Engineer and the City Council prior to the approval of the Final Map.
38. The proposed drainage basin shall be reviewed and approved by the City Engineer. The City of Selma requires design that provides for proper maintenance of the basin. The project approval shall include increasing the size of the drainage basin if determined to be a permanent drainage facility upon the review and approval of the Master Storm Drain Plan for the City. Project approval shall also include the set-aside of sufficient funds to abandon the drainage basin and connect to a permanent drainage facility in the area as warranted. Detailed agreements regarding maintenance, dedications, the enlargement of the ponding basin and the potential ultimate removal cost of the basin shall be reviewed and approved by the Engineer and the City Council prior to the approval of the Final Map.
39. Traffic and road signs shall be installed in conformance to requirements and as approved by the Engineer.
40. Monuments shall be set as required by City standards and shall be shown on the Final Map.

41. The Subdivider shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standards prior to final acceptance of the project. Monumentation at the street center line intersections shall conform to City Standards Drawing No. 0-21. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
42. The Subdivider shall enter into a Subdivision Agreement in accordance with the City of Selma Municipal Code prior to approval of the Final Map.
43. The Subdivider shall not install any fences, temporary or permanent in the public right-of-way.
44. The Subdivider shall construct a solid decorative six (6) foot masonry/or stucco covered block wall along the entire length of Thompson and Saginaw Avenues. The Subdivider shall submit design and structural details for the type and style of the wall to the Community Development Department and the Engineer for review and approval by the City Council prior to the approval of the Final Map. The wall shall include constructed pilaster columns with a maximum spacing of twenty (20) feet o.c.
45. Prior to the installation of the decorative walls, the line of sight design of the masonry wall at the intersections of Thompson and Valley View Avenues, and Thompson and Saginaw Avenues shall be reviewed and approved by the Engineer prior to the approval of the Final Map.
46. The Subdivider shall construct a six (6) foot wall or fence separating and limiting access to the retention-detention ponding basin from Saginaw Avenue. The Subdivider shall submit design details for the type and style of the wall to the Community Development Department and the Engineer for review and approval by the City Council prior to the approval of the Final Map.
47. After all improvements have been constructed and accepted by the City, the Subdivider shall submit to the Engineering, one blue line copy of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" for review and approval.
48. Upon approval of the "AS-BUILTS" by the City, the Subdivider shall provide (1) reproducible and (1) copy of the "AS-BUILTS" to the City, and one (1) copy on diskette, CD or similar digital storage media that is compatible with ARC VIEW 3.2.
49. The Subdivider shall provide the City with original improvement plans and Auto CAD files of the Final Map, improvement plans, and all drawings prepared on Auto CAD.

50. The Subdivider shall contact the Regional Water Quality Board and comply with all requirements prior to the release of any development permits.
51. For any sewer or water main, or under grounding of utilities, or major street to be installed by the Subdivider and eligible for reimbursement from future developments, the Subdivider shall submit to the City of Selma, all reimbursement requests in accordance with City regulations.

**Fire Department**

52. Fire hydrants and water supply systems of California Water Company shall be provided in accordance with the specifications of and at locations designated by the Selma Fire Chief.
53. All weather access shall be provided to all areas of the development during construction to the satisfaction of the Fire Department.
54. The Subdivider shall comply with all applicable requirements of the Uniform Fire Code.

**Selma Unified School District (See attached agency letter)**

55. This Tract Map shall be subject to the District's school impact fees (established by and payable to the Selma Unified School District) pursuant to California Government Code Sections 53080 and 65995 at the time of building permit issuance.

**Selma-Kingsburg-Fowler County Sanitation District (See attached agency letter)**

56. The Subdivider or successor in interest shall connect to S-K-F and comply with all applicable regulations, standards and specifications of the District.
57. The Subdivider is responsible for arranging a pre-design meeting with District staff and the City of Selma in order to review the sewer improvements required to serve this project's needs.

