

Regular Meeting of the Madera City Council

Special Meeting of the Madera City Council as the Groundwater Sustainability Agency; and

Special Meeting of the Madera Public Financing Authority

205 W. 4th Street, Madera, California 93637

JOINT NOTICE AND AGENDA

Wednesday, October 18, 2017
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

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

INVOCATION: Pastor David Votaw, Harvest Community 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 Proclamation in Recognition of Ms. Loretta Castro's Long Time Service to the City of Madera Transit Advisory Board

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

- B-1 Minutes – 12/21/16
- B-2 Information Only – Warrant Disbursement Report
- B-3 Bi-Weekly Water Conservation Report for 9/25/17 – 10/08/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution Approving Improvement Deferral Agreement and Authorization of Lien for StorMax Real Estate Holdings, LLC, A California Limited Liability Company (Report by Keith Helmuth)
- B-5 Consideration of a Resolution Approving a Sales Agreement for the Acquisition of Real Property at the Southeast Corner of East Yosemite Avenue and Tozer Street for Parcel A and Parcel B (Portions of APN 008-110-009) Accepting an Easement Deed and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Keith Helmuth)
- B-6 Consideration of a Resolution Ratifying a Revised Application for Transportation Development Act-Local Transportation Funds for Fiscal Year 2017/18 (Report by Keith Helmuth)
- B-7 Consideration of a Minute Order of the Council of the City of Madera, California Authorizing the Acceptance of a \$1000.00 Donation to the Madera Police Department (Report by Steve Frazier)
- B-8 Consideration of a Minute Order Rejecting the Claim Filed by Joseph Crown (Report by Wendy Silva)

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

- C-1
 - A. Second Reading and Consideration of Adoption of an Ordinance Amending Certain Sections of Chapter 1 of Title II of the Madera Municipal Code Pertaining to Council Meeting Agendas
 - B. Consideration of a Resolution Amending the City Council Meeting Agenda Policy (Report by Sonia Alvarez)
- C-2 Second Reading and Consideration of Adoption of an Ordinance Rezoning Approximately 1.4 Acres of Property Located at 733 and 743 Linden Street from the PD-1500 (Planned Development) Zone District to the PD-2000 (Planned Development) Zone District. (APNs: 006-360-013 and 014) (Report by Chris Boyle)
- C-3 Second Reading and Consideration of Adoption of an Ordinance Prezoning Approximately 40 Acres of Land Located at the Southeast Corner of Tozer Street (Road 28) and Sunrise Avenue (Avenue 14½) to the PF (Public Facilities) Zone District (Report by Chris Boyle)
- C-4 Consideration of a Resolution of the Ground Water Sustainability Agency Approving a Memorandum of Understanding with Respect to the Preparation of a Groundwater Sustainability Plan within the Madera Subbasin and Authorizing the Mayor to Execute the Memorandum of Understanding on Behalf of the City (GSA - Report by Dave Merchen)

- C-5 A. Consideration of a Resolution of the City Council of the City of Madera Approving the Debt Management Policy (City)
- B. Consideration of a Resolution of the Madera Public Financing Authority Approving the Debt Management Policy (MPFA) (Report by Tim Przybyla)

D. WRITTEN COMMUNICATIONS

- D-1 Mid Valley Disposal Quarterly and Informational Report Regarding Solid Waste (Annette Kwock)

E. ADMINISTRATIVE REPORTS

- E-1 City of Madera Transit Updates Following June 2017 Workshop (Report by Ivette Iraheta)
- E-2 Quarterly Budget Review and Expenditure Reduction Recommendations (Report by David Tooley)

F. COUNCIL REPORTS

G. CLOSED SESSION

- G-1 Closed Session Announcement – City Attorney
- G-2 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
- G-3 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9 (d)(2) - 1 case
- G-4 Closed Session Report – City Attorney

ADJOURNMENT – Next regular meeting November 1, 2017

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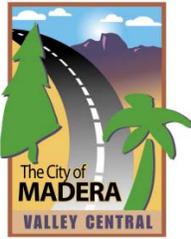
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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
 - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
 - Any 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 October 18, 2017, near the front entrances of City Hall at 4:00 p.m. on October 12, 2017.



Sonia Alvarez, City Clerk

Return to Agenda



Item:	B-1
Minutes for:	12/21/16
Adopted:	10/18/17

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

December 21, 2016
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 12/21/16 was called to order by Mayor Medellin at 6:00 p.m.

Mayor Medellin referred to their sweaters and ties. He thanked Council Member Rigby for keeping them in the spirit of the holidays and for asking those who would like to participate to wear an ugly sweater or tie. He noted that staff and Council participated and stated his appreciation. He added that he didn't want anybody to think gee whiz Mr. Mayor, maybe a little bit different dress next time.

ROLL CALL:

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

Others present were City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Planning Manager Chris Boyle, Battalion Chief Jim Forga, Commander Dino Lawson, and Procurement Services Manager Becky McCurdy.

INVOCATION: Pastor Lance Leach, Valley West Christian Center

Pastor Leach wished everyone a Merry Christmas on behalf of the Madera Ministerial Association and proceeded with the invocation.

PLEDGE OF ALLEGIANCE: Council Member Rigby led in the Pledge of Allegiance.

PUBLIC COMMENT:

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

Raymundo Maya, residing in Madera, California, stated he is disabled. He is here on behalf of his in-laws Gene and Mildred Atkins which had a fire. He went through all the resources, all the government programs

and he can't seem to get any assistance for their housing. He is asking for senior citizen housing for them until they get assistance to build their house again or whatever. He stated that they are displaced right now at this time and he would appreciate their help right now in assisting them to get proper housing.

Mayor Medellin thanked Mr. Maya.

Council Member Oliver asked that a member of staff meet with this gentleman and take down some of the pertinent information to see if there is any follow up they can do or with their sister Housing Authority agency, he would appreciate that.

Mayor Medellin directed his comment to Mr. Maya and stated that he actually spoke to the County today. He believes there was an email sent to Ms. Woodard but he didn't get a reply back from her. He also knows that their ex-Mayor and current Supervisor, Mr. Robert Poythress, knows of this matter and thinks he is trying to do what he can as well. Mayor Medellin stated there is no action they can take tonight. He stated his appreciation to Mr. Maya for coming down here. He asked, like Council Member Oliver suggested, if they can get Mr. Maya's contact information...

City Attorney Brent Richardson stated he thinks their Grants Manager already has that information.

Mayor Medellin acknowledged that was a great suggestion by Council Member Oliver.

Mayor Medellin asked if there is anyone else wishing to speak during public comment. No other comments were made and Mayor Medellin closed public comment.

PRESENTATIONS Recognition of the Partnership between Deutschlanders VW Club and the Parks and Community Services Department and the Presentation of Car Show Proceeds to the Madera Rescue Mission

Mayor Medellin invited Paul Yocum to join him at the podium. Mayor Medellin explained that this last summer, the Volkswagen Club had their car show at their beautiful Lions Town and Country Park. He noted that they did so with the intent of giving back to the community. They raised quite a bit of money. They had about 125 entrants from all over the western U.S. (United States). Mayor Medellin stated they are here tonight to say thank you very much for their partnership with the City of Madera and for what they are about to give to their local rescue mission.

Paul Yocum stated he is joined by their Vice President Steve (last name not given). They put on this show for one thing and that was to give back to the City in which they did it. They used to do it for Fresno. They went eight years there and gave over \$11,000 so far to the Poverello House. He stated that right now, as far as finding a park in Fresno was very difficult because their show kept getting bigger and bigger and bigger. This year, like the Mayor said, they had cars come from Nevada, Washington State, Oregon, and even as far as Mexico City made the trip. He stated that three days with a two year old in a car, they can imagine how tired they were when they got here.

Mr. Yocum stated that 100% of all the car show entries are going to the Madera Rescue Mission. Mr. Yocum presented the check for \$1,815 to the Madera Rescue Mission's representative.

Mr. Yocum stated that when they were looking for a new park to go into, Steve came to him and said, hey, how about let's try Madera, let's try this Lions Town and Country Pavilion. They went out there, fell in love with the park. It met their needs great. They talked to John Scarborough (Park Planning Manager) at the parks service and it was a breath of fresh air. He stated that the City opened its arms for them. They said come on in, we will even let you guys camp there overnight. Mr. Yocum presented the City Parks Department with a plaque for their appreciation and to say thank you for what they have done, and for their continuous support in the future.

Mayor Medellin and the Parks and Community Services Director Mary Anne Seay accepted the plaque.

Mayor Medellin noted that Ms. Seay has a wonderful team. He knows that she works with John Scarborough but it truly is a team effort. He noted that they agree that Lions Town and Country Park is a beautiful venue. They are so happy that the club chose Madera.

Mayor Medellin called on the City Clerk for a late distribution announcement.

City Clerk Sonia Alvarez announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda item were distributed to the Council less than 72 hours before this meeting. Under Section C, Hearings, Petitions and Bids, Item C-3, subject matter is a First Amendment to the Memorandum of Understanding (MOU) with the North Fork Rancheria of Mono Indians, Exhibit 2 to the MOU was distributed to the Council this evening. Ms. Alvarez advised that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

- B-1 Minutes – There are no minutes for consideration.
- B-2 Information Only – Warrant Disbursement Report
- B-3 Bi-Weekly Water Conservation Report for 12/1/16 – 12/11/16 (Report by Dave Randall)
- B-4 Consideration of a Resolution Accepting Community Grant Program Funding from the Picayune Rancheria of the Chukchansi Indians and the County of Madera for Partial Funding of Phase II of the Soccer Field Lighting at Sunrise Rotary Sports Complex and Authorizing Amendments to Various City Budgets to Reflect the Grant Funding (Report by Mary Anne Seay)
- B-5 Consideration of a Resolution Approving the Master Agreement between the Madera County Transportation Commission and the City of Madera for the Fiscal Year 2015-16 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding (Report by Keith Helmuth)
- B-6 Consideration of a Resolution Approving an Agreement with Giersch & Associates Inc. for Professional Engineering Design Services for Sewer Main Replacements at Sherwood Way and Wessmith Way Near Lake Street, and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by Ray Padilla (Report by Wendy Silva)
- B-8 Consideration of a Minute Order Rejecting a Claim filed by Maria Chavin (Report by Wendy Silva)
- B-9 Consideration of a Resolution Approving Agreement with Omni Means LTD for Professional Project Development and Engineering Design Services for the Lake Street, 4th Street and Central Avenue Intersection and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Appointing Ramon Lopez Maciel as a Member of the City of Madera Transit Advisory Board (Report by Ivette Iraheta)

- B-11 Consideration of Resolutions Ratifying and Adopting 2016/2017 Community Development Block Grant Agreements for Services as follows: (Report by Ivette Iraheta)
- A. The Community Action Partnership of Madera County to Coordinate with the Fresno/Madera Continuum of Care
 - B. The Madera County Workforce Investment Corporation to Provide Scholarships for Adults Learning and Training
 - C. The Madera Coalition for Community Justice to Coordinate the Resilient Madera Program
 - D. The City of Madera Parks and Community Services Department to Provide Nutrition, Fitness, Recreation and Education Services to Seniors
 - E. The City of Madera Parks and Community Services Department for Various Centennial Park Improvements
 - F. CalFire to Purchase and Equip Fire Station No. 6 with an Emergency Backup Generator
- B-12 Consideration of a Resolution Authorizing the Mayor to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax (Report by Brent Richardson)
- B-13 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Mid-Management Employee Group Related to Requirements for Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-14 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Law Enforcement Mid-Management Employee Group Related to Requirements for the Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-15 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and Operating Engineers Local Union No. 3 Related to Requirements for the Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-16 Consideration of a Resolution Approving the Award of Contract for Pine Street–Pecan Avenue Median Landscape & Irrigation Improvements City of Madera Project No. ST 16-04, in the Amount of \$299,776.90 to Stockbridge General Contracting Inc., Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 15%, and Authorizing the Mayor to Execute the Contract on Behalf of the City

And

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2016/17 Capital Fund Budget for Pine Street–Pecan Avenue Median Landscape & Irrigation Improvements City of Madera Project No. ST 16-04, Appropriating RSTP Federal Exchange Funds for the Construction Contract, Contingencies and Construction Inspection/Management (Report by Keith Helmuth)

- B-17 Consideration of a Resolution Approving a Memorandum of Understanding between the City and the Catholic Charities Diocese of Fresno (CCDOF) for the City to Administer a Senior Companion Program (SCP) Utilizing Senior Volunteers and Authorizing the Mayor to Execute the Memorandum of Understanding on Behalf of the City (Report by Mary Anne Seay)
- B-18 Consideration of a Resolution Accepting a Permanent Utility Easement, Located North of Avenue 17 and West of SR 99, Offered by Horizon Enterprises, LP, and Authorizing the City Clerk to Execute a Certificate of Acceptance (Report by Keith Helmuth)
- B-19 Consideration of a Resolution Accepting a Permanent Utility Easement, Located North of Avenue 17 and East of SR 99, Offered by Zelman Madera LLC, A Delaware Limited Liability Company, and Authorizing the City Clerk to Execute a Certificate of Acceptance and Cause the Certificate of Acceptance to be Recorded (Report by Keith Helmuth)
- B-20 Consideration of a Resolution Accepting Pedestrian Easement Deeds at the Chateau at the Vineyards Subdivision, Offered by UCP Chateau Grove LLC, Authorizing the City Clerk to Execute the Certificates of Acceptance and Cause them to be Recorded (Report by Keith Helmuth)

Mayor Medellin asked if members of the Council wish to pull any items from the consent calendar for discussion, questions, concerns.

Mayor Pro Tem Foley Gallegos requested item B-15 pulled.

Council Member Rodriguez requested item B-4 pulled.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER RIGBY, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-4 AND B-15, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

- RES. NO. 16-193 RESOLUTION APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MADERA FOR THE FISCAL YEAR 2015-16 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE FUNDING**
- RES. NO. 16-194 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH GIERSCH & ASSOCIATES INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR SEWER MAIN REPLACEMENTS AT SHERWOOD WAY AND WESSMITH WAY NEAR LAKE STREET, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-195 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AGREEMENT WITH OMNI MEANS LTD. FOR PROFESSIONAL PROJECT DEVELOPMENT AND ENGINEERING DESIGN SERVICES FOR THE LAKE STREET, 4th STREET AND CENTRAL AVENUE INTERSECTION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-196 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPOINTING RAMON LOPEZ MACIEL AS A MEMBER OF THE CITY OF MADERA TRANSIT ADVISORY BOARD**
- RES. NO. 16-197 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY**

DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY

- RES. NO. 16-198** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COUNTY WORKFORCE INVESTMENT CORPORATION
- RES. NO. 16-199** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COALITION FOR COMMUNITY JUSTICE
- RES. NO. 16-200** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT
- RES. NO. 16-201** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT
- RES. NO. 16-202** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH CALFIRE
- RES. NO. 16-203** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.
- RES. NO. 16-204** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE MID-MANAGEMENT EMPLOYEE GROUP RELATED TO REQUIREMENTS FOR WAIVER OF PARTICIPATION IN HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT
- RES. NO. 16-206** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND OPERATING ENGINEERS LOCAL UNION No. 3 RELATED TO REQUIREMENTS FOR WAIVER OF PARTICIPATION IN HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT
- RES. NO. 16-207** A RESOLUTION APPROVING THE AWARD OF CONTRACT FOR PINE STREET-PECAN AVENUE MEDIAN LANDSCAPE & IRRIGATION IMPROVEMENTS CITY OF MADERA PROJECT NO. ST 16-04, IN THE AMOUNT OF \$299,776.90 TO STOCKBRIDGE GENERAL CONTRACTING INC., AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 15%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

- RES. NO. 16-208** **A RESOLUTION APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2016/17 CAPITAL FUND BUDGET FOR PINE STREET-PECAN AVENUE MEDIAN LANDSCAPE & IRRIGATION IMPROVEMENTS CITY OF MADERA PROJECT NO. ST 16-04, APPROPRIATING RSTP FEDERAL EXCHANGE FUNDS FOR THE CONSTRUCTION CONTRACT, CONTINGENCIES AND CONSTRUCTION INSPECTION/MANAGEMENT**
- RES. NO. 16-209** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CATHOLIC CHARITIES DIOCESE OF FRESNO (CCDOF) FOR THE CITY TO ADMINISTER A SENIOR COMPANION PROGRAM (SCP) UTILIZING SENIOR VOLUNTEERS AND AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY**
- RES. NO. 16-210** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A PERMANENT UTILITY EASEMENT, LOCATED NORTH OF AVENUE 17 AND WEST OF SR 99, OFFERED BY HORIZON ENTERPRISES, LP, AND AUTHORIZING THE CITY CLERK TO EXECUTE A CERTIFICATE OF ACCEPTANCE**
- RES. NO. 16-211** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A PERMANENT UTILITY EASEMENT, LOCATED NORTH OF AVENUE 17 AND EAST OF SR 99, OFFERED BY ZELMAN MADERA LLC, A DELAWARE LIMITED LIABILITY COMPANY, AUTHORIZING THE CITY CLERK TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND CAUSE THE CERTIFICATE OF ACCEPTANCE TO BE RECORDED**
- RES. NO. 16-212** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING PEDESTRIAN EASEMENT DEEDS AT THE CHATEAU AT THE VINEYARDS SUBDIVISION, OFFERED BY UCP CHATEAU GROVE LLC, AUTHORIZING THE CITY CLERK TO EXECUTE THE CERTIFICATES OF ACCEPTANCE AND CAUSE THEM TO BE RECORDED**

Mayor Medellin called item B-15 for discussion.

B-15 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and Operating Engineers Local Union No. 3 Related to Requirements for the Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)

Mayor Pro Tem Foley Gallegos noted that this is something that they are considering to waive benefits for their Operating Engineers Local Union No. 3 (OE3). She received an email saying that OE3 is representing their City employees but their City employees were never contacted on this item and asked if they were a yea or nay for this. She has concerns. She is reading that they don't have anyone in place to represent but to make a change in their contract, it should be given consideration from the employees that work for them. She would like to pull this from the agenda and go back to their employees and see if this is something that they want and not just have an organization, OE3, making decisions for their employees.

Mayor Medellin stated that is understandable and that is a good question. He advised that there was a follow up email. He is not sure if she got it from Wendy Silva (Director of Human Resources) that explained some of the things. Before they choose to do that, they should hear from their HR Director and maybe she can better explain.

