

**CITY OF SELMA
WORKSHOP/PRE-COUNCIL MEETING
October 6, 2014**

The Workshop/pre-Council meeting of the Selma City Council was called to order at 5:01 p.m. in the Council chambers. Council members answering roll call were: Avalos, Robertson, and Mayor Pro Tem Rodriguez. Council member Derr arrived at 5:02 p.m.

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

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

EXECUTIVE SESSION: Mayor Pro Tem Rodriguez recessed the meeting into Executive Session at 5:03 p.m., to discuss the following items: Labor Negotiation Conference for the Selma Fire Fighters Association IAFF Local 3716; One Case of Pending Litigation regarding the Joint Application of California Water Service Company and City of Selma, for Imposition of Groundwater Replenishment Surcharge, CPUC Case No. 14-08-001; Two Cases of Potential Litigation pursuant to Government Code Section 54956.9.

The meeting reconvened at 5:59 p.m., with Mayor Pro Tem Rodriguez stating that there was no reportable action.

ADJOURNMENT: There being no further business, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

George Rodriguez
Mayor Pro Tem of the City of Selma

**CITY OF SELMA
REGULAR COUNCIL MEETING
October 6, 2014**

The regular meeting of the Selma City Council was called to order at 6:06 p.m. Council members answering roll call were: Avalos, Derr, Robertson, and Mayor Pro Tem Rodriguez.

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

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

INVOCATION: Selma Police Officer/Chaplain Lance Pearce led the Invocation.

POLICE SWEARING-IN CEREMONY: Police Chief Garner introduced Police Officer Nicholas Carnahan and Reserve Officer Juan Guzman (not present) to Council. City Clerk Rivera then administered the Oath of Office to Officer Carnahan. Council congratulated Officer Carnahan.

RECESS: Mayor Pro Tem Rodriguez called for a short break in the meeting. The meeting then reconvened at 6:21 p.m.

PRESENTATION ON POLICE DEPARTMENT ANNUAL REPORT: Police Chief Garner provided for Council the 2013/2014 Police Department Annual. After discussion, Council thanked Police Chief Garner for the presentation. It was the consensus of Council to direct staff to publish the annual report to the City's website.

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

AYES: Robertson, Derr, Avalos, Rodriguez

NOES: None

ABSTAIN: None

ABSENT: None

- a. Minutes of the September 15, 2014 workshop/pre-Council meeting approved by standard motion.
- b. Minutes of the September 15, 2014 regular meeting approved by standard motion.

- c. Appointment of all Council members to the Upper Kings Basin Integrated Regional Water Management Authority as Representatives/ Alternates to the Board.
- d. RESOLUTION NO. 2014-47R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA APPROVING APPROPRIATIONS FOR THE STATE CITIZENS OPTION FOR PUBLIC SAFETY (COPS) GRANT 2014-15. Resolution approved by standard motion.
- e. Pulled for separate discussion.
- f. Check register dated September 30, 2014, approved by standard motion.

AGENDA ITEM 1.e. CONSIDERATION AND NECESSARY ACTION ON RESOLUTION IN OPPOSITION OF PROPOSITION 47 ON THE NOVEMBER 2014

BALLOT: After much discussion, motion to approve the Resolution in opposition of Proposition 47 on the November 2014 Ballot was made by Council member Robertson and seconded by Mayor Pro Tem Rodriguez. Motion then failed with the following vote:

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

No further action was taken.

CONSIDERATION AND NECESSARY ACTION ON RESOLUTION APPROVING THE FINAL MAP AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE REQUIRED IMPROVEMENTS ON TRACT MAP NO. 5303 PHASE II: After discussion, motion to approve RESOLUTION NO. 2014 – 48R, A RESOLUTION APPROVING THE FINAL MAP AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE REQUIRED IMPROVEMENTS ON TRACT MAP NO. 5303 PHASE II was made by Council member Derr and seconded by Council member Avalos. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTION 1 OF CHAPTER 7 OF TITLE II (2-7-2) ENTITLED TRAFFIC AND STREET COMMISSION – *intro and*

first reading: City Manager Grey explained the background of the amendment for Council. After discussion, motion to introduce and waive the first reading of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTION 1 OF CHAPTER 7 OF TITLE II (2-7-2) ENTITLED TRAFFIC AND STREET COMMISSION was made by Council member Robertson and seconded by Council member Derr. Motion carried with the following vote:

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

CONSIDERATION AND NECESSARY ACTION ON ORDINANCE AMENDING THE 2035 GENERAL PLAN USE DESIGNATION, ZONING, AND MCCALL SPECIFIC PLAN ON 2828 MCCALL AVENUE, SELMA (APNS: 358-061-15 & 358-061-16) – intro and first reading: City Manager Grey reported on the amendment to Council.

Mr. Michael Rosenfeld, the builder of the apartment complex stepped forward to answer the various questions regarding the tenants and property management.

After discussion, motion to introduce and waive the first reading of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING THE 2035 GENERAL PLAN USE DESIGNATION, ZONING, AND MCCALL SPECIFIC PLAN ON 2828 MCCALL AVENUE, SELMA (APNS: 358-061-15 & 358-061-16) was made by Council member Derr and seconded by Council member Avalos. Motion carried with the following vote:

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

DEPARTMENTAL REPORTS: Fire Chief Kain reported on the ambulance response time for a recent injury that was discussed during the previous Council meeting.

City Manager Grey provided a PowerPoint presentation on the recently implemented Alley Cleanup Program, and discussed several issues that the Public Works Department is facing. After much discussion on the continued trash dumping in the alleys, it was the consensus of Council to direct staff to issue administrative citations for those owners who fail to keep the alleys clean.

COUNCIL REPORTS: Council member Avalos reported on attending the Fresno Fair.

Council member Robertson thanked the Public Works Department for their assistance after the Mariachi Festival. He also reported on attending the recent City Manager meet and greet BBQ, and the Cancer Support Walk. He then inquired on the next Measure S Committee.

Mayor Pro Tem Rodriguez reported on an upcoming engagement in Bakersfield where Vice President Biden would be speaking. He also acknowledged the candidates that were in attendance and wished them luck on the upcoming election.

ORAL COMMUNICATIONS: Ms. Yvette Montijo stepped forward and reported on a recent event that she attended at the Arts Center.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Reyna Rivera
City Clerk

George Rodriguez
Mayor Pro Tem of the City of Selma

ITEM NO: 1 . c

SUBJECT: Consideration and necessary action on approving the Ninth (9th) Amendment to the Fresno Council of Governments Joint Powers Agreement (JPA).

Summary: In 2013, the Fresno COG Policy Board approved a feasibility study to explore providing Transit Service to Yosemite and Sequoia-Kings Canyon National Parks. Based on this feasibility study and at the direction of the Fresno COG Policy Board, CMAQ Funding Grant Applications were prepared on behalf of Fresno COG and the City of Sanger for transit demonstration projects to the national parks. The City of Sanger is the lead agency for the Fresno-Sanger to Sequoia-Kings Canyon Transit Demonstration Project, and Fresno COG is the lead agency for the Fresno to Yosemite Transit Demonstration Project. The Policy Board awarded CMAQ funds to provide for the first two years of operations of both projects, and the Air District provided matching funds for both projects. Fresno COG was also awarded a \$100,000 planning grant from Caltrans to do the initial planning and start up marketing for the Fresno to Yosemite Transit Demonstration Project.

At the September 25th meeting of the Fresno COG Policy Board, an agreement was approved between Fresno COG and Yosemite Area Regional Transportation System (YARTS). This agreement is for planning activities related to the CMAQ funding award for a Fresno to Yosemite Transit Demonstration Program. Although Fresno COG has the authorization from the existing JPA to conduct the necessary planning activities in the approved agreement with YARTS, the authorization to enter into a contract with YARTS for the operation of transit services is not designated. This was identified by County Counsel as a requirement before the anticipated CMAQ program release of funding commences.

Fresno COG requests authorization through an amendment to the existing JPA so that Fresno COG may act as lead agency, apply for and receive grant funding, enter into agreements to provide funding, administration and oversight for interregional public transportation services. Fresno COG's role as lead agency for interregional public transportation services between Fresno County and the abutting counties of Tulare, Kings, Merced, and Madera shall include oversight to assure that operators of interregional public transportation services provided through agreements with Fresno COG comply with state, local and federal regulations and requirements.

All Fresno COG JPA amendments are required to go out to each of our member agencies for an individual City Council and Board of Supervisors action on the proposed JPA amendment

Resolution 14-
NINTH AMENDMENT TO
FRESNO COUNCIL OF GOVERNMENTS'
JOINT POWERS AGREEMENT

This Ninth amendment to the Fresno Council of Governments' Joint Powers Agreement is made and entered into by and between the County of Fresno, a political subdivision of the State of California, and the Cities of Fresno, Clovis, Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Huron, Sanger, San Joaquin, and Selma all being municipal corporations of the State of California (hereinafter collectively referred to as "the member agencies").

WHEREAS, the member agencies entered into a Joint Powers Agreement (JPA) creating the Fresno Council of Governments (FCOG) on March 25, 1976 and thereafter amended such JPA on eight separate occasions; and

WHEREAS, the Fresno Council of Governments (FCOG) and its member agencies desire to amend the FCOG JPA for a ninth time to allow FCOG to enter into agreements with other entities to operate interregional public transportation services between Fresno county and the abutting counties of Tulare, Kings, Merced, and Madera; and

NOW, THEREFORE, the member agencies agree as set forth below:

1. Chapter 2 "Power and Duties" of the JPA shall be amended to add section 2.11, which shall state in its entirety as follows:

2.11 Interregional Public Transportation Services.

The Fresno COG may act as lead agency, apply for and receive grant funding, enter into agreements to provide funding, administration and oversight for interregional public transportation services. Fresno COG's role as lead agency for interregional public transportation services between Fresno County and the abutting counties of Tulare, Kings, Merced, and Madera shall include oversight to assure that operators of interregional public transportation services provided through agreements with Fresno COG comply with state, local and federal regulations and requirements.

2. All other provisions of the FCOG JPA not in conflict with this Amendment shall remain in full force and effect.

3. This Agreement shall take effect upon its execution by Authorized Signatory of the legislative bodies of all the member agencies.

IN WITNESS WHEREOF, the member agencies hereto have caused this Ninth Amendment to the FCOG JPA to be executed by their duly authorized representatives.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Selma held on November 3, 2014 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated:

Mayor

City Clerk

ITEM NO:

1.d

SUBJECT:

Award contract to CENCAL Demolition for Demolition of Women's Club House and Restroom at Lincoln Park.

DISCUSSION:

October 2013 the Women's Club House was determined to be unsafe to occupy due to structural issues with the roof. The City's Building Department condemned the building at that time and it has remained unoccupied since.

A property loss claim was submitted to CSJVRMA for the Women's Club House. After inspection of the building by a consulting engineer firm it was determined that the roof issues were not caused by a peril insured under the Policy but rather due to the weight of additional roofing which caused long term wear and tear and gradual deterioration which are excluded perils under the terms of the Policy. Therefore, the property loss claim was denied. This decision to deny the claim was appealed but to no avail.

Instead of repairing the roof of the Women's Club House, it was decided to demolish the building along with the restrooms in the park, which are very old and beyond repair. At that time, the City then acquired several quotes for an asbestos survey of the buildings. The asbestos survey was conducted by Leon Enviromental. Once the asbestos survey was complete a Request for Proposal (RFP) was prepared by the City Engineer outlining the project and scope of work and then sent to four demolition companies. The RFP's were due on October 15, 2014. CENCAL Demolition was the low bid at \$25,000.00.

RESOLUTION NO. 2014- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA AWARDING CONTRACT FOR DEMOLITION OF WOMEN’S CLUB HOUSE AND RESTROOMS IN LINCOLN PARK

WHEREAS, the City of Selma has made a determination to demolish the Women’s Club House due to structural issues with the roof along with the Restrooms in Lincoln Park which are very old and beyond repair; and

WHEREAS, a Request for Proposal (RFP) outlining the project and scope of work was prepared by the City Engineer; and

WHEREAS, the RFP was sent to four (4) demolition companies and proposals have been received on the project; and

WHEREAS, the proposals were opened on October 15, 2014.

NOW THEREFORE BE IT RESOLVED, that the contract for demolition of the Women’s Club House and Restrooms in Lincoln Park is awarded to CENCAL Demolition, at a cost of \$25,000.00 and that the City Council authorizes the City Manager to sign and execute the contract.