**California Water Service Company (See attached agency letter)**

58. The Subdivider or success or in interest shall connect to the Company and comply with all regulations, standards and specifications of the Company.
59. California Water Service Company will extend its mains to serve this development in accordance with the main extension rules of the Public Utilities Commission of the State of California. If and when the Subdivider has entered into an agreement with the Company and has deposited the estimated cost of making the extension, the Company will install the necessary water mains and serve the project with water at the rates and in accordance with the rules and regulations of the Commission.

**San Joaquin Valley Unified Air Pollution Control District (See attached agency letter)**

60. The Subdivider shall refer to the SJVAPCD suggested rules and mitigation measures to reduce pollutants as attached.

Consolidated Irrigation District (See attached agency letter)

61. The Subdivider shall comply with all applicable improvements and upgrades as per the rules and regulations of the Consolidated Irrigation District.

County of Fresno Human Health System - Environmental Health (See attached agency letter)

62. All existing agricultural wells and irrigation systems must be safely and properly destroyed. The Subdivider shall obtain approval from the County of Fresno prior to the removal of any wells and irrigation systems.
63. All construction equipment must be maintained according to the manufacturers' specifications, and noise generating construction equipment must be equipped with mufflers. Noise-generation construction activities shall be limited to daytime hours.
64. Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, State, and local requirements.
65. Should any underground storage tank(s) be found on the premises, the Subdivider shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Community Health, Environmental Health System (559) 445-3271.

California Regional Water Quality Control Board

66. As construction associated with the project will disturb one acre or more, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity will be required for potential discharges to surface waters, including ephemeral and intermittent drainages. Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB) and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to us a Change of Information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and prepare their own SWPPP.

General

67. The conditions given herein are for the entire development. Attached by reference are comments/conditions received by consulting departments and agencies.
68. For any sewer or water main, storm water drainage, or undergrounding of utilities, or major street to be installed by the Subdivider and eligible for reimbursement from future developments, the Subdivider shall submit to the City of Selma, all reimbursement requests in accordance with City regulations.

69. The Subdivider is proposing a four-phased project, beginning at the south end of the Tract Map. Thompson Avenue and Saginaw Avenue shall be fully developed, as conditioned, in phase one.
70. Lots 74 and 161 shall have block wall side yard fencing consistent with City development standards.
71. The City of Selma shall establish a Zone of Benefit for the undergrounding of C. and K. Canal. The Subdivider or successor of this Tract Map is included in this Zone of Benefit for his share of the contribution.
72. The City of Selma shall establish a Zone of Benefit for the installation of necessary sewer public utility improvements. The subdivider or successor of this Tract Map is included in this Zone of Benefit.
73. The City of Selma shall determine the applicant or successor in interest pro rata contribution for any upsizing of the temporary ponding basin upon determination of a permanent ponding basin status per the conclusion of the City of Selma Storm Drainage Master Plan.
74. San Rafael Street shall be extended west to provide a second access street to Thompson Avenue.
75. A block wall consistent with the block wall along Thompson Avenue shall be constructed on the west and north side of the ponding basin located on the southeast corner of Thompson and Saginaw Avenues.
76. The maintenance of the proposed stucco-covered required block walls shall be incorporated into the Lighting and Landscape Maintenance District per Condition No. 14.

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

1. The above facts are true and correct.
2. The City Council approves the Negative Declaration (Environmental Assessment No. 2003-0121) for the project and approves Vesting Tentative Tract Map No. 5303 subject to annexation and minor sphere of influence amendment, and subject to the Findings for Approval and Conditions of Approval made part of this Resolution.

The foregoing Resolution No. 2004-62R is hereby approved the 16<sup>th</sup> day of August 2004 by the following vote, to wit:

AYES: 3 COUNCIL MEMBERS: Niswander, Derr, Allen

NOES: 2 COUNCIL MEMBERS: Tow, Lujan

ABSTAIN: 0 COUNCIL MEMBERS: None

ABSENT: 0 COUNCIL MEMBERS: None



\_\_\_\_\_  
DENNIS LUJAN  
Mayor of the City of Selma

ATTEST:

Melanie A. Carter

Melanie A. Carter, CMC  
City Clerk of the City of Selma

**VALLEY VIEW TERRACE HOMES - SELMA, CA**  
**PHASE 2 IMPROVEMENTS**



Estimate - Opinion of Probable Construction Cost

Based on the approved "Grading, Drainage and Street Improvement Plans" dated 5/10/2021 and the approved "Utility Improvement Plans" dated 5/18/2021 by Walsh Engineering.

ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY	UNIT PRICE	ITEM COST
<b>GENERAL REQUIREMENTS</b>					
	Mobilization and Demobilization	LS	1	\$8,200.00	\$ 8,200.00
	Traffic Control	LS	1	\$2,000.00	\$ 2,000.00
	Surveyor Staking	LS	1	\$2,500.00	\$ 2,500.00
	Testing and Inspecting Services	LS	1	\$10,300.00	\$ 10,300.00
	<b>SUBTOTAL</b>				<b>\$ 23,000.00</b>
<b>IRRIGATION IMPROVEMENTS</b>					
	Reinforced Concrete Double Box Culvert (7'x3' culvert x 2)	LF	192	\$550.00	\$ 105,490.00
	Reinforced Concrete Wingwall	EA	4	\$1,600.00	\$ 6,400.00
	<b>SUBTOTAL</b>				<b>\$ 111,890.00</b>
<b>EARTHWORK</b>					
	Grading (110 CY Cut, 440 CY Fill)	CY	550	\$20.00	\$ 11,000.00
	Finish Grading (Roadway, Curb, Gutter and Sidewalk)	SF	6,500	\$0.33	\$ 2,145.00
	Shoring for Utilities	LF	100	\$28.00	\$ 2,800.00
	<b>SUBTOTAL</b>				<b>\$ 15,945.00</b>
<b>SEWER UTILITIES</b>					
	Adjust Existing Manhole to Grade	EA	1	\$1,500.00	\$ 1,500.00
	Adjust Existing Cleanout to Grade	EA	1	\$1,000.00	\$ 1,000.00
	<b>SUBTOTAL</b>				<b>\$ 2,500.00</b>
<b>WATER UTILITIES</b>					
	8" PVC Water Pipe (PVC C-900, 4' deep)	LF	55	\$46.20	\$ 2,541.00
	8" PVC Water Pipe (PVC C-900, 8' deep)	LF	100	\$100.40	\$ 10,040.00
	Blowoff	EA	1	\$900.00	\$ 900.00
	Thrust Blocks (8")	EA	4	\$500.00	\$ 2,000.00
	<b>SUBTOTAL</b>				<b>\$ 15,481.00</b>
<b>SURFACE IMPROVEMENTS</b>					
	4" Asphalt Concrete Pavement	SF	4,420	\$3.75	\$ 16,575.00
	Sidewalk	SF	1,375	\$8.00	\$ 11,000.00
	6" Curb & 2' Gutter	LF	275	\$50.00	\$ 13,750.00
	Temporary Timber Barricade	LF	630	\$10.85	\$ 6,835.50
	<b>SUBTOTAL</b>				<b>\$ 48,160.50</b>
	<b>TOTAL</b>				<b>\$ 216,976.50</b>

Abbreviations:

CY = Cubic Yard, LF = Linear Foot, SF = Square Foot, LS = Lump Sum, EA = Each, LBS = Pounds, MO = Month, AC = Acres

Notes:

- Walsh Engineering makes no warranty, either expressed or implied, that actual quantities will not vary from the amounts indicated and assumes no
- The engineer's opinion is NOT a guaranteed cost for a guaranteed maximum figure.
- All costs account for material, delivery and installation, unless otherwise specified.
- Unit Costs are based largely on RS Means 2020, and therefore, may not reflect actual market unit costs.
- Estimate does not assume prevailing wage.
- Linear footage costs include trenching excavation, bedding, pipe conveyance material, fittings, backfill, compaction and disposal of spoils necessary for installation.
- The following items are NOT included in this estimate: Development impact and utility fees, Bonding, permit, Engineering and other design fees, material disposal costs.

