

**REGULAR MEETING  
OF THE MADERA CITY COUNCIL**  
205 W. 4<sup>th</sup> Street, Madera, California 93637

**NOTICE AND AGENDA**

**Wednesday, August 2, 2017  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

**ROLL CALL:** Mayor Andrew J. Medellin  
Mayor Pro Tem Cece Foley Gallegos, District 1  
Council Member Jose Rodriguez, District 2  
Council Member Donald E. Holley, District 6  
Council Member Derek O. Robinson Sr., District 4  
Council Member William Oliver, District 3  
Council Member Charles F. Rigby, District 5

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**PUBLIC COMMENT:**

The first fifteen minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

**A. WORKSHOP**

A-1 Madera Irrigation District Presentation – Thomas Greci, General Manager and Dina Nolan, Assistant General Manager

**B. CONSENT CALENDAR**

B-1 Minutes – There are no minutes for consideration.

B-2 Information Only – Warrant Disbursement Report

- B-3 Bi-Weekly Water Conservation Report for 7/10/17 – 7/23/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution Approving a Food Services Agreement with Fresno Economic Opportunities Commission to Provide Senior Meals for the City of Madera Adult Day Care (ADC) Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)
- B-5 Consideration of a Resolution Approving an Agreement with David Hale for Legal Services (Report by Brent Richardson)
- B-6 Consideration of a Resolution Amending the Fiscal Year 2017/18 Budget to Appropriate Funds in the Sewer Utility Waste Water Treatment Plant Budget to Fill a New Lead Operator Position at the Waste Water Treatment Plant and to Approve the Position (Report by Dave Randall)

**C. HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS**

- C-1 Second Reading and Consideration of Adoption of an Ordinance Amending Section 5-5.13 of Chapter 5 of Title V of the Madera Municipal Code Pertaining to Watering Restrictions (Report by Dave Randall)
- C-2 Public Hearing and Consideration of a Resolution Establishing Appropriation Limits for Fiscal Year 2017-2018 (Report by Tim Przybyla)

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

There are no items for this section.

**F. COUNCIL REPORTS**

**G. CLOSED SESSION**

There are no items for this section.

**ADJOURNMENT** – Next regular meeting August 16, 2017

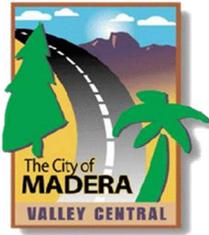
*[continued on next page]*

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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4<sup>th</sup> Street, Madera, California 93637 during normal business hours.
  - The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
  - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's office at (559) 661-5405.
  - Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5405.
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I, Sonia Alvarez, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the regular meeting of the Madera City Council for August 2, 2017, near the front entrances of City Hall at 3:00 p.m. on July 28, 2017.

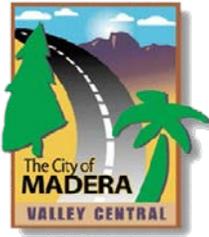
  
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Sonia Alvarez, City Clerk

[Return to Agenda](#)



**Madera City Council Agenda 08/02/17  
Agenda Item A-1  
Madera Irrigation District Presentation**

**There is no staff report for this item.**



**Madera City Council Agenda 08/02/17  
Agenda Item B-1**

**There are no minutes for consideration.**

City of Madera

Council Meeting Of August 2nd, 2017  
Agenda Item No. B-2

Memorandum To: The Honorable Mayor,  
City Council and City Administrator

From: Office of the Director of Finance

Subject: Listing of Warrants Issued

Date: 08/02/2017

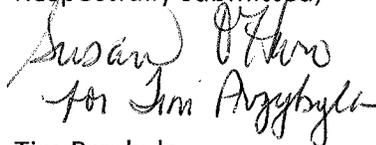
Attached, for your information, is the register of the warrants for the City of Madera covering obligations paid during the period of:

July 11th, 2017 to July 24th, 2017

Each demand has been audited and I hereby certify to their accuracy and that there were sufficient funds for their payment.

General Warrant:	13972-14115	\$	999,862.47
Wire Transfer	Union Bank Payroll and Taxes	\$	679,470.09
Wire Transfer	SDI	\$	2,122.81
Wire Transfer	Cal Pers	\$	124,525.30

Respectfully submitted,



Tim Przybyla  
Financial Services Director

**CITY OF MADERA**  
**REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT**  
**July 24th, 2017**

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
13972	07/14/2017	ALFRED CONHAGEN, INC. OF CA	EQUIPMENT MAINTENANCE AND REPAIR	45,106.68
13973	07/14/2017	AT&T	05/17 CALNET 3 SVS 9391026401	512.44
13974	07/14/2017	BSK ASSOCIATES	WWTP PERMIT COMPLIANCE LAB	112.00
13975	07/14/2017	CALIFORNIA BUILDING STANDARDS COMMISSION	BUILDING STANDARD ADMIN SPECIAL QTR4	754.00
13976	07/14/2017	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE	1,887.02
13977	07/14/2017	CALIFORNIA DEPARTMENT OF TRANSPORTATION	SHARED COSTS	2,365.82
13978	07/14/2017	CALIFORNIA FORENSIC INSTITUTE	PRE-EMPLOYMENT PSYCH EXAM	400.00
13979	07/14/2017	CHICAGO TITLE COMPANY	PROPERTY TITLE REPORT SVS FOR FIRE STATION PROJECT	250.00
13980	07/14/2017	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	694.50
13981	07/14/2017	CREATIVE COPY	MAX MONTHLY PASSES JUL - DEC 2017	138.02
13982	07/14/2017	DEPARTMENT OF CONSERVATION	4TH QTR 16/17 SMIP FEE REPORTING	2,742.39
13983	07/14/2017	DIAMOND COMMUNICATIONS	PAN AM FIRE ALARM	26.00
13984	07/14/2017	DIVISION OF THE STATE ARCHITECT	SB 1186 FEES QTR 4 FY 16/17	35.10
13985	07/14/2017	ESPINOZA SEWER SERVICE	PORTABLE TOILET SVS	50.00
13986	07/14/2017	EUROFINS EATON ANALYTICAL, INC.	WATER SAMPLES	418.00
13987	07/14/2017	FORENSIC NURSE SPECIALISTS, INC.	FRESNO SART	2,300.00
13988	07/14/2017	FOSS, DAN	PER DIEM SLI - SESSION 3	224.00
13989	07/14/2017	FRESNO REPROGRAPHICS	PRINT JOB	499.38
13990	07/14/2017	GOLDEN STATE OVERNIGHT	OVERNIGHT SHIPPING	110.23
13991	07/14/2017	KAISER FOUNDATION HEALTH PLAN	PRE-EMPLOYMENT EXAM	3,788.00
13992	07/14/2017	LARS ANDERSEN & ASSOCIATES, INC.	PROFESSIONAL ENGINEERING SERVICE	1,206.25
13993	07/14/2017	LEIGHTON'S JEWELERS OF MADERA INC.	CITIZENS ACADEMY COINS	180.00
13994	07/14/2017	MADERA CLEANERS AND LAUNDRY INC.	YOUTH CENTER 06/17 SVS	32.30
13995	07/14/2017	MADERA DOWNTOWN ASSOC.	FY 16/17 4TH QTR ASSESSMENTS	8,505.79
13996	07/14/2017	MADERA PRIVATE SECURITY PATROL	SECURITY FOR 4TH OF JULY	200.00
13997	07/14/2017	MADERA TRIBUNE	PUBLISH ORD. NO. 942 C.S	757.20
13998	07/14/2017	MADERA UNIFIED SCHOOL DISTRICT	CNG FUEL CHARGES FOR APRIL - JUNE 2017	877.17
13999	07/14/2017	METRO UNIFORM	UNIFORMS FOR TRAINEES	2,397.97
14000	07/14/2017	PACIFIC GAS & ELECTRIC	06/17 SVS 9172110863-6	144,867.76
14001	07/14/2017	PETERS ENGINEERING GROUP	Previous PO 8456 in Mais - Olive Ave. Widening	9,980.00
14002	07/14/2017	PETTY CASH - FINANCE DEPT.	PETTY CASH REIMBURSEMENT	356.89
14003	07/14/2017	PETTY CASH - PARKS DEPT.	PETTY CASH REIMBURSEMENT	113.74
14004	07/14/2017	PIERCE CONSTRUCTION	Asphalt Repair	30,600.00
14005	07/14/2017	POLYDYNE INC.	SLUDGE DEWATERING POLYMER	4,132.99
14006	07/14/2017	PROVOST & PRITCHARD CONSULTING GROUP	PROFESSIONAL ENGINEERING DESIGN	12,656.00
14007	07/14/2017	PURL'S SHEET METAL & AIR CONDITIONING	FABRICATE CURB AND ADAPTER FOR FACILITIES DEP	1,136.44
14008	07/14/2017	SHI INTERNATIONAL CORP.	Sonic Wall Firewall	13,423.00
14009	07/14/2017	SHI INTERNATIONAL CORP.	Acronis Backup 12 Virtual #V2H	22,591.47
14010	07/14/2017	SOUDERS, MARK	PER DIEM TYLER CONNECT USER CONF - AIRPORT FEES	32.00
14011	07/14/2017	TERRAFORM POWER, LLC.	05/17 ELECTRIC UTILITIES SVS	30,022.16
14012	07/14/2017	TESEI PETROLEUM, INC.	FUEL	774.04
14013	07/14/2017	THE ARC FRESNO	CITY CAN ORDERS JUNE 2017	1,849.36
14014	07/14/2017	THYSSENKRUPP ELEVATOR CORPORATION	YOUTH CENTER ELEVATOR SERVICE	250.32
14015	07/14/2017	AHMAD NADEEM	Utility Billing Deposit Refund	53.26
14016	07/14/2017	ALDERETE ANGELICA	Utility Billing Credit Refund	200.45
14017	07/14/2017	AMEZCUA ANGELINA	Utility Billing Credit Refund	31.64
14018	07/14/2017	ARVIZU RICK A AND TAMARA	Utility Billing Credit Refund	222.13
14019	07/14/2017	BAABBAD GALAL	Utility Billing Credit Refund	108.86
14020	07/14/2017	CITY OF MADERA OR HODGES KRISTINE	Utility Billing Credit Refund	166.38
14021	07/14/2017	CITY OF MADERA OR VILLANUEVA JOSE AND MA	Utility Billing Credit Refund	38.44
14022	07/14/2017	ENRIQUEZ GUADALUPE	Utility Billing Deposit Refund	20.92
14023	07/14/2017	FLORES FELIPE	Utility Billing Credit Refund	160.21
14024	07/14/2017	GAONA SANDRA	Utility Billing Credit Refund	167.74
14025	07/14/2017	GUZMAN ROLON CRUZ ALBERTO	Utility Billing Credit Refund	137.80
14026	07/14/2017	HERNANDEZ VERONICA	Utility Billing Credit Refund	7.62
14027	07/14/2017	LAMPHERE MARCY	Utility Billing Credit Refund	131.94
14028	07/14/2017	LEGACY TERRA LLC	Utility Billing Credit Refund	118.76
14029	07/14/2017	LEGACY TERRA LLC	Utility Billing Credit Refund	163.67
14030	07/14/2017	LOPEZ DAISY	Utility Billing Credit Refund	240.35
14031	07/14/2017	LUNA CARDENAS AGUSTIN	Utility Billing Credit Refund	324.36
14032	07/14/2017	MAVRIKIS KAREN	Utility Billing Deposit Refund	4.15
14033	07/14/2017	NAPOLEON ARMS LLC	Utility Billing Deposit Refund	20.36
14034	07/14/2017	NLA INVESTMENTS C/O NANCY MEYERS	Utility Billing Deposit Refund	12.25
14035	07/14/2017	OWEN SUZIE	Utility Billing Credit Refund	212.49
14036	07/14/2017	RAMIREZ ERIC	Utility Billing Credit Refund	148.90
14037	07/14/2017	SAMBUESO SHARON	Utility Billing Deposit Refund	47.62