The foregoing Resolution was duly adopted at a regular meeting of the Selma City Council on October 20, 2014, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

George Rodriguez
Mayor Pro-Tem of the City of Selma

ATTEST:

Reyna Rivera
City Clerk for the City of Selma

Check Register Report

1 . e

Date: 10/14/2014

Time: 8:26 am

Page: 1

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
64366	09/16/2014	Printed		12100.050	U.S. BANK CORPORATE PMT SYSTEM	CALCARD CHARGES FOR 7/23-8/22	29,953.75
64367	09/16/2014	Printed		12100.034	U.S. MARSHALS SERVICE	IMPROPER PAYMENT S/B SELMA AL	3,660.82
64368	09/16/2014	Printed		12160.097	UNIQUELY YOURS	NAME PLATES-CM/PV	16.00
64369	09/16/2014	Printed		12220.210	VALLEY NETWORK SOLUTIONS INC.	NET CARE FOR OCTOBER 2014	4,774.50
64370	09/30/2014	Printed		10170.073	AIR LIQUIDE HEALTHCARE AMERICA	OXYGEN CYLINDER RENTAL	96.22
64371	09/30/2014	Printed		10180.850	ALVES ELECTRIC	INST.TRANSFORMER-ST SWEEPER	1,399.79
64372	09/30/2014	Printed		10190.030	AMBILL	AMB BILLING-AUGUST 2014	5,728.00
64373	09/30/2014	Printed		10190.063	AMERICAN AMBULANCE	OCTOBER 2014 PAYMENT	80,333.33
64374	09/30/2014	Printed		10100.510	AT&T	TELEPHONE-SEPTEMBER 2014	21.93
64375	09/30/2014	Printed		10100.515	AT&T	REPEATER SYSTEM SEPT 14	2,427.16
64376	09/30/2014	Printed		10210.255	BANNER PEST CONTROL INC	PEST CONTROL-SEPTEMBER 2014	401.00
64377	09/30/2014	Printed		10290.630	BUSINESS JOURNAL	CITY MANAGER PUBLICATION	69.00
64378	09/30/2014	Printed		10310.963	CALIFORNIA PEACE OFFICERS ASSN	2015 MEMBERSHIP RENEWAL	1,000.00
64379	09/30/2014	Printed		10330.272	CENTRAL VALLEY GENERAL	EMPLOYEE DRUG TESTING	25.00
64380	09/30/2014	Printed		10330.283	CENTRAL VALLEY TOXICOLOGY INC.	DRUG TESTING CS# 14-9814	448.00
64381	09/30/2014	Printed		10370.310	COLONIAL SUPPLEMENTAL INSURANC	EMPLOYEE INSURANCE PREM-SEPT	4,874.51
64382	09/30/2014	Printed		10670.218	COUNTY OF FRESNO-COMM HEALTH D	DISPATCHING SERVICES-AUGUST 14	379.00
64383	09/30/2014	Printed		10430.043	DEPARTMENT OF FORESTRY AND	COURSE MTRL-INSTRUCTOR 1B	808.00
64384	09/30/2014	Printed		10580.676	DAVID JOSEPH ESQUIVEL	SOUND TECH FOR GHAZAL NIGHT	100.00
64385	09/30/2014	Printed		10620.180	FEDERAL EXPRESS	ABC GRANT APPLICATION	16.50
64386	09/30/2014	Printed		10620.210	FEDOR PLUMBING	PARKS BACKFLOW CERTIFICATION	225.00
64387	09/30/2014	Printed		10690.524	DONOVAN FULLNER	EMT RECERTIFICATION REIMB.	80.00
64388	09/30/2014	Printed		10710.197	GAMESTOP	BUSINESS LIC OVERPAYMENT REIM	473.42
64389	09/30/2014	Printed		10810.220	HANFORD SENTINEL	CDBG 2015/2016 NOTICE	208.22
64390	09/30/2014	Printed		10820.045	HEALTH NET CLAIMS MGMT DEPT	REFUND AMBULANCE OVERPAYMENT	281.80
64391	09/30/2014	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,CHIRO 9/24/14	1,788.12
64392	09/30/2014	Printed		10820.020	HEALTHEDGE ADMINISTRATORS INC.	DENTAL,VISION 9/17/14	1,663.11
64393	09/30/2014	Printed		10820.155	HENRY SCHEIN INC.	MEDICAL SUPPLIES	286.18
64394	09/30/2014	Printed		10820.434	JOSE HERNANDEZ	REFUND AMBULANCE OVERPAYMENT	170.00
64395	09/30/2014	Printed		10738.315	JEFFREY HIGHBAUGH	THE CRUCIBLE VIDEO PRODUCTION	350.00
64396	09/30/2014	Printed		11040.710	JORGENSEN & COMPANY	ANNUAL FIRE EXTINGUISHER SERV	109.00
64397	09/30/2014	Printed		11120.094	LAURA KEISER	REFUND AMBULANCE OVERPAYMENT	80.47
64398	09/30/2014	Printed		11120.510	JEFF KESTLY	MEDICAL PREMIUM REIMB OCT 2014	149.12
64399	09/30/2014	Printed		11250.630	LOSS PROTECTION AND	MONTHLY SERVICES OF CONTAINERS	60.00
64400	09/30/2014	Printed		11330.050	STEVEN MCINTIRE	MEDICAL PREMIUM REIMB OCT 2014	1,111.29
64401	09/30/2014	Printed		11340.800	METRO UNIFORM	POLICE UNIFORMS-REVOLVING ACCT	196.57
64402	09/30/2014	Printed		11361.134	MPI PRIME CONSTRUCTION INC	VINCENT HOUSE PROJ-PHASE 1	9,960.00
64403	09/30/2014	Printed		11380.300	MYERS STEVENS & TOOHEY & CO.	FD EMP LIFE INS-OCT 2014	1,365.00
64404	09/30/2014	Printed		11530.100	OFFICE DEPOT	OFFICE SUPPLIES	292.85
64405	09/30/2014	Printed		11570.300	OVERPAYMENT RECOVERY	REFUND AMBULANCE OVERPAYMENT	89.14

Check Register Report

Date: 10/14/2014
 Time: 8:26 am
 Page: 2

City of Selma

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
64406	09/30/2014	Printed		11610.155	PACIFIC GAS & ELECTRIC CO.	UTILITIES-AUGUST 2014	41,899.97
64407	09/30/2014	Printed		11630.500	PHYSIO-CONTROL, INC	LIFEPAK MONITORS	30,188.21
64408	09/30/2014	Printed		11640.988	PITNEY BOWES	POSTAGE REFILL	1,000.00
64409	09/30/2014	Printed		11810.361	RAY MORGAN COMPANY	LEASE PAYMENT-SEPTEMBER 2014	668.66
64410	09/30/2014	Printed		11840.203	ROSENFELD CONSTRUCTION	GEN PLAN AMMEND OVERPAYMENT	30.00
64411	09/30/2014	Printed		11910.880	REECE SANTOS	ARTWORK-THE CRUCIBLE	100.00
64412	09/30/2014	Printed		11926.843	SECOND CHANCE ANIMAL SHELTER	MONTHLY SUPPORT PAYMENT-OCT	5,500.00
64413	09/30/2014	Printed		11945.275	SELMA CHAMBER OF COMMERCE	REIMB CONCERT IN THE PARK 8/15	1,100.00
64414	09/30/2014	Printed		11900.389	SPARKLETTS	WATER SERVICE-FD ST#2	14.48
64415	09/30/2014	Printed		12070.165	ALVIN TURMON	REFUND AMBULANCE OVERPAYMENT	54.05
64416	09/30/2014	Printed		12072.972	TYCO INTEGRATED SECURITY LLC	ALARM SERVICES 10/1-12/31/14	1,433.92
				Total Checks: 51	Checks Total (excluding void checks):		237,461.09
				Total Payments: 51	Bank Total (excluding void checks):		237,461.09
				Total Payments: 51	Grand Total (excluding void checks):		237,461.09

ITEM NO: 2

SUBJECT: Consideration and necessary action on Ordinance of the City Council of the City of Selma Amending Section 1 of Chapter 7 of Title II (2-7-2) Entitled Traffic/Street Commission- *Public hearing and adoption*

DISCUSSION: The City has numerous commissions provided for by its Municipal Code. There is a Planning Commission, Personnel Commission, Recreation and Community Services Commission, Emergency Organization Disaster Council, Economic Development Commission, Traffic/Streets Commission, and the Pioneer Village Advisory Commission, all of which have membership composed of at least five members, but in most cases more than that. Some of these commissions, like the Personnel Commission meet on an only as needed basis, typically for entertaining an appeal by an employee from disciplinary action taken by the City. Some of them are very active and vocal in their recommendations to this Council, like the Pioneer Village Advisory Commission which is comprised of nine members that are very dedicated to and active in promoting and preserving the Pioneer Village. Others are relatively inactive including the Emergency Organization Council, the Economic Development Commission and the Traffic/Streets Commission. On these commissions that are relatively inactive, it is difficult to maintain at least a quorum of the required membership. That is the case for the Traffic/Streets Commission.

Fortunately, the overall, broad function of the Traffic/Streets Commission overlaps with the function of what is the primary and the only commission the City is required to have by law, the Planning Commission. The functions overlap in that the Planning Commission is responsible for making recommendations to this Council concerning plans for the regulation of future growth, development and beautification of the City and plans to secure for the City and its inhabitants proper sanitation and services of public utilities and to review and approve or disapprove development applications or other project applications, including making recommendations in compliance with CEQA and the Americans with Disabilities Act, among other laws, with respect to any development, including improvements to a street and plans for proper traffic flow through the City.

The sole duty of the Traffic Commission is to provide recommendations concerning administration or enforcement of traffic and street matters which has an obvious overlap with the even broader duties of the Planning Commission. The duties of the Traffic/Street Commission that do not overlap with those of the Planning Commission necessarily involve traffic and streets, which are matters that the Planning Commission deals with on a regular basis in connection with its approval and review of project applications.

ORDINANCE 2014-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING SECTION 1 OF CHAPTER 7 OF TITLE II OF THE SELMA MUNICIPAL CODE (SMC) (2-7-1) ENTITLED TRAFFIC/STREET COMMISSION

WHEREAS, current City ordinances establish a Traffic/Street Commission to advise the City Council on traffic/street related policy issues. The duties of the Traffic/Street Commission overlap those prescribed by the Selma Municipal Code (SMC) for the City of Selma Planning Commission in that the function of both commissions is to make recommendations to this City Council that relate to traffic and street conditions; and

WHEREAS, the Traffic/Street Commission is not extensively used while the Planning Commission meets on a regular basis and regularly makes recommendations, primarily concerning proposed projects or developments, including streets and traffic measures and mitigations for such projects to this City Council; and

WHEREAS, the City staff is considering proposing an elimination of the Traffic/Street Commission altogether, and an assignment of its function to the Planning Commission; but, staff believes it is wise to first provisionally assign the Traffic/Street Commission function to the Planning Commission by amending Section 2-7-1 of the Municipal Code so as to provide that the Planning Commission shall serve as the Traffic Commission until directed to cease that function by this City Council which may then simultaneously reactivate the existence of and appoint members to the Traffic/Street Commission.

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

Section 1. Section 1 of Chapter 7 of Title II of the Selma Municipal Code (SMC) is hereby amended to read as follows:

The existence of a Traffic/Streets Commission in the City of Selma is hereby suspended. The Planning Commission of the City of Selma shall perform the duties of the Traffic/Streets Commission as set forth in Selma Municipal Code Section 2, Chapter 7, Title II (2-7-2). The making of this amendment shall not change the terms or compensation of the Planning Commission members as set by this code, or by City Council resolution. If and when the City Council deems it desirable to do so, the Traffic/Streets Commission will be reestablished to advise the City on traffic/street related policy issues. The voting membership of the Commission, once activated, shall consist of 5 citizens at large, with the Director of Public Works, City Engineer and Police Chief serving as staff liaison to the Commission.

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

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

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

* * * * *

I, Reyna Rivera, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced and passed at the _____, 2014, regular City Council meeting of the City of Selma by the following vote, to wit:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Mayor Pro Tem of the City of Selma

ATTEST:

Reyna Rivera
City Clerk of the City of Selma

ITEM NO:

3.

SUBJECT:

Ordinance amending the 2035 General Plan Land Use Designation, Zoning, and McCall Specific Plan on 2828 McCall Avenue, Selma, (APNs: 358-061-15 & 358-061-16) – *Public hearing and adoption.*

DISCUSSION:

This is the introduction and first reading of an Ordinance changing the Zoning Districts and Land Use Designations of the above parcels, commonly known as 2828 McCall Avenue, Selma, California. This ordinance is being initiated to change the zoning and bring these parcels into compliance with the General Plan Map and the McCall Specific Plan Map. The proposed zone change is city initiated with the written concurrence of the property owners.

The property owner wants to build a six-plex on the existing vacant lots. Currently the parcels are zoned R-1-7 Residential with a Medium Low Density General Plan Land Use Designation. This Land Designation and Zoning will only allow one single family residence for each lot. The property is included in the McCall Specific Plan Area with a Vacant/Undeveloped Designation.

The Land Use Designation will be changed from Medium Low Density Residential to High Density Residential and rezoned from R-1-7 to R-3, to allow for the proposed development. The McCall Specific Plan Designation must be changed to High Density Residential to be consistent with the General Plan Map and the new zoning.

This project is consistent with Selma 2035 General Plan Goals and Objectives to provide a variety of housing types to meet the needs of all Selma residents, as well as develop through public and private channels, sufficient new housing to insure the availability of affordable housing in Selma.

This project can be serviced by both Selma-Kingsburg-Fowler County Sanitation and California Water Service Company. Other public services impacts such as Police, Fire, Parks and Streets will be mitigated by Development Impact fees paid for by this project.

This project could not meet the exemption threshold for an In Fill Residential Project, because a zone change is required. But the project is exempt under the 'common sense' exemption in the CEQA Guidelines (§15061(b)(3)). These entitlements will make the General Plan Map, the McCall Specific Plan Map and the Zoning Map consistent as required by state law. The project is exempt because it can be seen with certainty that it will have no significant impact on the environment. All potential impacts were fully evaluated and mitigated by the EIR for the 2035 General Plan.

The Planning Commission heard this item on September 22, 2014 and voted to recommend approval to the City Council (minutes and resolutions attached).

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

RECOMMENDATION: Conduct Public Hearing and adopt the Ordinance amending the 2035 General Plan Land Use Designation, Zoning, and McCall Specific Plan on 2828 McCall Avenue, Selma, (APNs: 358-061-15 & 358-061-16).