**RESOLUTION NO. 2022 – 6**

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SELMA, CALIFORNIA, RECOMMENDING APPROVAL OF  
THE AMENDMENT OF CONDITION #37 FOR VESTING TENTATIVE TRACT MAP NO. 5303**

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**WHEREAS**, pursuant to Chapter 6 of Title 9 of the Selma Municipal Code (“SMC”) the City Council may improvements as a condition precedent to acceptance and approval of a subdivision map; and

**WHEREAS**, On August 16, 2004, the Selma City Council approved Vesting Tentative Tract Map No. 5303, via Resolution 2004-62R, in accordance with the Selma Municipal Code; and

**WHEREAS**, Resolution 2004-62R contained Conditions of Approval, including Condition #37 which addressed improvement to a portion of the CID canal which interfaces with the project at the southeast portion of the development; and

**WHEREAS**, CID and the City would prefer to see the canal fully piped and underground, with a paved public trail placed within the easement along the entire alignment, which stretches from Thompson Ave just south of the Saginaw Avenue alignment, northeast to Valley View Street just across from Salazar Park; and

**WHEREAS**, the proposed amendment would adjust the language of Condition #37 to allow for the applicant/developer to submit a cash deposit to be held by the City, totaling the engineering estimate for the conditioned improvements (\$216,976.50) in-lieu of construction; and

**WHEREAS**, the City and CID would continually work together to locate and attain funding to pipe and underground the area, and incorporate a public use trail within the easement, connecting Salazar Park and the Future Thompson Ave park site, utilizing the in-lieu deposit as seed money for this larger effort; and

**WHEREAS**, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the proposed amendment, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, which are incorporated herein by this reference.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Selma Planning Commission hereby takes the following actions as follows:

1. The Planning Commission finds that all of the forgoing recitals and facts are true and correct and are incorporated by this reference.

2. The Planning Commission finds that it is in the best interest of the City and the health, safety, and welfare of its residents to approve the proposed condition amendment.

3. The Planning Commission approves this Resolution and recommends to the City Council approval of amended Condition #37 to read as follows:

*“Payment in-lieu of undergrounding the CID Canal from the center line of the southern projection of San Juan Bautista Street to the southeast corner of Lot 161 shall be provided in the amount of \$216,976.50. A private pipeline that traverses the property shall be relocated. The City and District will coordinate undergrounding activities for the CID canal in a future project to be determined, with the aforementioned payment utilized to assist in these efforts.”*

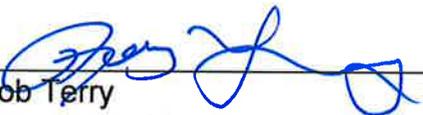
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**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Selma at a regular meeting held on September 26, 2022 by the following vote:

AYES:	5	COMMISSIONER: Gonzales, Salas, Sandhu, Juarez, Coury
NOES:	0	COMMISSIONER:
ABSTAIN:	1	COMMISSIONER: Singh
ABSENT:	1	COMMISSIONER: Garcia

  
\_\_\_\_\_  
Ramza Coury  
Chairman of the Commission

ATTEST:

  
\_\_\_\_\_  
Rob Terry  
Deputy City Manager

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

October 17, 2022

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**ITEM NO: 3.**

**SUBJECT:** Consideration of Acceptance of Public Improvements for Tract No. 5303 (Valley View) Phase 3

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**BACKGROUND:** On October 19, 2020, via Resolution 2020-69R, the City Council approved a Final Map and Subdivision Improvement Agreement for the construction of the public improvements for Phase 3 of Tract No. 5303 (Valley View). The Subdivision Improvement Agreement set forth the improvement securities for the completion of said improvements to the satisfaction of the City Council.