14038	07/14/2017	SAMRAN SUKHDEEP	Utility Billing Credit Refund	113.61
14039	07/14/2017	SANCHEZ DIOSELINA	Utility Billing Credit Refund	172.35
14040	07/14/2017	STOKES JOANNE	Utility Billing Deposit Refund	91.14
14041	07/14/2017	THE CITY OF MADERA OR BAUTISTA ADAN CRUZ	Utility Billing Credit Refund	55.26
14042	07/14/2017	THE CITY OF MADERA OR FUENTES MARIA	Utility Billing Credit Refund	151.27
14043	07/14/2017	WATI LILIES	Utility Billing Credit Refund	158.17
14044	07/14/2017	YANG MONG	Utility Billing Credit Refund	152.26
14045	07/14/2017	UNION BANK OF CALIFORNIA	SVS FOR PERIOD FEBRUARY 1 TO APRIL 30, 2017	875.00
14046	07/14/2017	UNITED RENTALS, INC	MISC. EQUIPMENT RENTAL	12,560.45
14047	07/14/2017	WATCHGUARD VIDEO	RADIO COMMUNICATION EQUIPMENT	3,534.20
14048	07/14/2017	WEBB, WARREN	REPLACEMENTS FROM MOTORCYCLE ACCIDENT	333.99
14049	07/14/2017	WEST COAST ARBORISTS, INC.	PARK TREE MAINTENANCE	7,425.00
14050	07/14/2017	WEST COAST RUBBER RECYCLING	Tire Hauling	7,500.00
14051	07/14/2017	WILLDAN FINANCIAL SERVICES	CFD FEES 2005-1	140.39
14052	07/14/2017	YAMABE & HORN ENGINEERING	17-P-01 MAP CHECK - W YOSEMITE AVE	660.00
14053	07/20/2017	ABSHIRE ENTERPRISES	ABATEMENT	500.00
14054	07/20/2017	ADMINISTRATIVE SOLUTIONS INC.	MONTHLY ADMINISTRATIVE FEE JULY 2017	44,536.50
14055	07/20/2017	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXP ACCT 07/14/2017 PAYROLL	930.02
14056	07/20/2017	AMERICAN BUSINESS MACHINES	PRINTER FOR "CASA" OFFICE	898.13
14057	07/20/2017	THIRKETTLE CORPORATION	WATER METER REGISTERS	5,939.03
14058	07/20/2017	AT&T	06/17 CALNET 3 SVS 9391031576	3,574.25
14059	07/20/2017	BACKUPWORKS.COM, INC.	Tape Backup Upgrade	11,016.60
14060	07/20/2017	BANK OF NEW YORK MELLON	ADMIN/WIRE PROCESSING FEE - 1993 SERIES A	2,072.30
14061	07/20/2017	INFINITY ENERGY	CANCELLED PERMIT #20170208	126.60
14062	07/20/2017	THE BUSINESS JOURNAL	LEGAL DIRECTORY	20.00
14063	07/20/2017	CALIFORNIA DEPARTMENT OF JUSTICE	FINGERPRINT APPS	384.00
14064	07/20/2017	CALIFORNIA DEPARTMENT OF TRANSPORTATION	SHARED COSTS	187.09
14065	07/20/2017	CALIFORNIA POLICE CHIEFS ASSOC	Tuition for California Police	9,800.00
14066	07/20/2017	CALIFORNIA SURVEYING AND DRAFTING SUPPLY	OFFICE SUPPLIES	189.37
14067	07/20/2017	CANON FINANCIAL SERVICES	COPIER CHARGES	4,216.83
14068	07/20/2017	CITY OF MADERA	07/17 UTILITIES ACCT# 003040441-0	640.88
14069	07/20/2017	CITY OF MADERA	07/17 UTILITIES 703 SHERWOOD WAY	229.63
14070	07/20/2017	COLONIAL LIFE & ACCIDENT INSURANCE CO	E700482-3 FOR 07/14/2017 PAYROLL	1,080.04
14071	07/20/2017	COMMUNITY BUSINESS BANK	ERP SYSTEM EQUIPMENT/ FIRE TRUCK LOAN PMT	165,715.47
14072	07/20/2017	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	523.50
14073	07/20/2017	CORELOGIC INFORMATION SOLUTIONS INC	METRO SCAN 06/17	328.25
14074	07/20/2017	CREATIVE COPY	MAX BROCHURES	1,388.39
14075	07/20/2017	DATAPROSE, LLC	JUNE 2017 STATEMENTS/ NEWLETTER/ 48HR NOTICE	9,419.41
14076	07/20/2017	DIAMOND COMMUNICATIONS	ALARM MONITORING	255.00
14077	07/20/2017	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 07/01/17-07/15/17	9,225.00
14078	07/20/2017	FRESNO COUNTY ECONOMIC OPPTY. COMMISSION	ADC MEALS JUNE 2017	557.56
14079	07/20/2017	FRESNO MADERA AREA AGENCY ON AGING	UNSERVED MEALS 05/17	88.00
14080	07/20/2017	GEIL ENTERPRISES, INC.	JUNE 2017 JANITORIAL SVS	783.62
14081	07/20/2017	GOLDEN STATE FLOW MEASUREMENT INC.	PROGRAMER REPAIRS	270.06
14082	07/20/2017	HAAKER EQUIPMENT CO.	Sewer Nozzle	3,615.45
14083	07/20/2017	HAYNES, EUGENE G.	PER DIEM CSJVRMA TRAINING - MILEAGE REIMBURSEMENT	60.02
14084	07/20/2017	LINCOLN AQUATICS INC.	CHLORINE FOR POOL	2,154.16
14085	07/20/2017	MADERA CLEANERS AND LAUNDRY INC.	YOUTH CENTER MAT SERVICE	32.30
14086	07/20/2017	MADERA REDEVELOPMENT AGENCY	ALLOCATE FY 2017 SHARED OFFICE EXPENSE	20,742.51
14087	07/20/2017	MADERA TRIBUNE	4810 ADVERTISEMENT	298.80
14088	07/20/2017	MNJ TECHNOLOGIES DIRECT, INC.	Surface Pros	1,623.58
14089	07/20/2017	FRANK MOLINA	VOID	0.00
14090	07/20/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 7/14/17 PAYROLL	8,569.16
14091	07/20/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-02 FOR 07/14/2017 PAYROLL	3,725.38
14092	07/20/2017	OMNI-MEANS, LTD	PROFESSIONAL PROJECT DEVELOPMENT	2,841.00
14093	07/20/2017	ONTRAC	OVERNIGHT SHIPPING	3.59
14094	07/20/2017	PACIFIC GAS & ELECTRIC	05/17 SVS 9787342989-4	165.57
14095	07/20/2017	PAY PLUS SOLUTIONS, INC.	CALPERS MONTHLY SUBSCRIPTION	272.00
14096	07/20/2017	PITNEY BOWES, INC.	POSTAGE MACHINE LEASE	264.16
14097	07/20/2017	PRAXAIR DISTRIBUTION, INC.	CYLINDER DEMURRAGE RENTAL	510.57
14098	07/20/2017	PROVOST & PRITCHARD CONSULTING GROUP	PROFESSIONAL ENVIRONMENTAL PLANNING	1,585.50
14099	07/20/2017	PIERCE CRANE INC	CRANE SERVICE FOR INSTALLING SOLAR LIGHTS	164.50
14100	07/20/2017	SAMUEL E BALBAS	Exterior painting	11,412.50
14101	07/20/2017	SHI INTERNATIONAL CORP.	Aruba Access Point IAP-305 JX	11,352.18
14102	07/20/2017	SIMPLYGROUP	NAS Data Storage	10,103.98
14103	07/20/2017	ERASMO SOTO	INSTALLATION OF FENCES	12,000.00
14104	07/20/2017	STRATEGIC INSIGHTS, INC.	CIP SOFTWARE RENEWAL TO AUGUST 1, 2018	1,012.50
14105	07/20/2017	TAMARACK PEST CONTROL	JULY 2017 PEST CONTROL SVS	510.00
14106	07/20/2017	TESEI PETROLEUM INC.	FUEL CHARGES 06/21-06/30	13,866.66
14107	07/20/2017	UNITED HEALTHCARE INSURANCE COMPANY	JULY 2017 ADJUSTMENTS FOR NEW RATES	27,751.94
14108	07/20/2017	US BANK CORPORATE PAYMENT SYSTEMS	06/17 CAL-CARD CHARGES	169,632.24