Director of Human Resources Wendy Silva stated that the City cannot get involved in the relationship between the employees and who they have selected as their representative. She knows that the group, OE3, has fallen out of favor with the group. Unfortunately, Operating Engineers was elected in as the representative and until there is a vote and someone else is elected in, they are the representative that they have to deal with. They can't talk to anyone else. They can't circumvent them and go directly to the employees or to another group that is representing the employees. She stated that is governed by the Meyers-Milias-Brown Act which lays out exactly what the City has to do in negotiations. Until such time that there is a different exclusive representative, Operating Engineers is the group that the City can speak with on matters related to the General Unit and that is the only group that they can negotiate with.

Mayor Pro Tem Foley Gallegos stated she understands that but the representative didn't talk to any of their employees. There are supposedly five that are still with OE3 and those employees were not even contacted. She has a concern with that representative making a decision for their employees that they didn't speak to.

Ms. Silva restated that they as the City cannot get involved in the relationship between the representative and the employees they represent. She added that different groups have different rules on how they represent people. She knows, from the beginning when OE3 was voted in, there were always concerns about who got to vote and who didn't but that was who they selected as their representative. At this point, they, the City, can't do anything about that and they also can't tell them how to manage the relationship between the union and the people they represent.

Mayor Medellin stated that is something they can initiate obviously so the best advice is for them to reconsider their representation on their end.

Ms. Silva agreed and stated that they have their own counsel that is helping them look at options. She restated that the City can't be involved in that process.

Council Member Rodriguez asked how many employees the union represents.

Ms. Silva replied, give or take about 120.

Council Member Rodriguez stated that Ms. Silva mentioned that there was a process that they have to go by so that they can deselect this current representation. He asked how the process works; do they just have to vote their other organization out and vote somebody back in so that they can have a say so when it comes to negotiations like this.

Ms. Silva replied that there is a process that the City has to follow called the Labor Relations Resolution and it governs a lot of things. One of those is how votes occur and when they can occur, and there is a filing period when those can be requested. She stated that there was a filing period March of last year before the MOU (memorandum of understanding) expired and there was not a request for a vote at that time, and a request was filed later after the filing period. Essentially, they missed the opportunity to change their representation at that time. They have to wait for the next window to hold a vote under the rules.

Council Member Rodriguez asked when that window is.

Ms. Silva replied that will be March of 2018.

Council Member Rodriguez noted that is quite some time away.

Ms. Silva stated that is governed by the length of the MOU that they voted to adopt.

Council Member Rodriguez stated that in between this time, these one hundred and some employees don't really have a say so as far what they would decide to do as far as negotiations, or in this case, bargain with the respective organizations.

Ms. Silva stated that it is difficult for her to answer that because, like she said, she can't govern the relationship between OE3 and their membership. She doesn't know how much outreach they are or are not doing. She knows there are employees that have come to her and said, we don't hear from them. And like she said, they have their own outside counsel that is trying to help them with that. She said she is sorry that that kind of answers his question but kind of not. There is nothing else she can do on that matter.

Council Member Rodriguez stated that is fine. He just thinks similar to what Councilwoman Gallegos had mentioned as far as the fact that they have so many employees but yet they have no say so on what they can bargain for and what not. He noted that is somewhat disturbing as well but obviously there are legal matters here, contracts and they have to abide by them. He just wanted to get the answer to that.

City Attorney Brent Richardson stated that they do have the ability to bargain but it is through OE3. He added that the City's hands are completely tied. That is just the way it is and there is really nothing legally the City can do about that.

Mayor Medellin thanked Ms. Silva.

Mayor Medellin called item B-4 for discussion.

B-4 Consideration of a Resolution Accepting Community Grant Program Funding from the Picayune Rancheria of the Chukchansi Indians and the County of Madera for Partial Funding of Phase II of the Soccer Field Lighting at Sunrise Rotary Sports Complex and Authorizing Amendments to Various City Budgets to Reflect the Grant Funding (Report by Mary Anne Seay)

Council Member Rodriguez stated that back in 2014, it looks like this grant was supposed to be done so that they could get the lighting for that soccer field. He understands that in between that time obviously the Rancheria suffered some hardship so they were disfranchised. He asked if in between that time did the City at all plan to supplement for that or did they have to wait until these grants became available. He asked if they have any other source of funds to be able to move this thing forward instead of delaying for such a long time.

Director of Parks and Community Services Mary Anne Seay replied yes and yes. They originally applied for a Chukchansi grant in 2012 for about \$196,000 of which they received \$85,000. This is one of many grant requests, partnership endeavors to get full phase of the addition of the soccer field, the booster pump, the lighting, the parking, curb/gutter, fencing, potentially a bathroom completed. They got the \$85,000 which wasn't even enough to make acquisition of the lighting system so they wrote an additional grant to Kaiser Permanente for \$15,000. They were able to package enough resource to get pricing from the industry leader in lighting and they made acquisition. She stated that those light poles are now in the City corporation yard. They do have \$350,000 in developer impact fee revenue assigned to this project along with \$67,000 in CDBG (Community Development Block Grant) funding. They are waiting for the Engineering team to give them an engineer's estimate so that they can begin progress.

Ms. Seay stated they have also applied for left over residual funds from Prop 40 from several years ago that were unspent that went back into a pool for eligible agencies. They made application for additional resources to kind of blow this project up and even add some additional amenities. They will be finding out about that in early summer. Right now with this \$52,000, they have roughly \$470,000 and they are waiting for engineer's estimate to see how and when they can get started.

Council Member Rodriguez asked when they anticipate having this project completed.

Ms. Seay replied that would be a question for the Engineering Department. They have been meeting with them, telling them what they would like to see in terms of curb, gutter, fencing, grading, etc., additional landscape, lighting and they are waiting to get the engineer's estimate. That is the first step and then they need to see how long it would take. With the funding they have, they may have ample funding to go ahead and begin construction. She stated that the booster pump and the soccer field that exist there now was all a part of one big project. When they entered into the recession in 2008, the developer impact fee revenue that they were counting to make this package whole just wasn't there so instead of making the public wait for a project, they put the soccer field in with staff resources. They added the booster pump which made them more water efficient in the entire park. They are kind of phasing things in as they get resources. She advised that the next thing is to get the poles put in, light to the fields, and of course parking is very important in that area as well.

Council Member Rodriguez stated he was meaning to catch her before she got in here to ask her that question. He apologized for catching her off guard.

Ms. Seay replied that is what they are here for.

Mayor Medellin stated they are very appreciative to the Picayune Rancheria for giving \$52,000 and change to help complete that project. He noted that both the Adopt a School and the Madera County Food Bank each also received a \$25,000 grant from them. They gave over \$1.2 million to help the City and County of Madera grow. They are appreciative of that and that money will be well spent. He thanked them.

Mayor Medellin stated he would entertain a motion on items B-4 and B-15 if there is no more discussion.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEMS B-4 AND B-15, RES. NOS. 16-192 AND 16-205 RESPECTIVELY, WERE ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-192 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ACCEPTING COMMUNITY GRANT PROGRAM FUNDING FROM THE PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS AND THE COUNTY OF MADERA FOR PARTIAL FUNDING OF PHASE 11 OF THE SOCCER FIELD LIGHTING AT SUNRISE ROTARY SPORTS COMPLEX AND AUTHORIZING AMENDMENTS TO VARIOUS CITY BUDGETS TO REFLECT THE GRANT FUNDING

RES. NO. 16-205 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE LAW ENFORCEMENT MID-MANAGEMENT EMPLOYEE GROUP RELATED TO REQUIREMENTS FOR WAIVER OF PARTICIPATION IN HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT

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

C-1 Public Hearing, Second Reading and Consideration of the Adoption of an Ordinance That Would Approve and Adopt a Development Agreement Between the City of Madera and Love's Travel Stops and Country Stores for the Madera Travel Center Project

Community Development Director David Merchen stated this is the second of two separate actions that are required in order to adopt a development agreement for the Madera Travel Center Project. He explained that the ordinance under consideration was introduced at the December 7th meeting.

Mr. Merchen stated that they went over the basics of a development agreement at the last meeting so he won't dwell on that a lot. As a reminder, a development agreement is a legal contract between the developer, owner and the City. He stated that the primary purposes are to lock in the rules and regulations that apply to the project, the Travel Center, and to provide an infrastructure reimbursement mechanism.

Mr. Merchen stated that the Planning Commission reviewed and recommended approval of the development agreement (DA) in November. They want to note that this recommendation reflects direction from the City Council subcommittee consisting of the Mayor and Members Holley and Rigby as well that did quite a bit of leg work and homework to help direct the terms for this agreement.

Mr. Merchen stated that the Travel Center is located at the corner of Avenue 17 and Freeway 99. He advised that it includes the components shown on the screen, the heart of which is the Travel Center itself which is truck and automobile facilities, retail, convenience, restaurants and the like. There is also a tire center proposed for customers and for the general public that might need some help coming off the freeway.

Mr. Merchen stated that the public improvements that are required to serve the project site are pretty extensive and really, he believes, are the heart of this development agreement and why they believe as staff, is appropriate here. He stated he would provide some illustrations to kind of give them a sense of what the improvements that are the subject of this DA, how they relate to other properties and why it makes sense to kind of go into a special reimbursement component.

Mr. Merchen stated that in terms of a sewer line, they can see that there is a pretty extensive sewer line that comes up from the south right about the Ellis Overcrossing and extends all the way up to Avenue 17 past the site. He noted that is a considerable length of improvements beyond the project site.

Mr. Merchen stated that with regard to water, they are talking about the development of a new water well site. They acquired that property at one of their earlier meetings. It is also the extension of a very large water line all the way up Sharon Boulevard, following Avenue 17 and through what they call the Madera Town Center Property which is the Zelman owned property. He noted that earlier on their consent calendar, the easement to place that water line was accepted so they are in great shape there.

Mr. Merchen stated that storm drainage is primarily along the project frontages. They will note that it does accommodate runoff from the project site which is the west side of the Sharon Boulevard alignment as well as all of the property on the east side. It also begins to accommodate all of the Avenue 17 street improvements. He noted that along that, primarily located along the frontage, it does prepare some additional property for development.

Mr. Merchen stated that street improvements also include widening Avenue 17 that will be a six lane section when it is developed. He noted that the Travel Center will develop its project frontage to a full three lanes plus a right turn lane.

Mr. Merchen stated that Sharon Boulevard is a new arterial street that will be constructed to a four lane standard, and two traffic signals will also be developed as part of the project. He stated that what looks like a fairly innocuous improvement when he shows it on the screen is the widening of the freeway off-ramp to include an additional dedicated right turn lane. He commented that has proven to be both an expensive improvement as well as something that creates some sensitivity for scheduling and timeline because it has to go through Caltrans. Those who have been with the City for a long time, they have heard all kinds of stories about getting anything done through Caltrans is always an adventure. He noted that it is proving to be that way here as well.

Mr. Merchen stated that when they add the cost of those improvements, they are estimated, at this point, to be a little over \$8 million plus the cost of a water well. He thinks they talked about it at the last meeting. That water well can run anywhere from just over a million dollars to close to \$3 million. They won't know that until they kind of get into it and see what design kind of considerations and treatment requirements are going to be in place. Mr. Merchen stated that the reimbursable components of that, which are the

improvements that go beyond a developers typical frontage requirement is about \$6.8 million plus the cost of that water well. He added that in all cases water wells are considered reimbursable no matter what developer builds them.

Mr. Merchen stated that what is probably the key element, other than the reimbursements for the development agreement, are its term. They worked with the developer to give them a term which would allow them some flexibility to get started, to kind of deal with those Caltrans uncertainties but also to provide a sense of urgency that they needed to move quickly in order to maintain the benefits of the development agreement. What is called for in the recommendation is a 36 month term in order to submit building permits for Phase I which is essentially everything except the restaurant and the RV (recreational vehicle) and boat storage. If they meet that, they get an additional year to actually pull those permits to have them issued. If they meet that then they get one more year to obtain occupancy on Phase I. He stated that within five years, under this DA, either it will be done and dead because they didn't meet the terms or it will be completely active, live occupied and then a 20 year term would kick in for the development agreement.

Mr. Merchen stated that during the term of the development agreement, the development requirements wouldn't change. That is another benefit of having this kind of agreement. It provides the certainty that factors that can affect development aren't going to change too much over time.

Mr. Merchen referred to the development exaction, which essentially they will call fees, fee like requirements, won't change. They do provide for subsequent development approvals to be granted so should something new come up, they need to add a building or they need to modify something for unknown reasons, a development agreement provides that opportunity. It shows them what can be done and what can't.

Mr. Merchen stated that the agreement specifies all of those public improvements that he described and illustrated. He advised that those will all be done prior to occupancy of a building and first phase. He commented that all of those improvements go in before the project starts.

Mr. Merchen stated that the historic pedestrian plaza, which is an open space and kind of community gathering location which is right at the corner of Sharon and Avenue 17, will also be developed with Phase I.

Mr. Merchen stated that the fee credit and reimbursement components are maybe the most significant part of this development agreement for the developer. He noted that the agreement calls for fee credits to be provided for development impact fees against the same type of improvements. What essentially that means is that sewer impact fees are credited against sewer line cost, water impact fees against water cost, but they don't do any cross credits of one type of improvement against another type of fee kind of thing.

Mr. Merchen stated that the recommendation is that water well costs will be reimbursed upon completion and acceptance of the water well. That will probably be amongst the first improvements that is put in. Those will be reimbursed right up front.

Mr. Merchen stated that other offsite improvements would be reimbursed up to about a \$6.8 million max. He noted that only actual costs would be paid and only up to that max. So if the costs are \$10 million, the City's cost is still capped at \$6.8. If improvements come in at \$5 million, then the City only pays \$5 million.

Mr. Merchen stated that for the reimbursements that do come in cash form, the recommendation is that they be phased. He advised that the first million dollars would be provided at completion and acceptance of the improvements. He stated that is largely the existing balance of development impact fees that are in place. Again, they have categorized that they have a limited amount of development impact fee revenue for a water line and they would apply those against the water line cost and so forth so that everything stays in its category.

Mr. Merchen stated that about \$4.2 million would be provided in reimbursements after one year of operations for the Travel Center so they are up and operating. They have proven themselves to be viable. After that one year anniversary, they get another \$4.2 million. He stated that is primarily going to be to offset transportation and traffic improvement related costs and those are special transportation revenues. That is why that number is fairly specific because those were the revenue resources that were coupled together to be able to provide lump sum reimbursements.

Mr. Merchen stated that the remaining amounts would be reimbursed in annual payments starting after the second year of operations.

Mr. Merchen stated that the lump sum payments that he described which is the well, the first million, and the \$4.2 million essentially would be handled like a standard CIP (Capital Improvement Project). Those are kind of standard revenues for the most part for capital improvement projects. He noted that they did make special care as they looked for available funding that they wouldn't cause any significant damage to scheduled capital improvement projects. They were able to do that through a little bit of shifting of funds and applying some unanticipated revenues. They look great from that perspective that if they go with this plan as he described, there wouldn't be any CIP projects that they would have to take out or significantly delay. He noted that is a positive as well.

Mr. Merchen stated that the cost in excess of those lump sum payments would again be reimbursed through a portion of the City share project generated revenues. Those are sales tax and transient occupancy tax or hotel tax. They think about four to six years of payments depending on the ultimate cost of the improvements would be about what it would take to get those improvements fully reimbursed.

Mr. Merchen offered a couple of last points. They believe that the cost of the outside improvements would make the project infeasible without the special reimbursement program. He stated that the reimbursements are structured in a way that sales tax and transient occupancy tax doesn't fully transfer to the developer. The City would always get 50% of the taxes generated so there is always a net positive coming to the City.

Mr. Merchen stated that appropriate triggers are in place to ensure that the project is developed within a reasonable time frame. It can't drag on and keep blocking up the property without developing.

Mr. Merchen stated that finally, a substantial benefit is received by the City through the installation of infrastructure, generation of sales tax and transient occupancy tax, and the employment opportunities there that will be generated.

Mr. Merchen stated that the project and the development agreement are consistent with the General Plan and the Zoning Ordinance, the California requirements of CEQA. He noted that California environmental requirements have all been met and the kind of underlying point is that this is not a typical tool. This is not something that they've seen since 2006. That was the last time the City adopted a development agreement but it is a good tool where the circumstances call for it and they believe in this case that the circumstances do call for it. And that absent this kind of tool, they wouldn't be able to see this project go at least not at this time at this location.

Mr. Merchen offered to answer any questions and when they are done with those, to recommend that they open the public hearing.

Mayor Medellin agreed that it is a great tool and it is a little out of the box thinking so to speak but it is investing in infrastructure so he totally agrees. He commended Mr. Merchen on a great presentation.

Mayor Medellin asked if there are any questions for Mr. Merchen. No questions were asked and Mayor Medellin announced that this is a noticed public hearing and asked if there is anyone in the audience or proponents of the project wishing to speak or show their sweater or anything like that to please step forward.

Mayor Medellin stated to the first speaker that he is in the top three for ugly sweater.

Ken Van Dyke stated he is with Love's Travel Stops and Country Stores and resides in Utah. He won't tell them how he kind of heard about this and he thinks it's great that the spirit comes out here. He heard through the grapevine that this was going on so he pulled this out of the box. He noted someone is wearing suspenders. He was a little bit worried. They had a little bit earlier meeting for this issue that Mr. Merchen mentioned about Caltrans. He will maybe touch on it for a minute. He was peeking in to all the windows because he didn't know it was really a joke or not to see if anyone was really dressed up. He stated but look at you, and he is bringing his lights next time. He noted that is pretty cool.

Mr. Van Dyke stated he would be glad to answer any specific questions they have about Love's or their project. First of all he would just like to take a minute to say the appreciation they have as developers, Love's Travel Stops. He has been with them 20 years and when he started in '97 they had 38 travel centers and as of last Friday, they opened five on one day and they have 408. There is no doubt in his mind that they provide the best travel stop business in the country.

Mr. Van Dyke stated he deals with a lot of municipalities and he would just like commend the Planning and especially City staff of being unbelievable to work with. The last two years, he doesn't think there would be an exaggeration, it is hundreds of hours that they have worked on all of this and they are almost there which he is grateful to have that happen. They have one more little hurdle that Mr. Merchen mentioned about Caltrans. That little issue he is hoping isn't a deal breaker but he will keep his fingers crossed a little longer until they feel a little bit better about it but they sure hope that they come around to continuing to work with them because they have put in a lot of time and a lot of effort into this project.