Bryant Hemby 10/16/2014
 Bryant Hemby, Assistant Planner Date

/s/ Neal E. Costanzo 10/16/2014
 Neal E. Costanzo, City Attorney Date

Ken Grey 10/16/2014
 Ken Grey, City Manager Date

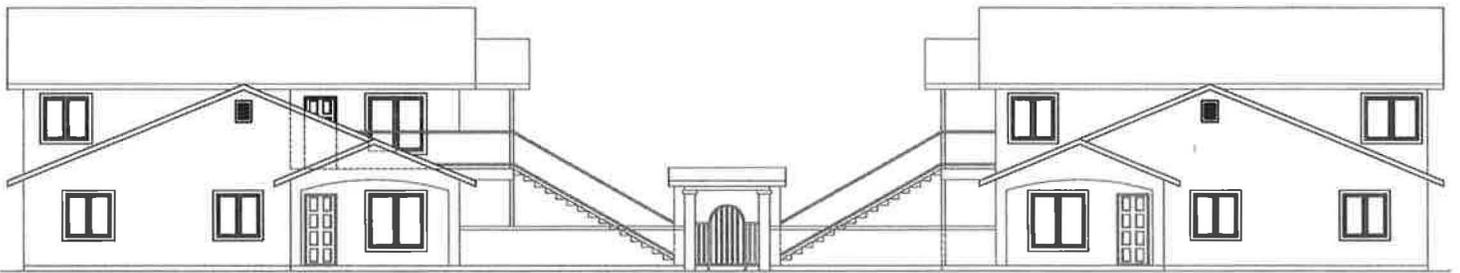
We Ken Grey, City Manager and Steven Yribarren, Interim Finance Director

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

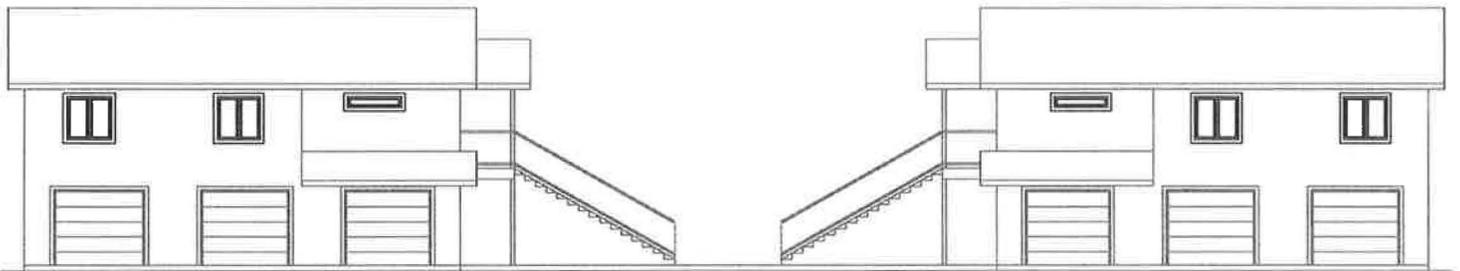
Attachments

1. Ordinance Amendment with attached General Plan, Specific Plan and Zoning Maps
2. Planning Commission Minutes from September 22, 2014
Planning Commission Resolutions
Planning Commission Staff report from September 22, 2014

VIEW FROM MCCALL



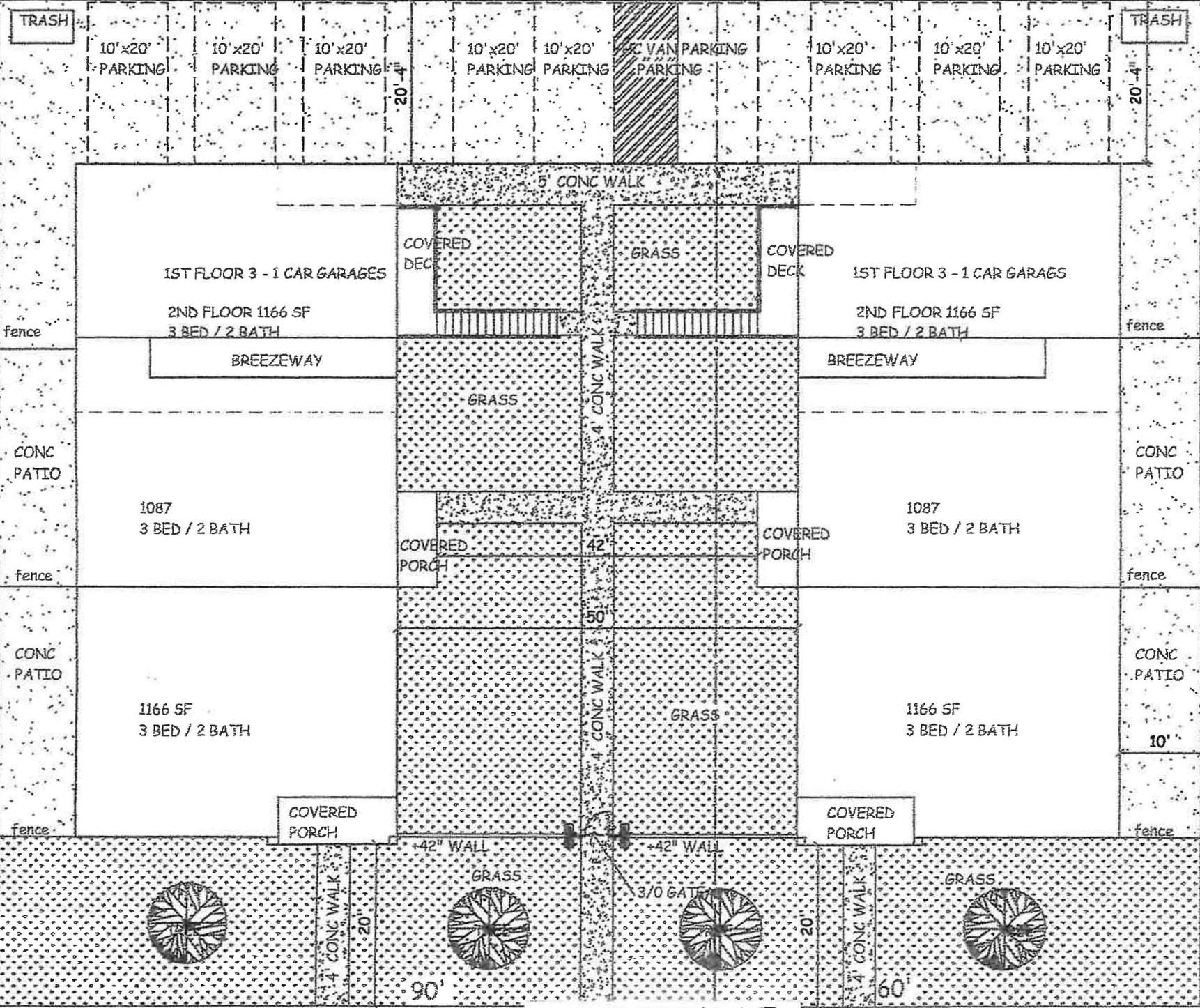
VIEW FROM THE ALLEY



90'

ALLEY (16' WIDE)

60'



TRASH 10'x20' PARKING 10'x20' PARKING 10'x20' PARKING 20' 10'x20' PARKING 10'x20' PARKING 10'x20' PARKING 20' 10'x20' PARKING 10'x20' PARKING 10'x20' PARKING TRASH

5' CONC WALK COVERED DEC GRASS COVERED DEC 1ST FLOOR 3 - 1 CAR GARAGES 2ND FLOOR 1166 SF 3 BED / 2 BATH 1ST FLOOR 3 - 1 CAR GARAGES 2ND FLOOR 1166 SF 3 BED / 2 BATH

BREEZEWAY GRASS 4' CONC WALK BREEZEWAY CONC PATIO 1087 3 BED / 2 BATH COVERED PORCH 42' COVERED PORCH CONC PATIO

1087 3 BED / 2 BATH COVERED PORCH 50' GRASS 1166 SF 3 BED / 2 BATH COVERED PORCH 10'

1166 SF 3 BED / 2 BATH COVERED PORCH 42" WALL GRASS 42" WALL GRASS 3/0 GATE GRASS COVERED PORCH 4' CONC WALK 20' 4' CONC WALK 20' 4' CONC WALK 20' 4' CONC WALK 20'

90' 60' 2828 MC CALL AVE



NORTH

APN 389-061-15

2828 MC CALL AVE

18750 LOT 5F
 LOT COVERAGE 7012 SF
 LOT COVERAGE 37.4%

October 20 2014 Council Packet
 6 COVERED PARKING (GARAGES)
 15 TOTAL PARKING SPACES (2.5 SPACES PER UNIT)

ORDINANCE NO. 2014-___ R

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA
AMENDING THE GENERAL PLAN 2035 LAND USE DESIGNATION,
ZONING, AND MCCALL SPECIFIC PLAN ON 2828 MCCALL AVENUE, SELMA, CA.
(APN NOS. 358-061-15 & 358-061-16)**

WHEREAS, the City of Selma adopted its General Plan 2035 which designates land use within the planning area of the City of Selma; and

WHEREAS, Title XI of the City Code of the City of Selma titled "Zoning" serves as a guide for the orderly growth and development of the City of Selma to promote and protect the public health, safety, comfort and general welfare, and to implement the General Plan; and

WHEREAS, Chapter 2 of Title XI of the City Code requires that the City maintain a map of the zoning boundaries; and

WHEREAS, the City has adopted several specific planning zones, including the McCall Specific Plan; and

WHEREAS, on September 22, 2014, the Planning Commission of the City of Selma conducted a public hearing on (the "Project"); and

WHEREAS, on September 22, 2014, the Planning Commission of the City of Selma, after public hearing, adopted Resolution No. 2013-0009 recommending that the City Council approve amending the City of Selma General Plan 2035 Land Use Designation Map to change the Land Use Designation for 2828 McCall Avenue, (APN No's 358-061-15 and 16) from Medium Low Density Residential to High Density Residential; and

WHEREAS, on September 22, 2014, the Planning Commission of the City of Selma, after public hearing, recommended by Resolution No. 2014-0010, that the City Council of the City of Selma amend the McCall Specific Plan Map Land Use Designation for 2828 McCall Avenue from Vacant/Undeveloped to High Density; and

WHEREAS, on September 22, 2014, the Planning Commission, after a public hearing recommended by Resolution No. 2014-0011, that the City Council of the City of Selma approve a Zone Change changing the zoning of Assessor Parcel Nos. 358-061-15, 358-061-16 from Medium Low Density Residential (R-1-7) to High Density Residential (R-3); and

WHEREAS, on October 6, 2014, the City Council of the City of Selma received the recommendations (Resolution Nos. 2014-0009, 2014-0010, 2014-0011) of the City of Selma Planning Commission.

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

Section 1. Based upon the testimony and information presented at the public hearing on October 20, 2104, and upon review and consideration of the environmental documentation provided, the City Council of the City of Selma finds, in accordance with its own independent judgment finds there is no substantial evidence in the record that:

- (A) The amendment of the City of Selma General Plan 2035 Land Use Designation Map by re-designating Assessment Parcel Nos. 358-061-15, 358-061-16, located at 2828 McCall Avenue, from Medium Low Density Residential to High Density Residential; an amended General Plan 2035 Land Use Map is attached hereto and incorporated herein by this reference as Attachment A; and
- (B) Amending the McCall Specific Plan Map Land Use Designation of Assessor Parcel Nos. 358-061-15 and 358-061-16 located at 2828 McCall Avenue from Vacant/Undeveloped to High Density Residential an amended McCall Specific Plan Map is attached hereto and incorporated herein by this reference as Attachment B; and
- (C) Amending the City's Zoning Map by rezoning Assessor Parcel Nos. 358-061-15 and 358-061-16, located at 2828 McCall Avenue, from Medium Low Density Residential (R-1-7) to High Density Residential (R-3); an amended Zoning Map of the City of Selma is attached hereto and incorporated herein by this reference as Attachment C;

will have any significant effects on the environment that were not identified and mitigated in the City of Selma General Plan Update 2035 and that said amendments to the General Plan 2035 Land Use Designation Map, McCall Specific Plan Map, and Zoning Map are exempt as under the “common sense” exception (14 CCR § Section 15061(b)(3)). Further, the City Council of the City of Selma find that the Project is consistent with and will make the General Plan 2035 Map and the McCall Specific Plan Map consistent with the applicable zoning designation(s) and regulations.

Section 2. The City Council of the City of Selma hereby amends the City of Selma General Plan 2035 Land Use Designation as follows: Assessment Parcel Nos. 358-061-15 and 358-061-16, located at 2828 McCall Avenue from Medium-Low Density Residential to High Density Residential; as depicted on Attachment A; and

Section 3. The City Council of the City of Selma hereby amends the McCall Specific Plan as follows: the McCall Avenue, Specific Plan Map Land Use Designation of Assessor Parcel Nos. 358-061-15 and 358-061-16 located at 2828 McCall Avenue, from Vacant/Undeveloped to High Density Residential as depicted on Attachment B; and

Section 4. The City Council of the City of Selma hereby amends the City's Zoning Map as follows: Rezoning Assessment Parcel Nos. 358-061-15, 358-061-16, located at 2828 McCall Avenue from Medium Low Density Residential (R-1-7) to High Density (R-3), as depicted on Attachment C; and

Section 5. This Ordinance shall become effective and in full force 30 days after its passage.

Section 6. 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.

* * * * *

I, REYNA RIVERA, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced and passed at the October 20, 2014, regular City Council meeting of the City of Selma by the following vote, to wit:

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

George Rodriguez, Mayor Pro Tem
of the City of Selma

ATTEST:

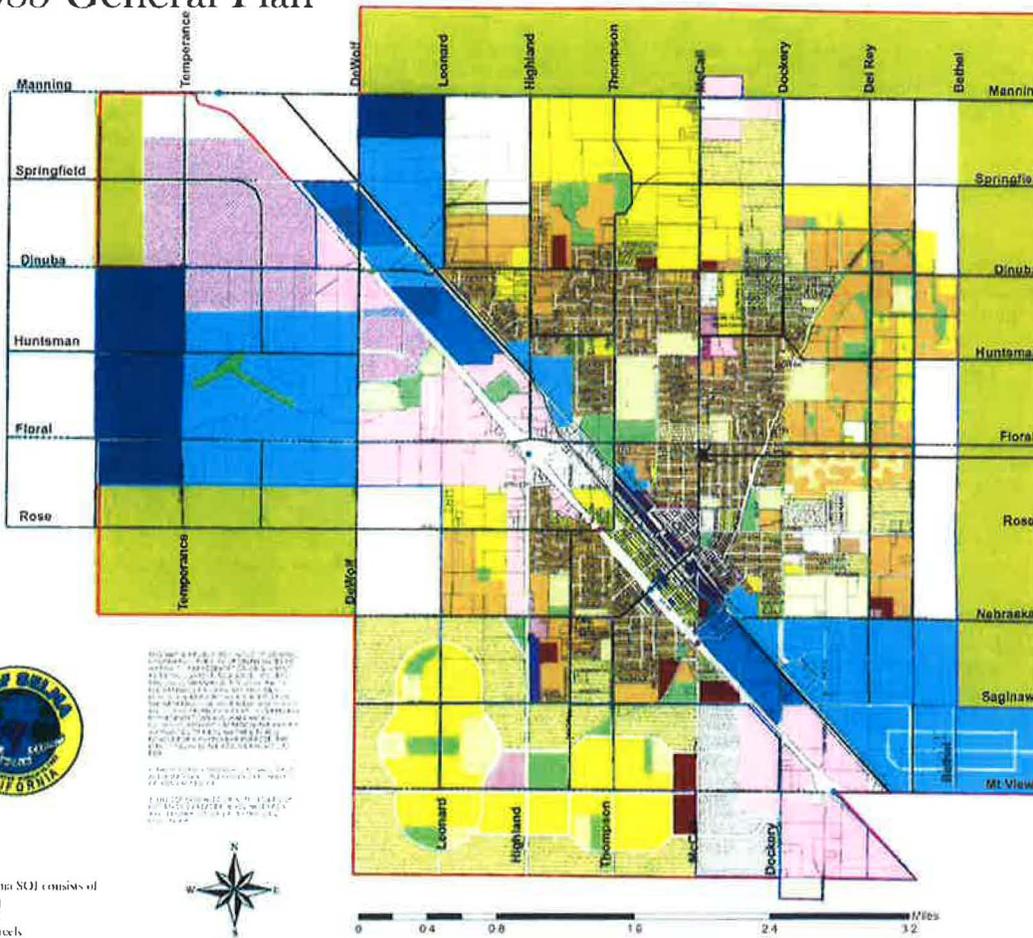
Reyna Rivera
Acting City Clerk of the City of Selma