The following bonds dated October 21, 2020, by the Philadelphia Indemnity Insurance Company were issued for Phase 3 of Tract No. 5303 under policy numbers PB00618100090 and PB00618100090M and are on file with the City Clerk:

Faithful Performance Bond - \$1,396,323.92 (*under Policy #PB00618100090*)

Labor & Material Bond - \$698,161.96 (*under Policy #PB00618100090*)

Warranty Bond - \$139,632.39 (*under Policy #PB00618100090M*)

**DISCUSSION:** A final inspection of the public improvements was performed on October 7, 2022 and all resulting punch-list items were completed by October 13, 2022. City staff recommends that the City Council accept the completed public improvements for Phase 3 of Tract 5303 (Valley View) and release the improvement securities, except for the Warranty Bond. Said bond will be retained to guarantee the replacement or repair of said improvements for a period of one (1) year after final acceptance by the City Council and filing of a Notice of Completion.

**FISCAL IMPACT:** There is no fiscal impact to the City associated with this item.

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**RECOMMENDATION:** Staff recommends that the City Council approve the attached Resolution, accepting the Public Improvements for Phase 3 of Tract No. 5303 (Valley View), directing the City Clerk to record a Notice of Completion with Fresno County, and authorizing the City Manager to release the Faithful Performance Bond and Labor & Material Bond for said improvements.

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\_\_\_\_\_/s/\_\_\_\_\_  
Rob Terry  
Deputy City Manager

\_\_\_\_\_10/14/2022\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_10/14/2022\_\_\_\_\_  
Date

**RESOLUTION NO. 2022 – \_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR PHASE III OF TRACT #5303 (VALLEY VIEW), DIRECTING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY AND AUTHORIZING THE CITY MANAGER TO RELEASE THE FAITHFUL PERFORMANCE BOND AND LABOR & MATERIAL BOND FOR SAID IMPROVEMENTS**

**WHEREAS**, on August 16, 2004, the Selma City Council approved Vesting Tentative Tract Map No. 5303, via Resolution 2004-62R; and

**WHEREAS**, on October 19, 2020, via Resolution 2020-69R, the City Council approved a Final Map and Subdivision Improvement Agreement for the construction of the public improvements for Phase 3 of Tract No. 5303 (Valley View); and

**WHEREAS**, the Subdivision Improvement Agreement set forth the improvement securities for the completion of said improvements to the satisfaction of the City Council; and

**WHEREAS**, the associated bonds provided by the Philadelphia Indemnity Insurance Company were issued for Phase 3 of Tract No. 5303 under policy numbers PB00618100090 and PB00618100090M and are on file with the City Clerk, consisting of:

1. Faithful Performance Bond - \$1,396,323.92 (under Policy #PB00618100090)
2. Labor & Material Bond - \$698,161.96 (under Policy #PB00618100090)
3. Warranty Bond - \$139,632.39 (under Policy # PB00618100090M); and

**WHEREAS**, a final inspection of the public improvements was performed on October 7, 2022 and all resulting punchlist items were completed by October 13, 2022; and

**WHEREAS**, based on the recommendation from City staff, the City Council desires to accept the completed public improvements for Phase 3 of Tract No. 5303 (Valley View) and finds the obligations from the Faithful Performance and Labor & Material bonds fulfilled; and

**WHEREAS**, the City Council desires to delegate authority to the City Manager to release the Faithful Performance Bond and Labor & Material Bond for said completed improvements; and

**WHEREAS**, the City will retain the Warranty Bond to guarantee the replacement or repair of the public improvements for a period of one (1) year after final acceptance by the City Council in accordance with the Subdivision Improvement Agreement; and

**WHEREAS**, upon approval of the final acceptance of the public improvements for Phase 3 of Tract No. 5303 (Valley View) by the City Council, the City Clerk will record a Notice of Completion with Fresno County and the City will release the Warranty Bond upon the

expiration of one (1) calendar year after the recording date.

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

1. The above recitals are true and correct and are incorporated herein by reference.
2. The City Council hereby directs the City Clerk to record a Notice of Completion with Fresno County.
3. The City Council hereby authorizes the City Manager to release the Faithful Performance Bond and Labor & Material Bond for Phase 3 of Tract No. 5303 (Valley View).
4. The City Council hereby authorizes the City Manager to retain the Warranty Bond to guarantee the replacement or repair of the public improvements post final acceptance and to release said bond upon the expiration of one (1) calendar year after the recording date and all obligations for said bond have been fulfilled.
5. 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.
6. 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.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Selma held on the 17th day of October 2022 by the following vote:

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

\_\_\_\_\_  
Scott Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Reyna Rivera, City Clerk

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

October 17, 2022

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**ITEM NO:** 4.

