

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

NOTICE AND AGENDA

**Wednesday, December 19, 2018
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

**ROLL CALL: Mayor Andrew J. Medellin
Mayor Pro Tem Steve Montes, District 3
Council Member Cece Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Derek O. Robinson Sr., District 4
Council Member Santos Garcia, District 5
Council Member Donald E. Holley, District 6**

INVOCATION: Deacon Alan Shearer, St. Joachim Church

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

1. Student Presentation / Recognition on Homelessness – Mayor Medellin
2. Recognition of Partnership Award Received from Mid Valley Disposal (Annette Kwock)

INTRODUCTIONS

1. Police Officers Jared Maciel, Jeff Eichman, Robert Mahoney
2. Dispatcher Brianna Corona

A. WORKSHOP

- A-1 Status Report on Water Storage Tank & Transmission Pipeline Project (Presentation by Ellen Bitter)

B. CONSENT CALENDAR

- B-1 Minutes – 01/03/18, 01/17/18
- B-2 Warrant Disbursement Report 11/27/18 – 12/10/18 (Report by Tim Przybyla)
- B-3 Consideration of a Resolution Approving Improvement Deferral Agreement and Authorization of Lien for Arturo Mejia and Micaela A. Mejia (Report by Keith Helmuth)
- B-4 Consideration of a Resolution Rescinding Resolution No. 18-81 and Approving the Amended Applications for Transportation Development Act - Local Transportation Funds for FY 2018/19 with FY 2017/18 Carryover Balances of \$3,286,818.01, and the FY 2018/19 State Transit Assistance Funds and Authorizing the City Engineer to Execute and Submit the Amended Applications to the Madera County Transportation Commission (Report by Keith Helmuth)
- B-5 Consideration of a Resolution Approving an Agreement with Stantec Consulting Services, Inc., Not to Exceed \$50,000, for Professional Engineering Consulting Services for the Update of the Waste Discharge Permit for the City of Madera Wastewater Treatment Plant and Authorizing the Mayor to Sign the Agreement on Behalf of the City (Report by John Scarborough)
- B-6 Consideration of a Resolution Approving Amendment #1 to the Fiscal Year 2018-19 Site Management Contract Between the City and the Fresno-Madera Area Agency On Aging (FMAAA) and Authorizing the Mayor to Execute the Amendment to the Contract on Behalf of the City; and
- Consideration of a Resolution Amending the FY 2018-19 General Fund/Org 10206218 - Senior Citizen Community Service Program Budget to Recognize \$15,000 in Additional Revenue (Report by Mary Anne Seay)

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

- C-1 Consideration of a Resolution Accepting \$50,000 in Grant Funding from Kaiser Foundation Hospitals (KFH) for the Madera Heal Zone IV Project, Approving the Grant Agreement with KFH and Authorizing the City Manager to Execute the Agreement and Related Documents on Behalf of the City; and
- Consideration of a Resolution Amending the FY 2018 – 19 Parks and Community Services Budget to Recognize the Proceeds of the Grant and to Appropriate Funds to the Specified Accounts (Report by Mary Anne Seay)
- C-2 Consideration of:
- (1) A Resolution Adopting a Boundary Map Showing the Territory Proposed for Annexation to City of Madera Community Facilities District No. 2005-01; and
 - (2) A Resolution Declaring the City's Intention to Authorize the Annexation of Territory into City of Madera Community Facilities District No. 2005-01 (Report by Chris Boyle)

- C-3 Public Hearing and Consideration of Introduction of an Ordinance Rezoning Approximately 38.5 Acres Located Approximately 2,000 Feet West of the Southwest Corner of the Intersection of West Cleveland Avenue and North Westberry Boulevard from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District (APNs: 006-380-027 and 028) (Report by Chris Boyle)
- C-4 Consideration of a Resolution to Change the Name of the City's Transit Services from Madera Area Express to Madera Metro; and

Consideration of a Resolution to Approve a New Madera Transit Logo (Report by Ivette Iraheta)
- C-5 Second Reading and Consideration of Adoption of an Ordinance Prezoning Approximately 20 Acres Located on the West Side of Stadium Road South of its Intersection with Almond Avenue into the PD 6000 (Planned Development) Zone District (APN: 034-070-011) (Report by Chris Boyle)
- C-6 Consideration of a Resolution Approving Adjustments to the Water Utility Rate to Reduce the Currently Set Increase (Report by Tim Przybyla)
- C-7 Consideration of a Resolution Approving an Amendment in the Amount of \$5,200 to the City Council (Council) Conference and Training Budget (Report by Sonia Alvarez)

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

- E-1 Mayor's Appointments to Outside Boards (Mayor Medellin)
- E-2 Consideration of Request for Appointments to the Madera County Arts Authority to Fill Vacancies (Report by Sonia Alvarez)
- E-3 Cancellation Announcement Regarding the January 16, 2019 Meeting (City Clerk)

F. COUNCIL REPORTS

G. CLOSED SESSION

- G-1 Closed Session Announcement – City Attorney
- G-2 Conference with Legal Counsel -Pending Litigation pursuant to Government Code §54956.9(d)(1) – 2 cases: Miguel Ramirez WCAB No. ADJ7786539 and Marylin Hall-Zunino WCAB No. ADJ10188576
- G-3 Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9

One case: MCA 1803, LLC, et al. v. City of Madera MCV073252

Continued on next page.

G-4 Conference with Labor Negotiators Pursuant to Government Code §54957.6

Agency Designated Representatives: Arnaldo Rodriguez

Unrepresented Positions:

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

Direct Reports:

City Attorney, City Clerk

G-5 Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8

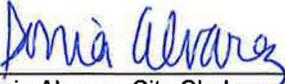
Property: 1 Parcel
City of Madera APN: 035-080-026
Agency Negotiators: Keith Helmuth
Negotiating Party: Jason Sanders
Under Negotiations: Price and Terms

G-6 Closed Session Report – City Attorney

ADJOURNMENT – Next regular meeting January 2, 2019

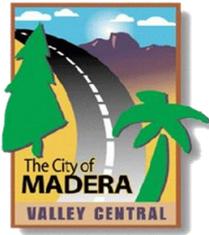
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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
 - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
 - Any 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. 4th 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 December 19, 2018, near the front entrances of City Hall at 6:15 p.m. on December 13, 2018.



Sonia Alvarez, City Clerk

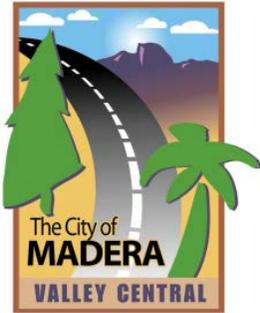
[Return to Agenda](#)



**Madera City Council Agenda 12/19/18
Agenda Item A-1.**

Status Report on Water Storage Tank & Transmission Pipeline Project

There is no written report for this item.



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|--------------|----------|
| Item: | B-1 |
| Minutes for: | 01/03/18 |
| Adopted: | 12/19/18 |

MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL CITY OF MADERA, CALIFORNIA

January 3, 2018
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER – 6:00 p.m.

ROLL CALL:

Present:

Mayor Andrew J. Medellin
Mayor Pro Tem Jose Rodriguez, District 2
Council Member William Oliver, District 3
Council Member Derek O. Robinson Sr., District 4
Council Member Donald E. Holley, District 6

Absent:

Council Member Cece Foley Gallegos, District 1
Council Member Charles F. Rigby, District 5

Others present were Interim City Administrator Steve Frazier, City Attorney Brent Richardson, Deputy City Clerk Zelda Leon, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Interim Chief of Police Dino Lawson, Interim Commander Gino Chiaramonte, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Information Services Manager Mark Souders.

INVOCATION:

Pastor John Pursell, Believers Church of Madera

The invocation was given by Council Member Holley due to the absence of Pastor John Pursell.

PLEDGE OF ALLEGIANCE: Mayor Medellin.

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.

Elizabeth Wisener with the Community Action Partnership of Madera County spoke regarding the Homeless Point in Time Count scheduled January 23-25, 2018. Forty-four people have signed up.

Glenn Scott Boghosian, residing in Madera, California expressed concerns regarding the time of day the street sweeper goes by and it ends up sweeping the middle of the street. It also happens on trash pickup day for Monday holidays.

Adan Covarrubias, residing in Madera, California, asked where the local government stands on the retail side of AB 64 regarding cannabis.

Raymundo Maya, residing in Madera, California, referred to the house fire at his in-law's house in October of 2016. They were denied for all the programs they applied for and would like to know where he can receive assistance.

Eddie Block, residing in Madera, California, thanked the Council for the Small Business Class they will be holding soon. He also shared that they will be painting their building downtown.

Vicki Sloan, residing in Madera, California referred to the conversation she had with Council Member Rigby regarding the person who could help the City out of the financial mess. She also commented on the plan the City had with the appointments made to some of the positions including the City Manager and the Chief of Police.

Late Distribution Announcement – Deputy City Clerk Zeld Leon made a late distribution announcement regarding item B-4.

PRESENTATIONS – None.

INTRODUCTIONS – None.

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.

Mayor Medellin pulled item B-4 for discussion.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-4, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, OLIVER, ROBINSON, HOLLEY. ABSENT: COUNCIL MEMBERS FOLEY GALLEGOS, RIGBY.

- B-1 Minutes – There are no minutes for consideration.
- B-2 Warrant Disbursement Report 12/12/17 – 12/26/17 (Report by Tim Przybyla)
- B-3 Bi-Weekly Water Conservation Report for 12/11/17 – 12/20/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution of the City Council of the City of Madera Directing City Staff to Initiate the Process of Issuing Refunding Special Tax Bonds to Refund Previous Bonds Issued for Community Facilities District No. 2006-1 and Approving Contracts with Del Rio Advisors, LLC as Municipal Advisor, Jones Hall as Bond Counsel and Hilltop Securities as Placement Agent for Professional Services Required to Complete the Refunding and Authorizing the Mayor to Execute the Contracts (Report by Tim Przybyla) *[Item pulled for discussion.]*

Director of Financial Services Tim Przybyla presented the report which provides an opportunity to save the homeowners in CFD 2006-1 some money through refunding of the special bonds. Also presenting was Ken Dieker with Del Rio Advisors.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM B-4, RES. NO. 18-01, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, OLIVER, ROBINSON, HOLLEY. ABSENT: COUNCIL MEMBERS FOLEY GALLEGOS, RIGBY.

RES. NO. 18-01 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA DIRECTING CITY STAFF TO INITIATE THE PROCESS OF ISSUING REFUNDING SPECIAL TAX BONDS TO REFUND PREVIOUS BONDS ISSUED FOR COMMUNITY FACILITIES DISTRICT NO. 2006-1 AND APPROVING CONTRACTS WITH DEL RIO ADVISORS, LLC AS MUNICIPAL ADVISOR, JONES HALL AS BOND COUNSEL AND HILLTOP SECURITIES AS PLACEMENT AGENT FOR PROFESSIONAL SERVICES REQUIRED TO COMPLETE THE REFUNDING AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACTS

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

There are no items for this section.

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

There are no items for this section.

F. COUNCIL REPORTS

Council Member Holley invited everyone to the Martin Luther King 50th Anniversary celebration scheduled January 14, 2018 at 2:00 p.m.

Mayor Pro Tem Rodriguez suggested that the Council hold a governance workshop to strengthen their relationship and their duties.

Mayor Medellin reported on the increased ridership to the State Center Community College.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 6:48 p.m. to discuss item G-2 as listed on the agenda. Absent: Council Members Foley Gallegos, Rigby.

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

Agency Designated Representatives: Steve Frazier & Wendy Silva
Employee Organizations: Mid Management Employee Group

G-3 Closed Session Report – City Attorney

The Council returned from closed session at 7:25 p.m. with all members present. Absent: Council Members Foley Gallegos, Rigby.

Item G-2 – No reportable action.

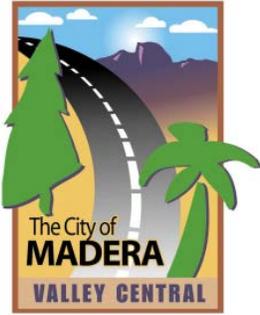
ADJOURNMENT – 7:26 p.m. Next regular meeting January 17, 2018.

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



Return to Agenda

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|--------------|----------|
| Item: | B-1 |
| Minutes for: | 01/17/18 |
| Adopted: | 12/19/18 |

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

**January 17, 2018
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER – 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 Charles F. Rigby, District 5
Council Member Donald E. Holley, District 6

Absent: Council Member Derek O. Robinson Sr., District 4

Others present were Interim 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, Interim Chief of Police Dino Lawson, Director of Human Resources Wendy Silva, Parks and Community Services Director Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Planning Manager Chris Boyle, Interim Division Fire Chief Matt Watson, Deputy City Clerk Zelda Leon, Project Development Coordinator Ellen Bitter, and Interim Commander Gino Chiaramonte.

INVOCATION: Pastor John Pursell, Believers Church of Madera

PLEDGE OF ALLEGIANCE: Mayor Medellin.

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.

Eddie Block, residing in Madera, California, announced that he met with the Chief of Police and Commander. They will be holding a meeting on February 13, 2018 at the Elks Lodge regarding downtown and everyone is invited to express their views. He also invited everyone to attend on February 1, 2018 the first anniversary celebration of his thrift store located downtown.

Ron Montoya, residing in Madera, California, suggested that the next time they consider raising sales tax that they do so for youth programs. He spoke against giving officers more money and in favor of community involvement.

Khalid Chaudhry, business owner in Madera, California, commented that the City needs an investigation or he will sponsor a recall.

PRESENTATIONS – None.

INTRODUCTIONS – None.

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 Rigby pulled item B-14.

Council Member Foley Gallegos pulled items B-10 and B-11. Council Member Oliver also requested item B-11 pulled.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-10, B-11, AND B-14, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

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

B-2 Warrant Disbursement Report 12/27/17 – 1/08/18 (Report by Tim Przybyla)

B-3 Bi-Weekly Water Conservation Report for 12/21/17 – 1/07/18 (Report by David Merchen)

B-4 Consideration of a Resolution Approving a Contract with Nichols Consulting for the Preparation and Filing of the State Mandated Cost Claims for Period from Execution of the Contract until June 30, 2018 and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Tim Przybyla)

RES. NO. 18-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SPECIAL SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND NICHOLS CONSULTING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

B-5 Consideration of a Resolution Approving the Award of Contract for Well-27 Pipeline Outfall Extension Southwest Corner of Almond Ave. & Pine St. City Project No. W 17-03 in the Amount of \$191,005 to Emmett's Excavation, Inc., Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management Costs of Up to 10% as Approved by the City Engineer, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report By Keith Helmuth)

RES. NO. 18-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR WELL-27 PIPELINE OUTFALL EXTENSION SOUTHWEST CORNER OF ALMOND AVE. & PINE ST. CITY PROJECT NO. W 17-03 IN THE AMOUNT OF \$191,005 TO EMMETT'S EXCAVATION, INC, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT COSTS OF UP TO 10% AS APPROVED BY THE CITY ENGINEER,

AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

- B-6 Consideration of a Minute Order Rejecting a Claim Filed by Filiberto Trujillo Salazar (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Rejecting a Claim Filed by Rosa Trujillo (Report by Wendy Silva)
- B-8 Consideration of a Resolution Amending the Madera Americans with Disabilities Act Advisory Council Bylaws (Report by Wendy Silva)

RES. NO. 18-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE MADERA AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL BYLAWS

- B-9 Consideration of a Resolution Approving an Addition and/or Amendment to Escrow Instructions Related to the Sale and Purchase of Real Estate for Parcel 16 Within the Freedom Industrial Park (Report by David Merchen)

RES. NO. 18-07 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN ADDITION AND/OR AMENDMENT TO ESCROW INSTRUCTIONS RELATED TO SALE AND PURCHASE OF REAL ESTATE FOR PARCEL 16 WITHIN THE FREEDOM INDUSTRIAL PARK

- B-10 Consideration of a Resolution Accepting a Grant Award from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Hiring Program (Report by Ivette Iraheta) *[Item pulled for discussion.]*
- B-11 Consideration of a Resolution Authorizing the City Administrator or His/Her Designee to Execute Agreement with the California Department of Transportation Related to the Sustainable Communities Grant Award (Report by Ivette Iraheta) *[Item pulled for discussion.]*
- B-12 Consideration of a Resolution Approving a Lease Agreement with Madera Cab Company for Use of Office Space at the Intermodal Facility and Authorizing the Mayor to Execute all Related Documents (Report by Ivette Iraheta)

RES. NO. 18-10 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A LEASE AGREEMENT WITH THE MADERA CAB COMPANY FOR USE OF THE INTERMODAL FACILITY

- B-13 Informational Report on Emergency Sewer Repairs Completed in 5th Street at Flume Street and Status of Citywide Video Inspection of Sewer Mains (Report by Keith Helmuth)
- B-14 Consideration of a Minute Order Rejecting a Claim Filed Dora Martinez (Report by Wendy Silva) *[Item pulled for discussion.]*

ITEMS PULLED FOR DISCUSSION

B-14 Consideration of a Minute Order Rejecting a Claim Filed Dora Martinez (Report by Wendy Silva)

Council Member Rigby declared a conflict of interest on item B-14 due to relationship with named family through his youth group. Council Member Rigby exited the Council Chambers and returned after action was taken.

On motion by Council Member Rodriguez, and seconded by Council Member Holley, item B-14, a Minute Order Rejecting a Claim Filed Dora Martinez, was adopted unanimously by a vote of 5-0. AYES: Mayor Medellin, Council Members Rodriguez, Foley Gallegos, Oliver, Holley. Absent: Council Member Robinson. Abstention: Council Member Rigby.

B-10 Consideration of a Resolution Accepting a Grant Award from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Hiring Program (Report by Ivette Iraheta)

Grant Administrator Ivette Iraheta and Interim Chief of Police Lawson provided an overview of the grant and addressed Council's questions.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND COUNCIL MEMBER FOLEY GALLEGOS, ITEM B-10, RES. NO. 18-08 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A GRANT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE'S COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING PROGRAM

B-11 Consideration of a Resolution Authorizing the City Administrator or His/Her Designee to Execute Agreement with the California Department of Transportation Related to the Sustainable Communities Grant Award (Report by Ivette Iraheta)

Grant Administrator Ivette Iraheta provided an overview of the grant and addressed Council's questions.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, ITEM B-11, RES. NO. 18-09, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-09 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE TO EXECUTE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 145 (YOSEMITE AVENUE) AS DOWNTOWN MAIN STREET PROJECT

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

C-1 Consideration of a Resolution Authorizing the Issuance of Special Tax Refunding Bonds for and on Behalf of the City of Madera Community Facilities District No. 2006-1, Approving and Directing the Execution of a Fiscal Agent Agreement, Approving Sale of Such Bonds on a Private Placement Basis, and Approving Other Related Documents and Actions (Report by Tim Przybyla)

Director of Financial Services Tim Przybyla presented the report. Municipal Advisor Ken Dieker of Del Rio Advisors also presented.

Ron Montoya stated he is thankful for the City meeting with his neighborhood for past increase however he feels they are still paying a lot with no new improvements.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM C-1, RES. NO. 18-03 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-03 A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX REFUNDING BONDS FOR AND ON BEHALF OF THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2006-1, APPROVING AND DIRECTING THE EXECUTION OF A FISCAL AGENT AGREEMENT, APPROVING SALE OF SUCH

**BONDS ON A PRIVATE PLACEMENT BASIS, AND APPROVING OTHER
RELATED DOCUMENTS AND ACTIONS**

D. WRITTEN COMMUNICATIONS

D-1 Written Communication from Michael Pistoresi Regarding Water Rates

Director of Financial Services Tim Przybyla introduced Habib Isaac of Raftelis. Mr. Isaac presented a PowerPoint and provided an overview of the study conducted in FY 14/15.

Mike Pistoresi, residing in Madera, California, stated he is looking at this from the standpoint of expense to community and a lot are on a fixed income. He expressed concerns regarding city employees charged to water and sewer and that tiered rates are prohibited on Proposition 218.

Louise Holding, residing in Madera, California, stated expenses are too high and they need to look at cutting conservation.

Kevin Peters, owner of nursery on Granada Avenue, stated the community has slowly deteriorated and rates are high.

Maxine Barnett, residing in Madera, California, stated she received the Beautification Award and can't afford to keep up with the water going up.

Velvet Rhoads, business owner on Pine Street, referred to department head salaries shown on Transparent California and asked for independent audit.

Franklina Bogin, residing in Madera, California stated she is on a fixed income and can't afford increases.

Direction was given to staff to look at conservation component first then consider having consultant provide a proposal to look at fees.

E. ADMINISTRATIVE REPORTS

E-1 Consideration of a Resolution Supporting the Dream Act and the Deferred Action for Childhood Arrivals (Mayor Medellin)

Mayor Medellin presented the report and consideration of the resolution to urge Congress to pass comprehensive immigration reform.

Santos Garcia, resident of Madera and member of Madera Votes spoke in support of the resolution.

Ramon Lopez, residing in Madera, California expressed concerns regarding breaking families apart and spoke in favor of immigration reform.

Mariana (last name not given), residing in Madera, California, stated she is a Dreamer and DACA recipient. She thanked the Mayor for supporting them.

Johanna Torres, residing in Madera, California, shared that she met a student who was a Dreamer at a rally last year in support of DACA. She stated her support.

Marilyn Deleija, resident of Madera and member of Madera Votes spoke in favor of the resolution. She has talked to Dreamers and they want to be engaged in the community.

Daniel O'Connell, resident of Fresno, California, member of Madera Votes and Executive Director of the Central Valley Partnership spoke in support of the resolution. He commended the Council for bringing this forward.

Jasmine Rueda, resident of Madera, California, spoke in support of this action and that they need to stand united as a community.

Teresa Castillo, residing in Madera, California, spoke in support of the resolution.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM E-1, RES. NO. 18-11 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, SUPPORTING THE DREAM ACT AND THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS

E-2 Discussion and Consideration of Solicitation for Consultant(s) to Perform an Employee Compensation Study and/or Other Services Related to Review Internal City Operations to Address Council Concerns (Mayor Medellin)

Mayor Medellin opened the discussion.

Kay Rhoads, business owner in Madera, California, spoke in favor of an independent auditor.

Michelle Garcia, residing in Madera, California, spoke against using Ron Manfredi and in favor of someone independent.

Teresa Castillo, residing in Madera, California, asked that they also review the job description and job qualifications of individual.

Eddie Block, residing in Madera, California, spoke in support of audit but suggested that they don't hire the same people from last time.

Following discussion, direction was given to issue request for proposals for management compensation study and audit of enterprise funds. Direction was also given to issue a request for proposal for the city administrator recruitments and bring back an item for Council to make selection.

MOVE TO SPECIAL MEETING

B. CONSENT CALENDAR

B-1 Consideration of a Minute Order Approving a Letter of Support to the Madera County Transportation Commission in Favor of a Grant Application for Funding of the State Route 99 Widening from 4 to 6 Lanes Between Avenue 12 and Avenue 17 Under the Trade Corridor Enhancement Program (Report by Keith Helmuth)

City Engineer Keith Helmuth addressed the questions from members of the Council and offered to get additional information for the Council.

ON MOTION BY COUNCIL MEMBER RIGBY AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM B-1 ON THE SPECIAL COUNCIL MEETING AGENDA, A MINUTE ORDER APPROVING A LETTER OF SUPPORT TO THE MADERA COUNTY TRANSPORTATION COMMISSION IN FAVOR OF A GRANT APPLICATION FOR FUNDING OF THE STATE ROUTE 99 WIDENING FROM 4 TO 6 LANES BETWEEN AVENUE 12 AND AVENUE 17 UNDER THE TRADE CORRIDOR ENHANCEMENT PROGRAM, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

E. ADMINISTRATIVE REPORTS

E-1 Discussion and Direction Regarding Preferred Annexation Strategies (Report by Chris Boyle)

ON MOTION BY MAYOR PRO TEM RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GALLEGOS, THE MOTION TO TABLE ITEM E-1 TO THE NEXT MEETING WAS PASSED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RETURN TO REGULAR MEETING

F. COUNCIL REPORTS

Council Member Rigby requested the Parks and Community Services Director to provide an update on the lighting of parks due to daylight savings time.

Mayor Pro Tem Rodriguez reported on meeting with local businesses to discuss advertising of alcohol and tobacco products in an effort to make it a cleaner and safer place for their residents. Also in attendance: Mayor Medellin, Council Member Holley, Interim City Administrator Frazier, Interim Chief of Police Lawson

Council Member Oliver reported on meeting with different stakeholders regarding the business incentive program. Also in attendance: Mayor Pro Tem Rodriguez, Council Member Rigby, Interim City Administrator Frazier.

Council Member Oliver reported on the Homeless Point in Time Count scheduled next week.

Mayor Medellin followed up on Council Member Oliver's report regarding meeting with businesses who are interested in beautifying Madera. He shared how this came about.

Mayor Medellin referred to SB 1 funding. He asked staff to share process on how bus stop canopies are located.

G. CLOSED SESSION

There are no items for this section.

ADJOURNMENT – 10:02 p.m. Next regular meeting February 7, 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

Council Meeting Of December 19, 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: 12/19/2018

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

November 27th, 2018 to December 10th, 2018

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

| | | | |
|------------------|------------------------------|----|--------------|
| General Warrant: | 20116 - 20274 | \$ | 2,164,634.34 |
| Wire Transfer | Union Bank Payroll and Taxes | \$ | 613,063.67 |
| Wire Transfer | SDI | \$ | 2,166.60 |
| Wire Transfer | Cal Pers | \$ | 491,050.54 |

Respectfully submitted,



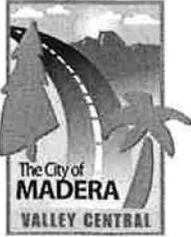
Tim Przybyla
Financial Services Director

CITY OF MADERA
 REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT
 December 10th, 2018

