

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

**NOTICE AND AGENDA**

**Wednesday, August 15, 2018  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

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

**INVOCATION: Pastor Roger Leach, Valley West Christian Center**

**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.

**PRESENTATIONS None.**

**INTRODUCTIONS Julia Chacon-Larson, Legal Assistant**

**A. WORKSHOP**

There are no items for this section.

**B. CONSENT CALENDAR**

- B-1 Minutes – 9/06/17, 7/31/18, 8/01/18
- B-2 Warrant Disbursement Report 7/24/18-8/07/18 (Report by Tim Przybyla)
- B-3 Water Conservation Report for June 18th through July 22nd (Report by John Scarborough)
- B-4 Consideration of a Minute Order Accepting the Water Pollution Control Facility Replacement Water Supply Well Project, City Project No. WWTP 17-01, Authorizing Recording of the Notice of Completion and Authorizing the Release of Retention (Report by John Scarborough)
- B-5 Consideration of a Resolution Adopting the City of Madera Conflict of Interest Code and Repealing Resolution No. 16-136 and All Resolutions in Conflict Herewith (Report by Sonia Alvarez)
- B-6 Consideration of a Resolution to Execute Easement Deed for Dedication of Easement for Madera Irrigation District's Pipeline Along East Side of Victory Lane through City-Owned Parcels APN 009-331-010, 011, 018, and 024 (Report by Keith Helmuth)
- B-7 Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District for Partial Administration of the District's Foster Youth and Homeless/Families in Transition Programs and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)
- B-8 Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District for Partial Administration of the District's Academic Year 2018-19 After School Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)
- B-9 Consideration of a Resolution Approving an Increase in the Construction, Construction Inspection and Management Contingencies for Well-27 Pipeline Outfall Extension Southwest Corner of Almond Ave. & Pine St. City Project No. W 17-03 (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Approving an Addition and/or Amendment to Escrow Instructions Dated August 2, 2018 Addressing the Sale and Purchase of Real Estate for Parcel 16 within the Freedom Industrial Park (Report by David Merchen)
- B-11 Consideration of a Resolution of the Madera City Council Approving a Contract with the County of Madera in Which the County would Provide Animal Control Services to the City and the City would Provide Law Enforcement Services to the County and Authorizes the Mayor to Execute the Contract on Behalf of the City (Report by Brian Esteves)

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

- C-1 Consideration of Introduction of an Ordinance Pertaining to the Formulation of a City-Wide Youth Commission (Report by Mary Anne Seay)
- C-2 Consideration of a Resolution to Adjust the Fare Structure of the Madera Area Express (MAX) Fixed-Route Regular Cash Fare from \$.75 To \$1.00 and Implementation of a Dial-A-Ride (DAR) Premium Fare Structure that would Increase All General Public Fares on DAR to \$3.00 Per Trip and Create Separate Tickets for Each Transit Service (Report by Ivette Iraheta)

- C-3 Public Hearing and Consideration of a Resolution of the City Council of the City of Madera Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties (Report by Fabela Rodriguez)
- C-4 Consideration of a Resolution Approving Amendments to the Fiscal Year 2018-2019 Capital Projects Budget Appropriating Funds to Specified Accounts for Work Related to the Acceptance of a Donation of Land for a Future Municipal Park (Report by Mary Anne Seay)

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

- E-1 Consideration of Demolition of the "D" Street Water Tower and Request for Direction (Report by Keith Helmuth)
- E-2 Consideration of a Request to Designate a Voting Delegate and Alternate for the League of California Cities Annual Conference and Direct the City Clerk to Submit the Voting Delegate Form to the League (Report by Sonia Alvarez)

**F. COUNCIL REPORTS**

**G. CLOSED SESSION**

- G-1 Closed Session Announcement – City Attorney
- G-2 Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 2 cases
- G-3 Conference with Labor Negotiators Pursuant to Government Code §54957.6

Agency Designated Representatives: Steve Frazier, Wendy Silva, Ron Manfredi

Unrepresented Positions:

City Clerk, City Administrator/City Manager, City Attorney, Planning Manager, Director of Community Development, Police Chief, Grant Administrator, City Engineer, Information Services Manager, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, Public Works Operations Director and Director of Human Resources

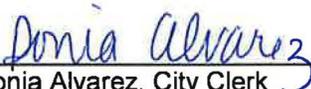
- G-4 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1): Charles Chick ADJ11253477 (1 case)
- G-5 Closed Session Report – City Attorney

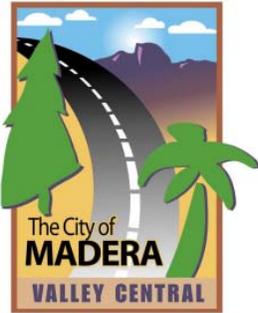
**ADJOURNMENT** – Next regular meeting September 5, 2018

*[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 15, 2018, near the front entrances of City Hall at 4:30 p.m. on August 9, 2018.

  
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Sonia Alvarez, City Clerk



Item:	B-1
Minutes for:	09/06/17
Adopted:	08/15/18

**MINUTES OF A REGULAR MEETING  
OF THE MADERA CITY COUNCIL  
And  
SPECIAL MEETING OF THE  
MADERA PUBLIC FINANCING AUTHORITY  
CITY OF MADERA, CALIFORNIA**

**September 6, 2017  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER** - The joint meeting was called to order at 6:00 p.m.

**ROLL CALL:**

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

**Absent:** Mayor/Authority Member Andrew J. Medellin

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Planning Manager Chris Boyle, Parks Business Manager Mark Etheridge, Fleet Manager Randy Collin, Administrative Analyst Robin Bravo, Special Transportation Projects Coordinator Les Jorgensen, Division Fire Chief David Allen and Battalion Chief Jim Forga.

**INVOCATION:** Pastor Mike Unger, Madera Rescue Mission

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem/Authority Member Foley Gallegos led in the Pledge of Allegiance.

**PUBLIC COMMENT:**

The first fifteen minutes of the meeting are reserved for members of the public to address the Council/Agency on items which are within the subject matter jurisdiction of the Council/Agency. 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/Agency 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/Agency does not respond to public comment at this time.

DJ Becker, residing in Madera, California, thanked the Council for the recent cleanup of the homeless encampment near Tozer Bridge. She also asked the Council to agendaize at a future meeting a discussion on homelessness issues.

Gary Svanda, residing in Madera, California, spoke regarding the Intergovernmental Coalition meeting scheduled 9/30/18 and asked participants to considering staying for golf after the meeting that day.

Renee Benoit, residing in Madera, California, thanked DJ Becker for her comments on homelessness. She also thanked the Council for what they've done so far regarding homelessness but knows there is more they can do such as more support for the mission.

Kym Salter, residing in Madera, California also thanked DJ Becker for her comments on homelessness and the Council for their efforts on homelessness. She added that there are other problem areas and she would like to see this on agenda.

Council Member Oliver advised that there is a request to discuss homelessness as part of the Intergovernmental Coalition and asked for staff to follow up.

LATE DISTRIBUTION - The City Clerk made a late distribution announcement regarding item B-5.

**PRESENTATIONS**      Old Timers Day Proclamation

Mayor Pro Tem Foley Gallegos presented to Bob Winslow of the Madera County Historical Society the proclamation proclaiming September 19-23, 2017 as Old Timers' Week in the City of Madera.

**A.      WORKSHOP**

**A-1      The Second of a Three Workshop Series on Cannabis and California Cities  
(MuniServices)**

Larry Bergkamp with MuniServices gave an overview of the commercial cannabis industry for cities including an overview of Proposition 64, local authority, use, public safety and health, enforcement, cultivation, and understanding the market and related issues and risks.

**B.      CONSENT CALENDAR**

*Items on the consent calendar are adopted with a single motion and vote of the council. Items pulled from the consent calendar for further discussion are adopted under separate action.*

Council/Authority Member Rodriguez requested B-5 pulled for discussion.

Mayor Pro Tem/Authority Member Foley Gallegos requested item B-1B pulled for discussion.

**ON MOTION BY COUNCIL/AUTHORITY MEMBER OLIVER, AND SECONDED BY COUNCIL/AUTHORITY MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-1B AND B-5, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR/AUTHORITY MEMBER MEDELLIN.**

- B-1      A. City Minutes – 11/02/16, 11/16/16
- B. MPFA Minutes – 10/07/15j [*Item pulled for discussion.*]

B-2      Information Only – Warrant Disbursement Report

B-3      Bi-Weekly Water Conservation Report for 8/7/17 – 8/27/17 (Report by Dave Randall)

B-4      Consideration of a Resolution Enacting Drought Water Restriction Level B (Report by Dave Randall)

**RES. NO. 17-117      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ENACTING LEVEL B DROUGHT WATER RESTRICTIONS**

- B-5 Consideration of a Resolution Approving an Agreement for Temporary Staffing Services, RFP No. 201718-02, with US IT Solutions, Inc., and Authorizing the Mayor or His Designee to Sign the Agreement and Related Documents (Report by Dave Randall) *[Item pulled for discussion.]*
- B-6 Consideration of a Minute Order Rejecting a Claim filed by Lucio Mendoza (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by Malcolm Gatz (Report by Wendy Silva)
- B-8 Consideration of a Minute Order Rejecting a Claim filed by Delila Bowles (Report by Wendy Silva)
- B-9 Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District (MUSD) for Partial Administration of the District's Academic Year 2017-18 After School Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

**RES. NO. 17-119      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT (MUSD) FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S ACADEMIC YEAR 2017-18 AFTER SCHOOL PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

- B-10 Consideration of a Resolution Declaring Property as Surplus and Sale of Utility Truck #257 to the Housing Authority of the City of Madera (Report by Randy Collin)

**RES.NO. 17-120      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING PROPERTY AS SURPLUS AND SALE OF UTILITY TRUCK #257 TO THE HOUSING AUTHORITY OF THE CITY OF MADERA**

- B-11 Consideration of a Resolution Amending the Fiscal Year 2017/18 Annual Budget to Recognize Four (4) Grant Awards from Federal Transit Administration in the Madera Area Express – Capital Outlay Budget to Purchase Nine (9) New Buses for Dial-A-Ride and Fixed Route Transit Services (Report by Ivette Iraheta)

**RES. NO. 17-121      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING THE FISCAL YEAR 2017/18 ANNUAL BUDGET TO RECOGNIZE FOUR (4) GRANT AWARDS FROM FEDERAL TRANSIT ADMINISTRATION IN THE MADERA AREA EXPRESS - CAPITAL OUTLAY BUDGET TO PURCHASE NINE (9) NEW BUSES FOR DIAL-A-RIDE AND FIXED ROUTE TRANSIT SERVICES**

- B-12 Consideration of a Resolution Rescinding Resolution No. 17-13 and Approving the Amended Application for Transportation Development Act - Local Transportation Funds for Fiscal Year 2016/17, and Authorizing the City Engineer to Execute and Submit the Amended Application to the Madera County Transportation Commission (Report by Keith Helmuth)

**RES. NO. 17-122      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RESCINDING RESOLUTION NO. 17-13 AND APPROVING THE AMENDED APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT- LOCAL TRANSPORTATION FUND FOR FISCAL YEAR 2016/17, AND**

**AUTHORIZING THE CITY ENGINEER TO EXECUTE AND SUBMIT THE APPLICATION TO MADERA COUNTY TRANSPORTATION COMMISSION**

- B-13 Consideration of a Resolution Consenting to the Assignment of the Agreement with RNL Interplan, Inc. for Professional Architectural & Engineering Services to the City of Madera for Construction of the New Transit Operations Facility Project from "RNL Interplan, Inc." to "Stantec Architecture Inc." (Report by Keith Helmuth)

**RES. NO. 17-123      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONSENTING TO THE ASSIGNMENT OF THE AGREEMENT WITH RNL INTERPLAN, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF MADERA FOR CONSTRUCTION OF THE NEW TRANSIT OPERATIONS FACILITY PROJECT FROM "RNL INTERPLAN, INC." TO "STANTEC ARCHITECTURE, INC."**

- B-14 Consideration of a Resolution Amending the City of Madera FY 17/18 Budget to Designate Eligible Projects for SB 1 Road Maintenance and Rehabilitation Account Funding (Report by Dave Randall)

**RES. NO. 17-124      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2017/18 ANNUAL BUDGET TO DESIGNATE ELIGIBLE PROJECTS FOR SB1 ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDING**

- B-15 Consideration of a Resolution Authorizing the City to Make an Application for Award to the Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation (Report by Ivette Iraheta)

**RES. NO. 17-125      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE CITY TO MAKE AN APPLICATION FOR AWARD TO THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION

B-1    B. *MPFA Minutes – 10/07/15j*

City Clerk Sonia Alvarez requested action by the MPFA.

**ON MOTION BY AUTHORITY MEMBER RIGBY, AND SECONDED BY AUTHORITY MEMBER OLIVER, ITEM B-1B, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: AUTHORITY MEMBER MEDELLIN.**

B-5    *Consideration of a Resolution Approving an Agreement for Temporary Staffing Services, RFP No. 201718-02, with US IT Solutions, Inc., and Authorizing the Mayor or His Designee to Sign the Agreement and Related Documents (Report by Dave Randall)*

Public Works Operations Director Dave Randall and other staff members addressed the questions/comments from Council Member Rodriguez and other members of the Council.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM B-5, RES. NO. 17-118 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**RES. NO. 17-118      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH US IT SOLUTIONS, INC.,**

**FOR THE PROVISION OF TEMPORARY EMPLOYEES AND AUTHORIZING  
THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND  
RELATED DOCUMENTS ON BEHALF OF THE CITY**

ITEM D-2 MOVED UP FOR DISCUSSION

*D-2 Request for Letter of Support Temperance Flat Dam (Madera County Supervisor David Rogers)*

Madera County Supervisor David Rogers presented his request for a letter of support from the Council.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-2, THE REQUEST FOR A LETTER OF SUPPORT REGARDING TEMPERANCE FLAT DAM, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

RECESS: 7:44 p.m. – 7:50 p.m.

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

- C-1 Consideration of a Resolution Approving a Standard Offer, Agreement and Escrow Instructions For Purchase of Real Estate For Parcel 16 Within the Freedom Industrial Park (Report by David Merchen)**

Community Development Director David Merchen presented the report.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-1, RES. NO. 17-126, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**RES. NO. 17-126 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR PURCHASE OF REAL ESTATE FOR PARCEL 16 WITHIN THE FREEDOM INDUSTRIAL PARK**

- C-2 Consideration of a Resolution of the Madera Public Financing Authority Electing Officers (MPFA - Report by Sonia Alvarez)**

City Clerk Sonia Alvarez presented the report.

**ON MOTION BY AUTHORITY MEMBER OLIVER, AND SECONDED BY AUTHORITY MEMBER RODRIGUEZ, ITEM C-2, MPFA RES. NO. 17-01, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**MPFA RES. NO. 17-01 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MADERA PUBLIC FINANCING AUTHORITY ELECTING OFFICERS**

- C-3 Consideration of a Resolution of the City Council of the City of Madera Approving the Agreements with Del Rio Advisors, LLC for Professional Services on a Limited Scope Related to Potential Bond Refunding Opportunities and Authorizing the Mayor to Execute the Special Services Agreement and the Director of Financial Services to Execute the Engagement Agreement (City - Report by Tim Przybyla)**

Director of Financial Services Tim Przybyla presented the report.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-3, RES. NO. 17-127, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**RES. NO. 17-127      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE AGREEMENTS WITH DEL RIO ADVISORS, LLC FOR PROFESSIONAL SERVICES ON A LIMITED SCOPE RELATED TO POTENTIAL BOND REFUNDING OPPORTUNITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SPECIAL SERVICES AGREEMENT AND THE DIRECTOR OF FINANCIAL SERVICES TO EXECUTE THE ENGAGEMENT AGREEMENT**

**C-4      Consideration of a Resolution of the Board of Directors of the Madera Public Financing Authority Approving the Agreements with Del Rio Advisors, LLC for Professional Services on a Limited Scope Related to Potential Bond Refunding Opportunities and Authorizing the Chairperson to Execute the Special Services Agreement and the Director of Financial Services to Execute the Engagement Agreement (MPFA - Report by Tim Przybyla)**

Director of Financial Services Tim Przybyla advised the report given for C-3 was action by the City. Item C-4 is the same subject matter for action by the MPFA.

**ON MOTION BY AUTHORITY MEMBER RIGBY, AND SECONDED BY AUTHORITY MEMBER RODRIGUEZ, ITEM C-4, MPFA RES. NO. 17-02, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**MPFA RES. NO. 17-02 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MADERA PUBLIC FINANCING AUTHORITY APPROVING THE AGREEMENTS WITH DEL RIO ADVISORS, LLC FOR PROFESSIONAL SERVICES ON A LIMITED SCOPE RELATED TO POTENTIAL BOND REFUNDING OPPORTUNITIES AND AUTHORIZING THE CHAIRPERSON OF THE MADERA PUBLIC FINANCING AUTHORITY TO EXECUTE THE SPECIAL SERVICES AGREEMENT AND THE DIRECTOR OF FINANCIAL SERVICES TO EXECUTE THE ENGAGEMENT AGREEMENT**

**D.      WRITTEN COMMUNICATIONS**

**D-1      Consideration of a Written Request by the Original Madera Kiwanis Club Seeking Council Approval to Cover the Cost of Police and Public Works Fees in Conjunction with the Old Timers Day Parade (Report by Steve Frazier)**

Lieutenant Brian Esteves presented the report.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM D-1, A WRITTEN REQUEST BY THE ORIGINAL MADERA KIWANIS CLUB SEEKING COUNCIL APPROVAL TO COVER THE COST OF POLICE AND PUBLIC WORKS FEES IN CONJUNCTION WITH THE OLD TIMERS DAY PARADE, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**D-2      Request for Letter of Support Temperance Flat Dam (Madera County Supervisor David Rogers)**

Item D-2 was heard earlier in the meeting immediately following the consent calendar.

**E.      ADMINISTRATIVE REPORTS**

There are no items for this section.

## **F. COUNCIL REPORTS**

Council/Authority Member Holley reported on his travels to Philadelphia and his visit to their historic city hall.

Council/Authority Member Oliver reported that he attended the Lifetime Achievement Awards. His Uncle Steve Copland was one of the honorees.

Council/Authority Member Oliver reported that he participated in the Parks and Community Services Spring Men's Recreational Basketball League. His team won the championship.

Council/Authority Member Oliver thanked staff for making themselves available to meet with him.

Council/Authority Member Rigby reported that he is looking forward to the Madera County Fair this weekend.

Council/Authority Member Rigby commented on the fires and events happening in the nation and expressed his prayers to those affected.

Council/Authority Member Rigby commented on the Deferred Action of Childhood Arrivals and the action taken in Washington, D.C. He advised that he also asked the Mayor to draft a letter of support to the legislature.

Council/Authority Member Robinson reported that he attended the Madera County Adult Probation Department Summer 2017 Transition Ceremony.

Council/Authority Member Robinson reported that he helped on Hurricane Relief for Houston.

Mayor Pro Tem/Authority Member Foley Gallegos announced that youth from the NAACP are collecting clothing for Hurricane Harvey victims.

Mayor Pro Tem/Authority Member Foley Gallegos reported that she along with Council Member Oliver and Mayor Medellin attended the OLIVE event.

Mayor Pro Tem/Authority Member Foley Gallegos commended staff for taking care of the Jennings St. Neighborhood's concern regarding paved lines on their street.

Council/Authority Member Holley announced that the opening dedication for Rose Elementary is scheduled 9/27/17.

## **G. CLOSED SESSION**

### **G-1 Closed Session Announcement – City Attorney**

The Council adjourned to closed session at 8:26 p.m. to discuss items G-2 through G-4 as listed on the agenda.

**G-2 Conference with Legal Counsel – Anticipated Litigation.** Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) 1 case

**G-3 Conference with Legal Counsel – Anticipated Litigation.** Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) 1 case

**G-4 Conference with Real Property Negotiators - Pursuant to Government Code Section 54956.8**

**Property 1:** 4 Parcels

LEWIS HELEN F TR ETAL APN: 013-050-007, 013-050-008, 013-050-009,  
013-050-010

Agency Negotiators: David Tooley, David Merchen  
Negotiating Parties: Sheila Urbanek & Joel Mazmanian Representing Lewis Helen F  
Tr. Etal  
Under Negotiations: Price and Terms

**Property 2:** 2 Parcels

MCINTYRE EDWARD J & GAIL ETAL APN: 013-200-012, 013-200-013

Agency Negotiators: David Tooley, David Merchen  
Negotiating Parties: Edward and Gail McIntyre  
Under Negotiations: Price and Terms

**Property 3:** 1 Parcel

MCINTYRE EDWARD J & GAIL ETAL APN: 013-200-015

Agency Negotiators: David Tooley, David Merchen  
Negotiating Parties: Edward and Gail McIntyre  
Under Negotiations: Price and Terms

**Property 4:** 2 Parcels

SCHULTZ, WILLIAM & GLORIA APN: 013-270-016, 013-270-017

Agency Negotiators: David Tooley, David Merchen  
Negotiating Parties: Buk Wagner Representing William & Gloria Schultz  
Under Negotiations: Price and Terms

**G-5 Closed Session Report – City Attorney**

The Council returned from closed session at 9:34 p.m. with all members present.

There was no reportable action for items G-2, G-3, and G-4.

**ADJOURNMENT** - The joint meeting was adjourned at 9:35 p.m. Next regular meeting September 20, 2017.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

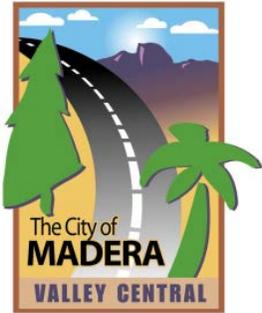
Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.

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SONIA ALVAREZ, City Clerk

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ANDREW J. MEDELLIN, Mayor



Item:	B-1
Minutes for:	07/31/18
Adopted:	08/15/18

**MINUTES OF A SPECIAL MEETING  
OF THE MADERA CITY COUNCIL  
CITY OF MADERA, CALIFORNIA**

**July 31, 2018  
4:30 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER** – The meeting was called to order at 4:30 p.m.

**ROLL CALL:**

**Present:**

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

Others present were City Administrator Steve Frazier, Legal Counsel Eileen O'Hare-Anderson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, and Director of Human Resources Wendy Silva.

**INVOCATION:**

Council Member Donald Holley

**PLEDGE OF ALLEGIANCE:**

Mayor Medellin led in the 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.

No comments were offered.

**1. Closed Session**

**a) Closed Session Announcement – City Attorney**

Eileen O'Hare Anderson with Liebert Cassidy Whitmore, sitting in as legal counsel for this meeting, made the closed session announcement.

The Council adjourned to closed session at 4:34 p.m. to discuss item 1b as listed on the agenda.

**b) PUBLIC EMPLOYEE APPOINTMENT – Pursuant to Government Code Section 54957(b)(1)**

**Title: City Manager**

**c) Closed Session Report – City Attorney**

The Council returned from closed session at 6:45 p.m. with all members present.

There was no reportable action for item 1b.

**2. Discussion and Direction Regarding Next Steps in the City Manager Recruitment Interview and Selection Process (Consultant - Gary Phillips of Bob Murray & Associates); and  
Request to Schedule Date to Hold City Manager Interviews (Wendy Silva)**

Consultant Gary Phillips with Bob Murray and Associates presented the report.

After discussion, the Council agreed to hold special meetings on 8/18/18 at 8:30 a.m. and 9/6/18 at 1:00 p.m. for first and second round interviews of City Manager candidates. Second round interviews of top two or three candidates will include interviews by two separate panels. One panel will consist of community stakeholders with each Council Member and the Mayor appointing a member of the community and an alternate. If available, Ron Manfredi will be part of the community panel. The second panel will consist of City department heads and representatives from each of the City's bargaining units.

**3. Council Reports**

Council Member Rigby apologized to his colleagues for using a term he is not proud of when he referenced a public forum and a statement made by a constituent regarding water patrol and the water conservation team.

Council Member Holley reminded everyone that school starts on August 9, 2018.

Council Member Holley stated that they have new principals at Sierra Vista and Parkwood Elementary Schools.

**ADJOURNMENT** - The meeting was adjourned at 7:23 p.m. Next regular meeting August 1, 2018

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Approval of the minutes 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 that plan.