**SUBJECT:** Consideration of the Potential Formation of an Ad Hoc Committee for Purposes of Negotiating A Renewal of a Tax Sharing MOU with the County of Fresno

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**BACKGROUND:** On January 18, 2022, the City Council approved a 1-year extension to the City's Tax Sharing Memorandum of Understanding (MOU) with the County of Fresno through February 27, 2023. Since then, City staff has been in regular contact with County staff regarding a draft Second MOU with updated terms and removal of certain outdated provisions.

**DISCUSSION:** At this time, City staff is proposing the formation of a two-member City Council Ad Hoc committee to review and discuss any draft proposals from the County, as well as to provide direction to staff to negotiate with the County as necessary. The goal would then be to bring back to the full Council a final draft of a new MOU for consideration and approval.

The proposed Ad Hoc committee must only be composed of City Council members, but not a quorum of them, and not include City staff (although City staff can participate in them for support purposes). Also, Ad Hoc committees are temporary and must dissolve once their specific purpose is accomplished – in this case, the final approval by the Council of a new MOU.

**FISCAL IMPACT:** There is no fiscal impact associated with the creation of the proposed Ad Hoc committee.

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**RECOMMENDATION:** Staff recommends that the Council approve, by motion, the creation of the Ad Hoc committee for purposes of reviewing and negotiating a new Tax Sharing MOU with the County of Fresno, and further, select two Council members to participate in the committee.

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\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_10/14/2022\_\_\_\_\_  
Date

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

October 17, 2022

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**ITEM NO:** 5.

**SUBJECT:** Who-liday Extravaganza Special Event Fee Adjustment

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**BACKGROUND:** The mission of the Community Services Department is to strengthen community image and sense of place, support economic development, strengthen safety and security, promote health and wellness, foster human development, increase cultural unity, protect environmental resources, facilitate community problem solving and provide recreational experiences.

In an effort to enhance the quality of life for the City of Selma, the Community Services Department has been reviewing potential family friendly community events that would meet the stated mission of the department. During the most recent planning session, the idea to plan a Holiday themed outdoor event in the downtown area was created and is tentatively scheduled for November 30, 2022 from 5:00PM to 8:00PM.

**DISCUSSION:** During the first planning meeting, concerns about the cost of booth space was brought up by several potential vendors. The City of Selma's current master fee schedule includes a general vendor booth fee of \$100 for all city events. In addition to this, any vendor that would be selling items during the event would be subject to obtaining a City of Selma business license. The cost of that license would be dependent on type of business and annual sales. As the City has not held this type of event in the past and due to the price of obtaining the booth space and the business license, staff is requesting a one-time fee adjustment for this event to help encourage more participation of local vendors for the event. This one-time fee of \$50 would cover booth rental space and include a business license for the scheduled event time only.

**FISCAL IMPACT:** This event was not previously included within the General Fund budget and any expenditures for the event will be covered by the vendor fees collected. No additional impact to the General Fund is expected.

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**RECOMMENDATION:** Staff recommends Council adopt the Resolution approving a one-time event booth fee adjustment for the Who-liday Extravaganza.

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\_\_\_\_\_/s/\_\_\_\_\_  
Amy Smart  
Community Services Director

\_\_\_\_\_10/14/2022\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_10/14/2022\_\_\_\_\_  
Date

**RESOLUTION NO. 2022-\_\_R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA,  
CALIFORNIA APPROVING A ONE-TIME EVENT FEE ADJUSTMENT FOR THE  
WHO-LIDAY EXTRAVAGANZA EVENT**

**WHEREAS**, the Community Services Department is tasked with the mission to strengthen community image and sense of place, support economic development, foster human development, increase cultural unity and provide recreational experiences; and

**WHEREAS**, the Community Services Department began developing ideas for community oriented events. During the planning of these events, the department reviewed the City of Selma's Master Fee Schedule and found that vendors would have to incur the City's \$100 booth rental fee plus the cost to obtain a business license for a full year.