| CHECK | PAY DATE | ISSUED TO | DESCRIPTION | AMOUNT |
|-------|------------|--|---|--------------|
| 20116 | 11/30/2018 | 2NDNATURE SOFTWARE INC | STORMWATER SUITE LICENSE FEE & USER SUPPORT | 2,050.00 |
| 20117 | 11/30/2018 | ACRO SERVICE CORPORATION | TEMPORARY DRAFTER, STEVE ROBERSON | 3,510.00 |
| 20118 | 11/30/2018 | AKEL ENGINEERING GROUP, INC. | ENGINEERING SERVICES- WELL SUPPLY ANALYSIS | 2,580.00 |
| 20119 | 11/30/2018 | AT&T | 11/18 CALNET 3 SERVICES | 1,882.22 |
| 20120 | 11/30/2018 | BARNES & THORNBURG | AIRPORT MONITORING GROUP | 4,950.00 |
| 20121 | 11/30/2018 | BAUTISTA'S HEATING AND COOLING | REFUND FOR CANCELLED PERMIT #20182002 | 104.44 |
| 20122 | 11/30/2018 | JOSEPH CROWN CONSTRUCTION | REFUND FOR CANCELLED PERMIT #20182144 | 13,715.42 |
| 20123 | 11/30/2018 | MADERA COUNTY MOSQUITO & VECTOR CONTROL DISTRICT | REFUND APPEAL FEE - APPEAL NOT REQUIRED | 662.50 |
| 20124 | 11/30/2018 | VIVINT SOLAR - A/R DEPARTMENT | REFUND FOR CANCELLED PERMIT #20180577 | 157.10 |
| 20125 | 11/30/2018 | BSK ASSOCIATES | WATER SAMPLES | 456.00 |
| 20126 | 11/30/2018 | CA DEPARTMENT OF CHILD SUPPORT | CHILD SUPPORT DEDUCTIONS FOR 11/30/18 PAYROLL | 2,290.58 |
| 20127 | 11/30/2018 | CANON FINANCIAL SERVICES | 10/18 CONTRACT CHARGES 3091/7-15-70-23 | 3,722.92 |
| 20128 | 11/30/2018 | CAROLLO ENGINEERS, INC | PROFESSIONAL ENGINEERING DESIGN SERVICES | 13,447.40 |
| 20129 | 11/30/2018 | CITY OF MADERA | TOILET REBATE APPLY TO ACCT 9111541 | 100.00 |
| 20130 | 11/30/2018 | CITY OF MADERA | DRIP IRRIGATION REBATE APPLY TO ACCT 9919935 | 150.00 |
| 20131 | 11/30/2018 | CITY OF MADERA | MULCH REBATE & DELIVERY APPLY TO ACCT 9919935 | 175.00 |
| 20132 | 11/30/2018 | CITY OF MADERA | SMART IRRIG CNTRL REBATE APPLY TO ACCT 9896953 | 179.00 |
| 20133 | 11/30/2018 | CITY OF MADERA | TOILET/INSTALL X2 REBATE APPLY TO ACCT 9892547 | 200.00 |
| 20134 | 11/30/2018 | COLONIAL LIFE & ACCIDENT INSURANCE CO | #E700482-3 FOR 11/30/2018 PAYROLL | 977.49 |
| 20135 | 11/30/2018 | COMCAST | CITY INTERNET CONNECTION 11/15/18-12/14/18 | 1,372.25 |
| 20136 | 11/30/2018 | COMCAST | 11/22 - 12/21 SVS 8155500320322006 | 86.13 |
| 20137 | 11/30/2018 | CONCENTRA MEDICAL CENTERS | DOT RECERT EXAM WWTP | 61.50 |
| 20138 | 11/30/2018 | DATAPROSE, LLC | JULY 2018 STATEMENTS/NEWSLETTERS/48HR NOTICES | 10,881.89 |
| 20139 | 11/30/2018 | GOLDEN STATE OVERNIGHT | OVERNIGHT SHIPPING SERVICES | 403.50 |
| 20140 | 11/30/2018 | GONZALEZ, FELIX | PER DIEM - SLI SESSION #8 12/09/18-12/12/18 | 231.00 |
| 20141 | 11/30/2018 | LSA ASSOCIATES, INC | VILLAGE D-EIR OCTOBER 2018 | 3,189.89 |
| 20142 | 11/30/2018 | MUNISERVICES, LLC | SUTA SERVICE - ENDING QTR JUN 2018 | 1,374.86 |
| 20143 | 11/30/2018 | MUNISERVICES, LLC | SUTA DISTRICT TAX - ENDING QTR JUN 2018 | 43.12 |
| 20144 | 11/30/2018 | N.P.C.-ORCHARD TRUST COMPANY | PLAN #340227-02 FOR 11/30/2018 PAYROLL | 1,797.18 |
| 20145 | 11/30/2018 | N.P.C.-ORCHARD TRUST COMPANY | PLAN #340227-01 FOR 11/30/2018 PAYROLL | 9,485.37 |
| 20146 | 11/30/2018 | O'DELL ENGINEERING, INC. | DESIGN SERVICES FOR ADA IMPROVEMENTS | 11,655.00 |
| 20147 | 11/30/2018 | PACIFIC GAS & ELECTRIC | 11/18 SERVICES | 144.64 |
| 20148 | 11/30/2018 | PACIFIC GAS & ELECTRIC | 10/18 SVS 3533032414-2 | 193,293.22 |
| 20149 | 11/30/2018 | POLYDYNE INC. | SLUDGE DEWATERING CHEMICALS | 5,500.57 |
| 20150 | 11/30/2018 | PROVOST & PRITCHARD CONSULTING GROUP | GROUNDWATER MONITORING | 420.00 |
| 20151 | 11/30/2018 | ROSENBAUER MINNESOTA, LLC | FIRE TRUCK APPARATUS | 1,127,019.00 |
| 20152 | 11/30/2018 | STATE OF CALIFORNIA | FRANCHISE TAX DEDUCTIONS FOR 11/30/2018 PAYROLL | 150.00 |
| 20153 | 11/30/2018 | TESEI PETROLEUM, INC. | FUEL 11/12/18 - 11/20/18 CDF | 415.86 |
| 20154 | 11/30/2018 | TESEI PETROLEUM, INC. | FUEL 11/02/18 - 11/08/18 CDF | 519.59 |
| 20155 | 11/30/2018 | TESEI PETROLEUM, INC. | FUEL 11/11/18 - 11/20/18 | 11,759.05 |
| 20156 | 11/30/2018 | 4TH ST CHURCH OF GOD | UTILITY BILLING CREDIT REFUND | 58.25 |
| 20157 | 11/30/2018 | ARMSTEAD NYRESHA GERMAINE OR CITY OF MADERA | UTILITY BILLING CREDIT REFUND | 150.65 |
| 20158 | 11/30/2018 | AYALA MARCELLO | UTILITY BILLING CREDIT REFUND | 67.41 |
| 20159 | 11/30/2018 | BARTLEY KENNETH | UTILITY BILLING CREDIT REFUND | 97.19 |
| 20160 | 11/30/2018 | CALIFORNIA CUSTOM PROCESSING | UTILITY BILLING CREDIT REFUND | 48.45 |
| 20161 | 11/30/2018 | CENTRAL VALLEY CAPITAL | UTILITY BILLING CREDIT REFUND | 86.11 |
| 20162 | 11/30/2018 | CHAPPEL FORREST C | UTILITY BILLING CREDIT REFUND | 16.36 |
| 20163 | 11/30/2018 | CITY OF MADERA OR AVILA ELIZABETH | UTILITY BILLING CREDIT REFUND | 30.87 |
| 20164 | 11/30/2018 | CITY OF MADERA OR ELENES JESUS | UTILITY BILLING CREDIT REFUND | 150.65 |
| 20165 | 11/30/2018 | CITY OF MADERA OR GARCIA MEGAN NICOLE | UTILITY BILLING CREDIT REFUND | 179.14 |
| 20166 | 11/30/2018 | CITY OF MADERA OR MURILLO BENITO AND RUT | UTILITY BILLING CREDIT REFUND | 194.79 |
| 20167 | 11/30/2018 | DASILVA ERIKA | UTILITY BILLING CREDIT REFUND | 144.57 |
| 20168 | 11/30/2018 | DE GUZMAN BREANA-MARIE NASH | UTILITY BILLING CREDIT REFUND | 11.54 |
| 20169 | 11/30/2018 | DURBIN RANDY | UTILITY BILLING CREDIT REFUND | 200.04 |
| 20170 | 11/30/2018 | FIGUEROA NORMA | UTILITY BILLING CREDIT REFUND | 43.17 |
| 20171 | 11/30/2018 | GERUAHTY CHUCK C/O NEWTON PROPERTY MAGEMENT INC | UTILITY BILLING CREDIT REFUND | 23.22 |
| 20172 | 11/30/2018 | GILL HERLINDA AND JOSE A | UTILITY BILLING CREDIT REFUND | 13.82 |
| 20173 | 11/30/2018 | GOMEZ SHANNON | UTILITY BILLING CREDIT REFUND | 144.22 |
| 20174 | 11/30/2018 | GONZALEZ ROCIO | UTILITY BILLING CREDIT REFUND | 165.27 |
| 20175 | 11/30/2018 | HATMAKER F M OR HATMAKER JUANITA | UTILITY BILLING DEPOSIT REFUND | 12.49 |
| 20176 | 11/30/2018 | HERNANDEZ GONZALO C/O MADERA MANAGEMENT CO INC | UTILITY BILLING CREDIT REFUND | 45.24 |
| 20177 | 11/30/2018 | HUTCHINSON MARY ANN | UTILITY BILLING CREDIT REFUND | 112.59 |
| 20178 | 11/30/2018 | HYATT WILLIAM L III OR CITY OF MADERA | UTILITY BILLING CREDIT REFUND | 150.68 |
| 20179 | 11/30/2018 | JOHNSON RACHAEL | UTILITY BILLING CREDIT REFUND | 114.88 |
| 20180 | 11/30/2018 | MARTINEZ CRISTIAN | UTILITY BILLING CREDIT REFUND | 272.09 |
| 20181 | 11/30/2018 | MARTINEZ LUPE | UTILITY BILLING CREDIT REFUND | 127.51 |
| 20182 | 11/30/2018 | MATA LETICIA OR CITY OF MADERA | UTILITY BILLING CREDIT REFUND | 151.02 |
| 20183 | 11/30/2018 | MR HULS GAYLE O | UTILITY BILLING CREDIT REFUND | 90.91 |
| 20184 | 11/30/2018 | MUNOZ RICHARD JR | UTILITY BILLING CREDIT REFUND | 2.76 |
| 20185 | 11/30/2018 | NEWTON PROPERTY MANAGEMENT ZACK PATRICK | UTILITY BILLING CREDIT REFUND | 41.48 |
| 20186 | 11/30/2018 | PEREZ HILBERT | UTILITY BILLING CREDIT REFUND | 369.92 |
| 20187 | 11/30/2018 | RITA SOTO ADAN OR CITY OF MADERA | UTILITY BILLING CREDIT REFUND | 150.86 |

| CHECK | PAY DATE | ISSUED TO | DESCRIPTION | AMOUNT |
|-------|------------|---|--|------------|
| 20188 | 11/30/2018 | RODRIGUEZ CARMINA | UTILITY BILLING CREDIT REFUND | 2.79 |
| 20189 | 11/30/2018 | SALEM SAMMY C/O PERFORMANCE PROPERTY MANAGEMENT | UTILITY BILLING CREDIT REFUND | 146.30 |
| 20190 | 11/30/2018 | SANCHEZ EDUARDO LOPEZ | UTILITY BILLING CREDIT REFUND | 232.75 |
| 20191 | 11/30/2018 | SANCHEZ SARA C | UTILITY BILLING CREDIT REFUND | 33.06 |
| 20192 | 11/30/2018 | SINGH SUKHJINDER | UTILITY BILLING CREDIT REFUND | 203.01 |
| 20193 | 11/30/2018 | VILLASENOR ANTONIA | UTILITY BILLING CREDIT REFUND | 92.05 |
| 20194 | 11/30/2018 | WILMER JOEY MARCOS OR CITY OF MADERA | UTILITY BILLING CREDIT REFUND | 150.59 |
| 20195 | 11/30/2018 | WONG TERENCE K AND MARILYN | UTILITY BILLING CREDIT REFUND | 159.99 |
| 20196 | 11/30/2018 | UNION PACIFIC RAILROAD CO. | OLIVE AVE WIDENING PLAN REVIEW AND INSPECTION | 813.45 |
| 20197 | 11/30/2018 | VANTAGEPOINT TRANSFER AGENTS-457 | LAN #302351 CONTRIBS FOR 11/30/18 PAYROLL | 24,445.67 |
| 20198 | 11/30/2018 | VERIZON WIRELESS | CITY CELL PHONE CHARGES OCT 11 - NOV 10 | 6,793.19 |
| 20199 | 11/30/2018 | WEST COAST ARBORISTS, INC. | PARK TREE MAINTENANCE 10/16/18-10/31/18 | 1,200.00 |
| 20200 | 11/30/2018 | WILLDAN FINANCIAL SERVICES | CFD FEES FOR DECEMBER 2018 | 835.27 |
| 20201 | 12/07/2018 | A-1 AUTO ELECTRIC | #329 CNG TANK REPLACEMENT WITH NEW PARTS & LABOR | 13,372.94 |
| 20202 | 12/07/2018 | ACRO SERVICE CORPORATION | TEMPORARY DRAFTER, STEVE ROBERSON | 1,170.00 |
| 20203 | 12/07/2018 | ADMINISTRATIVE SOLUTIONS INC. | FUNDS ON DEPOSIT FOR MEDICAL CLAIMS OCTOBER 2018 | 40,000.00 |
| 20204 | 12/07/2018 | SPECIAL OLYMPICS NORTHERN CALIFORNIA AND NEVADA | SPONSORSHIP FOR FIRE TRUCK PULL - NNO | 2,500.00 |
| 20205 | 12/07/2018 | AT&T | 11/18 CALNET 3 SERVICES | 755.06 |
| 20206 | 12/07/2018 | BANK OF NEW YORK MELLON | ARBITRAGE CALCULATION | 1,500.00 |
| 20207 | 12/07/2018 | CALIFORNIA CUSTOM PROCESSING LLC | REFUND CLOSED BUSINESS AT 2121 ALMOND AVE | 528.00 |
| 20208 | 12/07/2018 | BLUE SHIELD OF CALIFORNIA | CITY PAID BLUE SHIELD NOV 2018 | 260,015.87 |
| 20209 | 12/07/2018 | BSK ASSOCIATES | WATER SAMPLES | 2,256.00 |
| 20210 | 12/07/2018 | CALIFORNIA DEPARTMENT OF JUSTICE | OCT 2018 BLOOD ALCOHOL ANALYSIS | 1,330.00 |
| 20211 | 12/07/2018 | CITY OF MADERA | TOILET REBATE APPLY TO ACCT 9896919 | 99.00 |
| 20212 | 12/07/2018 | CITY OF MADERA | TOILET REBATE(2) APPLY TO ACCT 9924046 | 200.00 |
| 20213 | 12/07/2018 | CITY OF MADERA | DISHWASHER REBATE APPLY TO ACCT 9906072 | 200.00 |
| 20214 | 12/07/2018 | CITY OF MADERA | TOILET REBATE(2) APPLY TO ACCT 9921153 | 200.00 |
| 20215 | 12/07/2018 | CITY OF MADERA | DISHWASHER REBATE APPLY TO ACCT 8301031 | 200.00 |
| 20216 | 12/07/2018 | CITY OF MADERA | TOILET REBATE(3) APPLY TO ACCOUNT 9897745 | 300.00 |
| 20217 | 12/07/2018 | CITY OF MADERA | CLOTHES WASHER REBATE APPLY TO ACCT 9915819 | 200.00 |
| 20218 | 12/07/2018 | CONCENTRA MEDICAL CENTERS | HEPATITIS B VACCINE | 127.50 |
| 20219 | 12/07/2018 | CORE BUSINESS INTERIORS | OFFICE FURNITURE - PD | 33,291.07 |
| 20220 | 12/07/2018 | CORELOGIC INFORMATION SOLUTIONS INC | REALQUEST SVS OCTOBER 2018 | 345.00 |
| 20221 | 12/07/2018 | CREATIVE COPY | #10 WINDOW ENVELOPES - PD | 129.90 |
| 20222 | 12/07/2018 | DATAPROSE, LLC | OCT 2018 STATEMENTS/ NEWSLETTERS/ 48HR NOTICES | 8,434.90 |
| 20223 | 12/07/2018 | DIAMOND COMMUNICATIONS | DEC 2018 TELEPHONE ANSWERING SERVICE | 115.00 |
| 20224 | 12/07/2018 | DISCOUNT SHRED | SHRED SERVICES ON 12/04/18 | 994.50 |
| 20225 | 12/07/2018 | DIVISION OF THE STATE ARCHITECT | SB 1186 FEES QTR 1 FY 18/19 | 1,068.40 |
| 20226 | 12/07/2018 | ELK GROVE DODGE | 2019 DODGE GRAND CARAVAN | 23,064.19 |
| 20227 | 12/07/2018 | FEDERAL EXPRESS | OVERNIGHT SHIPPING | 14.04 |
| 20228 | 12/07/2018 | FIRE SAFETY SOLUTIONS, LLC | FIRE PROTECTION ENG SVS 11/16/18 - 11/30/18 | 6,543.75 |
| 20229 | 12/07/2018 | FRESNO REPROGRAPHICS | SF B&W COPY/DIGITAL BOND/BINDERY - FIRE STATION 58 | 2,835.42 |
| 20230 | 12/07/2018 | GENESIS ACOUSTICS, INC. | SUSPEND ACOUSTICAL CEILING - PD | 488.00 |
| 20231 | 12/07/2018 | HERC RENTALS | WATER TRUCK RENTAL | 581.88 |
| 20232 | 12/07/2018 | HS POSTERS, INC. | HIGH SCHOOL POSTER ADVERTISING / OUTREACH | 240.00 |
| 20233 | 12/07/2018 | J'S COMMUNICATIONS | ANTENNA - PD | 47.63 |
| 20234 | 12/07/2018 | KEY TRACER SYSTEMS INC. | EXPANSION CABINET FOR KEY CABINET - PD | 2,852.00 |
| 20235 | 12/07/2018 | KRAZAN & ASSOCIATES, INC. | LABORATORY SVS - CONST 17/18 3R & ADA IMPROVEMENTS | 1,751.50 |
| 20236 | 12/07/2018 | LAW & ASSOCIATES | EMPLOYMENT BACKGROUND CHECK | 450.00 |
| 20237 | 12/07/2018 | LIEBERT CASSIDY WHITMORE | LEGAL SERVICES MA020-00001 OCT 2018 | 595.00 |
| 20238 | 12/07/2018 | LIEBERT CASSIDY WHITMORE | LEGAL SERVICES MA020-00051 OCT 2018 | 15,070.00 |
| 20239 | 12/07/2018 | LINCOLN FINANCIAL | LIFE AND LTD INSURANCE DECEMBER 2018 | 8,613.13 |
| 20240 | 12/07/2018 | MADERA CO. ENVIRONMENTAL HEALTH DEPT | CUPA FEES - MADERA MUNICIPAL AIRPORT | 401.00 |
| 20241 | 12/07/2018 | MADERA COUNTY AUDITOR | TAX SHARING AGREEMENT | 50,000.00 |
| 20242 | 12/07/2018 | MADERA COUNTY E D C | ECONOMIC SUMMIT - DECEMBER 12, 2018 | 300.00 |
| 20243 | 12/07/2018 | MADERA COUNTY E D C | REIMBURSEMENT FOR 1ST QTR SALARIES AND EXPENSES | 1,787.45 |
| 20244 | 12/07/2018 | MADERA RESCUE MISSION, INC. | REIMBURSEMENT FOR 1ST QTR UTILITIES AND INSURANCE | 5,026.47 |
| 20245 | 12/07/2018 | MADERA TRIBUNE | PUBLISH ORD. 956 C.S. AD 11/14/18 | 495.00 |
| 20246 | 12/07/2018 | MADERA TRIBUNE | CDBG CAPER ADVERTISING 09/01/18 | 720.00 |
| 20247 | 12/07/2018 | MADERA UNIFIED SCHOOL DISTRICT | NOVEMBER 2018 - CNG TRANSIT FUEL USAGE | 851.85 |
| 20248 | 12/07/2018 | MARIN, RICHARD | REIMBURSE GRADE II EXAM FEES, CERTIFICATE, COURSE | 445.55 |
| 20249 | 12/07/2018 | MARZ, ROGER | REIMBURSE OPERATOR IN TRAINING CERTIFICATE PAYMENT | 125.00 |
| 20250 | 12/07/2018 | LAW OFFICES OF GREGORY L. MYERS | LATEEF V. CITY OF MADERA (FED) -FILE NO. 000531002 | 53.00 |
| 20251 | 12/07/2018 | LAW OFFICES OF GREGORY L. MYERS | LATEEF V. CITY OF MADERA - FILE NO. 000531001 | 132.50 |
| 20252 | 12/07/2018 | PACIFIC GAS & ELECTRIC | 11/18 SERVICES | 51,321.56 |
| 20253 | 12/07/2018 | PECK'S PRINTERY | CITY SEAL STAMP | 48.01 |
| 20254 | 12/07/2018 | PIERCE CONSTRUCTION | ASPHALT PAVING RIVERSIDE DR & LAST ST ALLEY | 60,160.00 |
| 20255 | 12/07/2018 | RUSSELL, CHRIS | REIMBURSE CHRIS RUSSELL OPERATION OF WWTP BOOK | 50.00 |
| 20256 | 12/07/2018 | SERVICEMASTER BY J&C BROWN | JANITORIAL SERVICE - DECEMBER 2018 | 13,443.79 |
| 20257 | 12/07/2018 | SPARKLETTS | LAB & DRINKING WATER | 401.38 |
| 20258 | 12/07/2018 | SPECIAL SERVICES GROUP, LLC | STEALTH V (VERIZON) 10 AH BATTERY - PD | 2,208.30 |
| 20259 | 12/07/2018 | STATE WATER RESOURCES CONTROL BOARD | ANNUAL PERMIT FEE-FACILITY ID: 5C200101003 AIRPORT | 4,082.00 |
| 20260 | 12/07/2018 | STATE WATER RESOURCES CONTROL BOARD | ANNUAL PERMIT FEE - FACILITY ID: 5C200101001 WWTP | 37,192.00 |
| 20261 | 12/07/2018 | SUPERIOR VISION INC. | DECEMBER 2018 VISION INSURANCE | 2,473.77 |

| CHECK | PAY DATE | ISSUED TO | DESCRIPTION | AMOUNT |
|---|------------|------------------------------------|--|--------------|
| 20262 | 12/07/2018 | T&T PAVEMENT MARKINGS AND PRODUCTS | APPLICATION OF WATERBORNE TRAFFIC PAINT AT GRANADA | 729.70 |
| 20263 | 12/07/2018 | T&T PAVEMENT MARKINGS AND PRODUCTS | INSTALLATION OF REFLECTIVE MARKERS | 1,775.00 |
| 20264 | 12/07/2018 | TAMARACK PEST CONTROL | NOVEMBER 2018 PEST CONTROL SVS | 510.00 |
| 20265 | 12/07/2018 | TESEI PETROLEUM, INC. | FUEL 11/21/18 - 11/30/18 | 10,652.57 |
| 20266 | 12/07/2018 | THYSSENKRUPP ELEVATOR CORPORATION | YOUTH CENTER ELEVATOR SERVICE DECEMBER 2018 | 267.45 |
| 20267 | 12/07/2018 | UNITED RENTALS, INC | TRACKED SKID STEER RENTAL | 2,550.84 |
| 20268 | 12/07/2018 | UNITED RENTALS, INC | SWEEPER RENTAL | 10,926.76 |
| 20269 | 12/07/2018 | VERIZON WIRELESS | PD AIR CARDS 10/11/18 - 11/10/18 | 114.03 |
| 20270 | 12/07/2018 | VERIZON WIRELESS | PW AIR CARDS SVS 10/11/18 - 11/10/18 | 114.03 |
| 20271 | 12/07/2018 | VILLA GARDENING SERVICE INC | NOV 2018 ACCORNERO PARK LAWN SERVICE | 275.00 |
| 20272 | 12/07/2018 | WEST COAST RUBBER RECYCLING | TIRE HAULING FOR TA4 AMNESTY GRANT | 2,500.00 |
| 20273 | 12/07/2018 | HARRY D. WILSON INC. | REPLACE FRONT & REAR BRAKE PADS - 2014 HONDA #6601 | 287.00 |
| 20274 | 12/07/2018 | ZEE MEDICAL SERVICE CO. | FIRST AID SUPPLIES - PD | 43.69 |
| Bank # 1 - Union Bank General Account Total | | | | 2,164,634.34 |

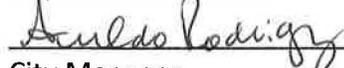


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: B-3

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR ARTURO MEJIA AND MICAELA A. MEJIA

RECOMMENDATION:

That the City Council adopt:

1. Resolution No. 18-_____ Approving Improvement Deferral Agreement and Authorization of Lien for Arturo Mejia and Micaela A. Mejia

SUMMARY:

Pursuant to the Madera Municipal Code, the City of Madera Planning Department approved Conditional Use Permit 2017-36, Rezone 2017-06, and Site Plan Review 2017-53 on March 13, 2018. The approval allowed for a used automotive sales business, known as Boston Motors, located at 717 E. Yosemite Avenue (APN's 007-123-003, 004, 005 & 006). One of the conditions of approval required the undergrounding of utilities as a component of project construction. Arturo Mejia and Micaela A. Mejia wish to defer the installation of a portion of those Utility Undergrounding Improvements and appurtenances.

DISCUSSION:

Arturo Mejia and Micaela A. Mejia (Owners) propose to open a used automotive sales business, at 717 E. Yosemite Avenue. A condition of Conditional Use Permit 2017-36, Rezone 2017-06, and Site Plan Review 2017-53, states all public utilities shall be undergrounded (except transformers). It is the Owner's desire to move forward with this project, but they have expressed concern relative to the financial impacts undergrounding of utilities may have on their ability to move forward. As such, they have requested the ability to enter into a deferral agreement for the

improvements associated with the undergrounding of utilities along Yosemite Avenue and within the adjacent alley. The Owners have indicated they will underground the overhead utilities on their property and along their High Street frontage.

Staff is in agreement with the deferral of the improvements due to the nature of the project site. The required undergrounding of utilities along Yosemite Avenue would require the relocation of one utility pole near the southwest corner of the site. This pole provides utility lines to the north within the adjacent alley and an overhead electrical service to an existing street light at the corner of Yosemite Avenue and High Street across their frontage. Because the underground is not considered essential at this time and the deferral would allow for a well-planned and succinct undergrounding of all utilities located within both alleys at a future date, the request appears to be in alignment with City code wherein it may be authorized when it is determined that the improvements are not immediately essential.

FINANCIAL IMPACT:

Approval of the deferral agreement will have no immediate fiscal impact on the City. In the event that the owner defaults on the agreement and does not complete the improvements upon demand by the City Engineer, the City will be responsible for completing the improvements while placing a lien against the property to eventually recoup those costs.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

This action is generally consistent with the following Action Item:

Action 101.6 - Ensure infrastructure can sustain population growth in the development of the General Plan.

ATTACHMENTS:

1. Resolution
2. Deferment Agreement
3. Site Plan

RESOLUTION NO. 18-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR ARTURO MEJIA AND MICAELA A. MEJIA, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, Arturo Mejia and Micaela A. Mejia, Owners of record of subject property, desire to enter into and execute an agreement between the City and said Owner for said property which is on file in the office of the City Clerk entitled, "**IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR ARTURO MEJIA AND MICAELA A. MEJIA,**" wherein the Owners shall agree to construct and complete within the time specified or as a result of future additional development of the site in a separately prepared encroachment permit all work and improvements required of Owners as mentioned in said Agreement.

WHEREAS, Owners are required to obtain an encroachment permit in the office of the City Engineer, furnish to the City a good and sufficient improvement security, securing the faithful performance and payment of all bills for labor and materials by said Owners of all work designated or mentioned in said agreement; furnish to the City certificates or policies of public liability and property damage insurance, as required in the above mentioned Agreement entitled, "**IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR ARTURO MEJIA AND MICAELA A. MEJIA**", on file in the office of the City Clerk.

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 Improvement Deferral Agreement with **ARTURO MEJIA AND MICAELA A. MEJIA**, a copy of which is on file in the office of the City Clerk, is approved.
3. The Mayor is authorized to execute the Agreement on behalf of the City.
4. Staff is directed to record the Agreement
5. This resolution is effective immediately upon adoption.

* * * * *

Recording Requested By:
City of Madera
When Recorded Return To:
City of Madera
205 W. 4th Street
Madera, CA 93637
Attention: City Clerk

Fee Waived Per Section 27383 of the Government Code
Fee Waived per Section 27388.1 (a) (2) (D) of the Government Code.

**IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR ARTURO
MEJIA AND MICAELA A. MEJIA**

This Improvement Deferral Agreement and Authorization of Lien, herein after called "Agreement", is made and entered into at Madera, California, and is effective this _____ day of _____ 2018, by and between the CITY OF MADERA, a municipal corporation, hereinafter designated and called "CITY", and Arturo Mejia and Micaela A. Mejia, herein after designated and called "Owner" without regard to number or gender.

RECITALS

WHEREAS, Owner is constructing a Used Automotive Sales Business, known as Boston Motors, Inc., located at 717 E. Yosemite Avenue on property also described as LOTS 9 THROUGH 15 AS SHOWN ON THE MAP RECORDED IN BOOK 4 OF MAPS AT PAGE 32, MADERA COUNTY RECORDS, BEING A SUBDIVISION OF THE NORTHEASTERLY HALF OF BLOCK 45 OF MAP OF PART OF MADERA RECORDED IN BOOK 3 OF PLATS AT PAGE 45, FRESNO COUNTY RECORDS; and

WHEREAS, Conditional Use Permit 2017-36, Rezone 2017-06 and Site Plan Review 2017-53 requires Owner to construct certain street improvements which specifically

includes undergrounding of utilities adjacent to and within the project site (the "Utility Undergrounding Improvements"); and

WHEREAS, Owner is requesting that City, subject to the terms and conditions of this Agreement, (a) defer requirement for portions of the Utility Undergrounding Improvements, more specifically along the Yosemite Avenue frontage and within the adjacent alley, and (b) promptly issue to Owner the permit to construct said site improvements.

NOW THEREFORE, in consideration of City's acceptance to defer the improvements requested by Owner and for other good and valuable consideration, City and Owner hereby agree as follows:

1. The Utility Undergrounding Improvements consist of undergrounding existing overhead power and telecommunication infrastructure adjacent to the project site. Those overhead utilities within the site and along the High Street frontage shall be undergrounded in accordance with the approved conditions as part of development of the site. All other overhead utilities along the Yosemite frontage and within the alley adjacent to the property shall be deferred. Improvements include construction and installation of any and all appurtenances required to complete said undergrounding.

2. The performance and installation of such Utility Undergrounding Improvements shall comply with the Standard Specifications of the City of Madera and any and all associated Utility Company Standards. In case there are no Standard Specifications for the Utility Undergrounding Improvements, such performance and installation shall be in accordance with the Standards and Specifications of the State of California, Department of Transportation. Owner shall perform, install and provide all

work, improvements and materials under the supervision of the City Engineer, under whose direction the work shall be inspected as it progresses.

3. Owner agrees to install said improvements identified herein to be deferred in conjunction with the next new construction or alteration project at the subject property described above that is of such scope or magnitude that construction of the undergrounding improvements would not be considered disproportionate to the overall new improvements. If Owner fails to construct or complete the deferred improvements, the City may, but shall not be obligated to, construct and complete the improvements. The Owner shall be fully responsible for all costs incurred by the City in connection with completion of the improvements including reasonable attorney's fees which may be incurred in any action successfully enforcing this agreement against the Owner, his heirs, successors or assigns. A final accounting of such costs, when confirmed by the City Engineer and recorded in the official records of the County, shall be a lien on the property. If the Owner does not pay the costs in full within 30 days after the date the City Engineer mails notice of such costs, interest shall accrue on the unpaid costs at the maximum legal rate from the date the accounting of the costs was confirmed. The lien shall not be released until all such costs, including accrued interest, are paid in full, according to the terms specified in this Agreement. The remedy provided in this paragraph shall be in addition to and without limitation on any other rights or remedies that may be available to the City, including but not limited to the right to resort to any security submitted by the Owner as provided herein.

4. Owner agrees to install said Utility Undergrounding Improvements identified herein as part of or in lieu of any other offsite improvement prior to receipt of an occupancy permit for any new facility that triggers the need for said improvements.

5. Prior to construction of Utility Undergrounding Improvements, Owner, PG&E or contractor hired by either entity shall obtain an Encroachment Permit from the City of Madera Engineering Department.

6. As part of the Encroachment Permit, Owner shall provide an engineer's cost estimate for that portion of the construction of the required Utility Undergrounding Improvements that damages existing City owned improvements. The engineer's estimate shall be increased to 125 percent of the cost estimate to reflect the payment of prevailing wages should City find it necessary to construct the deferred improvements. Such amount shall be the dollar amount necessary as security to guarantee construction of said improvements.

7. The Security for the construction of deferred Utility Undergrounding Improvements as part of the Encroachment Permit shall be in the form of a bond, cash, or a certificate of deposit assigned and payable to City, an irrevocable straight letter of credit, or other form acceptable to the City. The security shall be maintained in full effect at all times until the Undergrounding Improvements are completed and accepted by City. Said security may be provided by Owner's contractor performing said work. The security shall be submitted before an encroachment permit is issued.

8. Owner shall, before the issuance of an Encroachment Permit, obtain and maintain in full force and effect during the term of this Agreement at Owner's own expense and risk, a general comprehensive liability insurance policy and shall furnish

evidence of such insurance by delivery of a copy or copies of the policies. Such insurance shall name City, its Council, boards, commissions, officers, council members, volunteers and employees as additional insureds and shall indemnify City and said persons against liability for loss or damage for injury, including death, and property damage occasioned by the operation of Owner or its contractors or subcontractors under the terms of this Agreement, and shall be in the minimum limits of \$1,000,000 for injury or death, and property damage limits of not less than \$250,000. **THE POLICIES MENTIONED HEREIN SHALL CONTAIN A PROVISION THAT A WRITTEN NOTICE OF INSURER'S CANCELLATION OR MATERIAL CHANGE IN THE TERMS OF SAID POLICY SHALL BE DELIVERED TO THE CITY THIRTY (30) DAYS IN ADVANCE OF THE EFFECT OF SUCH CHANGE OR CANCELLATION.** Such insurance shall also specifically insure any contractual liability assumed by Owner under the terms of this Agreement. Owner shall provide an additional bond, cash, or other security, as approved by City, in an amount equal to all deductible amounts or self insured retention named in the above required general comprehensive liability insurance policy.

9. After the satisfactory completion of the Utility Undergrounding Improvements by Owner, City shall accept said improvements and release the associated encroachment permit and security provided, except Owner shall provide for the repair of defects due to poor workmanship or faulty materials, discovered during a one-year warranty period commencing one day after the acceptance of the Utility Undergrounding Improvements by City. This Agreement shall terminate upon the later of said (1) year period or upon the completion of any work necessary to cure any defects discovered during such (1) year period.

10. All Utility Undergrounding Improvements shall be done at the sole cost and expense of Owner. The usual and customary costs of engineering, inspection, testing, surveying, staking, and all applicable fees as required by City shall be the sole responsibility of Owner.