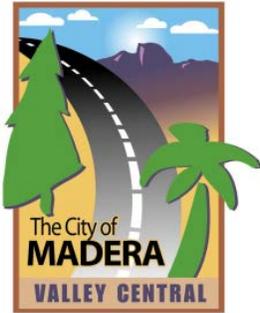
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SONIA ALVAREZ, City Clerk

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ANDREW J. MEDELLIN, Mayor

**Return to Agenda**



Item:	B-1
Minutes for:	08/01/18
Adopted:	08/15/18

**Minutes of a Regular Meeting of the  
Madera City Council  
And  
Special Meeting of the Madera City Council as the  
Groundwater Sustainability Agency  
City of Madera, California**

**August 1, 2018  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER** – The joint meeting was called to order at 6:00 p.m.

**ROLL CALL:**

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

Others present were City Administrator Steve Frazier, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director John Scarborough, Chief of Police Dino Lawson, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Commander Gino Chiamonte, Neighborhood Outreach Assistant Christina Herrera and Battalion Chief Jim Forga.

**INVOCATION:** Pastor Roger Leach, Valley West Christian Center

**PLEDGE OF ALLEGIANCE:** Mayor Medellin led in the 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.

Khalid Chaudhry, residing in Madera, California asked the Council to start voting their conscience tonight and not follow the Mayor because residents are watching. He spoke on various topics including outrageous salaries, fees and costs, and new city manager.

Alan Gilmore, Program Manager with the Madera County Department of Public Health, spoke regarding their partnership with the City. Joining Mr. Gilmore were new staff with the Public Health Department: Maria Rosie Barragan, Health Education Coordinator for the Tobacco Control Program; and Community Health and Wellness Assistants Veronica Farwell, Graciela Valdez, and Jasmine Gallegos.

Michelle Garcia requested item E-2 heard first on the agenda.

Emmanuel Gomez, residing in Madera, California, stated that this year the City hit a black cloud that has caused rift in the community but the reason he is staying here is because it is a tight knit community. He encouraged the Council to take the bull by the horns when these things come up and squash it.

David (last name not given), residing in Madera, California, stated today is Earth Overshoot Day, the date when humanities demand on nature exceeds what earth can regenerate in that year. He gave examples of the effects including deforestation, biodiversity loss, food and water shortages.

Johanna Torres, residing in Madera, California, asked the Council to consider moving the controversial item to the beginning of the agenda.

April Molina, residing in Madera, California, acknowledged the folks including herself that are here every single week. She stated she is a huge supporter of the Second Amendment. She reminded everyone how blessed they are to have City leadership that cares what the community thinks.

**PRESENTATIONS** Proclamation Recognizing National Night Out (NNO) 2018 and Update on Upcoming NNO Event (Christina Herrera)

Neighborhood Outreach Assistant Christina Herrera spoke regarding the 6<sup>th</sup> Annual National Night Out scheduled August 7, 2018. The Kick-Off event for their neighborhood leaders and past sponsors is scheduled August 6, 2018 at Rotary Park Pavilion. She distributed the neighborhood visits schedule to the Council.

**INTRODUCTIONS** There are no introductions.

**A. WORKSHOP**

There are no items for this section.

**B. CONSENT CALENDAR**

*Items on the consent calendar are adopted with a single motion and vote of the council. Items pulled from the consent calendar for further discussion are adopted under separate action.*

Council Member Foley Gallegos pulled item B-7 for discussion.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-7, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

B-1 Minutes – 8/16/17, 7/18/18

B-2 Warrant Disbursement Report 7/10/18 – 7/23/18 (Report by Tim Przybyla)

B-3 Informational Report on Personnel Activity (Report by Wendy Silva)

B-4 Consideration of a Resolution of the Madera City Council Approving an Agreement with the Madera Unified School District for the Provision of Law Enforcement Services and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Brian Esteves)

**RES. NO. 18-144 RESOLUTION OF THE MADERA CITY COUNCIL APPROVING AN AGREEMENT WITH THE MADERA UNIFIED SCHOOL DISTRICT FOR THE**

**PROVISION OF LAW ENFORCEMENT SERVICES AND AUTHORIZING THE  
MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

- B-5 Consideration of a Resolution Approving Agreement for Outside of City Water and Sewer Service for Property Located at 13859 Road 28 (Tozer Street), Approving Covenant to Annex, Authorizing the Mayor to Execute the Agreement and Covenant on Behalf of the City and Directing Staff to Record the Agreement and Covenant (Report by Keith Helmuth)

**RES. NO. 18-145      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH THE MADERA COUNTY BOARD OF EDUCATION, FOR OUTSIDE OF CITY WATER AND SEWER SERVICE FOR 13859 ROAD 28 (TOZER STREET), APPROVING THE COVENANT TO ANNEX, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND COVENANT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT AND COVENANT**

- B-6 Consideration of a Resolution Approving an Agreement for Services of Independent Contractor and Authorizing the City Administrator and/or his/her Designee to Execute the Agreement and any Related Documents with the Local Government Commission Related to the CivicSpark Program (Report by Ivette Iraheta)

**RES. NO. 18-146      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR AND AUTHORIZING THE CITY ADMINISTRATOR AND/OR HIS/HER DESIGNEE TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS WITH THE LOCAL GOVERNMENT COMMISSION RELATED TO THE CIVICSPARK PROGRAM**

- B-7 Consideration of a Resolution Approving Request for Outside of City Water Service for Up to Eleven Properties Located on Avenue 14, Approving Covenants to Annex, Authorizing the Mayor to Execute the Agreements and Covenants on Behalf of the City and Directing Staff to Record the Agreements and Covenants (Report by Keith Helmuth) *[Item pulled for discussion.]*

- B-8 Consideration of a Resolution Approving the Award of Contract for 2017-18 City ST. 3R and ADA Project City Project No. R-65 State Project No. LPPSB1-5157(112) to Emmett's Excavation Inc., Authorizing Construction Contingencies of Up to 10% as Approved by the City Engineer, Construction Management and Inspection Costs Up to 10% and Authorizing the Mayor to Execute the Contract on Behalf of the City; and

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2017/18 Capital Projects Budget for 2017-18 City ST. 3R and ADA Project City Project No. R-65 State Project No. LPPSB1-5157(112) (Report by Keith Helmuth)

**RES. NO. 18-148      A RESOLUTION APPROVING THE AWARD OF CONTRACT FOR 2017-18 CITY ST. 3R AND ADA PROJECT, CITY PROJECT NO. R-65, STATE PROJECT NO. LPPSB1-5157(112) TO EMMETT'S EXCAVATION INC., AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AS APPROVED BY THE CITY ENGINEER, CONSTRUCTION MANAGEMENT AND INSPECTION COSTS UP TO 10% AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**RES. NO. 18-149      A RESOLUTION APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2017/18 CAPITAL PROJECTS BUDGET FOR 2017-18**

**CITY ST. 3R AND ADA PROJECT CITY PROJECT NO. R-65 STATE PROJECT  
NO. LPPSB1-5157(112)**

**CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION**

**B-7** *Consideration of a Resolution Approving Request for Outside of City Water Service for Up to Eleven Properties Located on Avenue 14, Approving Covenants to Annex, Authorizing the Mayor to Execute the Agreements and Covenants on Behalf of the City and Directing Staff to Record the Agreements and Covenants (Report by Keith Helmuth)*

City Engineer Keith Helmuth provided an overview of the item and addressed Council Member Foley Gallegos' questions/comments.

**ON MOTION BY COUNCIL MEMBER FOLEY GALLEGOS, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM B-7, RES. NO. 18-147, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

**RES. NO. 18-147** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENTS WITH ELEVEN PROPERTY OWNERS FOR OUTSIDE OF CITY WATER SERVICE, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY**

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

**C-1** **Consideration of a Resolution Approving the Third Amendment to the Agreement with Mid Valley Disposal for Solid Waste and Recycling Services and Authorizing the Mayor to Sign the Amendment on Behalf of the City (Report by John Scarborough)**

Public Works Director John Scarborough presented the report.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, ITEM C-1, RES. NO. 18-150, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

**RES. NO. 18-150** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH MID VALLEY DISPOSAL FOR SOLID WASTE AND RECYCLING SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT ON BEHALF OF THE CITY**

**ITEM E-2 MOVED UP FOR DISCUSSION**

**E-2** *Informational Report Presenting the Koff & Associates Final Total Compensation Study for Executive and Management Classifications and the Report from Mr. Ron Manfredi on Executive and Management Compensation and Benefits (Report by Wendy Silva)*

Consultant Ron Manfredi presented the report.

Mayor Medellin invited members of the public to comment.

Mike Pistorosi, residing in Madera, California, questioned the use of Fresno in the study.

Santos Garcia, residing in Madera, California, expressed concerns regarding management salaries and wondered if some of these monies can be used instead for things such as lighting and sidewalks.

Steven Montes, residing in Madera, California, stated he was around during the last study and the effect on the rank and file employees getting the short end of the stick.

April Molina, residing in Madera, California, stated she can't imagine running a whole city and that this needs to be looked at from both sides and be fair.

Eddie Block, residing in Madera, California, stated they should take the time and select the better candidate for city manager, and agreed with Mr. Manfredi's recommendations.

Johanna Torres, residing in Madera, California, stated the community deserves transparency not only for the city manager and salaries but also when the budget is being discussed.

Michelle Garcia, residing in Madera, California, stated this town has nothing and wondered why they are going to pay the city administrator almost \$200,000 noting that the City can't afford it.

Teresa Castillo, residing in Madera, California, stated she feels Madera has something but finds deplorable the crumbling infrastructure. She doesn't agree with increase in salaries when the City is failing.

Following further discussion by the Council, staff was directed to meet with Mr. Manfredi to negotiate a contract amendment for his services during closed session discussion of the city manager compensation.

RECESS: 9:59 p.m. – 10:08 p.m.

**C-2 Public Hearing & Consideration of a Resolution Confirming the Assessments for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 and Authorizing the City Engineer to File the Diagram and Assessment with the Auditor of Madera County (Report by Keith Helmuth)**

Administrative Analyst Jimmy Monreal presented the report.

Mayor Medellin opened the public hearing and there being no speakers, closed the public hearing.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM C-2, RES. NO. 18-151, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

**RES. NO. 18-151 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR BENEFIT ZONES 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 LANDSCAPE AND LIGHTING FOR FISCAL YEAR 2018/2019 AND AUTHORIZING THE CITY ENGINEER TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR**

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

**E-1 Request for Direction – Scheduling of Joint City Council / Planning Commission Workshop on the Zoning Ordinance Update** (Report by Chris Boyle)

Community Development Director David Merchen presented the report.

Council concurrence was reached to schedule joint meeting on Tuesday, September 18, 2018 at 6:00 p.m.

**E-2 Informational Report Presenting the Koff & Associates Final Total Compensation Study for Executive and Management Classifications and the Report from Mr. Ron Manfredi on Executive and Management Compensation and Benefits** (Report by Wendy Silva)

Item E-2 was heard earlier in the meeting immediately following item C-1.

**F. COUNCIL REPORTS**

Council Member Rigby expressed an apology to the Public Works Operations Director John Scarborough and the Water Conservation team for a term he used at the last meeting that he is not proud of when alluding to a public comment.

Council Member Oliver thanked the Public Works Operations Director John Scarborough and his team for following up on a constituent complaint regarding a street light.

Council Member Oliver thanked the Parks and Community Services Director Mary Anne Seay and her team for the follow up on a constituent concern regarding a non-operating water play feature.

Council Member Oliver expressed his admiration and appreciation to staff in this room for keeping their head high during this time.

Mayor Medellin stated that although they are facing difficult times, the staff represents the City with utmost professionalism.

Council Member Holley reported that he, as well as Mayor Medellin, attended the Madera Ford Ribbon Cutting.

Council Member Holley stated he loves their Council and commended staff for an awesome job.

Mayor Medellin reminded everyone that National Night out is Tuesday and the kick-off is on Monday.

**G. CLOSED SESSION**

**G-1 Closed Session Announcement – City Attorney**

The Council adjourned to closed session at 10:20 p.m. to discuss item G-2 as listed on the agenda.

**G-2 Conference with Labor Negotiators Pursuant to Government Code §54957.6**

Agency Designated Representatives: Steve Frazier & Wendy Silva

Employee Organizations:

- General Bargaining Unit
- Madera Police Officers' Association
- Mid-Management Employee Group
- Law Enforcement Mid-Management Group
- Management Employees

Unrepresented Direct Reports:

City Clerk, City Administrator, City Attorney, Executive Director of the Successor Agency to the Former Madera Redevelopment Agency

**G-3 Closed Session Report – City Attorney**

The Council returned from closed session at 10:50 p.m. with all members present.

There was no reportable action for item G-2.

**ADJOURNMENT** - The joint meeting was adjourned at 10:51 p.m. Next regular meeting August 15, 2018

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Approval of the minutes 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 that plan.

\_\_\_\_\_  
SONIA ALVAREZ, City Clerk

\_\_\_\_\_  
ANDREW J. MEDELLIN, Mayor

City of Madera

Council Meeting Of August 15, 2018  
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: 08/15/2018

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

July 24th, 2018 to August 7th, 2018

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

General Warrant:	18596 - 18809	\$	3,230,746.96
Wire Transfer	Union Bank Payroll and Taxes	\$	781,097.75
Wire Transfer	SDI	\$	2,463.34
Wire Transfer	Cal Pers	\$	366,293.66

Respectfully submitted,



Tim Przybyla  
Financial Services Director

**CITY OF MADERA**  
**REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT**  
**August 7th, 2018**

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
18596	07/27/2018	ACRO SERVICE CORPORATION	TEMPORARY CONSTRUCTION MANAGER - WILLIAM BELL	3,346.00
18597	07/27/2018	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXPENSE ACCT 7/27/18 PAYROLL	1,492.71
18598	07/27/2018	AMERICAN REFUSE, INC.	Contracted Services Waste Tire	6,535.19
18599	07/27/2018	AMERITAS LIFE INSURANCE CORP.	AUGUST 2018 DENTAL INSURANCE	15,379.04
18600	07/27/2018	ARAMARK UNIFORM SERVICES	06/18 UNIFORM INVOICES	5,233.78
18601	07/27/2018	AT&T	06/18 CALNET 3 SVS 9391026398	159.01
18602	07/27/2018	J&C CONSTRUCTION	REFUND IMPACT FEES - PERMIT #20181404 757 MERCED	6,086.51
18603	07/27/2018	J&C CONSTRUCTION	REFUND IMPACT FEES - PERMIT #20181405 783 MERCED	6,086.51
18604	07/27/2018	J&C CONSTRUCTION	REFUND IMPACT FEES - PERMIT #20181406 784 MERCED	6,086.51
18605	07/27/2018	JOSEPH CROWN CONSTRUCTION & DEV INC	CANCEL PERMIT #20181197 297 S TIMBERLINE DR	12,685.73
18606	07/27/2018	BLUE SHIELD OF CALIFORNIA	CITY PAID BLUE SHIELD AUG 2018	261,107.75
18607	07/27/2018	BSK ASSOCIATES	WATER SAMPLES	760.00
18608	07/27/2018	CA DEPARTMENT OF CHILD SUPPORT	CHILD SUPPORT DEDUCTIONS FOR 07/27/18 PAYROLL	2,365.80
18609	07/27/2018	CANON FINANCIAL SERVICES	07/18 CONTRACT CHARGES 3091/7-15-70-23	3,971.57
18611	07/27/2018	COLGAN CONSULTING CORPORATION	Professional Services Related - Developm Fee Study	3,675.00
18612	07/27/2018	COLONIAL LIFE & ACCIDENT INSURANCE CO	#E700482-3 FOR 07/27/2018 PAYROLL	994.79
18613	07/27/2018	CREATIVE COPY	MAX BROCHURES	286.50
18614	07/27/2018	DEPARTMENT OF FORESTRY AND FIRE	4TH QTR ACTUAL BILLING FOR CITY CONTRACT 17/18 FY	767,595.94
18615	07/27/2018	DIAMOND COMMUNICATIONS	PAC ALARM MONITORING	32.00
18616	07/27/2018	EMMETT'S EXCAVATION, INC.	WELL 27 PIPELINE OUTFALL EXTEN	52,585.35
18617	07/27/2018	FIRST TRANSIT INC.	JUNE 2018 ROUTE 3	72,660.89
18618	07/27/2018	LIEBERT CASSIDY WHITMORE	CVERC ANNUAL FEE	2,365.00
18619	07/27/2018	LINCOLN AQUATICS INC.	CHLORINE FOR POOL	1,000.51
18620	07/27/2018	M A C E A	JULY 2018 MONTHLY DUES	2,000.00
18621	07/27/2018	M P O A	JULY 2018 MONTHLY DUES	7,510.48
18622	07/27/2018	M.C.E.A.	JULY 2018 MONTHLY DUES	360.00
18623	07/27/2018	MADERA CLEANERS AND LAUNDRY INC.	MAT REPLACEMENT - YOUTH CENTER	32.30
18624	07/27/2018	MADERA COALITION FOR COMM JUSTICE	REIMB 1ST, 2ND, 3RD, 4TH QTR 17/18 CDBG FUNDED RMP	7,943.95
18625	07/27/2018	MADERA COUNTY E D C	REIMBURSEMENT FOR 4TH QTR SALARIES AND EXPENSES	1,317.72
18626	07/27/2018	MID-MGMT EMPLOYEE GROUP	JULY 2018 MONTHLY DUES	680.00
18627	07/27/2018	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 07/27/2018 PAYROLL	12,185.37
18628	07/27/2018	NOVEDGE LLC	Autocad Concurrent License	2,985.00
18629	07/27/2018	SANDY YOUNG	REFUND CITATION #PK30170 PAID BEFORE DISMISSAL	70.00
18630	07/27/2018	ALVARADO, ESMERALDA	PARKS DEPOSIT REFUND - MSR	50.00
18631	07/27/2018	AMBROCIO, DIOSSELINA	PARKS DEPOSIT REFUND - ROTARY	50.00
18632	07/27/2018	ARMENDAREZ, BREANNA	PARKS DEPOSIT REFUND - POOL	100.00
18633	07/27/2018	BECERRA, VERONICA	PARKS DEPOSIT REFUND - LTC	50.00
18634	07/27/2018	BONILLA, FANNY JACQUILINE	REFUND FOR SWIM LESSON - WRONG CLASS	85.00
18635	07/27/2018	CALVILLO, EILEEN	PARKS DEPOSIT REFUND - MSR	50.00
18636	07/27/2018	CHAVEZ, FRANCINE	PARKS DEPOSIT REFUND - POOL	100.00
18637	07/27/2018	DURAN, COURTNEY	PARKS DEPOSIT REFUND - ROTARY	50.00
18638	07/27/2018	ESCALERA, EVELYN	PARKS DEPOSIT REFUND - LTC	50.00
18639	07/27/2018	FORD, RYAN	PARKS DEPOSIT REFUND - LTC	50.00
18640	07/27/2018	GOMEZ, GABRIELA	PARKS DEPOSIT REFUND - POOL	100.00
18641	07/27/2018	GOMEZ, MARCO	PARKS DEPOSIT REFUND - POOL	100.00
18642	07/27/2018	GOMEZ, PABLO	REFUND - CANCELLED SWIM LESSONS	45.00
18643	07/27/2018	GUERRERO, ERICA	FACILITY DEPOSIT REFUND - PAN AM	200.00
18644	07/27/2018	JAMESON, SONJA	REFUND - SWIM LESSONS CANCELLED	80.00
18645	07/27/2018	LEE, SAMANTHA	PARKS DEPOSIT REFUND - LTC	50.00
18646	07/27/2018	MCALister, Wilbert	PARKS DEPOSIT REFUND - MSR	50.00
18647	07/27/2018	RAMIREZ, JOHN	PARKS DEPOSIT REFUND - POOL	100.00
18648	07/27/2018	RODRIGUEZ, ROSE	REFUND ROBOTICS CLASS	82.50
18649	07/27/2018	SALAZAR, LUCY	PARKS DEPOSIT REFUND - POOL	100.00
18650	07/27/2018	TAWANA-DHILLON, SANDEEP	REFUND FOR SWIM LESSON - WRONG CLASS	85.00
18651	07/27/2018	THOMPSON, MORGAN	REFUND - SWIM CLASS CANCELLED	80.00
18652	07/27/2018	PRAXAIR DISTRIBUTION, INC.	CYLINDER DEMURRAGE RENTAL	518.63
18653	07/27/2018	REGENCE BLUECROSS BLUESHIELD OF UTAH	CITY PD RETIREE PRESCRIPTION BILL-CHUMLEY AUG 2018	346.50
18654	07/27/2018	RESERVE ACCOUNT	PREPAID POSTAGE METER USAGE 03/18 - 06/18	1,200.00
18655	07/27/2018	RRM DESIGN GROUP, A CALIFORNIA CORPORATION	PROFESSIONAL ENGINEERING DESIG-FIRE STATION DESIG	15,689.90
18656	07/27/2018	SERVICEMASTER BY J&C BROWN	JANITORIAL SERVICE JULY 2018	13,121.31
18657	07/27/2018	CA DEPT OF TAX AND FEE ADMINISTRATION	ACCT #097-615008 FILING PERIOD 07/01/17 - 06/30/18	32,355.00
18658	07/27/2018	STATE OF CALIFORNIA	FRANCHISE TAX DEDUCTIONS FOR 07/27/2018 PAYROLL	1,255.49
18659	07/27/2018	STRATEGIC INSIGHTS, INC.	CIP SOFTWARE RENEWAL TO AUGUST 1, 2019	350.00
18660	07/27/2018	SUPERIOR VISION INC.	AUGUST 2018 VISION INSURANCE	2,540.31
18661	07/27/2018	TAG/AMS, INC.	DOT TESTING	26.00
18662	07/27/2018	TAMARACK PEST CONTROL	JULY 2018 PEST CONTROL SVS	510.00
18663	07/27/2018	TESEI PETROLEUM, INC.	FUEL 07/01/18 - 07/10/18	13,263.99
18664	07/27/2018	ALVARADO STEVE	Utility Billing Deposit Refund	59.42
18665	07/27/2018	BRECKENRIDGE PROPERTY FUND 2016 LLC	Utility Billing Credit Refund	7.94
18666	07/27/2018	CITY OF MADERA OR BROWN GLORIA	Utility Billing Credit Refund	145.30
18667	07/27/2018	CITY OF MADERA OR HERRERA LITISHA	Utility Billing Credit Refund	214.51
18668	07/27/2018	CITY OF MADERA OR SANDOVAL RAFAEL M	Utility Billing Credit Refund	151.17