**WHEREAS**, the Community Services Department has begun planning the Who-liday Extravaganza and it is intended to be a three-hour long event that will benefit the entire community and foster a greater sense of community, in addition to bring foot traffic to the downtown area.

**WHEREAS**, due to the limited time of the event, staff is recommending a one-time fee adjustment for the Who-liday Extravaganza with a total fee of \$50 to include the cost of booth rental and a limited business license for the specified event only.

**WHEREAS**, this fee adjustment serves as a public purpose and intended to enhance greater participation by vendors in the event and allow for future growth of community oriented events city-wide.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Selma hereby finds, determines, and declares the following:

1. The above recitals are true and correct;
2. The City Council hereby approves a one-time adjustment to the event booth fee for the Who-liday Extravaganza Event Fee to \$50 per booth.
3. The fee adjustment serves a public purpose by providing additional community activities to support the economic development and recreational experiences.
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.
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.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Selma held on the 17<sup>th</sup> day of October 2022 by the following vote:

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

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Scott Robertson  
Mayor

ATTEST:

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Reyna Rivera  
City Clerk

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**ITEM NO: 6.**

**SUBJECT:** Information Regarding the Rockwell Park Pond Project and Estimated Costs

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**BACKGROUND:** The City received a \$4.416 million grant in 2020 from the California Department of Parks and Recreation through the State Park Program (Round 3), funded by Proposition 68. The proposed project consisted of a 28-acre public park in the Rockwell Pond area on the west side of State Route 99, near the Toyota of Selma dealership.

The project included acquisition of the land from the County of Fresno and development of a new playground, water play park, a walking trail throughout park, two basketball courts, an open space area, two picnic shelters, restroom, park access driveway, parking lot, and lighting and landscaping throughout the park. At the time of the application, the estimated cost of the project was \$7.675 million dollars, creating a \$3.26 million funding gap between the grant award amount (\$4.416m) and the estimated cost. City staff at the time had planned to fill in the gap with local funds, including development impact fees, Transient Occupancy Tax (TOT) funds, and other potential funding sources.

After the grant was awarded, the City began to work on implementing the grant project and developing site plans. The construction management company (Vanir) who was hired by the City began to develop construction timelines and a more refined cost estimate, which was revised to about \$12 million in early 2021.

Further, the City Council directed City staff to obtain input from the public about additional amenities which Selma residents would like to see at the park, in order to generate a true all-in cost of a park which would truly serve the community. After several workshops and meetings with different community groups, the total cost estimate rose to \$26.2 million, broken down into three phases:

**Phases:**

- 1) \$16.3 million (this phase would build all amenities required by the Prop. 68 grant)
  - 2) \$5.7 million
  - 3) \$4.2 million
- \$26.2 million total cost**

Much of the rise in construction costs were caused by COVID and the resulting supply chain shortages, though there were significant cost increases associated with onsite and offsite infrastructure and the overall increase in desired amenities.

In February 2022, the City Council opted to accept an offer of a 10-acre land donation and build the park on the donated property, at an estimated cost of about \$9-11 million. This park is currently awaiting approval by the California State Parks and Recreation Department.

**DISCUSSION:** Councilman Trujillo requested this item to be placed on the City Council meeting agenda to clarify a comment made by a member of the public which incorrectly stated that the cost of the park was \$4.4 million.

**FISCAL IMPACT:** This is an information item only.

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**RECOMMENDATION:** This is an information item only.

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\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_/10/14/2022\_\_\_\_\_  
Date

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

October 17, 2022

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**ITEM NO: 7.**

**SUBJECT:** Information Regarding the City's 2022 Pension Obligation Bonds and Pension Unfunded Accrued Liability (UAL) Restructuring

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**BACKGROUND:** In 2021, the City Council authorized staff to move forward with pursuing a restructuring of its Unfunded Accrued Liability (UAL) associated with its CalPERS retirement plans. Workshops were conducted on the topic by Mr. Eric Scriven, Principal, with NHA Advisors, LLC, the City's contracted municipal advisor, and City staff.