14109	07/20/2017	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 07/14/17 PAYROLL	26,727.60
14110	07/20/2017	VERIZON WIRELESS	COUNCIL IPAD SVC JUN 11 - JUL 10	304.08
14111	07/20/2017	VILLA GARDENING SERVICE INC	JUNE GARDENING SVS	275.00
14112	07/20/2017	WATERTALENT, LLC	Temporary Staff for WWTP Opera	3,040.00
14113	07/20/2017	WEST COAST RUBBER RECYCLING	Tire Hauling	2,500.00
14114	07/20/2017	YAMABE & HORN ENGINEERING	17-207 CARMEL V MAP & PLAN CHECK	535.00
14115	07/21/2017	FRANK MOLINA	WEED ABATEMENT #2017-00514	1,295.19
			Bank # 1 - Union Bank General Account Total	999,862.47

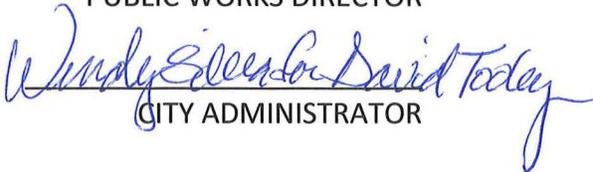
# REPORT TO CITY COUNCIL

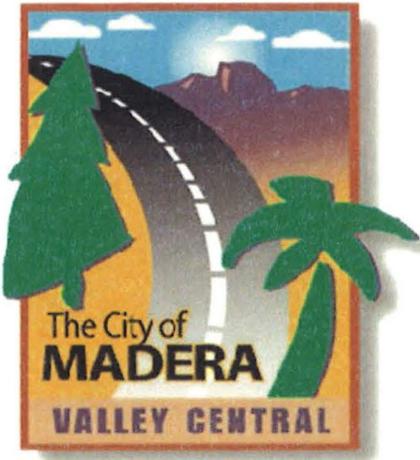
MEETING DATE: August 2, 2017

AGENDA ITEM NUMBER: B-3

Approved By:

  
PUBLIC WORKS DIRECTOR

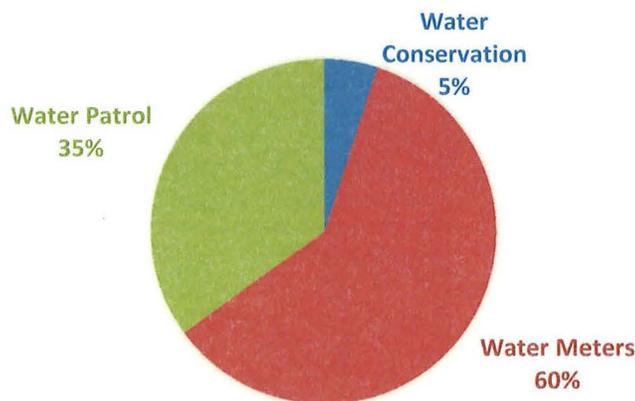
  
CITY ADMINISTRATOR



**SUBJECT:** Bi-Weekly Water Conservation Report for July 10th through July 23rd.

**RECOMMENDATION:** Staff recommends that the Council review the attached bi-weekly report of water conservation activities and progress in reducing residential water consumption.

**BACKGROUND:** The Water Conservation Unit is split between three different areas of focus: Water Conservation, Water Patrol and Water Meters. This varies throughout the year depending on weather and seasonal tasks. Below is the approximate distribution of efforts in the Unit during the bi-weekly reporting period.

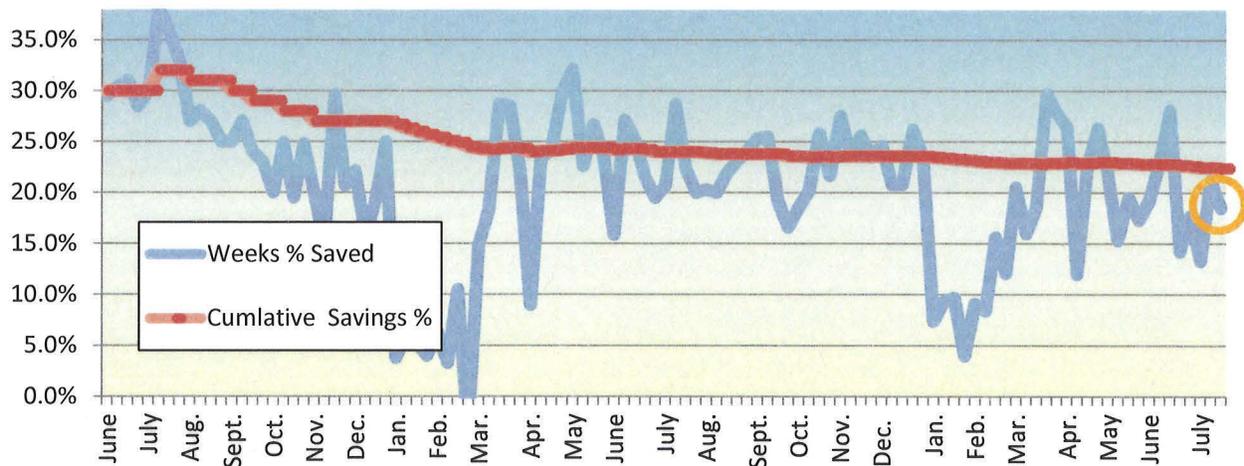


**WATER CONSERVATION:** As illustrated below, the City's water conservation rate increased from 15.5% in the last bi-weekly report to 20% this reporting period. The monthly conservation rate for July is down from 24% in 2016 to 17% in 2017. Below is the most current water conservation data.