18669	07/27/2018	CORONA LISA	Utility Billing Credit Refund	200.65
18670	07/27/2018	DELGADO NARCISO AND VERONICA	Utility Billing Deposit Refund	22.02
18671	07/27/2018	DIAZ ROLAND ANTHONY OR CITY OF MADERA DIAZ ERICA	Utility Billing Credit Refund	11.05
18672	07/27/2018	DKM CONSULTING AND INVESTMENTS INC C/O WALLACE CHA	Utility Billing Credit Refund	112.22
18673	07/27/2018	FREEMAN DANIEL	Utility Billing Credit Refund	150.77
18674	07/27/2018	GILMORE RHIANNON	Utility Billing Credit Refund	133.58
18675	07/27/2018	GOMEZ MAXIMINO	Utility Billing Credit Refund	1,329.69
18676	07/27/2018	GONZALEZ CONCEPCION	Utility Billing Credit Refund	7.04
18677	07/27/2018	HAMBLIN NATALIE SHERROW	Utility Billing Credit Refund	47.45
18678	07/27/2018	HENDERSON MONICA	Utility Billing Deposit Refund	13.81
18679	07/27/2018	HENDRIX MARK OR CITY OF MADERA	Utility Billing Credit Refund	149.26
18680	07/27/2018	HERNANDEZ LAURA	Utility Billing Credit Refund	108.37
18681	07/27/2018	JUVENCIO HERNANDEZ MARTIN	Utility Billing Credit Refund	121.52
18682	07/27/2018	KIES JOHN AND ANNETTE	Utility Billing Credit Refund	131.54
18683	07/27/2018	KIM KEVIN	Utility Billing Deposit Refund	0.15
18684	07/27/2018	KOEHN MIKE	Utility Billing Deposit Refund	1.92
18685	07/27/2018	LABINE DANIEL	Utility Billing Credit Refund	241.11
18686	07/27/2018	LEE DIANE M	Utility Billing Deposit Refund	83.40
18687	07/27/2018	LEIBERICK EMMA	Utility Billing Credit Refund	86.61
18688	07/27/2018	LOGGMAN GEORGE	Utility Billing Credit Refund	100.38
18689	07/27/2018	LUNA JOSE OR CITY OF MADERA	Utility Billing Credit Refund	157.74
18690	07/27/2018	MADRUENO VICENTE	Utility Billing Credit Refund	149.18
18691	07/27/2018	MANION JAMES J	Utility Billing Deposit Refund	21.92
18692	07/27/2018	MARTINEZ KAYLA	Utility Billing Credit Refund	143.35
18693	07/27/2018	MEDINA MICHAEL	Utility Billing Credit Refund	17.10
18694	07/27/2018	MID STATE REALTY	Utility Billing Credit Refund	152.12
18695	07/27/2018	MOFFAT GINA OR CITY OF MADERA	Utility Billing Credit Refund	38.14
18696	07/27/2018	MONTELONGO FRANK AND MARTHA	Utility Billing Credit Refund	163.69
18697	07/27/2018	MONZON REGINA	Utility Billing Credit Refund	242.25
18698	07/27/2018	MORALES VIBALDO Y ROJAS	Utility Billing Deposit Refund	177.43
18699	07/27/2018	MOY WAYNE E	Utility Billing Credit Refund	142.74
18700	07/27/2018	MUSD C/O HOLLMAN ALAN D	Utility Billing Deposit Refund	4.19
18701	07/27/2018	NINO TIMOTHY ANTHONY	Utility Billing Credit Refund	206.87
18702	07/27/2018	PADILLA MORGYN	Utility Billing Credit Refund	89.97
18703	07/27/2018	POYTHRESS ROBERT	Utility Billing Deposit Refund	577.03
18704	07/27/2018	RETRAINING THE VILLAGE CRUMB HALLEY IRENE	Utility Billing Credit Refund	152.26
18705	07/27/2018	ROSALES PEDRO TORRES OR THE CITY OF MADERA	Utility Billing Credit Refund	127.32
18706	07/27/2018	SANCHEZ CASTRO FEDERICO	Utility Billing Credit Refund	107.76
18707	07/27/2018	SESOCK DANIEL	Utility Billing Credit Refund	320.15
18708	07/27/2018	SIMONIAN SHIRLEY	Utility Billing Deposit Refund	1.40
18709	07/27/2018	TERAN JOSE A	Utility Billing Deposit Refund	33.49
18710	07/27/2018	TORNERO ANTONIO OR CITY OF MADERA	Utility Billing Credit Refund	151.64
18711	07/27/2018	TRUJILLO ELY SALVADOR	Utility Billing Deposit Refund	3.57
18712	07/27/2018	VEGA ADRIANA	Utility Billing Credit Refund	4.44
18713	07/27/2018	VILLASENOR OMAR	Utility Billing Credit Refund	143.73
18714	07/27/2018	US BANK CORPORATE PAYMENT SYSTEMS	06/18 CAL-CARD CHARGES	122,389.59
18715	07/27/2018	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 7/27/18 PAYROLL	29,203.65
18716	07/27/2018	VERIZON WIRELESS	PW AIR CARDS JUN 11 - JUL 10	418.11
18717	07/27/2018	WEST COAST RUBBER RECYCLING	Tire hauling for TA4 Amnesty G	5,000.00
18718	07/27/2018	WEST VALLEY CONSTRUCTION CO., INC.	WATER METER INSTALLATION IMPRO	37,953.59
18719	08/01/2018	CHICAGO TITLE COMPANY	PURCHASE OF REAL PROPERTY FOR PD #FWFM5001800562	1,124,813.45
18720	08/01/2018	CHICAGO TITLE COMPANY	PURCHASE OF REAL PROPERTY FOR PD #FWFM-5001800537	76,675.45
18721	08/03/2018	AT&T	07/18 SVS 831-000-6408 576	5,757.08
18722	08/03/2018	AT&T	06/18 CALNET 3 SVS 9391031559	2,155.99
18723	08/03/2018	BSK ASSOCIATES	WATER SAMPLES	1,538.50
18724	08/03/2018	CEB	CA MUNICIPAL LAW HANDBOOK 2018	431.86
18725	08/03/2018	CITY OF MADERA	MULCH REBATE APPLY TO ACCT 9907485	80.00
18726	08/03/2018	CITY OF MADERA	MULCH REBATE APPLY TO ACCT 9922265	100.00
18727	08/03/2018	CITY OF MADERA	DRIP IRRIGATION REBATE - APPLY TO ACCT 7306003	150.00
18728	08/03/2018	CITY OF MADERA	DISHWASHER REBATE - APPLY TO ACCT 9907156	200.00
18729	08/03/2018	CITY OF MADERA	TOILETS REBATE APPLY TO ACCT 4729012	400.00
18730	08/03/2018	CITY OF MADERA	SEND TO BANK AS REDEPOSIT ON NSF FOR SPR 2018-17	950.00
18731	08/03/2018	COMCAST	CITY INTERNET CONNECTION 07/15/18- 08/14/18	1,372.25
18732	08/03/2018	COMCAST	07/22- 08/21 SVS 8155500320322006	86.13
18733	08/03/2018	CPS HR CONSULTING	SGT EXAMS	427.80
18734	08/03/2018	DATAPROSE, LLC	JUNE 2018 STATEMENTS/ NEWLETTER/ 48HR	9,782.29
18735	08/03/2018	ESPINOZA SEWER SERVICE	PORTABLE TOILET SERVICE	100.00
18736	08/03/2018	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 07/16/18-07/31/18	9,318.75
18737	08/03/2018	FRESNO MADERA AREA AGENCY ON AGING	UNSERVED MEALS 06/18	110.00
18738	08/03/2018	GIBBS INTERNATIONAL INC	#394 Remanufactured Engine	19,920.47
18739	08/03/2018	GOERTZEN, EMILY	07/03/18 BANK FEE REFUND	12.00
18740	08/03/2018	GONZALES, RICHARD	PER DIEM CGIA CONFERENCE	331.00
18741	08/03/2018	HERITAGE-CRYSTAL CLEAN, INC.	30G DM MT-STAINLESS STEEL	551.58
18742	08/03/2018	LINCOLN FINANCIAL	LIFE AND LTD AUGUST 2018	8,048.37
18743	08/03/2018	MADERA COUNTY E D C	EDC COMMISSION FOR 1ST QRT FY 18/19	43,782.33
18744	08/03/2018	MADERA PUMPS, INC.	WELL 26 REHAB	41,000.52

18745	08/03/2018	MADERA TRIBUNE	AD OF RFP #201718-12	108.00
18746	08/03/2018	MARTY OWEN	1) DEMO & REMOVAL OF OLD DIVINING BOARD	8,600.00
18747	08/03/2018	AGUILAR, CARLA	TURF REPLACEMENT REBATE TR 17-55	2,000.00
18748	08/03/2018	CHA, MALINEE	TURF REPLACEMENT REBATE TR 18-01	2,945.00
18749	08/03/2018	HERRERA, JUAN	TURF REPLACEMENT REBATE TR 17-56	2,000.00
18750	08/03/2018	OVERHEAD DOOR CO. OF FRESNO, LLP	DOOR REPAIR	1,965.00
18751	08/03/2018	PACIFIC GAS & ELECTRIC	6/8/18-6/11/18 SVS 0443905948-8 06/18	277,120.28
18752	08/03/2018	PETTY CASH - FINANCE DEPT.	UB PETTY CASH REIMBURSEMENT	3.00
18753	08/03/2018	SJVAPCD	NEW PD BUILDING PROJECT #C1182272	28.00
18754	08/03/2018	STATE CONTROLLER'S OFFICE	ANNUAL STREET REPORT FY 17/18	1,703.56
18755	08/03/2018	SYNAGRO WEST, INC.	MISCELLANEOUS SERVICES, NO. 1	7,889.24
18756	08/03/2018	ABEYTA DELILAH	Utility Billing Credit Refund	68.96
18757	08/03/2018	ANDREWS DONNA M	Utility Billing Credit Refund	169.37
18758	08/03/2018	ARAGON FRANCES	Utility Billing Credit Refund	214.60
18759	08/03/2018	ATENCIO AUSTIN AND ANAIDA OR CITY OF MADERA	Utility Billing Credit Refund	150.05
18760	08/03/2018	AYALA GERONIMO G	Utility Billing Credit Refund	78.67
18761	08/03/2018	BATES ANN OR CITY OF MADERA	Utility Billing Credit Refund	150.00
18762	08/03/2018	BERRY CONSTRUCTION	Utility Billing Deposit Refund	165.33
18763	08/03/2018	BRUNETTI VANNI	Utility Billing Deposit Refund	63.76
18764	08/03/2018	CHAUDHRY KHALID BASHIR	Utility Billing Deposit Refund	24.59
18765	08/03/2018	CITY OF MADERA OR GONZALEZ MARIA T	Utility Billing Credit Refund	152.19
18766	08/03/2018	CITY OF MADERA OR SINGH RANJODH & SIMARPREET KAU	Utility Billing Credit Refund	151.78
18767	08/03/2018	CORONADO JOHN RAY	Utility Billing Credit Refund	127.69
18768	08/03/2018	CRAIG M ELAINE	Utility Billing Credit Refund	192.57
18769	08/03/2018	DAWN LONG OR CITY OF MADERA	Utility Billing Credit Refund	51.75
18770	08/03/2018	DE LA CRUZ ANTONIO	Utility Billing Credit Refund	106.15
18771	08/03/2018	DIAZ ASHLEY OR CITY OF MADERA	Utility Billing Credit Refund	50.75
18772	08/03/2018	DINH GARY	Utility Billing Credit Refund	141.19
18773	08/03/2018	EURODRIP USA INC C/O SUSANA SILVESTRE	Utility Billing Credit Refund	96.11
18774	08/03/2018	FLORES ARMANDO	Utility Billing Credit Refund	5,251.02
18775	08/03/2018	FLORES LETICIA	Utility Billing Credit Refund	141.59
18776	08/03/2018	GILL GURSHANKTI SINGH	Utility Billing Credit Refund	115.80
18777	08/03/2018	GOMEZ REYES PATRICIA	Utility Billing Credit Refund	65.79
18778	08/03/2018	GONZALEZ JUAN A R OR CITY OF MADERA	Utility Billing Credit Refund	152.32
18779	08/03/2018	GONZALEZ LUIS	Utility Billing Credit Refund	171.22
18780	08/03/2018	HERNANDEZ CORINA	Utility Billing Credit Refund	53.92
18781	08/03/2018	HERNANDEZ HILDA	Utility Billing Deposit Refund	0.42
18782	08/03/2018	JOHNSON BARBARA	Utility Billing Deposit Refund	1.58
18783	08/03/2018	LARA GERMAN	Utility Billing Credit Refund	66.47
18784	08/03/2018	LEGACY TERRA LLC	Utility Billing Credit Refund	98.51
18785	08/03/2018	LIU ZHI HUAN	Utility Billing Deposit Refund	33.87
18786	08/03/2018	LUNA ISRAEL	Utility Billing Credit Refund	134.25
18787	08/03/2018	MADKINS ALEX	Utility Billing Deposit Refund	42.13
18788	08/03/2018	MARCHAN IVONNE	Utility Billing Credit Refund	83.15
18789	08/03/2018	MCLAURY STEPHANIE	Utility Billing Credit Refund	43.03
18790	08/03/2018	MENDOZA LUCIO	Utility Billing Credit Refund	77.60
18791	08/03/2018	MORALES PALEMON CORTES OR CITY OF MADERA	Utility Billing Credit Refund	159.53
18792	08/03/2018	OBERTI PHIL	Utility Billing Deposit Refund	15.66
18793	08/03/2018	PEREZ JAMES	Utility Billing Credit Refund	3.94
18794	08/03/2018	RAMIREZ IVAN	Utility Billing Credit Refund	25.52
18795	08/03/2018	RATTO MARY KATHERINE AND DOUGLAS CHARLES	Utility Billing Credit Refund	186.84
18796	08/03/2018	RYAN LAURA	Utility Billing Credit Refund	30.41
18797	08/03/2018	SILVA BERTHA	Utility Billing Credit Refund	164.59
18798	08/03/2018	SILVER DIAMOND LP C/O MADERA MANAGEMENT COMPANY IN	Utility Billing Deposit Refund	79.01
18799	08/03/2018	STRAUBINGER CAROL A C/O MADERA PROPERTY CONNECTION	Utility Billing Deposit Refund	44.26
18800	08/03/2018	T2M INVESTMENTS LLC JOSE TRINIDAD	Utility Billing Credit Refund	76.06
18801	08/03/2018	THOMAS MICHAEL OR CITY OF MADERA	Utility Billing Credit Refund	233.65
18802	08/03/2018	ULLOA CLAUDIA	Utility Billing Credit Refund	168.65
18803	08/03/2018	VELAZQUEZ FAUSTINO JR C/O MADERA MGMT CO	Utility Billing Deposit Refund	80.31
18804	08/03/2018	VELAZQUEZ GERARDO V OR CITY OF MADERA	Utility Billing Credit Refund	151.12
18805	08/03/2018	YUK FONG LAM	Utility Billing Credit Refund	180.03
18806	08/03/2018	UNDERGROUND SERVICE ALERT	ANNUAL FEE	1,496.53
18807	08/03/2018	UNITED RENTALS, INC	SWEEPER RENTAL 5/16/18-6/13/18	11,442.03
18808	08/03/2018	VILLA GARDENING SERVICE INC	WEED ABATEMENT	1,850.00
18809	08/03/2018	WILLDAN FINANCIAL SERVICES	CFD FEES FOR AUGUST 2018	825.90
Bank # 1 - Union Bank General Account Total				3,230,746.96

# REPORT TO CITY COUNCIL

MEETING DATE: August 15, 2018

AGENDA ITEM NUMBER: B-3

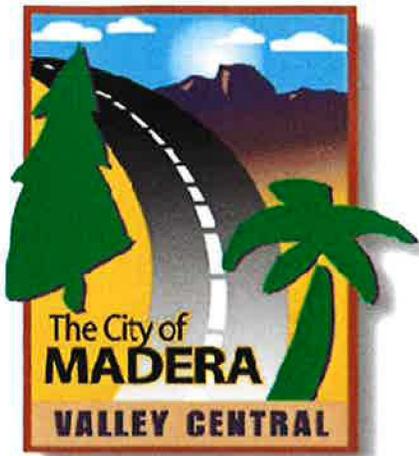
Approved By:



INTERIM PUBLIC WORKS DIRECTOR



CITY ADMINISTRATOR



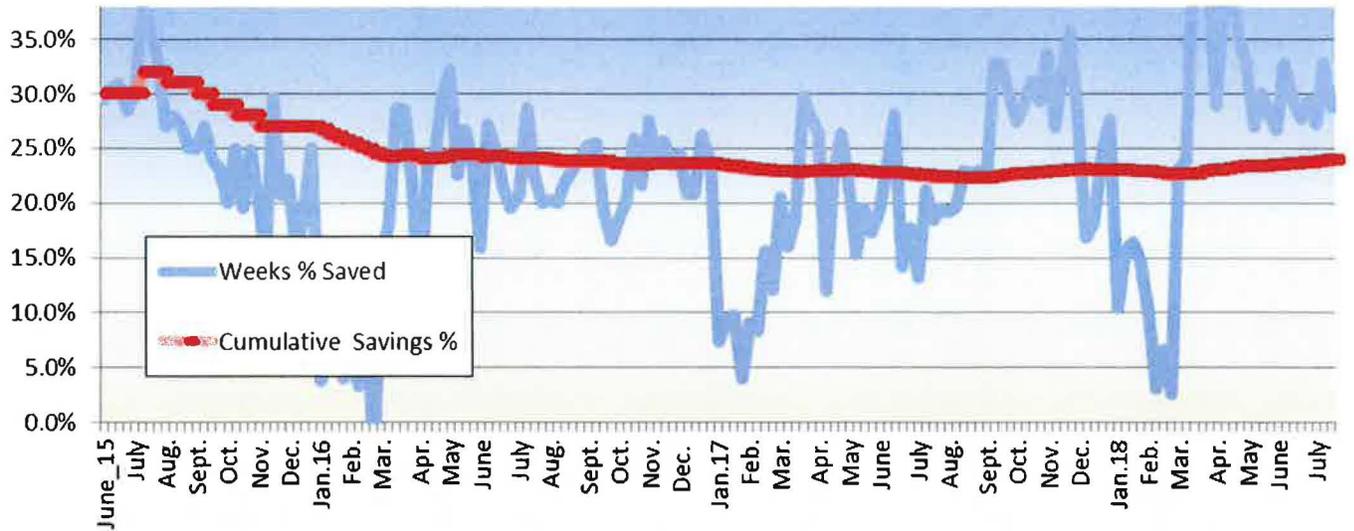
**SUBJECT:** Water Conservation Report for June 18<sup>th</sup> through July 22<sup>nd</sup>

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

**BACKGROUND:** This report addresses the four different areas of focus: water conservation & education, water patrol activity, water meter maintenance activities, and information on the overall capacity of the water wells, the amount of production, and reserve production capacity.

**WATER CONSERVATION:** As illustrated in the chart, the City's average monthly water conservation rate for the period from June 18 – July 22 is increased at 29% from 16.98% for the same period in 2017. Below is the most current water conservation data.





**CONSERVATION OUTREACH:** As part of our local outreach and education, water conservation presentations were made at the following events.

**Conservation Outreach**

**Oil Filter Exchange Event- 7/7/18**  
Partnered with Solid Waste Department at booth and distributed water conservation information and watering regulations

**Facebook Posting**  
Watering schedule and regulations reminder

**Utility Billing Newsletter June and July**  
Watering Schedule and articles on conservation tips

**WATER CONSERVATION CITATIONS:** The water conservation citation staff made a total of 357 individual public contacts. Below is the most current enforcement data.

<b>ENFORCEMENT</b>			
<b>Individual Contacts</b>	<b>357</b>	<b>1<sup>st</sup> offenses (\$75)</b>	<b>136</b>
<b>Verbal Warnings</b>	<b>57</b>	<b>2<sup>nd</sup> offenses (\$200)</b>	<b>7</b>
<b>Correction Notices</b>	<b>47</b>	<b>3<sup>rd</sup> or more offense (\$500)</b>	<b>2</b>

**WATER METERS:** In addition to the monthly reading of the manual read meters and the service interruptions due to delinquency during this reporting period, the water meter staff performed various repair and/or meter programming at 96 properties. Customer concern investigations were conducted and the investigations resulted in discovery of leaks at 19 properties and need for irrigation adjustments at 15 properties. Notification of possible leak were sent out to 10 additional properties.

**REBATE PROGRAM:** A total of **\$108,549** rebate dollars were awarded during fiscal year 17/18 compared to \$27,120 total rebate dollars awarded for fiscal year 16/17. To date total rebate dollars awarded for fiscal year 18/19 total over \$16,000.

**SYSTEM CAPACITY:** The system has continued to produce adequate flows to meet our peak demand and maintain reserve fire flow capacity. See report below.

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

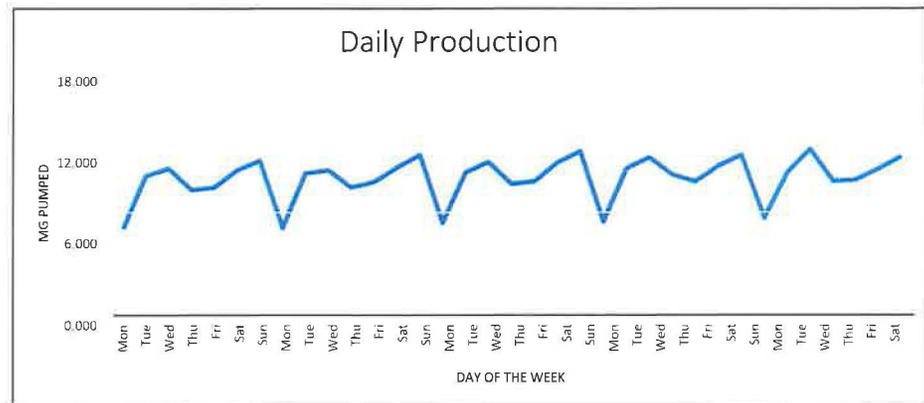
**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:** The report is consistent with the Madera Vision Plan, specifically Strategy 434: Water Quality and Usage: ensure continued water supplies to meet the demands of all Maderans through innovative reclamation, conservation and education on water use.

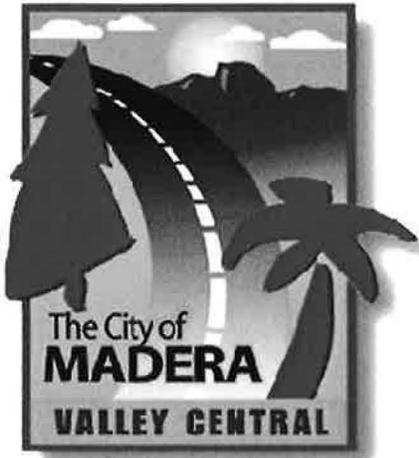
**STATUS REPORT June 18th JULY 22nd, 2018**  
**WATER PRODUCTION AND RESERVE FIRE FLOW CAPABILITY**

Dates	Day	Peak Temp	MG Pumped	Peak Hour	Lowest Pressure*	Lowest Tank Storage **	Wells Available	Wells On During Peak Hours	Wells in Reserve During Peak Hours	Reserve GPM at Peak	Reserves Meets Fire flow for			
											Residential 1,500 GPM	Commercial 2,500 GPM	Industrial 3,500 GPM	Hospital 4,500 GPM
6/18/2018	Mon	88	7.126	9pm-10pm	31	680,000	16	7	9	10196	Yes	Yes	Yes	Yes
6/19/2018	Tue	94	11.055	9pm-10pm	38	600,000	16	12	4	4005	Yes	Yes	Yes	Yes
6/20/2018	Wed	97	11.592	9pm-10pm	42	680,000	16	11	5	5205	Yes	Yes	Yes	Yes
6/21/2018	Thu	96	10.004	9pm-10pm	43	600,000	16	10	6	6533	Yes	Yes	Yes	Yes
6/22/2018	Fri	99	10.186	9pm-10pm	36	680,000	16	10	6	6533	Yes	Yes	Yes	Yes
6/23/2018	Sat	100	11.478	9pm-10pm	43	600,000	16	10	6	6533	Yes	Yes	Yes	Yes
6/24/2018	Sun	100	12.185	11pm-12am	41	520,000	16	11	5	5205	Yes	Yes	Yes	Yes
6/25/2018	Mon	92	7.203	8pm-9pm	46	680,000	16	9	7	7737	Yes	Yes	Yes	Yes
6/26/2018	Tue	99	11.269	9pm-10pm	40	600,000	16	12	4	4005	Yes	Yes	Yes	Yes
6/27/2018	Wed	97	11.484	9pm-10pm	39	300,000	16	12	4	4005	Yes	Yes	Yes	Yes
6/28/2018	Thu	92	10.187	9pm-10pm	40	450,000	16	10	6	7113	Yes	Yes	Yes	Yes
6/29/2018	Fri	95	10.606	9pm-10pm	40	450,000	16	11	5	5543	Yes	Yes	Yes	Yes
6/30/2018	Sat	99	11.662	8pm-9pm	39	600,000	16	12	4	4343	Yes	Yes	Yes	Yes
7/1/2018	Sun	100	12.589	10pm-11pm	38	520,000	16	15	1	1745	Yes	Yes	Yes	Yes
7/2/2018	Mon	96	7.556	9pm-10pm	43	680,000	16	9	7	8075	Yes	Yes	Yes	Yes
7/3/2018	Tue	93	11.321	9pm-10pm	39	680,000	16	12	4	4215	Yes	Yes	Yes	Yes
7/4/2018	Wed	92	12.099	11pm-12am	41	780,000	16	12	4	4215	Yes	Yes	Yes	Yes
7/5/2018	Thu	94	10.460	9pm-10pm	40	780,000	16	13	3	3015	Yes	Yes	Yes	Yes
7/6/2018	Fri	101	10.652	9pm-10pm	40	780,000	16	12	4	4215	Yes	Yes	Yes	Yes
7/7/2018	Sat	101	12.047	10pm-11pm	38	600,000	16	13	3	3015	Yes	Yes	Yes	Yes
7/8/2018	Sun	102	12.877	10pm-11pm	36	520,000	16	14	2	2034	Yes	Yes	Yes	Yes
7/9/2018	Mon	97	7.633	12am-1am	45	680,000	16	9	7	8027	Yes	Yes	Yes	Yes
7/10/2018	Tue	100	11.603	8pm-9pm	34	520,000	16	13	3	3362	Yes	Yes	Yes	Yes
7/11/2018	Wed	102	12.439	9pm-10pm	35	600,000	16	14	2	2034	Yes	Yes	Yes	Yes
7/12/2018	Thu	101	11.160	8pm-9pm	40	780,000	16	13	3	3015	Yes	Yes	Yes	Yes
7/13/2018	Fri	100	10.638	9pm-10pm	40	520,000	16	12	4	4645	Yes	Yes	Yes	Yes
7/14/2018	Sat	101	11.786	9pm-10pm	36	380,000	16	13	3	4703	Yes	Yes	Yes	Yes
7/15/2018	Sun	101	12.584	9pm-10pm	35	380,000	16	13	3	3664	Yes	Yes	Yes	Yes
7/16/2018	Mon	102	7.925	9pm-10pm	41	450,000	16	9	7	8385	Yes	Yes	Yes	Yes
7/17/2018	Tue	104	11.322	9pm-10pm	35	450,000	16	11	5	5725	Yes	Yes	Yes	Yes
7/18/2018	Wed	105	13.024	9pm-10pm	35	520,000	16	14	2	2034	Yes	Yes	Yes	Yes
7/19/2018	Thu	103	10.684	8pm-9pm	38	520,000	16	12	4	4645	Yes	Yes	Yes	Yes
7/20/2018	Fri	102	10.764	9pm-10pm	40	600,000	16	11	5	5845	Yes	Yes	Yes	Yes
7/21/2018	Sat	99	11.585	9pm-10pm	28	600,000	16	13	3	4356	Yes	Yes	Yes	Yes
7/22/2018	Sun	100	12.473	8pm-9pm	35	450,000	16	13	3	3664	Yes	Yes	Yes	Yes

\* Goal is to keep system above 30 psi., below 20 cause regulatory issue.  
 \*\* Elevated tank has a 1,000,000 gallon maximum capacity.