Mr. Van Dyke stated that he also thinks that if they sign on the dotted line and get all this done, that their \$15 million investment for just what they do, on top of about \$8 million, is a lot but he thinks it is going to provide the City with a lot of things that the City needs, the infrastructure. He felt optimistic that it will allow others to want to come to that area because as a developer, the first thing that he looks at is do they have utilities, wherever he stops. He is working on 28 projects in California, Oregon, and Washington alone and that is always the first thing that he looks for because it is kind of important so they really have gone a long ways in working out of the box to try to make this happen.

Mr. Van Dyke stated they really want to be here. Love's is a great company. He thinks they will never ever regret voting for them if they do, and he hopes they do. They are a family owned company if they are not familiar with them out of Oklahoma City. He loves working for them. He has been with them for a long time. They are a great family owned business even though they will be probably \$15 billion in sales nationwide this year. He just got back from Oklahoma City and spent the evening in the Love's home which he still can't believe they open up to such a rowdy bunch like they are but they do and they are great to work for. They give back to the community in a big way wherever they're at. He thinks the City will be proud to call them neighbors and he thinks they will have a facility that they will be proud of when they see it. They really do a good job.

Mr. Van Dyke asked if there are any specific questions. If not, he will end with a thank you.

Mayor Medellin asked if there are any questions.

Council Member Rodriguez stated that aside from wearing the ugliest sweater, hoping he is in the top three also...he thinks they are excited to have that Love Center. He asked, now that energy is becoming such a big play in states, California for example, how Love's mitigates for costs of energy, solar. He stated this is a question that was probably brought up by one of the Council Members here last meeting that they had. As far as like projects within their development, is there solar involved. Not to say anything for this particular development but future developments, they never know. He asked how important solar is becoming in their line of work there, especially energy.

Mr. Van Dyke stated he didn't make the seventh meeting. He had other commitments that he couldn't get out of so he is not exactly sure what they discussed. He noted that all this is important to them because

they are in the industry of energy with diesel and gasoline but they also know the impacts of all that they do. They've got RV boat storage, and self storage buildings that they are starting to do all over the place. In Las Vegas, Nevada, which isn't too far if they ever wander that way to go make a whole lot of money at the casinos, here shortly they will see an all solar paneled RV boat storage building that will be within one year paying for itself in energy efficiency. They are looking at all those things. He noted that a lot of questions come up about the electric charging stations and stuff. They are going to have some here. He can't say that that is really a big part of what they do because its average time is only 5.30 seconds just about for someone to come in and get what they want at a convenient store so you are not going to get a whole lot of charging going on from there but they are going to provide what they are required and have been asked to do. As far as any of the energy things, he thinks they will find that their buildings are energy efficient. They are using all up to code or better for windows and insulations and those kinds of things. Hopefully that kind of answers his question.

Council Member Rodriguez stated that it does. He is just curious. He thanked Mr. Van Dyke and stated he appreciates the comments.

Mr. Van Dyke stated that Love's also just recently bought Trillium CNG so that is a big move for them. He kind of missed the multi-million dollar deal. They just bought that company out. They do own that out of their Houston office. They are going to have a connection CNG (compressed natural gas) throughout the United States and they will be the first to have the most CNG filling stations of any travel center in the company here real soon.

Mayor Medellin thanked Mr. Van Dyke. He also thanked him for his kind words and appreciation towards City staff. Mayor Medellin stated they think they are pretty great too.

Mayor Medellin asked if there are any other questions or discussion about this particular project.

Mayor Medellin stated that this is a second reading and consideration of an ordinance and asked for title.

City Clerk Sonia Alvarez asked Mayor Medellin to close the public hearing for the record.

Mayor Medellin stated if there are no other members of the audience wishing to speak then he will close the public hearing.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED, AND ITEM C-1, ORD. NO. 938 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD 938 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AND ADOPTING THE DEVELOPMENT AGREEMENT BETWEEN LOVE'S TRAVEL STOPS AND COUNTRY STORES AND THE CITY OF MADERA

C-2 Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines

City Attorney Brent Richardson stated this is an item they are kind of familiar with. They have four liens they would like to place to secure unpaid code enforcement fines. They are asking for Council approval after the public hearing.

Mayor Medellin asked if there are any questions for Mr. Richardson. No questions were asked and Mayor Medellin opened the public hearing.

Louise Cvrljak, residing in Madera, California, stated she received a notice in 2013. She stated there was a fence panel on the porch. They are at the house every day. They work at the house so they put the fence panel, they were doing some construction, they put that there. They got this notice. She called up the phone number on the bottom, spoke to a Valerie, something like that. Told her we'll move this, what do we need to do to take care of this and have it re-inspected? They did what they needed to do. She thought it was re-inspected. They didn't hear anything again. She thought they were good.

Ms. Cvrljak stated that on January 9th, she received the same exact notice about the wood panel in the fence. She just thought it was some type of repeat or...it was the same thing so she called and told her that was long gone and taken care of. That same day she received something about restoring landscape, regular watering, that type of stuff. She stated that the grass was cut. If they received this notice, they cut the grass and maintained it. She stated that yes it is dirt. They are in a drought. They didn't really take care of the lawn that much. They just kept it down to dirt. She always made phone calls when they received these and living in Fresno, in the county, if she ever did get grass notice or something like that, she would just call, tell them they took care of it, they would drive by and that was it. She kind of thought that is where she stood with the City. This is back in 2014. Then November 29th she received a letter saying she has unpaid citations and a potential lien on the house. She was here to see if there is any way to come to some other resolution for this. She knows that there are administration fees and people send out letters. She is not denying the fact that they have some effort in this but it is a lot, a lot of money for a family. She wants to see if there is something they can do to reduce it.

Mayor Medellin asked if she met with someone from Code Enforcement.

Ms. Cvrljak replied that she never met, always phoned.

Mayor Medellin asked if that was the explanation as to why she got the citation and things like that. He asked when they met, what was that discussion about.

Ms. Cvrljak replied they never met.

Mayor Medellin corrected himself and stated when they spoke.

Ms. Cvrljak stated she received one of these notes in the mail and then said, oh boy, we need to move that panel so they would move the panel. She would call up and say, we did what we needed to do, are we ok and she thought they were ok. She didn't know that she needed to proceed farther with...

Mayor Medellin commented so there were no other emails or things like that. It was just over the phone.

Ms. Cvrljak agreed.

Mayor Medellin stated that obviously she is getting notices when the City sends her things.

Ms. Cvrljak stated she has these three and that letter saying to be here tonight. Ms. Cvrljak stated they bought this house. She thinks it was an unoccupied house for several years. It was occupied by who occupies houses that are empty. It had graffiti everywhere. It was torn up, dry wall. It was a complete disaster and it is a clean, habitable house now.

Council Member Rigby stated he just wants to make sure that he has the timeline correct. He noted that her first letter was received for this fence post, or what have you, and she said 2000 and...

Ms. Cvrljak replied 7/5/2013.

Council Member Rigby asked when the second letter came in.

Ms. Cvrljak replied 1/9/2014 with the same corrective notice action. She noted it looks like a duplicate of it.

Council Member Rigby asked if she in fact did make the correction notice and she...

Ms. Cvrljak replied yes. That is why when she saw fence panel, because it is a fence panel, you either move it or you don't.

Council Member Rigby noted that she said a third letter.

Ms. Cvrljak replied that the third letter was restore landscape and plant material to good condition, provide regular maintenance to landscape and plant materials, provide regular watering, cutting, pruning and mowing of landscape received also on 1/9/2014. That is all she has.

Council Member Rigby stated he is assuming that the remaining unpaid amount of money of \$1,870 is due to the letter sent to her in 2014 in regards to landscaping and asked if that is correct.

Ms. Cvrljak replied yes she thinks so.

Council Member Rigby asked when she was calling Code Enforcement who she was speaking to.

Ms. Cvrljak replied a Valerie.

Council thought it has to be Viola (Viola Rodriguez, Neighborhood Preservation Supervisor).

Ms. Cvrljak replied that's it.

Council Member Rigby asked what her suggestions were.

Ms. Cvrljak replied it was to take care of it.

Council Member Rigby asked that once she took care of it who she called.

Ms. Cvrljak replied it was her again. She would always answer the call.

Council Member Rigby asked if at any time Ms. Rodriguez lead her to understand that she had not met the requirements that she thought she had met.

Ms. Cvrljak replied no.

City Attorney Brent Richardson asked if he could shed some light on that. He noted that the letter Ms. Cvrljak is referring to, going by the dates mentioned are all citations. Some of them do list a wood debris on the front porch but all of them also reference the vacant property registration which was not done. Part of the corrective action is to get the property registered which apparently was never registered. He noted that is a requirement under the vacant property ordinance.

Council Member Rigby asked Mr. Richardson to help remind him what the procedure is. He asked if at any time the address 415 N A Street would have been given a hearing through this process.

Mr. Richardson replied that all the citations have an advisement on them that they are all appealable within 15 days. He noted that it says it right on the citation in bold print and it was on every single one of them.

Council Member Rigby asked if it is including the landscaping one in 2014.

Mr. Richardson replied exactly noting that it is the same form that they always use.

Ms. Cvrljak stated she is not denying that that is not there but she made the phone calls and she thought it is just the fence post or grass. She didn't know that she had to...it seemed so formal for something like that. She stated that she and her husband work in Fresno and Madera daily so they are at the house. It is kind of their second stop house so it is not vacant.

Council Member Rigby thanked her for answering his questions.

Mayor Medellin called on Mayor Pro Tem Foley Gallegos.

Mayor Pro Tem Foley Gallegos stated her questions got answered. Council Member Rigby asked the questions that she was going to ask.

Council Member Rigby asked Mr. Richardson if this is something they could work with individually because he really wished Ms. Rodriguez was here.

Mayor Pro Tem Foley Gallegos advised that Ms. Rodriguez is on vacation.

Council Member Rigby stated he knows she is on vacation.

Mr. Richardson replied that the only option, noting that it is a debt to the City and his take has always been that debts to the City without some sort of justification, if they reduce it, it is essentially a gift of funds issue.

Council Member Rigby stated he understands that. He is not trying...

Mr. Richardson stated that if they would like to vet it out with Ms. Rodriguez or have her take a look at it, they could pull this particular property from the approval tonight and just reschedule it.

Council Member Rigby stated that by no means is he suggesting that they change the amount of money owed or exclude this ever being paid at all. For clarification, he would value the opportunity to have Ms. Rodriguez address Council or maybe perhaps they could put this on the agenda for...

Mr. Richardson replied that they will bring it back at the next meeting that they can and reasonably notice it. They are required to put out a new notice. If it is not the next meeting then the one after that. If their intent would be to pull that off, then just in any motion approving this, make sure they identify that 415 N A Street is eliminated from the exhibit.

Council Member Rigby stated that being they are still in public hearing, he won't make a motion right now.

Mayor Medellin asked if there is anyone else in the public wishing to speak regarding this item. No other comments were made and Mayor Medellin closed the public comment and brought the item back to Council for any further discussion or comments.

Council Member Rodriguez asked what the appeal process is whenever the notice was received from the property owner.

Mr. Richardson replied that they will contact the City. His paralegal will typically make arrangements with the Administrative Hearing Officer. About monthly, the officer will hold a day of hearings so she will schedule those with him. They will get notice of when that is but it has to be requested and under the City Code, it has to be done within 15 days of the citation.

Council Member Rodriguez stated that during these times when the property owner received multiple citations at that time and period, for every single citation, they had the opportunity to appeal.

Mr. Richardson replied exactly noting that it is on every citation that they have to appeal within 15 days. It is in bold print right down there at the bottom. All they do is just request an appeal and they set that up.

Council Member Rodriguez stated he is not sure if Code Enforcement is here but in Mr. Richardson's experience typically with these appeals he is sure they reach some type of agreement or accordance where maybe that fine might be a little hefty or they might be able to negotiate something, or is this something...

Mr. Richardson replied that typically either the citation was justified or it wasn't. Usually as far as any type of workout arrangements, that is usually done through some sort of payment arrangement through Finance if the fine is upheld.

Council Member Rodriguez stated that by the time that comes to Council for approval, justification must have been provided.

Mr. Richardson replied that they vet them out before they bring them to the Council typically to make sure all the paperwork has been in place. This is merely to place a lien on the property so, outside of a foreclosure sale or something like that, they would have to take care of it at a regular sale just to secure the debt that is owed if they remain unpaid.

Mayor Medellin asked if there are any other questions. No other questions were asked and Mayor Medellin announced that he would entertain a motion.

COUNCIL MEMBER RIGBY MADE A MOTION TO APPROVE ITEM C-2 AS PRESENTED, EXCLUDING THE PARCEL NO. 007-032-015 (415 N A STREET) UNTIL FURTHER CONSIDERATION CAN BE CONSIDERED BY COUNCIL UNDER THE DIRECTION OF CODE ENFORCEMENT, SPECIFICALLY MS. RODRIGUEZ. THE MOTION WAS SECONDED BY MAYOR PRO TEM FOLEY GALLEGOS AND RES. NO. 16-213 AS STATED, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-213 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT ADMINISTRATIVE FINES.

C-3 Consideration of a Resolution Approving the First Amendment to the Memorandum of Understanding between the City of Madera and the North Fork Rancheria of Mono Indians of California

Community Development Director Dave Merchen stated that the City and the North Fork Mono Rancheria (the "Tribe") entered into an MOU (Memorandum of Understanding) in 2006 concerning the development of the would be casino north of the City limits and sort of cattycorner from the travel center that they looked at earlier. He noted that after taking quite a bit longer than anybody expected, the Tribes plans have morphed a little bit to a plan whereby the facility would be developed in phases and the first phase would be quite a bit smaller than they had believed previously at least when they all entered into the MOU in 2006.

Mr. Merchen stated that as a result of those changes, the Tribe came back and requested that the City consider modifying the terms of the MOU so that some of the contributions that were called for in the original agreement would be pushed back sort of after year seven, to use a real kind of general description. He stated that essentially what that does is that they have a lot more flexibility in their financing, in their funding structure after the first few years, and it makes it easier to make their project work if they pay less upfront and more on the backside.

Mr. Merchen stated that the City Council appointed a subcommittee consisting of the Mayor and Members Holley and Rigby to take a look at the proposal and to essentially help identify any of the funding elements that were important to provide upfront, priorities that probably shouldn't be changed or shouldn't be changed very much versus those elements where they had more flexibility. As a result, of those discussions and negotiations, the MOU in front of them is the recommended draft.

Mr. Merchen advised that the individual elements of the changes are outlined in the report and the MOU so he is not going to describe those in any more detail but he would be happy to answer any questions the Council may have on those. He stated that essentially they do what he described. He added that there is some clean up language that clarifies some of the terms and updates, the information to reflect current conditions but, primarily the effect of the terms are just simply push some of the payments back into future years so that it is a little bit more financially feasible for the Tribe to construct the facility, get it operating, get their revenues flowing.

Mr. Merchen stated that the timing of the City/Tribe MOU Amendment 1 is coincidental with some of the news items they may have heard recently about a State Appeals Court Ruling. He noted they may have some curiosity about the timing or whether that ruling has any effect on this MOU amendment. He stated that the short answer is that it is just a matter of coincidence in terms of the timing. They have looked at the potential relationship between the ruling and this MOU amendment, and if they don't find, the City Attorney can expand on this if they like, that there is any substantive detrimental impact to the City, the City isn't damaged in any way, if they choose to proceed with entering into the MOU amendment at this time, even in light of the ruling that has come out. Mr. Merchen advised that the Tribal representatives are here and they would be happy to answer any questions about the recent ruling, the MOU, or the relationship between the two.

Mr. Merchen offered to answer any questions.

Council Member Rodriguez referred to the recitals, Part F. He thinks Mr. Merchen mentioned this and read that... the Tribe remains committed to making the contributions set forth in the MOU but has asked the City restructure the timing of certain contributions to reduce the amount of contributions during the time when the interest incurred on the debt is at a highest and the revenues from the project are at the lowest. He asked if revenues aren't high for this project then will the contributions not be made. He asked how long that period is.

Mr. Merchen replied that the MOU has a 20 year term and under the revised contributions schedule, those revenues would be contractually made. The revision to the contribution schedule is requested as a result of, noting that he will have the Tribal representatives explain that in more detail, but essentially it is a reflection that they have less flexibility up front because they are paying a lot more for essentially their loan for their financing. They don't have as much flexibility to make payments to non-project direct costs but after that first few years, their financing can change or expected to change and they have a lot more flexibility/contributions on the back end. What they see in the recommended MOU amendment, those payments would stick. Those would be contractually in place but, the proposal is in place because they needed a little bit more flexibility.

Council Member Rodriguez asked what contributions specifically they are talking about when it comes to that timing.

Mr. Merchen stated that there are a series of contributions that were called for in the original MOU. The ones that they are proposing to change are shown in Exhibit 1, which is the last page of the original contract. He noted that there is a series of recurring and non-recurring payments. For instance, the non-recurring payment for a specific plan was originally called for, he thinks in year two, and it was going to a single payment of \$200,000. Now the proposal is to push that back to start in year three and to be provided over a series of five years. He noted that the amount is the same but it is spread out over a longer period and starts a little later than it would have. He stated that is the kind of change that is proposed. He added that the public safety training is another similar proposal where it went from, he thinks a lump sum or maybe two payments to a series of five payments that is start in a later year.

Council Member Rodriguez stated that at the overall 20 year term, those amount will always be there. It is just a matter of that they are spread out throughout that 20 year period.

Mr. Merchen stated that is correct noting that he should have articulated that better. He commented that when they add up the total contributions over the 20 year term, that total is the same as the original MOU.

Mayor Medellin stated it is cognizant of the fact that obviously it has been a long time coming and understanding that they don't have the financing and the money that they did before. To get the doors open and to allow them to start to make a little bit of money, it seemed that the subcommittee as well as staff was aware of that fact that they can push some of these payments off for a few years. He stated that there is a list. He is not sure if he got it but contributions such as to their downtown, to youth activities, obviously to public safety, and the list goes on and on. He noted that those contribution totals will not change, it is just when they pay is what they decided.

Council Member Rodriguez stated that was the only concern he had. Looking at the list and the exhibit, he did see the amounts at the end and again, with the contractual MOU that they had, he just wasn't sure if that was going to affect anything that they had going especially like in this case downtown or public safety for that matter. He stated that it looks like they will get that money at some point but in some of these cases might not be for the first couple of years.