Bi-Weekly
July 10 <sup>th</sup> -23 <sup>rd</sup>
<b>20%</b>

Monthly
July 1 <sup>st</sup> -23 <sup>rd</sup>
<b>17%</b>

Cumulative
June 1 <sup>st</sup> , 2015 July 23 <sup>rd</sup> , 2017
<b>22%</b>



**WATER DEMAND:** As previously discussed, we are monitoring our ability to maintain water pressure and adequate reserves in the elevated tank for fire flow in the event of a major fire. The issue should become less of a concern once repairs to Well 20 and/or 28 are completed. Currently, we anticipate Well 20 to be back in service within eight to ten weeks. Until then, we will be reporting on the reserves in the elevated tank. The attached graph indicates the changes in the volume of the water tank since July 2nd. The red line, which displays the water volume in the tank, shows a trend of increasing demands during peak periods, which is resulting in decreased volume, elevation, and pressure of water. The blue line is the fluctuation of pressure which directly correlates with the volume or elevation of the water in the Tank.

**WATER PATROL:** The water patrol staff made a total of 205 individual public contacts. Below is the most current enforcement data.

	Enforcement		
<b>Individual Contacts</b>	<b>205</b>	<b>1<sup>st</sup> offenses (\$75)</b>	<b>54</b>
<b>Verbal Warnings</b>	<b>17</b>	<b>2<sup>nd</sup> offenses (\$250)</b>	<b>3</b>
<b>Correction Notices</b>	<b>34</b>	<b>3<sup>rd</sup> or more offense (\$500)</b>	<b>1</b>

The department is currently working with Tyler-Munis to develop a module in the new financial software system for the reporting and issuance of water violation citations. Once completed, the patrol officer will have the ability to record all violations, citations and photos of the violations on an electronic device (e.g. tablet or laptop) in the field. The system will streamline the patrol and citation process.

**WATER METERS:** During this bi-weekly period, the water meter staff completed the process of meter reads on all manual read meters for the billing process. Water meter staff investigated numerous meters that were not reading or that were reporting zero flow which resulted in repairs and/or replacement of the meters. Staff also programed several new meters to the automatic read system that had been installed.

There was an increase in the number of customer concerns that were addressed this period regarding increase in consumption. These investigations resulted in discovery of leaks at 11 properties and notifications of large usage due to irrigation at 12 properties.

**FINANCIAL IMPACT:** The expenses for implementing and administering these water conservation activities occur within the Water Fund and do not impact the General Fund.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:** The report is consistent with the Madera Vision Plan, specifically Strategy 434: Water Quality and Usage: ensure continued water supplies to meet the demands of all Maderans through innovative reclamation, conservation and education on water use.

**Gallons**

Jul 02  
00:00:00

Jul 08  
06:00:00

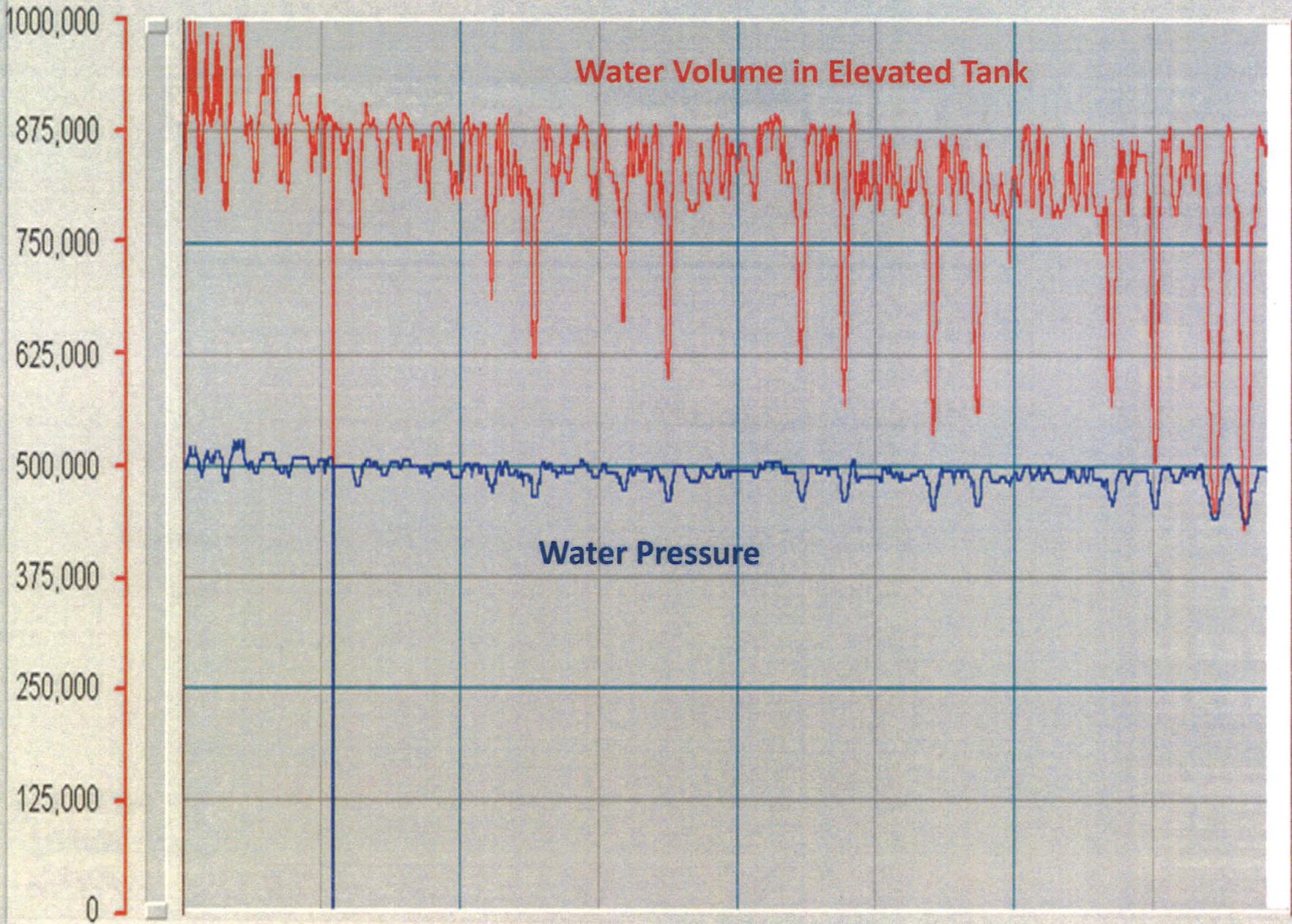
Jul 14  
12:00:00

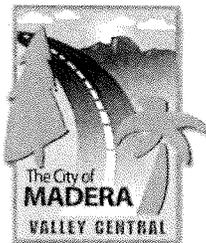
Jul 20  
18:00:00

Jul 27  
00:00:00

**Water Volume in Elevated Tank**

**Water Pressure**





## REPORT TO CITY COUNCIL

COUNCIL MEETING OF August 2, 2017  
AGENDA ITEM NUMBER B-4

Mak Etheridge FOR MAS

BY: Mary Anne Seay, Director  
Parks and Community Services

Wendy Solera for David Tooley

APPROVED BY: David Tooley, City Administrator

**SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING A FOOD SERVICES AGREEMENT WITH FRESNO ECONOMIC OPPORTUNITIES COMMISSION TO PROVIDE SENIOR MEALS FOR THE CITY OF MADERA ADULT DAY CARE (ADC) PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

### RECOMMENDATION:

Staff recommends Council:

- 1) Approve the agreement with the Fresno Economic Opportunities Commission (FEOC) to provide food services for the City's Adult Day Care (ADC) program.
- 2) Authorize the Mayor to execute the agreement on behalf of the City.