APPROVED AS TO FORM

Neal E. Costanzo, City Attorney

EXHIBIT 'A'

City of Selma 2035 General Plan



Legend

- 2005 Selma City Limits
- Current Selma SOI
- Spines of Influence Proposed
- 2005 Planning Area
- Interchange
- Interchange
- Proposed Interchange
- Arterial
- Major Arterial
- Collector
- Expressway
- Current Selma SOI Parcels

**2035 General Plan
Prof_Alt**

- Very Low Density
- Low Density
- Medium Density
- Medium Low Density
- Medium High Density
- High Density
- Residential Reserve
- Regional Commercial
- Central Business District
- Neighborhood Commercial
- Commercial Office
- Community Commercial
- Highway Commercial
- Service Commercial
- Commercial Reserve
- Business Park Reserve
- Mixed Use
- Light Industrial
- Heavy Industrial
- Light Industrial Reserve
- Agriculture
- Park/Open Space
- Planned Medical Development
- Public Facilities
- Right-of-Way
- Selma Agriculture

Project Site



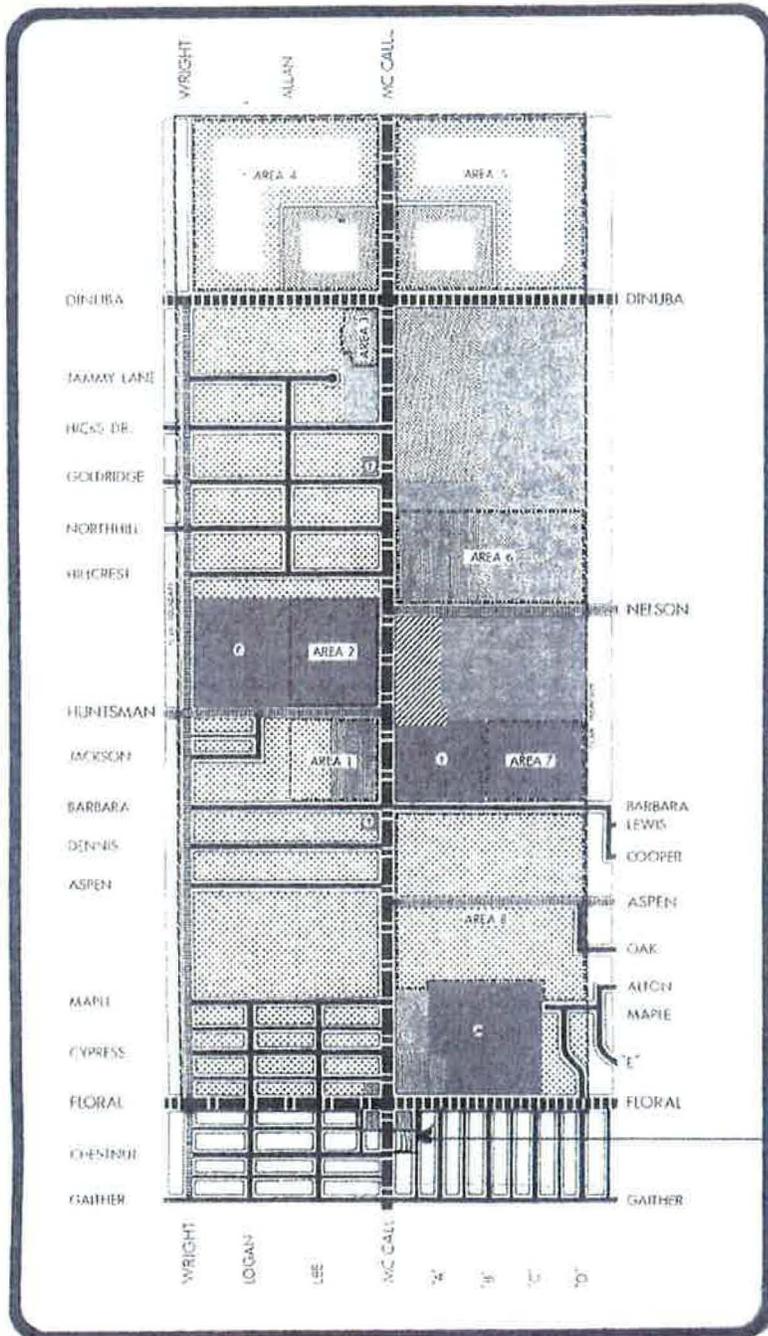
The Selma SOI consists of
12,822 Sq
8,392 Ac
6,166 Parcels

THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFICIAL CITY OF SELMA ACTION. THE CITY OF SELMA IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF SELMA IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE CITY OF SELMA IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.



11/13/2014 10:00 AM
City of Selma Council
4/1/2014

EXHIBIT "B"



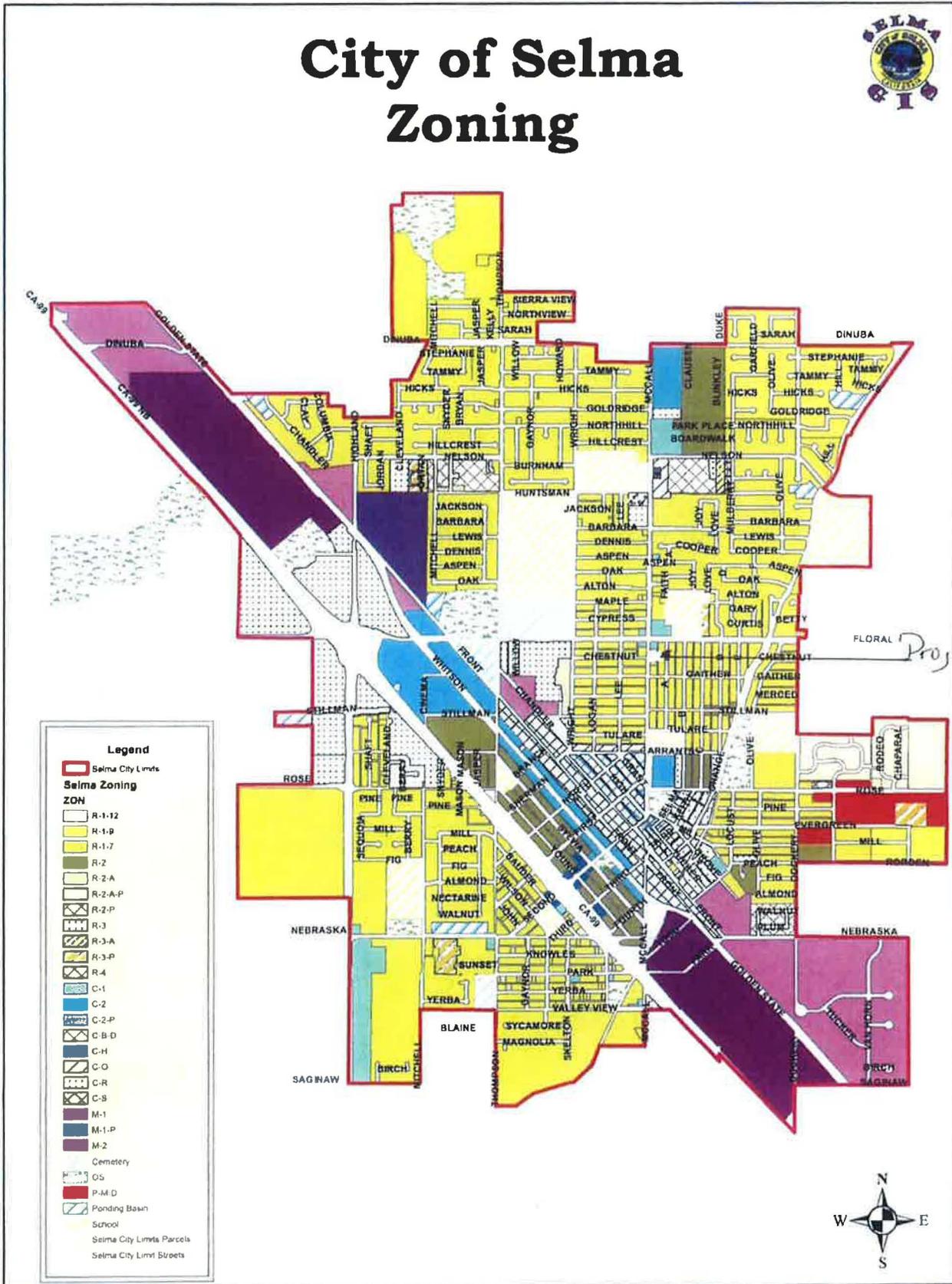
LEGEND

LOW DENSITY RESIDENTIAL	PUBLIC/QUASI-PUBLIC FACILITIES
MEDIUM DENSITY RESIDENTIAL	CHURCH
HIGH DENSITY RESIDENTIAL	ELEMENTARY
COMMERCIAL	HIGHWAY
HIGH/PROBUDCO COMMERCIAL	CIRCULATION
COMMUNITY COMMERCIAL	LOCAL
RESIDENTIAL OFFICE	LOCAL COLLECTOR
OPEN SPACE	COLLECTOR
AGRICULTURE	ARTERIAL
VACANT/UNDEVELOPED	
URBAN RESERVE	
FUTURE URBAN USE IS DESIGNATED BY PATTERNS BORDERING RESERVE AREAS	

CITY OF SELMA
 MC CALL AVENUE
 SPECIFIC PLAN

CONSULTIVE PLANNERS
 CIVIL ENGINEERS & PLANNERS
 1995 W. 10TH ST. SUITE 101
 SELMA, AL 36701

City of Selma Zoning



Draft
CITY OF SELMA
MINUTES OF PLANNING COMMISSION MEETING
September 22, 2014

The meeting of the Selma Planning Commission was called to order at 6:06 p.m. in the Council Chambers by Commissioner Serimian. Commission members answering roll call were: Gonzalez, Kessler, Sindher, Ivory and Serimian. Commissioner Edwards was absent.

Also present were: City Attorney Slater and Assistant Planner Hemby.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

CONSENT CALENDAR: The minutes of the August 28, 2014, regular meeting were approved unanimously as written.

CHANGE TO THE AGENDA: Staff advised the Commission that because of a noticing error the third site seeking a General Plan Amendment and Zone Change for 1261 & 1265 Rose Avenue was being pulled from the agenda and will be set for a new Planning Commission Meeting.

CONSIDERATION AND NECESSARY ACTION FOR A GENERAL PLAN AMENDMENT, ZONE CHANGE, MCCALL SPECIFIC PLAN AMENDMENT, LOT MERGER, ZONE VARIANCE AT 2828 MCCALL AVENUE, SELMA, CA 93662 – public hearing and approval:

Staff explained that the City of Selma is seeking a General Plan Amendment to re-designate the parcels from single family residential to multifamily residential. Along with this General Plan Amendment the parcel must be rezoned from R-1-7 to R-3. The lots are also located in the McCall Specific Plan Area with a Vacant/Undeveloped land use designation. The designation will be changed to High Density Residential to comply with the General Plan Map. The two parcels will be merged into one, which will allow a larger footprint for the project. A Zone Variance is needed to allow two of the buildings to encroach 10 feet into the 30 feet front setback area.

Commissioner Serimian opened the public hearing portion of the meeting at 6:15 p.m.

Lydia Mendez, 2004 Gaither Street, Selma, CA 93662, stepped forward and voiced concerns regarding the tenants that the apartment might bring.

Michael Rosenfeld, 2481 Silverbooke, Kingsburg, CA 93631, the builder of the apartment complex stepped forward to speak in favor of the project and provided an in depth description of his project.

Commissioner Sindher inquired on the traffic access. Staff explained the current design shows the traffic access will be in the alley.

Joey Valdez, 2835 A Street, Selma, CA. 93662, stepped forward and also voiced concerns about the new tenants.

Varina Rosenfeld, 2481 Silverbooke, Kingsburg, CA 903631 stepped forward and reinforced her husband's comments on the upscale and quality of the development.

There being no further public testimony, Commissioner Serimian closed the public hearing at 6:58 p.m.

Commissioners Serimian asked for clarification from the developer on the size of the project and some design features. Mr. Michael Rosenfeld stepped forward and answered Commissioners Serimian inquiries.

Jesse Mendez, 2004 Gaither Street, Selma, CA 93662, stepped forward and had concerns about graffiti, parking and other security problems that are associated with apartments.

Commissioner Gonzalez made a comment regarding traffic, water and sewer and stated that he could not support the General Plan Amendment exemption from CEQA.

After discussion Commissioner Serimian motioned to recommend approval of Resolution No. 2014-0009, a General Plan Amendment re-designating two parcels from Medium Low Density Residential to High Density Residential, the motion was seconded by Commissioner Ivory. The motion carried by the following vote:

AYES: Serimian, Ivory Kessler, Sindher
NOES: Gonzalez
ABSTAIN: None
ABSENT: Edwards

Staff explained the project had several entitlements that were being approved for both sites and it may be confusing to approve each resolution separately. Commissioner Serimian motioned to approve and recommend the following resolutions to the City Council: Resolution No. 2014-0010 a McCall Specific Plan Amendment re-designating two parcels from Vacant/Undeveloped to High Density; Resolution No. 2014-0011 rezoning two parcels from R-1-7 to R-3; Resolution No. 2014-0012 for a Lot Merger; and Resolution No. 2014-0013 for a Zone Variance to allow two new buildings to encroach 10' into the 30' front yard setback. The motion was seconded by Commission Ivory. The motion carried by the following vote:

AYES: Serimian, Ivory, Kessler, Sindher
NOES: Gonzalez
ABSTAIN: None
ABSENT: Edwards

CONSIDERATION AND NECESSARY ACTION FOR A GENERAL PLAN AMENDMENT , ZONE CHANGE, MCCALL SPECIFIC PLAN, AND A ZONE VARIANCE FOR ASSESSORS PARCELS NUMBER: 358-070-78 & 358-070-79, LOCATED IN THE 3400 BLOCK OF MCCALL AVENUE, SELMA, CA 93662 – public hearing and approval: Staff reported that the City of Selma is seeking a General Plan Amendment to re-designate a vacant parcel from Single Family Residential to Multifamily Residential. Along with this General Plan Amendment the parcel must be rezoned from R-1-7 to R-3. The lots are in the McCall Specific Plan Area and the designation will be changed from Elementary to High Density Residential. A Zone Variance is needed to allow two of the buildings to encroach 10' into the 30' front set back area in the McCall Specific Plan standards.

Commissioner Serimian opened the public hearing portion of the meeting at 7:20 p.m.