- 19 **Total Wells**
- 3 **Wells Not Available**
  - #16 Being Retrofitted for Submersible Pump to Gain 500 gpm
  - #20 Air intrusion
  - #27 Redevelopment in process
- 16 **Number of Wells Available**



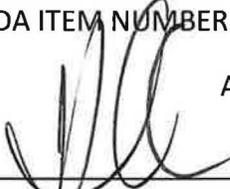


## REPORT TO CITY COUNCIL

MEETING DATE: August 15, 2018

AGENDA ITEM NUMBER: B-4

Approved By:

  
\_\_\_\_\_  
INTERIM PUBLIC WORKS DIRECTOR

  
\_\_\_\_\_  
CITY ADMINISTRATOR

### SUBJECT:

Consideration of a Minute Order Accepting the Water Pollution Control Facility Replacement Water Supply Well Project, City Project No. WWTP 17-01, Authorizing Recording of the Notice of Completion and Authorizing the Release of Retention.

### RECOMMENDATION:

City Council approve Minute Order approving:

1. Acceptance of the Water Pollution Control Facility Replacement Water Supply Well Project No. WWTP 17-01.
2. The recording of the Notice of Completion.
3. The release of retention after recording of the Notice of Completion.

### SUMMARY:

The City Council, at their October 4, 2017 meeting, awarded a contract to Nor-Cal Pump & Well Drilling, Inc. for the Water Pollution Control Facility Replacement Water Supply Well Project. The Contractor has substantially completed the project in accordance with the plans and specifications. Staff recommends that the City Council accept the project.

### DISCUSSION:

A final project inspection was held by the Engineering Department. Affected divisions within the Public Works Department also participated in the final review of the project. All parties agree the project can be recommended for acceptance by the City Council and a "Notice of Completion" recorded. The scope of the Water Pollution Control Facility Replacement Water Supply Well Project consisted of the installation of a new water supply well. The project provided for the installation and setup of a 12.75 inch stainless steel well casing as required for the new production well. The work also included the construction of a test well to an approximate depth of 330 feet.

The contract amount was \$169,743. There were no contract adjustments, bringing the net cost of the project to \$169,743. All work associated with the project was substantially completed by December 22, 2017.

**FINANCIAL IMPACT:**

As part of the FY 17/18 Budget, a series of capital projects recommended to maintain essential functions and/or enhance operations at the Wastewater Treatment Plant were adopted. Funding was appropriated in the FY 17/18 Sewer Fund, Capital Outlay – Account No. 20403420-7030 Facilities and Improvements. There is no impact to the City’s General Fund.

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

The presented capital improvement project supports:

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.

RECORDING REQUESTED BY:  
CITY OF MADERA

AND WHEN RECORDED MAIL TO:  
CITY OF MADERA – CITY CLERK  
205 W. 4TH STREET  
MADERA, CA 93637

SPACE ABOVE THIS LINE FOR RECORDER'S USE  
FEE WAIVED PER SECTIONS 27383 & 27388.1(a)(2)(D) OF THE GOVERNMENT CODE - NO DOCUMENT TAX DUE \$ -0-

**NOTICE OF COMPLETION**  
Corporation

**NOTICE IS HEREBY GIVEN THAT:**

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described,
2. The full name of the undersigned is City of Madera
3. The full address of the undersigned is 205 West 4th Street; Madera, CA 93637
4. The nature of the title of the undersigned is: In fee Public Improvements  
(If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase," or "lessee")
5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

NAMES

ADDRESSES

N/A

6. A work of improvement on the property hereinafter described was completed on December 22, 2017
7. The name of the original contractor, if any, for such work of improvement was \_\_\_\_\_

Nor-Cal Pump & Well Drilling, Inc.

(If no contractor for work of improvements as a whole, insert "none".)

8. The full name(s) and address (es) of the transferor(s) of the undersigned is (are):

NAMES

ADDRESSES

N/A

(Complete where undersigned is successor to owner who caused improvement to be constructed)

9. The property on which said work of improvement was completed is in the City of Madera  
County of Madera, State of California, and is described as follows:

**WATER POLLUTION CONTROL FACILITY REPLACEMENT WATER SUPPLY WELL  
PROJECT, CITY PROJECT NO. WWTP 17-01**

10. The street address of said property is Madera 13048 Road 21 1/2  
(If no street address has been officially assigned, insert "none".)

(Signature of Owner named In Paragraph 2)

Dated: \_\_\_\_\_

Keith Brent Helmuth, P.E  
City Engineer

**WATER POLLUTION CONTROL FACILITY REPLACEMENT WATER SUPPLY WELL  
PROJECT, CITY PROJECT NO. WWTP 17-01**

STATE OF CALIFORNIA  
County of Madera

Keith Brent Helmuth, being duly sworn says: That he is the City Engineer of the City of Madera,  
The corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the  
property therein described; that he makes this verification on behalf of said corporation;  
That he has read said notice and knows the contents thereof, and that the facts therein stated are true:

Signature of Officer: \_\_\_\_\_

The notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Madera

Subscribed and sworn to (or affirmed) before me on this 15th day of August, 2018, by Keith Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

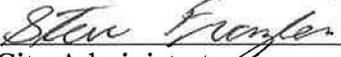
\_\_\_\_\_(Seal)  
Sonia Alvarez, City Clerk



## REPORT TO CITY COUNCIL

Approved by:

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

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

Council Meeting of: 8/15/18

Agenda Number: B-5

**SUBJECT: Consideration of a Resolution Adopting the City of Madera Conflict of Interest Code and Repealing Resolution No. 16-136 and All Resolutions in Conflict Herewith**

**RECOMMENDATION:** Staff recommends that the Council adopt a resolution amending the City of Madera Conflict of Interest Code and repealing Resolution No. 16-136 and all resolutions in conflict herewith.

**SUMMARY:** The City is required to review biennially its Conflict of Interest Code. The Conflict of Interest Code (Exhibit A to the resolution) identifies officials, employees, committees/commissions, and consultants who are required to file a Statement of Economic Interest Form 700 upon assuming office, annually thereafter, and upon leaving office. Designated individuals must disqualify themselves when conflicts of interest occur.

**DISCUSSION:** Pursuant to the Political Reform Act, the City is required to conduct a biennial review of its Conflict of Interest Code to determine if changes are necessary to the designated positions and the respective disclosure categories. The designated positions include those who make or participate in the making of governmental decisions that could affect their personal economic interests. The Conflict of Interest Code was last amended on 6/07/16 by Resolution No. 16-136. Suggested changes to the designated positions are shown in Attachment A to the report.

**FINANCIAL IMPACT:** None.

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

Amendments to the City of Madera Conflict of Interest Code are 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 that plan.

<b>Department</b>	<b>Add</b>	<b>Remove</b>
City Attorney	Legal Assistant	
Engineering	Administrative Analyst	
	Senior Engineer	
Finance	Administrative Analyst	
Fire	Battalion Chief	Deputy Chief
Information Services	Tyler Munis Implementation Manager	
Parks & Community Services	Recreation and Community Programs Supervisor	
Public Works	Streets and Storm Drainage Supervisor	Program Manager Grants
	Wastewater Collection System Supervisor	
	Water System Supervisor	
Successor Agency		Redevelopment Manager
		Oversight Board of the Successor Agency

RES. NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MADERA, CALIFORNIA ADOPTING THE CITY OF MADERA  
CONFLICT OF INTEREST CODE, AND REPEALING RESOLUTION  
NO. 16-136 AND ALL RESOLUTIONS IN CONFLICT HEREWITH

WHEREAS, the Political Reform Act (Government Code Section 87300, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Political Reform Act requires certain officials, specified in section 87200 of the California Government Code, to file a Statement of Economic Interest Form 700 and abstain from making or participating in making governmental decisions which have a reasonably foreseeable material effect on an economic interest; and

WHEREAS, the Political Reform Act also requires the City to adopt a local conflict of interest code that enumerates specific City positions other than those specified in Government Code §87200 which involve making or participating in making decisions which have a reasonable foreseeable material effect on an economic interest, interests in real property and sources of income which are reportable based on the scope of the decision-making authority of the position; and

WHEREAS, the Fair Political Practices Commission has adopted regulations (2 Ca. Code of Regulations Section 18730), which contains the terms of the standard conflict of interest code; and

WHEREAS, the City Council desires to repeal the City of Madera's Conflict of Interest Code and adopt a new Conflict of Interest Code incorporating new provisions of Government Code Section 87300, et. seq., and reflecting changes to the designated positions; and

WHEREAS, the terms of 2 Ca. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

NOW, THEREFORE, the City Council of the City of Madera hereby finds, orders, and resolves:

1. The above recitals are true and correct.
2. The City Council hereby repeals Resolution No. 16-136 and all resolutions in conflict herewith.
3. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

4. The City Council of the City of Madera hereby adopts the City of Madera Conflict of Interest Code attached as Exhibit A.
5. Persons holding positions listed as designated positions in the Conflict of Interest Code shall file a Statement of Economic Interest Form 700 and report the categories listed therein.
6. This resolution is effective immediately upon adoption.

\* \* \* \* \*

## EXHIBIT A

### CITY OF MADERA CONFLICT OF INTEREST CODE

- A. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.
- B. The positions listed below are public officials designated by statute and are required to file with the Fair Political Practices Commission (FPPC) a Statement of Economic Interests pursuant to Government Code Section 87200.

Mayor  
City Council  
City Administrator  
City Attorney  
City Treasurer  
Planning Commissioners

- C. Persons holding positions listed as designated positions under Section D shall file with the City Clerk a Statement of Economic Interests Form 700 upon assuming office, annually thereafter, and upon leaving office. Statement of Economic Interests Form 700 are a public record and available for public inspection and reproduction.
- D. Designated Positions and Disclosure Category

<u>Designated Positions</u>	<u>Disclosure Category</u>
<b><u>ADMINISTRATION</u></b>	
City Manager	I
Communications Manager	I
Director of Administrative Services	I
<b><u>AIRPORT</u></b>	
Airport Operations Manager	I
<b><u>BUILDING</u></b>	
Chief Building Official	I
Plans Examiner	III
<b><u>CITY CLERK</u></b>	
City Clerk	I
Deputy City Clerk	I
<b><u>CITY ATTORNEY</u></b>	
City Attorney	I
Deputy City Attorney	I

Legal Assistant I  
Paralegal Office Administrator I

**COMMUNITY DEVELOPMENT**

Director of Community Development I

**ENGINEERING**

Administrative Analyst III  
Assistant Engineer II  
Associate Civil Engineer I  
City Engineer I  
Deputy City Engineer I  
Engineering Project Manager I  
Engineering Technician III I  
Project Development Coordinator – Licensed II  
Senior Engineer I  
Special Transportation Projects Director I

**FINANCE**

Administrative Analyst III  
Director of Financial Services I  
Financial Services Manager I  
Utility Billing Supervisor II, III

**FIRE**

Battalion Chief I  
Fire Chief I  
Division Chief I

**FLEET**

Fleet Operations Manager II

**GRANTS**

Grant Administrator I  
Program Manager Grants I

**HUMAN RESOURCES**

Administrative Analyst III  
Director of Human Resources I

**INFORMATION SERVICES**

Computer Technician II  
Information Services Manager I  
Network Administrator II  
Tyler Munis Implementation Project Manager I

**NEIGHBORHOOD REVITALIZATION**

Neighborhood Preservation Supervisor I

**PARKS AND COMMUNITY SERVICES**

Business Manager I

Director of Parks and Community Services I

Parks Planning Manager I

Parks Supervisor II, III

Recreation and Community Programs Manager I

Recreation and Community Programs Supervisor I

**PLANNING**

Assistant Planner III

Associate Planner III

Planning Manager I

Senior Planner I

**POLICE**

Chief of Police I

Police Auxiliary Services Supervisor II, III

Police Commander I

Police Lieutenant II, III

Police Office Supervisor II, III

Police Sergeant III

**PUBLIC WORKS**

Administrative Analyst I

Electrical and Facilities Operations Manager II, III

Public Works Operations Director I

Streets and Storm Drainage Operations Manager II, III

Streets and Storm Drainage Operations Supervisor II, III

Wastewater Collection System Supervisor II, III

Wastewater Treatment Plant Manager II, III

Water and Sewer Operations Manager II, III

Water Meter Conservation Supervisor II, III

Water System Supervisor

**PURCHASING**

Procurement Services Manager I

**SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY AND SUCCESSOR HOUSING AGENCY**

Executive Director I

Redevelopment Agency Secretary II, III

**BOARDS AND COMMISSIONS**

Civil Service Commission I

Madera Public Financing Authority Board	I
City Council as the Successor Agency to the Former Madera Redevelopment Agency	I
City Council as the Successor Housing Agency	I

**CONSULTANTS**

Consultants	I
-------------	---

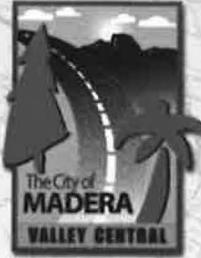
E. Disclosure Categories

- I. All investments, business positions, and sources of income located in or doing business in the City of Madera, including gifts, loans and travel payments, and all interests in real property located in the City of Madera including property located within a two-mile radius of the City of Madera or any property owned or used by the City of Madera.

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category (Category I) in the Conflict of Interest Code subject to the following limitation.

The City Administrator or his/her designee may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator’s or his/her designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

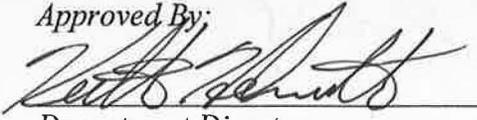
- II. All investments, business positions in, and sources of income located in or doing business in the City of Madera, including gifts, loans and travel payments, of the type which provide goods, services, supplies, materials, vehicles, machinery or equipment of the type utilized by the City of Madera.
- III. All investments, business positions in, and sources of income located in or doing business in the City of Madera, including gifts, loans and travel payments, which are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the City of Madera.



[Return to Agenda](#)

## REPORT TO CITY COUNCIL

Approved By:

  
Department Director

Council Meeting of August 15, 2018

Agenda Item Number B-6

  
City Administrator

**SUBJECT:** CONSIDERATION OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MADERA TO EXECUTE EASEMENT DEED FOR DEDICATION OF EASEMENT FOR MADERA IRRIGATION DISTRICT'S PIPELINE ALONG EAST SIDE OF VICTORY LANE THROUGH CITY-OWNED PARCELS APN 009-331-010, 011, 018, AND 024

### RECOMMENDATION:

That the City Council approve Resolution No. \_\_\_\_\_

1. Approving the granting of the Easement Deed
2. Authorizing the Mayor to sign the Easement Deed.

### DISCUSSION:

Madera Irrigation District has requested that the City of Madera grant an easement for the District's pipeline, known as Turnout No.7 and 7A, paralleling, and on the east side of, the street right-of-way for Victory Lane. The easement, which extends from Pecan Avenue to MID's Main Canal, traverses four City-owned Parcels, APN 009-331-010, 011, 018, and 024, which also are known as Parcels 11, 14, 15, and 16 on the Freedom Estates Industrial subdivision map, as shown on attached Exhibit "C".

### Engineering

205 W. Fourth Street • Madera, CA 93637 • TEL (559) 661-5418 • FAX (559) 675-6605

[www.cityofmadera.ca.gov](http://www.cityofmadera.ca.gov)

During a topographic survey of the site, it was found that the actual location of the subject pipeline does not coincide with the existing easement as delineated on the present recorded map of Freedom Estates Industrial Park subdivision. This proposed action will place the easement in its correct location. Recording of this easement, and the vacation of the old easement, will be done by Madera Irrigation District.

**FISCAL IMPACT:**

There is no impact to the City's General Fund as a result of the proposed action.

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

Strategy 142: Support Land Preservation: Support conservation and preservation of agricultural lands surrounding the City of Madera.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA TO EXECUTE AN EASEMENT DEED FOR DEDICATION OF EASEMENT FOR MADERA IRRIGATION DISTRICT'S PIPELINE ALONG EAST SIDE OF VICTORY LANE THROUGH CITY-OWNED PARCEL APN 009-331-010, 011,018, AND 024**

**WHEREAS**, Madera Irrigation District has requested the City of Madera to execute an easement deed to correct the easement location for the District's Pipeline, known as Turnout 7 and 7A, along the east side of Victory Lane through City-owned Parcels 009-331-010, 011, 018 and 024; and

**WHEREAS**, the proposed use of the easement is categorically exempt from CEQA; and

**WHEREAS**, the easement deed will be recorded, and the existing easement vacated, by Madera Irrigation District; and

**WHEREAS**, the Mayor is legally designated to sign on behalf of the City.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA  
HEREBY RESOLVES, FINDS, DETERMINES AND ORDERS AS FOLLOWS:**

1. The above recitals are true and correct.
2. The City Council hereby authorizes the Mayor to sign the easement deed, a copy of which is on file in the office of the City Clerk and referred to for particulars.
3. The City Engineer is directed to forward the executed deed to Madera Irrigation District for acceptance and recording purposes.
4. The resolution is effective immediately upon adoption.

\*\*\*\*\*

Recording Requested By:  
**Madera Irrigation District**  
**12152 Road 28 ¼**  
**Madera, CA 93637**

When Recorded Mail To:  
**Madera Irrigation District**  
**12152 Road 28 ¼**  
**Madera, CA 93637**

---

FEE WAIVED PER GOVERNMENT CODE 27383, R&T 11922

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 009-331-010, 011. 018 & 024

### **GRANT OF EASEMENT**

**The City of Madera ("Grantor")** is the owner of certain real property located in the County of Madera, State of California, more particularly described in Exhibit "A" to this Agreement. For valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grant(s) to **Madera Irrigation District ("District")** an easement in gross and right of way in, upon, though, over, under, along and across the real property herein described on Exhibits "B" and "C" for the purpose of locating, constructing, reconstructing, maintaining, operating, inspecting, and repairing an open canal and all fixtures or appurtenances incidental thereto (the "Open Canal") with the right to flow water therein of whatever nature and from whatever source, together with the right to enter upon said real property with men and equipment for the purpose of operating, repairing, and maintaining and improving the said facilities (the "Open Canal Easement").

Grantor shall have the right to make use of the surface of the Open Canal Easement area, so long as said use does not interfere with the rights herein granted. No permanent structures, permanent crops, trees or landscaping with invasive roots shall be allowed within the Open Canal Easement area. Operation, repair or maintenance of the Open Canal could disturb or damage surface improvements within the Open Canal Easement. The District will attempt to minimize any impact to surface improvements but will not be responsible for repair to or replacement of any surface improvements damaged due to the exercise of the District's rights granted herein. The District shall not be responsible, nor incur any costs associated with maintaining, repairing, improving or replacing anything within the Open Canal Easement surface area. This conveyance shall be binding upon the heirs, executors, administrators, assigns, transferees and successors of the parties. In the

event the easement hereby granted is abandoned in accordance with law, it shall revert to the owners of the above described real property.

IN WITNESS WHEREOF, the undersigned, has executed this Agreement, effective as of the date written below.

**City of Madera**

By:

\_\_\_\_\_

Andrew J. Medellin, Mayor

Date: \_\_\_\_\_

**EXHIBIT "A"**

Parcels 11 & 14 through 16, inclusive, of Subdivision Map 2014-S-01, in The City Of Madera, County Of Madera, State Of California, according to the map thereof filed September 10, 2014 in Book 61 of Maps, at Pages 82 through 86 and by Amended Subdivision Map 2014-S-01 filed March 25, 2015 in Book 62 of Maps, at Pages 4 through 8, Madera County Records.



**EXHIBIT "B"**

Those portions Parcels 11 & 14 through 16, inclusive, of Subdivision Map 2014-S-01, in The City Of Madera, County Of Madera, State Of California, according to the map thereof filed September 10, 2014 in Book 61 of Maps, at Pages 82 through 86 and by Amended Subdivision Map 2014-S-01 filed March 25, 2015 in Book 62 of Maps, at Pages 4 through 8, Madera County Records lying within the following described easement:

A strip of land of the uniform width of 20 feet lying equally on each side of a line which begins at a point on the south line of the southeast quarter of Section 26, Township 11 South, Range 17 East, Mount Diablo Base and Meridian from which the southeast corner of said Section 26 bears South 89°42'40" East a distance of 1310.11 feet; Thence North 00°09'09" East a distance of 1185.78 feet; Thence North 09° 07'15" West a distance of 71.42 feet to a point (hereinafter for convenience called Point 'A') on the north boundary line of Parcel 17 of said Amended Subdivision Map 2014-S-01.

A strip of land of the uniform width of 30 feet lying equally on each side of a line which begins at said Point 'A'; Thence North 09° 07'15" West a distance of 190.76 feet.

The sidelines of the 20 foot strip shall be extended or shortened to originate on the south line of said southeast quarter of said Section 26 and terminate on the north boundary line of said Parcel 17. The sidelines of the 30 foot strip shall be extended or shortened to originate on the north boundary line of said Parcel 17.

Contains an area of 27,215 square feet, more or less.

APN 009-331-010, 011, 018 & 024



# EXHIBIT "C"

ALMOND AVENUE

S89°54'26"E 2639.99'

CENTER 1/4 CORNER  
OF SECTION 26, 11/17

EAST CORNER OF  
SECTION 26, 11/17

**LEGEND:**



INDICATES AREA TO BE  
DEDICATED FOR IRRIGATION  
PURPOSES  
CONSISTING OF  
30,867 SQ. FT.  
(3,652 SQ. FT. WITHIN PARCEL  
17 AND 27,215 SQ. FT. WITHIN  
PARCELS 11 & 14-16)

INDICATES CENTERLINE OF  
IRRIGATION EASEMENT TO BE  
DEDICATED

LINE TABLE

LINE #	BEARING	LENGTH
L1	N9°07'15"W	71.42'
L2	N9°07'15"W	190.76'

PARCEL 11

DOCUMENT NO. 9320  
BOOK 1201 PAGE 340  
JULY 8, 1974, O.R.M.C.