11. Owner shall indemnify, defend with legal counsel approved by City, and hold harmless City, its officers, officials, employees, and volunteers from and against all liability, loss, damage, expense, and cost (including without limitation reasonable legal counsel fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with Owner's negligence, recklessness, or willful misconduct in the performance of work hereunder, or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage caused by the sole active negligence or willful misconduct of the City. Should conflict of interest principles preclude a single legal counsel from representing both City and Owner, or should City otherwise find Owner's legal counsel unacceptable, then Owner shall reimburse the City its costs of defense, including without limitation, reasonable legal counsel fees, expert fees, and all other costs and fees of litigation. The Owner shall promptly pay any final judgment rendered against the City (and its officers, officials, employees and volunteers) with respect to claims determined by a trier of fact to have been the result of the Owner's negligent, reckless, or wrongful performance. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

Owner obligations under this section apply regardless of whether or not such claim, charge, damage, demand, action, proceeding, loss, stop notice, cost, expense,

judgment, civil fine or penalty, or liability was caused in part or contributed to by an Indemnitee. However, without affecting the rights of City under any provision of this agreement, Owner shall not be required to indemnify and hold harmless City for liability attributable to the active negligence of City, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In instances where City is shown to have been actively negligent and where City's active negligence accounts for only a percentage of the liability involved, the obligation of Owner will be for that entire portion or percentage of liability not attributable to the active negligence of City.

Owner agrees to obtain or cause to be obtained executed defense and indemnity agreements with provisions identical to those set forth in this Section from each and every Contractor, Subcontractor and Subconsultant, of every Tier. In the event the Owner fails to do so, Owner agrees to be fully responsible to provide such defense and indemnification according to the terms of this Section.

12. The provisions of this Agreement are severable. The invalidity or unenforceability of any one provision or part thereof shall not affect the validity or invalidity or any other provision.

13. This Agreement shall be binding upon and inure to the benefit of the administrators, successors, and assigns of the respective parties hereto, and the obligations of this Agreement shall run with and burden the subject property.

14. This Agreement shall not be assignable by Owner without the express written consent of City. Subject to the limitations on assignment, this Agreement shall inure to the interest of the parties hereto.

15. Whenever the context requires, the neuter shall include the masculine or feminine, or both, and the singular shall include the plural.

16. Time is of the essence of this Agreement.

[Signature page follows.]

CITY OF MADERA:

By: _____
Andrew J. Medellin, Mayor

APPROVED AS TO FORM:

By: _____
Brent Richardson, City Attorney

ATTEST:

By: _____
Sonia Alvarez, City Clerk

OWNER:

By: Arturo Mejia
Arturo Mejia, Owner

By: Micaela Mejia
Micaela A. Mejia, Owner

NOTARY ACKNOWLEDGEMENT REQUIRED

ACKNOWLEDGMENT

A 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.

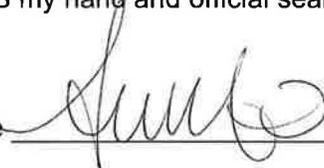
State of California
County of Fresno)

On 12/12/19 before me, Arnulfo Luna
(insert name and title of the officer)

personally appeared Michaela Alvarez Mejia,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

A 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 Fresno)

On 12/12/18 before me, Arnulfo Luna
(insert name and title of the officer)

personally appeared Arturo Javier Mesia,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

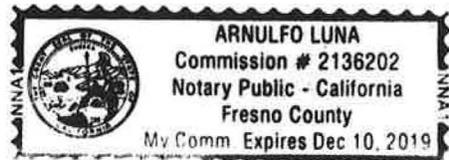
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

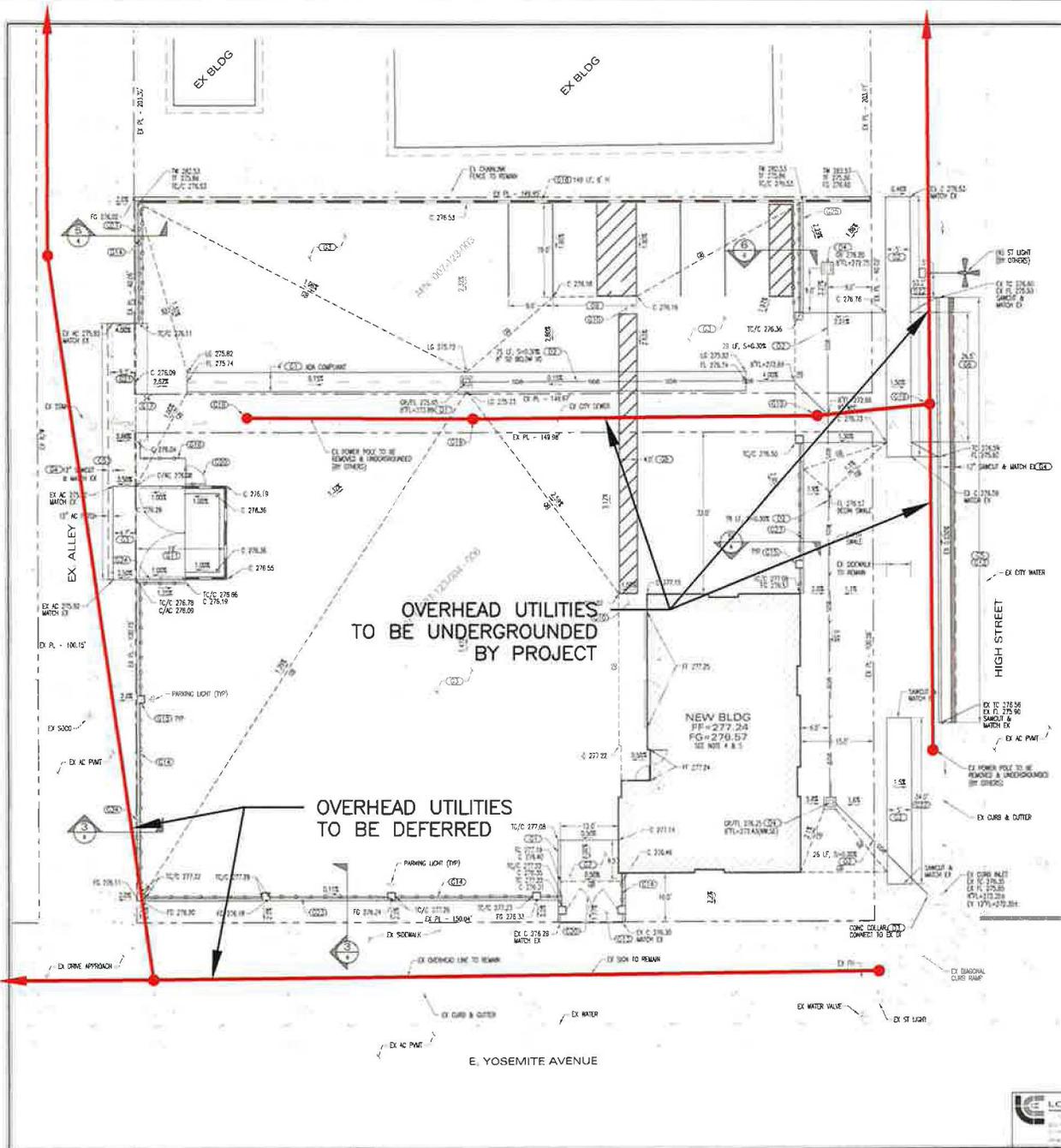
WITNESS my hand and official seal.

Signature



(Seal)





**OVERHEAD UTILITIES
TO BE UNDERGROUNDED
BY PROJECT**

**OVERHEAD UTILITIES
TO BE DEFERRED**

E. YOSEMITE AVENUE

GRADING NOTES

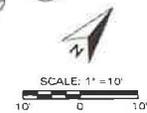
1. FOR COMPLETE SUMMARY OF ALL GRADING NOTES AND REQUIREMENTS, SEE SHEET C10.
2. THE EXISTING, EXPOSED, EXPOSED AND REMOVED STRUCTURES ARE BASED ON INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS NOT GUARANTEED THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS NOT GUARANTEED THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS NOT GUARANTEED THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED BY THE CLIENT.
3. THE UTILITIES SHOWN HERE ARE APPROXIMATE. THE CONTRACTOR SHALL INVESTIGATE ALL TIE-IN POINTS AND VERIFY INVERT ELEVATIONS OF EXISTING MAINS. IN THE EVENT OF A DISCREPANCY, THE CONTRACTOR SHALL STOP ALL WORK AND NOTIFY THE ENGINEER OR RECORD IMMEDIATELY.
4. THE BUILDING THRESHOLD GRADE (T) IS SHOWN WITHIN THE BUILDING PERIMETER PERTAINING TO THE EXISTING GRADE ADJACENT TO THE PROPOSED BUILDING FOOTING. GRADE OUTSIDE THE EXISTING WALL, THE T.C. SEE NOTE 5. WHERE A BUILDING THRESHOLD (T) IS SHOWN ALONG THE BUILDING PERIMETER, THE EXISTING GRADE SHALL BE 30" TYP. BELOW FINISH FLOOR TYPICALLY. UNLESS NOTED OTHERWISE.
5. THE CONTRACTOR SHALL DETERMINE THE BUILDING THRESHOLD GRADE BY CONSTRUCTING THE PROPOSED FOUNDATION GRADE. THE CONTRACTOR SHALL VERIFY THE BUILDING THRESHOLD GRADE FROM THRESHOLD FLOOR ELEVATION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE WITH THE STRUCTURAL DRAWING PLANS PRIOR TO PROCEEDING WITH ANY GRADING WORK. ANY PAID ELEVATION SHOWN ON THESE PLANS MUST BE VERIFIED.
6. ALL EXISTING APPROXIMATE AND UTILITIES THAT ARE DAMAGED, REMOVED, UNDERGROUNDED OR OTHERWISE ALTERED SHALL BE REPAIRED OR REPLACED IN KIND AT THE EXPENSE OF THE CONTRACTOR. ANY SURVEY INFORMATION WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR REPEATED BY THE CONTRACTOR.
7. THE ENGINEER WILL NOT BE RESPONSIBLE FOR UNANNOUNCED CHANGES OR USES TO THESE PLANS. ALL CHANGES SHALL BE IN WRITING AND MUST BE REVIEWED BY THE ENGINEER OF RECORD. ANY DISCREPANCY BETWEEN THE PLANS, DETAILS, OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
8. THESE PLANS HAVE BEEN PREPARED WITH THE INTENT THAT THE ENGINEER OF RECORD FOR THESE PROJECTS (ENGINEER) SHALL BE PERFORMING ALL CONSTRUCTION GRADING FOR THE COMPLETE PROJECT. CONSTRUCTION GRADING IS AN INTEGRAL PART OF THESE CONSTRUCTION REQUIREMENTS. THE ENGINEER OF RECORD SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF CONSTRUCTION GRADING. IN THE EVENT THAT CONSTRUCTION GRADING IS NOT PERFORMED BY THE ENGINEER OF RECORD, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL APPROPRIATE GRADING WORK WHICH SHALL BE COMPLETED AND MAINTAINED UNDER THE DIRECTION OF THE ENGINEER OF RECORD. THE ENGINEER OF RECORD SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF CONSTRUCTION GRADING. IN THE EVENT THAT CONSTRUCTION GRADING IS NOT PERFORMED BY THE ENGINEER OF RECORD, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL APPROPRIATE GRADING WORK WHICH SHALL BE COMPLETED AND MAINTAINED UNDER THE DIRECTION OF THE ENGINEER OF RECORD.
9. THE USE OF PLANS BY ANY CONTRACTOR SHALL HOLD THEM THAT THE CONTRACTOR AGREES THAT HE SHALL BE RESPONSIBLE FOR HIS OWN SET CONSTRUCTION GRADING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF CONSTRUCTION GRADING. IN THE EVENT THAT CONSTRUCTION GRADING IS NOT PERFORMED BY THE ENGINEER OF RECORD, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL APPROPRIATE GRADING WORK WHICH SHALL BE COMPLETED AND MAINTAINED UNDER THE DIRECTION OF THE ENGINEER OF RECORD.
10. WHERE WATER MAY BECOME TRAPPED OR FOR PLANTERS THAT ARE WITHIN 10' OF THE BUILDING, THE CONTRACTOR SHALL INSTALL 1" DIA. DRAINAGE PIPES ON A 1% SLOPE WITH 1" DIA. PER FOR PLANTERS. UNLESS NOTED OTHERWISE, A 2" DIA. DRAINAGE PIPES SHALL BE INSTALLED FOR THE BUILDING. THE CONTRACTOR SHALL SELECT SUFFICIENT PIPES FOR THE BUILDING. THE CONTRACTOR SHALL SELECT SUFFICIENT PIPES FOR THE BUILDING. THE CONTRACTOR SHALL SELECT SUFFICIENT PIPES FOR THE BUILDING. THE CONTRACTOR SHALL SELECT SUFFICIENT PIPES FOR THE BUILDING.
11. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL SET PLAN FOR ALL IMPROVEMENTS TO BE DEVELOPED WITHIN THE LIMITS OF WORK.
12. ADDITIONAL PORTIONS OF DAMAGED SIDEWALK MAY NEED TO BE REPAIRED AND REPLACED PER DIRECTION OF CITY ENGINEER INSPECTOR.

GRADING

- (C1) INSTALL 4" WIDE ADA COMPLIANT CONCRETE VALLEY GUTTER WITH LESS THAN 4% CURBS WHO CROSS SLOPE PER DETAIL.
- (C2) INSTALL CONCRETE SIDEWALK PER CITY STD. 1-15.6 WITH 1% MIN. CROSS SLOPE AND LESS THAN 0.2% LONGITUDINAL SLOPE. SEE PLAN FOR SIDEWALK WIDTH.
- (C3) INSTALL CONCRETE FINISHMENT PER DETAIL.
- (C4) INSTALL 1" THICK ASPHALT FINISHMENT PER DETAIL.
- (C5) SHOULDER, BUSHING AND REMOVE EXISTING CURBS AND GUTTERS AND DRAINWAYS.
- (C6) INSTALL CONCRETE DRIVE APPROACH PER CITY STD. 1-15.6. SEE PLAN FOR WIDTH.
- (C7) INSTALL ACCESSIBLE PARALLEL SLOPE CURB RAMP WITH 1% MIN. CROSS SLOPE AND DETECTABLE TRUNCATED DOME. SIMILAR TO CALIFORNIA STD. PLS. AREA CASE 1". SEE PLAN FOR WIDTH.
- (C8) INSTALL ACCESSIBLE PARALLEL SLOPE CURB RAMP WITH 1% MIN. CROSS SLOPE AND DETECTABLE TRUNCATED DOME. SIMILAR TO CALIFORNIA STD. PLS. AREA CASE 1". SEE PLAN FOR WIDTH.
- (C9) INSTALL PARKING STALL STRIPING AND SIGNAGE PER ARCHITECTURAL PLANS.
- (C10) INSTALL CALIFORNIA ADA DETECTABLE TRUNCATED DOME.
- (C11) INSTALL FRESH ENCLOSURE PER CITY STD. 1-40.
- (C12) INSTALL 6" HIGH CURB AND GUTTER (MATCH EXISTING AT STREET CURB HEIGHT). CONSTRUCT SIMILAR TO CITY STD. 1-15.6 EXCEPT UTILIZE 6" CURB HEIGHT.
- (C13) INSTALL 4" THICK CONCRETE SIDEWALK.
- (C14) INSTALL 6" HIGH WROUGHT IRON FENCE WITH FOOTING SLEEVES OR BLOCK PILES WHERE ADJACENT TO RETAINING CURB.
- (C15) INSTALL 6" HIGH 1 1/2" X 1 1/2" SQ. CHAIN PLASTER COLUMN. SEE ARCHITECTURAL PLANS FOR DETAIL.
- (C16) INSTALL 6" HIGH WROUGHT IRON FENCE WITH FOOTING SLEEVES OR BLOCK PILES WHERE ADJACENT TO RETAINING CURB.
- (C17) INSTALL 2" WIDE 6" HIGH WROUGHT IRON VEHICULAR SLIDE GATE. SEE ARCHITECTURAL PLANS FOR DETAIL.
- (C18) INSTALL 6" HIGH CHAIN WALL WITH 6" WIDE SPALL-FACE BLOCK PER CITY STD. 1-15.6 WITH DETECTABLE FOOTING.
- (C19) EXISTING UTILITY POLE TO BE REMOVED. DESIGN BY OTHERS.
- (C20) INSTALL 6" HIGH WROUGHT IRON VEHICULAR SLIDE GATE. SEE ARCHITECTURAL PLANS FOR DETAIL.
- (C21) INSTALL ASPHALT FINISHMENT PER DETAIL.
- (C22) DESIGN AND REMOVE EXISTING SIDEWALK.
- (C23) INSTALL RETAINING CURB WITH 1" WIDE RETAINING HEIGHT PER DETAIL.
- (C24) INSTALL RETAINING CURB ADJACENT TO FENCE WITH 1" WIDE RETAINING HEIGHT PER DETAIL.
- (C25) INSTALL 1" WIDE FRESH CURB WITH 1% MIN. CROSS SLOPE PER DETAIL.

STORM DRAIN

- (SD) INSTALL 24" SQ. INLET, JENKIN 02441 OR EQUAL, SEE DETAIL.
- (SD) INSTALL 18" DIA. PVC FOR STORM DRAIN PIPE, SEE PLAN FOR SIZE AND SLOPE.
- (SD) CONNECT TO EXISTING CURB ALLET AND INSTALL 1" WIDE 4" THICK CONCRETE COLLAR AT INTERSECTION BETWEEN ALLET WALL AND PIPE, NOTCH ALL JOINTS BETWEEN WALLS AND PIPE. SEE DETAIL.
- (SD) INSTALL 18" DIA. INLET, JENKIN 02441 OR EQUAL, SEE DETAIL.

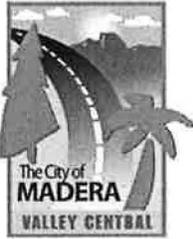


BOSTON MOTORS, INC.
717 E. YOSEMITE AVENUE, MADERA
GRADING AND DRAINAGE PLAN

| | | | |
|---|------------|--|--|
| CITY OF MADERA ENGINEERING DEPARTMENT 500 WEST 4th STREET MADERA, CALIFORNIA 93627 | | APPROVED CITY ENGINEER DATE: 9-26-18 | C10 SHEET 2 OF 4 SHEETS DATE: 9-26-18 |
| PLAN REVISION | | | |
| INITIAL | ISSUE DATE | APPROVAL | DATE |
| CHANGE | DATE | APPROVAL | DATE |
| FIRE DEPARTMENT FIRE DEPARTMENT CHECKED BY: [] INSPECTED BY: [] | | DATE: [] | |
| CONTRACTOR DATE: [] | | DATE: [] | |
| WORK ORDER NO. [] | | DRAWING NO. [] | |



LORE ENGINEERING, INC.
1000 N. GARDEN AVENUE, SUITE 100
MADERA, CALIFORNIA 93627
TEL: 509-221-1111
WWW.LOREENGINEERING.COM

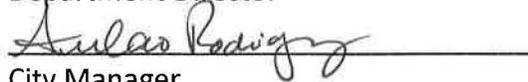


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: B-4

SUBJECT: CONSIDERATION OF A RESOLUTION RESCINDING RESOLUTION NO. 18-81 AND APPROVING THE AMENDED APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT – LOCAL TRANSPORTATION FUNDS FOR FISCAL YEAR (FY) 2018/19 WITH FY 2017/18 CARRYOVER BALANCES OF \$3,286,818.01, AND THE FY 2018/19 STATE TRANSIT ASSISTANCE FUNDS

RECOMMENDATION:

That the City Council adopt a resolution:

1. Rescinding Resolution No. 18-81 and Approving the Amended Applications for Transportation Development Act (TDA) - Local Transportation Fund (LTF) for FY 2018/19 with FY 2017/18 Carryover Balances of \$3,286,818.01, and the State Transit Assistance Funds (STA) for FY 2018/19.
2. Authorizing the City Engineer to execute and submit the amended applications to the Madera County Transportation Commission (MCTC) for approval and adoption.

SUMMARY:

The Madera City Council adopted Resolution No. 18-81 on June 6, 2018, for the use of FY 2018/19 Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) as required by MCTC. This resolution reflected the LTF application that included the projected amounts for FY 2018/19.

The amended applications are required for proper accounting of the City's claim filed with MCTC for expenditures of the LTF and STA in FY 2018/19.

DISCUSSION:

LTF and STA applications are prepared for funds apportioned to the City of Madera, County of Madera, and City of Chowchilla by the MCTC based on population pursuant to the Transportation Development Act (TDA). Changes to these applications by the local agency can be made through an amendment at any time. The original LTF application was prepared to reflect the proposed expenditures for the FY 2018/19 using only the allocation of funds provided by MCTC in June of 2018, and as required by statute. In June, Pedestrian & Bikeway Facilities were allocated \$34,131, Streets & Roads were allocated \$1,206,134 and Transit was allocated \$415,092. The amended application for LTF includes these allocated revenue amounts from June and now, prior year carryover balances. At this time, the City has not received any amended allocation for STA funds. At this time, the STA amended application is reaffirming the allocation that was adopted in the Resolution 18-81. Should the City receive STA Fund updates in the future, staff will return to City Council (Council) to amend that portion of the application.

The amended LTF application reflects the following amounts:

- Pedestrian & Bikeway Facilities have an updated proposed allocation of \$125,875.12 (carryover of \$91,744.12)
- Streets & Roads have an updated proposed allocation of \$3,643,018.76 (carryover of \$2,436,884.76)
- Transit has an updated proposed allocation of \$1,173,281.13 (carryover of \$758,189.13)

The amended STA application reflects the June 2018 allocation of \$463,983.

On June 6, 2018, Council adopted Resolution No. 18-81 which was the application for the projected LTF and STA funds for FY 2018/19.

This amended LTF application will include funding for programs and projects approved by Council in the FY 2018/19 Capital Improvement Program (CIP). The carryover amount does not represent additional funds that have not been budgeted. The carryover amounts are allocated to existing, ongoing projects. As an example, \$1,600,000 of the \$2,436,884.76 carryover in streets and roads are budgeted for R-000072, Ave. 17/Sharon Blvd. Improvement Project.

The amendment to the LTF application is prepared and submitted to MCTC annually after prior year final expenses and claims have been processed, and the excess prior year funds and carryover balances have been confirmed by MCTC.

FINANCIAL IMPACT:

There is no adverse fiscal impact to the City's General Fund. LTF are used to support Capital Improvement Program transportation and bicycle/pedestrian related projects, including the

match to Federal funds and transit operations when needed. STA funds are used to support transit operations and capital expenditures.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Action 126 – This project supports the strategy for providing clean attractive streets that are safe and aesthetically pleasing.

Multi-modal Transportation: Strategy 121 – Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.

Including Sub-strategies:

121.1 – Provide needs assessment including all forms of transportation.

121.2 – Update the Master Transportation Plan.

121.11 - Investigate or delineate standards for enhanced transit facilities.

121.12 – Include expansion goals in Master Plan.

ATTACHMENTS:

1. Madera County Transportation Commission-TDA LTF Amendment Request
2. Madera County Transportation Commission-TDA STA Amendment Request

Madera County Transportation Commission

Attachment 1

TDA Amendment Request

Agency: City of Madera

Date: 19-Dec-18

Fiscal Year: 2018-19

Amending: LTF STA

Type of Amendment: Carryover of PY Funds Reassign funds Other

| Project | Approved Allocation | New Proposed Allocation | Difference |
|--|-----------------------|-------------------------|-----------------------|
| 1 Pedestrian & Bikeway Facilities | \$34,131.00 | \$125,875.12 | \$91,744.12 |
| 2 Streets & Roads | \$1,206,134.00 | \$3,643,018.76 | \$2,436,884.76 |
| 3 Transit | \$415,092.00 | \$1,173,281.13 | \$758,189.13 |
| 4 | | | \$0.00 |
| 5 | | | \$0.00 |
| 6 | | | \$0.00 |
| 7 | | | \$0.00 |
| 8 | | | \$0.00 |
| 9 | | | \$0.00 |
| 10 | | | \$0.00 |
| Total | \$1,655,357.00 | \$4,942,175.01 | \$3,286,818.01 |

Notes

New proposed allocation includes the addition of the 2017-18 carryover dollars to the 2018-19 approved allocation.

Agency Authorizing Signature Date

MCTC Authorizing Signature Date

MCTC Use: _____

Month _____

Amendment No. _____

Madera County Transportation Commission

Attachment 2

TDA Amendment Request

Agency: _____ City of Madera _____

Date: _____ 12/19/2018 _____

Fiscal Year: **2018-19** _____

Amending: LTF STA

Type of Amendment: Carryover of PY Funds Reassign funds Other

| Project | Approved Allocation | New Proposed Allocation | Difference |
|--|---------------------|-------------------------|---------------|
| 1 MAX-Operations, Dial-A-Ride, Intermodal | \$463,983.00 | \$463,983.00 | \$0.00 |
| 2 | | | \$0.00 |
| 3 | | | \$0.00 |
| 4 | | | \$0.00 |
| 5 | | | \$0.00 |
| 6 | | | \$0.00 |
| 7 | | | \$0.00 |
| 8 | | | \$0.00 |
| 9 | | | \$0.00 |
| 10 | | | \$0.00 |
| Total | \$463,983.00 | \$463,983.00 | \$0.00 |

Notes

Amended TDA-STA application. Resubmitting original amounts for 2018-19 to correspond with updated LTF application with carryover.

Agency Authorizing Signature _____ Date _____

MCTC Authorizing Signature _____ Date _____

MCTC Use:

Month _____

Amendment No. _____



REPORT TO CITY COUNCIL

Approved by:

Interim Public Works Director

Azul Rodriguez

City Manager

Council Meeting of: December 19, 2018

Agenda Number: B-5

SUBJECT:

Consideration of a Resolution Approving an Agreement with Stantec Consulting Services, Inc. Not to Exceed \$50,000 for Professional Engineering Consulting Services for the Update of the Waste Discharge Permit for the City of Madera Wastewater Treatment Plant and Authorizing the Mayor to Sign the Agreement on Behalf of the City.

RECOMMENDATION:

It is recommended that City Council adopt the Resolution approving the Agreement with Stantec Consulting Services, Inc. (Stantec) for engineering consulting services for the update of the Waste Discharge Permit for the City's Wastewater Treatment Plant (WWTP).

SUMMARY:

Waste Discharge Requirements (WDRs) are regulated by the State Water Resources Control Board (SWRCB) in order to dictate the amount of waste the City can discharge per day at the WWTP. The City's WWTP is currently operating under WDRs dating back to April 1995. The WWTP is currently permitted to operate at 7.0 million gallons per day (MGD). Updates to the 1995 WDR were submitted to the SWRCB in April 2003 and again in May 2010. In these submittals, the City requested a flow increase from 7.0 MGD to 10.1 MGD due to an expansion on the WWTP that was completed in 2008. This flow increase was not approved by the SWRCB due to concerns regarding the proposed effluent disposal method. In October 2018, the SWRCB requested a Report of Waste Discharge (ROWD) to be completed by the City no later than January 31, 2019. The City was asked to advise the SWRCB on whether or not they still intended to increase the flow from 7.0 MGD to 10.1 MGD. In preparation for the submittal of this report, staff circulated a Request for Proposals for engineering consulting services in August to assist with the review and preparation of an updated Report of Waste Discharge. This was distributed

to five engineering firms in the surrounding areas. The City received a single response from Stantec Consulting Services, Inc (Exhibit A).

DISCUSSION:

Stantec proposes to draft a Report of Waste Discharge amendment letter to the SWRCB to be completed prior to the January 31, 2019 deadline. Their proposal also details several additional tasks which they anticipate may be requested from the SWRCB in response to the amended Report of Waste Discharge. These tasks will be authorized by the City on an as needed basis to provide the most cost effective and efficient approach to meeting the requirements of the SWRCB. These tasks include completing the following plans and studies:

- Updated Form 200
- Updated Anti-Degradation Analysis
- Updated water balance
- WWTP Treatment and Capacity Study
- Independent evaluation of the City's groundwater monitoring results to date
- Salinity Minimization Plan and formal salt balance, if requested
- Title 22 Engineering Report if changes to effluent reuse are proposed

During this update of the ROWD, the City will maintain the current 7.0 MGD capacity. This capacity is expected to be sufficient through at least the next five years based on current assumptions of residential development numbers of approximately 150 to 200 units per year. Stantec's proposal is based on a not to exceed \$50,000 amount. It is worth noting that Stantec has extensive knowledge of permitting and wastewater design. Their proposed team for this project has prepared WWTP permits in the Central Valley for over 11 years.

FINANCIAL IMPACT:

The total cost of this agreement is not to exceed \$50,000. Stantec will charge the City on a time and materials basis and will only conduct tasks specifically requested by the City. These tasks will be driven by the SWRCB and the requests they may make as they review the Report of Waste Discharge Amendment Letter. These expenses will be paid from the Sewer Fund, WWTP – Contracted Services and will have no impact to the City's General Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

This proposed action is consistent with the Madera Vision Plan, specifically, Action 115.5: "Insure the physical and financial sustainability of the City's existing and expanding sewer and water infrastructure."

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. NOT TO EXCEED \$50,000 FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR THE UPDATE OF THE WASTE DISCHARGE PERMIT FOR THE CITY OF MADERA WASTEWATER TREATMENT PLANT AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City must update the Waste Discharge Requirements for the Wastewater Treatment Plant with the Regional Water Board by January 31, 2019; and

WHEREAS, the City has determined that it is prudent to obtain a professional engineering firm to provide professional engineering consulting services for the draft of a Report of Waste Discharge amendment letter and associated specific tasks that may be requested by the State Water Resources Control Board; and

WHEREAS, the City prepared a Request for Proposals, which was sent to five engineering firms and received one response from Stantec Consulting Services, Inc. (Stantec); and

WHEREAS, the City has determined that Stantec is qualified and certified to provide the required professional engineering consulting services and is knowledgeable of the principals and practices of the industry associated with the Waste Discharge Requirements; and

WHEREAS, the City desires to hire Stantec for such professional engineering consulting services; and

WHEREAS, an Agreement with Stantec to provide said services has been developed to the satisfaction of both parties.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby

resolves, finds, determines and orders as follows:

1. The above recitals are true and correct.
2. The Agreement with Stantec for Professional Engineering Consulting Services for the Update of the Waste Discharge Permit for the City Wastewater Treatment Plant, a copy of which is on file in the office of the City Clerk and referred to for more particulars, is hereby approved.
3. This Agreement shall be paid on a time and materials basis for an amount not to exceed \$50,000.
4. Stantec shall complete all services required under this Agreement prior to December 19, 2019.
5. The Mayor is authorized to execute the Agreement on behalf of the City.
6. This Resolution is effective immediately upon adoption.

* * * * *

**AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. FOR
PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR THE
UPDATE OF THE WASTE DISCHARGE PERMIT FOR THE CITY OF
MADERA WASTEWATER TREATMENT PLANT**

This Agreement made and entered into this ____ day of December, 2018 between the City of Madera, a municipal corporation of the State of California, hereinafter called "CITY", and Stantec Consulting Services, Inc., located in Rocklin, CA, hereinafter called "CONSULTANT".