Nick Sahota, 2132 High Street, the designer for the project stepped forward and asked the Commission for their support of the project.

Harbhajan S. Nagra, from 11160 S. Chestnut, Fresno, CA 93725, the owner of the property gave a brief description of the project to the Commission.

Donna Murry, 2051 Hillcrest Street; Marty Alvarado, 2048 Hillcrest Street; Connie Lujan, 2053 Hillcrest Street; Frank Whitlock, 2005 Hillcrest Street; Joel Fedor, 2021 Hillcrest Street; Phyllis English, 2039 Hillcrest Street, all stepped forward and spoke in opposition of the project because of issues with traffic, noise, and other concerns associated with apartments.

Commissioner Gonzalez discussed the safety issue with traffic, and stated that he could not support this General Plan Amendment.

Commissioner Serimian reopened the public portion of the meeting.

Varina Rosenfeld, 2481 Silverbooke, Kingsburg, CA 903631 reinforced her husband's comment on the upscale housing development.

Commissioner Serimian closed the public portion again and referred the item to the Commission for consideration.

Commissioner Ivory discussed the traffic issued and aesthetics of the project.

City Attorney Slater recommended the previously approved resolutions 2014-0009, 2014-0010 and 2014-0012 be amended to remove the second project 3400 McCall project Assessor's Parcel Number 358-070-78 and 358-070-79 prior to being recommended to the City Council.

Commissioner Serimian recommended Resolution No. 2014-0009, a General Plan Amendment re-designating two parcels from Medium Low Density Residential to High Density Residential with amendments to the City Council. The motion was seconded by Commissioner Sindher. The motions carried by the following vote:

AYES: Serimian, Sindher, Kessler, Ivory,
NOES: Gonzalez
ABSTAIN: None
ABSENT: Edwards

Commissioner Serimian recommended Resolution No. 2014-0010, a McCall Specific Plan Amendment re-designating two parcels from Vacant/Undeveloped to High Density Residential with amendments to the City Council. The motion was seconded by Commissioner Kessler. The motions carried by the following vote:

AYES: Serimian, Kessler, Ivory, Sindher
NOES: Gonzalez
ABSTAIN: None
ABSENT: Edwards

Commissioner Serimian recommended Resolution No. 2014-0011, a Zone Change of two parcels at 2828 McCall Avenue from R-1-7 to R-3 with amendments to the Selma City Council. The motion was seconded by Commissioner Ivory. The motions carried by the following vote:

AYES: Serimian, Ivory, Kessler, Sindher,
NOES: Gonzalez
ABSTAIN: None
ABSENT: Edwards

Commissioner Serimian approved Resolution No. 2014-0013, a Zone Variance for 2828 McCall Avenue with amendments excluding Assessor's Parcel Numbers: 358-070-78 and 358-070-79. The motion was seconded by Commissioner Ivory. The motion carried by the following vote:

AYES: Serimian, Ivory, Kessler, Sindher,
NOES: Gonzalez
ABSTAIN: None
ABSENT: Edwards

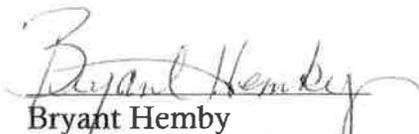
At this time staff explained to the applicants and the audience, that 2828 McCall Avenue will move forward to the City Council on the 6th of October, for approval of the General Plan Amendment. The 3400 McCall project would be continued to the October 27, 2014 Planning Commission for further consideration.

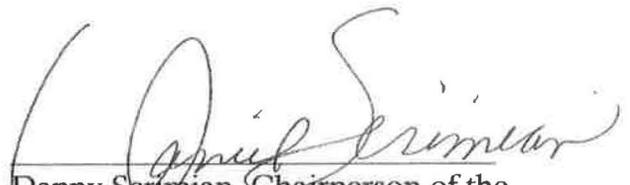
DIRECTOR'S REPORTS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,


Bryant Hemby
Secretary to the Planning Commission


Danny Serimian, Chairperson of the
Planning Commission

RESOLUTION NO. 2014-0009

**A RESOLUTION OF THE SELMA PLANNING COMMISSION RECOMMENDING
APPROVAL OF GENERAL PLAN AMENDMENT NO. 2014-0001,
TO THE SELMA CITY COUNCIL**

WHEREAS, on September 22, 2014, the Selma Planning Commission, at a regularly scheduled public hearing, considered a General Plan Amendment filed by the City of Selma. The General Plan Amendment will be Re-designate +/- .43 of an acre from Medium Low Density Residential to High Density Residential, at 2828 McCall Avenue; and

WHEREAS, the Planning Commission conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony presented for the project prior to finalizing their recommendations to the City Council; and

WHEREAS, the Planning Commission examined and considered Environmental Assessment, and found that the project was exempt under the statutory in-fill project exemption. However, after review the City Council finds that while the Project is an in-fill project it may not meet all the statutory requirements for the in-fill exemption because, among other reasons, the City's zoning and zoning map have not yet been updated following the adoption of the City's 2035 General Plan update; and

WHEREAS, The City Council, after examining and considering the entire record and all of the comments has determined that the Project is consistent with the objectives and policies of the General Plan of the City of Selma. The City Council further finds that there is no possibility that the Project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to 14 CCR Section 15061(b)(3) based on but not limited to the following findings:

1. The General Plan Amendment will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community. There are no physical constraints that would prohibit development.
2. The Planning Commission finds that the proposed General Plan Amendment meets the requirements and standards of development as set forth in both the Land Use Element and Circulation Element of the Selma General Plan and Selma Municipal Code.
3. The Planning Commission finds that the City of Selma is committed to insure the peace, tranquility, health, safety, and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.

4. The Planning Commission finds that this action advances the public interests, protects life and property with which the City of Selma is charged to protect and will not have a negative impact on life in the community. The General Plan Amendment will have no significant environmental impacts.

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

1. The above findings and recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. The above findings are supported by the record and presentation to the Planning Commission.
3. The Planning Commission recommends the City Council approve the General Plan Amendment, subject to the Findings for Approval made part of this Resolution.

The foregoing Resolution was duly approved by the Selma Planning commission at a regular meeting held on the 22nd day of September 2014 by the following vote, to wit:

AYES: COMMISSIONERS: Serimian, Sindher, Kessler, Ivory

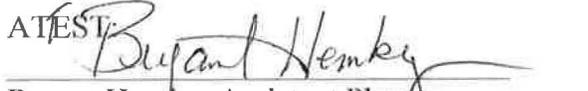
NOES: COMMISSIONERS: Gonzalez

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Edwards



DANNY SERIMIAN,
VICE CHAIRMAN OF
THE PLANNING COMMISSION

ATTEST: 
Bryant Hemby, Assistant Planner
Secretary, Selma City Planning Commission

RESOLUTION NO. 2014-0010

**A RESOLUTION OF THE SELMA PLANNING COMMISSION RECOMMENDING
APPROVAL OF MCCALL SPECIFIC PLAN AMENDMENT
TO THE SELMA CITY COUNCIL**

WHEREAS, on September 22, 2014, the Selma Planning Commission, at a regularly scheduled public hearing, considered a McCall Specific Plan Amendment submitted by the City of Selma. The McCall Specific Plan Map will be amended to reflect the re-designation +/- .43 of an acre from Vacant/Undeveloped, at 2828 McCall Avenue; and

WHEREAS, the Planning Commission conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony presented for the project prior to finalizing their recommendations to the City Council; and

WHEREAS, the Planning Commission examined and considered Environmental Assessment, and found that the project was exempt under the statutory in-fill project exemption. However, after review the City Council finds that while the Project is an in-fill project it may not meet all the statutory requirements for the in-fill exemption because, among other reasons, the City's zoning and zoning map have not yet been updated following the adoption of the City's 2035 General Plan update; and

WHEREAS, The City Council, after examining and considering the entire record and all of the comments has determined that the Project is consistent with the objectives and policies of the General Plan of the City of Selma. The City Council further finds that there is no possibility that the Project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to 14 CCR Section 15061(b)(3) based on but not limited to the following findings:

1. The Planning Commission finds that this McCall Specific Plan Amendment will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community.
2. The Planning Commission finds that the proposed McCall Specific Plan Amendment meets the requirements and standards of development as set forth in both the Land Use Element and Circulation Element of the Selma General Plan and Selma Municipal Code. There are no physical constraints that would prohibit development.
3. The Planning Commission finds that the City of Selma is committed to insure the peace, tranquility, health, safety, and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.

4. The Planning Commission finds that this action advances the public interests, protects life and property with which the City of Selma is charged to protect and will not have a negative impact on life in the community. The McCall Specific Plan Amendment will have no significant environmental impacts.

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

1. The above findings and recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. The above findings are supported by the record and presentation to the Planning Commission.
3. The Planning Commission recommends the City Council approve this McCall Specific Plan Amendment, subject to the Findings for Approval made part of this Resolution.

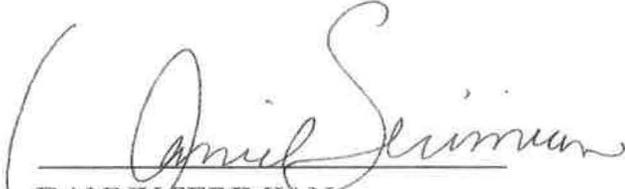
The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 22nd day of, September 2014, by the following vote, to wit:

AYES: COMMISSIONERS: Serimian, Kessler, Ivory, Sindher

NOES: COMMISSIONERS: Gonzalez

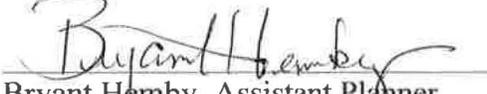
ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Edwards



DANNY SERIMIAN,
VICE CHAIRMAN OF
THE PLANNING COMMISSION

ATTEST:



Bryant Hemby, Assistant Planner
Secretary, Selma City Planning Commission

RESOLUTION NO. 2014-0011

**A RESOLUTION OF THE SELMA PLANNING COMMISSION
RECOMMENDING APPROVAL OF ZONE CHANGE NO. 2014-0001,
TO THE SELMA CITY COUNCIL**

WHEREAS, on September 22, 2014, the Selma Planning Commission, at a regularly scheduled public hearing, considered a Zone Change request by the City of Selma. This Zone Change will +/- .43 of an acre from Medium Low Density Residential (R-1-7) to High Density Residential (R-3), at 2828 McCall Avenue; and

WHEREAS, the Planning Commission conducted a public hearing, noticed in accordance with all State and local laws, and considered the Planning Division Staff Report, and all public testimony presented for the project prior to finalizing their recommendations to the City Council; and

WHEREAS, the Planning Commission examined and considered Environmental Assessment, and found that the project was exempt under the statutory in-fill project exemption. However, after review the City Council finds that while the Project is an in-fill project it may not meet all the statutory requirements for the in-fill exemption because, among other reasons, the City's zoning and zoning map have not yet been updated following the adoption of the City's 2035 General Plan update; and

WHEREAS, The City Council, after examining and considering the entire record and all of the comments has determined that the Project is consistent with the objectives and policies of the General Plan of the City of Selma. The City Council further finds that there is no possibility that the Project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to 14 CCR Section 15061(b)(3) based on but not limited to the following findings:

1. The Planning Commission finds that the proposed Zone Change will provide a stable and diverse community, and is consistent with orderly physical development of the community and is not detrimental to the health, safety, and general welfare of the City. It significantly supports the character and quality of life in the community.
2. The Planning Commission finds that the proposed Zone Change meets the requirements and standards of development as set forth in both the Land Use Element and Circulation Element of the Selma General Plan and Selma Municipal Code. There are no physical constraints that would prohibit development.
3. The Planning Commission finds that the City of Selma is committed to insure the peace, tranquility, health, safety, and general welfare of all of its citizens while meeting the needs of all citizens in Selma in a suitable environment.

4. The Planning Commission finds that this action advances the public interests, protects life and property with which the City of Selma is charged to protect and will not have a negative impact on life in the community. The Zone Change will have no significant environmental impacts.

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

1. The above findings and recitals are true and correct and incorporated by this reference as though fully set forth at this point.
2. The above findings are supported by the record and presentation to the Planning Commission.
3. The Planning Commission recommends the City Council approve this Zone Change, subject to the Findings for Approval made part of this Resolution.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 22nd day of September 2014, by the following vote, to wit:

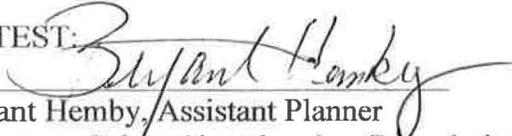
AYES: COMMISSIONERS: Serimian, Ivory, Kessler, Sindher

NOES: COMMISSIONERS: Gonzalez

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Edwards


DANNY SERIMIAN,
VICE CHAIRMAN OF
THE PLANNING COMMISSION

ATTEST: 
Bryant Hemby, Assistant Planner
Secretary, Selma City Planning Commission

**SELMA PLANNING COMMISSION
STAFF REPORT**
Meeting Date: September 22, 2014

TO: Selma Planning Commission

FROM: Community Development Department

SUBJECT: AGENDA ITEM NO. 2

General Plan Amendment
McCall Specific Plan Amendment
Zone Change
Zone Variance
Lot Merger
Environmental Assessment

Summary and Purpose

The purpose of this agenda item is to conduct a public hearing to consider several entitlements which includes: 1) General Plan Amendment of six parcels; 2) Zone Change for six parcels; 3) Specific Plan Amendment for four parcels; 4) Lot Merger of two parcels into one; 5) Zone Variance for four parcels and an Environmental Assessment.

First Project Site Application Information

Applicant: Harry Stepanian & Pam Stepanian Family Trust Est., 16766 McCall Avenue, Selma, CA. 93662.

Project Locations: 2828 McCall Avenue, (APN: 358-061-15 &-16).

Land Use; General Plan; Zoning: Vacant, Medium Low Density, R-1-7.

Applicant's Proposal: The property owner wants to build a new six apartments complex on these two vacant parcels. This project will require the following entitlements.

General Plan Amendment: Re-designate the General Plan Land Use Designation from Medium Low Density Residential to High Density Residential.

McCall Specific Plan Amendment: Re-designate the McCall Specific Plan Land Use Designation from Vacant/Undeveloped to High Density Residential.

Zone Change: This Zone Change will change the current zoning from R-1-7 to R-3.

Zone Variance: A Zone Variance to allow two of the new buildings to encroach 10' into the front setback.

Lot Merger: The Lot Merger will merge the existing two parcels into one.