PARCEL 17

PARCEL 16

PARCEL 12

PARCEL 13

VICTORY LANE

PARCEL 14

PARCEL 4

PARCEL 1

PARCEL 15

PARCEL 3

PARCEL 2

AMENDED  
SUBDIVISION MAP 2014-S-01  
FILED IN BOOK 62 OF MAPS  
AT PAGES 4 - 8, M.C.R.

INDEPENDENCE DRIVE

SOUTH 1/4 CORNER  
OF SECTION 26, 11/17

N89°42'40"W 2633.82'

1310.11'

PECAN AVENUE

SOUTHEAST CORNER OF  
SECTION 26, 11/17

S0°08'57"W 2638.83'

PINE STREET

PREPARED BY:



**DALE G. MELL  
& ASSOCIATES**

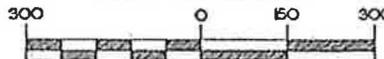
**ENGINEERING & SURVEYING SERVICES**

2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703  
(559) 292-4046 \* FAX 251-9220 \* EMAIL: STAFF@DALEMELL.COM



**NORTH**

GRAPHIC SCALE

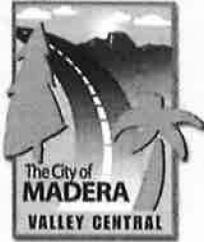


1 INCH = 300 FEET

BY: R.ESPINOZA - 07/02/18

DMA CADFILE: 15-060.04EE02

PLOTTED BY: DALE G. MELL - 6/4/2018 6:21:17 PM V:\PROJECTS\2015\PROJECTS\15-060\DWG\15-060.04EE02.DWG



[Return to Agenda](#)

## REPORT TO CITY COUNCIL

COUNCIL MEETING OF August 15, 2018  
AGENDA ITEM NUMBER B-7

  
PREPARED BY: Mary Anne Seay, Director  
Parks & Community Services Department

  
APPROVED BY: Steve Frazier, City Administrator

**SUBJECT:**      **CONSIDERATION OF A RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S FOSTER YOUTH AND HOMELESS/FAMILIES IN TRANSITION PROGRAMS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**RECOMMENDATION:**

Staff recommends Council adopt the resolution approving a Consultant Services Agreement between the City and the Madera Unified School District (MUSD) for partial administration of the District's Foster Youth and Families in Transition (FIT) Programs. Staff further recommends that Council authorize the Mayor to execute the Agreement on behalf of the City.

**SUMMARY:**

The City has entered into Consultant Services Agreements with (MUSD) to provide After School Programs (ASP) throughout the District for several academic school years. Last year, the City entered into an additional Agreement for the Parks and Community Services (PCS) Department to provide enrichment activities for foster youth as well as youth identified by the district as homeless (Families in Transition, or FIT). The recommendation is to adopt a resolution for the 2018-19 FIT/Foster Youth Consultant Services Agreement which would pay \$80,000 to PCS to provide science education and enrichment activities at various schools.

**DISCUSSION:**

In late 2011, the City and MUSD began working in partnership to craft grant proposals for MUSD to receive both State and Federal funding for after school programming. The PCS Department has maintained and grown its relationship with the District in hopes that the two agencies would work together to provide meaningful programs to youth during the critical out-of-school hours. MUSD staff reached out to PCS to serve their more vulnerable students during out-of-school time in the final months of the 16-17 and again in the 17-18 academic year.

MUSD has Foster Youth/FIT Programs designed to provide students and families with a network of support. In addition to other goals, the programs focus on truancy reduction and increased student learning. Studies show that youth who participate in organized out-of-school programming are more likely to attend and perform in the classroom.

The District will engage in outreach to homeless and foster youth who are assigned to participate in our programs. PCS is responsible to recruit, hire and train program staff who will provide enrichment programming with a heavy emphasis on Science, Technology, Engineering, Art and Mathematics (STEAM) curriculum. Life skills will also be emphasized. The following model will be used in the 18-19 school year:

1. K-8 students during after school program;
2. K-6 and K-8 students during Spring break and Summer day camps at John W. Wells Youth Center; and
3. 9<sup>th</sup> – 12<sup>th</sup> grade students Life Skills workshops.

The specific action recommended in this report is to approve the attached Consultant Services Agreement that would provide recreation and enrichment services to foster and homeless students attending MUSD during the 18-19 academic year and to authorize the Mayor to execute the Agreement on behalf of the City.

**FINANCIAL IMPACT:**

The total value of the Agreement is \$80,000. The recommended actions provide some General Fund relief in that portions of the full-time salaries are covered in the fully-burdened rate as called out in this Consultant Services Agreement. Staff estimates that the activities borne from this Agreement will relieve the General Fund by as much as \$40,000.

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

The recommended actions support the following Vision Madera 2025 strategies:

**Action 305.4:** Expand youth service club and promote community services provided.

**Strategy 332:** Youth Services: Expand comprehensive services for Madera’s youth, including employment opportunities, community activities, sports programs, performing arts and after-school programs.

**Strategy 334:** After School Programs: Develop after-school programs with emphasis on local cultures and their histories.

**Strategy 404:** Promote increased community wellness.

**Strategy 411:** Enhance and expand recreational activities available to Maderans.

RESOLUTION NO. 18 - \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING  
A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL  
DISTRICT FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S FOSTER  
YOUTH AND HOMELESS/FAMILIES IN TRANSITION PROGRAMS AND  
AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF  
THE CITY**

**WHEREAS**, the youth of a community are known to be vulnerable to negative societal influences in the hours between the end of the school day and 6 pm; and

**WHEREAS**, Madera Unified School District (MUSD) has identified funding to provide students who are foster youth or homeless with the opportunity to attend structured and organized activities during these critical after-school hours; and

**WHEREAS**, MUSD is seeking consultants with expertise in recreation, enrichment and educational programming to provide staffing, curriculum and materials needed for the direct provision of after-school program activities; and

**WHEREAS**, the City's Parks and Community Services Department has the level of expertise necessary for provision of said programming; and

**WHEREAS**, MUSD has prepared a Consultant Services Agreement that specifies the responsibilities of the School District and the City in regard to providing recreation and enrichment programming; and

**WHEREAS**, the Consultant Services Agreement is in the best interest of the public, the City and Madera Unified School District.

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

1. The above recitals are true and correct.
2. The Consultant Services Agreement with Madera Unified School District, a copy of which is on file in the office of the City Clerk and is referred to for more particulars, is hereby approved.
3. The Mayor is authorized to execute said Agreement on behalf of the City.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*



# MADERA UNIFIED SCHOOL DISTRICT

## CONSULTANT SERVICES AGREEMENT

This agreement is made and entered into this 29<sup>th</sup> day of August 2018, by and between Madera Unified School District (“District”) and The City of Madera (“Consultant”).

1. Consultant agrees to provide the following specified services:

The City of Madera will assign staff to provide enrichment services focusing on STEAM programs and life skills workshops to identified Foster and Homeless/Families In Transition (FIT) Madera Unified School District students:

1. K-8 students during after school program;
2. K-6 and K-8 students during Spring break and Summer at John W. Wells Youth Center;
3. 9<sup>th</sup> – 12<sup>th</sup> grade students Life Skills workshops

2. Term. The Consultant’s services described in Paragraph 1 shall commence on August 29, 2018 and shall end on June 30, 2019 unless earlier terminated pursuant to Paragraph 8.

3. Payment. District agrees to pay Consultant as follows: \$80,000 – Foster Youth / FIT Funds  
A total of \$40,000 for Foster Youth services and \$40,000 for Families In Transition (FIT) services for a total of \$80,000 of services for the following sites: Madera High and Madera South; Thomas Jefferson Middle School, Desmond Middle School, MLK Middle School; Adams Elementary, Alpha Elementary, Berenda Elementary, Chavez Elementary, Dixieland School, Eastin-Arcola School, Howard School, La Vina School, Lincoln Elementary, Madison Elementary, Millview Elementary, Monroe Elementary, Nishimoto Elementary, Parkwood Elementary, Pershing Elementary, Sierra Vista Elementary, Virginia Lee Rose Elementary, and Washington Elementary. District will pay the City of Madera a total of \$27.35 per hour. This rate is a fully-burdened rate that covers site staff, administrative costs, and materials. Unless directed otherwise in writing by District, City shall not provide services in excess of allocated cost per program as listed above. Additional services and/or supplies can be provided to District at an additional rate. Supplies shall be acquired at the City’s cost plus 15% in administrative costs and staffing at the agreed upon fully-burdened rate of \$27.35/hour.

4. Payroll Forms. Consultant agrees to complete the District’s consultant payroll form. Consultant agrees that failure to properly complete this form in a timely manner may result in nonpayment to consultant.

5. Independent Contractor Status. Consultant and any and all agents and employees of Consultant are agreed to be independent contractors in their performance under this Agreement and are not officers, employees, or agents of the District. Consultant shall retain the right to perform services for others during the term of this Agreement.

6. Indemnity.

General Liability. This section shall govern any liability incurred by one party through the fault of the other party.

District to Indemnify. The District shall defend, indemnify, and hold the City, its officials, officers, employees, agents, and volunteers free and harmless from any and all liability from loss, damage, or injury to property or persons, including wrongful death, to the extent arising out of or incident to any negligent acts, omissions, or willful misconduct of the District, its officials, officers, employees, agents, and volunteers arising out of or in connection with the District’s performance of this Agreement, including without limitation the payment of reasonable attorney’s fees.

City to Indemnify. The City shall defend, indemnify, and hold the District, its officials, officers, employees, agents, and volunteers free and harmless from any and all liability from loss, damage, or injury to property or persons, including wrongful death, to the extent arising out of or incident to any negligent acts, omissions, or willful misconduct of the City, its officials, officers, employees, agents, and volunteers arising out of or in connection with the City’s performance of this Agreement, including without limitation the payment of reasonable attorney’s fees.

7. Insurance. Consultant agrees to procure and maintain throughout the term of this Agreement a comprehensive general liability insurance policy to protect Consultant from damages because of bodily injury, including death, and from claims for damages to property which may arise out of or result from Consultant’s responsibilities under this Agreement, whether such acts or omissions be by Consultant or anyone directly or indirectly employed by

Consultant. This insurance shall name the District as additional insured and shall be written for not less than Two Million Dollars (\$2,000,000) per occurrence, Five Million (\$5,000,000) aggregated liability coverage and One Million Dollars (\$1,000,000) for property damage. A certificate of insurance shall be filed with the District and shall provide that no changes shall be made to such insurance without thirty (30) days prior written notice to the District.

8. Termination of Agreement. District and or Consultant may terminate this Agreement for any reason upon 30 days written notice. In the event of early termination, Consultant shall be paid for work performed to the date of termination. The District may then proceed with the work in any manner the district deems proper.

9. No Entitlement. Consultant agrees that it has no entitlement to any future contracts or work from District or to any employment or fringe benefits from the District.

10. Taxes. Payment to Consultant pursuant to this Agreement will be reported to federal and state taxing authorities as required on the IRS Form 1099. District will not withhold any money from compensation payable to Consultant. In particular, District will not withhold FICA (social security); state or federal unemployment insurance contributions; and/or state or federal income tax or disability insurance. Consultant is independently responsible for the payment of all applicable taxes.

11. Governing Law and Venue. This Agreement shall be governed by and construed only in accordance with the laws of the State of California. If any action is initiated involving the application or interpretation of this Agreement, venue shall only lie in the appropriate state court in Madera County or federal court in Fresno County, California.

12. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Consultant, the District and their respective successors and assignees.

13. Severability. If any provision of this Agreement shall be held invalid or unenforceable by a Court of competent jurisdiction, such holdings shall not invalidate or render unenforceable any other provision of this Agreement.

14. Amendment. The terms of this Agreement shall not be amended in any manner whatsoever except by mutual written agreements signed by the parties.

15. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no oral understandings, side agreements, representation or warranties, expressed or implied, not specified in this Agreement.

16. Licenses. Consultant represents that Consultant and all agents and employees of Consultant are licensed by the state of California, if applicable, to perform all the services required by this Agreement. Consultant will maintain all licenses in full force and effect during the term of this Agreement.

17. Compliance with Law. Consultant agrees to perform the services contemplated by this Agreement in a professional and a competent manner and in compliance with all local, state and federal laws, and regulations governing the service to be rendered pursuant to this Agreement.

18. Approvals. The parties agree that the effectiveness of the Agreement is contingent upon approval by the District's Board of Trustees and by the Madera City Council.

19. Equipment and Materials. Consultant shall provide all equipment, materials, and supplies necessary for the performance of this Agreement. This provision is negotiable as to the needs of specific children.

20. Non-discrimination. Consultant shall not engage in unlawful discrimination in the employment of persons because of race, color national origin, age, ancestry, religion, sex, marital status, medical condition, physical handicap, or other bias prohibited by state or federal law.

21. Copyright. Any product, whether in writing or maintained in any other form produced under this Agreement shall be the property of District. District shall have the right to secure a patent, trademark or copyright and the product or information may not be used in any manner without District's written permission.

22. In accordance with Education Code Section 39656, this contract is not valid or an enforceable obligation against the District until approved or ratified by motion of the Governing Board duly passed and adopted.

Madera Unified School District:

by: Todd Lile

Superintendent, Madera Unified School District

\_\_\_\_\_

Signature

Date: \_\_\_\_\_

Consultant:

Andrew J. Medellin

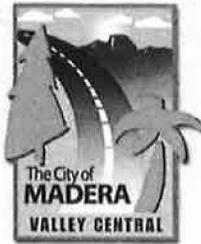
Mayor, City of Madera

\_\_\_\_\_

Signature

Date: \_\_\_\_\_

Federal ID# \_\_\_\_\_



## REPORT TO CITY COUNCIL

COUNCIL MEETING OF August 15, 2018  
AGENDA ITEM NUMBER B-8

PREPARED BY: Mary Anne Seay, Director  
Parks & Community Services Department

APPROVED BY: Steve Frazier, City Administrator

**SUBJECT:**        **CONSIDERATION OF A RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S ACADEMIC YEAR 2018-19 AFTER SCHOOL PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**RECOMMENDATION:**

Staff recommends Council adopt the resolution approving a Consultant Services Agreement between the City and the Madera Unified School District (MUSD) for partial administration of the District's Academic Year 18-19 After School Program. Staff further recommends that Council authorize the Mayor to execute the Agreement on behalf of the City.

**SUMMARY:**

The City has entered into Consultant Services Agreements with MUSD to provide After School Programs (ASP) at sites throughout the District for more than four years. The City's Parks and Community Services (PCS) Department has successfully provided recreation, education and enrichment programs in the after school setting and MUSD desires to enter into a similar Agreement for the upcoming 2018-19 academic school-year. Under the proposed Agreement, MUSD would pay PCS \$124,000 to provide services at twelve (12) different schools.

**DISCUSSION:**

The PCS Department works in concert with MUSD to ensure that students have access to quality enrichment programming during the critical after school hours. Like MUSD, PCS is committed to the positive human development of our young residents. In ongoing partnership with MUSD, the PCS Department will deliver science education during select program days. We will also provide staff and resources to lead a variety of academic achievement, fitness, recreation and enrichment activities.

Staff is pleased to continue our partnership with MUSD so that we can further efforts to narrow achievement gaps, strengthen youth, and provide safe and structured enrichment activities. The specific funding levels and school sites have changed from previous Agreements in response to fluctuating funding sources from the State. The proposed Agreement provides funding for PCS at twelve sites listed below.

**High Schools (3)**

Madera High School	\$15,000
Madera South High School	\$13,000
Mountain Vista	\$7,000

**Middle Schools (2)**

Desmond Middle School	\$7,500
Martin Luther King	\$7,500

**Elementary Schools (7)**

La Vina	\$5,000
Millview	\$11,500
Monroe	\$11,500
Nishimoto	\$11,500
Parkwood	\$11,500
Sierra Vista	\$11,500
Virginia Lee Rose	\$11,500

**FINANCIAL IMPACT:**

In addition to covering the costs for part-time staff and equipment, this Consultant Services Agreement also allows for permanent staff time to be off-set. Staff estimates that the ASP program borne from this Agreement will relieve the General Fund by approximately \$60,000 in the current Fiscal Year.

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

The recommended actions support the following Vision Madera 2025 strategies:

**Action 305.4:** Expand youth service club and promote community services provided.

**Strategy 332:** Youth Services: Expand comprehensive services for Madera’s youth, including employment opportunities, community activities, sports programs, performing arts and after-school programs.

**Strategy 334:** After School Programs: Develop after-school programs with emphasis on local cultures and their histories.

**Strategy 404:** Promote increased community wellness.

**Strategy 411:** Enhance and expand recreational activities available to Maderans.

**RESOLUTION NO. 18 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT (MUSD) FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S ACADEMIC YEAR 2018-19 AFTER SCHOOL PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**WHEREAS**, the youth of a community are known to be vulnerable to negative societal influences in the hours between the end of the school day and 6 pm; and

**WHEREAS**, Madera Unified School District has obtained funding to provide students the opportunity to attend structured and organized activities during these critical after-school hours; and

**WHEREAS**, MUSD is seeking consultants with expertise in recreation, enrichment and educational programming to provide staffing, curriculum and materials needed for the direct provision of after-school program activities; and

**WHEREAS**, the City's Parks and Community Services Department has the level of expertise necessary for provision of said programming; and

**WHEREAS**, MUSD has prepared an Agreement that specifies the responsibilities of the School District and the City in regard to provision by the City of after-school programming; and

**WHEREAS**, the Consultant Services Agreement is in the best interest of the public, the City and Madera Unified School District.

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

1. The above recitals are true and correct.
2. The Consultant Services Agreement with Madera Unified School District, a copy of which is on file in the office of the City Clerk and is referred to for more particulars, is hereby approved.
3. The Mayor is authorized to execute said Agreement on behalf of the City.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*



# MADERA UNIFIED SCHOOL DISTRICT

## CONSULTANT SERVICES AGREEMENT

This agreement is made and entered into this 29<sup>th</sup> day of August 2018, by and between Madera Unified School District ("District") and The City of Madera ("Consultant").

1. Consultant agrees to provide the following specified services:

The City of Madera will assign staff to provide enrichment services to students in the Madera Unified School District Afterschool Program at twelve (12) sites.

2. Term. The Consultant's services described in Paragraph 1 shall commence on August 29, 2018 and shall end on June 30, 2019 unless earlier terminated pursuant to Paragraph 8.

3. Payment. District agrees to pay Consultant as follows: A total of \$124,000 for services provided at the following sites: \$15,000 at Madera High, \$13,000 at Madera South High; \$7,000 at Mountain Vista High School; \$11,500 per site at Millview Elementary, Monroe Elementary, Nishimoto Elementary, Parkwood Elementary, Sierra Vista Elementary and Virginia Lee Rose Elementary; \$7,500 per site at Desmond Middle School and Martin Luther King Middle School; and \$5,000 for services at La Vina Elementary. District will pay the City of Madera a total of \$27.35 per hour. This rate is a fully-burdened rate that covers site staff, administrative costs, and materials (not to exceed a total cost of \$9,285 across the 12 funded sites). Unless directed otherwise in writing by District, City shall not provide services in excess of allocated cost per site as listed above. Additional services and/or supplies can be provided to District at an additional rate. Supplies in excess of \$9,285 can be acquired at the City's cost plus 15% in administrative costs and staffing at the agreed upon fully-burdened rate of \$27.35/hour.

4. Payroll Forms. Consultant agrees to complete the District's consultant payroll form. Consultant agrees that failure to properly complete this form in a timely manner may result in nonpayment to consultant.

5. Independent Contractor Status. Consultant and any and all agents and employees of Consultant are agreed to be independent contractors in their performance under this Agreement and are not officers, employees, or agents of the District. Consultant shall retain the right to perform services for others during the term of this Agreement.

6. Indemnity.

General Liability. This section shall govern any liability incurred by one party through the fault of the other party.

District to Indemnify. The District shall defend, indemnify, and hold the City, its officials, officers, employees, agents, and volunteers free and harmless from any and all liability from loss, damage, or injury to property or persons, including wrongful death, to the extent arising out of or incident to any negligent acts, omissions, or willful misconduct of the District, its officials, officers, employees, agents, and volunteers arising out of or in connection with the District's performance of this Agreement, including without limitation the payment of reasonable attorney's fees.

City to Indemnify. The City shall defend, indemnify, and hold the District, its officials, officers, employees, agents, and volunteers free and harmless from any and all liability from loss, damage, or injury to property or persons, including wrongful death, to the extent arising out of or incident to any negligent acts, omissions, or willful misconduct of the City, its officials, officers, employees, agents, and volunteers arising out of or in connection with the City's performance of this Agreement, including without limitation the payment of reasonable attorney's fees.

7. Insurance. Consultant agrees to procure and maintain throughout the term of this Agreement a comprehensive general liability insurance policy to protect Consultant from damages because of bodily injury, including death, and from claims for damages to property which may arise out of or result from Consultant's responsibilities under this Agreement, whether such acts or omissions be by Consultant or anyone directly or indirectly employed by Consultant. This insurance shall name the District as additional insured and shall be written for not less than Two Million Dollars (\$2,000,000) per occurrence, Five Million (\$5,000,000) aggregated liability coverage and One Million Dollars (\$1,000,000) for property damage. A certificate of insurance shall be filed with the District and shall provide that no changes shall be made to such insurance without thirty (30) days prior written notice to the District.

8. Termination of Agreement. District and or Consultant may terminate this Agreement for any reason upon 30 days written notice. In the event of early termination, Consultant shall be paid for work performed to the date of termination. The District may then proceed with the work in any manner the district deems proper.

9. No Entitlement. Consultant agrees that it has no entitlement to any future contracts or work from District or to any employment or fringe benefits from the District.

10. Taxes. Payment to Consultant pursuant to this Agreement will be reported to federal and state taxing authorities as required on the IRS Form 1099. District will not withhold any money from compensation payable to Consultant. In particular, District will not withhold FICA (social security); state or federal unemployment insurance contributions; and/or state or federal income tax or disability insurance. Consultant is independently responsible for the payment of all applicable taxes.

11. Governing Law and Venue. This Agreement shall be governed by and construed only in accordance with the laws of the State of California. If any action is initiated involving the application or interpretation of this Agreement, venue shall only lie in the appropriate state court in Madera County or federal court in Fresno County, California.

12. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Consultant, the District and their respective successors and assignees.

13. Severability. If any provision of this Agreement shall be held invalid or unenforceable by a Court of competent jurisdiction, such holdings shall not invalidate or render unenforceable any other provision of this Agreement.

14. Amendment. The terms of this Agreement shall not be amended in any manner whatsoever except by mutual written agreements signed by the parties.

15. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no oral understandings, side agreements, representation or warranties, expressed or implied, not specified in this Agreement.

16. Licenses. Consultant represents that Consultant and all agents and employees of Consultant are licensed by the state of California, if applicable, to perform all the services required by this Agreement. Consultant will maintain all licenses in full force and effect during the term of this Agreement.

17. Compliance with Law. Consultant agrees to perform the services contemplated by this Agreement in a professional and a competent manner and in compliance with all local, state and federal laws, and regulations governing the service to be rendered pursuant to this Agreement.

18. Approvals. The parties agree that the effectiveness of the Agreement is contingent upon approval by the District's Board of Trustees and by the Madera City Council.

19. Equipment and Materials. Consultant shall provide all equipment, materials, and supplies necessary for the performance of this Agreement. This provision is negotiable as to the needs of specific children.

20. Non-discrimination. Consultant shall not engage in unlawful discrimination in the employment of persons because of race, color national origin, age, ancestry, religion, sex, marital status, medical condition, physical handicap, or other bias prohibited by state or federal law.

21. Copyright. Any product, whether in writing or maintained in any other form produced under this Agreement shall be the property of District. District shall have the right to secure a patent, trademark or copyright and the product or information may not be used in any manner without District's written permission.

22. In accordance with Education Code Section 39656, this contract is not valid or an enforceable obligation against the District until approved or ratified by motion of the Governing Board duly passed and adopted.