WITNESSETH

WHEREAS, CITY must update the Waste Discharge Requirements for the Wastewater Treatment Plant with the Regional Water Board by January 31, 2019; and

WHEREAS, CITY needs the services of a professional engineering firm to provide professional engineering consulting services for the draft of a Report of Waste Discharge amendment letter and associated specific tasks that may be requested by the Regional Water Board as part of this amendment; and

WHEREAS, CONSULTANT is qualified and certified to provide the required professional engineering consulting services and is knowledgeable of the principals and practices of the industry associated with the Waste Discharge Requirements; and

WHEREAS, CITY desires to hire CONSULTANT for such professional engineering consulting services.

NOW THEREFORE:

The parties hereto mutually agree as follows:

1. SERVICES OF CONSULTANT:

CITY hereby hires CONSULTANT to provide professional engineering consulting services as set forth herein in connection with the update of the Waste Discharge Requirements. Said work to be performed pursuant to this Agreement is more particularly described in the Scope of Work.

2. SCOPE OF WORK:

CONSULTANT shall provide the professional engineering consulting services as set forth in EXHIBIT A, "Description of approach and outline of services", attached hereto and incorporated herein by reference.

CONSULTANT accepts full responsibility for the scope of services provided by sub-consultants necessary for delivery of the project. CONSULTANT shall comply with applicable City of Madera design standards and requirements as directed by the CITY and applicable State and Federal requirements.

3. CITY'S OBLIGATIONS

The CITY shall provide the consultant with the following:

- a. Provide a Project Manager to work with CONSULTANT;
- b. Review all submittals timely.

4. COMPENSATION

CITY shall pay CONSULTANT on a time and materials basis for an amount not to exceed \$50,000. CITY and CONSULTANT agree on the rates shown in EXHIBIT A, "Hourly Rates". CONSULTANT shall only conduct tasks specifically requested in advance by the CITY.

5. PAYMENT:

Payments for all undisputed portions of each invoice as provided for hereunder shall be made within 30 days of receipt and approval of CONSULTANT'S monthly invoices for the work performed specified herein. CONSULTANT'S invoice shall specify the billed hours and hourly rates for each employee classification. The sub-consultants work shall be included on CONSULTANT'S invoice with a copy of the sub-consultant's invoice attached. A report on summary of costs to date for each component of the work shall accompany the invoice. This summary shall also estimate the percentage of the work completed for each component and the balance remaining in each component.

6. AUDITS AND INSPECTIONS ACCESS:

CONSULTANT shall, upon reasonable notice and at any time during regular business hours, and as often as CITY may deem necessary, make available to the CITY or its authorized representative for examination, all of its books, records and data with respect to matters covered by this Agreement. CONSULTANT shall permit CITY to audit and inspect all invoices, materials, payrolls, records of personnel, conditions of employment, and other data relating to matters covered by this Agreement.

7. LIABILITY INSURANCE:

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

Minimum Scope and Limits of Insurance

Consultant shall maintain limits no less than:

- **\$1,000,000 General Liability** (including operations, products and completed operations) per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury and property damage, including without limitation, blanket contractual liability. Coverage shall be at least as broad as Insurance Services Office (ISO) Commercial General Liability coverage form CG 00 01. General liability policies shall be endorsed using ISO form CG 20 10 that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- **\$1,000,000 Automobile Liability** combined single limit per accident for bodily injury or property damage at least as broad as ISO Form CA 00 01 for all activities of Consultant arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles. Automobile Liability policies shall be endorsed to provide that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- **Worker's Compensation** as required by the State of California and **\$1,000,000 Employer's Liability** per accident for bodily injury or disease. Consultant shall submit to the City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of the City, its officers, agents, employees, and volunteers.
- **\$1,000,000 Professional Liability (Errors & Omissions)** per claim and in the aggregate. Consultant shall maintain professional liability insurance that insures against professional errors and omission that may be made in performing the Services to be rendered in connection with this Agreement. Any policy inception date, continuity date, or retroactive date must be before the effective date of this

Agreement, and Consultant agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this Agreement. The cost of such insurance shall be included in Consultant's bid.

Maintenance of Coverage

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

Proof of Insurance

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

Acceptable Insurers

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

Waiver of Subrogation

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

City and shall require similar written express waivers and insurance clauses from each of its subconsultants or subcontractors.

Enforcement of Contract Provisions (non-estoppel)

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

Specifications not Limiting

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

Notice of Cancellation

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

Self-insured Retentions

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

Timely Notice of Claims

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

Additional Insurance

Consultant shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgement may be necessary for its proper protection and prosecution of the Work.

8. OWNERSHIP OF DOCUMENTS:

All original papers, documents, reports, drawings and other work product of CONSULTANT are instruments of service. All reports and legal documents shall include the professional's registration number and be stamped, signed and dated. All instruments of service shall, upon payment in full to CONSULTANT, become the property of the City whether the project for which they are prepared is executed or not. CONSULTANT shall be permitted to retain copies, including reproducible copies, of the instruments of service for information and reference. The instruments of service shall not be used by the CONSULTANT on other projects, except by agreement in writing by the City. In the event the City reuses such instruments of service, CONSULTANT shall be released and held harmless by the City from any and all liability, including legal costs and attorneys' fees, with respect to the reuse of such instruments of service.

Reuse of documents for any purpose other than as intended under this Agreement shall be at CITY'S sole risk. CITY shall indemnify CONSULTANT for any damages incurred as a result of such reuse, including use of incomplete documents.

9. TIME OF COMPLETION:

A. CONSULTANT shall complete the work as shown in EXHIBIT A, "Description of approach and outline of services."

B. CONSULTANT shall not be held responsible for delays caused by CITY review or by reasons beyond CONSULTANT'S control. Also, CONSULTANT shall not stop his work, including work unrelated to any extra services request, unless it can be shown that the project work cannot proceed while a claim or request for extra services is being evaluated.

C. Time is of the essence in the completion of the services covered by this Agreement. Failure of CONSULTANT to comply with the above time schedule by more than fourteen (14) calendar days, unless the delay is not attributable to CONSULTANT or is attributable to CITY, is sufficient cause to terminate this Agreement, at the option of CITY, in accordance with Section 11.

D. CONSULTANT shall complete all services required under this Agreement and this Agreement shall expire on December 19, 2019, unless extended by mutual agreement.

10. TERMINATION OF AGREEMENT:

A. This agreement may be terminated at any time by either party upon fifteen (15) calendar days written notice. In the event the Agreement is terminated by either party, CONSULTANT shall be compensated for services performed to the date of termination based upon the compensation rates and subject to the maximum amounts payable agreed to together with such additional services performed after termination which are authorized by the CITY representative to wind up the work performed to date of termination.

B. CITY may immediately suspend or terminate this Agreement in whole or in part by written notice where, in the determination of CITY, there is:

1. An illegal use of funds by CONSULTANT;
2. A failure by CONSULTANT to comply with any material term of this Agreement;
3. A substantially incorrect or incomplete report submitted by CONSULTANT to CITY.

In no event shall any payment by CITY or acceptance by CONSULTANT constitute a waiver by such party of any breach of this Agreement or any default which may then exist on the part of either party. Neither shall such payment impair or prejudice any remedy available to either party with respect to such breach or default. CITY shall have the right to demand of CONSULTANT the repayment to CITY of any funds disbursed to CONSULTANT under this Agreement which, as determined by the appropriate court or arbitrator, were not expended in accordance with the terms of this Agreement.

11. APPROVAL:

CITY will give reasonably prompt consideration to all matters submitted by CONSULTANT for approval to the end that there will be no significant delays in CONSULTANT'S program of work. An approval, authorization or request to CONSULTANT given by CITY will only be binding upon CITY under the terms of this Agreement if in writing and signed on behalf of CITY by a CITY representative or designee.

12. HOLD HARMLESS:

Indemnity for Professional Liability: When the law establishes a professional standard of care for CONSULTANT'S Services, to the fullest extent permitted by law, CONSULTANT shall indemnify, protect, defend, and hold harmless CITY and any and all of its officials, employees and agents from and against any and all losses, liabilities, damages, costs, and expenses, including legal counsel's fees and costs but only to the extent the CONSULTANT (and its Subconsultants) are responsible for such damages, liabilities and costs on a comparative basis of fault between the CONSULTANT (and its Subconsultants) and the CITY in the performance of professional services under this Agreement. CONSULTANT shall not be obligated to defend or indemnify CITY for the CITY's own negligence or for the negligence of others.

Indemnity for Other Than Professional Liability: Other than in the performance of professional services and to the full extent permitted by law, CONSULTANT shall indemnify, defend, and hold harmless CITY, and any and all of its employees, officials and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including legal counsel's fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by CONSULTANT or by any individual or Agency for which CONSULTANT is legally liable, including, but not limited to, officers, agents, employees, or subcontractors of CONSULTANT.

13. RESPONSIBILITY FOR OTHERS:

CONSULTANT shall be responsible to CITY for its services and the services of its sub consultants. CONSULTANT shall not be responsible for the acts or omissions of

other parties engaged by CITY nor for their construction means, methods, techniques, sequences, or procedures, or their health and safety precautions and programs.

14. PROFESSIONAL RESPONSIBILITY:

CONSULTANT shall be obligated to comply with applicable standards of professional care in the performance of the Services. CONSULTANT recognizes that opinions relating to environmental, geologic, and geotechnical conditions are based on limited data and that actual conditions may vary from those encountered at the times and locations where the data are obtained, despite the use of due professional care.

15. PARTIES BOUND BY AGREEMENT:

This Agreement shall be binding upon CITY, CONSULTANT, and their successors in interest, legal representatives, executors, administrators and assigns with respect to all covenants as set forth herein. CONSULTANT shall not subcontract, assign, or transfer any of the work except as otherwise provided for in this agreement.

16. COMPLETE AGREEMENT OF PARTIES:

This Agreement, including attachments incorporated herein by reference, represents the entire Agreement and understanding between the parties. Any modifications of this Agreement shall be in writing and signed by authorized representatives of the parties. One or more waivers of any term, condition or covenant by either party shall not be construed as a waiver of any other term, condition or covenant.

17. ASSIGNMENT WITH APPROVAL:

It is understood that neither party shall assign, sublet, subcontract or transfer its rights or obligation under this Agreement without the prior express, written consent of the other party.

18. INDEPENDENT CONTRACTOR:

In performance of the work, duties and obligations assumed by CONSULTANT under this Agreement, it is mutually understood and agreed that CONSULTANT, including any and all of CONSULTANT'S officers, agents and employees will, at all times, be acting and performing as an independent contractor, and shall act in an independent capacity and not as an officer, agent, servant, employee, joint venture, partner or associate of

CITY. Furthermore, CITY shall have no right to control or supervise or direct the manner or method by which CONSULTANT shall perform its work and function. However, CITY shall retain the right to administer this Agreement so as to verify that CONSULTANT is performing its obligations in accordance with the terms and conditions hereof.

CONSULTANT and CITY shall comply with all applicable provisions of law and the rules and regulations, if any, of governmental authorities having jurisdiction over the subject matter hereof.

Because of its status as an independent contractor, CONSULTANT shall have absolutely no right to employment rights and benefits available to CITY employees. CONSULTANT shall be solely liable and responsible for providing to, or on behalf of, its employees all legally required employee to others unrelated to CITY or to this Agreement.

19. GOVERNING LAW:

Any controversy or claim arising out of, or relating to, this Agreement which cannot be amicably settled without court action shall be litigated either in the appropriate State court for Madera County, California, or as appropriate in the U. S. District Court for the Eastern District of California, located in Fresno County. The rights and obligations of the parties and all interpretations and performance of this Agreement shall be governed in all respects by the laws of the State of California.

20. AMENDMENTS:

Any changes to this Agreement requested either by CITY or CONSULTANT may only be affected if mutually agreed upon in writing by duly authorized representatives of the parties hereto. This Agreement shall not be modified or amended or any rights of a party to it waived except by such in writing.

21. COMPLIANCE WITH LAWS AND WAGE RATES:

CONSULTANT shall comply with all Federal, State, and local laws, ordinances, regulations and provisions applicable in the performance of CONSULTANT'S services. CONSULTANT may use professional practices and standards regarding the interpretation of these laws.

Wherever reference is made in this Agreement to standards or codes in accordance with which work is to be performed or tested, the edition or revision of the

standards or codes current on the effective date of this Agreement shall apply, unless otherwise expressly stated.

22. CONSULTANT 'S LEGAL AUTHORITY:

Each individual executing or attesting this Agreement on behalf of CONSULTANT hereby covenants and represents: (i) that he or she is duly authorized to execute or attest and deliver this Agreement on behalf of such corporation in accordance with a duly adopted resolution of the corporation's board of directors and in accordance with such corporation's articles of incorporation or charter and by-laws; (ii) that this Agreement is binding upon such corporation; and (iii) that CONSULTANT is a duly organized and legally existing corporation in good standing in the State of California.

23. NOTICES:

Any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to either party to this Agreement by the other party shall be in writing, and shall be deemed duly served and given when personally delivered to the party to whom it is directed or any managing employee or that party or, in lieu or personal service, when deposited in the United States mail, first class postage prepaid, addressed as follows:

CITY OF MADERA
Public Works Department
1030 South Gateway Drive
Madera, CA 93637

CONSULTANT
Stantec Consulting Services, Inc.
3875 Atherton Road
Rocklin, CA 95765

24. SOLE AGREEMENT:

This instrument constitutes the sole and only agreement between CONSULTANT and CITY respecting the Project and correctly sets the obligations of the CONSULTANT and CITY to each other as of this date. Any agreements or representations respecting the above project, not expressly set forth in this instrument are null and void.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

* * * * *

CITY OF MADERA

Stantec Consulting Services, Inc.

By: _____
Andrew J. Medellin, Mayor

By: _____

Taxpayer I.D. Number

APPROVED AS TO FORM:

By: _____
Brent Richardson, City Attorney

ATTEST:

By: _____
Sonia Alvarez, City Clerk



Stantec Consulting Services Inc.
3875 Atherton Road
Rocklin, CA 95765

October 17, 2018

Attention: Mr. John Scarborough
City of Madera
Department of Public Works
1030 South Gateway Drive
Madera, CA 93637

Dear Mr. Scarborough,

Reference: Engineering Consulting Services Proposal

Stantec is pleased to submit this proposal to provide engineering consulting services in support of updating the City's Waste Discharge Requirements (WDR) for the Wastewater Treatment Plant (WWTP). This letter proposal is provided in response to the City's request.

City requested proposal content items are summarized below with the required content.

1. Statement of the experience and qualification of the firm and individuals

Stantec's team of permitting and wastewater design specialists for this project has worked on wastewater permits and WWTP designs in the Central Valley of California for 16 to over 40 years for all key team personnel. The entire team has worked together on similar projects out of Stantec's Rocklin, California office for over 11 years. A partial list of recent wastewater permit renewals in the Central Valley is presented below.

- City of Dixon: land application
- City of Lathrop: land application and reuse
- City of Lincoln: land application, reuse, and creek discharge
- City of Merced: land application, reuse, and slough discharge
- City of Newman: land application and reuse
- City of Rio Vista: river discharge
- Town of Discovery Bay: river discharge

Other permit renewals with the Central Valley Regional Water Board include:

- Angels Camp: land application and creek discharge
- City of Auburn: creek discharge
- Bear Valley Water District: land application and creek discharge
- Donner Summit Public Utility District: land application, reuse, and creek discharge
- City of Nevada City: creek discharge
- San Andreas Sanitary District: land application and river discharge

Reference: Engineering Consulting Services Proposal

The permitting expertise of Stantec team members has been recognized by the State Water Resources Control Board who retained Dr. Stowell, a key team member, to develop and teach classes on wastewater treatment, disposal, and permitting matters for State Board and Regional Water Board staff.

Stantec's project team experience and qualifications are presented below.

- Rich Stowell, PhD, PE, Principal, QC

Since 1973 Rich has specialized in water quality related engineering: wastewater treatment, wastewater disposal, and the planning, environmental assessments, and permitting associated with wastewater projects of all types (municipal, industrial, commercial, and agricultural). Rich has developed and negotiated countless permits adopted by the Central Valley Regional Water Board permits for over 40 years using his technical expertise and commonsense approach. As noted above, Rich was approached by the State Board to develop and teach classes for State Board and Regional Board staff.

- Akram Botrous, PhD, PE, Sr. Process Engineer

Dr. Botrous has more than 25 years of wastewater treatment research and design experience. His areas of expertise include: secondary treatment process design, biological nutrient removal, and membrane bioreactors (MBR). He has hands-on experience with BioWin process modeling, hydraulic profiles, water cad modeling, process optimization, trouble-shooting, capacity assessment, and pilot studies. He also has experience with detailed design of wastewater treatment plants, writing specifications, and engineering services, as well as treatment process evaluations.

- Eric Zeigler, Project Manager/Sr. Environmental Scientist

Eric is a Senior Environmental Scientist and serves as a Project Manager for various projects in the wastewater permitting and water quality field. He has extensive experience in negotiating Waste Discharge Requirement (WDR) permits for municipal wastewater treatment facilities located in the Central Valley. This work includes the production of permit application and renewal documentation, including the development and implementation of a wide variety of site/discharger-specific water quality studies. He has over 25 years of experience in the field and has been responsible for developing technical reports, and leveraging the information and data presented in those reports into successful wastewater permits based on real world site and discharger-specific conditions rather than based on the default, overly conservative conditions used by the Regional Water Board in the absence of the Discharger providing the Water Board with site-specific analyses.

- Leila Sermek, PE, Engineer

Leila has 16 years of experience in planning, designing, and evaluating processes for water, wastewater treatment, and biosolids and residuals handling, as well as in the planning and design of water and wastewater conveyance systems. She specializes in treatment process development, process modeling and design, performance evaluation, operation, trouble-shooting, and cost-benefit analysis. Her expertise

Reference: Engineering Consulting Services Proposal

includes hydraulic modeling; pumping station design; biosolids handling facilities design (including treatment, dewatering and drying); and design of biological wastewater treatment facilities, pond treatment systems, and storage and equalization facilities. Leila has additional experience in evaluating alternative wastewater and biosolids treatment and disposal systems.

2. Description of approach and outline of services

Stantec's approach is to work with City staff to draft a simple Report of Waste Discharge (ROWD) amendment letter for submittal to the Regional Water Board in response to their October 4, 2018 request letter. A response to the Regional Water Board letter is required by January 31, 2019. Stantec's recommendation is for the City to request renewal of WDRs without a request to increase the permitted capacity above the current limit of 7.0 MGD. The ROWD amendment letter will describe current WWTP facilities and provide a discussion regarding City plans to investigate the alternatives for increasing the WWTP disposal capacity in the future, up to the WWTP's design treatment capacity of 10.1 MGD. It is expected that the renewed WDRs will provide specific steps needed to increase the permitted disposal capacity above 7.0 MGD. Stantec will provide the City with a draft ROWD amendment letter by December 31, 2018 for City review and comment. A final letter will then be produced, addressing City comments, for submittal to the Regional Water Board by January 31, 2019.

This is the most simple and straightforward approach to renewing the City's WDRs. In the future, when an increase of the permitted disposal capacity is needed, the City can simply request that the WDRs be amended and provide the Regional Water Board with needed documentation. Following submittal of the ROWD amendment letter to the Regional Water Board, it is anticipated that the Regional Water Board will respond with a request for additional information or data. Stantec will assist the City in responding to any Regional Water Board requests.

Below is a list of items that the Regional Water Board might request. Specific tasks beyond the ROWD amendment letter, described above, will only be initiated by Stantec after advanced authorization by the City.

- Updated Form 200
- Updated Anti-Degradation Analysis
- Updated water balance
- WWTP Treatment and Capacity Study
- Independent evaluation of the City's groundwater monitoring results to date
- Salinity Minimization Plan and possibly a formal "salt balance" if requested
- Title 22 Engineering Report if any changes to effluent reuse are proposed
- Meeting with City staff
- Meeting and negotiating with Regional Water Board staff

Reference: Engineering Consulting Services Proposal

Based on our extensive experience working cooperatively with the Central Valley Regional Water Quality Control Board (Regional Water Board) permitting staff, Stantec believes the most cost effective and efficient approach to this project is to first provide the documentation listed above to the Regional Water Board for consideration. Based on our experience, we do not believe preparation of an extensive new, or amended, Report of Waste Discharge is appropriate. We believe the best approach is to provide the above documentation to the Regional Water Board for review and consideration and wait for the Regional Water Board to respond. Only then will the City know exactly how Regional Water Board staff would like to proceed and what additional information or data they might require. In other words, we do not recommend applying significant City resources on the preparation of WDR renewal documents as an initial step. If more documentation, than summarized above, is required by Regional Water Board staff for WDR renewal, staff will provide the City with specific requests, which will then allow the City to prepare a targeted response instead of generating documentation that might not be needed by the Regional Water Board. At Stantec we have used this approach numerous times and the results have provided our clients with the best possible WDRs for the least amount of resources expended.

3. Not to exceed cost for services

Stantec proposes to assist the City in the renewal of WWTP WDRs on a time and materials basis for an amount not to exceed \$50,000. Stantec will only conduct tasks specifically requested in advance by the City. Specific tasks needed are unknown at this time as tasks will largely be driven by Regional Water Board requests following submittal of the ROWD amendment letter.

4. Hourly rates

Hourly Stantec rates for key staff are presented as follows:

- Rich Stowell, PhD, PE, Principal, QC - \$225/hour
- Akram Botrous, PhD, PE, Sr. Process Engineer - \$221/hour
- Eric Zeigler, Project Manager/Sr. Environmental Scientist - \$195/hour
- Leila Sermek, PE, Engineer - \$180/hour

5. Confirmation that consultant can begin work immediately

Stantec has the availability and resources to begin work on this project immediately following execution of an agreement with the City.

6. Response to all items is required

Stantec has provided responses to each City-required content item, as noted above.

October 17, 2018
Mr. John Scarborough
Page 5 of 5

Reference: Engineering Consulting Services Proposal

Conclusion

We look forward to working with the City on this project. Feel free to contact us if you would like to discuss our approach and the details provided in this proposal.

Regards,

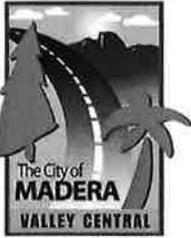
Stantec Consulting Services, Inc.



Eric Zeigler
Senior Environmental Scientist
Phone: (916) 773-8100
Eric.Zeigler@stantec.com

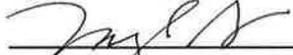


Steven L. Beck, PE
Senior Principal, Water
Phone: (916) 773-8100
Steven.Beck@stantec.com

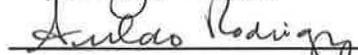


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: B-6

SUBJECT:

CONSIDERATION OF A RESOLUTION APPROVING AMENDMENT #1 TO THE FISCAL YEAR 2018-19 SITE MANAGEMENT CONTRACT BETWEEN THE CITY AND THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE CONTRACT ON BEHALF OF THE CITY

AND

CONSIDERATION OF A RESOLUTION AMENDING THE FY 2018-19 GENERAL FUND/ORG 10206218 - SENIOR CITIZEN COMMUNITY SERVICE PROGRAM BUDGET TO RECOGNIZE \$15,000 IN ADDITIONAL REVENUE

RECOMMENDATIONS:

There are three actions being recommended by Staff. Staff recommends:

1. Adopt the Resolution approving Amendment #1 to the FY 2018-19 Site Management Contract between the City and the Fresno Madera Area Agency on Aging (FMAAA).
2. Authorize the Mayor to execute the Amendment to the Contract on behalf of the City.
3. Adopt the Resolution authorizing the Budget Amendment to recognize the additional \$15,000.00 in revenue in the FY 2018-19 General Fund/Org 10206218 – Senior Citizen Community Service Program Budget.

SUMMARY:

The Parks and Community Services Department receives annual funding from the FMAAA to provide Congregate Nutrition Site Management at Community Centers. Congregate Nutrition at City sites is the provision of nutritious meals to qualifying seniors

At the July 2018 Regular City Council (Council) Meeting, Council approved an Agreement with the FMAAA to compensate the City \$24,000 for Site Management services for Fiscal Year 2018-19.

On occasion, FMAAA receives additional allocations from the federal government and these program allocations can be passed on to the providers. The FMAAA has provided a Contract Amendment (attached) that memorializes an addition of \$15,000 to the \$24,000 already committed by the FMAAA for this Fiscal Year. In addition to Council's acceptance of the funding allocation, a Budget Amendment is needed.

DISCUSSION:

The Parks and Community Services Department receives annual funding from the FMAAA to provide Congregate Nutrition Site Management (Site Management) services at the Frank Bergon Senior Center and the Pan-Am Community Center. Congregate Nutrition at City sites is the provision of nutritious meals to qualifying seniors. Site Management as defined by FMAAA is:

1. Oversight and responsibility for the day-to-day operations of a Congregate Nutrition Program meal site with respect to meals.
2. Oversight of and responsibility for Congregate Nutrition Program staff and volunteers, including provision of required program training.
3. Collection of required Congregate Nutrition Program data from program participants.
4. Keeping records and preparing reports concerning meals ordered and served, nutrition volunteer hours, and donations.
5. Ensuring the Congregate Nutrition Program meal site meets all federal, State, and local regulations, including applicable licensing laws and ordinances related to food service operations and sanitation.

At the July 2018 Regular City Council Meeting, Council approved an Agreement with FMAAA to compensate the City \$24,000 for Site Management services for Fiscal Year 2018-19.

On occasion, FMAAA receives additional allocations from the federal program that provides support after contracts with service providers have been executed. These allocations can be passed on to the providers. The City has received notice that an additional allocation of \$15,000 is available to support Site Management activities in Madera for the remainder of FY 2018-19.

The FMAAA has provided a Contract Amendment (attached) that memorializes the addition of the \$15,000 to the \$24,000 operations money already committed by the agency for this Fiscal Year. In addition to Council's acceptance of the funding allocation, a Budget Amendment is required to recognize the revenue within the appropriate accounts of the FY 2018-19 Working Budget.

FINANCIAL IMPACT:

The \$15,000 allocation provides General Fund relief by offsetting salary and benefit support previously approved by Council in the FY 2018-19 Budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The recommended actions are consistent with the following Vision Strategies:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT #1 TO THE FISCAL YEAR 2018-19 SITE MANAGEMENT CONTRACT BETWEEN THE CITY AND THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Madera provides Congregate Nutrition services to older adult citizens at Frank Bergon Senior Center and the Pan-Am Community Center; and

WHEREAS, the Fresno Madera Area Agency on Aging (FMAAA) provides Title III of the Federally Funded Older Americans Act Site Management funding to support this activity; and

WHEREAS, the City Council has previously approved a Contract with FMAAA for provision of Site Management services for Fiscal Year 2018-19 and

WHEREAS, FMAAA now proposes to amend the Contract to include an additional \$15,000 in funding; and

WHEREAS, Amendment #1 to the FY 2018-19 Site Management Contract is in the best interests of the City, FMAAA, and the client population.

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

1. The above recitals are true and correct.
2. The proposed Amendment #1 to the FY 2018-19 Site Management Contract with the Fresno Madera Area Agency on Aging 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 the Amendment on behalf of the City of Madera.
4. This resolution is effective immediately upon adoption.

* * * * *

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA AMENDING THE FISCAL YEAR 2018-19 GENERAL FUND/ORG
10206218 - SENIOR CITIZEN COMMUNITY SERVICE PROGRAM BUDGET TO
RECOGNIZE \$15,000 IN ADDITIONAL REVENUE**

WHEREAS, the City of Madera provides Congregate Nutrition services to older adult citizens at the Frank Bergon Senior Center and the Pan-Am Community Center; and

WHEREAS, the Fresno Madera Area Agency on Aging (FMAAA) provides Title III of the Federally Funded Older Americans Act Site Management funding to support this activity; and

WHEREAS, the City Council has previously approved a Contract with FMAAA for provision of Site Management services for Fiscal Year 2018-19; and

WHEREAS, FMAAA now proposes to amend the Contract to include \$15,000 of additional revenue; and

WHEREAS, the FY 2018-19 General Fund/Org 10206218 – Senior Citizen Community Service Budget needs to be amended in order to recognize the additional revenue.

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

1. The above recitals are true and correct.
2. The amendments to the FY 2018-19 Budget Accounts as shown in Exhibit AA attached hereto are hereby approved.
3. The Director of Finance is directed to make the amendments to the appropriate FY 2018-19 Budget accounts as per Exhibit AA attached.
4. This resolution is effective immediately upon adoption.

* * * * *

EXHIBIT AA

CITY OF MADERA

Appropriation Adjustment:

Amendment #1 to Agreement with FMAAA for Site Management

| FUND | ORG CODE | OBJECT CODE | DESCRIPTION | (+) | (-) |
|--|-------------|----------------|----------------------------|----------|------------------|
| <u>SENIOR CITIZEN COMMUNITY SERVICE</u> | | | | | |
| | 10206218 | 4463 | F.M.A.A.A. Site Management | | 15,000.00 |
| | | | | <u>-</u> | <u>15,000.00</u> |

Note:

**AMENDMENT 1
TO CONTRACT BETWEEN
CITY OF MADERA
AS SERVICE PROVIDER
AND
FRESNO-MADERA AREA AGENCY ON AGING
(HEREINAFTER REFERRED TO AS AGENCY ON AGING)
3837 NORTH CLARK STREET
FRESNO, CA 93726**

A. Name and principal address of service contractor (hereinafter referred to as service provider):

**City of Madera
701 East 5th Street
Madera, CA 93638**

- B. The starting date of this Agreement shall not precede the date the Agreement is signed by both parties hereto. The term of this Agreement is from July 1, 2018 to June 30, 2019, subject, however, to earlier termination as provided herein.
- C. No expenditure or obligation for the funding allocation for the July 1, 2018 through September 30, 2018 period may be incurred after September 30, 2018. No expenditure or obligation for the funding allocation for the October 1, 2018 through June 30, 2019 period may be incurred after June 30, 2019.
- D. Maximum funds available for the following program, **contingent upon sufficient funds made available from the State of California to the Agency on Aging and/or by the U.S. Government or the Budget Acts of the appropriate fiscal years for the purposes of this program:**

| Approved by Fresno-Madera Area Agency on Aging Governing Board on November 15, 2018 | | | |
|--|--|---------------------------------|-----------------|
| Federal Grantor: | U.S. Department of Health and Human Services | | |
| Pass Through Grantor: | Fresno-Madera Area Agency on Aging | | |
| Older Americans Act Title: | Title III C1 Congregate Nutrition, Federal CFDA No. 93.045 | | |
| Service | Agency on Aging Contract No. | Funding Period | Grant Amount |
| Site Management, 2 Sites: Pan-American, Bergon | 19-0147 | July 2018 - September 2018 | \$6,000 |
| | | October 2018 - June 2019 | \$18,000 |
| | 19-0147 Amendment 1 | October 2018 – June 2019 | \$15,000 |
| Total Fiscal Year 2018-2019 Grant Award: | | | \$39,000 |

- E. This document together with any attached program exhibits, assurances, budgets, and narratives is a firm agreement to provide services for older Americans in Fresno and/or Madera counties (including cities contained therein) as specified in a manner consistent with the intent of, and regulations applicable to, service programs under Title III/VII of the Older Americans Act as amended.
- F. The provisions of the Area Plan Grant Award Terms and Conditions Declaration (Articles I through XX) attached thereto, plus all enclosures listed, herein, constitute a part of this contract.