Mr. Merchen stated that is exactly correct.

Mayor Medellin stated that is a good point and asked if there are any other questions for Mr. Merchen.

Mayor Medellin invited representatives from the Tribe to come forward if they would like. He asked that they state their name and address for the record.

John Mayer stated he represents the North Fork Rancheria of Mono Indians as their Tribal counsel. He thanked the Council and stated his appreciation for the opportunity to be here this evening for them to consider this. He wanted to give a shout out to the staff and to the subcommittee for their work on this. They were very helpful.

Mr. Mayer commented that, as Mr. Merchen explained, they entered into an MOU in 2006 with the City. They started this project in 2004 and never ever anticipated it would take this long. He stated that the environmental impact statement (EIS) that analyzed the project, analyzed a much larger project that they had anticipated in negotiating this MOU. They now are in a position, in order to build this project, it is going to have to be built in phases because of the very high predevelopment costs that the Tribe has incurred. What they did is that they went to the City and yesterday they went to the County and they agreed as well to just extend out non-essential payments such as the public safety payments for impacts to public safety all remain the same. He noted that these were just basically more in the line of charitable giving that most tribes would give on a piecemeal basis. They've committed to those payments. He added that it also provides a little more flexibility with a couple of those charitable payments in which really the City didn't have a need for that specific area for payments in because of the 11 years that have passed. They also affirm that the MOU remains in effect.

Mr. Mayer stated that as they know, they first anticipated their compact, an agreement between the state and the Tribe. First Governor Schwarzenegger signed a contract with the Tribe then Governor Brown did. They got that through the legislature once the land was in trust. He advised that has been overturned by referendum. They have since negotiated again with the state. He noted that they couldn't enter into an agreement with the Tribe because of the referendum but the terms if they look at what they call secretarial procedures are very similar to what was in the terms of the compact. He stated that the City of Madera agreement is actually expressly incorporated into those secretarial procedures and needs to be abided by not only pursuant to the terms of the City MOU but also to the secretarial procedures. He added that the state is going to be the primary regulator of those regulations that are in the procedures.

Mr. Mayer fast forwarded to today. He stated that a week ago they were celebrating about being ready to break ground. They received a very negative decision from the 5th District Court of Appeal. He stated that it is no surprise that they will be appealing that to the Supreme Court. They think there is a decent chance

that the Supreme Court will look at this because it directly conflicts with a decision made by the 3rd District Court of Appeal a couple months ago in another case.

Mr. Mayer stated that what he really wanted to tell them is that the project continues to move forward. They've been doing work on the design and development, the engineering, different traffic studies, different things that would need to be implemented when they are ready to go. He stated that this is a setback but the project is moving forward and they wanted to let the Council know that.

Scott Nielson stated he is an Executive Vice President in the Chief Development Officer Station Casinos. They've been working partnering with the Tribe since the beginning of the project. He just wanted to introduce himself and say hello to everyone. He also wanted to thank staff and the subcommittee for working so hard on putting this together, listening to the presentations that they had and responding as they have done. He commented that it has been very helpful and they appreciate it.

Mr. Nielson stated he wanted to reiterate as well that it was important to the Tribe to have these payments remain in the amounts that they are in the agreement but just to be given a bit of breathing room on the front end of the project in terms of when the payments would be made. He also wants to reiterate that they are committed to the project. They have suffered a setback mostly in terms of delaying the project unfortunately but, they are still very committed to moving forward and they look forward to breaking ground as soon as possible. He offered to answer any questions.

Mayor Medellin asked if there are any questions for Mr. Nielson or Mr. Mayer.

Council Member Oliver stated that in previous times when he has had the opportunity to meet with folks from the Tribe, they have definitely emphasized the importance of working with their local community. Although he understands that this MOU may not be the proper vehicle with which he asks this question, he would just like to see if they can elaborate or comment as far their commitments in the future to ensure local hires of residents in Madera as well as procurement for services, equipment, supplies, construction materials among their local businesses.

Mr. Mayer stated that is an excellent question. He commented that the 2004 County MOU has a requirement that they will be hiring, he can't remember the percentage, but there is a certain percentage of Madera County residents. He noted that in the City MOU there was also a requirement of a certain percentage of local hires. He stated that the Tribe, which is comprised of over 2,000 tribal citizens, many of them live in Madera and the immediate region; and employing those folks and local citizens here is what this project is. He added that initially it will be about providing jobs. In terms of hiring, for the construction phase, they have an agreement with the project labor agreement that they are bound by. He noted that is with the local Fresno, Madera, Kings, Tulare Union Building Trades. On the employment for permanent workers, as they have said, they've got certain goals to meet pursuant to both of the MOU's and there will be several training programs for local residents to learn. He stated that obviously there is no economic incentive to bring people from outside. They want people here. He added that this area has an educated workforce. They are excited about it and they think they provide some great service because of it.

Mr. Nielson added that they will be providing both a job fair and a vendor fair as they get closer to hiring for positions and also looking for vendors to fill certain roles. As a course of practice for them, they always look to local community for hiring. He noted that obviously there will be a few people that they will have to move in that have expertise in the casino industry but they certainly also train most of the team members, as they call them, from the local area.

Council Member Oliver encouraged as much coordination with various organizations like their Economic Development Commission which works with their existing business community which could possibly serve as a great expansion opportunity for many of their small businesses. Council Member Oliver stated for clarification that he understands the elements in this agreement with respect to the County agreement and asked if there is any language that specifies some of those local hiring percentages or is that going to be depicted in the project labor agreement, or has that been ironed out. He knows at one point he heard 50%

County residents and perhaps a number around 30% of City residents. He wants to know if that still exists today.

Mr. Mayer replied that for the employment it is already in the original MOU. On the construction hires, they are bound by the PLA (Project Labor Agreement) and they will be hiring as many people locally as possible. One of the things that you run into in a project of this size and this complexity and this expensive is that you go out to borrow \$200-\$300 million from a bank, you have to get that thing built quickly and having a sufficient labor pool is really super important with the experience necessary. They intend to hire as much locally but he can't guarantee that in all cases that will be the case because it will depend on what the economy is doing right now if the electrical workers have better higher paying jobs in San Jose at the time because the economy is booming, those kinds of things. He commented that they are clearly committed to that and as an assurance, it is obviously cheaper for the Tribe to hire locally than bringing people in so they are going to strive for that. He noted that the Tribal Council has always had that direction because these are two governments but they share the same folks.

Mayor Medellin asked if there are any other questions. No other questions were asked.

Mr. Merchen added that the original MOU specifies that the County's MOU provides... a goal of 50% of new hires be County residents to the extent permitted by law...that the Tribal work in faith with the City to employ qualified residents in the City...the goal will be 33% of new hires from the County being residents of the City to the extent permitted...and that they will offer training programs to assist City residents to become qualified.

Council Member Oliver thanked Mr. Merchen for the clarification.

Mayor Medellin stated his appreciation to the Tribal representatives and staff, and asked if asked if there is anyone else wishing to speak.

Elaine Fink stated she is Tribal Council for North Fork Rancheria and with her is Gary Walker also with Tribal Council. She resides on Poy Aw Now Road in North Fork, California. She stated that Poy Aw Now is the word in their language for her great-grandmother Julia Capps' place or area. She commented that a long time ago in their language for each person's area, there was a specific Indian name so you would say that you are going away to Poy Aw Now saying you were going to Julia Capps' place. She says that because she wanted to let everybody know that Madera County is their home. Before there were state lines, county lines drawn, the Indians were all over the place but then they were centralized here is this area. She stated that the City is their neighbors. They are all neighbors. They want to do what is best for Madera. They want to see the growth. They want to see the economy. They want to see employment rise; all of that. They are committed and she just wanted to make that statement.

Mayor Medellin thanked Ms. Fink and asked if anyone else wishes to speak. No other comments were made and Mayor Medellin brought the item back to Council for any other questions, comments concerns. No other comments were made and Mayor Medellin announced he would entertain a motion.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-3, RES. NO. 16-214 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-214 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MADERA AND THE NORTH FORK RANCHERIA OF MONO INDIANS OF CALIFORNIA

Mayor Medellin thanked the Tribal representatives for being here.

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Consideration of a Resolution Approving Additional Water Conservation Rebate Programs

Public Works Operations Director Dave Randall stated tonight they are bringing two additional rebates to their existing rebate programs. He advised that both rebates are for graywater systems. They are systems that take water from sources such as laundry and utilize it for outside irrigation. He explained that the two rebates are basically a division between sort of the technical aspects. One set of rebates is what a homeowner might do on his own on a Saturday going out to a hardware store and getting some parts and working on his own. He stated that it is the type of project that does not require a building permit. They have put together, in addition to the rebate, a guide that sort of shows you what you need. They worked with the local hardware store here to get a parts list. If they price that out, it runs them about \$120. He stated that would basically put in a diverter in the plumbing necessary to take it from their laundry facilities, run it out through a wall and then disperse it into their yard. He added that there is a guide that tells them what they need to do to try to make that work and what not to do. Mr. Randall stated that the rebate proposed is 85% up to \$200. He noted that they can have more sophisticated ones and added that how much yard they want to take care of can drive that price up but, they thought that was a good medium price range.

Mr. Randall stated that the second type of rebate is the more complex one which can range. He noted that anytime they change the plumbing of their home, they will have to get a plumbing permit so they put that in a separate category. He explained that that can be something fairly simple or it can be something quite complex. He noted that there are homes that have systems that store water, that treat the water, that do all sorts of things. He stated that one of the issues with graywater on the simpler systems is that they can't store it. He commented that the material in that water will go bad and then you have problems there. He advised that on some of these other systems, some of them don't do that. They are just more distribution systems. They can be as simple as that parts list only they will have to cut into a wall for some plumbing interception. He advised that whenever they have to do that they will have to go to the Building Department. He noted that they will work with those people to get the appropriate parts. They will inspect the work and again, they are offering a rebate of 85% of the cost up to \$1,000 which is the same as they offer for turf replacement. Mr. Randall added that systems can really range. It can be a low end system or they can spend several thousand dollars on a high tech super graywater system but, they felt that sort of gave people an opportunity to consider including graywater as part of their water conservation efforts. Mr. Randall offered to answer any questions.

Council Member Rigby asked Mr. Randall to explain how one might go about getting the graywater system. He knows he has had several friends of his who are in the process of or recently installed graywater systems. He asked if this is something that will be available to somebody who might bring a receipt from say a year ago. He would hate to...

Mr. Randall responded that they have not made that retroactively. They have done that consistently on all of the rebates. They have to have a point and time somewhere when they start doing that.

Council Member Rigby stated he understands.

Mr. Randall added that they do put a caveat in the application. They ask for some photographs. They do that because they want to make sure that people sort of understand what they are getting into so that they're not inadvertently opening up a can of worms they don't understand....oh by the way, did you realize that you actually do need a building permit. They do that as sort of an initial thing and then based on the City information, they may actually go out and do an onsite inspection. He stated that again, that point is not to catch anybody at anything but just to make sure that what they are doing is not going to be a problem and that they can be successful. He noted that that is not always required. It would just be dependent on how

much information they give the City. They are not trying to make it so people have to have a whole set of plans and a bunch of knowledge. This should just be...I am doing this this weekend...this is what I plan to do and I am going to give you my receipt from everything...we will pay you your 85%. They are trying to keep it fairly simple, very straightforward for anybody to use versus the other side...we've got to get all those plans and get it right. He noted that Building knows all the real things that have to be looked at or won't be any health issues that would result from things like that.

Council Member Oliver asked what the estimated cost and time to process is for building permits.

Mr. Randall deferred to the Chief Building Official.

Chief Building Official Steve Woodworth replied that it is going to depend on the cost of the plumbing. They have set plumbing fees but they would have to have a submittal from the customer to figure out what those fees would be. They don't just have a blanket fee for plumbing. It depends on how much is involved with that. They take it case by case basis.

Council Member Oliver asked what he estimates the timeline to be in his experience.

Mr. Woodworth replied two to three weeks max for a review for that simple process.

Council Member Oliver stated they have talked about graywater systems before during their rebate discussions. He is just curious if any other plumbers, contractors have emerged that are interested or that have installed some of these systems. As they've mentioned, the last thing they want is people trying to MacGyver it themselves and create a disaster. He asked if anyone has locally...

Mr. Randall replied that they haven't found anyone that really got too excited about it. He noted that the way these rebates are set up though, if a local plumber wants to install the simple system for the...say they have an enterprising young plumber that needs some more work, he can charge for the parts and labor just like anybody else. It is a bill that will come to the City and the City will pay up to \$200 on that 85% range. He noted that there is opportunity there for them but no one's sort of jumped in and said...yeah, I see that as a hot market, I want to put a business plan based on this.

Council Member Oliver asked if the diverter is something they can go down to GBS and buy there.

Mr. Randall responded yes. He added that the City has a complete parts list and that all came from a local hardware store that he wouldn't name.

Council Member Oliver stated he knows they probably have a long list of requests for videos but, he thinks that this particular rebate program would be a great example to do a demonstration video perhaps in the spring geared up for summer so that maybe when folks are coming through the door filling out this permit or signaling that interest that City follows up with them and try to do a little demonstration so people can see some great examples.

Mr. Randall agreed that it would be a feel good moment.

Mayor Medellin agreed that is a great point and asked if there are any other questions.

Council Member Robinson stated that it would great because during the drought they had the median strips. They were complaining about the trees dying. If they can get some citizens to collaborate with the City, they have their graywater going right to the median strip for the trees. He stated that it is not good for the grass but for trees and bushes.

Mr. Randall commented that they never know. Someone may have a unique way to get to that. He noted that graywater is a great source to try to capture and as water gets more expensive and they get more pressure to conserve hopefully, they will see more cutting edge concepts. He added that they may have

noticed the water report in their consent item. There is a slight dip but, they are still up in the 20's so they are seeing conservation but, everybody would like to see that go up. They probably have seen the biggest political push sort of ebb but he thinks depending on what happens this winter, they may see a renewed interest from the state. When that happens, they will be back talking to the Council.

Mayor Medellin stated he likes that out of the box thinking, something to help.

Council Member Rodriguez referred to the concept of graywater and asked if it has sparked a lot of interest. He noted that another question that Council Member Oliver brought up is the cost so up to \$1,000. He asked what the cost of the permit, the cost of the inspection and what have you, would be. He asked if it really becomes a rebate or more of a cost to do this. He stated that the water preservation is something much bigger but, do they see a spark of interest in the community wanting to go this route.

Mr. Randall replied that in terms of the simple systems, he thinks there is a core of people that have interest in being minded to the preservation of water. For those people, it is something doable so when they provide them with a mechanism and some instructions, he thinks those people can make that happen. He noted that the other end is a little harder when they talk about the more sophisticated systems particularly when they start looking at what the rate of return on their investment is. He stated that there are a lot of companies out there offering systems. They are not flying off the shelf. He commented that it is hard to make the pencil sometimes. They never know, rebates such as the City's or maybe the state will come up with them, may help subsidize that issue. He added that as the technology grows, it may become more cost effective or as water goes up in price, it may have a better possibility. He noted that they have had interest from some of the local builders who have looked at them and they know about them but, there hasn't been a marked push into that market. It would be helpful if they could get them with something like this to start to offer this amenity when someone is having a home built or consider it but, he thinks that is going to take some time or just the construction industry become more comfortable with it and see some more success stories.

Council Member Rodriguez stated he is glad the City is taking that initiative to push for that incentive. He thinks that incentive would help in the cost of possibly the permits and inspections and what have you. At least they get them going and possibly find a different way of trying to preserve water and this would be a great way of doing so. He thanked Mr. Randall for the presentation.

Mayor Medellin stated he thinks Mr. Randall brings up an interesting point. They are looking at individual homeowners right now with trying to give them some sort of incentive to do so but, as they develop in the City of Madera, that they can offer those developers on the front end before the home is built either those incentives or rebates, he thinks, is what they really need to look at. He added that of course, those developers would love any kind of incentive that the City has to offer but, as that happens and they grow as a City, he thinks it is part of smart growth. He thanked Mr. Randall and stated his appreciation.

Mayor Medellin stated if there are no further questions or comments he would entertain a motion for action.

ON MOTION BY COUNCIL MEMBER RIGBY AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM E-1, RES. NO. 16-215 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-215 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ADDITIONAL REBATES FOR THE WATER CONSERVATION REBATE PROGRAM

E-2 Consideration of a Resolution Amending the City of Madera Classification Plan by Addition of a Tyler Munis Implementation Project Manager Job Description and Setting the Rate of Compensation for the Position

Director of Financial Services Wendy Silva stated this item is a request for an internal position that would be dedicated as a full time project manager on the Tyler Munis Implementation Project. She commented

that the Project Manager role was initially filled by Ted Uyesaka, the Information Systems (IS) Manager, and if they called him today, he would tell them that it was a real big struggle to both manage the project and be the IS Manager at the same time. She noted that Mr. Uyesaka succeeded because he had a long tenure with the City that he had a lot of background that helped him do some of this but. it was getting harder and harder.

Ms. Silva advised that they do have an internal project team that consists of David Tooley, David Merchen, Tim Przybyla, herself, and Mr. Uyesaka was on that. She noted that is more of a policy level integration of the product team. What they need is a project manager. She advised that that individual's role includes contract administration, holding the vendor accountable, holding internal staff accountable, advocating for the City with the vendor when they are not getting what they need or maybe they need more than they initially thought they did; working out all of those issues.

Ms. Silva stated that once Mr. Uyesaka had submitted his resignation because of the opportunity he had at Community Regional, they explored the option of contracting out. They had several firms that said...hey we can do this for you. Then when they got to the numbers, the quotes came in about \$400,000 to finish the project. They had a little sticker shock and they fell back and regrouped and said...that is not really going to happen...that is not a great recommendation to make to Council. They said, how can we do this internally because as Mr. Uyesaka experienced, it is really hard to do the full time job you already have and add in a job that is really a second full time job especially on a project that is estimated to last about three years. She commented that you can do that in short bouts but, you really burn yourself out when you are doing it over a period that long.

Ms. Silva stated that they talked about having a dedicated project manager internally and then using some backfilling through out of class assignments meaning giving someone an opportunity to try a classification in the Civil Service System that is maybe not their normal job, it is maybe a higher skill set, it is something that they can learn to do so it helps them out and it helps the City out. They estimate, looking at compensation for the project management position, base salary for that is around \$81,000 and total comp, that is all the salary benefits, retirement, etc., is right around \$133,600 for that. She stated that is a little bit cheaper than that \$400,000 contracting out option.