Madera Unified School District:

by: Todd Lile

Superintendent, Madera Unified School District

\_\_\_\_\_

Signature

Date: \_\_\_\_\_

Consultant:

Andrew J. Medellin

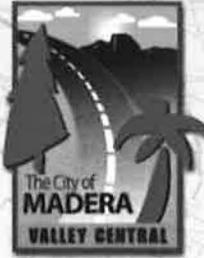
Mayor, City of Madera

\_\_\_\_\_

Signature

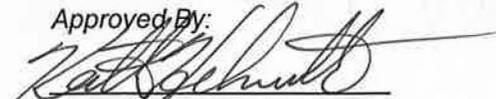
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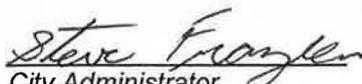
## REPORT TO CITY COUNCIL

Approved By:

  
Department Director

Council Meeting of August 15, 2018

Agenda Item Number B-9

  
City Administrator

**SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING AN INCREASE IN THE CONSTRUCTION, CONSTRUCTION INSPECTION AND MANAGEMENT CONTINGENCIES FOR WELL-27 PIPELINE OUTFALL EXTENSION SOUTHWEST CORNER OF ALMOND AVE. & PINE ST. CITY PROJECT NO. W 17-03**

### **RECOMMENDATION:**

That the City Council approves Resolution No. 18-\_\_\_\_ authorizing an increase in the project construction contingencies from 10% to 15% and construction inspection and management contingencies from 10% to 20% that is necessary to fund the construction change orders required for completion of the project and additional associated management cost incurred. There are adequate funds in the project budget to fund the increased project contingency. Funding for the project is programmed in FY2017/18 Budget, Water System Utility Fund, Org Code 20303830.

### **SUMMARY:**

The City Council, awarded a contract in the amount of \$191,005 to Emmett's Excavation, Inc. for the construction of Well-27 Pipeline Outfall Extension Southwest Corner of Almond Ave. & Pine St., City Project No. W 17-03 at their January 17, 2018, meeting. At the time of the project award, the City Council also approved a contingency allowance for the City Engineer to approve change orders within the project scope and limits that could potentially increase the contract by an additional 10%.

In consideration of the changes that have been approved and pending changes to the contract as discussed below, Staff is projecting that the increased contract costs will exceed the allowable 10% and is recommending an increase of the construction contingency to fifteen (15%) percent.

In addition, construction management contingency needs to be increased, due to additional staff management time required to remove a non-responsive apparent low bidder prior to award of project and related staff time to finalize change order costs associated with RailPros, a third-party Rail Safety Monitoring provider required by the Union Pacific Railroad.

### **Engineering**

205 W. Fourth Street • Madera, CA 93637 • TEL (559) 661-5418 • FAX (559) 675-6605

[www.cityofmadera.ca.gov](http://www.cityofmadera.ca.gov)

## **DISCUSSION:**

Work for the Well-27 Pipeline Outfall Extension project consists of saw-cutting AC pavement and concrete for trenching to install an 8-inch PVC outfall water main as required by the Plans and Specifications. The work was subject to a UPRR Pipeline Crossing Agreement between the City and UPRR approved by the City Council of August 16, 2017. The conditions of the agreement require the City's selected Contractor to enter into an agreement with RailPros Field Services for construction within the railroad right of way. RailPros is a third party utilized by UPRR to assure safety measures are followed within the rails Right of Way by the contractor. Costs borne by the Contractor related to the UPRR agreement are to be reimbursed through the Construction Contract.

The higher than anticipated construction contingency costs are attributed to the following factors:

- 1) RailPros provided flagging and required track shift monitoring for jacking and boring under the railroad track. The cost for the flagging and monitoring operation was significantly higher than expected based on staff's review of the agreement that detailed responsibilities of RailPros. Per project specifications, the City of Madera shall reimburse the Contractor for required fees including cost as may be required for flagging. In general jacking and boring duration is an estimation for which one cannot readily foresee all obstacles or soil types that maybe encountered. The project incurred 5 days at approximate \$3,000/ day for a total of \$15,335 for flagging and Track Rails Shift monitoring fees of \$5,568 paid by the contractor to a Licensed Surveyor resulted in a total of \$20,903 having to be reimbursed to the Contractor. The surveying was an unanticipated cost associated with project.
- 2) Additional removal and replacement of the asphalt concrete and curb and gutter were required in order to perform the jacking and boring operation under the railroad tracks, some of this additional cost was offset due to a credit for the removal of a vault box, resulting in a net change of \$6,700.

The current allowable construction contingency at 10% totals \$19,100. However, the items discussed above resulted in a total of \$27,603 required for construction contingency. As such, staff is requesting an increase to the construction contingency for a total of 15% or \$28,650.75.

Higher than anticipated construction management contingency cost is attributed to the following factors:

- 1) A nonresponsive apparent low bidder delayed the project award several weeks by not accepting Engineering findings that they had not submitted a responsive bid. This resulted in additional staff costs being incurred to remove the nonresponsive bidder in accordance with Public Contract Code procedures.
- 2) During the courses of construction Emmett's Excavation discovered an unforeseen condition of a wall being located over one of two 12-inch water lines. This resulted in the department design team redesigning certain aspects of the project.
- 3) Significant unanticipated time was spent by staff to assure RailPros compliance to Department of Industrial Relations certified payroll requirements which they were refusing to follow and validating the reimbursables due to contractor per the UPRR Rail Permit Track Monitoring requirements.

Based on the discussion above, staff is requesting the Construction Management charges be increased from \$19,100 to \$38,200. The project is substantially completed, and no other changes are anticipated at this point.

**FINANCIAL IMPACT:**

An increase in project costs will not have a financial impact on the City's General Fund. There are enough funds in the overall project budget to cover these additional contingencies. Funding for the project is programmed in the FY 2017/2018 Budget, Water System Utility Fund, Org Code 20303830.

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

**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.

**RESOLUTION NO. 18-\_\_**

**A RESOLUTION APPROVING AN INCREASE IN THE  
CONSTRUCTION, CONSTRUCTION INSPECTION AND  
MANAGEMENT CONTINGENCIES FOR WELL-27 PIPELINE  
OUTFALL EXTENSION SOUTHWEST CORNER OF ALMOND  
AVE. & PINE ST. CITY PROJECT NO. W 17-03**

**WHEREAS**, the Well-27 Pipeline Outfall Extension Southwest Corner of Almond Ave. & Pine St., City Project No. W 17-03, hereinafter called "the Project", is included in the FY 2017/18 Budget for Capital Projects; and

**WHEREAS**, a contract with Emmett's Excavation, hereinafter called "Contractor", for the Project was awarded on January 17, 2018 including a contingency allowance of 10% for construction and 10% for construction inspection and management cost; and

**WHEREAS**, the Contractor has incurred higher than unanticipated costs related to the Union Pacific Railroad (UPRR) Pipeline Crossing agreement conditions; and

**WHEREAS**, costs associated with other unforeseen conditions along with the UPRR costs have surpassed the allowable contingencies; and

**WHEREAS**, funds have previously been appropriated in the Water Utility Fund appropriated for the project in the FY 2017/18 Budget, Water System Utility Fund, Org Code 20303830.

**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 City Council has reviewed and considered all of the information presented including the report to the City Council from the Engineering Department.
3. An increase of Construction Contingencies of up to 15% as approved by the City Engineer is hereby authorized.
4. An increase of Construction Inspection and Management Contingencies of up to 20% as approved by the City Engineer is hereby authorized.
5. The 2017/18 Water System Utility Fund is hereby amended in accordance with Exhibit AA, which is incorporated by reference herein.
6. This resolution is effective immediately upon adoption.

\* \* \* \* \*

EXHIBIT AA

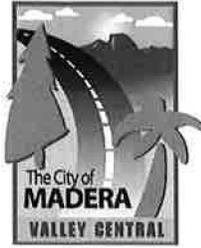
CITY OF MADERA

Resolution 18 -

Appropriating Additional Funds for Well-27 Pipeline Outfall Extension Southwest Corner  
of Almond Ave. & Pine St. , City Project No. W 17-03.

ORG CODE	OBJECT CODE	PROJECT CODE	DESCRIPTION	ALREADY APPROPRIATED AS PART OF DESIGN APPROVAL	
				(+)	(-)
<b><u>Water Utility Fund (20303830)</u></b>					
20303830	7050	W-000017	WELL 27 PIPE OUTFALL EXTE CNST/CONTR	9,550.75	
20303830	7050	W-000017	WELL 27 PIPE OUTFALL EXTE CNST/STAFF TIME	19,100.00	
2030	3210		Unappropriated Fund Balance		28,650.75
				<u>28,650.75</u>	<u>28,650.75</u>

# REPORT TO THE CITY COUNCIL

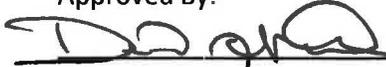


**Return to Agenda**

COUNCIL MEETING OF:  
August 15, 2018

AGENDA ITEM NUMBER:  
B-10

Approved By:

  
COMMUNITY DEVELOPMENT DIRECTOR

  
CITY ADMINISTRATOR

**SUBJECT: Consideration of a Resolution Approving an Addition and/or Amendment to Escrow Instructions Dated August 2, 2018 Addressing the Sale and Purchase of Real Estate for Parcel 16 Within the Freedom Industrial Park**

## **RECOMMENDATION:**

Staff recommends that the City Council adopt a resolution taking the following actions with regard to the sale of real property within the Freedom Industrial Park:

1. Approving the "Addition and/or Amendment to Escrow Instructions" dated August 2, 2018.
2. Authorizing the Mayor to execute the Amendment.
3. Authorizing the City Administrator or his designee to take all actions necessary to allow the transfer of title pursuant to the Amended Escrow Instructions and to sign all closing documents on behalf of the City.

## **SUMMARY AND DISCUSSION:**

In September of 2017, the City Council approved an agreement with Span Development, LLC, for the sale of Parcel 16 within the Freedom Industrial Park. The escrow instructions were amended in December of 2017 and again in January of 2018 to extend the timelines for the completion of due diligence and the close of escrow. A few clean-up items that were identified during the due diligence period required additional time beyond that anticipated by the original agreement and subsequent amendments. All issues have now been resolved. The building permit for a 37,620 square foot industrial building has been issued to Span and site development has commenced. A final amendment to the escrow instructions is required to close escrow pursuant to a current set of instructions. Escrow is scheduled to close on or about August 17, 2018.

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

This project supports the realization of vision statements for "Good Jobs and Economic Opportunity", in which Madera is envisioned with a strong and diverse economy, supporting the local tax base and essential community services that provide living wage opportunities for all its community members.

## **FISCAL IMPACT:**

No fiscal impacts will result from approval of the amended escrow instructions. The fair market value and purchase price for the property remains \$320,000. That amount is deferred for 18 months or until the 37,620 square foot building being developed on the site is 50% occupied. While the original Escrow Instructions allowed a deferral of development impact fees, Span paid these fees in full when the building permit was issued, making the fee deferral unnecessary.

**RESOLUTION NO. 18-\_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN ADDITION AND/OR AMENDMENT TO ESCROW INSTRUCTIONS DATED AUGUST 2, 2018 ADDRESSING THE SALE AND PURCHASE OF REAL ESTATE FOR PARCEL 16 WITHIN THE FREEDOM INDUSTRIAL PARK**

**WHEREAS**, on September 6, 2017, the City Council adopted a resolution approving a Standard Offer, Agreement and Escrow Instructions for Purchase of Real Estate for Parcel 16 within the Freedom Industrial Park ("Escrow Instructions") providing for the sale of Parcel 16 to Span Development, LLC; and

**WHEREAS**, amended Escrow Instructions were approved by the City Council in December of 2017 and again in January of 2018 to extend the timelines for the completion of due diligence and the close of escrow; and

**WHEREAS**, clean-up items that were identified during the due diligence period required additional time beyond that anticipated by the original agreement and subsequent amendments; and

**WHEREAS**, City and Span Development, LLC have determined that all items requiring resolution prior to the close of escrow have been satisfactorily addressed; and

**WHEREAS**, the City and Span Development, LLC, desire to amend the Escrow Instructions to allow the close of escrow pursuant to a current set of instructions.

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

1. The above recitals are true and correct.
2. The City Council of the City of Madera approves the Addition and/or Amendment to Escrow Instructions dated August 2, 2018, a copy of which is on file in the Office of the City Clerk and referred to for particulars.
3. The Mayor is authorized to execute the Agreement.
4. The City Administrator or his designee is authorized to take all actions necessary to allow the transfer of title pursuant to the Amended Escrow Instructions and to sign all closing documents on behalf of the City.
5. This resolution is effective immediately upon adoption.

\*\*\*\*\*



**ADDITION AND/OR AMENDMENT TO ESCROW INSTRUCTIONS**

To: Chicago Title Company  
Date: August 2, 2018  
Escrow No.: 45000740-450-SCF  
Property Address: Vacant Land in Freedom Industrial Park, Madera, CA

The Instructions in this escrow are hereby modified, amended and/or supplemented in the following particulars only:

- A. Buyer hereby confirms approval of his Due Diligence period and waives all contingencies.
- B. The parties hereby confirm that the building permit was issued on May 8, 2018.
- C. The requirement of a second Promissory Note secured by Deed of Trust set forth at Paragraph 26.2 of the Addendum to the Standard Offer, Agreement and Escrow Instruction for the Purchase of Real Estate dated September 18, 2017 is hereby deleted in its entirety. Buyer paid the entire balance of development impact fees at the time of building permit issuance.
- D. Buyer is aware that the sale property shall not include the East 30 feet thereof and hereby accepts the Grant Deed with the following legal description:

PARCEL 16 OF SUBDIVISION MAP NO. 2014-S-01, CITY OF MADERA, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF, RECORDED ON SEPTEMBER 10, 2014 AS DOCUMENT NO. 2014019994, IN BOOK 61, PAGES 82-86, INCLUSIVE OF MAPS, MADERA COUNTY RECORDS, AND BY AMENDED MAP OF SUBDIVISION MAP NO. 2014-2-01, RECORDED IN BOOK 62 PAGE 4 OF MAPS.

EXCEPTING THEREFROM THE EAST 30 FEET THEREOF.

- E. The date for the close of escrow is hereby extended to on or before August 17, 2018.

All other terms and conditions remain the same.

**SELLER:**

City of Madera

By: \_\_\_\_\_  
Andrew J. Medellin, Mayor

**BUYER:**

Span Development, LLC,  
a Wyoming limited liability company

By: \_\_\_\_\_  
Tim Mitchell, President

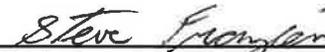
# REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF August 15, 2018

AGENDA ITEM NUMBER B-11

APPROVED BY

  
DEPARTMENT HEAD

  
CITY ADMINISTRATOR

**SUBJECT: CONSIDERATION OF A RESOLUTION OF THE MADERA CITY COUNCIL APPROVING A CONTRACT WITH THE COUNTY OF MADERA IN WHICH THE COUNTY WOULD PROVIDE ANIMAL CONTROL SERVICES TO THE CITY AND THE CITY WOULD PROVIDE LAW ENFORCEMENT SERVICES TO THE COUNTY AND AUTHORIZES THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**RECOMMENDATION:**

Staff recommends that Council adopt the attached resolution approving the contract with the County of Madera to provide animal control services and for the City to assume law enforcement services of Courthouse Park.

**SUMMARY:**

The contract is a three (3) years agreement with the County of Madera to provide animal control services. In addition to the fee schedule below, the City will immediately assume responsibility for law enforcement services at Courthouse Park that are valued at \$60,000.

**DISCUSSION:**

The services covered under this agreement are as follows:

1. Impounds
2. Intakes/Quarantines
3. Boarding
4. Adoptions
5. Euthanasia

6. Returns to Owners
7. Rescues
8. Disposing of Deceased Animals
9. Licenses/Microchipping
10. Owner Relinquishes
11. Spay/Neuter Services

In the previous agreement with the County, the City was paying \$175,000 annually for these services. The term of this agreement coincide with the term of the 3-year "Tax Sharing Agreement" with the County that was executed on June 6, 2017.

**FINANCIAL IMPACT:**

In compensation, the City will pay the County \$150,000 annually until July 1, 2021. At this time, the annual cost, every fiscal year thereafter, will be subject to a 5% percent COLA increase.

This new agreement will result in a \$25,000 reduction in annual cost from the previous agreement.

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

Control of the animal population and removal of deceased animals from the community is critical to creating **A Safe, Healthy Environment.**

## **RESOLUTION**

### **RESOLUTION OF THE MADERA CITY COUNCIL APPROVING A CONTRACT WITH THE COUNTY OF MADERA IN WHICH THE COUNTY WOULD PROVIDE ANIMAL CONTROL SERVICES TO THE CITY AND THE CITY WOULD PROVIDE LAW ENFORCEMENT SERVICES TO THE COUNTY AND AUTHORIZES THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

WHEREAS, the City of Madera is seeking to contract with the Madera County Animal Shelter to provide animal control services and the County is seeking to receive law enforcement services from the City for Courthouse Park.

WHEREAS, the contract will be for a period of 3-years and will coincide with the term of the 3-year "Tax Sharing Agreement" with the County that was executed on June 6, 2017.

WHEREAS, the City will pay the County \$150,000 a year commencing July 1, 2018, this will be the cost until July 1, 2021 at which point, every fiscal year thereafter, the annual payment to the County will be subject to an annual 5% COLA.

WHEREAS, the City will assume responsibility for providing law enforcement services at Courthouse Park and the parties agree that the value of those services are valued at \$60,000.

WHEREAS, the City agrees to pay the County \$50,250 for services rendered prior to June 30, 2018 and this amount shall be paid prior to August 30, 2018.

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 contract between the City of Madera and the County of Madera, a copy of which will be on file in the office of the City Clerk and referred to for particulars, is approved.
3. The Mayor is authorized to execute the contract on behalf of the City of Madera.
4. The resolution is effective immediately.

\*\*\*\*\*

**MADERA COUNTY CONTRACT NO. \_\_\_\_\_**  
(Animal Control Services Provided by the County of Madera  
and Law Enforcement Services Provided by the City of Madera)

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the COUNTY OF MADERA, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the CITY OF MADERA, (hereinafter referred to as "CITY").

**WITNESSETH**

**WHEREAS**, the CITY is desirous of contracting with the COUNTY to provide a broad range of animal control services pursuant to this Agreement for the purpose of promoting the humane treatment of animals and to provide for the health and safety of the public; and

**WHEREAS**, the CITY wishes to comply with state mandates regarding animal control; and

**WHEREAS**, COUNTY has the personnel and experience to provide such animal control services and is willing to enter into an Agreement with CITY for the provision of such services subject to the terms and conditions and for the compensation as hereinafter set forth; and

**WHEREAS**, COUNTY is desirous of securing certain law enforcement services from CITY.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants and conditions hereinafter contained, the Parties hereto mutually agree as follows:

1. **COUNTY OBLIGATIONS.** COUNTY shall provide all services as outlined on **Exhibit "A"** attached hereto and by this reference incorporated herein.

2. **TERM.** This Agreement shall be effective upon execution through June 30, 2020, unless terminated as specified in Section 5, TERMINATION. The parties intend that the term of this Agreement coincide with the term of the 3-year "Tax Sharing Agreement" between the parties executed on June 6, 2017 and that, the terms of this Agreement be incorporated into the terms of the successor agreement to the Tax Sharing Agreement. This Agreement shall remain in effect until its terms are incorporated into the successor agreement or until terminated as provided herein.

3. **COMPENSATION.** In consideration of services provided by COUNTY pursuant to **Exhibit "A"**, CITY shall (1) make payment to the COUNTY as specified in **Exhibit "B"**, PAYMENT PROVISIONS attached hereto and incorporated herein by this reference, and (2) commencing on the date of execution hereof, assume full responsibility for providing police and law enforcement services at Courthouse Park in downtown Madera. (The parties agree that the value of the law enforcement services is \$60,000.00.)

4. **INSURANCE.** COUNTY agrees to maintain the following insurance coverage during the term of this Agreement.

4.1 **Workers Compensation.** COUNTY shall maintain Worker's Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employer's Liability (Coverage B) including Occupational disease with limits not less than \$1,000,000 per person per accident.

4.2 **Commercial General Liability.** COUNTY shall maintain Commercial General Liability insurance coverage for claims which may arise from or out of COUNTY's performance under this Agreement. This coverage shall have a limit of liability not less than \$1,000,000 per occurrence combined single limit.

4.3 **Vehicle Liability.** COUNTY agrees to maintain automobile liability insurance for vehicles provided by the COUNTY for use under this Agreement. This coverage shall have a limit of liability of not less than \$1,000,000 combined single limit.

4.4 **General Insurance Provisions – All Lines.**

4.4.1 Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have a AM BEST rating of not less than A: VIII (A:8).

4.4.2 The insurance requirements contained in this Agreement may be met with a program(s) of self-insurance.

5. **TERMINATION.** CITY and COUNTY reserves the right to terminate this Agreement at any time, with or without cause, upon one hundred eighty (180) days advance written notice stating the effective date of termination. Upon receipt of any notice of termination, the parties shall immediately cease all services hereunder except such as may be specifically approved in writing by CITY and COUNTY. COUNTY shall be entitled to compensation for all services rendered prior to termination and for any services authorized in writing by CITY thereafter.

6. **FORCE MAJEURE.**

6.1 In the event the COUNTY is unable to comply with any provision of this Agreement due to causes beyond their control such as acts of God, acts of war, civil disorders, or other similar acts, COUNTY will not be held liable to CITY for such failure to comply.

6.2 In the event CITY is unable to comply with any provisions of this Agreement due to causes beyond their control such as acts of God, acts of war, civil disorders, or other similar acts, CITY will not be held liable to COUNTY for such failure

to comply.

7. **ALTERATION**. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, as authorized by their respective governing bodies and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties thereto.

8. **SEVERABILITY**. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

9. **RECORDS**. COUNTY shall maintain and keep records of all expenditures and obligations incurred pursuant to this Agreement and all income and fees received thereby according to generally recognized accounting principles. Such records and/or animal control operations of COUNTY shall be open to inspection and audit by CITY or its authorized representative as is deemed necessary by the CITY Manager or the authorized representative of the CITY Manager upon reasonable notice to COUNTY.

10. **NO THIRD PARTY BENEFICIARY**. This Agreement between CITY and COUNTY is intended for the mutual benefit of the two signing parties only. No rights are created under this Agreement in favor of any third party or any party who is not a direct signatory to this Agreement.

11. **VENUE**. Any action at law or in equity brought by either of the parties hereto for the purpose of enforcing a right or rights provided for by this Agreement shall be tried in a court of competent jurisdiction in the County of Madera, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county. In the event either party hereto shall bring suit to enforce any term of this Agreement to recover any damages for and on account of the

breach of any terms or condition of this Agreement, it is mutually agreed that the prevailing party in such action shall recover all costs thereof including reasonable attorneys' fees to be set by the court in such action.

12. **ASSIGNMENT.** It is mutually understood and agreed that this Agreement shall be binding upon COUNTY and its successors. Neither this Agreement nor any part thereof nor any moneys due or to become due hereunder may be assigned by COUNTY without the prior written consent and approval of CITY. CITY and COUNTY hereby agree to the full performance of the covenants contained herein.

13. **AMENDMENTS.** Any amendments, including any supplements, to this Agreement shall be in writing and shall have the approval of the Board of Supervisors of COUNTY and the CITY Council. This is the entire Agreement for Animal Control Services and supersedes any prior written or oral agreement inconsistent herewith.

14. **NOTICES.** All notices required by this Agreement shall be in writing and shall be effective upon personal service or deposit in the mail, postage prepaid and addressed as follows:

**COUNTY**

Eric Fleming  
Chief Administrative Officer  
County of Madera  
200 W. 4th Street  
Madera, CA 93637

**CITY**

City of Madera  
City Manager  
205 W 4th Street  
Madera, CA 93637

**With Copy to**

Rhonda Cargill, Clerk of the Board  
Madera County Board of Supervisors  
200 West 4<sup>th</sup> Street  
Madera, CA 93637

15. **MUTUAL INDEMNITY - LIMITATIONS.** Each of the parties to this Agreement shall be solely liable for negligent or wrongful acts or omissions of its officers, agents, and employees occurring in the performance hereof, and if either party becomes liable for any loss or damages as a result of the acts or omissions of its officers, agents, and employees, it shall pay such loss or damages without contribution of the other party. Each party hereto agrees to hold harmless, indemnify, and defend (at the request of the other party) the other party, its officers, agents, and employees from any and all costs, expenses, claims, suits, losses, damages, and any other liability for bodily or personal injury to, or, death of, any person or loss of any property resulting from, arising out of, or in any way connected with, any negligent or wrongful acts or omissions of the respective party, its officers, agents or employees, in performing or failing to perform any work, services, or functions provided for, referred to, or in any way connected with any work, services, or functions under this Agreement.