The primary purpose in exploring the restructuring of the UAL was to, in effect, refinance the UAL debt at an interest rate lower than the interest rate (known as the "Discount Rate") assessed by CalPERS, presently set at 6.8%. The annual debt payments made to CalPERS toward the UAL have increased from \$690,000 in 2018 to approximately \$1,444,000 in 2022. Furthermore, it is anticipated that these payments will increase to \$2,090,000 by 2032. Overall, the City's UAL debt with CalPERS has grown from \$11.4 million to \$17.8 million over the last 7 years due to CalPERS investment underperformance and assumption changes. While the strong CalPERS investment returns in FY 2020-21 of 21.3% offset a discount rate (CalPERS' expected rate of return) reduction from 7.0% to 6.8% and brought the City's UAL down to about \$11.8 million, CalPERS' investment performance of negative 6.1% in FY 2021-22 brought the City's UAL back up to approximately \$17.63 million.

Following City Council approval, the City closed the Pension Obligation Bond (POB) financing with Umpqua Bank as of August 30, 2022, at an interest rate of 4.30% and in the amount of \$14,583,000.

The amounts funded have been allocated as follows:

CalPERS – Safety Plan:	\$8,407,998.00
CalPERS – Miscellaneous Plan:	\$6,000,000.00
Cost of Issuance Funds:	\$175,002.00
<b>Total:</b>	<b>\$14,583,00.00</b>

This roughly covers about 96% of our UAL based on CalPERS most recent investment return of -6.1% for FY 21-22. This closing required a \$4m deposit (not a payment) of the City's existing investment funds with Umpqua Bank, which will be reduced as the POB is paid off over time. It is estimated that the UAL restructuring will save the City's general fund about \$500,000 per year.

This decision by the City Council reflects a proactive approach in addressing the City's pension obligations and making these rising costs more manageable for the City through the

POB restructuring process, while generating savings to the general fund for other critical services and programs.

**DISCUSSION:** Councilman Trujillo requested this item to be placed on the City Council meeting agenda to clarify a comment made by the public regarding the City's financing.

**FISCAL IMPACT:** There is no fiscal impact associated with this information item.

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**RECOMMENDATION:** This is an information item only.

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\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_  
10/14/2022  
Date

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

October 17, 2022

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**ITEM NO:** 8.

**SUBJECT:** Consider Directing Staff to Coordinate a Meeting Between the Selma City Council, Selma Unified School District Board of Trustees, and the Selma Healthcare District

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**BACKGROUND:** At the October 3, 2022 City Council Meeting, Councilmember Sarah Guerra requested that City Staff place on a future City Council Meeting agenda an item for consideration to direct staff to coordinate a multi-agency board meeting between the Selma City Council, the Selma Unified School District Board of Trustees and the Selma Healthcare District Board of Directors.

**DISCUSSION:** If City Staff is directed to attempt to coordinate this meeting, Staff requests that the Council provide staff with specific topics for discussion between the three groups.

**FISCAL IMPACT:** There is no fiscal impact associated with this item.

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**RECOMMENDATION:** Staff has no recommendation for this item.

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\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan, City Manager

\_\_\_\_\_/10/14/2022\_\_\_\_\_  
Date

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

**October 17, 2022**

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**ITEM NO:** 9.

**SUBJECT:** Consider Cancellation of November 7, 2022 City Council Meeting

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**DISCUSSION:** City Staff received a request from Councilman Trujillo to place on the agenda for Council's consideration the potential cancellation of the November 7, 2022 City Council Meeting.

**FISCAL IMPACT:** No fiscal impact associated with this item.

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**RECOMMENDATION:** Staff has no recommendation regarding this item.

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\_\_\_\_\_/s/\_\_\_\_\_  
Fernando Santillan  
City Manager

\_\_\_\_\_10/14/2022\_\_\_\_\_  
Date