FOR SERVICE PROVIDER:

Signature of individual named on Exhibit E, page 5, as having primary, hands-on involvement and oversight of the day-to-day operations of the contracted program.

Date

Type Name

Title

Signature of Authorized Contracting Official
(Refer to Appendix A)

Date

Type Name

Title

Contractor Federal Employer I.D. Number

FOR FRESNO-MADERA AREA AGENCY ON AGING:

Signature

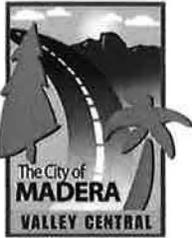
Date

Jean Robinson

Executive Director

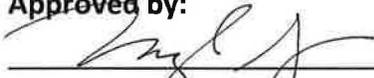
Type Name

Title

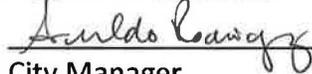


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: C-1

SUBJECT:

CONSIDERATION OF A RESOLUTION ACCEPTING \$50,000 IN GRANT FUNDING FROM KAISER FOUNDATION HOSPITALS (KFH) FOR THE MADERA HEAL ZONE IV PROJECT, APPROVING THE GRANT AGREEMENT WITH KFH, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS ON BEHALF OF THE CITY

AND

CONSIDERATION OF A RESOLUTION AMENDING THE FY 2018 – 19 PARKS AND COMMUNITY SERVICES BUDGET TO RECOGNIZE THE PROCEEDS OF THE GRANT AND TO APPROPRIATE FUNDS TO THE SPECIFIED ACCOUNTS

RECOMMENDATION:

There are three actions being recommended by staff. Staff Recommends:

1. Council adopt the resolution approving an Agreement with Kaiser Foundation Hospitals for administration of the Madera HEAL Zone III Grant.
2. Council authorize the City Manager to execute the Agreement on behalf of the City.
3. Council adopt the resolution approving amendments to the FY 2018-19 Parks and Community Services Budget to recognize the proceeds of the Grant and to appropriate funds to be expended on the HEAL Zone IV program.

SUMMARY:

The Parks & Community Services (PCS) team received a notice of grant award from Kaiser Permanente on December 4, 2018. The \$50,000 grant award is for HEAL Zone IV activities,

which is a continuation of Healthy Eating Active Living (HEAL) programs established in 2011 with the City's first HEAL Zone grant.

DISCUSSION:

In March of 2011, Parks and Community Services Department (PCS) staff met with representatives from Kaiser Permanente to discuss opportunities for improved partnership between agencies. Later that year, PCS applied for and was awarded \$155,214 over a three-year period (\$51,738 per year) to be used for the HEAL Zone initiative which was intended to reduce obesity and improve community wellness. During that same year, Kaiser also granted the City with a mini capital grant for \$15,000 to provide the additional funding needed to acquire lighting for a new soccer field at Madera Sunrise Rotary Park.

The City was awarded an additional grant for \$24,500 from Kaiser Permanente's Northern California Community Benefits Programs in 2014. The objective of this round of funding was to continue HEAL Zone activities; these activities were called HEAL Zone II. In September of 2017, PCS leadership invited the newly seated Kaiser representative to Madera with the goal of securing additional grant resources. She informed PCS that Kaiser had reorganized their Community Benefits Division and were accepting applications using a new format; she suggested the City apply for the maximum grant award of \$50,000. PCS staff submitted a grant request for \$50,000 to fund our Heal Zone III (HZIII) initiative on October 13, 2017 and received the full award in December of that same year.

More recently, PCS submitted an additional request for \$50,000 in September of this year to continue our HEAL Zone efforts. The suite of programs under the HZIV umbrella will provide Maderans of all ages with access to recreation space at various City parks and centers, trained staff, and materials and tools to help them maintain a lifestyle that incorporates the principles of healthy eating and active living. Staff was notified on December 4, 2018 that the application for HZIV was successful and the City would be awarded the full \$50,000 request.

The HZIV grant application described a program designed to build on the successes of the previous Madera HEAL Zone initiatives and leverage momentum to further efforts to promote access to healthy food choices and provide opportunities to engage in physical activity. The scope of the project is two-fold: 1) to provide increased access for City residents to physical activity opportunities at parks and community centers; and 2) to increase access to healthy, affordable foods, and decrease access to unhealthy food. Specific activities under the grant include:

1. Expand access to facilities and organized recreational programming.
2. Provide additional training to Program Leaders to better engage Maderans in age appropriate physical activities and healthy eating programming.
3. Document and report quantitative (attendance) and qualitative (self-reporting from program participants via surveys) data at City provided organized recreational and fitness activities.

4. Provide stipends to Madera residents to help defray the cost of fee-based recreational programming.
5. Extend lighted field times at Madera Sunrise Rotary Park.

FINANCIAL IMPACT:

The revenue from the Kaiser grant was not anticipated during the formation of the FY 2018-19 PCS budget. The grant revenue and associated additional costs need to be recognized and appropriations need to be made to specified accounts. The grant is based on activities to be provided from December 21, 2018 through December 21, 2019. Therefore, the revenue and expenses will be budgeted at \$25,000 in the current FY 2018-19 Fiscal Year and \$25,000 in the upcoming 2019-20 Fiscal Year.

The recommended actions provide General Fund relief through payment of salaries and benefits of existing staff, estimated at \$15,000 per year for the current and upcoming Fiscal Years.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The recommended actions support the following Vision 2025 strategies and actions:

- Action 121.8:** Promote and encourage walking within the City.
- Action 121.10:** Add facilities and amenities for the public.
- Strategy 404:** Community Wellness: Promote increased community wellness.
- Strategy 411:** Recreational Opportunities: Enhance and expand recreational activities available to Maderans.
- Action 415.2:** Continue involvement and coordination of programs between jurisdictions, organizations, and faith-based educational programs.
- Action 415.3:** Increase funds for recreation.

RESOLUTION NO. 18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ACCEPTING \$50,000 IN GRANT FUNDING FROM KAISER FOUNDATION HOSPITALS (KFH) FOR THE MADERA HEAL ZONE IV PROJECT, APPROVING THE GRANT AGREEMENT WITH KFH, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS ON BEHALF OF THE CITY

WHEREAS, the City of Madera Parks & Community Services Department provides physical activities for City residents of all ages, and outreach services within the community to promote healthier lifestyle choices; and

WHEREAS, Kaiser Foundation Hospitals has provided grant funding through its Northern California Community Benefits Programs that supports these activities; and

WHEREAS, the City applied for and received grant funding from Kaiser Foundation Hospitals; and

WHEREAS, Kaiser Foundation Hospitals has prepared an Agreement for the grant funding which will provide the City \$50,000 for the period of December 21, 2018 through December 21, 2019 to be used in support of the HEAL ZONE IV program activities in Madera; and

WHEREAS, the Agreement is in the best interests of the City, Kaiser Foundation Hospitals and the citizens of Madera.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Madera hereby resolves, finds and orders as follows:

1. The above recitals are true and correct.
2. The agreement with Kaiser Foundation Hospitals related to the HEAL ZONE IV Grant Program, a copy of which is on file in the office of the City Clerk and which is referred to for more particulars, is hereby approved.
3. The City Manager is authorized to execute the Agreement on behalf of the City.
4. This resolution is effective immediately upon adoption.

* * * * *

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA AMENDING THE FY 2018 – 19 PARKS AND COMMUNITY
SERVICES BUDGET TO RECOGNIZE THE PROCEEDS OF A \$50,000 KAISER
FOUNDATION HOSPITALS GRANT AND TO APPROPRIATE FUNDS TO
SPECIFIED ACCOUNTS**

WHEREAS, the City of Madera Parks & Community Services Department provides physical activities for City residents of all ages, and outreach services within the community to promote healthier lifestyle choices; and

WHEREAS, Kaiser Foundation Hospitals has provided grant funding through its Northern California Community Benefits Programs that supports these activities; and

WHEREAS, the Kaiser grant revenue has not been recognized in the FY 2018-19 Parks and Community Services Budget; and

WHEREAS, City staff would like to amend the FY 2018-19 Parks and Community Services Budget to reflect sufficient appropriations that fully recognize the grant revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Madera hereby resolves, finds and orders as follows:

1. The above recitals are true and correct.
2. The appropriate FY 2018-19 Budget accounts are hereby amended as per Exhibit AA attached.
3. The City Clerk is directed to forward a copy of this resolution to the Director of Finance who shall take all necessary steps to implement the amendments.
4. This resolution is effective immediately upon adoption.

* * * * *

EXHIBIT AA

CITY OF MADERA

Appropriation Adjustment:

Consultant Services Agreement with MUSD for FIT and Foster Youth

| FUND | ORG CODE | OBJECT CODE | DESCRIPTION | (+) | (-) |
|---|-------------|----------------|--------------------------------|------------------|------------------|
| <u>PARKS AND COMMUNITY SERVICES - RECREATION</u> | | | | | |
| | 10206200 | 4434 | Grants | | 25,000.00 |
| | 10206200 | 5000 | Salaries/Full-Time | 4,000.00 | |
| | 10206200 | 5005 | Salaries/Part-Time | 10,000.00 | |
| | 10206200 | 5304 | Workers Compensation | 3,000.00 | |
| | 10206200 | 5305 | Medicare Tax - Employers Share | 400.00 | |
| | 10206200 | 5307 | Deferred Comp/Part-Time | 500.00 | |
| | 10206200 | 5309 | Unemployment Insurance | 350.00 | |
| | 10206200 | 6412 | Advertising/Other | 1,250.00 | |
| | 10206200 | 6480 | Program Expense | 2,500.00 | |
| | 10206200 | 6530 | Conference/Training/Education | 500.00 | |
| | 10206200 | 6532 | Maintenance/Other Supplies | 2,500.00 | |
| | | | | <u>25,000.00</u> | <u>25,000.00</u> |

Note:



Kaiser Foundation Health Plan, Inc.
Kaiser Foundation Hospitals
Northern California Region

November 30, 2018

Ms. Mary Anne Seay
Parks and Community Services Director
City of Madera - Parks and Community Services
205 West 4th Street
Madera, CA 93637

Re: Grant Award Letter for Grant Number 20663470

Dear Ms. Seay:

On behalf of Kaiser Permanente's Northern California Community Benefit Programs, we are pleased to inform you that a grant in the amount of \$50,000.00 has been awarded to City of Madera ("Grantee"). The purpose of these funds is to support the HEAL Zone IV (the "Grant").

Kaiser Permanente has a 70-year history and our mission includes improving the health of the communities we serve. As a nonprofit integrated healthcare delivery organization, we make investments in our communities. We believe in supporting organizations like yours that make a difference in people's lives.

Grant Period and Reporting

The Grant period (or term of the Grant) is: 12/21/2018 to 12/21/2019 and a final report is due no later than 1/31/2020. A mid-term progress report is required and due no later than 7/31/2019. All required reports must be submitted electronically at https://www.grantrequest.com/SID_946/Default.asp?SA=AM

Documents to Sign and Send Back

Please review the enclosed Grant Agreement (pages 1-4) and Communications Guidelines (page 5) which describe the terms and conditions of your grant. In order to receive your payment, **please sign and return this award letter and the attached Grant Agreement promptly. Mail both signed documents to:**

Sonia Hogan
Kaiser Permanente, Community Benefit Programs
4601 Dale Road
Modesto, CA 95356

If you have questions or require additional information, please contact your grant manager, **Salina Mendoza** at salina.x.mendoza@kp.org.

Rob Veneski
Public Affairs Director

Date



Kaiser Foundation Health Plan, Inc.
Kaiser Foundation Hospitals
Northern California Region

ACCEPTED AND AGREED

Arnoldo Rodriguez
City Manager

Date

20663470

Kaiser Foundation Hospitals, Northern California Region
- Grant Agreement -

In addition to the specific terms of the Grant Award Letter for Grant Number 20663470, Kaiser Foundation Hospital's ("KFH") award of this Grant, managed by the KFH Northern California Community Benefit Programs Division, is contingent upon Grantee's compliance with the following terms and conditions, and Grantee agrees to all these terms and conditions. Together, the Grant Award Letter and these terms and conditions are "the Agreement."

1. Tax-Exempt Status

Grantee is a (i) tax-exempt organization currently recognized by the Internal Revenue Service ("IRS") as a public charity described in section 501(c)(3), (8), (10) or (19) or 501(k) or 509(a)(1), (2), or (3) of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) a local, state or federal government agency. If Grantee is a public charity as described in (i), then Grantee represents and warrants that

- Grantee's tax-exempt status under the Code has not been revoked or modified since the issuance of the IRS determination letter provided to KFH and shall not be revoked or modified during the term of this Grant; and
- there is no issue presently pending before any office of the IRS that could result in any proposed changes to Grantees' tax-exempt status under the Code; and
- Grantee shall immediately notify KFH if Grantee's tax-exempt status is revoked, suspended or modified during the term of this Grant.

2. Expenditure of Funds

This Grant must be used for the project identified in the Grant Award Letter, as described in the Grantee's proposal and related correspondence, and may not be expended for any other purposes without KFH's prior written approval. If the Grant is intended to support a specific project or to provide general support for a specific period, any portion of the Grant unexpended at the completion of the project at the end of the period shall be returned immediately to KFH, unless otherwise agreed by KFH in writing. Grantee may not expend any Grant funds for any purpose that is not charitable or educational, for any political or lobbying activity, or for any purpose other than one specified in Section 170(c)(2)(b) of the Code. Grantee must obtain prior written approval from KFH for changes to budgetary allocations that amount to 10% or more of the total budget of the Grant award or for changes to the Grant period.

Grantee may not use any portion of this grant in connection with the enrollment of individuals in any Qualified Health Plan or non-Qualified Health Plan. If Grantee serves as a Certified Enrollment Entity or Navigator funded by the California Health Benefit Exchange (Covered California), Grantee will fully comply with any applicable state and federal statutes, regulations, and sub-regulatory guidance requiring disclosure of receipt of this funding to Covered California and consumers receiving application assistance from Grantee's personnel.

- Grant Agreement -

3. No Assignment or Delegation

Grantee may not assign, or otherwise transfer, its rights or delegate any of its obligations under this Grant without prior written approval from KFH.

4. Records and Reports

Grantee is required to keep a record of all receipts and expenditures relating to this Grant and to provide KFH with written reports summarizing the progress made, as detailed on KFH's reporting requirements outline. KFH may also require additional interim reports. Grantee's reports should describe its progress in achieving the purposes of the Grant and include a detailed accounting of the uses or expenditure of all Grant funds. Grantee also agrees to provide any other information reasonably requested by KFH. If Grantee obtains any audited financial statements covering any part of the Grant period, Grantee shall provide a copy to KFH as well. Grantee is required to keep the financial records with respect to this Grant, along with copies of any reports submitted to KFH, for at least four years following the year in which all Grant funds are fully expended.

5. Required Notification

Grantee is required to provide KFH with immediate written notification of: (1) any changes in its tax-exempt status; (2) its inability to expend the Grant for the purposes described in the Grant Award Letter; (3) any expenditure from this Grant made for any purpose other than those for which the Grant was intended; (4) any modification of the budget, Scope of Work of timeline; and (5) any significant changes in Grantee's leadership or staffing.

6. Reasonable Access for Evaluation

Grantee is expected to actively participate in the evaluation of Kaiser Permanente's Community Benefit Program, including KFH's evaluation of Grantee's project within that program. At KFH's request, Grantee will permit KFH and its representatives to conduct site visits and have reasonable access during regular business hours to Grantee's files, records, accounts, personnel and clients or other beneficiaries for the purpose of making financial audits, verifications or program evaluations as KFH deems necessary or appropriate concerning this Grant award.

7. Publicity

Whenever possible, Grantee shall obtain KFH's prior written or oral consent of any proposed publicity concerning this Grant prior to the release of such publicity. When acknowledging this Grant, Grantee will incorporate the following text: "*The project is supported by Kaiser Permanente Northern California Community Benefit Programs.*"

KFH may include information regarding this Grant, including the amount and purpose, photographs provided by Grantee, Grantee's logo or trademark, or other

Kaiser Foundation Hospitals, Northern California Region
- Grant Agreement -

information or materials about Grantee's organization and activities, in KFH's periodic public reports, newsletters, online channels, and news releases.

8. Right to Modify or Revoke Payments

Payments made under this Grant are contingent upon Grantee's compliance with the terms of this Agreement. KFH reserves the right to discontinue, modify or withhold any payments to be made under this Grant award or to require a total or partial refund of any Grant funds if, in KFH's sole discretion, such action is necessary: (i) because Grantee has not fully complied with the terms and conditions of this Grant, including without limitation, Grantee's loss of tax-exempt status or Grantee's use of Grant funds for purposes other than those designated; (ii) to protect the purpose and objectives of the Grant or any other charitable activities of KFH or the Kaiser Permanente Medical Care Program; or (iii) to comply with the requirement of any law, regulation, or regulatory agency policy applicable to Grantee, KFH or this Grant.

9. Termination

KFH may terminate this Grant for convenience upon 30 days' written notice to Grantee and may terminate this Grant immediately for the reasons specified in Section 8 or for Grantee's engagement in willful misconduct or negligence.

10. Independent Contractors

With respect to administration of this Grant, the parties understand and agree that each is at all times acting and performing as an independent contractor with respect to the other. Except as expressly set forth in this Agreement, neither party, nor any of its employees, shall be construed to be the agent, employee or representative of the other for any purpose, or liable for any acts or omissions of the other.

11. Compliance

Grantee shall (i) maintain, in full force and effect, all required governmental or professional licenses and credentials for itself, its facilities and its employees and all other persons engaged in work in conjunction with this Grant, and (ii) perform its duties and obligations under this Agreement according to industry standards and in compliance with all applicable laws. As an organization with numerous contracts with the federal government, KFH and its affiliates are subject to various federal laws, executive orders and regulations regarding equal opportunity and affirmative action. This Section constitutes notice that Grantee may be required to comply with the following Federal Acquisition Regulations (each a "FAR") at 48 CFR Part 52, which are incorporated herein by reference: (a) Equal Opportunity (April 2002) at FAR 52.222-26; (b) Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sept. 2006) at FAR 52.222-35; (c) Affirmative Action for Workers with Disabilities (June 1998) at FAR 52.222-36, and (d) Utilization of Small Business Concerns (May 2004) at FAR 52.219-8. In addition, Executive Order 13495 concerning the obligations of federal contractors and

**Kaiser Foundation Hospitals, Northern California Region
- Grant Agreement -**

subcontractors to provide notice to employees about their rights under Federal labor laws, or its successor, shall be incorporated herein by reference.

12. Miscellaneous

This Agreement shall be governed by the laws of the State of California. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be one and the same instrument. Grantee may not assign any right, duty or obligation under this Agreement without prior written approval from KFH. Any change of ownership or control of Grantee shall be deemed an assignment. This Agreement shall be binding upon and inure to the benefit of the parties and their respective, permitted successors and assigns. This Agreement, including any exhibits and attachments (all of which are incorporated into this Agreement by this reference), is the entire agreement of the parties with respect to the subject matter herein, and supersedes any and all other agreements, promises, negotiations or representations, whether oral or written. This Agreement, including exhibits and attachments, may not be amended except in a writing signed by each party.

ACCEPTED AND AGREED by duly authorized officers of KFH and Grantee:

KFH

Grantee:

Kaiser Foundation Hospitals
Fresno

City of Madera

By: _____
Rob Veneski

By: _____
Arnoldo Rodriguez

Title: Public Affairs Director

Title: City Manager

Date: Friday, November 30, 2018

Date: _____

Kaiser Foundation Hospitals, Northern California Region
– Communications Guidelines –

Congratulations on your Kaiser Permanente Northern California Region grant. We appreciate the opportunity to partner with you and to help others learn about your important work. Please review the information below concerning communications and publicity and contact your grant manager if you have any questions.

How to acknowledge your grant. To make it easy to communicate about your grant, we have prepared language describing our partnership. This language can be used for newsletters, websites, or other communications. *Please use this description when acknowledging your Kaiser Permanente grant.* You can also find this text on our grantee website at kp.org/communitybenefit/ncal/forgrantees.

Short credit:

The project is supported by Kaiser Permanente Northern California Community Benefit Programs.

Longer credit:

About the Kaiser Permanente Northern California Community Benefit Grants Program

Kaiser Permanente's community involvement uniquely pairs grant funding with 65 years of clinical expertise, medical research, and volunteerism to support prevention-focused, evidence-based programs that are expanding access to care and creating healthy environments. Kaiser Permanente recently awarded LifeLong Medical Care a \$85,000.00 grant that will help more people in this community get access to the resources they need to lead a healthy life. For more information about Kaiser Permanente's work in the community, visit www.kp.org/communitybenefit/ncal.

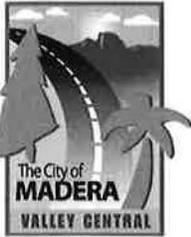
Logo. If you would like to use a Kaiser Permanente logo, please contact your grant manager. Tell them your preferred file type (JPEG or EPS) and color (blue or black). As a nonprofit organization, the Kaiser Permanente logo cannot be used on materials that imply endorsement of legislation or a candidate.

Promoting your Kaiser Permanente grant. Your new grant is an excellent time to tell the story of your important work—to your partners, the community, and the media. There are many ways to communicate, including via a press release, newsletter, Web site, social media, and donor communications. If you are interested in doing outreach or promotion, our communications team may be available to help. Please contact your grant manager to discuss this further.

Collecting stories about your work. Personal stories and testimonials are particularly effective ways to illustrate the value of your work—for fundraising, donor and board communications, and grant reports. The reporting requirements for this grant include capturing and relaying at least one story about your work, but we also appreciate your sharing stories with us at any point.

Free online training resources. At www.kp.org/communitybenefit/ncal/forgrantees you will find a "story capture sheet" and storytelling tips. This special website for our grantees has many other useful resources, including trainings and resource lists on storytelling, messaging, social media, and more.

Questions? For further information or questions, please contact your grant manager or send an email inquiry to: Denice.Y.Alexander@kp.org.

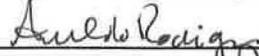


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: C-2

SUBJECT: Consideration of:

- (1) A Resolution Adopting a Boundary Map Showing the Territory Proposed for Annexation to City of Madera Community Facilities District No. 2005- 01.

And

- (2) A Resolution Declaring the City's Intention to Authorize the Annexation of Territory into City of Madera Community Facilities District No. 2005-01.

RECOMMENDATION:

After reviewing the above-referenced resolutions and accompanying documents, it is recommended that the City Council adopt the resolutions so that the territory proposed for annexation into the City's Community Facilities District 2005-01 can proceed to completion.

SUMMARY:

The attached resolutions will begin the proceedings for the annexation of the development projects known as the Bellava and Berk Homes (the "Project") into Community Facilities District 2005-01 (the "CFD 2005-01"). The conditions of approval for the Project require it to annex into CFD 2005-01, which was established as an annexable district to provide funding to offset the increased cost for public safety, open space, and parks maintenance created by new development.

DISCUSSION:

By Resolution No. 05-334, the City Council established CFD 2005-01, a Mello Roos Community Facilities District with the intention that future development within the City of Madera (the "City") would annex into this district. The special taxes collected from the property owners within the district are to be used for the funding of public safety services, open space operations and park maintenance.

One project makes up Annexation No. 5. Bellava and Berk Homes are owned by Bellava Construction LLC and are located west of Merced Street and on both sides of Adell Street (see Attachment 1 - Aerial Imagery). The Project includes the development of approximately 14 single-family residential units. The boundaries of the Project consist of the area within assessor's parcel number 005-140-048 as depicted on Exhibit A.

The two attached resolutions represent the first steps that must be taken in the annexation process. The first resolution adopts a boundary map depicting the territory that is proposed for annexation. The second resolution declares the City's intention to annex the proposed territory into CFD 2005-01. This will be the fifth annexation into the district. The resolution also establishes February 6, 2019, as the public hearing date for the final consideration of the annexation of the property into CFD 2005-01. Once the annexation is complete, the property owners of the Project will be required to pay annual special taxes for CFD 2005-01, beginning in Fiscal Year (FY) 2019/2020 as itemized on their property tax bill in accordance with the rate set forth in the Rate and Method of Apportionment of Special Tax. The current rates for CFD 2005-01 are shown in Table 1 of Exhibit B.

FINANCIAL IMPACT:

Based on the 2018/2019 Fiscal Year CFD 2005-01 assessments for single and multi-family residential units, the estimated annual revenue received by the City for the annexation (Fund 76650) will be \$6,287.96 at full buildout of the developments. CFD 2005-01 includes an annual CPI adjustment. The process for annexation is funded by the developer and no General Fund monies are used for this effort.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The proposed action is not specifically addressed as part of the Plan, but is not in conflict with it and is sympathetic of the underlying principles of the Vision 2025 Plan.

ATTACHMENTS:

1. Aerial Imagery
2. Resolution Adopting Boundary Map
Exhibit A – Boundary Map
3. Resolution of Intent to Annex Territory
Exhibit A – Boundary Map
Exhibit B – Rate and Method of Apportionment

AERIAL IMAGERY



RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
ADOPTING A BOUNDARY MAP SHOWING TERRITORY PROPOSED FOR
ANNEXATION TO CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO.
2005-01**

WHEREAS, the City Council of the City of Madera, California, ("City Council"), formed a Community Facilities District, designated as Community Facilities District No. 2005-01 (hereafter referred to as "CFD No. 2005-01"), pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, the City Council desires to initiate proceedings to annex certain territory to CFD No. 2005-01; and

WHEREAS, there has been submitted a map attached as Exhibit A showing the territory proposed to be annexed to CFD No. 2005-01, said area to be designated as Community Facilities District No. 2005-01, Annexation No. 5 (hereafter referred to as "Annexation No. 5").

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

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Annexation Map. The map showing Annexation No. 5 and to be subject to the levy of a special tax by CFD No. 2005-01 upon the annexation of such territory to CFD No. 2005-01 is hereby approved and adopted. Such map is designated by the name of "Annexation No. 5 to City of Madera Community Facilities District No. 2005-01."

SECTION 3. Certificate. A certificate shall be endorsed on the original and on at least one (1) copy of the map of Annexation No. 5, evidencing the date and adoption of this Resolution, and within fifteen days after the adoption of the Resolution fixing the time and place of the Public Hearing on the intention to annex Annexation No. 5 to CFD No. 2005-01, a copy of said map shall be filed with the correct and proper endorsements thereon with County Recorder, all in the manner and form provided for in Section 3111 of the Streets and Highways Code of the State California.

EXHIBIT A

ANNEXATION MAP NO. 5
 COMMUNITY FACILITIES DISTRICT NO. 2005-01
 CITY OF MADIRA
 COUNTY OF MADIRA
 STATE OF CALIFORNIA

SHEET 1 OF 1



Legend
 [Grey Box] Assessor's Parcel
 [Circle with Number] Map Reference Number

1 in = 100 Feet

| MAP REFERENCE NUMBER | ASSESSOR'S PARCEL NUMBER |
|----------------------|--------------------------|
| 1 | 005120025 |

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ 20__.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION MAP NO. 5 OF COMMUNITY FACILITIES DISTRICT NO. 2005-01, CITY OF MADIRA, COUNTY OF MADIRA, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MADIRA ON _____ DAY OF _____ 20__ BY ITS RESOLUTION NO. _____.

CITY CLERK _____
 CITY OF MADIRA

FILED THIS _____ DAY OF _____ AT THE HOUR OF _____ O'CLOCK _____ M IN BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AND DISTRICT NO. _____ IN THE OFFICE OF THE COUNTY CLERK IN THE COUNTY OF MADIRA STATE OF CALIFORNIA.

COUNTY RECORDER _____
 COUNTY OF MADIRA
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THE BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 OF THE CITY OF MADIRA RECORDED WITH THE MADIRA COUNTY RECORDER'S OFFICE ON OCTOBER 1, 2005, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT ON PAGES 40 THROUGH 48.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DRAWING SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE MADIRA COUNTY ASSESSOR'S MAPS FOR THESE PARCELS UNLESS THE MADIRA COUNTY ASSESSOR'S MAP SHALL CONTAIN FOR ALL DETAILS, DIMENSIONS, THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY (BELLAVA CONSTRUCTION LLC) TO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01 (PUBLIC SERVICES) ANNEXATION NO. 5.

WHEREAS, the City Council of the City of Madera has conducted proceedings to establish Community Facilities District No. 2005-01 (Public Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, the City Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA, HEREBY RESOLVES:

SECTION 1. This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.

SECTION 2. The name of the existing CFD is "Community Facilities District No. 2005-01 (Public Services)".

SECTION 3. The territory included in the existing CFD is as shown on the map thereof filed in the office of the County Recorder, County of Madera State of California, to which map reference is hereby made which have been filed with the Madera County Recorder's Office.

The territory now proposed to be annexed to the CFD is as shown on the Boundary Map of Annexation No. 5 to the CFD, on file with the City Clerk, a copy of which is attached hereto as Exhibit "A" and made a part hereof, the boundaries of which territory are hereby preliminarily approved. The City Clerk is hereby directed to cause the recordation of said Boundary Map of Annexation No. 5 to the CFD, showing the territory to be annexed, in the Office of the County Recorder of the County of Madera within fifteen days of the date of adoption of this resolution.

SECTION 4. The types of public services financed by the CFD and pursuant to the Act consist of those services (the "Services") described in Exhibit A to Resolution No. 05-334 adopted by the Council on the 16th day of November 2005 (the "Resolution of Formation"). It is presently intended that the Services will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

SECTION 5. Except to the extent that funds are otherwise available to the CFD to pay for the Services and/or the principal and interest as it becomes due on bonds of the CFD issued to finance the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, and in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, is described in the Rate and Method of Apportionment, a copy of which is attached hereto as Exhibit "B", which is hereby incorporated by this reference.

SECTION 6. Notice is given that on February 6, 2019, at 6:00 p.m., in the regular meeting place of this Council, being the City Council Chambers, located at 205 W. 4th St, Madera, California, the Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of said special tax therein.

SECTION 7. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. Said notice shall be substantially in the form specified in Section 53339.4 of the Act. The City Clerk shall also cause a copy of the Resolution of Annexation, or a notice thereof, to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which resolution or notice shall be mailed at least 15 days before the date of said hearing.

EXHIBIT A

ANNEXATION MAP NO. 5 CITY OF ANDERVA COUNTY OF ANDERVA STATE OF CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2005-01

SHEET 1 OF 1



Legend

- Assessor's Parcel
- Map Reference Number

1 in = 100 Feet

| MAP REFERENCE NUMBER | ASSESSOR'S PARCEL NUMBER |
|----------------------|--------------------------|
| 1 | 005-120-028 |

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ 20____.