### SUMMARY AND DISCUSSION:

The City of Madera's Parks & Community Services Department has operated the ADC Program for the last 40 years under Title III of the Federally Funded Older Americans Act. The ADC Program is part of the services provided to area seniors and offers respite care for dependent adults, particularly those suffering from dementia, Alzheimer's Disease, Parkinson's Disease, or related conditions.

The ADC program offers elements of fitness, range of motion exercises, memory enhancement activities, socialization, intergenerational programming and other recreation opportunities for participants. A major component of the ADC program is a daily nutritious lunch program.

The City changed its senior service delivery plan to save general fund resources in fiscal year 2011-2012; a major element of this shift was the closure of the senior meals kitchen staffed with City employees. The closure of the kitchen meant that an outside vendor was needed to provide lunch for ADC participants. Fresno Economic Opportunities Commission (FEOC) has been providing this service in accordance with the City's nutritional, performance and quality requirements since September 2012.

FEOC was originally selected to provide meals for ADC clients after multiple quotes were solicited from potential vendors (including local suppliers) in accordance with City purchasing policy. FEOC not only provided the lowest per meal price (\$4.15 per meal in 2011-2012), but also demonstrated a service delivery plan that matched well with the City's needs. A recent check of potential vendors demonstrated that FEOC still provides the best price while meeting the City's service delivery needs. There is a modest increase in price per meal being requested by FEOC this year, this year's price will be \$4.40 per meal as opposed to \$4.32 per meal last year.

**FINANCIAL IMPACT:**

The FY 2017-18 Parks and Community Services adopted Therapeutic Programs Budget includes sufficient funding for this agreement. Depending upon the number of clients enrolled in the ADC program, the cost of the agreement will be between \$8,200 to \$9,400 for the 2017-18 fiscal year. The City General Fund will provide \$5,300 to \$6,200 of the necessary funding with the remainder contributed from grants and estimated program participant donations.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

The recommended actions are consistent with the following Vision Madera 2025 strategies:

- Strategy 342.3 - Collaborate with agencies to provide support and opportunities for seniors.
- Strategy 113 - Promote greater accessibility to City facilities and services to meet the needs of various cultural, socio-economic and disabled groups.
- Strategy 404 - Promote increased community wellness.
- Strategy 407 - Promote and expand existing services to allow Madera's elders to maintain independent lifestyles.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A FOOD SERVICES AGREEMENT WITH FRESNO ECONOMIC OPPORTUNITIES COMMISSION TO PROVIDE SENIOR MEALS FOR THE CITY OF MADERA ADULT DAY CARE (ADC) PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**WHEREAS**, the City of Madera provides supportive services to dependent adults under the auspices of the Federally Funded Older Americans Act; and

**WHEREAS**, a component of the services the City provides is a daily nutritious meal served to clients at the City operated Adult Day Care (ADC) facility; and

**WHEREAS**, the Fresno Economic Opportunities Commission (FEOC) is a qualified and established vendor providing food services that meet the requirements of the ADC program; and

**WHEREAS**, FEOC has prepared an Agreement with the City to formalize the terms and conditions for food services at the ADC and both parties are amenable to the proposed Agreement.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF MADERA** does hereby resolve, find and order as follows:

1. The above recitals are true and correct.
2. The proposed Food Services Agreement between the City and the Fresno Economic Opportunities Commission, a copy of which is on file in the Office of the City Clerk and is referred to for full particulars, is approved.
3. Participation in the activities contemplated by this Agreement as of July 1, 2017, is hereby ratified.
4. The Mayor is authorized to execute the Agreement on behalf of the City.
5. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**FRESNO**  
**ECONOMIC OPPORTUNITIES COMMISSION**

---

**FOOD SERVICE AGREEMENT**

This AGREEMENT is made as of the day and date specified below, between the following parties:

**FRESNO ECONOMIC OPPORTUNITIES COMMISSION (Fresno EOC-FS)**  
1920 Mariposa Mall  
Fresno, California 93721-2526

and,

**City of Madera (CUSTOMER)**  
**Parks & Community Services Department**  
701 E. 5<sup>th</sup> St.  
Madera, CA 93638

For Services at:  
**Madera Adult Day Care (CUSTOMER)**  
322 W. 6<sup>th</sup> Street.  
Madera, CA 93637

**AGREEMENT PERIOD July 1, 2017 THROUGH JUNE 30, 2018**

1. **Fresno EOC-FS** operates a food preparation center and is not an agent or employee of the City of Madera. **CUSTOMER** has a need for food service as specified below. The purpose of this **AGREEMENT** is to state the terms and condition under which **Fresno EOC-FS** will provide food services for the **CUSTOMER**.
  
2. Services to be Performed. **Fresno EOC-FS** agrees to perform the following food services for **CUSTOMER**.
  - a. Provide lunch meals Monday through Friday (excluding designated holidays).
  - b. Meals will be delivered to **Madera Adult Day Care** at 322 W. 6<sup>th</sup> Street in time for 11:30 a.m. lunch serving time.
  - c. The menu will be based on meeting one-third (1/3) of the daily minimum nutritional requirements. Any changes to the basic menu must be mutually agreed upon.
  - d. A complete food service checklist, which will include date, menu, number of meals and serving procedures, will be provided to **Madera Adult Day Care** with each delivery.
  - e. In the event **Madera Adult Day Care** closes or limits serving days, price adjustments, mutually agreed upon, may be necessary.

3. **CUSTOMER'S DUTIES.** **CUSTOMER** shall be responsible for and shall do the following:
  - a. Meal lunch counts to be faxed over before 12:00 noon the previous day of service. **Fresno EOC-FS** FAX number for this purpose is (559) 266-3669. Cancellations or reductions in lunch meal will not be accepted.
  - b. **CUSTOMER** shall cause the serving pans to be rinsed out and packed into the insulated container for pickup. The serving pans and containers will be picked up on the next service day.
  - c. **CUSTOMER** acknowledges that they are solely responsible for serving the meals and, in connection therewith, following any reasonable directions of **Fresno EOC-FS** with regard to the serving of such meals. **CUSTOMER** agrees that the meals shall be consumed during the lunch hour between 11:30 AM – 12:30 PM.
4. **Menu substitution.** Any lunch substitution requests must be directed to the **Fresno EOC-FS** Food Preparation Center Nutritionist upon at least five (5) days written notice. **CUSTOMER** understands and agrees that the compliance with any such request shall be at the sole discretion of **Fresno EOC-FS**.
5. Special meals, banquets, or other special food service requests must similarly be made by **CUSTOMER** to **Fresno EOC-FS** upon at least five (5) days advance notice. Compliance with any such request shall be at **Fresno EOC-FS** sole discretion.
6. In the event **CUSTOMER** requests any special meals, banquets, or special food service which **Fresno EOC-FS** is willing to provide, the **Fresno EOC-FS** shall give **CUSTOMER** a price at which **Fresno EOC-FS** is willing to provide such service and the price, therefore, shall be as specified by **Fresno EOC-FS**.
7. **Payment.** **CUSTOMER** agrees to compensate and pay **Fresno EOC-FS** the following prices:

Lunch Price per meal - \$4.40 (plus applicable tax)  
Extra milk – per ½ pint \$.41

  - a. In addition to the amount specified above, **CUSTOMER** agrees to pay **Fresno EOC-FS** any applicable sales tax unless **CUSTOMER** provides evidence to **Fresno EOC-FS** that **CUSTOMER** is exempt from or not subject to the imposition of such tax.
  - b. **Fresno EOC-FS** will send an invoice to **CUSTOMER** on a monthly basis, and, payment shall be due and payable within 20 days following the date of invoice. A late charge of 1 1/2% per month (18% per year) will be charged on past due accounts. Service will cease if full payment is not received within 30 days of the date of invoice. Payment shall be made to:

**FRESNO EOC-FOOD SERVICES**  
1920 Mariposa Mall, Suite#330  
Fresno, CA 93721

- c. **CUSTOMER** shall be credited for any missing or unacceptable items under the direct control of the Food Preparation Center on a per-meal basis.
8. Terms of Agreement. The terms of this AGREEMENT shall commence July 1, 2017 and continue in full force and effect thereafter until June 30, 2018 or until it is terminated by at least thirty (30) days written notice from either party to the other.
9. Now, therefore, FEOC and City agree to the following:

FEOC shall indemnify and save harmless the City, its officers, agents, employees, and servants from all claims, suits or actions of every name, kind, description, brought for, or on account of, injuries to or death of any person or damage to property resulting from the fault or negligence of FEOC, its officers, agents, employees and/or servants in connection with this Food Service Agreement.