First Project Discussion and Analysis

Mr. Stephanian the owner of 2828 McCall Avenue purchased two parcels with the idea of placing apartments on them. Currently the parcels are zoned R-1-7 residential with a Medium Low Density General Plan Land Use Designation. The Land Use Designation must be changed from Medium Low Density Residential to High Density Residential in order for the project to move forward. The two parcels are also located in the McCall Specific Plan area with a Vacant/Undeveloped Land Use. To be consistent with the General Plan Map and the new zoning, the McCall Specific Plan Map must be changed from Vacant/Undeveloped to High Density Residential. The Zone Change will change the current zoning from R-1-7 to R-3. The Zone Variance is to allow two of the new apartments to encroach 10' into the front 30' yard setback required by the McCall Specific Plan. This encroachment will allow the new structures to align with the existing buildings to the north and south. The lot merger will combine the two existing parcels into one.

Second Project Site Application Information

Applicant: Harbhajan S. Nagra, 11160 S. Chestnut Ave., Fresno, CA 93725.

Project Locations: Vacant parcels at (APN: 358-070-79 & 78).

Land Use; General Plan; Zoning: Vacant, Medium Low Density Residential, R-1-7.

Applicant's Proposal: The property owner wants to build a new apartment complex on these two vacant parcels. This project will require the following entitlements.

General Plan Amendment: Re-designate the General Plan Land Use Designation from Medium Low Density to High Density Residential.

McCall Specific Plan Amendment: Re-designate the McCall Specific Plan Land Use Designation from Elementary to High Density Residential.

Zone Change: A Zone Change to change the current zoning from R-1-7 to R-3.

Zone Variance: A Zone Variance to allow two of the new buildings to encroach 10' into the front setback.

Second Project Site Discussion and Analysis

Mr. Nagra purchased two parcels to build apartments on them. On July 28, 2014 these two parcels were merged, however this lot merger has not been recorded as of yet. Currently the parcels are zoned R-1-7 Residential and have a Medium Low Density General Plan Land Use Designation. The Land Use Designation must be changed from Medium Low Density Residential to High Density Residential. The two parcels are also located in the McCall Specific Plan area with an Elementary Land Use Designation. To be consistent with the General Plan Map and the new zoning, the McCall Specific Plan Map must be changed from Elementary to High Density Residential. The Zone Change will change the current zoning of these parcels from R-1-7 to R-3. The Zone Variance is to allow two of the new apartments to encroach 10' into the front 30' yard setback. This encroachment will allow the new structures to align with the existing buildings to the north and south.

Third Project Site Application Information

Applicant: Kristie Serimian, 2414 Chaparral, Selma, CA. 93662.

Project Locations: 1265 & 1261 Rose Avenue, Selma, CA (APN: 389-261-18 & 19).

Land Use; General Plan; Zoning: Residential, Medium Low Density, R-1-7.

Applicant's Proposal: The property owners wants the ability to have an office in the existing residential structure. To accomplish this change the following entitlements are required.

General Plan Amendment: This General Plan Amendment will change the current Land Use Designation from Medium Low Density to Community Office.

Zone Change: A Zone Change to change the current zoning from R-1-7 Residential to C-O Commercial Office.

Third Project Site Discussion and Analysis

Ms. Serimian the owner wants the ability to have an office in an existing single family resident. The Residential Land Use does not allow an office that generates pedestrian traffic; however the Commercial Office Land Use does allow a low impact office in a single family resident. The property will be changed from Medium Low Density Residential to Commercial Office and be rezoned from R-1-7 to C-O.

Environmental (CEQA)

These projects are consistent with the CEQA Guidelines for a Categorical Exemption (Section 15061(b) (3) as a General Rule project and (Section 15195.(a)(3) as a Residential Infill Project. These entitlements will make the General Plan Map, the McCall Specific Plan Map and the Zoning Map consistent per state law.

Notice of Public Hearing

The Notice of Public hearing has been published one time in The Selma Enterprise on September 10, 2014, as well as the notification to adjacent property owners within a 300-foot radius of the site.

Recommendation

Staff recommends the Planning Commission adopt Resolutions No's; 2014-0009, 2014-0010, 2014-0011, 2014-0012, 2014-0013, 2014-0014, 2014-0015.


Bryant Hemby, Assistant Planner
Community Development Department

Approved by:

Kenneth Grey, City Manager
Interim Community Development Director

Attachments

~~1. Maps:~~

Location Map	6
General Plan Map	7
Zoning Map	8
McCall Specific Plan Map	9

~~2. Site Plan & Elevations:~~

Site & Elevations for the 3400 block of McCall	10 - 11
Site & Elevations for 2828 McCall	12 - 14

3. Resolutions:

Resolution No. 2014-0009 recommending approval of General Plan Amendment and Environmental Assessment No. 2014-0001 to the Selma City Council.....	15-16
Resolution No. 2014-0010 recommending approval of McCall Specific Plan Amendment No. 2014-0001 to the Selma City Council	17-18
Resolution No. 2014-0011 recommending approval of Zone Change To the Selma City Council	19-20
Resolution No. 2014-0012 approving Lot Merger No. 2014-0020	21-22
Resolution No. 2014-0013 approving Zone Variance No. 2014-0020 ...	23-24
Resolution No. 2014-0014 recommending approval of General Plan Amendment No. 2014-0001 to the Selma City Council	25-26
Resolution No. 2014-0015 recommending approval of Zone Change No. 2014-0001 to the City Council.....	27-28
3. Zone Ordinance	29 - 31

ITEM NO:

4 .

SUBJECT:

Consideration and Necessary Action on Ordinance of the City Council of the City of Selma Amending Section 4 of Chapter 4 of Title XII of the Selma Municipal Code Entitled Groundwater Overdraft Mitigation Fees – *Public Hearing and adoption.*

DISCUSSION: On September 17, 2012 by a 3-0 vote, this Council approved a Resolution Authorizing the Mayor to Execute and the Mayor did in fact execute a Cooperative Agreement Between Consolidated Irrigation District (CID) and the City of Selma (the “Cooperative Agreement”).

On March 17, 2014, this Council approved a First Amendment to the Cooperative Agreement. Generally, the Cooperative Agreement, among other things, provides for the City’s payment to CID and into a groundwater recharge fund a “baseline fee” of \$0.069 per one hundred cubic feet of net groundwater extraction (equal to actual groundwater extraction as measured by meters, less 20%) and a \$0.23 per one hundred cubic feet net groundwater extraction occurring during each calendar year.

The contract contemplates the City will by ordinance require the water purveyor, Cal Water, to pay those amounts to the City and that Cal Water will recover the funds necessary to make that payment by imposing a surcharge on its customers which requires approval of the California Public Utilities Commission (CPUC). The City adopted that ordinance on November 5, 2012, (Ordinance 2012-4).

The City and Cal Water have filed a Joint Application, Application No. 14-01-008, before the California Public Utilities Commission for approval of a surcharge to ratepayers of the utility, Cal Water. The Council has approved a Second Amendment to the Cooperative Agreement which increases the credit given to the City for groundwater recharge occurring naturally in the City and decreases as a result of the net groundwater extraction against which the baseline and replenishment fees are applied according to the terms of the Ordinance from 20% to 27%. The amendment also decreases the maximum fund balance in the replenishment fund established pursuant to the Cooperative Agreement from \$4,000,000 to \$3,000,000. These changes will result in lowering the surcharge to rate payers of Cal Water needed to fund the replenishment fees required by the City’s groundwater ordinance.

The proposed ordinance amendment changes one phrase in the entire section which appears at Section 4(A)(2), changing the definition of net groundwater extraction from total groundwater extraction less 20% to total groundwater extraction less 27%.

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

RECOMMENDATION: Conduct Public Hearing and adopt the Ordinance Amending Section 4 of Chapter 4 of Title XII of the Selma Municipal Code entitled Groundwater Overdraft Mitigation Fees.

/s/ Neal E. Costanzo 10/16/2014

Neal E. Costanzo, City Attorney Date



Ken Grey, City Manager 10/16/2014

Date

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

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

ORDINANCE 2014-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING
SECTION 4 OF CHAPTER 4 OF TITLE XII OF THE SELMA MUNICIPAL CODE
ENTITLED GROUNDWATER OVERDRAFT MITIGATION FEES**

WHEREAS, on September 17, 2013, the City Council of the City of Selma (“City”) approved a resolution authorizing the Mayor to execute and the Mayor did, in fact, execute a “Cooperative Agreement between Consolidated Irrigation District and the City of Selma” (the “Cooperative Agreement”); and

WHEREAS, the Cooperative Agreement provides for the adoption of an ordinance by the City imposing on California Water Service Company, the public utility which provides municipal water service within the City of Selma an annual fee based upon the volume of groundwater extracted by it in every calendar year, subject to approval of the California Public Utilities Commission of increased rates or a surcharge to be imposed by California Water Service Company on its customers, as necessary, to fund the full amount of the fee payable by the Ordinance which was adopted as Chapter 4 to Title XII of the Selma Municipal Code; and

WHEREAS, the Fee imposed upon Cal Water and the resulting amount of the surcharge to be imposed on its ratepayers to cover that fee is the equivalent of \$130 per “net” acre foot of groundwater extracted through wells operated by Cal Water as measured by meters. The “net” groundwater extraction is defined both by the original Cooperative Agreement and by the City’s ordinance, at Section 4 of Title XII to be the total amount of groundwater extraction less 20%. The 20% is intended to compensate Selma, and derivatively, the rate payers, for groundwater recharge occurring naturally in the City. As a result of proceedings initiated jointly by the City and Cal Water before the California Public Utilities Commission (PUC) it has been determined that CID has a number of cooperative agreements with all of the surrounding cities and that the net groundwater extraction for those cities is to be determined by a formula set forth in an exhibit to each Cooperative Agreement which is the same for each of those cities with the net groundwater extraction dependent upon the amount of “credit” given to each city for groundwater recharge naturally occurring within that city. The credit given to Selma under the original Cooperative Agreement is not determined by any such formula and using the formula applied to other cities by the Cooperative Agreements with CID, results in a higher credit and lower net groundwater extraction rate and, consequently, using the formula to determine the credit or net groundwater extraction to which the \$130 acre foot charge is to apply would reduce significantly the amount of the surcharge

that is necessary to be imposed on rate payers with Cal Water in order to enable it to pay the fee required by the City's ordinance to the City; and

WHEREAS, to provide for uniform treatment of all cities and their respective rate payers among those cities which have cooperative agreements with CID, CID has agreed to determine the amount of the credit or net groundwater extraction by application of the same formula that is applied to the surrounding cities in their cooperative agreements with CID and application of that formula to the City of Selma results in the City's credit increasing from 20% to 27%, thereby decreasing the net groundwater extraction against which the \$130 per acre foot charge is to be applied and decreasing the amount of the surcharge necessary to be imposed on rate payers to cover those fees; and

WHEREAS, it is necessary to amend Section 4 of Title XII so as to provide that the definition of the term "net groundwater extraction" as referred to in that section and in the groundwater mitigation fee ordinance generally to mean annual total groundwater extraction less 27% in order to conform the provisions of the ordinance to the agreement as reflected by a second amendment to the Cooperative Agreement.

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

Section 1. Section 4 of Chapter 4 of Title XII of the Selma Municipal Code is hereby amended to read as follows:

"12-4-4 Imposition of Groundwater Impact Fee on Public Utility Provider of Municipal Water Supplies Which Include all Residential, Commercial and Industrial Water Supplied by the Public Utility.

A. Commencing on the date on which a determination of the California Public Utilities Commission relating to the application of this ordinance becomes effective or final (the "Effective Date"), the public utility, California Water Service Company, or its successor (the "Utility"), which supplies municipal water within the City of Selma to residential, commercial or industrial water users shall pay to the City a groundwater impact or replenishment fee computed as follows:

(1) The Utility shall equip all groundwater wells, operated by it and located within the City of Selma boundaries, or the City of Selma Sphere of Influence, or within the "Selma District" of the utility used to provide water anywhere within such territory for municipal, residential, commercial or industrial use with meters that accurately measure the instantaneous flow and accumulated volume of water

extracted from the groundwater by those wells (“Groundwater Extraction”) and report to the City within 30 days after each calendar quarter, of each year following the Effective Date of this ordinance, the volume of Groundwater Extraction for the previous calendar quarter.

- (2) The volume of Net Groundwater Extraction shall be determined by reducing the reported volume of Groundwater Extraction by twenty-seven percent (27%).
- (3) The Utility shall pay to the City of Selma within 30 days after the end of the calendar year following the Effective Date of this ordinance, and annually thereafter, the following amounts:
 - (i) Sixty-nine One-thousandths Dollars (\$0.069) per 100 cubic feet of Net Groundwater Extraction occurring during the calendar year; and
 - (ii) Twenty-three One-hundredths Dollars (\$0.23) per 100 cubic feet of Net Groundwater Extraction occurring during the calendar year (the “Replenishment Fee”).

B. The Utility shall maintain records of all pumping for the purpose of supplying water within the City. Such records shall identify the volume of water pumped from each well utilized to provide water service within the City. Such records shall be subject to inspection by the City during normal business hours after providing five (5) working days’ notice of intent to inspect such records.

C. In lieu of the payment of the fee specified above, the City may, in its sole discretion, reduce the portion of the Replenishment Fee that is Twenty-three One-hundredths Dollars (\$0.23) per 100 cubic feet of Net Groundwater Extraction occurring during the calendar year to an amount that is equal to the following percentages of said portion of the Replenishment Fee:

- (1) For the first year during which this ordinance and the obligation for payment of the Replenishment Fee is in effect twelve and one-half percent (12.5%) of such fee.
- (2) During the second year this ordinance is in effect, twenty-five percent (25%) of said portion of such fee.
- (3) During the third year this ordinance is in effect thirty-seven and one-half percent (37.5%) of the said portion of such fee.
- (4) During the fourth year this ordinance is in effect fifty percent (50%) of the said portion of such fee.