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**IN WITNESS WHEREOF** the foregoing Agreement is executed on the date and year first above-written.

COUNTY OF MADERA

CITY OF MADERA

\_\_\_\_\_  
Chairman, Board of Supervisors

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

\_\_\_\_\_  
Title: \_\_\_\_\_  
Print Name

ATTEST:

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

\_\_\_\_\_  
City Clerk

Approved as to Legal Form:  
COUNTY COUNSEL

Approved as to Legal Form:  
CITY ATTORNEY

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

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

ACCOUNT NUMBER(S)

\_\_\_\_\_  
\_\_\_\_\_

## **EXHIBIT "A"**

### **ANIMAL CONTROL SERVICES**

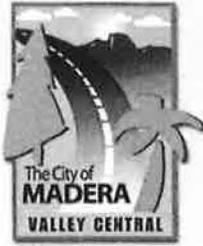
1. Impounds
2. Intakes/Quarantines
3. Boarding
4. Adoptions
5. Euthanasia
6. Returns to Owners
7. Rescues
8. 11-44 Disposed
9. Licenses/Microchipping
10. Owner Relinquishes
11. Spay/Neuter Services

## **EXHIBIT "B"**

### **PAYMENT PROVISIONS**

1. Beginning July 1, 2018, annual payment: \$150,000.00, payable to the County in 12 equal monthly installments.\*
2. Beginning on July 1, 2021, and at the beginning of every fiscal year thereafter, the annual payment to the County will be subject to an annual 5% COLA increase.\*
3. For fiscal year ending June 30, 2018: \$50,250.00, shall be paid to the County before August 30, 2018.\*

\* The County shall not be required to submit invoices for the payments described herein.



## REPORT TO CITY COUNCIL

COUNCIL MEETING OF August 15, 2018  
AGENDA ITEM NUMBER C-1

Handwritten signature of Mary Anne Seay in black ink.

**REPORT BY: Mary Anne Seay**  
Director, Parks & Community Services Department

Handwritten signature of Steve Frazier in black ink.

**APPROVED BY: Steve Frazier**  
City Administrator

**SUBJECT: INTRODUCTION OF AN ORDINANCE PERTAINING TO THE FORMULATION OF A CITY-WIDE YOUTH COMMISSION**

**RECOMMENDATION:**

Staff recommends that Council introduce the subject ordinance.

**SUMMARY:**

At the May 16, 2018 Madera City Council meeting, staff requested direction from Council regarding future participation in a City-wide Youth Commission. Council overwhelmingly supported the idea and directed staff to continue efforts with partners from the Youth Leadership Institute (YLI), United Way, the Madera Unified School District (MUSD) and others.

Staff has continued to work alongside YLI and United Way to create a meaningful City-wide Youth Commission by way of a City Ordinance. The item before you this evening is an Introduction of an Ordinance that outlines the parameters for forming and maintaining the City-Wide Youth Commission.

## **DISCUSSION:**

The City of Madera prides itself on increased momentum for civic engagement, including Madera's young people. For more than a year, Mayor Medellin and Councilman Oliver have been involved in dialogue with YLI leadership and other partners to create a pathway elevating youth voice through meaningful civic involvement. Additionally, City council approved a \$10,000 CDBG award for Fiscal Year 18-19 to YLI for the implementation of this program. Yammilette Rodriguez, Senior Director of YLI has met with Parks & Community Services (PCS) staff and United Way of Fresno/Madera Counties to identify how the City can best advance this initiative in partnership.

The purpose of the City-wide Youth Commission is to bring the City's young people to the decision-making table on issues impactful to youth within the jurisdiction of the City. The Youth Commission will serve as a space where young people can work to create positive and social change in our community with the goal of creating youth-led policies. Young people will have a voice in shaping and developing social, economic, recreational, and educational programs that serve youth.

The City Youth Commission will be comprised of 7 voting members, one appointed by each member of the Madera City Council inclusive of the Mayor. Screening procedures (see application attached) are in place to ensure that the members of the City-wide Youth Commission are representative and inclusive of the rich diversity of the City, including all youth. Youth Commissioners will be supported by YLI along with their appointing member on the Council and staff from PCS.

YLI will be instrumental in the successful implementation of this new endeavor. Members of their team will co-locate (part-time) at the John W. Wells Youth Center and will be the primary lead agency ensuring success in the recruiting, selection, appointment, and training of the Commissioners. The United Way, Wells Fargo, Comcast, MUSD, and others are also critical to the overall success of the program.

The goals of this Commission are to integrate youth voice into policymaking, engaging the community in the process, and providing foundational leadership skills to Madera's young people to change and shape the city's future. On a parallel track, the MUSD Board approved an Agreement with YLI to infuse their curriculum to students at both Madera High and Madera South for the 18-19 academic year.

Over the years of designing and leading City youth commissions, YLI has developed a toolkit and several tools and training workshops to capture and share their effective evidence-based model of authentic youth leadership. They have trained many communities both here in the San Joaquin Valley and throughout the nation looking to engage youth on decision-making bodies. They offer training workshops to youth commissioners and their adult allies in some of the following areas:

- Policy 101
- Facilitation and Meeting Management
- Adhering to the Brown Act

- Youth Action Research
- Building Healthy Youth-Adult Partnerships
- Youth Leadership Development
- Coalition Building; including engaging and mobilizing the grassroots and partnering with elected officials and other decision makers

**FINANCIAL IMPACT:**

There is no direct negative impact to the General Fund. There will be indirect expenses of PCS staff time and shared space that have yet to be quantified.

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

The recommended actions are consistent with the following Vision Strategies and Actions:

- Strategy 303:** Encourage leadership development opportunities in the community.
- Action 305.4:** Expand youth service club and promote community services provided.
- Strategy 332:** Youth Services: Expand comprehensive services for Madera’s youth, including employment opportunities, community activities, sports programs, performing arts and after-school programs.
- Strategy 334:** After School Programs: Develop after-school programs with emphasis on local cultures and their histories.

ORDINANCE NO. \_\_\_\_\_ C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ADDING SECTION 2-3.201 TO CHAPTER 3 OF TITLE II OF THE MADERA MUNICIPAL CODE PERTAINING TO THE CITY-WIDE MADERA YOUTH COMMISSION

WHEREAS, it is important to integrate the youth voice into local policymaking and engage the community to create positive change and shape the city's future;

WHEREAS, there is value in having a mechanism for young people to have a voice in city affairs and issues relating to youth;

WHEREAS, there are areas of special concern to youth, such as public safety, jobs for youth, health and wellness, accessible transportation, recreation facilities and open space;

WHEREAS, Council recognizes it will be valuable to have input and advice from youth in the city on such areas of concern;

WHEREAS, Council has determined there is a need to create a City-wide Youth Commission of Madera;

WHEREAS, Council finds the establishment of a Youth Commission is in the best interest for the City of Madera.

WHEREAS, the purpose of the Youth Commission is to collect all information relevant to advising the City Council and Mayor on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of Madera;

WHEREAS, the City-wide Madera Youth Commission shall organize and lead efforts to help educate and motivate youth of Madera to participate in the local political process; and

WHEREAS, the City Council desires to establish the City-wide Madera Youth Commission as an Advisory Board to the City Council.

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

SECTION 1. Section 2-3.201 of Chapter 3 of Title II, of the Madera Municipal Code is hereby added as follows:

**§ 2-3.201 CITY-WIDE MADERA YOUTH COMMISSION.**

(A) There is hereby created a commission which shall be known as the CITY-WIDE MADERA YOUTH COMMISSION, or for purposes of this Section, the "Commission." The purpose of the Commission is to advise the Council and Mayor on issues relating to youth. The Commission is empowered to and shall perform such advisory functions as are delegated to it by the provisions of this section or other action of the Council.

(B) The Commission shall consist of seven (7) voting members.

(1) Each member of the City Council shall appoint one member to the Commission from their district; the Mayor shall appoint one member from the city-at-large.

(2) Immediate family members of the City Councilmembers and Mayor shall not be eligible for appointment.

(3) City Councilmembers and Mayor shall make an effort to involve local youth-serving organizations, as may be designated by the City Council pursuant to subsection (E) herein, in the selection and appointment process.

(C) Qualifications for Commission members include:

(1) Each appointed member must reside or attend school within the Madera city limits and shall be youth between fifteen and twenty-one years of age, at the time of appointment.

(2) Members may serve up to age twenty-three.

- (3) Membership shall preferably consist of youth who have experience with youth programs or youth-serving organizations, or involvement with school or community activities, and who are able and prepared to participate in the Commission activities and make the required commitment of time and energy.
- (4) Members of the Commission shall serve for a two-year term or for the term of the appointing Council Member whichever is less, or until a replacement is appointed. No person appointed to Commission shall be eligible to serve more than two consecutive terms (a total of four years).
- (5) The Commission shall select a Chair and Vice Chair from among its members to serve for a one-year term; no member shall serve more than two consecutive terms in either position.

(D) The Commission shall establish its rules and regulations for the conduct of its business. Such rules and regulations shall be consistent with this section and all other applicable laws and regulations, and shall enable the Commission to carry out the purpose of this section.

(1) All meetings of the Commission shall be subject to the Ralph M. Brown Act (Chapter 9 of part 1 of division 2 of title 5, commencing with Section 54950, of the California Government Code).

(2) The Commission shall schedule at least one meeting per month at a designated time and place. All members are required to attend every scheduled regular and special meeting. Three consecutive absences shall be allowed per year. More than three consecutive absences shall result in termination from the Commission.

(3) A simple majority of members shall constitute a quorum at any regular or special meeting of the Commission.

(E) A youth-serving organization will be designated by the City Council and will work with the City Clerk and city staff to provide guidance to the Commission.

(1) Agendas and minutes of the Commission shall be prepared by the Commission, filed with the Office of the City Clerk, and shall be a public record.

(2) The youth-serving organization designated by City Council will provide staff in an adult supervisory role to support all the Commission activities.

(F) The Commission shall have the following powers and duties:

(1) Identify the concerns and needs of the youth of Madera through community outreach and engagement; and hold public forums in which children, youth and families are encouraged to participate.

(2) Examine existing social, economic educational, and recreational programs for youth; develop and propose plans that support or improve such programs; and make recommendations thereon to the City Council.

(3) Develop a yearly outline with the areas of focus for the commission within the purview and jurisdiction of the City of Madera.

(4) Submit recommendations to the City Council about public safety, job opportunities for youth, recreation activities for youth, opportunities for effective participation by youth in governmental process, and changes in city regulations that are necessary to improve the social, economic, educational, recreational advantages, health and well-being of youth.

(5) Work with the public and private sectors to bring forth the concerns of youth as well as evaluate programming that will enhance the development of young people.

(6) Report to the City Council the activities, goals and accomplishments of the Commission by June 30 of each calendar year.

(7) Submit quarterly reports or as requested to the City Council.

(8) Commissioners shall meet with their appointing Councilmember or Mayor at least three times a year.

SECTION 2. 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 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

# City-Wide Madera Youth Commission

## Application

Do you have an opinion about how your community makes decisions impacting you, your friends, and family?

Do you want to be involved with representing youth in your community to make a change?

**Join the City-Wide Madera Youth Commission!**

Youth Leadership Institute  
1749 L Street, Fresno, CA 93721  
Phone: (559) 255-3300 [www.yli.org](http://www.yli.org)

Please refer questions to:

**Katrina Ruiz, Program Manager,  
Youth Leadership Institute**

Phone: (209) 509-6726

Email/ Scan application to: [kruiz@yli.org](mailto:kruiz@yli.org) Or  
Drop off at 1749 L Street, Fresno, Ca. 93721

## **Who We Are and What We Do:**

The purpose of the Youth Commission is to bring Madera's young people to the decision-making table on issues impactful to youth within the jurisdiction of the city. The Youth Commission will serve as a space where young people can work to create positive change in our community. Young people will have a voice in shaping and developing social, economic, recreational, and educational programs that serve youth.

The City-Wide Madera Youth Commission will be comprised of 7 individuals. Appointments are for a two-year term. Procedures are in place to ensure that the members of the Youth Commission are representative and inclusive of the rich diversity of the City of Madera, including but not limited to:

- Ethnically and culturally diverse youth,
- youth with health disparities,
- youth who are out of school,
- youth who are unemployed,
- youth who are homeless, and
- youth who are LGBTQIA

Youth Commissioners will be trained and supported by Youth Leadership Institute and the City of Madera. Each year, Youth Commissioners benefit from youth leadership training and prioritize those issues that most impact youth and/or that have little or no youth input or representation.

## **Frequently Asked Questions:**

### **What is the time commitment in serving as a Commissioner?**

The Youth Commission requires the commissioner to devote their time and abilities. The commission has a minimum time requirement of 10 hours per month. The Youth Commission will hold regular meetings once per month. In addition, Commissioners must attend all trainings and may be asked to attend City Council meetings in support of agenda items, constituents, or a community issue.

### **Who can be a Commissioner?**

Each voting member and alternate must attend a school and/or reside in the city of Madera and be between the ages of 15 and 21. They must be passionate about youth and community issues—about the decisions the city makes that affect them and their peer group. Commissioners must attend ALL mandatory events.

### **What dates and activities are mandatory for me to attend as a Commissioner?**

- Swearing In and Meet Elected Officials
- Youth and Parent Orientation
- Meeting with Elected Officials
- Monthly Meetings and/or trainings: Twice a month but at least once a month
- One-two Day Summer Training
- One-Day Winter Training
- One-Day Spring Training

**How do I apply?**

To apply, one must meet the criteria to be a commissioner and must complete the attached application.

The application process and timeline are as follows:

Fill out the attached application (i.e., personal information, applicant agreement, and essay questions) and turn it into the Youth Leadership Institute office (by fax, email, or in person at YLI). Applications will be accepted and reviewed on a rolling basis. Please note that the application process may also include a face-to-face interview.

Selected applicants must attend a swearing in ceremony at Madera City Hall. In addition, Commissioners are required to attend a MANDATORY youth and parent orientation.

DRAFT

# City-Wide Madera Youth Commission Application

\* Please complete ALL information. Incomplete applications will not be accepted.

## Personal Information

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

If you are or will be in school, what school will you attend in the fall of 2018?

\_\_\_\_\_

If you are attending school, what grade will you be in during the 2018-2019 term?

\_\_\_\_\_

Would this be your first year on the Youth Commission? If no, how many years have you been on the Youth Commission?

\_\_\_\_\_

How did you hear about the Youth Commission? \_\_\_\_\_

\_\_\_\_\_

Are you related any of the City Councilmembers? If yes, please explain:

\_\_\_\_\_

---

**References**

Please provide three personal and/or professional references in the space below. Include their names, addresses, and a phone number where they can be reached.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**Letter of Recommendation**

Please attach one letter of recommendation from someone who can share more about the type of person you are and what attributes, talents, and passion you could bring to the Commission.

**Please check the district you live in:**

<input type="checkbox"/> District 1	<input type="checkbox"/> District 2	<input type="checkbox"/> District 3	<input type="checkbox"/> District 4	<input type="checkbox"/> District 5	<input type="checkbox"/> District 6
-------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------

**Applicant Agreement**

I, \_\_\_\_\_,

**Certify that:**

\_\_\_\_\_ (initial) The information provided in this application is accurate and I have made every attempt to answer all questions truthfully and to the fullest extent possible.

\_\_\_\_\_ (initial) I have reviewed the application and the required dates for the Youth Commissioner term and understand that all events and commission meetings are MANDATORY.

\_\_\_\_\_ (initial) I have also discussed or will discuss the time commitment with my **parent(s) or legal guardian(s), teachers, sport coaches, employer, and other activity programs**, and can make a serious time commitment given my responsibilities.

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

### **Essay Questions**

On a separate piece of paper, please respond to the following questions.

1. Why do you want to be a Youth Commissioner?
2. What are some issues that affect you, your peers, or your community? If you had a meeting with a member of the Madera City Council, what would you talk about with them and advise them on?
3. The Youth Commission requires a commitment of at least 10 hours a month. In order to truly make an impact, it is often necessary to go beyond that minimum commitment. Please list ALL of the other commitments you have during the school year (job, clubs, sports, etc.) and in what ways are you prepared to dedicate time to meet the Commission's goals?

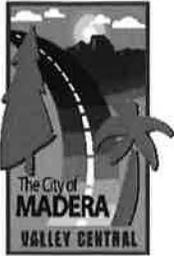
Please submit application by email to:

Youth Leadership Institute

Phone: (559) 255-3300

Attn: Katrina Ruiz, YLI Program Manager Email:

kruiz@yli.org



# REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF August 15, 2018

AGENDA ITEM NUMBER C-2

APPROVED BY

  
\_\_\_\_\_  
GRANTS ADMINISTRATOR

  
\_\_\_\_\_  
CITY ADMINISTRATOR

## SUBJECT:

CONSIDERATION OF A RESOLUTION TO ADJUST THE FARE STRUCTURE OF THE MADERA AREA EXPRESS (MAX) FIXED-ROUTE REGULAR CASH FARE FROM \$.75 TO \$1.00 AND IMPLEMENTATION OF A DIAL-A-RIDE (DAR) PREMIUM FARE STRUCTURE THAT WOULD INCREASE ALL GENERAL PUBLIC FARES ON DAR TO \$3.00 PER TRIP AND CREATE SEPARATE TICKETS FOR EACH TRANSIT SERVICE.

## RECOMMENDATION:

Staff and the Madera Transit Advisory Board recommends that Council adopt the Resolution as presented. Between January and July 2018, the proposed changes within the recommendation have been presented at numerous public meetings, posted on all City buses in English and Spanish, and discussed with key stakeholder parties including County of Madera and Madera County Transportation Commission.

## DISCUSSION:

In compliance with Madera Transit Division policy and Federal Transit Administration requirements, on February 7, 2018, Council received a staff presentation and held a public hearing regarding proposed fare structure changes to the Madera Transit Division's Madera Area Express (MAX) fixed routes and Dial-A-Ride (DAR) services. Due diligence leading up to the hearing included developing and making available for public viewing a Fare Equity Analysis, placing the proposed fare changes on the January 2018 Transit Advisory Board public agenda, mailing a notice to all agencies that currently purchase DAR tickets, and a public posting of the notice for the City Council hearing on all City buses. A transit representative of County of Madera was the only opponent to the fare structure changes and no other comments against the proposed increases were received in writing or at public meetings. Since the hearing, staff has facilitated multiple conversations with County representatives to outline a feasible solution that meets both party's needs.

There are three primary reasons why the recommended changes are being presented to Council. First, farebox recovery ratio of a passenger transportation system is the proportion of the amount of revenue generated through fares by its paying customers as a fraction of the cost of its total operating expenses.

Most systems are not self-supporting with farebox alone. City of Madera currently has a waiver of the 20% minimum farebox recovery ratio and must maintain 15% for the MAX system and 10% for the DAR system. A finding of the 2018 Transportation Development Act (TDA) Audit indicated Madera falling short of this minimum requirement. Second, despite increasing the number of passengers utilizing the MAX fixed-route system, DAR trips to Madera Community College Center are taxing the system. Anywhere from thirty to forty percent of monthly DAR ridership consists of students traveling to the college, and the majority are traveling from within the City limits. Staff have worked to create a new fixed-route directly to the college, which had a soft-opening on January 2, 2018. Staff continues to analyze ridership data to improve and refine the service. Third, staff and the Transit Advisory Board, reviewed fares for dial-a-ride service in ten California communities of which the majority did not provide dial-a-ride services to the general public. Madera not only had the lowest DAR fares, but in comparison to cities offering the same services, Madera's cost per trip and farebox recovery is exceptionally low.

The recommended fare structure change as outlined in Exhibit A includes the following:

### **I. Amendments to the MAX Fixed-Route Fares**

The recommended adjustment to MAX fixed-route fares includes an increase of twenty-five cents (\$.25) from seventy-five cents (\$.75) to one dollar (\$1.00). Any cash paying passenger riding the MAX fixed route during peak hours would pay this fare. For MAX fixed route service supported with FTA Section 5307 assistance, fares charged to elderly persons, to persons with disabilities or to an individual presenting a Medicare card during off peak hours, will not be more than half the peak hour fare. To this end, the current half fare price for the identified populations would thereby increase from thirty-five cents (\$.35) to fifty cents (\$.50) per ride. It is important to note that the MAX monthly pass rate will not change. Currently, MAX accepts Dial-A-Ride tickets on the MAX system. With the new fare structure, only MAX tickets will be accepted on the MAX bus. New tickets with a new look will be printed and sold beginning October 1, 2018. Old tickets will be accepted as fare payment on the buses for one year through September 30, 2019.

### **II. Creation of a Dial-A-Ride Premium Fare Structure**

The recommended DAR Premium Fare Structure includes an increase to only the DAR general public fares, rising from two dollars (\$2.00) to three dollars (\$3.00), the elimination of using a DAR ticket on MAX fixed-route, and elimination of the DAR Student Fare. Elimination of the DAR Student Fare will result in students riding DAR to the college paying a general public fare of \$3.00 per trip. However, students can opt to take the fixed-route to the college for \$1.00.

### **FINANCIAL IMPACT:**

The recommended actions have no fiscal impact on the general fund. The Resolution would increase fares, which if ridership does not decline may increase revenues to the Transit Division and offset operational costs, improve farebox recovery ratios and minimize risk for loss of TDA funding.

### **VISION MADERA 2025 ACTION PLAN CONSISTENCY:**

The projects and programs discussed in this report advance the following Vision Plan objectives: Strategy 121 of the Vision 2025 Plan to develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses with Madera.

**RESOLUTION NO. 18 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING TO ADJUST THE FARE STRUCTURE OF THE MADERA AREA EXPRESS (MAX) FIXED-ROUTE REGULAR CASH FARE FROM \$.75 TO \$1.00 AND IMPLEMENTATION OF A DIAL-A-RIDE (DAR) PREMIUM FARE STRUCTURE THAT WOULD INCREASE ALL GENERAL PUBLIC FARES ON DAR TO \$3.00 PER TRIP AND CREATE SEPARATE TICKETS FOR EACH TRANSIT SERVICE.**

**Whereas,** The City of Madera Transit Division (MTD) manages and administers the Madera Area Express public transit fixed-route and Dial-A-Ride (DAR) services, whose fares have been identified as some of the lowest in the region; and

**Whereas,** City Council as policy making body for Madera Area Express (MAX), sets and approves fare adjustments; and

**Whereas,** MTD continues to struggle to meet its farebox recovery ratio of 15% and 10% respectively under the current fare structure, jeopardizing the availability of state and federal funding assistance; and

**Whereas,** a fare adjustment increases the MAX fixed-route regular cash fare from \$.75 to \$1.00 and implementation of a DAR premium fare structure that would increase all general public fares on DAR to \$3.00 per trip and create separate tickets for each transit service would assist MTD in meeting its required farebox recovery ratio, and achieve fares more in-line with those in the region.

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

1. The above recitals are true and correct.
2. The adjusted fare structure of the Madera Area Express public transit service, attached hereto as Exhibit "A", is approved.
3. The adjusted fare structure shall be effective on October 1, 2018.
4. The resolution shall be effective immediately upon adoption.

.....