City shall indemnify and save harmless FEOC, its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, description, brought for, or on account of, injuries to or death of any person or damage to property resulting from the fault or negligence of the City, its officers, agents, employees, and/or servants in connection with this Food Service Agreement.

10. Governing Law, Entirety of AGREEMENT, and Partial Invalidity. This AGREEMENT shall be governed by the laws of the State of California. It constitutes the entire AGREEMENT between the parties regarding its subject matter. If any provision in this AGREEMENT is held by any court to be invalid, void, or unenforceable, the remaining provisions shall, nevertheless, continue in full force.
11. **Insurance Requirements for Partner Agency**

Without limiting Fresno EOC's indemnification of City, and prior to commencement of Services, Fresno EOC shall obtain, provide, and continuously maintain at its own expense during the term of the Agreement, and shall require any and all Subcontractors of every Tier to obtain and maintain, policies of insurance of the type and amounts described below and in form satisfactory to the City.

*Minimum Scope and Limits of Insurance*

Fresno EOC shall maintain limits no less than:

- \$2,000,000 **General Liability** (including operations, products and completed operations) per occurrence, \$4,000,000 general aggregate, for bodily injury, personal injury and property damage, including without limitation, blanket contractual liability. Coverage shall be at least as broad as Insurance Services Office (ISO) Commercial General Liability coverage form CG 00 01. General liability policies shall be endorsed using ISO form CG 20 10 that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- \$1,000,000 **Automobile Liability** combined single limit per accident for bodily injury or property damage at least as broad as ISO Form CA 00 01 for all activities of Fresno EOC arising out of or in connection with Services to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles. Automobile Liability policies shall be endorsed to provide that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- **Worker's Compensation** as required by the State of California and \$1,000,000 **Employer's Liability** per accident for bodily injury or disease. Fresno EOC shall submit to the City, along with

the certificate of insurance, a Waiver of Subrogation endorsement in favor of the City, its officers, agents, employees, and volunteers.

*Maintenance of Coverage*

Fresno EOC shall procure and maintain, for the duration of the contract, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Services hereunder by Fresno EOC, its agents, representatives, employees, subcontractors as specified in this Agreement.

*Proof of Insurance*

Fresno EOC shall provide to the City certificates of insurance and endorsements, as required, as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by the City prior to commencement of performance. Current evidence of insurance shall be kept on file with the City at all times during the term of this Agreement. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

*Acceptable Insurers*

All insurance policies shall be issued by an insurance company currently authorized by the Insurance commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and a Financial Size Category Class VII (or larger), in accordance with the latest edition of Best's Key Rating Guide.

*Waiver of Subrogation*

All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against the City, its elected or appointed officers, agents, officials, employees, and volunteers, or shall specifically allow Fresno EOC, or others providing insurance evidence in compliance with these specifications, to waive their right of recovery prior to a loss. Fresno EOC hereby waives its own right of recovery against the City and shall require similar written express waivers and insurance clauses from each of its subcontractors.

*Enforcement of Contract Provisions (non estoppel)*

Fresno EOC acknowledges and agrees that any actual or alleged failure on the part of the Agency to inform Fresno EOC of non-compliance with any requirement imposes no additional obligations on the City, nor does it waive any rights hereunder.

*Specifications not Limiting*

Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If Fresno EOC maintains higher limits than the minimums required above, the entity shall be entitled to coverage at the higher limits maintained by Fresno EOC.

*Notice of Cancellation*

Fresno EOC agrees to oblige its insurance agent or broker and insurers to provide to the City with thirty (30) calendar days notice of cancellation (except for nonpayment for which ten (10) calendar days notice is required) or nonrenewal of coverage for each required coverage.

*Self-insured Retentions*

Any self-insured retentions must be declared to and approved by the City. The City reserves the right to

require that self-insured retentions be eliminated, lowered or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by the City's Risk Manager.

*Timely Notice of Claims*

Fresno EOC shall give the City prompt and timely notice of claims made or suits instituted that arise out of or result from Fresno EOC's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

*Additional Insurance*

Fresno EOC shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgement may be necessary for its proper protection and prosecution of the Food Service Agreement

12. Examination of Records. **Fresno EOC-FS** will make records available for review upon request by **CUSTOMER** and the State of California for any monies spent. Records are proprietary and will be considered confidential and only used as support for the terms of this AGREEMENT.

A provision that the Department and the Department of Health, Education and Welfare shall have the right to inspect or reproduce all books and records of the subcontractor as they relate to the provision of goods and services under the terms of the subcontract. Such books and records shall be available for inspection or reproduction at all reasonable times at the subcontractor's place of business for a term of at least four years from the effective date of the subcontract. In addition to the above, the California Department of Aging, Department of Health Services and the Department of Health and Human Services have the right to inspect or reproduce all books and records at the subcontractor's place of business.

A provision requiring the subcontractors upon written request, to furnish financial reports relating to the provision of services under the subcontract and the payment therefore to the adult day health center and to the Department in such form and at such time as required by the adult day health care provider to fulfill its obligations for financial reporting to the Department.

EXECUTED AS OF THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

Fresno Economic Opportunities  
Commission

City of Madera

By: \_\_\_\_\_

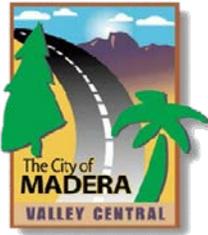
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Title: \_\_\_\_\_

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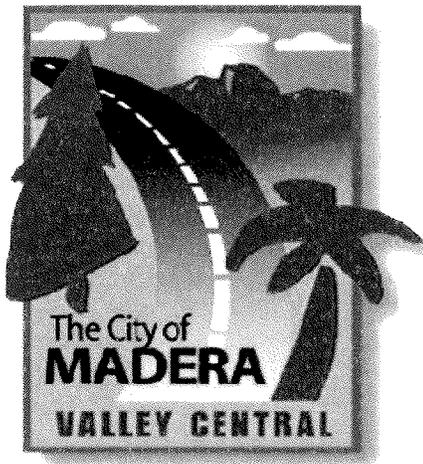
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**Madera City Council Agenda 08/02/17  
Agenda Item B-5**

**Consideration of a Resolution approving an Agreement with David Hale  
for Legal Services**

**This agenda item will be distributed prior to the scheduled meeting.**



## REPORT TO CITY COUNCIL

MEETING DATE: August 2, 2017

AGENDA ITEM NUMBER: B- 6

Approved by:

  
PUBLIC WORKS DIRECTOR

  
CITY ADMINISTRATOR

### **SUBJECT:**

Consideration of a resolution amending the fiscal year 2017/18 budget to appropriate funds in the Sewer Utility Waste Water Treatment Plant budget to fill a new lead operator position at the Waste Water Treatment Plant and to approve the position.

### **RECOMMENDATION:**

It is recommended Council approve the proposed resolution amending the FY 2017/18 budget to appropriate funds in the Sewer Utility Waste Water Treatment Plant budget to fill an additional Lead Operator position at the Waste Water Treatment Plant "WWTP" consistent with the recommendations of staff during the budget review and approval process.

### **SUMMARY:**

During the FY 17/18 budget process the Council was presented with a plan to add a Lead Operator to perform preventative maintenance at the WWTP as well as other positions for the facility. While the narratives and presentations addressed this position, the specific line item in the spreadsheet of salary and benefit projections used to populate the budget was inadvertently omitted. Hence, prior to advertising to fill the position the budget must be amended to reconcile this oversight.

### **DISCUSSION:**

As previously discussed during the budget process, WWTP Staff as well as Facilities Maintenance Staff perform routine operations and maintenance at the treatment plant. However, there has been a historic lack of personnel needed to keep up with preventative maintenance. This has been identified in past studies of the plant's operations and recently in a report from Stantec Engineering, a consulting firm that is assisting the City with the major repairs currently underway at the plant. The quantified analysis completed by Stantec concludes that, when using industry standards, there are inadequate staff resources to cover

both normal operations and preventative maintenance functions. To address the need for preventative maintenance the Council was presented with a Plan to approve an additional Lead Operator, two Operator II's, Two Operators in Training, and a Part Time Maintenance Worker I. While we believe Council's intent was to approve the plan and make requisite appropriations for each of the recommended positions, unfortunately, the spreadsheet used to capture individual positions somehow missed the Lead Operator Position. The requested amendment will remedy this clerical oversight.