- (5) During the fifth year this ordinance is in effect sixty-two and one half percent (62.5%) of said portion of such fee.
 - (6) During the sixth year this ordinance is in effect seventy-five percent (75%) of said portion of such fee.
 - (7) During the seventh year this ordinance is in effect, eighty-seven and one-half percent (87.5%) of said portion of such fee.
 - (8) During and after the eighth year this ordinance is in effect 100% of said portion of such fee shall be payable.
- D. The groundwater impact or Replenishment Fee required by this section shall be payable, if, but only if, by application to the California Public Utilities Commission, the Utility, is permitted and authorized to impose a surcharge payable by the customers of the Utility in an amount necessary to cover the full amount of the fees payable and the time for payment of the fees, and the implementation of all actions required or allowed by this ordinance shall be determined by reference to the date on which such approval of the California Public Utilities Commission is effective or final.
- E. Within 30 days after the Effective Date of this ordinance, the Utility shall file with the California Public Utilities Commission and, thereafter diligently pursue appropriate applications for approval of the California Public Utilities Commission (PUC) of the Utility undertaking the obligations imposed by this ordinance and after receiving approval of the PUC shall observe and perform all requirements of this ordinance. In the event the PUC does not approve of the imposition of the fees required by this ordinance on the Utility, or does not approve the surcharge necessary to fund the payments required by this ordinance, the Utility shall timely petition the PUC to reconsider and revise its opinion or order or shall appeal the same in the manner permitted by law.
- F. Following the fifth anniversary on which this ordinance becomes effective, the fees payable by the Utility to the City as required in Section 12-4-4, above, shall be subject to an annual increase equal to the amount of the increase of the Consumer Price Index (CPI) using the "All Urban Consumers San Francisco-Oakland-San Jose Area, All Items (1982-84=100) Index", as published by the United States Department of Labor, Bureau of Labor Statistics. The Utility shall include in its application or petition to the PUC to approve the payment of fees required by this ordinance and/or the imposition of a surcharge to customers necessary to fund payments required by this ordinance a request or application that the fee shall increase by the amount of the said index, in the manner specified above.
- G. That portion of the Replenishment Fee that is twenty-three one hundredths dollars (\$0.23) shall be placed into a Replenishment Fund and may only be used for the purpose of developing recharge projects or for

the transfer, delivery or purchase of surface water for recharge, as determined by a vote of a committee established for that purpose. In connection with making any decision concerning use of any money in the Replenishment Fund, the City of Selma will meet and confer with the utility, California Water Service Company, or its successor, concerning how it should vote relating to the making of expenditures from the Replenishment Fund for recharge activities or projects, and in the event of any disagreement over the proposed expenditure between the City and California Water Service Company, the City shall defer to California Water Service Company and the City representative on the said committee shall vote in the manner requested by the utility.

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

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

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

* * * * *

I, Reyna Rivera, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced and passed at the _____, 2014, regular City Council meeting of the City of Selma by the following vote, to wit:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

George Rodriguez
Mayor Pro Tem of the City of Selma

ATTEST:

Reyna Rivera
City Clerk of the City of Selma

ITEM NO: 5.

SUBJECT: Consideration and necessary action of proposed reader board signage

DISCUSSION:

The City has a great opportunity to receive at no cost aesthetically designed, landscaped monument style signs. The monument structure screen display will be 8' x 12' (96 square feet) allowing clear visibility of each message. Messages are programmed to rotate every 8 seconds providing maximum exposure to consumers.

These beautiful gateway signs will displaying "Welcome to the City of Selma, California", as well as emergency information. The signs have direct web access to update the sign's content.

Selma's Municipal Code allows these types of signage with the approval of a Conditional Use Permit. The North West Specific Plan only allows monument signage containing only the name of the building, time and temperature but the signage shall not blink, flash, rotate or be animated.

11-28-6-2: COMMERCIAL SIGNS:

(F) Miscellaneous Commercial Signs:

13. Electronic Reader Board: A conditional use permit shall be required for all electronic reader boards. Electronic reader boards shall not exceed eight hundred (800) square feet in area and shall not be mounted at a height of more than seventy five feet (75'). The sign area of an electronic reader board shall not be counted against other permitted signage and may be combined with other permitted signage. Conditional use permits shall be applied for and processed as per this Title (Chapter 11-16). Electronic reader boards shall not contain any display or illumination which is in motion or appears to be in motion or changes in intensity or exposes its message for less than four (4) seconds. The interval between messages shall not be less than one second.

North West Specific Plan Area, section 304-04: Signs

2.02 D. The free standing or monument sign shall contain thereon only the name of the buildings, occupants or groups therein.

F. The free standing or monument sign shall not be blinking, flashing, rotating or animated.

2.09 A. An electronic display sign, including time and temperature signs, may be permitted subject to approval of a Conditional Use Permit.



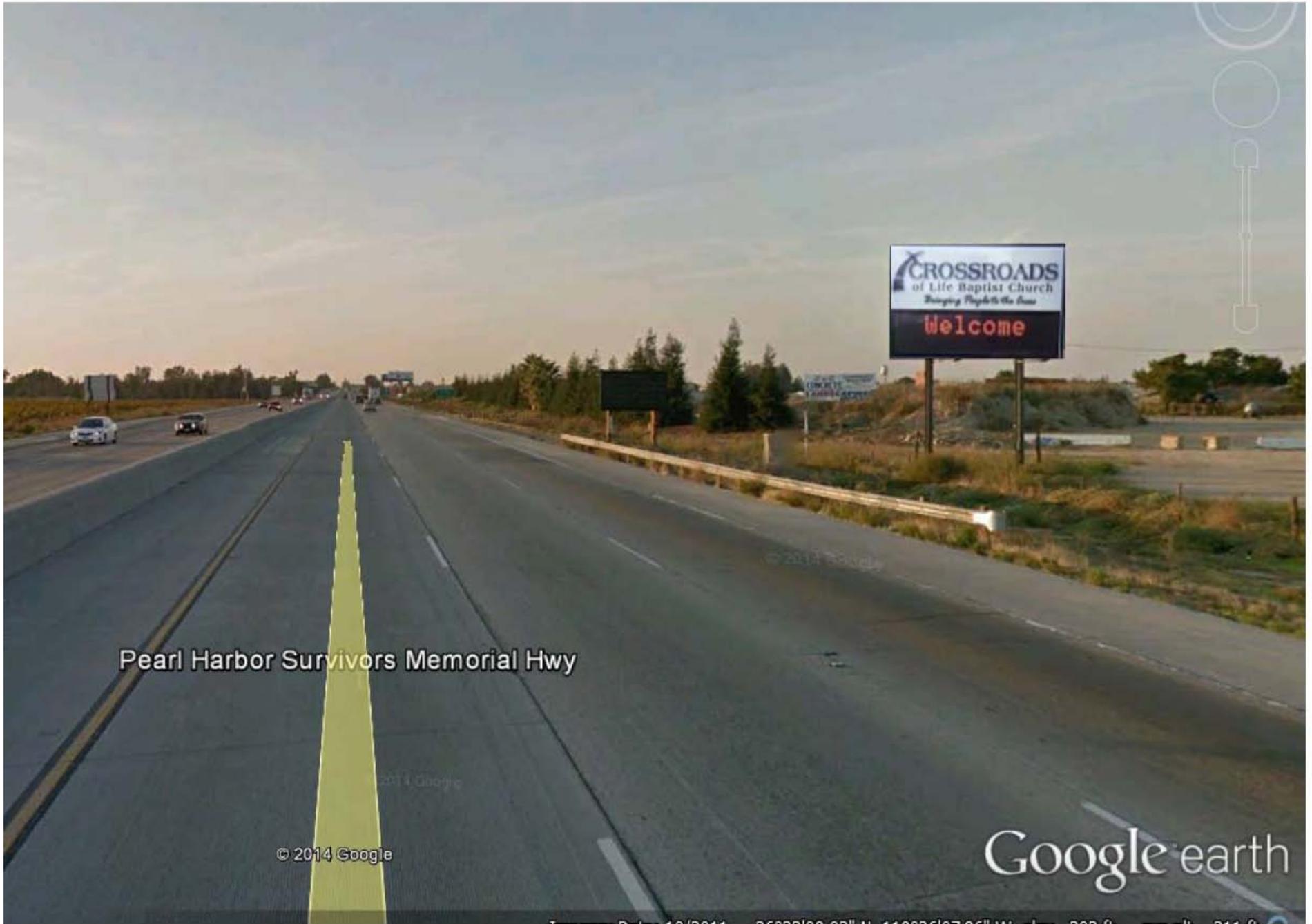
Whitson at Floral Avenue



Floral at Highland



WHITSON STREET AT SECOND STREET, LOOKING NORTH
October 20, 2014 Council Packet





10/20/14

Harbor Survivors Memorial Hwy



EXECUTIVE SUMMARY

C.E.I.S. is pleased to present the Town of Vestal with this business proposal for the C.E.I.S. project. We understand the Digital information sign market and the issues facing the Town of Vestal and recognize the unique opportunity that we can provide.

We believe that the Community Informational Signage market is in the very early stages and that we are uniquely positioned to successfully implement, manage and support the project in the Town of Vestal.

Having duly examined your situation, we are confident that our proposed service will effectively address your needs. Our goal is to provide the Town of Vestal with two (2) digital information signs that can be utilized by the Town to provide up to the minute information to the citizens of the community.

These signs will be erected, built and supported by our company. The construction, support, maintenance along with the following benefits to the Town of Vestal will be free of charge.

***Public Service Announcements**

***Amber Alerts from the Department of Missing and Exploited Children**

***Severe Weather Announcements from NOAA and local weather agencies**

***Department of Homeland Security and National Security Announcements**

***Law Enforcement Applications**

Our unique ability to construct, support and maintain these signs is based on our successful track record developing over 2,500 signs in over 15 different states throughout the United States, makes us an invaluable partner in the Community Electronic Information Sign market.

We look forward to forming a mutually rewarding relationship with the Town of Vestal.

1. C.E.I.S. a DBA subsidiary of LOCKRIDGE OUTDOOR ADVERTISING COMPANY BACKGROUND

Lockridge Outdoor (www.lockridgeoutdoor.com) is an industry leader in the permitting, building, development, advertising sales and operations in both the digital billboard and static billboard markets.

Lockridge Outdoor Advertising has developed and placed billboards in Utah, Indiana, Illinois, Idaho, Ohio, Kentucky, Iowa, Alabama, Georgia, New Mexico, California, Pennsylvania, Oregon, Washington, Texas and Florida along with digital billboards in Pennsylvania and Washington State.

Mission Statement:

To serve both the interests of public and private groups, C.E.I.S achieves both governmental desires of sign requirements and restrictions, while provided much need information to citizens. This is accomplished by having multiple advertisers with affordable rates to increase success of any size business.

*Digital Signs- design, construction, site procurement, development advertising sales

*C.E.I.S Systems- Sign design, site procurement, legal and code issues, development, updating community messages, amber alerts and PSA'S as well as advertising sales.

**Agreement
Lockridge**

Terms:
City Access
Generator
Revenue Share:
On City Property

**Gateway
Code Passage**

Solves Code
Conflicts:
Setback
Sq. Ft.
Changeable Copy
Height
Other areas

**Site
Submission**

Lockridge Submits
Applications for
two locations

(one sign could be
at four corners on
City property)

Packet includes:
Engineered
Drawings
Landscape Plan
Electrical Plan

Construction

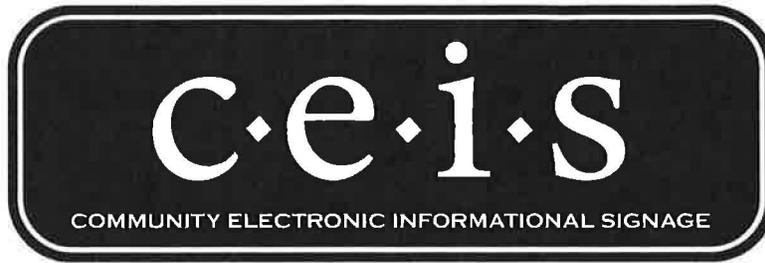
Electrical Inspection
Footer Inspection
Final



Steps to Complete Gateway Signs

2.1.2 Dimensions and Specifications of Structure





Re: Vestal Sign Code – Proposed Amendment

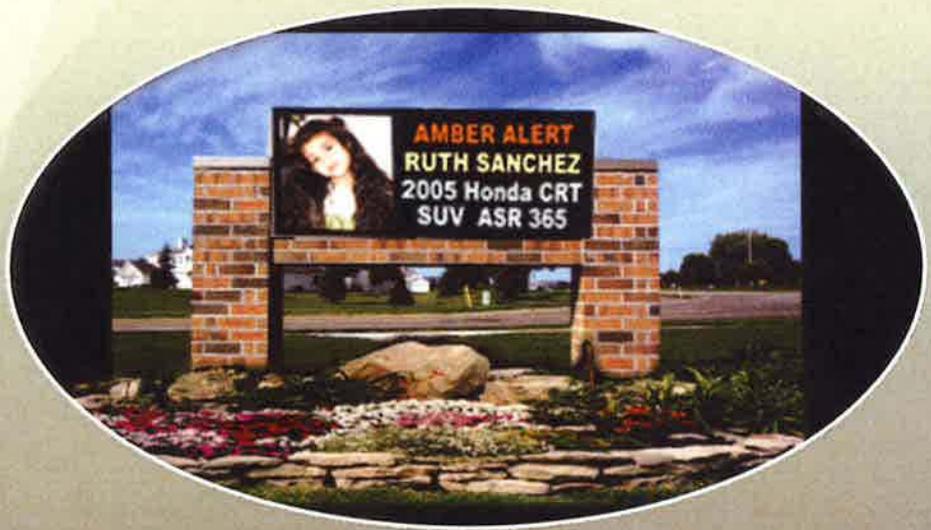
To Whom It May Concern:

The following language has been developed for insertion in the Vestal code:

Gateway Signs – The Board recognizes the need for limited additional signage at the gateways to the Town. Such signage is needed to present public announcements, emergency messages (such as Amber Alerts and road closures), and messages for the Town. Based on this need, two such gateway signs shall be allowed along Vestal Parkway (Hwy 434) between the Town limits and downtown, one on each side of downtown. Such signs must meet the following conditions:

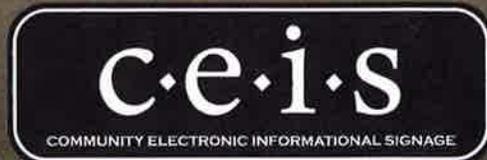
- the base or columns must be of a stone or masonry design;
- height shall not exceed 9 feet;
- the signs shall include the message “Welcome to the Town of Vestal” or similar gateway message approved by the Board for traffic entering the Town;
- an electronic display measuring no more than 7 feet by 15 feet may be included and such display may face one or both directions of traffic, so long as a portion of the messages appearing on such displays are dedicated to public and/or emergency messages pursuant to written agreement with the Town.

Gateway Signs



Community Electronic Information Signage

Digital Informational Signs
AT NO COST to your municipality
Alert and inform citizens when needed subsidized by advertising.



Jwlock44@msn.com

727-415-0225

A Unique Opportunity

Digital signs do more than display advertisements—they provide an array of communication possibilities. From crime fighting alerts to up-to-the-minute weather advisories, or even a last minute fundraiser for a local charity. Digital signs can offer more flexibility than other mediums. Today, experts estimate that 90 percent of adults see an out-of-home sign in their area every month. They reach the public much more reliably than television content.