I HEREBY CERTIFY THAT THE ATTACHED MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION MAP NO. 5 OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 OF THE CITY OF ANDERVA, COUNTY OF ANDERVA, STATE OF CALIFORNIA, AS APPROVED BY THE CITY COUNCIL OF THE CITY OF ANDERVA AT A REGULAR MEETING THEREOF HELD ON THE RESOLUTION NO. _____ OF _____ 20____ BY ITS RESOLUTION NO. _____

CITY CLERK
CITY OF ANDERVA

FILED THIS _____ DAY OF _____ 20____ AT THE COURT HOUSE OF THE COUNTY OF ANDERVA, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF ANDERVA, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF ANDERVA
STATE OF CALIFORNIA

REFERENCE IS MADE TO THE BOUNDARY OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 OF THE CITY OF ANDERVA, COUNTY OF ANDERVA, STATE OF CALIFORNIA, AS APPROVED BY THE CITY COUNCIL OF THE CITY OF ANDERVA AT A REGULAR MEETING THEREOF HELD ON THE RESOLUTION NO. _____ OF _____ 20____ BY ITS RESOLUTION NO. _____ THROUGH WHICH THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL OF LAND IN THE DISTRICT SHALL BE THOSE LINES AND DIMENSIONS LISTED IN THE PARCELS LISTED IN THE COUNTY ASSESSOR'S MAPS FOR THE PARCELS LISTED.

THE ANDERVA COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL OTHER CONCERNING THE LINES AND DIMENSIONS OF PARCELS IN PARCELS.



EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax of Community Facilities District No. 2005-01 of the City of Madera (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing Fiscal Year 2006-07 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof shall be taxed for the purposes, to the extent and in the manner herein provided.

DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Titles of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, c) park maintenance, d) storm drainage system operation and maintenance and other services as defined herein including but not limited to ambulance and paramedic services.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the District to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or three percent (3%). The annual CPI used shall be for the area of San Francisco-Oakland-San Jose, CA as reflected in the then-current April update. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (www.dir.ca.gov/dlsr). If the foregoing index is not available, the District Administrator shall select a reasonably comparable index.

“Assessor’s Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned assessor’s parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by assessor’s parcel number.

“Base Year” means Fiscal Year ending June 30, 2007.

“City” means the City of Madera.

“Council” means the City Council of the City of Madera, acting as the legislative body of the District. **“County”** means the County of Madera, California.

“Developed Multi-Family Residence” means all Assessor’s Parcels of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more residential units that share common walls, including but not limited to, duplexes, triplexes, town homes, condominiums, and apartment units.

“Developed Property” means all Taxable Property, exclusive of Property Owner Association Property, Non-Residential Property, or Public Property, for which a building permit was issued after January 1, 2005, and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

“Developed Single-Family Residence” means all Assessor’s Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one single-family residential dwelling unit.

“District Administrator” means an official of the City, or designee thereof responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“District” means Community Facilities District No. 2005-01 of the City of Madera.

“Entitled Property” means an Assessor’s Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term “Entitled Property” shall apply only to Assessors’ Parcels and/or Lots, which have been subdivided for the purpose of residential development, excluding any Assessor’s Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the District Administrator.

“Final Map” means an Assessor’s Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Land Use Class” means any of the classes listed in Table 1.

“Lot” means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may be issued.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below that can be levied in the District in any Fiscal Year on any Assessor’s Parcel.

“Non-Residential Property” means all Assessors’ Parcels for which a building permit(s) has been issued for a non-residential use and does not contain any residential units as defined under Developed Single Family Residence or Developed Multi-Family Residence.

“Property Owner Association Property” means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub- association.

“Proportionately” means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels within each Land Use Class.

“Public Property” means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

“Service Costs” means the estimated and reasonable costs of providing police protection services and fire protection and suppression services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police protection services and fire protection and suppression services and other services as defined herein, respectively, (iv) City overhead costs associated with providing such services within the District, (v) park maintenance, and (vi) storm drainage system operation and maintenance. On each July 1 following the Base Year, the increases attributed to salaries and benefits shall be calculated and limited to the increase based on the Annual Escalation Factor. The Special Tax will finance Services that are in addition to those provided in or required for the territory within the District and will not be replacing Services already available. The Special Tax provides only partial finding for police services, fire suppression and protection services, park maintenance, and storm drainage system operation and maintenance.

“Special Tax” means the Special Tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to find the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“Special Tax Requirement” means that amount required in any Fiscal Year for the District to: (i) pay for Service Costs; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

“State” means the State of California.

“Property” means all of the Assessor’s Parcels within the boundaries of the District and any future annexation to the District that are not exempt from the Special Tax pursuant to law or as defined herein.

“Tax Exempt Property” means an Assessor’s Parcel not subject to the Special Tax. Tax- Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Non-Residential Property, and (iv) property designated by the City or District Administrator as Tax-Exempt Property.

“Undeveloped Property” means, for each Fiscal Year, all Assessor’s Parcels of Taxable Property not classified as Developed Property or Entitled Property, including an Assessor’s Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator means any separate residential dwelling unit in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use.

ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the District shall be classified as Developed Property, Entitled Property, or Undeveloped Property. Developed Property shall be further classified as Developed Single-Family Residence or Developed Multi-Family Residence. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

1. DEVELOPED PROPERTY

**TABLE 1
MAXIMUM SPECIAL TAX FOR DEVELOPED PROPERTY
COMMUNITY FACILITIES DISTRICT No. 2005-01**

| Land Use Class | Description | Maximum Special Tax Per Unit ¹ |
|---|-----------------------------------|---|
| 1 | Developed Single-Family Residence | \$311 per unit |
| 2 | Developed Multi-Family Residence | \$285 per unit |
| ¹ Maximum Special Tax includes Administrative Expenses | | |

2. ENTITLED PROPERTY

**TABLE 2
MAXIMUM SPECIAL TAX FOR ENTITLED PROPERTY
COMMUNITY FACILITIES DISTRICT No. 2005-01**

| Land Use Class | Description | Maximum Special Tax Per Unit ¹ |
|---|-------------------|---|
| 3 | Entitled Property | \$166 per lot |
| ¹ Maximum Special Tax includes Administrative Expenses | | |

On each July 1 following the Base Year (i.e., July 1, 2007), the Maximum Special Tax Rates in Table 1 and Table 2 shall be increased in accordance with the Annual Escalation Factor.

3. UNDEVELOPED PROPERTY

No Special Tax shall be levied on Undeveloped Property.

4. TAX-EXEMPT PROPERTY

No Special Tax shall be levied on Tax-Exempt Property.

5. MULTIPLE LAND USE CLASSES

In some instances an Assessor's Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum

Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

METHOD OF APPORTIONMENT OF SPECIAL TAXES

Commencing with Fiscal Year 2006-07, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement. First, the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property Proportionately between Developed Single-Family Residence and Developed Multi-Family Residence up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Entitled Property up to 100% of the applicable Maximum Special Tax for Entitled Property.

APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to an Assessor's Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

EXEMPTIONS

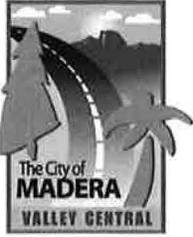
No Special Tax shall be levied on Non-Residential Property, Undeveloped Property, Property Owner Association Property or Public Property.

MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the District Administrator.

TERM OF SPECIAL TAX

After the establishment of the District, the City Council may reexamine, if deemed necessary by City Council, the necessity of the continuance of the Special Tax through the preparation of a Fiscal Impact Analysis, otherwise the Special Tax shall be levied in perpetuity.

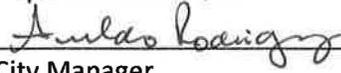


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: C-3

SUBJECT:

Public hearing and consideration of introduction of an ordinance rezoning approximately 38.5 acres located approximately 2,000 feet west of the southwest corner of the intersection of West Cleveland Avenue and North Westberry Boulevard from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District (APNs: 006-380-027 and 028).

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council, after considering public testimony, introduce an ordinance rezoning the subject property.

SUMMARY:

The project site is currently in the PD-8000 (Planned Development) Zone District. Introduction of the ordinance initiates the process of changing the zoning on the project site from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District.

DISCUSSION:

At its November 13, 2018 meeting, the Planning Commission (Commission) adopted a resolution recommending approval of an ordinance rezoning the subject property. In conjunction with that action, the Commission approved a 182-lot subdivision and a supporting environmental determination.

The rezone would allow for an increase in residential density in the aforementioned subdivision from a previously requested 152 lots to the currently proposed 182 lots. A two-acre park space is included within the proposed subdivision. With the additional thirty lots, the subdivision meets the density requirements of the LD (Low Density) General Plan land use designation which requires that the subdivision meet a target density of between 171 and 203 lots. The

dedication of park space further provides conformance with the goals and policies of the General Plan.

Development of single family homes within the subdivision is subject to the approval of a Precise Plan by the Commission.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The first of the four core vision statements in the Vision Plan is “A Well-Planned City.” The City Council, by considering how this development connects to other future developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help provide consistency with Strategy 131, which states, “Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components.”

FISCAL IMPACT:

The applicant submitted \$11,436.50 in Planning Department entitlement fees to offset the costs associated with processing this rezone request, the tentative subdivision map, and supporting environmental determination. Additional fees will be required from the Engineering Department in conjunction with final approval and recordation of the tentative subdivision map. With development of homes on lots within the approved subdivision map, the developer will pay development impact fees toward supporting City infrastructure and services. Conditions of approval for the tentative subdivision map require annexation into a City’s landscape maintenance district and the City’s Community Facilities District 2005-01, supporting the provision of police, fire, parks, and storm drainage services in the City.

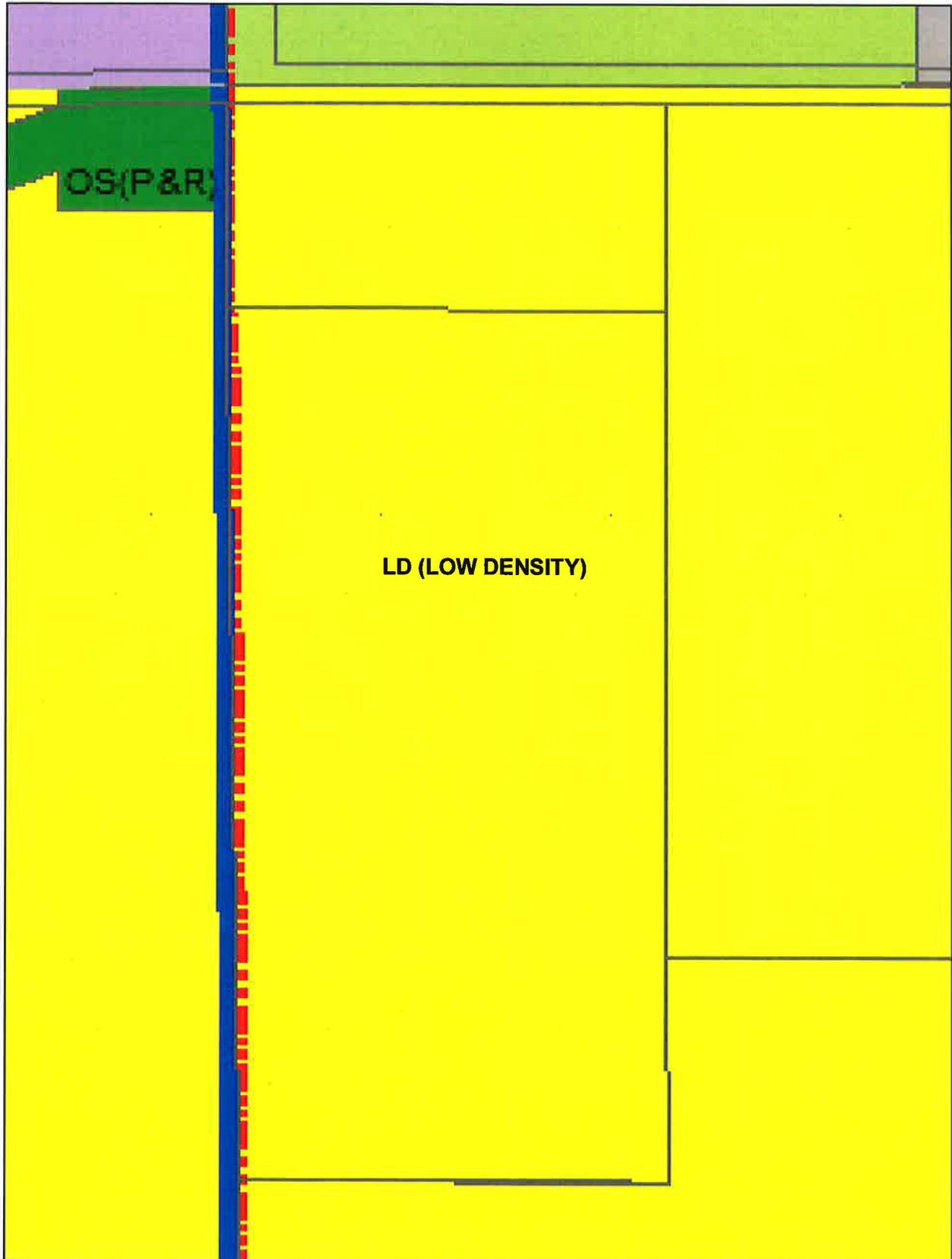
ATTACHMENTS:

1. Aerial Map
2. General Plan Map
3. Zoning Map
4. Tentative Subdivision Map
5. Planning Commission Resolution No. 1833
 Exhibit A - Zoning Map
6. Ordinance
 Exhibit A - Zoning Map

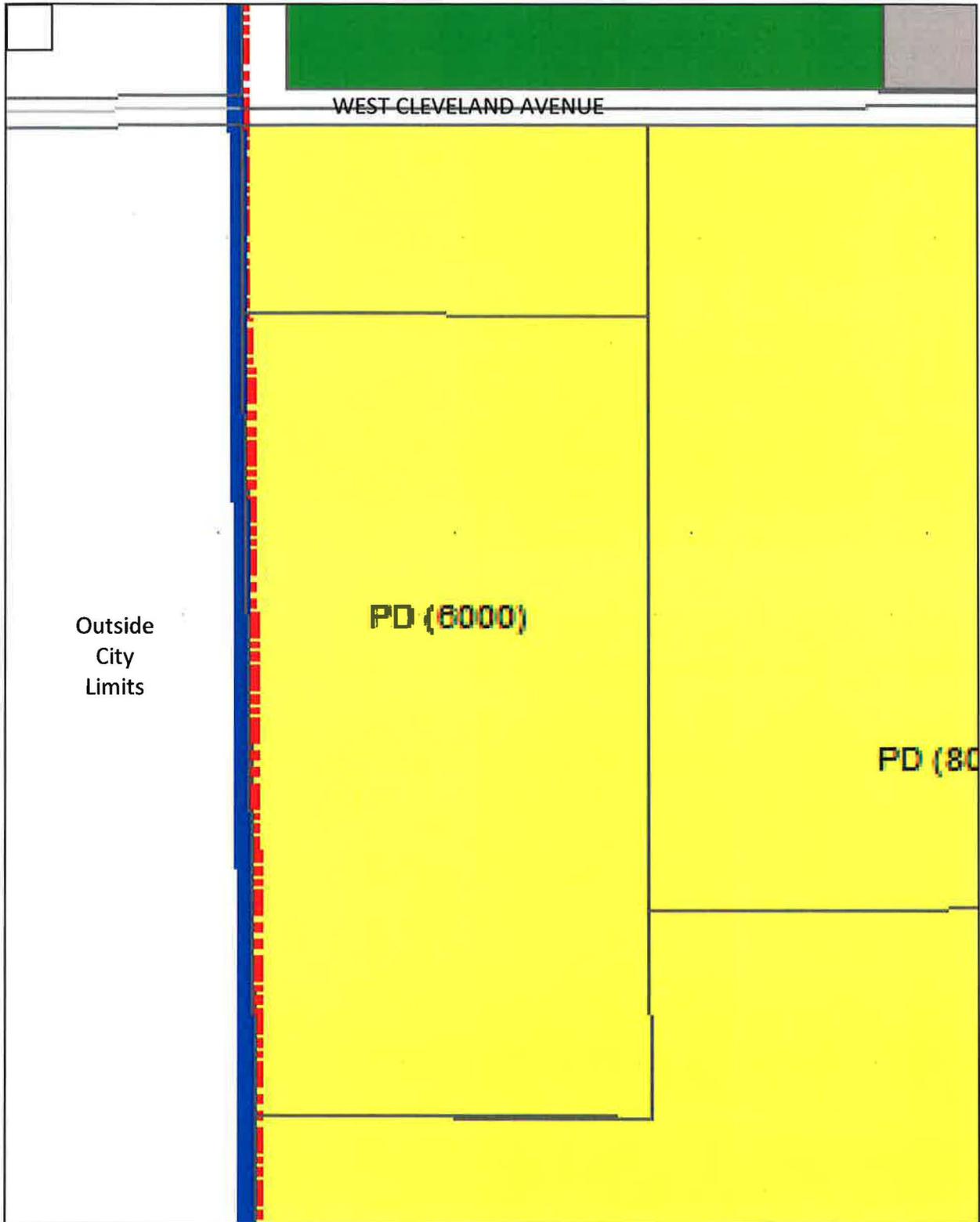
ATTACHEMENT 1: AERIAL IMAGERY



ATTACHMENT 2: GENERAL PLAN MAP



ATTACHMENT 3: ZONING MAP



RESOLUTION NO. 1833

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE REZONING APPROXIMATELY 39.33 ACRES OF PROPERTY (APN: 006-380-027 AND 006-380-028), APPROXIMATELY 2,000 FEET WEST OF THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH WESTBERRY BOULEVARD AND WEST CLEVELAND AVENUE, FROM THE PD-8000 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, The City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various Plans; and

WHEREAS, a proposal has been made to rezone approximately 39.33 acres of property (APN: 006-380-027 and 006-380-028), located approximately 2,000 feet west of the southwest corner of the intersection of North Westberry Boulevard and West Cleveland Avenue, resulting in a change from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an initial study and negative declaration for the project in compliance with the California Environmental Quality Act; and

WHEREAS, the negative declaration and rezoning were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the negative declaration, and considered testimony received as a part of the public hearing process.

WHEREAS, Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission found that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and the negative declaration adopted in accordance with the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission hereby finds that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
3. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
4. This resolution is effective immediately.

* * * * *

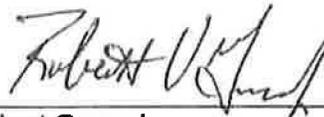
Passed and adopted by the Planning Commission of the City of Madera this 13th day of November 2018, by the following vote:

AYES: Kenneth Hutchings, Israel Cortes, Richard Broadhead, Robert Gran Jr.

NOES: None

ABSTENTIONS: None

ABSENT: Pamela Tyler, Bruce Norton



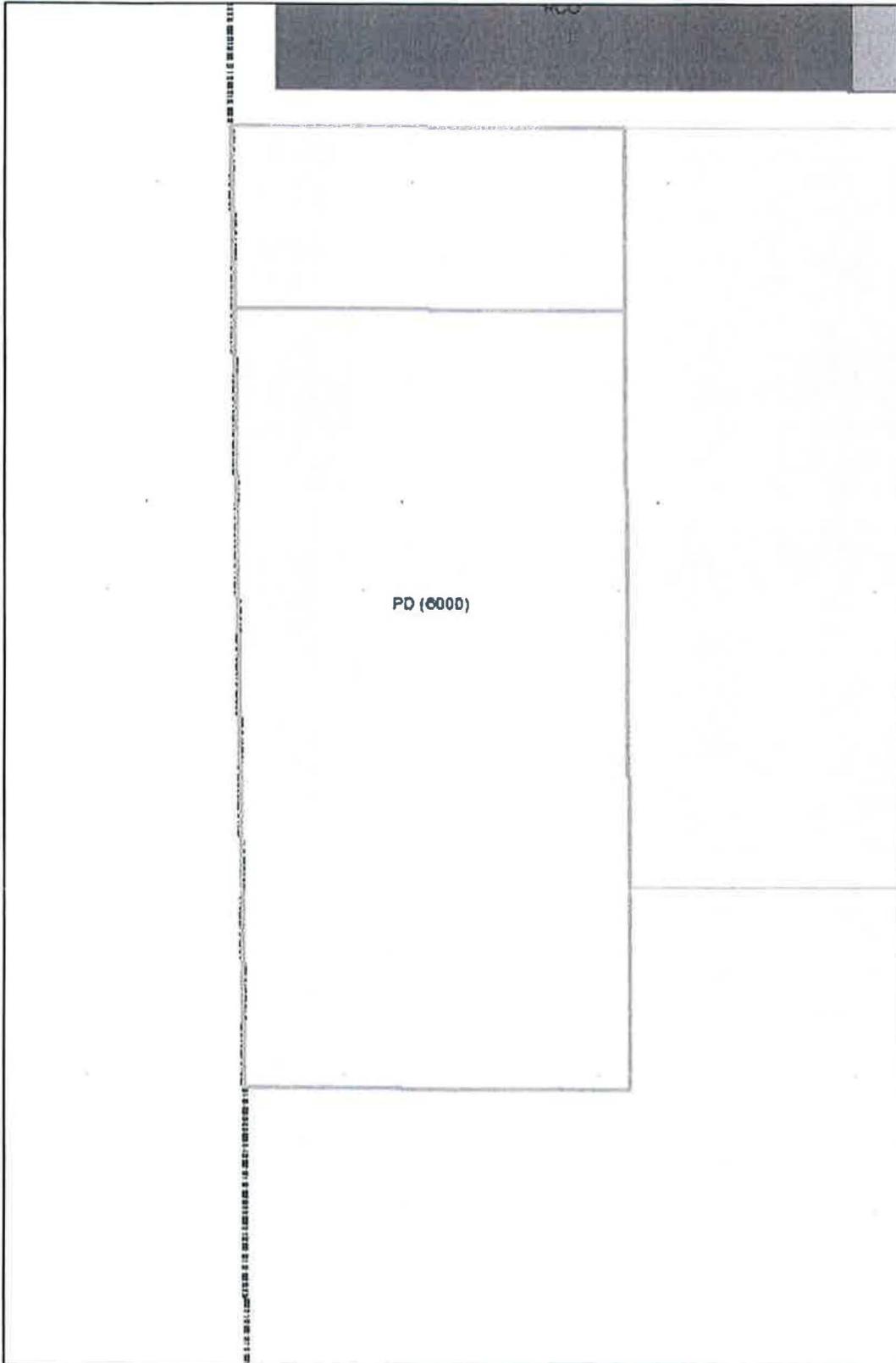
Robert Gran, Jr.
Planning Commission Chairperson

Attest:


Christopher F. Boyle
Acting Planning Manager

PLANNING COMMISSION RESOLUTION NO. 1833

EXHIBIT 'A'



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 38.5 ACRES OF PROPERTY (APN: 006-380-027 AND 006-380-028), LOCATED APPROXIMATELY 2,000 FEET WEST OF THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH WESTBERRY BOULEVARD AND WEST CLEVELAND AVENUE, FROM THE PD-8000 (PLANNED DEVELOPMENT ZONE DISTRICT TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property, as shown in Exhibit "A", and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

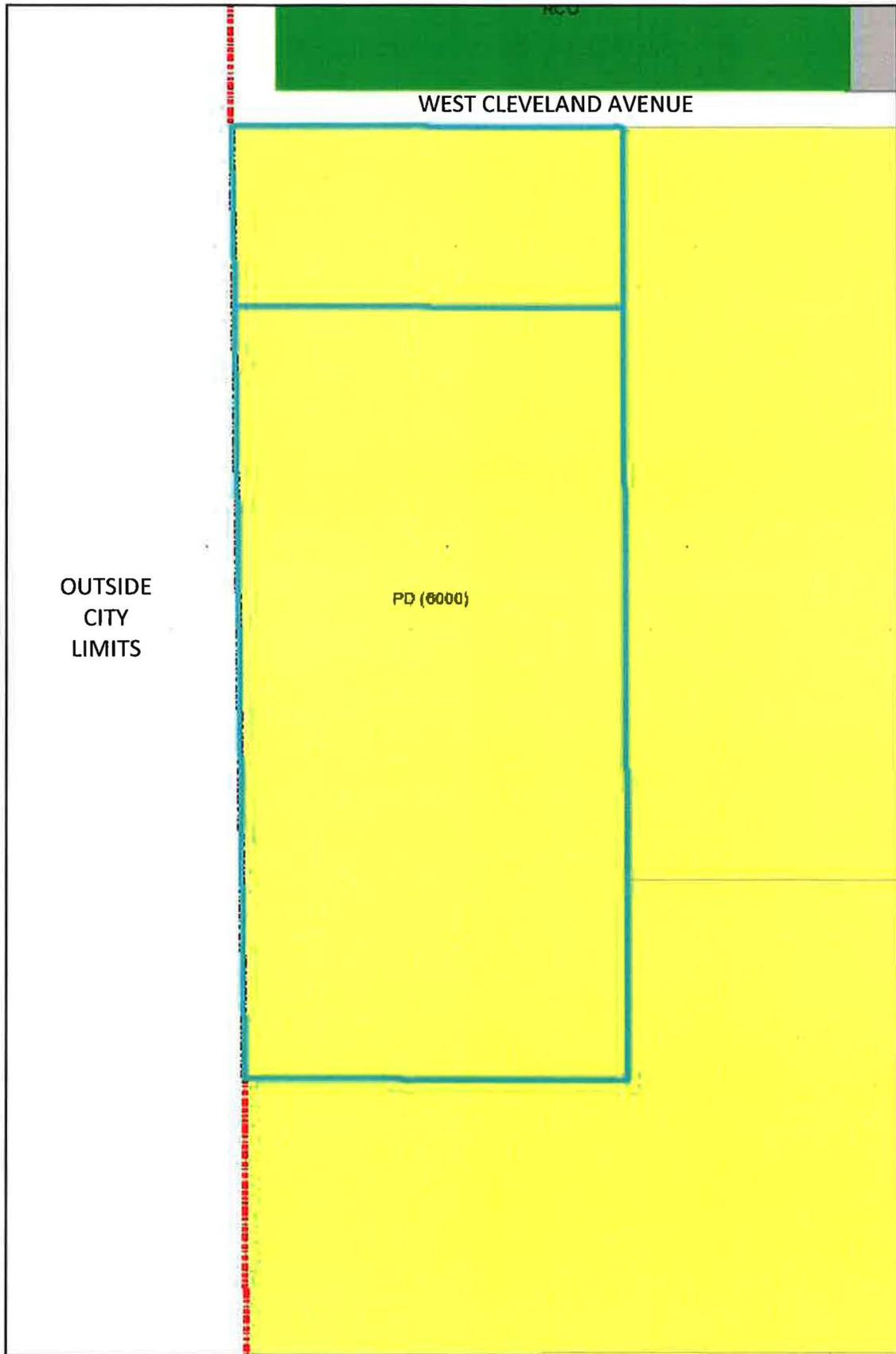
FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

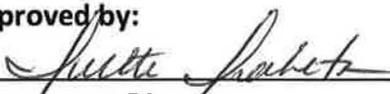
EXHIBIT A



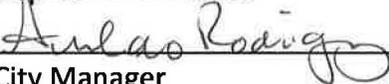


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: C-4

SUBJECT: CONSIDERATION OF A RESOLUTION TO CHANGE THE NAME OF THE CITY'S TRANSIT SERVICES FROM MADERA AREA EXPRESS TO MADERA METRO AND CONSIDERATION OF A RESOLUTION TO APPROVE A NEW MADERA TRANSIT LOGO

RECOMMENDATION: Staff recommends the City Council (Council) review the status of branding and outreach efforts for the City's transit system and consider changing the name of the Madera Area Express to Madera Metro and adopting a new transit services logo.

SUMMARY:

Since June 2017, a strategic objective has been to have a more critical eye and consideration of the service image or brand of Madera's transit services. In 2018, the City was awarded \$60,000 to develop and address goals for improving the service brand as just one mechanism for increasing ridership. The proposed new name and logo were developed by a professional design firm with significant and meaningful input from the community via a publicly noticed meeting of the City's Transit Advisory Board, in addition to City staff. Being presented for Council's consideration is a new name for transit services and a recommended brand/logo. In addition, Council may consider and select different design elements such as color scheme and graphics, from an array of logos that have been vetted (refer to Optional Logo Design Elements Attachments B and C).

DISCUSSION:

Background

The City's transit services brand suffers from brand confusion and an association with limited customer service. The City began public transportation services in the 1970s as Dial-A-Ride (DAR) and later took on the name and logo Madera Area Express (MAX) as a broad term for the entire system, after instituting fixed-route service in the late 1990s (Attachment A). Today the system is still known as Madera Area Express with MAX representing the fixed routes and DAR

representing the Dial-A-Ride. However, many residents do not know that Madera offers public transportation or have confusion over the services and how to access them.

In February 2018, Moore & Associates, under contract with Madera County Transportation Commission (MCTC), conducted a non-statutory performance audit of the City’s transit services. The audit, or Triennial Performance Audit (TPA), is designed to be an independent and objective evaluation of the City of Madera as a public transit operator, providing operator management with information on the economy, efficiency, and effectiveness of its programs across the prior three fiscal years. In the summary of audit recommendations (Table A below), the two highest priorities were both related to increasing ridership, which included addressing farebox recovery ratio and the development and implementation of a marketing plan.

Table A

Exhibit 1.1 Summary of Audit Recommendations

| TDA Compliance Recommendations | | Importance | Timeline |
|--------------------------------|---|------------|------------|
| 1 | Identify and implement strategies for increasing ridership and fare revenue so as to achieve the mandated 15 percent farebox recovery ratio. | High | FY 2017/18 |
| 2 | Work with City staff responsible for preparing State Controller Reports to ensure submittal confirmations are appropriately saved for easy retrieval during Triennial Performance Audits. | Medium | FY 2018/19 |
| Functional Recommendations | | Importance | Timeline |
| 1 | Develop and utilize a process to ensure data is compiled and reported consistently. | Medium | FY 2017/18 |
| 2 | The operations contractor should improve its security with respect to cash handling. | Medium | FY 2018/19 |
| 3 | Prepare and implement a marketing plan to support growth in ridership and fare revenue. | High | FY 2017/18 |

In 2017, prior to the TPA and at the direction of Council, staff began working on improving and developing transit services and public outreach materials including seeking funding. In June 2018, the City was awarded \$60,000 in Federal Transportation Administration (FTA) funds over three years to improve the public outreach of the transit system.

In July 2018, staff presented a Draft Marketing Plan (Plan) to the Transit Advisory Board (TAB) for discussion and guidance on next steps. This included hiring a marketing consultant to assist with development and implementation of a final Marketing Plan. Jeffrey Scott Agency (JSA) was the awarded consultant and a kick-off meeting with staff was held in September. JSA is based in Fresno, California and some of their work includes developing outreach campaigns for Amtrak San Joaquin and two of Fresno County’s Measure C primary initiatives (Carpool and Taxi Scrip). Staff also shared the Plan with the City’s Communication Specialists who will support implementation of the Plan.