**FINANCIAL IMPACT:**

The addition of the Lead Operator position will increase the Sewer Utility Waste Water Treatment Plant budget by \$65,800 in FY 17/18. The estimated salary and benefits for this position are \$87,732 annually. Actual expenses will vary depending on which step of the salary range the individual starts on, their CalPERS tier, and their health benefit enrollment. The proposed budget amendment represents 9 months of salary and benefits in recognition of the minimum amount of time it will take to follow the Civil Service process to recruit and hire for this position. The projected operational revenues in FY 17/18 are sufficient to cover the increased operational expense. With this budget amendment there will still be a \$715,957 projected operational surplus in the Sewer Fund, excluding the \$5,393,750 of Capital Outlay costs.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

This item is not specifically addressed, nor does it conflict with any of the actions or goals contained in the Vision Madera 2025 Plan.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2017/18 ANNUAL BUDGET TO INCREASE EXPENDITURE ALLOCATIONS IN THE SEWER FUND BUDGET TO ADD A LEAD OPERATOR POSITION**

**WHEREAS**, the City Council previously adopted a City-wide budget for the 2017- 18 fiscal year; and

**WHEREAS**, the City has determined that it is prudent to increase expenditure allocations to add a Wastewater Treatment Plant Lead Operator position to oversee preventative maintenance at the Waste Water Treatment Plant; and

**WHEREAS**, expenditure accounts will need to be increased within the Sewer Fund for said position; and

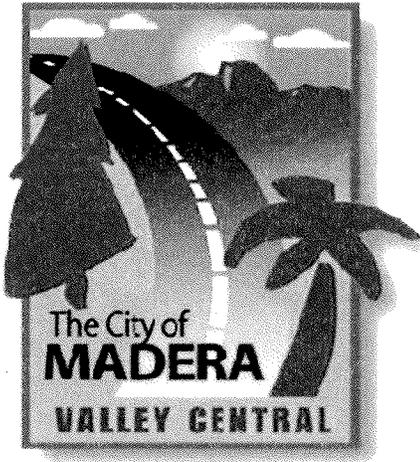
**WHEREAS**, an adequate fund balance is available in said Fund to allow for said increase of appropriations.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:**

1. The above recitals are true and correct.
2. The budgets of the Sewer Fund are hereby amended as shown in Exhibit AA to this resolution to add an additional Wastewater Treatment Plant Lead Operator position.
3. The City's Finance Department is directed to take all actions necessary to effectuate this budget amendment.
4. This resolution is effective immediately upon adoption.

**EXHIBIT AA**  
**CITY OF MADERA**  
**Appropriation Adjustment**

FUND	ACCOUNT NUMBER	DESCRIPTION		
<b><u>Sewer Utility WWTP - 509</u></b>				
	1010	Salaries - Full-Time	35614	+
	1020	Salaries - Part-Time	0	
	1050	Salaries - Uniform Pay	188	+
	1060	Salaries - Auto and Expense Allowance	0	
	2000	PERS	5,369	+
	2002	Long-Term Disability	128	+
	2003	Life Insurance	38	+
	2004	Workers' Compensation Ins.	3,157	+
	2005	Medicare	814	+
	2008	Deferred Compensation	1,496	+
	2009	Unemployment Insurance	158	+
	2010	Benefit Allowance	18,838	+
<b>Sewer Utility Fund Totals</b>			<b>65,800</b>	



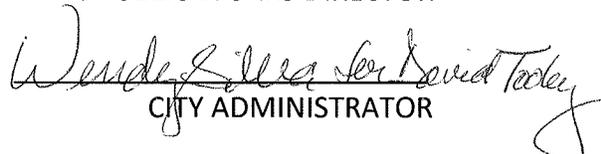
## REPORT TO CITY COUNCIL

MEETING DATE: August 2, 2017

AGENDA ITEM NUMBER: C-1

Approved By:

  
PUBLIC WORKS DIRECTOR

  
CITY ADMINISTRATOR

**SUBJECT:** Second Reading and Consideration of Adoption of an Ordinance Amending Section 5-5.13 of Chapter 5 of Title V of the Madera Municipal Code Pertaining to Watering Restrictions

**RECOMMENDATION:** Staff recommends that Council conduct a second reading and adopt the proposed ordinance amending Section 5-5.13 of Chapter 5 of Title V of the Madera Municipal Code Pertaining to Watering Restrictions.

**SUMMARY:** At a public hearing during the July 19, 2017 regular City Council Meeting, the Council considered and then introduced an ordinance adding a water conservation level allowing outdoor watering three days per week. This is the final step to adoption.

**DISCUSSION:** The City's current ordinance includes five water conservation levels. The proposed amendment would create six levels with a new Level B allowing watering three days per week:

- Level A allows watering all days of the week during the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.
- Level B allows watering three days per week during the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.:
  - Sunday, Wednesday and Friday for even numbered parcels, and
  - Tuesday, Thursday and Saturday for odd numbered parcels.
  - No watering on Mondays.
- Level C allows watering two days per week during the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.:
  - Sunday and Wednesday for parcels with even numbered street addresses, and
  - Saturday and Thursday for parcels with odd numbered street addresses.
- Level D allows watering one day per week during the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.:
  - Sunday for parcels with even numbered street addresses, and
  - Saturday for parcels with odd numbered street addresses.
- Level E allows watering one day per week limited to drip systems designed to only irrigate trees and bushes to minimally maintain their viability during the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.:
  - Sunday for parcels with even numbered street addresses, and
  - Saturday for parcels with odd numbered street addresses.
- Level F eliminates all watering for irrigation of plants other than edible crops for personal consumption.

**FINANCIAL IMPACT:** The expenses for implementing and administering these activities occur within the Water Fund and do not impact the General Fund.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:** While the proposed action is not specifically addressed as part of the Plan, they are not in conflict with the 2025 Plan.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 5-5.13 OF CHAPTER 5 OF TITLE V OF THE MADERA MUNICIPAL CODE PERTAINING TO WATERING RESTRICTIONS**

**WHEREAS**, it is necessary for the City to further refine regulations relating to the City's water system and enforcement of water conservation; and

**WHEREAS**, the City has considered the totality of the Municipal ordinance pertaining to water and has determined that certain provisions are needed for the effective implementation and protection of the City's water system.

**THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Section 5-5.13(A) of Chapter 5, of Title V of the Madera Municipal Code is hereby amended to read as follows:

(A) *Drought levels.* When the City Council by resolution determines that water supplies are limited and additional conservation measures are necessary to reduce water consumption, the Council may enact one of ~~five~~six drought water restriction levels A through ~~E~~F as set forth in this subsection, and restrictions under each section shall be enforced for such period of time as designated by the City Council or until lifted by them by separate resolution. [The City Council at any time may prohibit all organized carwashes not conducted as part of a licensed car wash business, if it determines by resolution it is warranted to contribute to other enacted water restrictions intended to reduce water consumption.]

Level A

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by limited means, the following restrictions shall apply:

Outdoor application of water for irrigation and recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.

[Level B

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by moderate means, the following restrictions shall apply:

Outdoor application of water for irrigation and recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage

on Sunday, Wednesday, and Friday for parcels with even numbered street addresses, and Tuesday, Thursday and Saturday for parcels with odd numbered street addresses.]

Level B[C]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by moderate means, the following restrictions shall apply:

Outdoor application of water for irrigation, recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage on Sunday and Wednesday for parcels with even numbered street addresses and Saturday and Tuesday for parcels with odd numbered street addresses.

Level C[D]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by significant means, the following restrictions shall apply:

Outdoor application of water for irrigation and recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage on Sunday for parcels with even numbered street addresses and Saturday for parcels with odd numbered street addresses.

Level D[E]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by aggressive means, the following restrictions shall apply:

Outdoor application of water for irrigation of plants shall be limited drip system designed to only irrigate trees and bushes to minimally maintain their viability. The application of water shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage on Sunday for parcels with even numbered street addresses and Saturday for parcels with odd numbered street addresses.