Technology

These small signs are equipped with ambient light sensors to ensure the least amount of brightness (Nits) needed for existed time of day and weather conditions. We have automatic emergency off switch in case of malfunction. Our displays at night run lower than 500 nits to ensure no significant brightness to impact drivers.

Regulation

Our company adheres to the strict standards put forth by the Outdoor Advertising Association of America including all state requirements that regulate signage.

Pennsylvania Mayor Endorses Digital Billboards as Good for the Community

Mayor Ed Pawlowski of Allentown, Pennsylvania enthusiastically supported the installation of a digital billboard in downtown Allentown because he saw it as a way to revitalize the inner city and promote safety. “Due to the ability to rapidly change and deliver information,” Mayor



Pawlowski wrote in a letter explaining his support for digital billboards, “electronic message boards have assisted local law enforcement with AMBER Alerts, emergency information about public safety and traffic information.”

Digital Billboards Help Find Missing Children

When four children from Middleton, Wisconsin, went missing digital billboards displayed AMBER Alerts to help find them. Days later the children were found. According to police, they recovered the children thanks to a motorist who recognized them from the AMBER Alert.

Digital Billboards Alert Public of Escaped Convict

While serving a 19.5-year sentence, drug kingpin David Green escaped from prison in Elkton, Ohio. America’s Most Wanted teamed up with the Outdoor Advertising Association of America to alert the public. The two organizations broadcasted wanted posters on several billboards through the Cleveland area to alert the public and help catch this criminal.

FREQUENTLY ASKED QUESTIONS:

HOW MANY CEIS SIGNS ARE OFFERED TO EACH COMMUNITY AT NO COST?

We require a minimum of two (2) CEIS signs for each municipality. Suggested placements include municipality or privately owned property located at the major entrances to your community. We can provide additional locations upon review with your authorized agents.

HOW ARE WE ABLE TO OFFER CEIS SIGNS AT NO COST?

The initial cost of building the CEIS sign structure including the electronic components will be at our expense. However, there is ongoing CEIS support, including 24-hour technical support, public service agencies (PSA) and general maintenance. We offset these operating expenses by utilizing local and regional advertising to create income to offset the costs. We anticipate a total of seven (7) announcements per CEIS location. The signs will give the community direct access to community messaging, including amber alerts, municipal concerns, and other PSA's.

HOW ARE PUBLIC SERVICE ANNOUNCEMENTS DETERMINED?

Public Service Announcements (PSA) are received through national agencies such as The Department of Missing and Exploited Children for Amber Alerts, NOAA and local weather agencies for Severe Weather Alerts and the Department of Homeland Security for National Security Announcements. A vital PSA, which affects your community, will take precedence on all CEIS locations in your community. The length of the initial PSA broadcast is determined by each agency due to the severity of each issue. It is typical for a PSA to rotate with your community and advertising broadcasts for the duration of time necessary.

HOW DO WE BROADCAST OUR COMMUNITY ANNOUNCEMENTS?

Your authorized agent will be provided contact information for CEIS representatives who can provide support with your broadcasts.

HOW SMALL IS A CEIS ELECTRONIC DISPLAY?

CEIS is a monument style structure designed to compliment any community design requirements. The typical LED screen display will be 7' x 16' (112 square feet), allowing clear visibility of each message. Messages are programmed to rotate every 8 seconds providing maximum exposure to consumers. Initial PSA alerts are the exception.



What is CEIS?

CEIS was created to address the needs of communities specifically in the areas of Public Service Announcements (PSA) and community civic messages. CEIS is a monument-style sign, designed to compliment any current surrounding, including historic or themed environments. Vital public service announcements include AMBER Alerts, Severe Weather Warnings, National Security Warnings and Disaster Announcements pertaining to individual communities. Community civic messages may include broadcasts from your community's leaders and authorized representatives. These broadcasts may include welcoming announcements, community sponsored events, and even places of interests to direct tourism.

"Due to the ability to rapidly change and deliver information," Mayor Pawlowski wrote in a letter explaining his support for digital billboards, "electronic message boards have assisted local law enforcement with AMBER Alerts, emergency information about public safety and traffic information."

-Mayor Pawlowski



CEIS Monuments in Your Community

Digital signs are the most significant new addition to outdoor sign technology, capable of reaching mass audiences with multiple messages. Every day there is increasing evidence of the benefits of community electronic signage in law enforcement, disaster planning, and weather alerts.

We understand that municipalities may be sensitive to traditional outdoor signage. Our monument signs are beautifully landscaped. We utilized high-quality rock, brick, or stucco facades incorporating wood, metal, water or other features on a site by site basis. The signs include "Welcome to the City of..." the date of incorporation or other details the municipality would like.



Our legal team can assist your municipality to update your zoning ordinance to enable the use of this technology in your jurisdiction.



Ads rotate every 8 seconds providing the travelling public information. High resolution L.E.D. signage provides easy to read great looking graphics. Cities across the U.S. are excited to partner with us to better inform their citizens.



With more economical rates on advertising, non-profits are able to utilize space on our signs, helping their various missions.



Since 2007 over 34 criminals have been apprehended from using digital billboards across the United States. Many of these are violent criminals including murder, armed robbery, rapists and child predators.



Typical advertisements are directional, informative to current specials, or brand introduction. This is an example how the message on the sign above fades into the next image, showing 7 different slots. No adult-oriented businesses, tobacco products, or alcoholic beverages will ever be advertised on our community signs.



Given the flexibility of our scheduling software, specific community messages can be displayed immediately prior to events.

Digital Signage Saves Lives, Brings Community Together: *Free to Your Community*

EMERGENCY IN YOUR CITY

In the event of an emergency, one of the greatest challenges for a local government is to disseminate important information quickly to a large number of people. Conventional media used in emergency situations requires one to sit in front of a television, radio, or computer with the hope that most people will be on the channel or website containing the relevant information. How many people will that be? One hopes that it will be 30 or 40% of your community, but how do you reach the rest of your constituency? From crime-fighting alerts to timely weather advisories, community information saves lives.

Digital signs are the most recent and reliable solution for quickly disseminating critical information to large numbers of people.

In reviewing your municipality's traffic studies, you were undoubtedly startled by the number of people who travel in one hour on your busiest roads. Imagine the effectiveness of a digital sign with an **AMBER Alert** containing a child's picture, relevant facts, and phone numbers posted on your busiest roads during rush hour **within minutes of the release of the alert**. When one minute can save a life, a digital sign will make a difference to you, the family, and your community.

FIGHTING CRIME IN REAL LIFE

Due to the success of Pennsylvania's use of digital signs, the Federal Bureau of Investigation is seeking a system of digital signs to flash "hot pursuit" and "most wanted" bulletins in communities nationwide. Mayor Ed Pawloski of Allentown, Pennsylvania stated, "Electronic message boards have assisted law enforcement with AMBER Alerts, emergency information about public safety and traffic information."

According to AMBER Alert Wisconsin, their multimedia approach to notifying the public of missing children has resulted in **14 children being found**. The digital signage component of their plan and was recognized by the Wisconsin Attorney General J.B. Van Hollen as being directly related to the success of their AMBER Alert system.

America's Most Wanted announced on May 1, 2008, that the FBI has teamed up with outdoor digital advertisers in the Twin Cities to put Terrence Washington's mug on 16 digital signs. Washington broke out of his Nashville,

Tennessee prison cell and is traveling the country, as will the digital displays in pursuit of him. America's Most Wanted frequently touts the benefits of digital signage in searching for fugitives.

DISASTER ALERTS

"Findings...show that people don't act on one warning....The challenge of public warning is not going away."

-Art Botterell

*Community Warning System
Manager, Contra Costa County,
California*

During the tragic Minnesota bridge collapse in 2007, digital signs displayed emergency messages within 15 minutes. The following day, when officials converged on Minneapolis to inspect the damage, they noticed the signs. Speaking on national TV on August 2, US Senator Amy Klobuchar (D-MN) cited the emergency messaging on digital signs as a positive community response: *"When Senator Coleman and I landed, we're driving in . . . and there were already billboards at 9:00 in the morning -- actual billboards -- telling people where to go for alternative*

routes."

LIFE SAVING SIGNS ARE FREE

The life saving benefit of immediate communication to your municipality is without charge to the city or to taxpayers. The initial cost of building the community electronic informational signage is paid by our company. However, to offset the maintenance of the signage, which includes 24-hour technical support, advertising will be used to offset the cost. There are seven broadcast announcements per sign location. The partnership enables this community service to be a benefit to all and, most of all, helps to keep the public safe and informed.

CITY COMMUNICATION ADVANTAGE

Whether it is to share an upcoming community event or emergency communication, digital signage will provide instant communication to your citizens. In addition, by giving local businesses a venue for advertising, digital signage can contribute to your economic development—a welcome enhancement in any business-friendly municipality.

Digital signage is a versatile communication tool which is free to your taxpayers, yet gives control to your public relations department. This unique opportunity is available to save lives, bring your community together, and enhance the economics of your city.



INFORM

ENSURE YOUR CITIZENS ARE GIVEN INFORMATION QUICKLY, SAFELY, ASESTECIALY, AND MOST OF ALL FREE.

These signs are significantly smaller than traditional advertising signage yet sized to be adequate for vital communication.

Since the inception in 1997 amber alert has been credited for the successful recovery of more than 399 children.

Our experience **includes over 42 years in the commercial** sign industry throughout the continental United States.



Jwlock44@msn.com

727-415-0225

Our Community



info@ceisigns.com

C.E.I.S.
2110 Ranch Rd. 620 S.
P.O. Box 341432
Austin, TX 78734
(727)415-4332

www.ceisigns.com



OPERATING AGREEMENT

THIS OPERATING AGREEMENT (“Agreement”) is entered into by and between the Town of Vestal, New York (“Town”) and CEIS, LLC (“CEIS”).

RECITALS

WHEREAS the Town recognizes the need for gateway signage and the benefits of using such signage to communicate information of interest to the general public, including Amber Alerts and other emergency public safety messages;

WHEREAS CEIS desires to operate signs in the Town;

WHEREAS the Parties desire to enter into this Agreement to leverage their strengths and meet their goals.

Therefore, in light of the foregoing and based upon the exchange of valuable consideration by and between the Parties to this Agreement, the Parties hereby agree as follows:

At its own expense, CEIS will construct two gateway signs along Vestal Parkway (Hwy 434) between the Town limits and downtown, one on each side of downtown.

The signs shall possess the following characteristics:

- Each sign shall include a static portion displaying the message “Welcome to the Town of Vestal.”
- The signs shall also include separate portions with one or more sign faces each measuring no more than 105 square feet in area. Such faces may utilize electronic LED-type technology at the discretion of CEIS and at CEIS’ expense; and
- The signs will each stand no more than 10 feet in height, as measured from grade or road grade, whichever is greater.

All costs, expenses, and liabilities incurred in conjunction with the construction of the signs, including the installation of mutually agreeable landscaping surrounding the signs, shall be paid by CEIS and, at all times, CEIS shall be the owner of the signs.

The Town grants to CEIS the exclusive right for a term of 20 years to operate the signs. During this 20-year term, CEIS shall be responsible for operating and maintaining the signs. All costs associated with the operation of the signs during the 20-year term shall be paid by CEIS. This Agreement shall automatically renew for successive 20-year renewal terms unless written notice is submitted by either party to the other party at least 90 days prior to expiration of the initial term or any renewal term hereof.

CEIS agrees to operate the signs in accordance with the following conditions:

- All portions of the signs shall be kept in an attractive and well-maintained state; however, all landscaping surrounding any sign on Town property shall be maintained by the Town;
- Any electronic messages on the sign shall change no more frequently than every eight seconds, with message changes being accomplished in two seconds or less;
- Any electronic faces shall be equipped with the appropriate technology to handle power outages;
- Every month, CEIS shall donate, at no cost to the Town, at least 14% of the available space in the signs' advertising rotation for messages of the Town's choosing. The Town shall be allowed this free advertising for the entire tenure of CEIS' operation of the signs but the Town can never sell the space for financial payments or other commercial gain;
- At no cost to the Town, CEIS will reasonably assist the Town in designing up to six digital images in each calendar year for the messages that the Town wishes to display;
- The signs shall be made available as soon as possible after receiving notice from any Town law enforcement agency for display of emergency public safety messages, to include Amber Alerts for missing children or persons, disaster evacuation guidance, or other emergency situations. Such messages shall be promptly included in the advertising rotation and shall remain in effect for 24 hours or such lesser time as requested by law enforcement; and
- The signs shall never contain obscene material nor advertise any adult matter and tobacco products. The Town shall not otherwise restrict the content of the signs, which may advertise nonprofit/charitable causes, commercial messages, governmental and noncommercial messages, and other copy of CEIS' choosing.

The Town agrees not to erect or allow any signs, buildings, structures, or blockages of any kind which will obstruct or hinder the signs to motorists on Hwy 434, or obstruct CEIS' ingress or egress to the signs. In the event that Town-controlled trees or vegetation grow to visually obscure or obstruct access to the signs, CEIS is authorized to trim or remove such new growth at its own expense.

CEIS shall obtain, and keep in full force and effect at all times during the term of this agreement, a policy of liability insurance, with an insurer satisfactory to the Town, for the protection of the Parties against liability arising out of the signs or their operations. The liability limits of the policy shall be a general liability insurance policy in the amount of at least \$3,000,000. This policy shall name the Town as an additional insured.

If the area of either or both signs is taken by eminent domain, the affected sign may be relocated. Moreover, if either or both signs are damaged by an act of God or otherwise, CEIS shall be permitted to repair the damage.



2.2 The Opportunity

The Town of Vestal has the opportunity to provide, **FOR NO COST**, the community with a method to keep people informed with current and vital information.

1. Emergency information
 - a. Flood
Location of supplies, clothing, furniture, food
Safety information (e.g. Power Lines)
 - b. Town Hall Meeting times and locations
 - c. Road Closings
2. Amber Alerts and Silver Alerts
3. Public Service Announcements
4. Community Events
5. Inexpensive and flexible, high-tech vehicle for local Small Business owners to reach Vestal customers
6. Postings to assist Police Department
 - a. Missing persons, fugitives or emergency notifications.
(See back up documentation 2.1.14)

Community Electronic Information Signage, provided by C.E.I.S. will be instrumental in helping the Town of Vestal reach the objective of keeping their people informed with current news and information.

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

October 20 2014

ITEM NO: 6

SUBJECT: Consideration and necessary action on the park restrooms.

DISCUSSION: Verbal Report only.