**MADERA AREA EXPRESS**  
**FARES**  
(effective October 1, 2018)

**MAX**

Cash or MAX Ticket	<del>\$0.75</del> \$1.00
Seniors <sup>1</sup> , Disabled & Medicare Card Holders (10 A.M. – 2 P.M.)	<del>\$0.35</del> \$0.50
Monthly Pass	\$26.00
Book of Ten MAX tickets	<del>\$7.50</del> \$10.00
Transfers	Free
Children Under 3 (Maximum 2 per fare-paying adult)	Free

~~Single Dial-A-Ride Tickets Accepted~~

<u>Dial-A-Ride</u>	<u>General Public</u>	<u>Seniors<sup>1</sup>/ Disabled<sup>2</sup></u>
City ( <u>Area</u> )	<del>\$2.00</del> \$3.00 cash	\$1.00 cash/ticket
County ( <del>\$2.00</del> Area)	<del>\$2.00</del> \$3.00 cash	\$2.00 cash/ticket
<del>Madera Community College</del>	<del>\$1.00</del> student	<del>\$1.00</del> student
Children Under 1 (Maximum 2 per fare-paying adult)	Free	Free
Book of 20 - General	<del>\$20</del> \$40	-----
Book of 10	-----	\$5 Senior <sup>3</sup> /\$9 Disabled

**Pass & Ticket Outlets**

**Intermodal Building**  
 123 North 'E' Street  
 661-7433

**City Hall - Finance**  
 205 W. 4<sup>th</sup> Street

**Frank Bergon Center**  
 238 South 'D' St.  
 673-4293  
 (senior tickets only)

**Pan American Center**  
 703 E. Sherwood Way  
 673-4293  
 (senior tickets only)

**New look for Passes and Tickets with fare change.**  
**Old tickets will be accepted through September 30, 2019**

<sup>1</sup> Senior fares for those 60+.

<sup>2</sup> Disabled fares for those who are ADA certified (i.e., individuals with disabilities who are unable to use the fixed-route transit system). Applications are available at the Downtown Intermodal Facility at 123 North 'E' Street, 661-RIDE (7433).

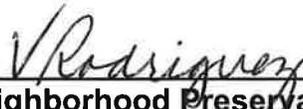
<sup>3</sup> Recommended donation at Senior and Community Centers.

**CITY OF MADERA  
REPORT TO THE CITY COUNCIL**

**CITY COUNCIL MEETING OF: August 15, 2018**

**AGENDA ITEM NUMBER: C-3**

**APPROVED BY:**

  
\_\_\_\_\_  
**Neighborhood Preservation Supervisor**

  
\_\_\_\_\_  
**Executive Director for Successor Agency**

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

**Subject: Public Hearing and Consideration of a Resolution of the City Council of the City of Madera Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties**

**Summary: Public Hearing and Adoption of a Resolution Confirming Weed Abatement and Special Assessment**

**I. HISTORY/BACKGROUND**

On January 7, 2015 the City Council adopted Ordinance 913 C.S. and declared weeds to be a nuisance and ordered the abatement of that nuisance as called for in § 3-15 of the Madera Municipal Code.

On March 12, 2018 a City-wide inspection for lots and properties in violation of the Weed Abatement Ordinance was completed and 301 lots were noted in violation. On March 22, 2018 a Notice of Violation was issued to 301 properties through first class mail. The deadline for owners to abate their properties was May 6, 2018.

On June 6, 2018 the City Council reviewed the list of the properties that were still in violation, conducted a public hearing, and ordered the abatement. At this public hearing, no objections were noted.

On July 18, 2018 the lots were re-inspected and a list was compiled of those properties not in compliance. On July 23, 2018 a weed abatement contractor abated 6 properties that were still in violation.

## II. SITUATION

The parcels of land listed on Exhibit "A" (attached) have been inspected and, at the time of inspection were found in violation of the Madera Municipal Code § 3-15.01. These weeds have the potential to become a fire hazard. The City of Madera Neighborhood Revitalization Department took proper steps to notify the affected property owners of the proposed weed abatement action on respective properties. The Weed Abatement Assessment Report was posted as required.

Property owners may object to the charges for weed abatement levied against their properties. The charges consist of \$150.00 Administrative Fee and Contractor's Cost to abate the violation.

All charges incurred by the City of Madera for the weed abatement services will be included as a special assessment on bills for property taxes levied against the respective lots and parcels of land, which are considered liens on these properties.

The costs associated with the cleanup of those properties are identified in the Resolution as Exhibit "A".

## III. LINKAGE TO VISION 2025

**Strategy 134** – Visual Standards: Establish and enforce visual standards for neighborhoods and businesses in Madera including design review and code enforcement.

**Strategy 137** – Code enforcement: promote sound redevelopment and code enforcement practices city-wide.

**Action 201.3** – Enforce zoning and redevelopment codes and regulations.

## IV. RECOMMENDATION

Staff recommends that City Council hold a public hearing to hear and consider any objections from affected property owners of the proposed assessments related to the completed weed abatement work and adopt the attached resolution confirming the report and ordering abatement costs to be a special assessment.

Attachment:

- Resolution
- Exhibit A

**RESOLUTION NO:**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING  
WEED ABATEMENT REPORT AND ORDERING COST OF ABATEMENT TO BE A  
SPECIAL ASSESSMENT**

WHEREAS, On January 7, 2015 the City Council adopted Ordinance 913 C.S. and declared weeds to be a nuisance; and

WHEREAS, the Ordinance ordered the abatement of that nuisance as called for in § 3-15 of the Madera Municipal Code; and

WHEREAS, the parcels of land listed on Exhibit "A" attached hereto have been abated on July 23, 2018; and

WHEREAS, at the time of the abatement the parcels were found to be in violation of Madera Municipal Code § 3-15.01

WHEREAS, each property owner was notified by mail of the proposed weed abatement action on respective properties; and

WHEREAS, the City Clerk posted notice of the lien confirmation hearing as required by the Municipal Code; and

WHEREAS, all charges incurred by the City of Madera for the weed abatement services will be included as a special assessment to be collected along with regular property taxes levied against the respective lots and parcels of land, and are considered liens against these properties.

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

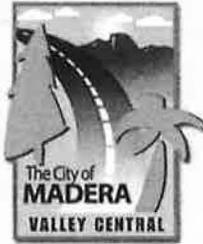
1. The above recitals are true and correct.
2. The report and assessment list is in all respects complete and correct and is hereby confirmed. The amounts of the cost for abating the nuisance are confirmed and those remaining unpaid, as shown on Exhibit "A" attached hereto, shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the respective assessment.
3. All written or oral protests or objections to said report and assessment list have been considered by the Council.
4. The unpaid assessments shown on Exhibit "A" shall be entered upon the 2018-2019 tax roll against the parcels of land and shall be collected at the same time and in the same manner as general City taxes, be subject to the same interest and penalties, and be subject to the same procedure and sale in case of delinquency. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby made applicable to this special assessment.
5. This resolution is effective immediately after adoption.

\*\*\*\*\*

## EXHIBIT A

### City of Madera Weed Abatement Assessment Report

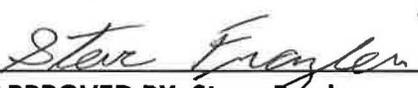
Parcel	Address	Property Owner	Constructor's Fee	Administrative Fee	Amount Due
006-010-001	111 West Central Ave	Sepulveda Gloria	\$300.00	\$150.00	\$450.00
008-091-012	614 Adelaide Ave	Equity Trust Co/ Cust/ Patrick Markey	\$300.00	\$150.00	\$450.00
009-351-005	2501 Mitchell Ct	Leal 1998 Family Trust	\$300.00	\$150.00	\$450.00
011-131-016	701 South A St	Lopez Cesar A/ Avila Gracia Y	\$300.00	\$150.00	\$450.00
011-213-022	435 Stinson Avenue	Fuentes Alma	\$300.00	\$150.00	\$450.00
011-233-007	300 Stinson Avenue	OPM Investments Inc.	\$350.00	\$150.00	\$500.00
				<b>Total Amount Due</b>	<b>\$2,750.00</b>



## REPORT TO CITY COUNCIL

COUNCIL MEETING OF August 15, 2018  
AGENDA ITEM NUMBER C-4

  
\_\_\_\_\_  
**REPORT BY: Mary Anne Seay**  
Director, Parks and Community Services

  
\_\_\_\_\_  
**APPROVED BY: Steve Frazier**  
City Administrator

**SUBJECT:**      **CONSIDERATION OF A RESOLUTION APPROVING AMENDMENTS TO THE FISCAL YEAR 2018-2019 CAPITAL PROJECTS BUDGET APPROPRIATING FUNDS TO SPECIFIED ACCOUNTS FOR WORK RELATED TO THE ACCEPTANCE OF A DONATION OF LAND FOR A FUTURE MUNICIPAL PARK**

**RECOMMENDATION:**

Staff recommends Council adopt the Resolution approving amendments to the City of Madera Fiscal Year 2018-2019 Capital Project Budget appropriating funds to specified accounts for work related to acceptance of a land donation for a future municipal park.

**SUMMARY:**

More than a year ago, the City received a letter from Mr. Joe Pandit. Mr. Pandit is one of several partners who co-owns a property (about 8.1 acres) of mostly vacant land in north-east Madera. Its APN is 038-030-027-000 and is located on Austin Street between Ellis and Martin, not far from Desmond/Nishimoto and the new Matilda Torres High School construction site. Mr. Pandit and partners offered to donate the land to the City on 2 conditions: 1) that the donated property be used for a park or open space for the purpose of recreation and 2) that the park honor the value of the donation and the donors by naming it India Park.

The action before you is to adopt a resolution approving amendments to the Adopted FY 18-19 Capital Project Budget so that staff has the necessary tools to address expenses relative to this acquisition effort.

**DISCUSSION:**

As indicated in the summary, there is a group of partners who wish to donate approximately 8 acres of land to the City for the future development of India Park. Staff from the Parks & Community Services (PCS) Department has met and communicated with the group's spokesperson, Mr. Pandit, over the last 18 months. PCS staff have discussed elements of the process, including the fact that the City does not currently have sufficient funding for design and construction of a park, nor does the subject land fall within the City's current boundaries (though it is in the sphere of influence). Mr. Pandit and his partners discussed the matter and agree that if the parcel will eventually become India Park, they will be patient with development timelines.

Recognizing that the City has fewer parkland acres than called for in the City's General Plan, land-banking for future park development has long been a goal of our City team. While it is not the only quadrant of the City that needs park space, the north-east area has been identified as a target area for additional parkland. Staff internal to the City have supported this donation and have taken several steps to ensure the process is a prudent one. Steps taken include:

1. Taking the item before the Planning Commission to get a finding of General Plan conformity and an environmental determination;
2. Hiring a firm to complete a Phase I Environmental Assessment (ESA) to make certain there are no reasons to reject the donation; and
3. Completing a more comprehensive Phase II ESA to take a deeper dive into possible environmental concerns.

On a nearly parallel track, staff submitted a grant application in January of 2017 for land acquisition for future park development. The application for Housing Related Park Program (HRPP) resources was sent to the CA Department of Housing and Community Development (HCD). Because the demographics in the north east area meet criteria for Housing Related Park Program (HRPP) resources, this area was selected. This grant application was submitted prior to receiving Mr. Pandit's letter offering the donated land in this same quadrant. Upon being awarded approximately \$134,000 in this final round of HRPP funding, Staff planned to use this funding on expenses related to land acquisition for India Park. However, State officials advised the City that the lower population density in proximity to the project site would reduce HRPP funding by approximately \$34,000. Not wanting to give back \$34,000 to the State, the internal City team decided against this approach.

Mr. Pandit and his partners make a very generous offer, though following the steps for accepting the gift does not come without cost. The ESAs and other expenses related to the acquisition and immediate next steps have costs associated with them. Additional steps could include demolition and removal of the dilapidated structures on the property, general clean-up of the parcel and a conceptual design for the future park. Each of these steps will make acquisition safer for the City and substantially increase the success of future grant submittals.

**Next Steps (In General)**

1. Bring Agreement between Partners and City to Council for consideration – this could occur as early as the September 5, 2018 Council meeting;
2. Assess condition of structures on the parcel;
3. Communicate with and engage neighbors;
4. Demolish any non-usable structures, remove debris and clean parcel;
5. Complete high level conceptual design for future park.

**FINANCIAL IMPACT:**

The proposed action will not impact the General Fund. In accordance with previous Council direction, Parks Development Impact Fees in the amount of \$25,000 are being utilized to fund these expenditures.

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

The recommended actions are consistent with the following Vision Strategies and Actions:

- |                     |  |
|---------------------|--|
| <b>Strategy 113</b> | Promote greater accessibility to City facilities and services to meet the needs of various cultural, socio-economic and disabled groups. |
| <b>Strategy 411</b> | Recreational Opportunities: Enhance and expand recreational activities available to Maderans.  |
| <b>Strategy 414</b> | Neighborhood Parks: Ensure recreational availability by providing a park in close proximity to every neighborhood.                       |
| <b>Strategy 404</b> | Community Wellness: Promote increased community wellness.  |

**RESOLUTION NO. 18 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING AMENDMENTS TO THE FISCAL YEAR  
2018-2019 CAPITAL PROJECTS BUDGET APPROPRIATING FUNDS  
TO SPECIFIED ACCOUNTS FOR WORK RELATED TO THE  
ACCEPTANCE OF A DONATION OF LAND FOR A FUTURE  
MUNICIPAL PARK**

**WHEREAS**, an individual representing a private trust has contacted the City with a proposal to donate land with the condition that it be used for a future municipal park; and

**WHEREAS**, the City of Madera is parkland deficient and would benefit from a new park located in the geographical area of the proposed donation; and

**WHEREAS**, to perform its' due diligence the City must contract with professional environmental, realty and other specialty firms in order to ascertain the suitability and propriety of accepting the proposed land donation; and

**WHEREAS**, in order to compensate the contracted firms for their work certain amendments to the Council approved FY 2018-2019 Capital Projects Budget must be made.

**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 funding for work related to the acceptance of a land donation for a future municipal park is approved.
3. The expenditure amendments for the Project, listed in Exhibit AA attached hereto, are approved.
4. The City Clerk is authorized and directed to forward copy of the resolution to the Director of Finance who is authorized to take such action as necessary to implement the terms of this resolution.
5. This resolution is effective immediately upon adoption.

\* \* \* \* \*

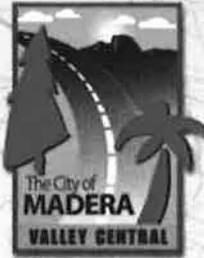
EXHIBIT AA

CITY OF MADERA

Appropriation Adjustment:

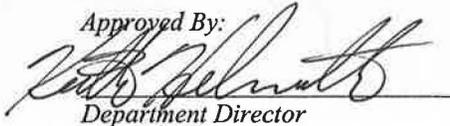
Environment Work for Acceptance of Land Donation for India Park

FUND	ORG CODE	OBJECT CODE	DESCRIPTION	(+)	(-)
<b><u>Parks Development Impact Fee (4088)</u></b>					
4088	40880000	7050	Construction/Infrastructure	25,000.00	
4088	40880000	1005	Fund Balance (Pooled Cash)		(25,000.00)
				<u>25,000.00</u>	<u>(25,000.00)</u>



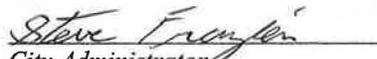
## REPORT TO CITY COUNCIL

Approved By:

  
Department Director

Council Meeting of August 15, 2018

Agenda Item Number E-1

  
City Administrator

**SUBJECT:** CONSIDERATION OF DEMOLITION OF THE "D" STREET WATER TOWER AND REQUEST FOR DIRECTION

### RECOMMENDATION:

Staff recommends that the City Council review this report and provide direction as to how staff should move forward with the "D" Street water tower. Three alternatives are described toward the end of this report.

### SUMMARY:

For a variety of reasons, the existing D Street water tower is not functional and has served only as a decorative community feature for many years. After reviewing options for the future of the tower in 2011, the City Council directed Staff to move forward with collecting funds for its removal. The selected demolition project option was subsequently added to the capital improvement program, funded through water utility revenues. Subject to confirmation and direction by the Council, work will be scheduled to commence. Considering the passage of time since the Council's last direction on this matter, a final review of alternates has been scheduled before staff initiates work to remove the tower.

Estimated costs to remove the tower total approximately \$300,000. Staff's preliminary research indicates rehabilitation, strengthening to meet current codes, and repainting the tower for corrosion protection could exceed \$1 million. A conversation with the Madera County Historical Society representative indicates they believe that there may be potential for the community to oppose the removal of the tower. In support of this assertion, they noted that there was adverse community reaction to the City's intent to remove the tower in 1987.

Staff is therefore requesting that the City Council review the following options to move forward with the tower:

### Engineering

205 W. Fourth Street • Madera, CA 93637 • TEL (559) 661-5418 • FAX (559) 675-6605

[www.cityofmadera.ca.gov](http://www.cityofmadera.ca.gov)

1. Conduct an evaluation of the tower with the specific intention of providing recommendations and specifications for how it will be removed, followed by its removal.
2. Conduct an in-depth seismic and structural analysis of the tower in order to confirm if the tower is structurally deficient under current building codes and whether rehabilitation/strengthening of the tower is necessary or even viable for its preservation. Recommendations for the demolition alternative will also be provided as part of this evaluation.
3. If funding is identified, conduct an evaluation of improvements required to retain the tower as a non-functioning decorative community feature.

**DISCUSSION:**

The "D" Street Water Tower, located at the corner of "D" Street and 7<sup>th</sup> Street next to the Frank Bergon Senior Center, was constructed in 1911, is 133 feet tall, and had a capacity of 80,000 gallons. For comparison purposes, the newer water tower located at the corner of Columbia Street and South Street has a capacity of 1,000,000 gallons. The "D" Street water tower was decommissioned in 1976 and is no longer in use. An evacuation plan was adopted in 1994 to be used in the event of high winds or an earthquake but, to Staff's knowledge, the use of this plan has never been needed. A structural engineer completed a visual assessment of the tower's condition in 1994 and noted that the tower leaned nine inches from plumb, had loose rivet and bracing connections, and would most likely not meet 1994 code standards. During this preliminary structural survey, it was also noted the steel tank structure was constructed with lead seals and painted with lead pigment paints. The engineer recommended a more thorough structural evaluation (with calculations) be completed to determine the necessary scope and cost of rehabilitation and strengthening. Staff is not aware of an evaluation of this nature ever being completed.

In 2011, the City Council directed Staff to begin collecting funds to remove the water tower and, as a result, the current water rate structure approved in 2015 includes \$300,000 for demolition of the tower. This cost is still believed to be reasonably accurate. Staff contacted tank consulting firms experienced in rehabilitation and demolition of water towers and determined an estimated cost of over \$1 million to rehabilitate, strengthen, and repaint the tower, based on common costs for water towers of similar size and age. If the City intended to stabilize and repaint the tower so that it could remain a decorative feature, the costs would need to be determined, as no specific estimate for that work has been prepared.

In preparation for this current Council review, staff met with representatives of the Madera County Historical Society to discuss the potential demolition. The Historical Society opposes the loss of the community feature, though they note that they do not currently have the funding needed to rehabilitate the tower and are unsure about their ability to raise these funds. The Historical Society stated that they feel strongly about preservation of the tower, and that they are "sure the community will uproar" if the City proceeds with removal of the tower.

As described by the Historical Society, a community movement emerged to “save the water tower” in 1987 in response to the City’s intent to demolish it. As a result of those efforts, the Historical Society and the Taxpayers Association rallied the community to raise \$35,000 to repaint the tower and it remained. Though Staff was aware of the desire to retain the community feature, the high level of community interest that occurred during discussions in 1987 was not known prior to the presentation to Council in 2011. During Staff’s meeting with the Historical Society, they stated that they would like to see a thorough structural investigation of the tower in order to confirm its structural integrity and to obtain a dependable cost of rehabilitation if it is determined that rehabilitation is a viable option.

Notwithstanding the potential value of the water tower as a historical or decorative feature, it cannot be used for water storage without significant investment; if repaired, though, it would represent limited utility due to its small size. Due to concerns regarding structural integrity, flaking paint and the tower’s proximity to the Frank Bergon Center and a variety of businesses, staff does not recommend leaving the water tank “as is.” Based on staff’s conversation with the Historical Society, staff requests that the City Council provide their direction on how to proceed. Staff has identified the following options as being available at this time:

1. Move forward with a professional evaluation of the tower to provide recommendations and specifications for its removal, and thereafter proceed with its removal as directed previously by the City Council. Staff estimates this evaluation could be accomplished for \$15,000, with a cost to remove the tower of \$285,000. Demolition of the tower is exempt from mandatory environmental reviews required by the California Environmental Quality Act (CEQA) to identify, disclose, and minimize impacts to the environment because, statutorily, CEQA allows for removal without such reviews if the project is necessary to prevent an emergency. Staff believes the use of this provision of CEQA is justified given on-going concerns relative to the tank’s stability.
2. Move forward with an in-depth structural evaluation (seismic analysis) of the tower which will provide a scope and probable cost of rehabilitation/strengthening needed to preserve the tower, as well as recommendations and specifications for its removal. Staff’s discussions with industry professionals indicate that the cost of this level of evaluation could range from \$25,000 to \$125,000. This wide estimate range is the result of uncertainty about the seismic capacity of the tower’s foundations which can only be identified through forensic investigations of the soil and footings, if determined to be necessary during the seismic analysis. Staff estimates that a moderate level of foundation investigations and strengthening design will be required for a most-probable cost of \$80,000. This most-probable cost is \$65,000 higher than the study focused on removal. With the information provided by this seismic analysis, staff would revisit City Council and present further options at that time. Then the City, in a collaborative effort with the Historical Society, can make the determination as to the future of the tower. For planning purposes, it should be noted that industry professionals have indicated to staff that, without a quantitative seismic analysis, they suspect that rehabilitation/strengthening of the tower will be determined to be necessary, yet

achievable. Costs of preservation efforts will likely range from \$700,000 to potentially over \$1 million.

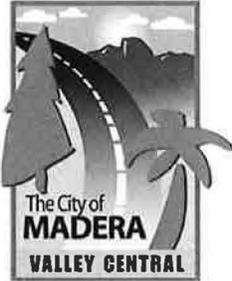
3. If funding sources can be identified, obtain evaluation that earmarks improvements and associated costs to preserve the structure as a non-functional community feature. As described below, Water Utility funds cannot be used to make improvements related to retaining/preserving a non-functional community feature.

**FISCAL IMPACT:**

The recommended options would have no fiscal impact to the City's General Fund. The cost of the professional evaluation for removal of the tower discussed in Option 1 has been included in the FY 2016/17 budget. Discussions with the City Attorney have indicated that no portion of the \$300,000 already allocated for removal of the tank or any other Water Funds can be utilized toward costs intended to save the tank. As such, other funding sources (possibly the General Fund) would need to be identified to cover such costs

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

This effort supports this strategy to create a safe and healthy environment for all Maderans which is included in the Vision Statements Summary



## REPORT TO CITY COUNCIL

Approved by:

*Sonia Alvarez*  
Department Director

*Steve Fryman*  
City Administrator

Council Meeting of: 8/15/18

Agenda Number: E-2

**SUBJECT: Consideration of a Request to Designate a Voting Delegate and Alternate for the League of California Cities Annual Conference and Direct the City Clerk to Submit the Voting Delegate Form to the League**

### RECOMMENDATION:

Staff requests that Council designate a voting delegate and alternate for the 2018 League of California Cities (League) Annual Conference Business Meeting and direct the City Clerk to submit the Voting Delegate form to the League. As of the writing of this report, Council Members Robinson and Rigby are the only members registered to attend the conference.

### DISCUSSION:

The League of California Cities Annual Conference is scheduled 9/12/18-9/14/18 in Long Beach. As part of the conference, the League holds its Annual Business Meeting where city delegates will vote on resolutions that establish League policy.

The attached correspondence from the League of California Cities requests that the Council designate a voting delegate and alternate to represent the City at the League's Annual Business Meeting. As of the writing of this report, Council Members Robinson and Rigby are the only members registered to attend.

### CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Designation of a voting delegate 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 that plan.



1400 K Street, Suite 400 • Sacramento,  
California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
www.cacities.org

**Council Action Advised by July 31, 2018**

May 17, 2018

Madera City Clerk

**TO: Mayors, City Managers and City Clerks**

RECEIVED  
By: *[Signature]*  
Date: 5/25/18

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 12 - 14, Long Beach**

The League's 2018 Annual Conference is scheduled for September 12 – 14 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 31, 2018. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: \_\_\_\_\_

2018 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 31, 2018. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

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

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

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

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

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

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

**Please complete and return by Friday, August 31, 2018**

League of California Cities  
ATTN: **Kayla Curry**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: [kcurry@cacities.org](mailto:kcurry@cacities.org)  
(916) 658-8254