Ms. Silva stated then there would be that trickledown effect of the out of class assignment. She advised that some of those are going to have to be salary savings because the out of class may be at a lower step than the person that was budgeted in the position. Eventually they might get down to some additional part time hires at the entry level.

Ms. Silva stated that the item before them tonight is to request approval of the specific job description for the project manager. She noted that the position is specific to the implementation project and will cease to exist once they get through the implementation and they sign off on all the documentation with that vendor that yes the project is complete. She added that it will be a temporary out of class assignment and once the project is complete, everyone would then shuffle back down to their usual and customary job that they have under the civil service system.

Ms. Silva stated that if approved, they will move as quickly as possible to fill this and then post the out of class assignments. They will give people an opportunity to express their interest and then any necessary budget adjustments, once they figure out who would get what assignment, they would bring with the midyear budget. Ms. Silva offered to answer any questions/concerns.

Mayor Medellin commented that what she is saying is that Mr. Uyesaka is sorely missed.

Ms. Silva said she could tell them that while Mr. Tooley was gone, she got IS and she gave it back to him when he came back to work. She acknowledged that they miss Mr. Uyesaka a lot.

Mayor Medellin agreed that they do as an employee and as a person. He asked if there are any questions. No questions were asked and Mayor Medellin announced that he would entertain a motion for action.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM E-2, RES. NO. 16-216 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES NO. 16-216 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE EMPLOYEE CLASSIFICATION PLAN ADOPTED BY RESOLUTION No. 00-13 AND SETTING THE RATE OF COMPENSATION FOR THE TYLER MUNIS IMPLEMENTATION PROJECT MANAGER

E-3 Request for Direction Regarding Council Meeting Scheduled 1/18/17

City Clerk Sonia Alvarez advised that they have four Council Members scheduled to attend the League of California Cities New Mayor and Council Members Academy January 18th through the 20th. Ms. Alvarez advised that they have a regular council meeting scheduled January 18th and with four members out they will not have a quorum.

Ms. Alvarez requested direction to cancel that meeting. She added that at this time they do not anticipate a need to schedule a special meeting in place of that but, if in January they determine that there is a need, then they can schedule accordingly.

Mayor Medellin stated that is what he would like to do. Right now there is nothing pressing for the 18th and rather than reschedule, if it is a light schedule, and they do have a meeting on the 4th so at that time, if there is something pressing that comes up that they will need a special meeting, they could announce it then. He asked if that would ok.

Ms. Alvarez replied that is correct.

Mayor Medellin asked if Council has anything to add and if they are ok with that.

Council concurred.

F. COUNCIL REPORTS

Council Member Holley thanked the Redevelopment Agency for coming out to school last week and giving out coats and jackets to all the little kids.

Council Member Holley reported that he and two of his colleagues had a chance to go to Mid Valley Disposal's luncheon. He thought that was very neat. He added that it was way out in no man's land. He wished everybody a happy holiday season.

Council Member Oliver reported that yesterday evening the Madera Young Professionals group got together. They had another networking mixer at the Madera County Courthouse Museum. In preparation of that event, they discussed, as a group, different agencies or organizations that are doing good work that they would like to showcase or highlight at those mixers. He commented that at yesterday's event they had Kirsten Gross with the Madera County Animal Shelter give a presentation as to the services that they provide, pet adoption, especially during the holiday season. He actually got a chance to take the opportunity to tour the animal shelter with Ms. Gross. He thinks the last time that he had been there was probably in elementary school during a class tour but, he would have to say that he was very impressed and walked away very informed. He noted that although it is a County facility, he did learn that roughly one-third of the animals that they intake at times come from the City limits and there is also a great degree of coordination with their Animal Control staff at the PD (Police Department). He commented that Ms. Gross shared some interesting data and feedback as to their local efforts with kind of the changing how they approach community and feral cats. By decreasing the intake of those animals, they have been able to achieve a 90% rate where they are able to re-home or rescue those animals which technically defines them as a no kill shelter. She proudly shared that they have been able to achieve that over the last three months. Council

Member Oliver stated that it was also kind of strategic too. He has been thinking about getting a new dog for his mom so he used it as an opportunity to check out the grounds there. He just wanted to highlight that because he was really impressed and he thinks that definitely at neighborhood watch they often times bring in their Animal Control officers to speak with the neighbors in their neighborhood watch teams. He thinks it would be advantageous to include representatives of their shelter as well to provide some helpful tips especially during the cold winter months. He stated that it was very, very educational.

Mayor Medellin advised that he would move to the Mayor's appointments first and then he will give his report.

F-1 Mayor's Appointments to Outside Boards

Mayor Medellin thanked his colleagues for taking his call over the last couple of days and discussing the appointments over the last few years. He thanked them so much for their time on serving on these boards. He commented that some people think that the Council meets two or three times a month when in fact, they have additional meetings and additional things that they do. Mayor Medellin made the following appointments.

COMMITTEE	APPOINTMENTS
Central California Women's Facility (CCWF) Citizens Advisory Board And Valley State Prison (VSP)	Primary: Derek Robinson Alternate: Donald Holley
Madera County Local Child Care and Development Planning Council (LPC) Steering Committee	Primary: Jose Rodriguez Alternate: Donald Holley
Community Action Partnership of Madera Co. Inc. (CAPMC)	Primary: Cece Foley Gallegos Alternate: Jose Rodriguez
Madera County Economic Development Commission (EDC)	Primary: Charles Rigby Alternate: Cece Foley Gallegos
Madera County Transportation Commission (MCTC)	Primary: Andrew Medellin Primary: Will Oliver Alternate: Charles Rigby
San Joaquin River Conservancy	Primary: Will Oliver Alternate: Derek Robinson

[continued on next page]

<u>City Selection Committee Appointments</u>	
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.	
LAFCO – Local Agency Formation Commission	Madera City Primary: Andy Medellin (term ending 1/31/20) Chowchilla City Primary: Waseem Ahmed (term ending 1/31/20) Alternate: Richard Walker, City of Chowchilla (term ending 1/31/20)
San Joaquin Valley Air Pollution Control District Citizen Advisory Board (SJVAPCD)	Primary: Dennis Haworth City of Chowchilla Council Member (term ends 1/31/19)
<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.	
SJVAPCD Special City Selection Committee – The valley-wide Special City Selection Committee is charged with making appointments of city representatives to the SJVAPCD Governing Board.	Primary: Derek Robinson Alternate: Will Oliver
San Joaquin Valley Air Pollution Control District Governing Board (Currently there are no members of the Madera City Council serving on this due to the SJVAPCD’s rotational process.)	Council Member David Ayers, City of Hanford (term ends 12/31/17) Note: Appointments are made by the SJVAPCD Special City Selection Committee. (SJVAPCD Central Region – Small City Rotation)

Mayor Medellin thanked the Council Members for accepting the appointments and for their service. He added that a thank you was mentioned before with a couple of subcommittees which consisted of himself with Councilman Rigby and Councilman Holley. These were for a couple of issues like the Love’s Travel Center as well as the casino. They put in quite a bit of time but nothing like what their staff has done and this is above and beyond. There were some thank yous and appreciation at the podium so he would like to extend that appreciation to all staff for everything that they do all year long and their dedication to Madera. He stated that as a token, Mayor Clause has brought some coffee cups that say Madera Proud because regardless of where they live, they all work here in Madera and he can tell by working with each and every one of them that they are very proud to work here in Madera. He asked that they drink with pride. He noted that what they put in it is entirely up to them and expressed a thank you very much for everything they do, a Merry Christmas and Happy New Year.

Mayor Medellin stated that he also provided a tumbler that says Madera Proud to his colleagues and what they put in it is entirely up to them. He thanked them for their time served on the Council. He stated that sometimes it is a thankless job and working with each and every one of them, he can appreciate their efforts and he knows how proud they are to serve the City of Madera. He stated that it is just a small token of his appreciation. He wished them a Merry Christmas and Happy New Year.

Mayor Medellin called for closed session.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session on two items pursuant to Government Code Section 54956.9 in one case as described under item G-2; and pursuant to Government Code Section 54956.9 in once case as described under item G-3.

The Council adjourned to closed session at 7:46 p.m.

G-2 Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9

One case: Junaid Lateef v. City of Madera
MCV 072672

G-3 Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9

One case: Junaid Lateef v. City of Madera et al
1:16-at-00828

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 8:41 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session on two items pursuant to Government Code Section 54956.9 in one case as described under item G-2 and reported that no reportable action was taken; and pursuant to Government Code Section 54956.9 in once case as described under item G-3 and reported that no reportable action was taken.

ADJOURNMENT

The meeting was adjourned by Mayor Medellin at 8:42 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

SONIA ALVAREZ, City Clerk

ANDREW J. MEDELLIN, Mayor

City of Madera

Council Meeting Of October 18th, 2017
Agenda Item No. B-2

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

From: Office of the Director of Finance

Subject: Listing of Warrants Issued

Date: 10/18/2017

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

September 26th, 2017 to October 10th, 2017

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

General Warrant:	14989-15111	\$ 1,493,767.77
Wire Transfer	Union Bank Payroll and Taxes	\$ 688,177.29
Wire Transfer	SDI	\$ 2,237.31
Wire Transfer	Cal Pers	\$ 330,837.62

Respectfully submitted,

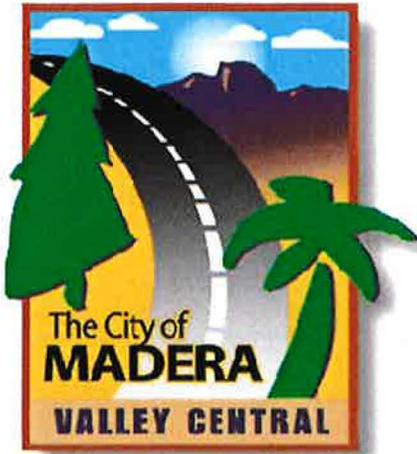


Tim Przybyla
Financial Services Director

CITY OF MADERA
REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT
October 10th, 2017

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
14989	09/27/2017	ADMINISTRATIVE SOLUTIONS INC.	CITY PAID RETIREE PRESCRIPTION BILL 10/17 - SKEELS	159.80
14990	09/27/2017	ADMINISTRATIVE SOLUTIONS INC.	CITY PAID RETIREE MEDICAL BILL OCTOBER 2017	1,199.15
14991	09/27/2017	ALL VALLEY ADMINISTRATORS	ADMIN FEES FOR SEPTEMBER 2017	156.00
14992	09/27/2017	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXP ACCT 09/22/2017 PAYROLL	950.86
14993	09/27/2017	ALLIED ELECTRIC MOTOR SERVICE	VFD Replacement Well 33	14,688.58
14994	09/27/2017	AMERICAN BUSINESS MACHINES	TONER	50.01
14995	09/27/2017	AMERICAN BUSINESS MACHINES	BLACK TONER - BUILDING DEPT	74.69
14996	09/27/2017	AMERICAN BUSINESS MACHINES	COPIER LEASE AGREEMENT SEPTEMBER 2017	1,019.48
14997	09/27/2017	AT&T	08/17 CALNET 3 SVS 9391026396	2,533.07
14998	09/27/2017	BSK ASSOCIATES	WWTP PERMIT COMPLIANCE LAB 08/18/17	689.00
14999	09/27/2017	CALIFORNIA DEPARTMENT OF TRANSPORTATION	SHARED COSTS	356.40
15000	09/27/2017	CITY OF MADERA	09/17 UTILITIES 703 SHERWOOD WAY	278.53
15001	09/27/2017	COLGAN CONSULTING CORPORATION	Professional Services Related	1,477.90
15002	09/27/2017	COLONIAL LIFE & ACCIDENT INSURANCE CO	E700482-3 FOR 09/22/2017 PAYROLL	1,080.04
15003	09/27/2017	COMCAST	09/22- 10/21 SVS 8155500320322006	86.13
15004	09/27/2017	COMCAST	CITY INTERNET CONNECTION 09/15-10/14/17	1,372.25
15005	09/27/2017	CONCENTRA MEDICAL CENTERS	PRE EMPLOYMENT PHYSICAL	174.50
15006	09/27/2017	CSJVRMA	CSJVRMA 2ND QTR DEPOSIT FY 17/18	520,403.00
15007	09/27/2017	DUNN, JACOB	PER DIEM PARENT PROJECT FACILITATOR	352.00
15008	09/27/2017	EACHEVARRIA, TIM	PER DIEM PARENT PROJECT FACILITATOR	352.00
15009	09/27/2017	EUROFINS EATON ANALYTICAL, INC.	WATER SAMPLES	792.00
15010	09/27/2017	EVERGREEN LAWN CARE & MAINTENANCE, INC.	DOWNTOWN MAINT. FOR SEPTEMBER 2017	14,720.00
15011	09/27/2017	FARMER, MIKE	PER DIEM PARENT PROJECT FACILITATOR	352.00
15012	09/27/2017	FELIPE, MIKE	LUNCH REIMBURSEMENT - WATER DISTRIBUTION COURSE	16.00
15013	09/27/2017	PLEASANTON FITNESS, LLC.	SEPTEMBER 2017 MONTHLY DUES	52.00
15014	09/27/2017	FOSS, DAN	PER DIEM SLI - SESSION 6	224.00
15015	09/27/2017	GRAINGER, INC.	MAINTENANCE SUPPLIES	104.17
15016	09/27/2017	HERNANDEZ, MARIBEL	PER DIEM CACEO ANNUAL SEMINAR	112.00
15017	09/27/2017	LINCOLN AQUATICS INC.	CHLORINE FOR POOL	1,443.81
15018	09/27/2017	M A C E A	SEPTEMBER 2017 MONTHLY DUES	302.00
15019	09/27/2017	M P O A	SEPTEMBER 2017 MONTHLY DUES	6,789.64
15020	09/27/2017	M.C.E.A.	SEPTEMBER 2017 MONTHLY DUES	410.00
15021	09/27/2017	MADERA GOLF COURSE	4th of July Golf Tournament	5,485.00
15022	09/27/2017	MARTINEZ, ANDREW	PER DIEM CACEO ANNUAL SEMINAR	112.00
15023	09/27/2017	MENDOZA, MARTIN	LUNCH REIMBURSEMENT - WATER DISTRIBUTION COURSE	30.07
15024	09/27/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 09/22/17 PAYROLL	8,766.33
15025	09/27/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-02 FOR 09/22/2017 PAYROLL	2,823.58
15026	09/27/2017	NORIEGA, MARCY	PER DIEM PARENT PROJECT FACILITATOR	352.00
15027	09/27/2017	OPERATING ENGINEERS, LOCAL #3	SEPTEMBER 2017 MONTHLY DUES	564.00
15028	09/27/2017	BOMPRESZI, JAMES	DISHWASHER REBATE	100.00
15029	09/27/2017	GRAY, CHRISTINE	TURF REPLACEMENT REBATE	721.50
15030	09/27/2017	HOLGUIN, ALBERTO	MULCH REBATE	44.60
15031	09/27/2017	IQBAL, MOHAMMED	TOILET REBATE	75.00
15032	09/27/2017	PEPPERS, DEBRA	TOILET REBATE	75.00
15033	09/27/2017	PACIFIC GAS & ELECTRIC	09/17 SVS 1619119913-8	69,928.33
15034	09/27/2017	PECK'S PRINTERY	ENVELOPES - NEIGHBORHOOD REVITALIZATION	555.86
15035	09/27/2017	PIERCE CONSTRUCTION	Remove and replace damaged asphalt	13,257.57
15036	09/27/2017	PIONEER FARM EQUIPMENT CO.	New Kubota Zero turn mower ZD1	14,725.83
15037	09/27/2017	PRAXAIR DISTRIBUTION, INC.	CYLINDER DEMURRAGE RENTAL	510.57
15038	09/27/2017	PRINCIPAL LIFE INSURANCE COMPANY	OCTOBER 2017 DENTAL INSURANCE	17,384.74
15039	09/27/2017	REGENCE BLUECROSS BLUESHIELD OF UTAH	CITY PD RETIREE MED BILL CHUMLEY OCTOBER 2017	146.00
15040	09/27/2017	TAMARACK PEST CONTROL	SEPTEMBER 2017 PEST CONTROL SVS	510.00
15041	09/27/2017	TESEI PETROLEUM INC.	FUEL CHARGES 09/11-09/20	15,502.75
15042	09/27/2017	TYLER, JOEY	LUNCH REIMBURSEMENT - WATER DISTRIBUTION COURSE	22.28
15043	09/27/2017	UNITED RENTALS, INC	MISC. EQUIPMENT RENTAL	311.44
15044	09/27/2017	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 09/22/17 PAYROLL	26,543.60
15045	09/27/2017	VERIZON WIRELESS	PW AIR CARDS AUG 11 - SEP 10	114.03
15046	10/06/2017	ACRO SERVICE CORPORATION	TEMPORARY DRAFTSMAN: SHAWN GAR	2,272.32
15047	10/06/2017	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXP ACCT 10/06/2017 PAYROLL	950.86
15048	10/06/2017	MILTON RAY POORE	GROUND SQUIRRERL CONTROL	2,400.00
15049	10/06/2017	AMERICAN BUSINESS MACHINES	PRINTER REPAIR - EQUIPMENT NO. 06380	173.87
15050	10/06/2017	AMERICAN MOBILE SHREDDING	SHREDDING SERVICES	280.00
15051	10/06/2017	R&L GIBBS CONSTRUCTION	REFUND DEPOSIT FOR METER #16	1,549.44
15052	10/06/2017	STORMAX	REFUND DEPOSIT FOR METER #17	1,664.63
15053	10/06/2017	AT&T	07/17 CALNET 3 SVS 9391059143	13,531.56
15054	10/06/2017	NOLAN T. MCGUIRE CONSTRUCTION	REFUND FEES NO LONGER INCLUDED UNDER PROJECT	278.80