The following timeline represents the multiple steps taken to develop the recommended logo (Attachment B). In addition, three other options for logos (Attachment C) are presented so that Council may consider other design elements, i.e., colors and graphics proposed by JSA that are possible should Council so desire.

Development Process & Timeline

June 21, 2017: Staff provided a transit workshop to Council. Council requested that staff work on developing bus stop signage/maps that would improve the ability to locate stops and to utilize the fixed route. Additionally, Council directed staff to work on incorporating technology into transit services.

July 19, 2017: TAB meeting with information and discussion on examples of mascots and logos; reaching out to high schools or Madera Community College Center for design development.

October 18, 2017: Staff provided progress updates following the June Workshop to Council. Council provided suggestions to staff and supported the re-designing of transit's image, with community input, by developing a more professional and modern style, including the development of a new logo, new messaging and/or new marketing materials.

June 5, 2018: City secures \$60,000 funding award to develop logo and outreach campaign.

August 25, 2018: Jeffrey Scott Agency is selected as the City's transit marketing plan consultant. The contract, with a not-to-exceed amount of \$21,330, provides for digital marketing advisory services; graphic design, branding, and development of external collateral such as Rider Guides and brochures; content development; public relations; and paid media.

Sept. 11, 2018: During a kickoff meeting, JSA recommended that the first strategy be to review the current brand and ensure the City was clearly identifying Madera transit services and had an effective brand that could serve as the foundation for all future public outreach. From this point forward, the focus has been on establishing a clear, effective, and attractive brand to grow ridership.

Sept. 21, 2018: JSA presented three potential naming configurations for transit: Madera Express, Madera Connect, and Madera Metro.

Oct 17, 2018: Madera Metro was selected and confirmed by the Transit Advisory Board as the most fitting as 'metro' translated well in other languages and had a 'coolness' factor to attract the next generation of transit riders. In addition, the TAB reviewed various logo color schemes, design elements and provided feedback via an interactive voting process to help the designer adjust the logo design to meet the Plan objectives.

Nov. 7, 2018: Staff met again to review changes to the design elements of the logo, weigh feedback and provide input to JSA. It was decided to wait and share information with the new City Manager prior to finalizing a proposed logo.

Dec. 7, 2018: Staff held a final meeting facilitated by JSA to develop a consensus for the transit logo to be recommended to City Council for approval. The new logo is meant to include suggestions of movement, i.e., transit as well as classic lines and fonts that are not too trendy.

FINANCIAL IMPACT:

There is no impact to the General Fund. All activities are funded within the transportation budgets. The new name and logo are being developed within the awarded \$60,000. With \$21,330 for design and consulting services augmented by City staff time and the remaining \$38,670 for producing materials such as brochures, bus wraps, signage, maps, etc.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Adoption of the attached resolution is consistent with Strategy 121 of the City of Madera Vision 2025 Plan.

Strategy 121 Multi-modal transportation: Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.

ATTACHMENTS:

- A. Current Brand/Logo
- B. Recommended Brand/Logo
- C. Optional Logo Design Elements

Attachment A

Current Brand/Logo



Recommended Brand/Logo

(Page 1 of 2)

COLOR



B & W



SPANISH



Recommended Brand/Logo

(Page 2 of 2)

DIAL-A-RIDE SUB BRAND



Optional Logo Design Elements

(color combinations and graphics)

OPTION 1



OPTION 2



OPTION 3



OPTION 4



Optional Logo Design Elements

(color combinations and graphics)

OPTION 1



OPTION 2

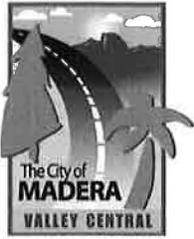


OPTION 3



OPTION 4



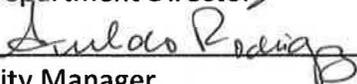


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Manager

Council Meeting of: December 19, 2018

Agenda Number: C-5

SUBJECT:

Second reading and consideration of adoption of an ordinance rezoning approximately 20 acres located on the west side of Stadium Road south of its intersection with Almond Avenue into the PD 6000 (Planned Development) Zone District.

RECOMMENDATION:

It is recommended that the City Council (Council) adopt the ordinance rezoning the subject property.

SUMMARY:

The proposed rezoning would allow for the annexation of approximately 20 acres and the subsequent development of an 87-unit single family residential subdivision. The project site is currently outside of the City limits, within a county island. Current zoning on the project site is the county's AR-5 (Agricultural Rural – 5-acre) Zone District. The applicant, Joseph Crown, proposes to rezone the project site into the PD 6000 (Planned Development) Zone District. Traffic concerns in the surrounding areas are discussed below.

DISCUSSION:

Background

On October 9, 2018, the Planning Commission adopted a resolution recommending to the Council adoption of an ordinance rezoning the subject property to the PD 6000 (Planned Development) Zone District. The ordinance rezoning the project site is a prerequisite to annexation into the City.

The Council introduced the rezoning ordinance at its November 7, 2018 meeting. At that time, concerns were raised about traffic in the area and the impact that development of the subject property could have upon the surrounding neighborhood located in proximity to Madera South High School and Alpha Elementary School educational campuses. Staff noted at that time that the project would be a part of the solution to remedying traffic concerns as the subsequent

subdivision of the project area would include the construction of Almond Avenue across the property. However, Almond Avenue would terminate at the project's western boundary, and would not continue to a connection with Pine Street approximately one-quarter mile to the west.

At the December 5, 2018 Council meeting, the second reading of the rezoning ordinance was continued to allow staff to provide additional information on the traffic impacts that might occur with approval of the rezoning and subsequent subdivision of the project site.

Traffic Analysis

The proposed rezoning would allow for the development of an 87-unit single family residential subdivision (see Attachment 4). The property is located immediately north of the Madera South High School and Alpha Elementary School educational campuses, an area that has experienced traffic congestion for some time. Traffic congestion peaks during drop-off and pick-up of students attending the two schools. Issues affecting congestion in the area are as follows:

- Stadium Road, which fronts the project site, is a two-lane (with a bike lane) collector street that transitions to a four-lane collector street south of the project parcel and south of its intersection with Gary Lane. Stadium Road does not possess the width north of Gary Lane to entertain extending a four-lane alignment northward. Any effort toward extending the four-lane pattern north of Gary Lane would require the elimination of the current bike lane and would not provide for any protected left-turn pockets. This would result in two adverse conditions:
 - 1) There would be no bike lanes in close proximity to schools and children, and
 - 2) the use of center travel lanes could become accident prone since all left-turn movements would be attempted from those lanes, causing thru-traffic to have to stop to allow vehicles to turn left.

These issues associated with Stadium Road are the byproduct of older street standards from the past, where the collector street was designed as a two-lane street section with wider landscaping. To extend a four-lane pattern north of Gary Lane, wherein the old street design is removed and replaced with the current collector street alignment could be accomplished, but at a great expense.

- Almond Avenue, which currently terminates at Stadium Road, would be extended across the project parcel as a half street, with one travel lane both east and west. Almond Avenue would not extend the remaining quarter-mile distance to Pine Street. Construction of the remaining portion of Almond Avenue necessary to connect with Pine Street may provide relief to Stadium Road congestion by providing an additional travel alternative. Almond Avenue's eventual extension to Pine Street is called out in the General Plan Circulation Master Plan, but the project is not currently included in the City's 5-Year Capital Improvement Program (CIP). The project would be an expensive City project since the alignment would require procurement of right-of-way and the

probable undergrounding of a Madera Irrigation District canal. The project would require prioritization by the Council. Ultimately, the extension of Almond Avenue may result in one tool in the effort to reduce the current congestion issues through its ability to provide an additional opportunity to redistribute traffic off of Stadium Road. Approval of the ordinance rezoning the project parcel would facilitate the development of the proposed subdivision and the construction of half of the needed street section.

- The CIP does not currently include signalization of Almond Avenue and Stadium Road. Given the existing traffic congestion of Stadium Road, a signal at the intersection of Stadium Road and Almond Avenue might not provide relief from traffic congestion but could provide a safer crossing for pedestrians and an additional opportunity for traffic on Gary Lane to get onto Stadium Road. A signal is not recommended at this time.

Relief is still coming to the area though. Madera Unified School District (District) is currently constructing the Matilda Torres High School just north of the current City limits. It is the intent of the District to transfer no less than 500 students from Madera South High School to the new campus for the 2020 school year with at least 200 additional students moving to the new school for the 2021 academic school year. Conservatively, that should remove 250 peak hour trips from the roads surrounding Madera South High School and Alpha Elementary School, providing some relief from congestion.

The proposed rezoning would facilitate the construction of 87 single family homes. Additionally, the Varbella subdivision currently developing immediately east of Madera South High School and Alpha Elementary School includes 120 single family homes (see Attachment 5). These projects will not reach build out until after the Matilda Torres High School is completed and the reduction in students attending Madera South High School is accomplished. Moreover, all new students residing in these new subdivisions will be within easy walking distance of the adjoining school campuses.

All factors considered, the development of the property proposed for rezoning does not significantly exacerbate current conditions because the completion of the new high school north of the City will remove existing trips in excess of those created by development of the project site. Moreover, the development of the associated subdivision will provide for the partial extension of Almond Avenue, half of the distance to a connection with Pine Street.

General Plan Conformance

The project site is located within the LD (Low Density) General Plan land use designation, which allows for low density residential development ranging from a minimum of 2.1 units per acre to a maximum of 7 units per acre. The proposed rezoning into the PD 6000 (Planned Development) Zone District is consistent with the LD (Low Density) General Plan land use designation.

The second reading and adoption of the rezoning ordinance would complete the rezoning process and allow for annexation into the City to be considered.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The first of the four vision statements, "A Well-Planned City," promotes and encourages development of housing. Approval of this project is specifically consistent with the aforementioned vision statement and Strategy 131, which envisions "well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities."

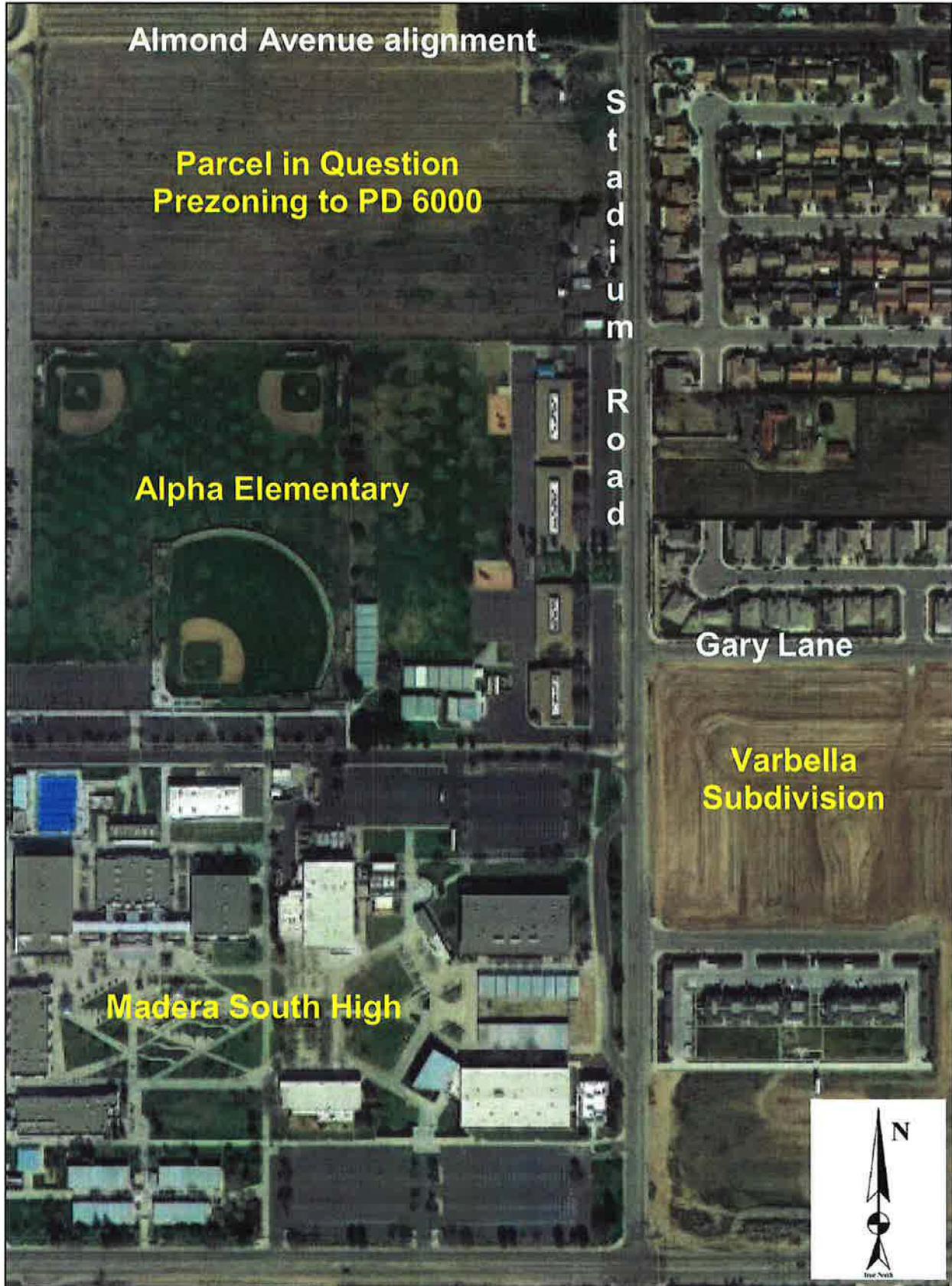
FISCAL IMPACT:

The applicant submitted \$10,116.50 in Planning Department entitlement fees to offset the costs associated with processing this rezone request, the tentative subdivision map, and supporting environmental determination. Additional fees will be required from the Engineering Department in conjunction with final approval and recordation of the tentative subdivision map. With development of homes on lots within the approved subdivision map, the developer will pay development impact fees toward supporting City infrastructure and services. Conditions of approval for the tentative subdivision map require annexation into a City's landscape maintenance district and the City's Community Facilities District 2005-01, supporting the provision of police, fire, parks, and storm drainage services in the City.

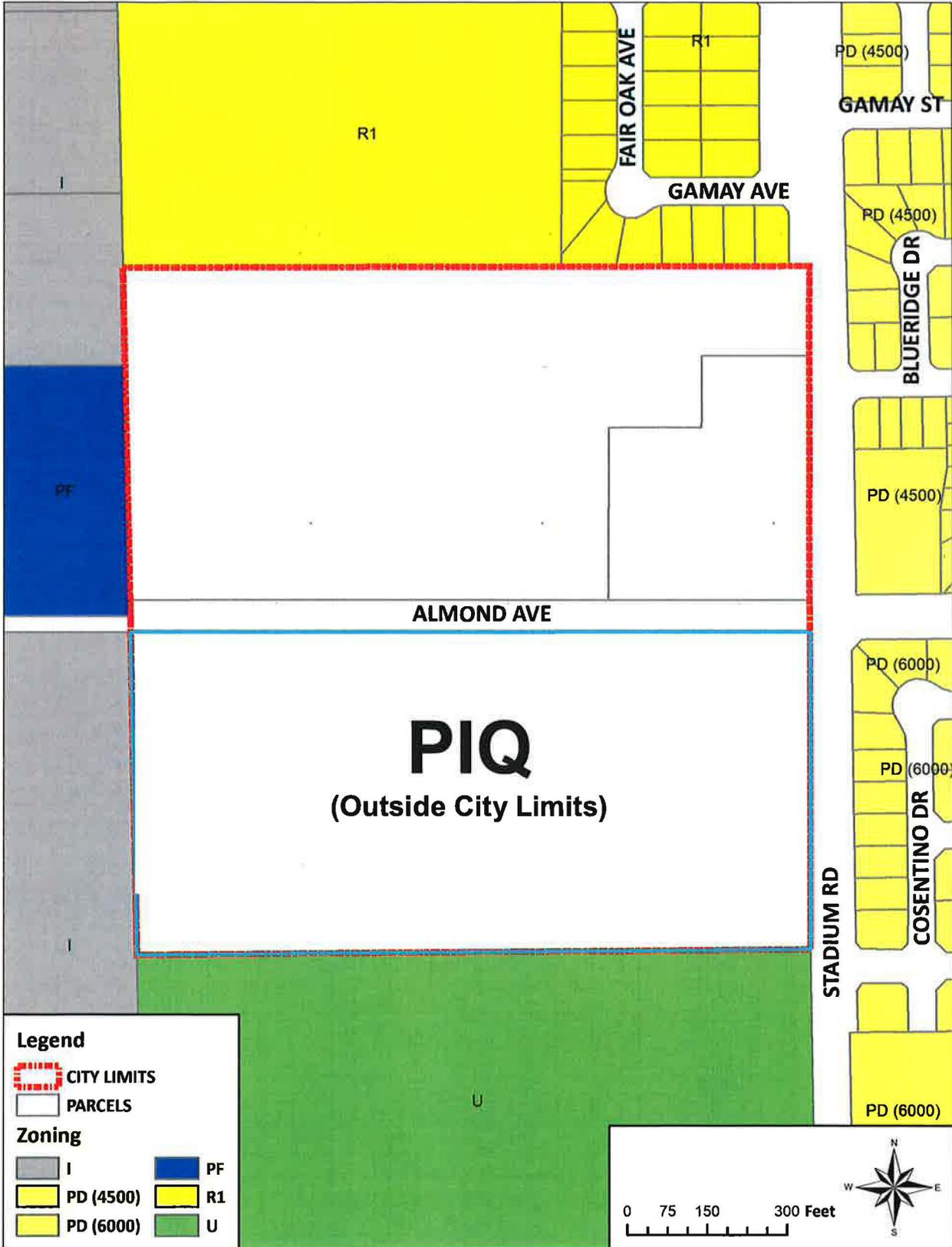
ATTACHMENTS:

- 1. Aerial Imagery
- 2. Zoning Map
- 3. General Plan Map
- 4. Proposed Tentative Subdivision Map (TSM 2018-05)
- 5. Approved Varbella Subdivision Map (TSM 2016-01)
- 6. Ordinance
 - Exhibit A - Zoning Map

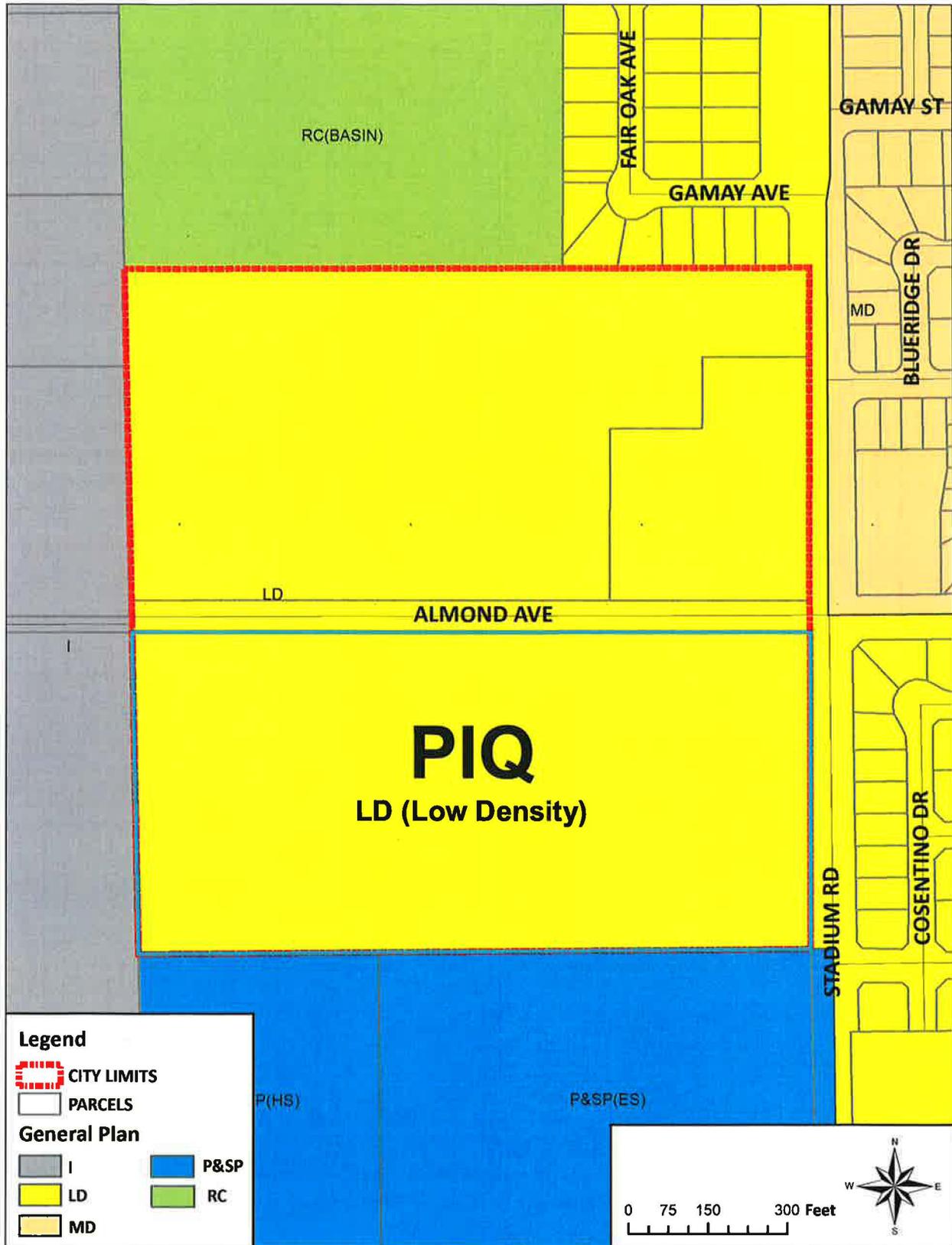
ATTACHMENT 1: AERIAL IMAGERY



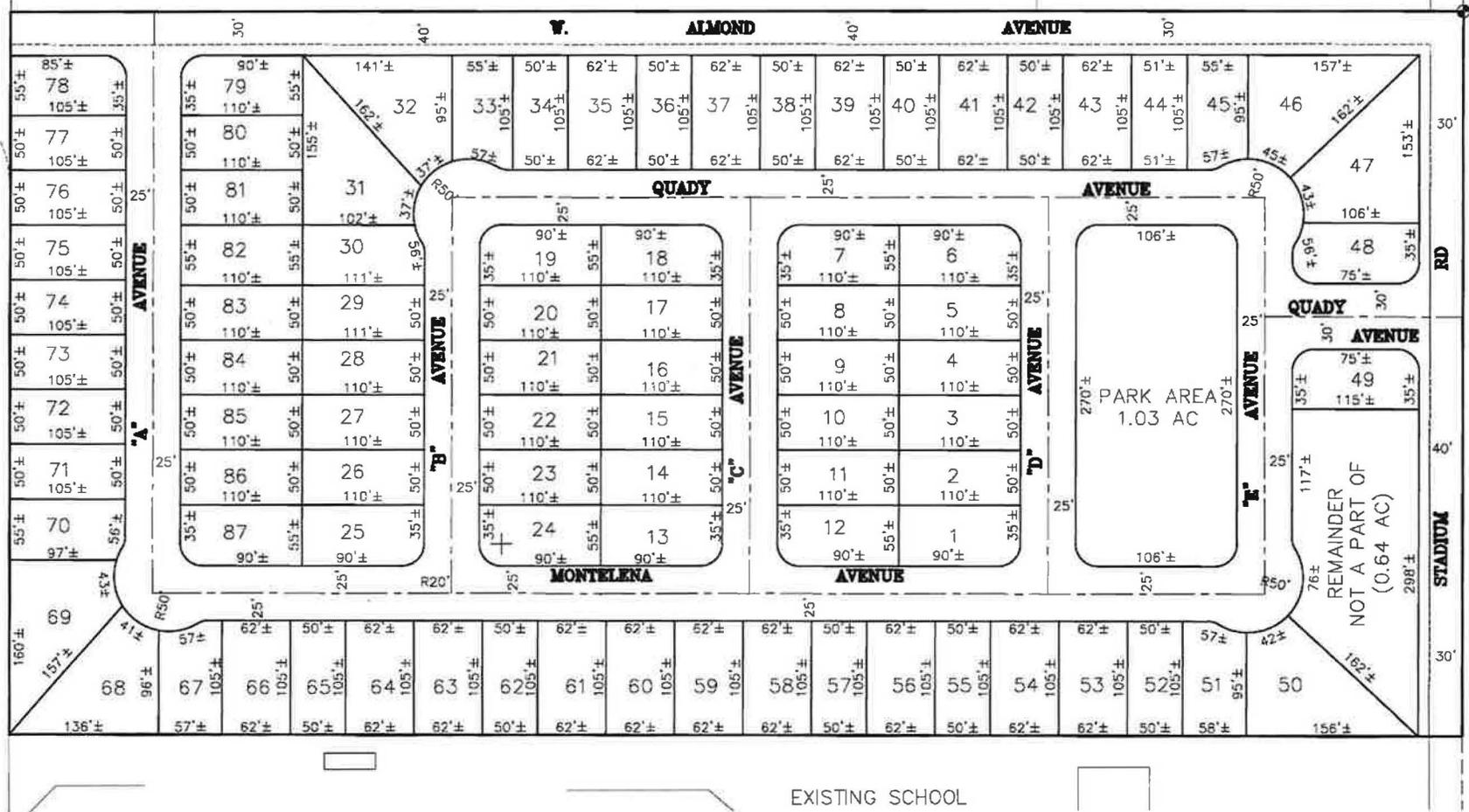
ATTACHMENT 2: ZONING MAP



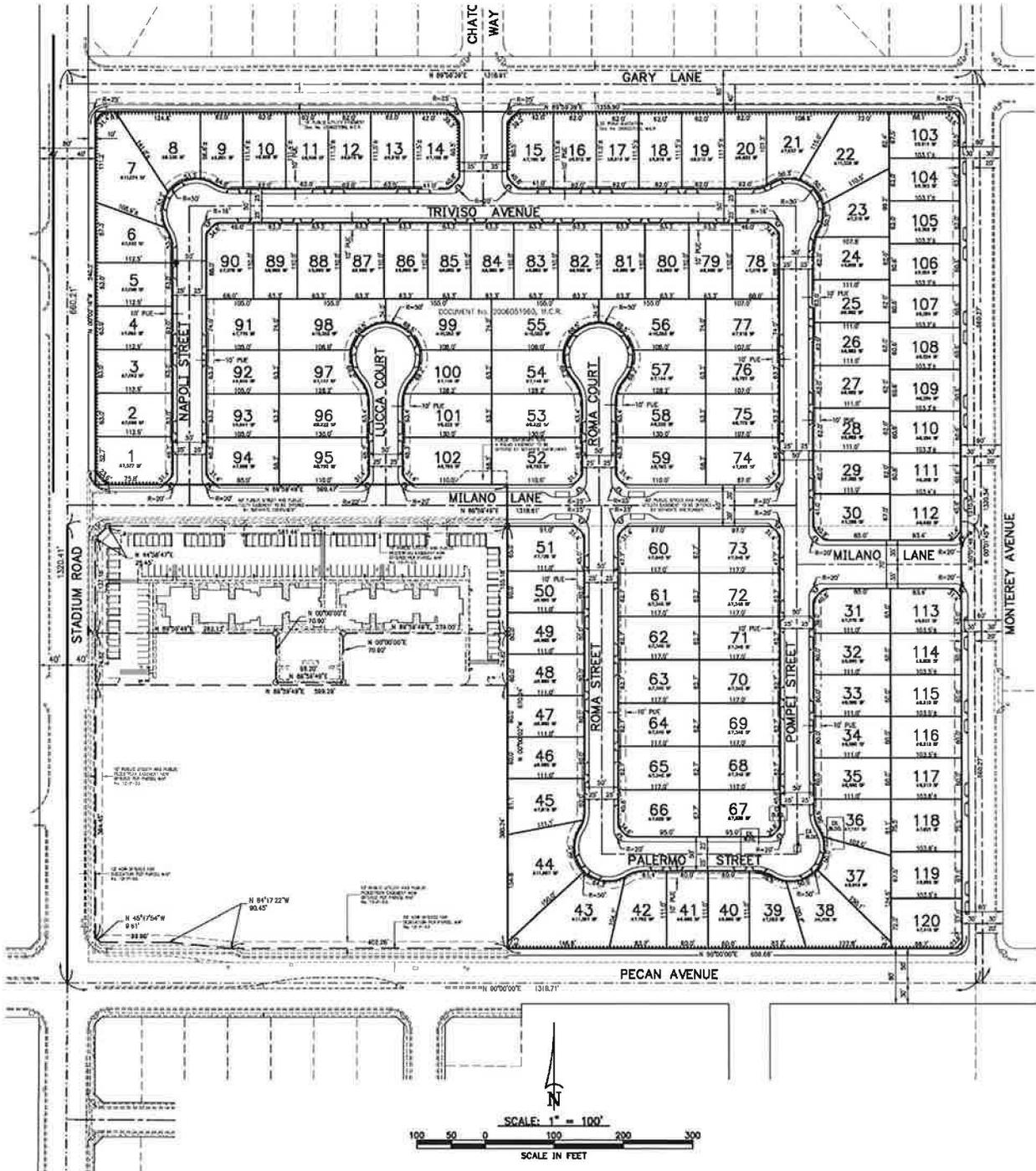
ATTACHMENT 3: GENERAL PLAN MAP



ATTACHMENT 4: TENTATIVE SUBDIVISION MAP (TSM 2018-05)



ATTACHMENT 5: VARBELLA SUBDIVISION MAP (TSM 2016-01)



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO PREZONE APPROXIMATELY 19.95 ACRES OF PROPERTY (APN: 034-070-011), LOCATED ON THE WEST SIDE OF STADIUM ROAD (ROAD 26 ½), SOUTH OF ITS INTERSECTION WITH ALMOND AVENUE, TO THE PD 6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

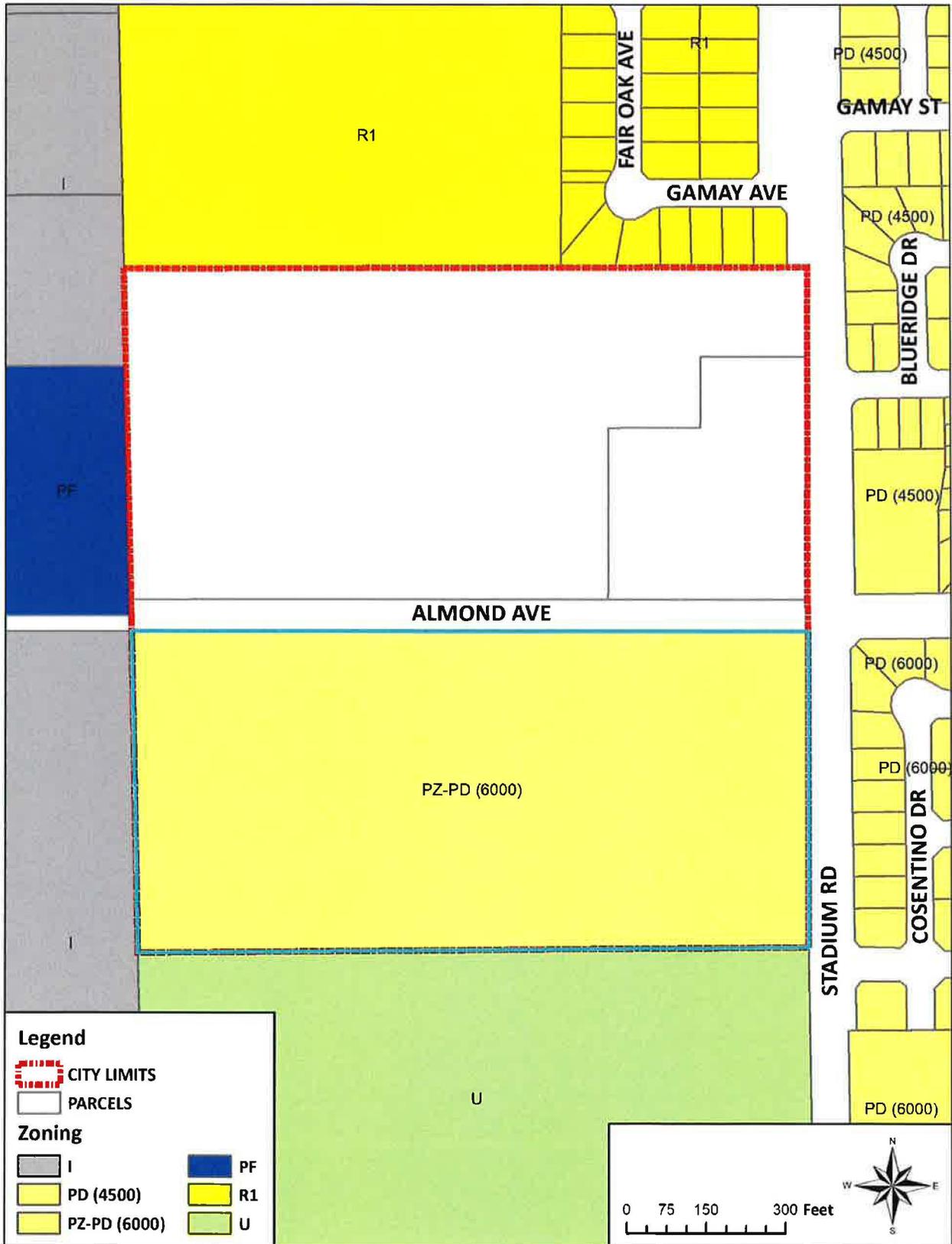
FINDINGS:

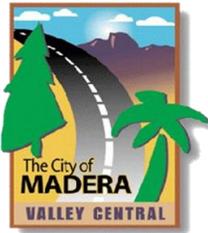
1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

EXHIBIT A

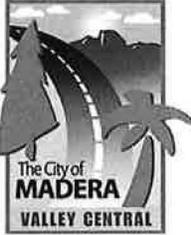




**Madera City Council Agenda 12/19/18
Agenda Item C-6**

Consideration of a Resolution Approving Adjustments to the Water Utility Rate to Reduce the Currently Set Increase

This agenda report with all supporting documents will be distributed prior to the scheduled meeting.