Level E[F]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by extreme means, the following restrictions shall apply:

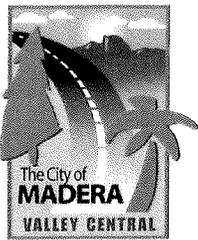
All outdoor application of water for irrigation of plants other than edible crops for personal consumption shall be eliminated.

~~The City Council at any time may prohibit all organized carwashes not conducted as part of a licensed car wash business, if it determines by resolution it is warranted to contribute to other enacted water restrictions intended to reduce water consumption.~~

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this 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 be declared unconstitutional or void for any other reason.

Section 4.      Effective Date. This ordinance shall be effective and of full force and effect at 12:01 a.m. on the 31<sup>st</sup> day after its passage.

\* \* \* \* \*

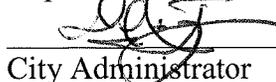


## REPORT TO CITY COUNCIL

[Return to Agenda](#)

Approved by:

  
\_\_\_\_\_  
Department Director

  
\_\_\_\_\_  
City Administrator

**Council Meeting of:** August 2, 2017

**Agenda Number:** C-2

**SUBJECT: Public Hearing and Consideration of a Resolution Establishing Appropriation Limits for Fiscal Year 2017-2018**

**RECOMMENDATION:** After review and consideration of the information presented in this calculation, Staff recommends that the Council adopt the resolution establishing an appropriation limit for Fiscal Year 2017-2018.

**BACKGROUND:** State law requires the City to set an appropriations limit (also known as the “Gann Limit”) after budget adoption each year, in accordance with Section 1.5 of Article XIII B of the California Constitution. The limit is based on appropriations (formal authorization by the City Council to spend funds) only from proceeds of taxes, as defined by the law and statewide reporting guidelines. The appropriation limit amount is increased each year by a formula that uses a combination of percent changes in the Statewide Per Capita Income (PCI), city or county population, and the City non-residential assessed valuation. The factors are allowed to be used in combination to provide the greatest increase or least decrease in the annual appropriation limit. The State Department of Finance provides the PCI and population growth rates. The County Assessor provides the non-residential assessed valuation information.

**DISCUSSION:** The Fiscal Year 2017-18 Appropriations Limit shows an increase from the prior year due to a rise in the Statewide PCI of 3.69% in combination with a 1.21% increase in the City’s population growth rate. Additionally, the appropriations subject to limitation increased by 4.9% from last year.

The FY 2017-18 Article XIII B Appropriations Limit Calculation Worksheets and supporting documents are included as Exhibit A.

**FINANCIAL IMPACT:** The Appropriations Limit for fiscal year 2017-18 has been calculated to be \$40,158,721, while appropriations subject to limitation were determined to be \$26,942,010 as shown on Exhibit A, Worksheet #1. The difference between the Appropriations Limit and the City’s appropriations subject to limitation is \$13,216,711, demonstrating that the City is using 67.1% of the allowed limit.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:** Adopting the Appropriations Limit for the City is not addressed in the vision or action plans. The requested action is also not in conflict with any of the actions or goals contained in those plans.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, ADOPTING THE APPROPRIATION LIMIT  
FOR THE 2017-18 FISCAL YEAR

WHEREAS, Section 7910 of the California Government Code of the State of California provides that each year the governing body of each local jurisdiction shall, by resolution, establish its Appropriations Limit for the following fiscal year pursuant to Article XIII B of the Constitution; and

WHEREAS, at least fifteen (15) days prior to such adoption, notice of the proposed adoption of the Appropriation Limit and availability of the documentation used in making the determination of the Appropriation Limit was given within the City, which sum and documentation has been available to the public in the office of the Director of Finance; and

WHEREAS, the City Council has received evidence regarding the Appropriations Limit to be established for the City of Madera.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Madera as follows:

1. The above recitals are true and correct.
2. The Appropriation Limit for the City of Madera for the 2017-18 fiscal year, as described in Article XIII B of the Constitution of the State of California and as determined pursuant to Sections 7900 to 7913 of the California Government Code is in the amount of FORTY MILLION ONE HUNDRED FIFTY EIGHT THOUSAND SEVEN HUNDRED TWENTY ONE DOLLARS (\$40,158,721).
3. The Council declares that it used the percentage change in California per capita personal income and the City of Madera annual percent change in population in calculating this Appropriation Limit.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

CITY OF MADERA  
ARTICLE XIII B APPROPRIATIONS LIMIT CALCULATION  
WORKSHEET #1  
FOR THE 2017-18 FISCAL YEAR

		<u>Reference Document</u>
Proceeds of Taxes:	\$ 26,942,010	Worksheet #2
Exclusions:	<u>0</u>	
Appropriations Subject to Limit:	\$ 26,942,010	
Current Limit:	<u>\$ 40,158,721</u>	Worksheet #3
Amount Over (Under) Limit:	<u><u>\$(13,216,711)</u></u>	

CITY OF MADERA  
 ARTICLE XIII B APPROPRIATIONS LIMIT CALCULATION  
 WORKSHEET #2  
 FOR THE 2017-18 FISCAL YEAR  
 Summary of Tax Proceeds Revenue & Interest Allocation

	Non-Interest Revenues	Percent of Total	Interest Income Allocation	Total Tax Proceeds
<u>General Fund</u>				
Tax Proceeds Budgeted	\$ 19,612,597	65.23%	\$ 260,913	\$ 19,873,510
Non Tax Proceeds Budgeted	10,455,099	34.77%	139,087	
Total Revenues Budgeted	\$ 30,067,696	100.00%		
Total Interest Income Budgeted			\$ 400,000	
<u>Dial-a-Ride and Fixed Route Transit Systems</u>				
Tax Proceeds Budgeted				789,399
<u>Gas Tax:</u>				
Tax Proceeds Budgeted				1,828,939
<u>Measure A &amp; Measure T:</u>				
Tax Proceeds Budgeted				3,203,985
<u>Local Transportation Allocations in Other Funds</u>				
Tax Proceeds Budgeted				1,246,177
Total Tax Proceeds Budgeted:				\$ 26,942,010

CITY OF MADERA  
 ARTICLE XIII B APPROPRIATIONS LIMIT CALCULATION  
 WORKSHEET #3  
 FOR THE 2017-18 FISCAL YEAR

A.	Last Year's Appropriations Limit (Unadjusted)		\$ 38,266,573	
B.	Adjustment Factors	<u>% of Change</u>	<u>Factor</u>	<u>Source</u>
	1. Growth in City Population	1.21	1.0121	State Calculation
	2. California Per Capita Personal Income Growth	3.69	<u>1.0369</u>	State Calculation
	3. Adjustment Factor: (B1 x B2)		1.0494	
C.	Annual Adjustment Dollars: (A x B3) - A		\$ 1,892,148	
D.	2017-18 Projected Appropriations Limit: (A + C)		<u>\$ 40,158,721</u>	



DEPARTMENT OF  
**FINANCE**  
OFFICE OF THE DIRECTOR

EDMUND G. BROWN JR. ■ GOVERNOR  
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

May 2017

Dear Fiscal Officer:

**Subject: Price Factor and Population Information**

**Appropriations Limit**

The California Revenue and Taxation Code, section 2227, requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2017, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2017-18. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2017-18 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. The Revenue and Taxation Code, section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The Code and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2017.**

**Please Note:** Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

MICHAEL COHEN  
Director  
By:

AMY M. COSTA  
Chief Deputy Director

Attachment

May 2017

## Attachment A

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2017-18 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2017-18	3.69

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2017-18 appropriation limit.

**2017-18:**

Per Capita Cost of Living Change = 3.69 percent  
 Population Change = 0.85 percent

Per Capita Cost of Living converted to a ratio:  $\frac{3.69 + 100}{100} = 1.0369$

Population converted to a ratio:  $\frac{0.85 + 100}{100} = 1.0085$

Calculation of factor for FY 2017-18:  $1.0369 \times 1.0085 = 1.0457$

Fiscal Year 2017-18

EXHIBIT A

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u> 2016-2017</b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total</u></b>
		<b>1-1-16</b>	<b>1-1-17</b>	<b>Population 1-1-2017</b>
Madera				
Chowchilla	2.70	12,085	12,411	18,840
Madera	1.21	65,292	66,082	66,082
Unincorporated	0.62	71,127	71,570	71,570
County Total	1.05	148,504	150,063	156,492

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.