15055	10/06/2017	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE	2,514.93
15056	10/06/2017	CALIFORNIA DEPARTMENT OF JUSTICE	BLOOD ALCOHOL ANALYSIS	980.00
15057	10/06/2017	CITY OF MADERA	TOILET REBATE 1112 E CLARK- APPLY TO ACCT 4925121	75.00
15058	10/06/2017	CITY OF MADERA	DRIP IRRIGATION REBATE- APPLY TO ACCT 9654191	228.82
15059	10/06/2017	CLEARWORLD, LLC	Lighting, Solar Powered	37,411.92
15060	10/06/2017	COLONIAL LIFE & ACCIDENT INSURANCE CO	E700482-3 FOR 10/06/2017 PAYROLL	1,051.34
15061	10/06/2017	COMMUNITY MEDICAL CENTER	LEGAL BLOOD DRAWS AUG17	175.00
15062	10/06/2017	CPS HR CONSULTING	ADMINISTRATIVE ANALYST EXAM	502.70
15063	10/06/2017	DE LAGE LANDEN FINANCIAL SERVICES INC.	PROPERTY TAX ADMIN FEE	680.50
15064	10/06/2017	DE LAGE LANDEN FINANCIAL SERVICES INC.	Computer Lease Payment	62,359.44
15065	10/06/2017	DIAMOND COMMUNICATIONS	PAN AM FIRE ALARM INSPECTION	612.50
15066	10/06/2017	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 09/16/17-09/30/17	8,718.75
15067	10/06/2017	FIRST TRANSIT INC.	FIRST TRANSIT AUGUST 2017	81,109.02
15068	10/06/2017	GEO PLASTICS	OIL FILTER RECYCLING CONTAINERS	2,389.18
15069	10/06/2017	GRUBER TECHNICAL INC.	UPS Capacitor Replace PD	14,805.14
15070	10/06/2017	ICE QUBE, INC	Air Conditioner	3,097.18
15071	10/06/2017	INDUSTRIAL ELECTRICAL CO.	Wells 20 and 21 Parts	49,795.00
15072	10/06/2017	KER'S GAS & LUBE, INC.	PD CAR WASHES	332.50
15073	10/06/2017	LAW & ASSOCIATES	LAW ENFORCEMENT EMPLOYMENT BACKGROUND	1,400.00
15074	10/06/2017	LINCOLN FINANCIAL	LIFE AND LTD AUGUST 2017	8,587.87
15075	10/06/2017	MADERA CLEANERS AND LAUNDRY INC.	YOUTH CENTER MAT SERVICE	32.30
15076	10/06/2017	MADERA COUNTY TREASURER	AUGUST 2017 PARKING PENALTIES	243.00
15077	10/06/2017	MADERA TRIBUNE	CC NOTICE #1024 -REZ 2017-02	135.90
15078	10/06/2017	MADERA UNIFORM & ACCESSORIES	UNIFORMS FOR POLICE DEPARTMENT	121.53
15079	10/06/2017	MID VALLEY DISPOSAL INC.	WASTE DISPOSAL SERVICE AUGUST 2017	308,600.47
15080	10/06/2017	MNJ TECHNOLOGIES DIRECT, INC.	Surface Pros	8,539.72
15081	10/06/2017	MOORE TWINING ASSOCIATES, INC	Vadose Zone Drilling	2,984.00
15082	10/06/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 10/06/17 PAYROLL	8,625.67
15083	10/06/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-02 FOR 10/06/2017 PAYROLL	2,878.00
15084	10/06/2017	NATIONAL TRAINING CONCEPTS	TUITION FOR OFFICER	275.00
15085	10/06/2017	NATIONAL TRAINING CONCEPTS	TUITION FOR OFFICER	275.00
15086	10/06/2017	NATIONAL TRAINING CONCEPTS	TUITION FOR OFFICERS	630.00
15087	10/06/2017	NOLAN MCGUIRE CONSTRUCTION	#14-CALHOME-9862	9,945.00
15088	10/06/2017	NOLAN MCGUIRE CONSTRUCTION	14-CalHome-9862 529 S. C St.	10,166.00
15089	10/06/2017	NOLAN MCGUIRE CONSTRUCTION	14-CalHome-9862 1412 American	15,711.00
15090	10/06/2017	PACIFIC GAS & ELECTRIC	09/17 SVS 3499945233-6	21,648.90
15091	10/06/2017	AMERICAN FRIENDS SERVICE COMMITTEE	FACILITY DEPOSIT REFUND	100.00
15092	10/06/2017	DAVIE, FRANKIE	PARK DEPOSIT REFUND	50.00
15093	10/06/2017	ESPINOZA, PABLO	FACILITY DEPOSIT REFUND	100.00
15094	10/06/2017	FLORES, MARIZELLA	PARK DEPOSIT REFUND	50.00
15095	10/06/2017	GRAY, NANCY	PARK DEPOSIT REFUND	50.00
15096	10/06/2017	SMITH, JOSEPH	PARK DEPOSIT REFUND	50.00
15097	10/06/2017	ZION HILL MISSIONARY BAPTIST CHURCH	FACILITY DEPOSIT REFUND	250.00
15098	10/06/2017	PAY PLUS SOLUTIONS, INC.	CALPERS MONTHLY SUBSCRIPTION	272.00
15099	10/06/2017	PECK'S PRINTERY	PD BUSINESS CARDS	667.91
15100	10/06/2017	PHOENIX GROUP INFO SYS	CITATIONS AUGUST 2017	308.60
15101	10/06/2017	SPARKLETT'S	LAB & DRINKING WATER	158.25
15102	10/06/2017	SPECIAL SERVICES GROUP, LLC	RENEWAL COVERT TRACKER	1,200.00
15103	10/06/2017	SUPERIOR VISION INC.	OCTOBER 2017 VISION INSURANCE	2,493.15
15104	10/06/2017	TESEI PETROLEUM, INC.	FUEL	682.26
15105	10/06/2017	UNDERGROUND SERVICE ALERT	ANNUAL FEES	1,981.28
15106	10/06/2017	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 10/06/17 PAYROLL	26,700.53
15107	10/06/2017	VERIZON WIRELESS	PD AIR CARDS AUG 11 - SEP 10	114.03
15108	10/06/2017	VILLA GARDENING SERVICE INC	SEPTEMBER GARDENING SVS	550.00
15109	10/06/2017	WATCHGUARD VIDEO	RADIO COMMUNICATION EQUIPMENT SHIPPING	75.78
15110	10/06/2017	WESCO DIST. INC.	70 Watt light	13,152.38
15111	10/06/2017	YAMABE & HORN ENGINEERING	PERFORM PROFESSIONAL ENGINEERING SERVICES	2,588.75
			Bank # 1 - Union Bank General Account Total	1,493,767.77



REPORT TO CITY COUNCIL

MEETING DATE: October 18, 2017

AGENDA ITEM NUMBER: B-3

Approved By:

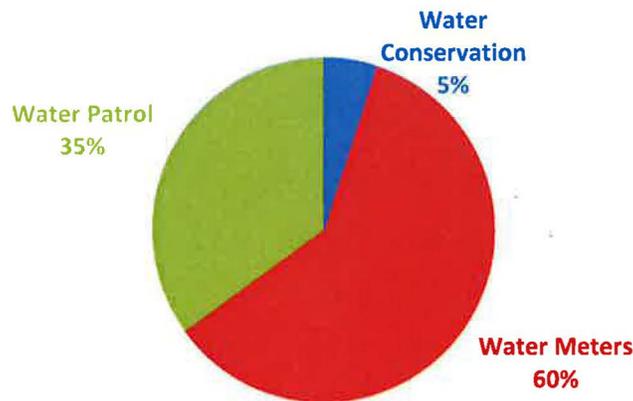

PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR

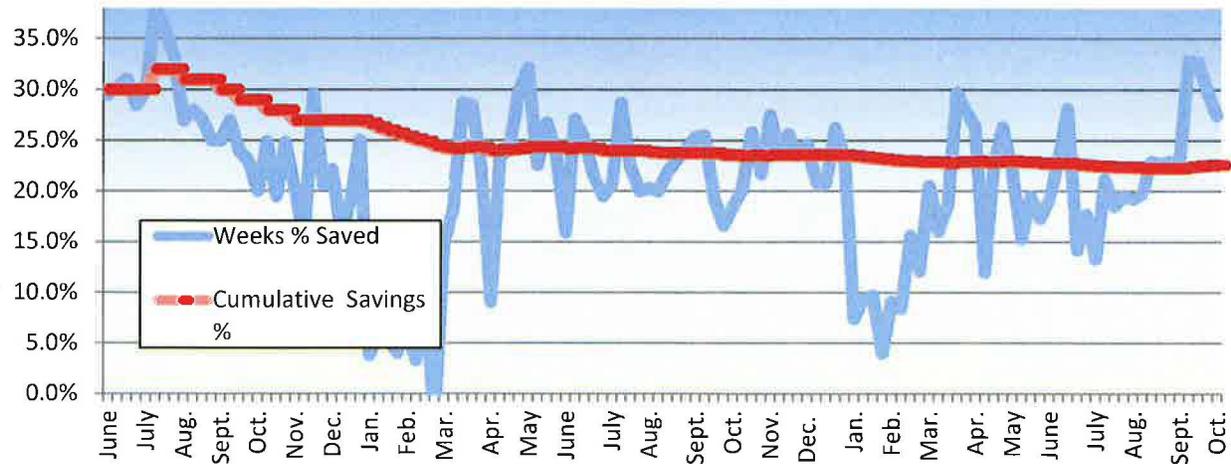
SUBJECT: Bi-Weekly Water Conservation Report for September 25th through October 8th

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

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



WATER CONSERVATION: As illustrated below, the City’s water conservation rate decreased from 32% last bi-weekly report to 25% this reporting period. The monthly conservation rate for September is up from 24% in 2016 to 29% in 2017. Below is the most current water conservation data.



WATER PATROL: The water patrol staff made a total of 198 individual public contacts. Below is the most current enforcement data.

ENFORCEMENT			
Individual Contacts	198	1st offenses (\$75)	36
Verbal Warnings	3	2nd offenses (\$200)	3
Correction Notices	17	3rd or more offense (\$500)	1

WATER METERS: During this bi-weekly period, the water meter staff performed various repairs at 16 properties of meters that had stopped reporting usage. Staff also programed new meters to the automatic read system at 15 properties.

The customer concern investigations resulted in discovery of leaks at 3 properties and notifications of large usage due to irrigation issues at 3 properties.

CONSERVATION REBATE PROGRAM: As previously reported the conservation department processes all application for rebate opportunities. During this past two week period the department processed the following rebate applications:

- Turf Replacement 3
- Toilet Replacement 3
- Clothes Washer 2
- Smart Irrigation Controller 2
- Drip Irrigation 3
- Mulch 3

SYSTEM CAPACITY: Attached is a table and chart which shows the daily quantity of water pumped and performance of the City’s system of water wells and its ability to provide fire flow. The system has continued to produce adequate flows to meet our peak demand and maintain reserve fire flow capacity. It appears that the cooler weather is resulting in a decreasing trend for consumption/pumping.

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

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

**STATUS REPORT SEPTEMBER 25th OCTOBER 8TH, 2017
WATER PRODUCTION AND RESERVE FIRE FLOW CAPABILITY**

Dates	Day	Peak Temp	MG Pumped	Peak Hour	Lowest Pressure*	Lowest Tank Storage **	Wells Available	Wells On During Peak Hours	Wells in Reserve During Peak Hours	Reserve GPM at Peak	Reserves Meets Fire flow for			
											Residential 1,500 GPM	Commercial 2,500 GPM	Industrial 3,500 GPM	Hospital 4,500 GPM
9/25/2017	Mon	84	6.186	9pm - 10pm	36	780,000	15	8	7	9895	Yes	Yes	Yes	Yes
9/26/2017	Tues	88	8.723	9pm - 10pm	35	780,000	15	11	4	4952	Yes	Yes	Yes	Yes
9/27/2017	Wed	92	8.439	9pm - 10pm	36	780,000	15	11	4	4952	Yes	Yes	Yes	Yes
9/28/2017	Thurs	93	6.866	8pm - 9pm	38	780,000	15	9	6	9247	Yes	Yes	Yes	Yes
9/29/2017	Fri	93	6.56	7pm - 8pm	40	780,000	15	6	9	9785	Yes	Yes	Yes	Yes
9/30/2017	Sat	84	10.227	9pm - 10pm	41	780,000	15	12	3	2172	Yes	Yes	Yes	Yes
10/1/2017	Sun	81	10.169	8pm - 9pm	40	780,000	15	11	4	3682	Yes	Yes	Yes	Yes
10/2/2017	Mon	78	6.022	8pm - 9pm	41	780,000	15	6	9	9575	Yes	Yes	Yes	Yes
10/3/2017	Tues	73	9.532	9pm - 10pm	41	780,000	15	11	4	3682	Yes	Yes	Yes	Yes
10/4/2017	Wed	78	9.584	8pm - 9pm	41	780,000	15	11	4	3682	Yes	Yes	Yes	Yes
10/5/2017	Thurs	80	7.173	8pm - 9pm	37	820,000	15	7	8	8665	Yes	Yes	Yes	Yes
10/6/2017	Fri	85	6.447	9pm - 10pm	42	780,000	16	6	10	10686	Yes	Yes	Yes	Yes
10/7/2017	Sat	71	10.097	11pm - 12pm	43	780,000	16	12	4	3682	Yes	Yes	Yes	Yes
10/8/2017	Sun	82	10.257	10pm - 11pm	42	780,000	16	11	5	4672	Yes	Yes	Yes	Yes

* Goal is to keep system above 30 psi., below 20 cause regulatory issue.

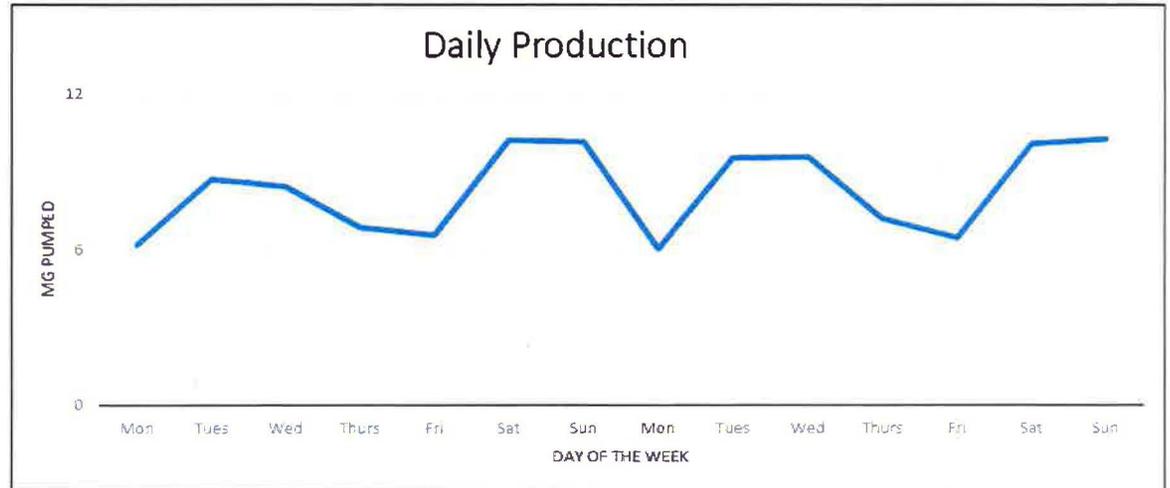
** Elevated tank has a 1,000,000 gallon maximum capacity.

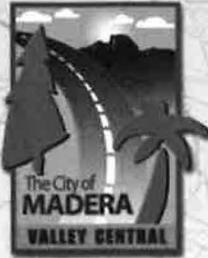
19 Total Wells

5-Apr Wells Not Available

- #33 VFD Drive Failed (6am 9/2/17), Replaced 10/06/2017
- #16 Being Retrofitted for Submersible Pump to Gain 500 gpm
- #20 Pump Pulled for Casing Rehabilitation and Bowl Adjustments
- #27 Being Retrofitted for Nitrate Monitoring and Discharge Line

16 Number of Wells Available





REPORT TO CITY COUNCIL

COUNCIL MEETING OF October 18, 2017

AGENDA ITEM NUMBER B-4

APPROVED BY:

A handwritten signature in black ink, appearing to be "C. J. ...", written over a horizontal line.

DEPARTMENT DIRECTOR

A handwritten signature in black ink, appearing to be "C. J. ...", written over a horizontal line.

CITY ADMINISTRATOR

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR STORMAX REAL ESTATE HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

RECOMMENDATION:

That the City Council approve:

1. Resolution No. 17-____ Approving Improvement Deferral Agreement and Authorization of Lien for STORMAX REAL ESTATE HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

SUMMARY:

Pursuant to the Madera Municipal Code, the City of Madera Planning Department conditionally approved Conditional Use Permit 2016-39 and Site Plan Review 2016-59 on February 13, 2017. The approval allowed for an 18,900 square foot outdoor vehicular storage area in conjunction with the STORMAX REAL ESTATE HOLDINGS, LLC, a California Limited Liability Company mini storage facility located at 125 Tozer Street. A condition of approval required the construction of the southerly half of Storey Road into a collector street section along the project parcel frontage per City standards or, alternatively, the completion of a deferral agreement. STORMAX REAL ESTATE HOLDINGS, LLC, a California Limited Liability Company, wishes to defer the construction of public improvements.

Engineering

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

www.cityofmadera.ca.gov

SITUATION:

In 2004, the Planning Commission approved Conditional Use Permit (CUP) 2004-29, allowing STORMAX to proceed with construction of a mini-storage facility in four phases. As part of the original CUP, a condition of approval required construction of the southerly half of Storey Road into a collector street section. The street improvements were required to be constructed no later than the completion of the fourth and final phase of the project. The requested improvements include installation of travel lanes, curb, gutter, sidewalk, park strip, street lights, and fire hydrants.

In 2016, the Planning Commission approved a new conditional use permit and site plan review (CUP 2016-39 & SPR 2016-59) to allow modifications to the original project, including a new outdoor vehicular storage area. In conjunction with its review of the 2016 applications, City staff requested the immediate construction of the Storey Road frontage improvements or the execution of a deferral agreement that set a time limit for construction. The developer opted to enter into a deferral agreement. Staff is in agreement with the deferral of the improvements due to the nature of the project site. This process is authorized under municipal code where 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 recover 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.

RESOLUTION NO. 17-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA APPROVING IMPROVEMENT DEFERRAL AGREEMENT AND
AUTHORIZATION OF LIEN FOR STORMAX REAL ESTATE HOLDINGS, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY, AND AUTHORIZING THE
MAYOR TO EXECUTE THE AGREEMENT**

WHEREAS, STORMAX REAL ESTATE HOLDINGS, LLC, a California Limited Liability Company, Owner of record of subject property, is required 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 STORMAX REAL ESTATE HOLDINGS, LLC**, a California Limited Liability Company, wherein the Owners, shall agree to construct and complete within the terms of said agreement all work and improvements required of Owners as mentioned in said Agreement.