REPORT TO CITY COUNCIL

Approved by:

Denia Alvarez

Department Director

Auldo Rodrigo

City Manager

Council Meeting of: 12/19/18

Agenda Number: C-7

SUBJECT: Consideration of a Resolution Approving an Amendment in the Amount of \$5,200 to the City Council (Council) Conference and Training Budget

RECOMMENDATION: Staff requests that the Council consider a resolution approving an amendment the City Council Conference and Training budget.

Summary: The League of California Cities New Mayors and Council Members Academy will be held January 16-18, 2019 in Sacramento and January 30 – February 1, 2019 in Irvine (conference announcement attached). Mayor Pro Tem Montes and Council Members Garcia, Gallegos and Robinson will be attending the Sacramento session. An amendment to the City Council Conference and Training budget is necessary to cover the cost of attending the conference. The estimated cost for registration, lodging for two days and per diem for each is \$1,300.

DISCUSSION: The New Mayors and Council Members Academy presents workshops to assist in the professional development of elected officials and provides an opportunity for networking with other elected officials. Mayor Pro Tem Montes and Council Members Garcia, Gallegos and Robinson will be attending the Sacramento session.

The estimated cost for registration, lodging for two days and per diem for each member of the Council is \$1,300 for a total of \$5,200. Staff requests that the Council consider adoption of the attached resolution approving a budget amendment to the Council Conference and Training budget.

The City Manager will also be attending the Academy in Sacramento. This is informational only. Sufficient funds are available in the City Manager's Conference and Training budget to cover the cost of attendance.

FINANCIAL IMPACT: The amount of \$5,200 will be transferred from the General Fund unallocated reserves to account 10201000 6530.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The Council's conference and training budget is not specifically 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.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA APPROVING A BUDGET AMENDMENT IN THE AMOUNT OF
\$5,200 TO THE CITY COUNCIL CONFERENCE AND TRAINING BUDGET**

WHEREAS, four members of the City Council (Council) will be attending the League of California Cities New Mayors and Council Members Academy (Academy) January 16-18, 2019 in Sacramento; and

WHEREAS, the Academy presents workshops to assist in the professional development of elected officials and provides an opportunity for networking with other elected officials; and

WHEREAS, a budget amendment to the Council's Conference and Training budget for FY 2018/2019 is necessary to cover the cost of attending the conference.

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

1. The above recitals are true and correct.
2. A budget amendment is necessary to cover the cost of attendance at the League of Cities New Mayors and Council Members Academy for four members of the Council.
3. The transfer of funds from the General Fund Unallocated Reserves to the Council Conference and Training budget for FY 2018/2019, as shown in attached Exhibit AA, is hereby approved.
4. A copy of this resolution shall be forwarded to the Director of Financial Services who shall prepare the entries necessary to reflect the changes as approved.
5. This resolution is effective immediately upon adoption.

* * * * *

EXHIBIT AA

CITY OF MADERA

Budget Appropriations: Res. 18- 12/19/2018

To appropriate funding for conference attendance

| FUND | ORG CODE | OBJECT CODE | DESCRIPTION | (+) DEBIT | (-) CREDIT |
|---------------------|-------------|----------------|------------------------------------|-----------------|-----------------|
| General Fund | | | | | |
| | 1020 | 3210 | Fund Balance Unappropriated | | 5,200 |
| | 10201100 | 6530 | Conference Costs - Council Members | 5,200 | |
| | | | | <u>\$ 5,200</u> | <u>\$ 5,200</u> |

NEW MAYORS & COUNCIL MEMBERS ACADEMY

Two dates and locations to choose from!

January 16–18, 2019 | Hyatt Regency Sacramento
 January 30–February 1, 2019 | Irvine Marriott



Sacramento San Diego San Jose Benicia Los Angeles Santa Barbara San Francisco Stockton Marysville Sonoma Oakland Santa Clara Crescent
 City Alameda Placerille San Luis Obispo Ukiah Nevada City Yreka Arcata Petaluma Temecula Santa Cruz Ventura Healdsburg Redwood
 City Santa Rosa Watsonville Vallejo Colusa Sutter City San Bernardino Colton Trinidad Woodland Chico Antioch Cloverdale Fort
 Jones San Leandro Napa Hollister San Rafael Visalia Salinas Wheatland Ukiah Hayward Anaheim St. Helena Red Bluff Martinez
 Livermore Etna Dixon Berkeley Sonoma Riverside Modesto Fresno Colusa Colusa Willows Santa Ana Pasadena Santa Monica
 Los Gatos National City Redding Mendocino Willits South Pasadena Tehama Lake Elsinore San Jacinto Lakeside Auburn Compton Oceanide
 Los Banos Guadalupe Yuba City Redlands San Pablo Hayward Pacific Grove Fort Bragg Monterey Lodi San Joaquin Camarillo Hanford Ontario
 Redondo Beach Vacaville Rockville Grass Valley Selma Folsom Sausalito Rio Vista Palo Alto Pleasanton San Mateo San Juan Bautista Corcoran
 Emeryville Belvedere Long Beach Sebastopol Winters Whittier Azusa Lemoore Susanville Mill Valley Hercules Covina Alturas Santa Paula
 Porterville Sebastopol Mountain View Bishop Pittsburg Plumas Biggs Orland Alhambra Arcadia Fairfield Imperial Concord Mount Shasta
 Richmond Santa Maria Vernon Gridley Jackson Orville Dinuba Fortuna Glendale Coalinga Upland Tehama La Verne Huntington
 Yuba City Newport Beach Morgan Hill Oakdale Lodi Hemlock Beach Piedmont Sierra Madre Madras San Antonio Los Banos Corning Claremont Yuba City
 Ingleswood Turlock Larkspur Oakley Calaveras El Centro Kingsburg Burlingame Hawthorn Fowler Healdville Port Archa Ross South San
 Francisco Albany Davis Huntington Beach Roseville Dunsmuir Tehachas Orland Fremont Chico Lindsay Blue Lake Hillborough
 Tracy Yuba City Yuba City Eureka Daily City Marysville Burbank Arroyo Grande Hanford San Fernando Glendale Hanford Chula Vista Agnes
 Camp La Mesa Calaveras El Cajon El Monte Beaumont Northridge Beach Sunnyvale Banning Santa Cruz Redding San Gabriel San Marino Anaheim
 Needles Beverly Hills Fillmore Corcoran Firebaugh Walnut Creek San Bruno Palmdale Moorpark San Jose Soledad Monterey Park Costa
 Mesa Blythe Camarillo Palmdale El Segundo Plymouth Brea Davis El Centro Colton City Covas Manteca Calipatria Patterson San Jacinto
 Williams Monte Belito Soledad Torrance Lynwood Ojai Parlier Hawthorne Atwater Riverbank Livingston South Gate Chowchilla
 West Covina Atherton Signal Hill Colton Maywood La Habra San Carlos Belmont Placita Laguna Beach Tustin Bell Menlo Park San Clemente
 Indio Gardena Fairfax West Covina Dos Palos Tulelake Shafter Palm Springs Pico Rivera Escondido Woodlake Mendota Ripon Wasco Fortson
 Fontana Brea Portola Red Bluff Olathe Coachella Greenfield Gonzales Live Oak Elsworth Millbrae Orangevale Brentwood Parketteson San
 Rafael Capitola Alhambra Camarillo San Francisco San Jose San Bernardino San Gabriel San Gabriel San Gabriel San Gabriel San Gabriel
 Newark Cupertino La Palma Anderson Fremont Baldwin Park Los Angeles El Cerrito Montebello Stanton Garden Grove Newport Beach Cypress
 La Puente San Gabriel Woodside Rosemead Rolling Hills Paramount Escondido Redwood Monte Semo Santa Fe Springs Fountain Valley City of Industry
 McFarland Bradbury Inyardele Quartz Norwalk Bellflower Rolling Hills Estates Pacifica Pico Rivera South El Monte Walnut Union City Artesia
 Del Mar Half Moon Bay Rosemead Grover Beach Leland Novato City of Commerce Los Alamitos La Mirada Temecula Sand City San Dimas Fontana
 Farnersville Cudahy Arvin Wood San Juan Capistrano Bell Gardens Hidden Hills Pleasant Hill Brisbane Villa Park Palmdale Robert Park Colton Vista San
 Marcos Burbank Thousand Springs Redwood Clayton Palmdale Ontario Tiburon Lodi La Brea Portola Valley Morris Bay Thousand Oaks Camarillo Norco
 Yountville Rio Del Norte Capetown Scotts Valley Chico Lakeview Yuba City Scotts Valley Indian Wells Lakeview Lafayette San Jacinto Watsonville Adina Linda
 Anderson Fremont City Willow Huggins Rancho Mirage Rancho Palms Desert Palm Desert Mariposa Mariposa La Gracia Fremont Lamorinda Lancaster
 Rancho Cucamonga Grand Terrace La Habra Heights Azusa Pasadena Avondale Paradise Chualar Big Bear Lake San Juan Poway Cathedral City Westlake Village
 Dublin La Quinta Danville Agoura Hills East Palo Alto San Ramon Moorpark Mammoth Lakes West Hollywood Moreno Valley Los Angeles Solvang
 Oxnard Solano Beach Encinitas West Sacramento Tuente Palms Highland Santa Clara Mission Viejo Healdville Apple Valley Dana Point Diamond Bar
 Lathrop Yuba City Laguna Niguel Calimesa Canyon Lake Malibu Calabasas Murietta Yucca Valley Chino Hills Laguna Hills Lake Forest American Canyon
 Buellton Windsor Truckee Shasta Lake Colusa Heights Laguna Woods Oakley Elk Grove Rio Delgado Bakersfield Rancho Cordova Wildomar Menifee Eastvale



REGISTRATION AND HOUSING DEADLINE:

Sacramento: Friday, January 4, 2019

Irvine: Tuesday, January 8, 2019

www.cacities.org/events

Check out our mobile app

facebook.com/leagueofcities

@CaCities



WEDNESDAY

Sexual Harassment Prevention Training (AB 1661)

8:00 – 10:00 a.m.

Sign-in begins at 7:30 a.m., and you must be present for the full two hours to receive the certification of attendance at 10:00 a.m. (Planned with the Institute for Local Government).

Local agency officials must receive two hours of sexual harassment prevention training and education within the first six months of taking office and every two years thereafter if the agency provides any type of compensation, salary, or stipend to those officials. This training will teach officials and staff how to identify, prevent and respond to workplace harassment, discrimination and retaliation. This training will fulfill training requirements for AB 1661/1825/2053.

WEDNESDAY

Registration Open

7:30 a.m.

Opening Session

City of Dysfunction Junction — How to Conduct an Effective and Respectful Council Meeting

10:30 a.m. – 12:15 p.m.

Enjoy a popular and hilarious skit, contrasting the wrong and the right ways to conduct your city council meetings.

Luncheon

Effective Advocacy & Key City Issues

12:30 – 2:00 p.m.

Meet the League of California Cities' legislative team, and learn about the legislative goals, legislative calendar, and trending issues in the legislature. Lobbyists will also share ideas for establishing practical skills to develop persuasive arguments and testimony that will serve your city's interests.

Your Legal Powers and Obligations

2:15 – 3:15 p.m.

You were elected to make things happen in your city. Learn the breadth, as well as the limitations of your powers as a city official. Acquire a basic understanding of the legal authorities and restrictions under which cities and city officials operate, with a focus on the Brown Act.

Part 1: Financial Responsibilities, City Revenues Workshop

3:30 – 4:45 p.m.

Part one in this two-part workshop covering your responsibilities as elected officials in exercising fiduciary accountability and transparency in open government. Discuss the local government financial cycle, elected official financial oversight duties, and state and local funding relationships, and identify the four stages of fiscal meltdown. The importance of structurally balanced budget tips for setting city council goals, and the need for financial policies will be stressed. Learn to avoid micromanagement and complacency management.

Networking Reception *(Sacramento Only)*

5:30 – 6:30 p.m.

Take this opportunity to network with your peers from throughout the state after a full day of educational sessions. Assembly Members and Senators from throughout the state are invited to attend.



For speaker information, go to

www.cacities.org/mayorscouncilled

Sessions are subject to change



THURSDAY

Registration Open

7:00 a.m.

Networking Breakfast

7:30 – 8:30 a.m.

Part 2: Financial Responsibilities, City Revenues Workshop

8:30 – 9:45 a.m.

Part two in this two-part workshop covering your responsibilities as elected officials in exercising fiduciary accountability and transparency in open government. Discuss the local government financial cycle, elected official financial oversight duties, and state and local funding relationships, and identify the four stages of fiscal meltdown. The importance of structurally balanced budget tips for setting city council goals, and the need for financial policies will be stressed. Learn to avoid micromangement and complacency management.

THURSDAY

Policy Role in Land Use Planning

10:00 – 11:00 a.m.

Land use planning is one of the most important aspects of a city official's responsibilities because of the long-term impacts it can have on a community's environment, economic vitality and the physical health of its residents. Learn about tools and processes in land use planning such as the general plan, zoning, and the California Environmental Quality Act (CEQA), as well as the role of regional agencies and the state. This knowledge will help you foster a solid working relationship with your city's planning commission and planning staff.

Your League and How To Use It

11:15 – 11:45 a.m.

As a city official, you are the League. Its success, along with your own, depends on your involvement and leadership. Receive an introduction to the services of the League of California Cities, how you can access them, and how you can become involved.

Luncheon Inquiring Minds Want to Know

12:00 – 1:15 p.m.

Have a question that you are afraid to ask in a public meeting, or feel that you should already know the answer to? Join us in a safe and friendly environment to receive answers to your most pondered questions, and hear questions from your colleagues.

Relationship between City Council and City Management

1:30 – 3:00 p.m.

As an elected official, there will be various competing values and priorities that drive you and your colleagues within your city. Your success on the council requires an effective relationship with your city manager, city attorney and staff, where everyone's values are respected and represented. Learn how to work together while cultivating each of your diverse roles.

Communications and Civic Engagement

3:15 – 4:45 p.m.

With constant advancements in social media over the last several years, it can be hard to keep up with the "do's and don'ts" of every platform. There is a wide variety of almost immediate online informational sources, and elected officials need to be quick on their feet with the necessary skills to proactively manage public perceptions about local governmental affairs. Discover what cities should be doing to communicate with their constituents in the 21st century, and the rules that elected officials need to follow.

Networking Reception

(Irvine Only)

5:30 – 6:30 p.m.

Take this opportunity to network with your peers from throughout the state after a full day of educational sessions. Assembly Members and Senators from throughout the state are invited to attend.

FRIDAY

Registration Open

7:30 a.m.

Networking Breakfast & Late Breaking Session

8:00 – 9:15 a.m.

Watch for details to be released prior to the conference.

How to Build and Maintain the Public's Trust: Practical Ethics and the Law (AB 1234)

9:45 – 11:45 a.m.

Sign-in begins at 9:15 a.m., and you must be present for the full two hours to receive the certification of attendance at 11:45 a.m. (Planned with the Institute for Local Government).

State law requires elected and appointed officials to receive training in specified ethics laws and principles every two years.

Newly elected and appointed officials must receive this training within one year of becoming a public servant. This lively, example-laden, two hours will make this mandatory training more tolerable – if not outright enjoyable.



For speaker information, go to

www.cacities.org/mayorscouncilled

Sessions are subject to change

Save The Dates:



2019 ANNUAL CONFERENCE & EXPO

October 16–18, 2019
Long Beach
Convention Center

MAYORS & COUNCIL MEMBERS EXECUTIVE FORUM

June 19–20, 2019 | Newport Beach Marriott

MAYORS & COUNCIL MEMBERS ADVANCED LEADERSHIP WORKSHOPS

June 21, 2019 | Newport Beach Marriott

GENERAL INFORMATION

REGISTRATION AND HOUSING DEADLINE:

Sacramento: Friday, January 4, 2019

Irvine: Tuesday, January 8, 2019

STEP 1: REGISTER FOR THE CONFERENCE

Registration is not complete until full payment is received. The League is unable to accept purchase orders.

- For online registration, go to www.cacities.org/events and select “New Mayors and Council Members Academy”.
- To request a mail-in registration form, contact mdunn@cacities.org.

Registration must be received by the registration & housing deadline. After this date, please register onsite if space is still available.

COSTS/FEES

Full registration includes electronic access to all program materials, admission to all sessions, two breakfasts, two lunches, and the evening networking reception.

Full Conference

| | |
|--|--------|
| Elected Officials and City Staff | \$575 |
| Non-Member City Elected Officials and City Staff | \$1575 |
| Spouse Registration (Networking Reception only) | \$35 |

The spouse fee is restricted to persons who are not city or public officials, are not related to any League Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to the networking reception only. There is no refund for the cancellation of a spouse registration. It is not advisable to use city funds to register a spouse.

CANCELLATIONS

Refunds of rate paid, minus \$75 processing charge, will be made for cancellations submitted in writing to mdunn@cacities.org and received by the **registration & housing deadline**. There are no refunds for cancellations after this date. Substitutions can be made onsite.



If you require special accommodations related to facility access, transportation, communication and/or dietary requests, please contact our Conference Registrar at mdunn@cacities.org by the Registration & Housing Deadline.

STEP 2: RESERVE A HOTEL ROOM

Hotel Information & Reservations

A limited number of hotel rooms are available for conference attendees. All attendees must register for the conference prior to reserving a hotel room. Once registration is complete, you will be directed to the housing reservations page. Hotel reservation changes, date modifications, early check-out, or cancellations made prior to the **registration & housing deadline** must be done through the online reservation link you received when registering for the conference. Use your confirmation/acknowledgement number to access your reservation to make changes. Once the registration & housing deadline has passed, please contact the hotel directly with any changes or cancellations. Please note that any hotel cancellations after the housing deadline has passed may incur a financial penalty or a minimum one-night room charge or attrition fees.

January 16 – 18, 2019, Sacramento

Hyatt Regency Sacramento

1209 L Street, Sacramento, CA 95814

Hotel Rate (*per night*): \$186 – Single/Double Occupancy (*plus tax and fees*)

Valet parking: \$29 per day / Self-parking: \$20 per day (*subject to change without notice*)

January 30 – February 1, 2019, Irvine

Irvine Marriott

18000 Von Karman Avenue, Irvine, CA 92612

Hotel Rate (*per night*): \$184 – Single/Double Occupancy (*plus tax and fees*)

Valet parking: \$36 per day / Self-parking: \$12 per day (*subject to change without notice*)

PLEASE NOTE: *The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The hotel(s) will also share with the League the information you provide to the hotel(s) when you make your hotel reservation for the conference or meeting. The information shared between the League and the hotel(s) will be limited to your first name, last name and dates/length of stay in the hotel.*



1400 K Street, Ste. 400
Sacramento, CA 95814
www.cacities.org

Join us for the 2019 New Mayors and Council Members Academy

For speaker information, go to www.cacities.org/mayorscouncil



MAYOR’S APPOINTMENTS WORKSHEET

Calendar Years 2019 & 2020

Appointments Effective 1/1/19

Agenda: 12/19/18

Item: E-1

| COMMITTEE | 2017 & 2018 APPOINTMENTS | 2019 & 2020 APPOINTMENTS |
|--|---|--|
| <p>Central California Women’s Facility (CCWF) Citizens Advisory Board <u>CCWF</u>, 23370 Road 22, Chowchilla, CA 93610 Contact – Lilly Dawson, Community Resource Manager (A) 665-5531, x5104 <u>Valley State Prison (VSP)</u>, 21633 Ave. 24, Chowchilla, Ca 93610 Contact - Carmen Bruton-Maroney, Community Resource Manager 665-6100 x5474 Meets 1st Thursday every other month at 3:00 p.m. (alternate sites CCWF & VSP).</p> | <p>Primary: Derek Robinson Alternate: Donald Holley</p> | <p>Primary: _____ Alternate: _____</p> |
| <p>Madera County Local Child Care and Development Planning Council (LPC) Steering Committee Madera Co. Office of Education (MCOE) 1105 S. Madera Ave., Madera, CA 93637 Ph: 673-6051 Contact: Gabriela Maher – 662-3825, gmaher@mcsos.org <i>Meets quarterly, 11:30 a.m. -1:30 p.m. at MCOE offices</i></p> | <p>Primary: Jose Rodriguez Alternate: Donald Holley</p> | <p>Primary: _____ Alternate: _____</p> |
| <p>Community Action Partnership of Madera Co. Inc. (CAPMC) 1225 Gill, Madera, CA 93637 Ph. 673-9173 Contact: Cristal Sanchez, 675-5748, c.sanchez@maderacap.org Meets 2nd Thursday at 5:30 p.m. at 1225 Gill, Board Room</p> | <p>Primary: Cece Gallegos Alternate: Jose Rodriguez</p> | <p>Primary: _____ Alternate: _____</p> |
| <p>Madera County Economic Development Commission (EDC) 2425 W. Cleveland Ave., Madera, CA 93637 Contact: Lois Leonard, 675-7768, leonard@maderacountyedc.com Executive Committee – Meets monthly 1st Wednesday at 7:30 a.m. Commission – Meets quarterly 2nd Wednesday at 3:00 p.m.</p> | <p>Primary: Charles Rigby Alternate: Cece Gallegos</p> | <p>Primary: _____ Alternate: _____</p> |

Mayor's Appointments Continued

| COMMITTEE | 2017 & 2018 APPOINTMENTS | 2019 & 2020 APPOINTMENTS |
|--|---|---|
| <p>Madera County Transportation Commission (MCTC) 2001 Howard Rd., Ste. 201 Madera, CA 93637 Contact: Sheila Kingsley, 675-0721, sheila@maderactc.org Meets 3rd Wednesday at 3:00 p.m., MCTC Board Room</p> | <p>Primary: Andy Medellin Primary: Will Oliver Alternate: Charles Rigby</p> | <p>Primary: _____ Primary: _____ Alternate: _____</p> |
| <p>San Joaquin River Conservancy Meets at Fresno Metropolitan Flood Control Office 5469 E. Olive Ave., Fresno, CA Contact: Jasanjit Bains, 253-7324, Jasanjit.bains@sjrc.ca.gov Meets 3rd Wednesday at: 10:00 a.m. March-October 10:30 a.m. November-February</p> | <p>Primary: Will Oliver Alternate: Derek Robinson</p> | <p>Primary: _____ Alternate: _____</p> |

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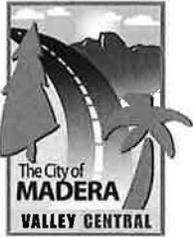
Mayor's Appointments Continued

| CITY SELECTION COMMITTEE - The Mayors of Madera and Chowchilla serve on this committee. The City Selection Committee is administered by the Madera County Clerk of the Board –The City Selection Committee meets as needed to make appointments to LAFCO and SJVAPCD Citizen Advisory Committee: | | |
|---|---|---|
| COMMITTEE | | APPOINTMENT |
| <p>LAFCO – Local Agency Formation Commission Each city appoints a primary member. Alternate is one appointment from either city.</p> <p>Meets at Madera Co. Government Center, 200 W. 4th St., Madera, CA 93637 Contact: Candie Fleming, 675-7821, candace.fleming@maderacounty.com</p> <p>Meets 4th Wednesday at 6:00 p.m.</p> | <p>City Selection Committee Appointment.</p> <p>Informational only.</p> | <p>Madera City Primary: Charles Rigby (Eff. 2/22/17 - term ending 1/31/20)</p> <p>Chowchilla City Primary: Waseem Ahmed (term ending 1/31/20)</p> <p>Alternate: Andrew Medellin (Eff. 2/22/17 - term ending 1/31/20)</p> |
| <p>San Joaquin Valley Air Pollution Control District Citizen Advisory Board (SJVAPCD) 1990 E. Gettysburg, Fresno, CA. Ph. 230-6000 Meets 1st Tuesday at 10:00 a.m.</p> | <p>City Selection Committee Appointment. Informational only.</p> | <p>Primary: Dennis Haworth, City of Chowchilla Council Member (term ends 1/31/19)</p> |

Continued on next page.

Mayor's Appointments Continued

| <p><u>SJVAPCD SPECIAL CITY SELECTION COMMITTEE</u> - Valley-wide Special City Selection Committee is charged with making appointments of city representatives to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Governing Board.</p> | | |
|--|--|---|
| COMMITTEE | APPOINTMENT | |
| <p>SJVAPCD Special City Selection Committee Contact: Michelle Franco, 559-230-6061, michelle.franco@valleyair.org</p> | | <p>Primary: Derek Robinson Alternate: Will Oliver New Alternate: _____</p> |
| <p>San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Governing Board 1990 E. Gettysburg, Fresno, CA Ph. 230-6000 Meets 3rd Thursday at 9:00 a.m.</p> | <p>Appointments to Board made by the SJVAPCD Special City Selection Committee. Informational only.</p> | <p>(SJVAPCD Central Region - Small City Rotation)</p> |



REPORT TO CITY COUNCIL

Approved by:

Anna Alvarez

Department Director

Antonio Rodriguez

City Manager

Council Meeting of: 12/19/18

Agenda Number: E-2

SUBJECT: Consideration of Request for Appointments to the Madera County Arts Authority to Fill Vacancies

RECOMMENDATION: Staff requests that the Council consider appointing Council Member Cece Gallegos to serve as the City's primary representative on the Madera County Arts Authority (MCAA). Staff also requests that a 1st and/or 2nd alternate be appointed to the MCAA. Appointments to be made by motion of the Council.

DISCUSSION: A vacancy was created on the Madera County Arts Authority Board due to the ending of the term of office for former Council Member Charles Rigby. The Council representatives appointed to serve on the MCAA Board on 4/18/18 are as follows:

Former Council Member Charles Rigby – Primary Representative
Council Member Cece Gallegos – 1st Alternate
Council Member Jose Rodriguez – 2nd Alternate

The MCAA is requesting that Council Member Gallegos be appointed as the City's primary representative to the MCAA Board (letter attached). If Council Member Gallegos is appointed as the primary representative, staff would then also request for the vacant alternate position to be filled. Consideration may also be taken for Council Member Rodriguez to be appointed to the 1st alternate position if he wishes to be considered.

The Madera County Arts Authority was formed in April of 2018 through a Joint Powers Agreement with the primary purpose being the development of an arts center. The general members of the Authority include the City of Madera, the County of Madera and the Madera Unified School District. Elected officials from each agency are appointed to serve on the MCAA Board.

FINANCIAL IMPACT: None.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Appointments to outside boards are not specifically 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.



MEMBERS OF THE BOARD

BRETT FRAZIER, District No. 1
DAVID ROGERS, District No. 2
ROBERT L. POYTHRESS, District No. 3
MAX RODRIGUEZ, District No. 4
TOM WHEELER, District No. 5

RHONDA CARGILL, Chief Clerk of the Board

11 December 2018

Andrew J. Medellin, Mayor
City of Madera
2058 W. 4th Street
Madera, CA 93637

Madera City Clerk
RECEIVED
By: Silvaroz
Date: 12/11/18

Dear Mayor Medellin:

The Madera County Arts Authority respectfully request Madera City Council to appoint Council Member Cecelia (Cece) Gallegos as the primary representative for the City of Madera, filling the vacancy created by former Council member Rigby. The City will also need to appoint an alternate member to fill the vacancy left by Council Member Gallegos as 1st alternate.

Thank you for your consideration to this request.

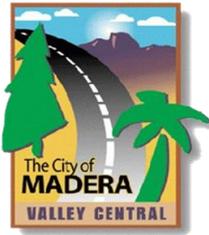
Sincerely,

Rhonda M. Cargill
Clerk, Madera County Arts Authority

cc: Sonia Alvarez, City Clerk
Julie O'Kane, Chairman MCAA
Lee Burdick, Lozano Smith



[Return to Agenda](#)



**Madera City Council Agenda 12/19/18
Agenda Item E-3**

Cancellation Announcement Regarding the January 16, 2019 Meeting