WHEREAS, Owner is 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 STORMAX REAL ESTATE HOLDINGS, LLC**, a California Limited Liability Company, 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 agreement for the deferral of improvements for STORMAX REAL ESTATE HOLDINGS, LLC, a California Limited Liability Company, a copy of which is on file in the office of the City Clerk, is approved.
3. The Mayor is authorized to execute said agreement on behalf of the City.
4. Staff is directed to record the Deferral 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

Fec Waived Per Section 27383 of the Government Code

**IMPROVEMENT DEFERRAL AGREEMENT
AND AUTHORIZATION OF LIEN FOR STORMAX REAL ESTATE HOLDINGS, LLC, A
CALIFORNIA LIMITED LIABILITY COMPANY**

This Improvement Deferral Agreement and Authorization of Lien, herein after called "Agreement", is made and entered into at Madera, California, and is effective this 18th day of October 2017, by and between the CITY OF MADERA, a municipal corporation, hereinafter designated and called "CITY", and STORMAX REAL ESTATE HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY REAL ESTATE HOLDINGS, LLC, a California Limited Liability Company, herein after designated and called "Owner" without regard to number or gender.

RECITALS

WHEREAS, Owner is implementing a new use to allow for a vehicular storage area in conjunction with the STORMAX REAL ESTATE HOLDINGS, LLC, a California Limited Liability Company mini storage facility located at 125 Tozer Street, also described as Parcel 2 of Parcel Map No. 04-P-08, filed for record in the office of the Madera County Recorder State of California on July 11, 2005 in Volume 54 of Maps, at page 115, Madera County Records (APN 008-110-014); and

WHEREAS, conditional use permit CUP 2016-39 and site plan review SPR 2016-59 requires that the Owner makes the following improvements: Storey Road shall be reconstructed to complete the southerly half of a collector street section along the project parcel frontage in accordance with City standards. This shall include installation of travel lanes, curb, gutter, non-contiguous sidewalk, landscaping & irrigation, streetlights, and fire hydrants. All improvements shall be installed in their ultimate location. A pavement transition with appropriate signing and striping shall be provided with the improvements to the south (the "Construction of Public Improvements"); and

WHEREAS, Owner is requesting that City, subject to the terms and conditions of this Agreement, (a) defer requirement of the Construction of Public Improvements, and (b) promptly grant to Owner an occupancy permit for the requested use.

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 Construction of Public Improvements consist of the following: Storey Road shall be reconstructed to complete the southerly half of a collector street section along the project parcel frontage in accordance with City standards. This shall include installation of travel lanes, curb, gutter, non-contiguous sidewalk, landscaping & irrigation, streetlights, and fire hydrants. All improvements shall be installed in their ultimate location. A pavement transition with appropriate signage and striping shall be provided to tie in with adjacent improvements to the south

2. The performance of Construction of Public 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 Construction of Public 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 and perform said Construction of Public Improvements identified herein within ten (10) years of the execution of the agreement, or at such time when improvements are constructed by adjacent development, or through a City initiated project, whichever comes sooner. 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 Construction of Public 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, determined by the City Engineer, triggers the need for said improvements.

5. Prior to construction of Public Improvements, Owner shall obtain an Encroachment Permit from the City of Madera Engineering Department or Caltrans where construction takes place within the street right-of-way.

6. As part of the Encroachment Permit, Owner shall provide an engineer's cost estimate for construction within the street right of way of the required Construction of Public 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 Construction of Public 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 Construction of Public 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 Construction of Public Improvements by Owner, City shall accept said improvements within the street right-of-way 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 Construction of Public 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 Construction of Public 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, hold harmless, and defend City and each of its officers, agents, and employees from any and all loss, liability costs, and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including attorney's fees and legal expenses), arising or alleged to have arisen directly or indirectly out of or in any way connected with (a) the making of this Agreement; (b) performance or installation of the Construction of Public Improvements by Owner, its employees, officers, agents, contractors or subcontractors, or (c) design, installation, operation or maintenance of the Construction of Public Improvements, regardless of whether City is actively or passively negligent, except for liability, loss, costs or

damage caused solely by the negligence or willful misconduct of City, of its officers, agents or employees.

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:

**STORMAX REAL ESTATE
HOLDINGS, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY**

By: 
Emery Vlotho, Manager

By: 
Brad Vlotho, Manager

**NOTARY ACKNOWLEDGEMENT
REQUIRED**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

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)

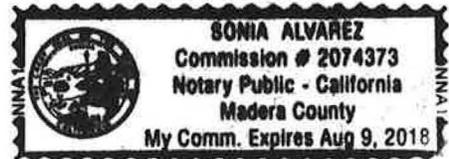
County of Madera)

On 10/4/17 before me, Sonia Alvarez, Notary Public, personally appeared Emery Vlotho and Brad Vlotho, 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 Sonia Alvarez (Seal)



DESCRIPTION OF ATTACHED DOCUMENT (OPTIONAL)

Title or Type of Document: Improvement Deferral Agreement and Authorization of Lien for Real Estate Holdings, LLC, A California Limited Liability Company

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

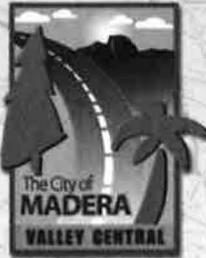
CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name:

Signer's Name:

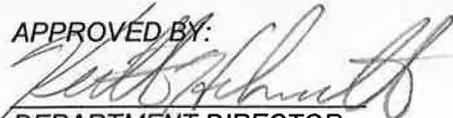
Title:

Title:



REPORT TO CITY COUNCIL

APPROVED BY:


DEPARTMENT DIRECTOR


CITY ADMINISTRATOR

COUNCIL MEETING OF October 18, 2017
AGENDA ITEM NUMBER B-5

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING A SALES AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY AT THE SOUTHEAST CORNER OF EAST YOSEMITE AVENUE AND TOZER STREET FOR PARCEL A AND PARCEL B (PORTIONS OF APN 008-110-009) ACCEPTING AN EASEMENT DEED AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RECOMMENDATION:

That the City Council approves Resolution No. 17-____:

1. Approving the sales agreement for the acquisition of real property at the SE corner of East Yosemite Avenue and Tozer Street (a portion of APN 008-110-009).
2. Accepting the Easement Deed for Parcel A and Parcel B.
3. Authorizing the City Clerk to prepare and execute the Certificates of Acceptance for the Easement Deed.
4. Authorizing the City Clerk to record the Easement Deed with the Madera County Clerk/Recorder.
5. Authorize the Mayor to execute the agreement on behalf of the City.

RECOMMENDATION:

Staff recommends the City Council adopt the resolution approving the sales agreement for the acquisition of real property at the SE corner of East Yosemite Avenue and Tozer Street.

Engineering

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

www.cityofmadera.ca.gov

HISTORY/BACKGROUND:

By previous action, the Redevelopment Agency in FY 2008 approved an agreement for the acquisition of Parcel "A" (453.28 square feet) and for Parcel B (318.32 square feet) required for street widening and installation of traffic signal equipment at the SE corner of East Yosemite Avenue and Tozer Street. The property owners executed the agreement for the sale of the property however the escrow could not be closed due to escrow requirements related to the property title. The street widening and installation of the traffic signal went forward and the street improvements were constructed.

SUMMARY:

Staff is recommending that the City Council consider the resolution approving an agreement for the acquisition of real property required for widening and signalization of the East Yosemite Avenue and Tozer Street intersection.

The property owners of record, as listed in Exhibit "A" for Parcel A and Parcel B, attached hereto, have agreed to the sale of property, and have signed the Agreement for the Purchase and Sale of Real property and Escrow Instructions and have executed the Easement Deed.

The escrow company has provided an updated Preliminary Title Report certifying the current legal ownership of the property to be acquired and indicating the City can now move forward and acquire the parcels.

The Successor Agency has also received an updated appraisal report verifying the fair market value of the property to be acquired.

It is staff's recommendation that the City move forward with the acquisition of the property to complete the project.

FISCAL IMPACT:

The funding for the acquisition of Parcel A in the amount of \$8,160.00 is included in the 2017-18 RDA Budget in Account No. 60500000-7050.

The funding for the acquisition of Parcel B in the amount of \$5,730.00 is included in the 2017-18 Capital Projects Budget LTF Org No. 4200-5330, Object Number 7050.

There is no impact to the City's General Fund for purchase of the right of way.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Acceptance of the acquisitions is consistent with Action 101.6, which calls for the City to ensure that infrastructure can sustain population growth.

RESOLUTION NO. 17- _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA APPROVING A SALES AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY AT THE SOUTHEAST CORNER OF EAST YOSEMITE AVENUE AND TOZER STREET FOR PARCEL A AND PARCEL B (PORTIONS OF APN 008-110-009) ACCEPTING AN EASEMENT DEED AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City of Madera Successor Agency has provided street and utility improvements required for development of the Sugar Pine Village according to prior development agreements entered into by the Redevelopment Agency; and

WHEREAS, the property owners of record listed in Exhibit A, attached hereto, have agreed to the sale of interest in real property necessary for the street widening and installation of traffic signal equipment at the southeast corner of East Yosemite Avenue and Tozer Street; and

WHEREAS, the property acquired is more specifically described in the legal descriptions included in the Easement Deed; and

WHEREAS, Funding for purchase of Parcel A required for the street right of way improvements is programmed in the Successor Agency FY 2017/18 Budget, and

WHEREAS, Funding for purchase of Parcel B required for the traffic signal equipment is programmed in the Capital Improvement Projects Budget for FY 2017/18, and

WHEREAS, a Mitigated Negative Declaration was certified by the City of Madera on August 18, 2004, for the development of the Sugar Pine Village in accordance with CEQA and recorded by the Madera County Clerk on August 23, 2004.

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

1. The above recitals are true and correct.
2. The Agreement for Purchase and Escrow Instructions for the purchase of Parcel A easement over real property (a portion of APN 008-110-009), for the purchase price of \$8,160.00 and the purchase of Parcel B easement over real property (a portion of APN 008-110-009), for the purchase price of \$5,730.00, copies of which are on file in the Office of the City Clerk and referred to for particulars, is hereby approved.
3. The Mayor is authorized to execute the Agreement for Purchase and Sale of Real Property and Escrow Instructions on behalf of the City of Madera.
4. The City Clerk is authorized to prepare the Certificates of Acceptance for Parcel A and Parcel B easement deed.

5. The City Clerk is authorized to record the Certificate of Acceptance for Parcel A and Parcel B easement deed with the Madera County Clerk/Recorder.
6. This resolution is effective immediately upon adoption.

* * * * *

EXHIBIT "A"

PROPERTY OWNER

RIGHT OF WAY ACQUISITION

For

**STREET RIGHT OF WAY AT THE SOUTHEAST CORNER OF TOZER STREET AND
EAST YOSEMITE AVENUE, CITY OF MADERA**

APN #	PROPERTY OWNER SITUS ADDRESS	AMOUNT
Parcel A	Jasbinder Singh & Harjinder Kaur Trustees of the Jasbinder Singh & Harjinder Kaur Revocable Living Trust dated 6/3/2015	\$8,160.00
008-110-009	1502 E. Yosemite Avenue Madera, CA 93638	
Parcel B	Jasbinder Singh & Harjinder Kaur Trustees of the Jasbinder Singh & Harjinder Kaur Revocable Living Trust dated 6/3/2015	\$5,730.00
008-110-009	1502 E. Yosemite Avenue Madera, CA 93638	
	Total Amount:	\$13, 890.00

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS

Jasbinder Singh and Harjinder Kaur, as Trustees of the Jasbinder Singh and Harjinder Kaur Revocable Living Trust dated 6/3/2015, hereinafter called the "Seller," without regard to number or gender, hereby agrees to sell to the CITY OF MADERA, a municipal corporation of the State of California, hereinafter called "CITY" the real property more particularly described in Exhibit "A" for Parcel A and for Parcel B attached to the Easement Deed and incorporated herein by reference.

1. The purchase price for the Subject Property – Parcel A shall be the sum of Eight Thousand One Hundred and Sixty and no/one hundredths dollars (\$8,160.00) as just compensation therefor.

2. The purchase price for the Subject Property – Parcel B shall be the sum of Five Thousand Seven Hundred and Thirty and no/one hundredths dollars (\$5,730.00) as just compensation therefor.

3. Seller warrants that the Subject Property has been offered for sale and that it is not being acquired under threat of condemnation.

4. Seller represents and warrants that they have the authority to execute the Agreement herein made, and that they hold fee title to the Subject Property.

5. The sale shall be completed through an escrow to be opened by Chicago Title Company, 1653 North Schnoor Avenue, Suite 107, Madera, CA 93637 (the "Title Company"). Said escrow shall be opened upon the following terms and conditions, and Seller and City by their signature to this Agreement make this section their escrow instructions:

a. It is the intent of the parties to this Agreement that the Seller will place into escrow an easement deed for sale of property to the Subject Property in favor of City. City will place into escrow, funds in the amount of the Purchase Price and any costs to be paid by City.

b. The escrow fee, cost of policy of title insurance, recording fees (if any), and all other closing costs shall be paid by City. Seller will pay any cost to clear the title to the Subject Property prior to the recording of the easement deed for sale of property conveying the property to City as well as any real estate agent's commission.

c. City shall deposit the sums specified in Paragraph 1 of this Agreement together with an amount equal to its share of the closing costs in escrow upon receipt of a demand and statement from Title Company therefor.

d. Seller shall deposit a duly executed easement deed for the sale of property sufficient to convey to City marketable fee simple title to the Subject Property free and clear of all recorded and unrecorded deeds of trusts, liens, encumbrances, assessments, easements, leases, and taxes EXCEPT:

(1). Quasi-public utility, public alley, public street easements, and rights of way of record.

e. Property taxes for the current fiscal year that are not yet due and have not yet been paid shall be prorated to close of escrow. It is understood that Seller shall be responsible for the payment of all current, delinquent and unpaid taxes, penalties, redemptions, and costs allocable to the Subject Property for all periods prior to close of escrow. Any taxes which have been paid by Seller, prior to opening of this escrow, shall not be prorated between Buyer and Seller, but Seller shall have the sole right, after close of escrow, to apply to the county Tax Collector of said county for refund. This refund would apply to the period after City's acquisition, pursuant to Revenue and Taxation Code Section 5096.7.

f. Disbursements to be in the amounts, at the times, and in all respects in accordance with the terms and conditions and subject to the limitations of this Agreement.

g. Seller shall execute the easement deed and City shall submit to Title Company the amounts required to be paid by City, and Title Company shall record the easement deed in favor of City within 30 days from the date of this Agreement. Should a party not be able to comply with the terms of this Agreement and escrow instructions and the property is not conveyed within said period of time, a fifteen-day extension for compliance with the terms of escrow may be granted by the other party hereto. Such extension in order to be effective must be in writing and filed with the Title Company before the expiration of the time of performance and terms of escrow required herein.

6. Seller shall vacate the property immediately upon close of escrow and City shall have the immediate right of possession of such property.

7. Seller warrants, that there are no tenants on the Subject Property pursuant to any lease agreement or on a month to month tenancy.

8. Seller hereby grants to City, or its authorized agents, permission to enter upon the Subject Property at all reasonable times prior to close of escrow for the purpose of making necessary or appropriate inspections.

9. Loss or damage to the Subject Property or any improvements thereon, by fire or other casualty, occurring prior to the recordation of the Easement Deed shall be at the risk of Seller. In the event that loss or damage to the Subject Property or any improvements thereon, by fire or other casualty, occurs prior to the recordation of the Easement Deed, City may elect to require that the Seller pay to City the proceeds of any insurance which may become payable to Seller by reason thereof, or to permit such proceeds to be used for the restoration of the damage done, or to reduce the total price by an amount equal to the diminution in value of the Subject Property by reason of such loss or damage or the amount of insurance payable to Seller, whichever is greater.

10. To the best of Seller's knowledge the Subject Property complies with all applicable laws and governmental regulations including, without limitation, all applicable federal, state, and local laws pertaining to air and water quality, hazardous waste, waste disposal, and other environmental matters, including but not limited to, the Clean Water, Clean Air, Federal Water Pollution Control, Solid Waste Disposal, Resource Conservation Recovery and Comprehensive Environmental Response Compensation and Liability Acts, and the California Environmental Quality Act, and the rules regulations, and ordinances of the city within which the Subject Property is located, the California Department of Health Service, the Regional Water Quality Control Board, the State Water Resources Control Board, the Environmental Protection Agency, and all applicable federal, state, and local agencies and bureaus.

11. Seller hereby warrants, represents and/or covenants to City that:

a. To the best of Seller's knowledge, there are no actions, suits, material claims, legal proceedings, or any other proceedings affecting the Subject Property or any portion thereof, at law, or in equity *before* any court or governmental City, domestic or foreign.

b. To the best of Seller's knowledge, there are no encroachments onto the Subject Property by improvements on any adjoining property, nor do any building or improvements encroach on other properties.

c. Until the closing, Seller shall maintain the Subject Property in good condition and state of repair and maintenance, and shall perform all of its obligations under any service contracts or other contracts affecting the Subject Property.

d. Until the closing, Seller shall not do anything which would impair Seller's title to any of the Subject Property.

e. To the best of Seller's knowledge, neither the execution of this Agreement nor the performance of the obligations herein will conflict with, or breach any of the provisions of any bond, note, evidence of indebtedness, contract, lease, or other agreement or instrument to which the Subject Property may be bound.

f. Until the closing, Seller shall, upon learning of any fact or condition which would cause any of the warranties and representations in this Warrants, Representations, and Covenants of Seller Section not to be true as of closing, immediately give written notice of such fact or condition to City.

12. City acknowledges it is purchasing the Subject Property **as is** and Seller does not warrant that the Subject Property is free from any hazardous materials.

13. Time is of the essence of each and every term, condition, and covenant hereof.

14. It is understood and agreed that upon the execution of this Agreement, it shall become a contract for the purchase and sale of real property binding upon Seller and City, their heirs, executors, administrators, successors in interest, and assigns.

Date: 10-11-2017

CITY OF MADERA

By: _____
Andrew J. Medellin, Mayor

**Seller: Jasbinder Singh and Harjinder Kaur
Trustees of the Jasbinder Singh
and Harjinder Kaur Revocable
Living Trust dated 6/3/2015**

By: Jasbinder Singh
Jasbinder Singh

By: Harjinder Kaur
Harjinder Kaur

APPROVED AS TO FORM:

By: _____
J. Brent Richardson, City Attorney

ATTEST:

By: _____
Sonia Alvarez, City Clerk

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

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 Madera)

On 10/11/2017 before me, Nick Salinas Notary Public
Date Here Insert Name and Title of Officer

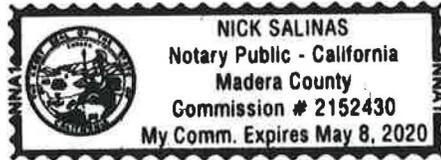
personally appeared Jasbinder Singh and Herjinder Kaur
Name(s) of Signer(s)

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 *Nick Salinas* (Seal)



** Attachment - Agreement for purchase & sale of real property & escrow instructions.*

RECORDING REQUESTED BY:

City of Madera

AFTER RECORDING RETURN TO:

City of Madera

City Clerk

205 W. 4th Street

Madera, CA 93637

Fee waived per Section 27383 of the Government Code
APN: 008-110-009

No Fee Due _____

No Doc Tax Due _____

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **JASBINDER SINGH AND HARJINDER KAUR, AS TRUSTEES OF THE JASBINDER SINGH & HARJINDER KAUR REVOCABLE LIVING TRUST DATED 6/3/2015** DO HEREBY GRANT TO **THE CITY OF MADERA, A MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA**

An easement for street, sidewalk, public utility and any and all other municipal purposes over, under, through and across, on and in the following described real property in the City of Madera, County of Madera, State of California, being more particularly described in the **LEGAL DESCRIPTION** attached hereto and made a part hereof:

See **EXHIBIT "A"** attached hereto for legal description **FOR PARCEL A AND PARCEL B**

Date: 10-11-2017

Date: 10 11 2017

By: Jasbinder Singh
Jasbinder Singh

By: Harjinder Kaur
Harjinder Kaur

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

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 Madera)

On 10/11/2017 before me, Nick Salinas Notary Public

Date

Here Insert Name and Title of Officer

personally appeared Jasbinder Singh and Harjinder Kaur

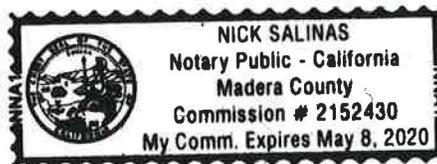
Name(s) of Signer(s)

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 Nick Salinas (Seal)



PARCEL "A"

APN 008-110-009

EXHIBIT "A"

That portion of Parcel 1 of Parcel Map No. 92-P-02, filed for record in the office of the Madera County Recorder, State of California, on December 23, 1994 in Book 43 of Maps at Page 44, Madera County Records, being more particularly described as follows:

COMMENCING at the South corner of said Parcel 1; thence North 35°57'11" West, along the Southwest line of said Parcel 1, a distance of 220.41 feet to the POINT OF BEGINNING; thence,

- 1) Continuing North 35°57'11" West, along the Southwest line of said Parcel 1, a distance of 25.05 feet to an angle point in the boundary of said Parcel 1; thence,
- 2) North 09°31'41" East, along the boundary line of said Parcel 1, a distance of 13.77 feet to an angle point in the boundary of said Parcel 1; thence,
- 3) North 54°50'00" East, along the Northwest line of said Parcel 1, a distance of 38.04 feet; thence,
- 4) South 43°12'40" West, a distance of 27.04 feet; thence,
- 5) South 00°14'46" West, a distance of 36.06 feet to the POINT OF BEGINNING.

Containing an area of 453.28 Square Feet, more or less.



PARCEL "B"

APN 008-110-009

EXHIBIT "A"

That portion of Parcel 1 of Parcel Map No. 92-P-02, filed for record in the office of the Madera County Recorder, State of California, on December 23, 1994 in Book 43 of Maps at Page 44, Madera County Records, being more particularly described as follows:

COMMENCING at the South corner of said Parcel 1; thence North 35°57'11" West, along the Southwest line of said Parcel 1, a distance of 195.41 feet to the POINT OF BEGINNING; thence,

- 1) Continuing North 35°57'11" West, along the Southwest line of said Parcel 1, a distance of 25.00 feet; thence,
- 2) North 00°14'46" East, a distance of 16.93 feet to a point 10.00 feet Northeast of the Southwest line of said Parcel 1; thence,
- 3) South 35°57'11" East, parallel with and 10.00 feet Northeast of the Southwest line of said Parcel 1, a distance of 38.66 feet; thence,
- 4) South 54°02'49" West, perpendicular to the Southwest line of said Parcel 1, a distance of 10.00 feet to the POINT OF BEGINNING.

Containing an area of 318.32 Square Feet, more or less.





REPORT TO CITY COUNCIL

Approved By:

Department Director

City Administrator

Council Meeting of October 18, 2017
Agenda Item Number B-6

SUBJECT: CONSIDERATION OF A RESOLUTION RATIFYING A REVISED APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION FUNDS FOR FISCAL YEAR 2017/18

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution:

1. Ratifying a revised application for Transportation Development Act (TDA), Local Transportation Funds (LTF) for Fiscal Year 2017/18.

SUMMARY:

The LTF application approved by the Madera City Council on June 21, 2017 contained a clerical error wherein the amount on the Funding Request for Transportation Services was entered on the wrong Section. The LTF application approved by the MCTC on July 19, 2017 was a revised application submitted by City Engineer, with the funding amount entered in the correct place.

DISCUSSION:

The funding request amount for Transportation Services was entered in Section 99260 (Article 4) of the LTF application approved by City Council on June 21, 2017. The funding request should have been entered on Section 99400 (Article 8).

Engineering

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

www.cityofmadera.ca.gov

On July 19, 2017 MCTC staff requested the City Engineer to revise the LTF application by entering the funding amount for Transportation Services in the correct section of the application.

City staff submitted the revised LTF application on July 19, 2017, the date MCTC presented it to their Board.

Staff is recommending that City Council approve the resolution ratifying the revised application for LTF for Fiscal Year 2017/18 to replace the application approved by City Council last June 21, 2017.

FINANCIAL IMPACT:

There is no adverse fiscal impact to the City's General Fund or other Funds.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Managed Growth: Strategy 101.6 - Ensure infrastructure can sustain population growth in the development of the General Plan.

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.

RESOLUTION NO. 17 - _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING A REVISED APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT FUNDS, LOCAL TRANSPORTATION FUNDS FOR FISCAL YEAR 2017/18

WHEREAS, the Transportation Development Act (TDA), Local Transportation Funds (LTF) funds are annually allocated by the Madera County Transportation Commission (MCTC) pursuant to the Transportation Development Act; and

WHEREAS, the City of Madera prepares and submits the application outlining the intended uses for the LTF funds each year and the application may be amended as needed; and

WHEREAS, the LTF application for FISCAL YEAR 2017/18 that describes the intended uses of the funds was approved by the City Council on June 21, 2017; and

WHEREAS, the Madera County Transportation Commission requested that the LTF application approved by City Council for FISCAL YEAR 2017/18 be revised; and

WHEREAS, the LTF application for FISCAL YEAR 2017/18 has been revised and submitted to MCTC; and

WHEREAS, the MCTC Board approved the revised LTF application for FISCAL YEAR 2017/18 on July 19, 2017 of which a copy is on file with 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 revised application for Transportation Development Act Funds, Local Transportation Funds for Fiscal Year 2017/18 as allocated to the City by the Madera County Transportation Commission, a copy of which is on file with the office of the City Clerk and referred to for more particulars is ratified.
3. This ratification supersede any previous LTF application approvals for Fiscal Year 2017-18.
4. This resolution is effective immediately upon adoption.

* * * * *

MADERA COUNTY TRANSPORTATION COMMISSION
 Application for Transportation Development Act Funds - Form A.1
Local Transportation Fund (LTF)
 Fiscal Year 2017-18

Received
 JUL 20 2017

Applicant Agency and Project Manager:

Madera CTC

City of Madera, 205 W. Fourth Street, Madera, CA 93637 - Keith B. Helmuth, City Engineer

This form is to be used when making an application to use TDA funds for Public Transportation Services, Transportation Planning Services, Pedestrian and Bicycle Facility Construction, and Street and Road Projects. All projects submitted must be included in the Regional Transportation Plan. MCTC is required to make a finding that "No unmet public transportation needs exist" in the county before this application can be approved.

FUNDING REQUEST:

Transportation Services, Section 99260 (Article 4):

1. Name of Service:	_____	\$	_____
2. Name of Service:	_____	\$	_____
	TOTAL:	\$	_____

Transportation Services, Section 99400 (b,c,d) (Article 8):

1. Name of Service, Contractor:	<u>MAX, Dial-A-Ride, and Intermodal</u>	\$	<u>337,000.00</u>
2. Name of Service, Contractor:	_____	\$	_____
3. Name of Service, Contractor:	_____	\$	_____
4. Name of Service, Contractor:	_____	\$	_____
	TOTAL:	\$	<u>337,000.00</u>

Pedestrian and Bicycle Facilities, Section 99234 (Article 3):

Project Name, if applicable

1.	<u>Misc. Ped/Bike Facilities & FRT Proj.</u>	\$	<u>32,643.00</u>
2.	_____	\$	_____
3.	_____	\$	_____
	TOTAL:	\$	<u>32,643.00</u>

MCTC TDA (LTF) Application Form

Page 2

Transportation Planning Services, Section 99402 (Article 8):

MCTC regional transportation planning activities on behalf of member agencies \$ 48,964.00

Local Agency transportation planning activities (or Contracted Services) \$ _____

Additional planning project or contracted transportation planning work \$ _____

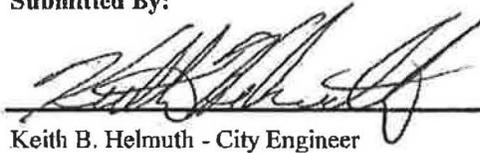
TOTAL: \$ 48,964.00

Street and Road Projects, Section 99402 (Article 8):

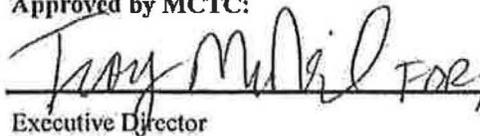
Article 8 Funds Requested for Street & Road Projects \$ 1,213,534.00

GRAND TOTAL: \$ 1,632,141.00

Submitted By:

 7-19-17
Keith B. Helmuth - City Engineer Date

Approved by MCTC:

 8/15/17
Executive Director Date

Note:

TDA funds may be used to cover actual expenses during the fiscal year of the application only. Should carryover funds occur, MCTC should be notified

REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF 10/18/2017

AGENDA ITEM NUMBER B-7

APPROVED BY


DEPARTMENT DIRECTOR


CITY ADMINISTRATOR

SUBJECT: CONSIDERATION OF A MINUTE ORDER OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE ACCEPTANCE OF A \$1000.00 DONATION TO THE MADERA POLICE DEPARTMENT.

BACKGROUND:

DMP Development Corporation, a local business has made a donation of \$1000.00 to the Madera Police Department. The donation was made specifically for the Department's Bicycle Patrol efforts.

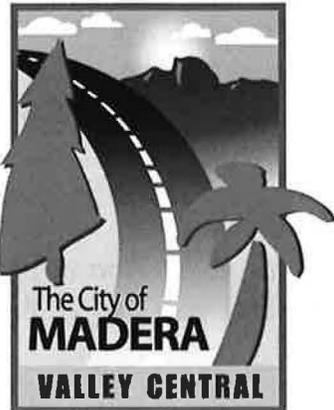
RECOMMENDATION:

Council approves the minute order accepting the donation in the amount of \$1000.00 from DMP Development Corporation and that the money be deposited to the trust fund account established by the Finance Department – Account #7610-2657

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Strategy 115 – Economic resources provision: ensure sufficient economic resources to provide adequate City services and prepare for future growth.

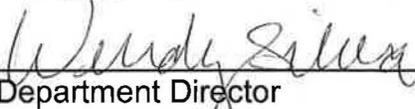
REPORT TO CITY COUNCIL



Council Meeting of October 18, 2017

Agenda Item Number B-8

Approved by:


Department Director


City Administrator

Consideration of a Minute Order Rejecting a Claim filed by Joseph Crown

RECOMMENDATION

It is recommended Council reject the claim filed by Joseph Crown. The City will send a rejection notice to Mr. Crown.

HISTORY

A claim was filed on September 6, 2017, by R. Mitch Covington, Manager of Construction representing Joseph Crown. The claimant is alleging damages as a result of the City not getting the proper compaction on a City installed sewer main that was 18 plus feet deep.

SITUATION

The claimant alleges in late February or early March 2017, the lack of compaction around a City sewer main caused a downward shifting of dirt that undermined the above surface. The above surface had just received newly installed paving, curb and landscaping. First the paving and concrete curb broke apart and sank in an approximately 40 foot plus section. The curb was right on the east edge of a newly landscaped median island. The claimant alleges in order to discover the source of the failure he had to dig down approximately 18 plus feet, obviously destroying the surrounding landscaping, curb and paving. The claimant alleges it was all done with the guidance of the City's Construction Inspector. The claimant alleges once the hole was getting close to the sewer line the City's Construction Inspector could see the obvious compaction problem. The claimant alleges he exposed the sewer line to be doubly sure there was no break, refilled and compacted in lifts the hole and made all repairs. The repairs consisted of curb removal and re-pour, paving removal and repave and extensive cleanup and re-landscaping. The claimant submitted invoices totaling \$8,913.00 in repair work to include an "admin and profit" of 8%, equaling \$660.00.

Suzanne Johnson, AIMS, investigated the claim. She spoke with the City's Construction Inspector as well as Keith Helmuth, City Engineer. The sewer line was installed over 20 years ago and records indicate it was a City project. However the claimant has included in his claim elements such as "admin and profit" where liability on the part of the City cannot be established. Therefore staff is recommending rejection of the claim as filed.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Rejection of claims filed under Government Code §910 is not addressed in the vision or action plan; the requested action is also not in conflict with any of the actions or goals contained in that plan.

CITY OF MADERA

CLAIM FORM

(Please Type Or Print)

RECEIVED

City of Madera City Clerk

By: J Alvarez
Date: 9/6/17

CLAIM AGAINST City of Madera
(Name of Entity)

Claimant's name: Joseph Crown Telephone Number (559) 273-1015

SS#: [REDACTED] DOB: [REDACTED] Gender: Male Female

Claimant's address: [REDACTED]

Address where notices about claim are to be sent, if different from above: [REDACTED]

Date of incident/accident: N/A

Date injuries, damages, or losses were discovered: Late February - early March 2017

Location of incident/accident: _____

What did entity or employee do to cause this loss, damage, or injury? City did not get the proper compaction on a City installed sewer main that was 18+/- feet deep.
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? Contractor that installed sewer main 20yrs +/- ago unknown to me.

What specific injuries, damages, or losses did claimant receive? See attached invoicing
SEE OVER
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] \$8,913

How was this amount calculated (please itemize)? see attached invoices
SEE OVER
(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: AUG. 28, 2017 Signature: [Signature]
If signed by representative:

Representative's Name R Mitch Covington Address 7050 N Fresno Ste 208
Telephone # 559 273-9693
Relationship to Claimant Manager of Construction

The lack of compaction caused a downward shifting of dirt that undermined the above surface. That above surface had just received newly installed paving, curb, and landscaping. First the paving and concrete curb broke apart and sank in an approximate 40'+ section. The curb was right on the east edge of a newly landscaped median island. In order to discover the source of the "failure" we had to dig down approximately 18 +/- feet, obviously destroying the surrounding landscaping, curb, and paving. This was all done with the guidance and watchful eye of City Inspector Jim Patrick.

Once the hole was getting close to the sewer line Mr. Patrick could see the obvious compaction problem. We exposed the sewer line to be doubly sure there was no break, refilled and compacted in lifts the hole, and made all repairs. The repairs consisted of curb removal and re-pour, paving removal and repave, and extensive cleanup and re-landscaping.



Valley Vanguard Properties
REAL ESTATE MARKETING & DEVELOPMENT

INVOICE

Capistrano XVI Westberry Frontage Median Island Curb Failure
8/17/2017

Please see below the cost for identifying sinkhole on Westberry Blvd fronting Capistrano XVI
Details and invoices attached

Valley Vanguard Properties – Repair Asphalt	\$1,940
Valle Bravo – Concrete Curb Repair	\$1,388
R&L Gibbs – Expose and repair sewer failure	\$3,125
Valley Vanguard Properties – Clean up and repair landscaping	<u>\$1,800</u>
	<u>\$8,253</u>

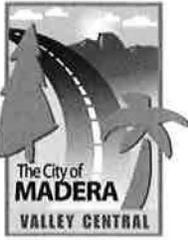
Admin and Profit 8% \$ 660

Grand Total \$8,913

Please Make Check Payable to:
Valley Vanguard Properties



Submitted by: R. Mitch Covington, President



REPORT TO CITY COUNCIL

Approved by:

Sonia Alvarez
Department Director

[Signature]
City Administrator

Council Meeting of: October 18, 2017

Agenda Number: C-1

SUBJECT:

- A. Second Reading and Consideration of Adoption of an Ordinance Amending Portions of Chapter 1 of Title II of the Madera Municipal Code Pertaining to Council Meeting Agendas
- B. Consideration of a Resolution Amending the City Council Meeting Agency Policy

RECOMMENDATION: Staff recommends that the Council:

- A. Adopt the ordinance amending portions of Chapter 1 of Title II of the Madera Municipal Code pertaining to council meeting agendas.
- B. Adopt the resolution amending the City Council Meeting Agenda Policy.

SUMMARY: At the 10/4/16 council meeting, Council introduced the ordinance amending portions of Chapter 1 of Title II of the Madera Municipal Code pertaining to council meeting agendas. The item is being brought back for a second reading and consideration of adoption by the Council. In addition, at the last council meeting, staff included a draft of the City Council Meeting Agency Policy. The policy is being brought back for formal adoption by the Council.

The requested actions are necessary to incorporate the requested change of distributing the agenda packet six (6) days before the scheduled meeting by reference and to update language which is either outdated or obsolete.

DISCUSSION: At the 9/20/17 council meeting, the Council took action to change the agenda distribution date from five to six days before the scheduled meeting. On 10/4/17, Council introduced an ordinance to amend MMC § 2-1.02 and § 2-1.04 pertaining to council meeting agendas. The revised ordinance updates language which is either outdated or obsolete. It also includes a reference to the City Council Meeting Agenda Policy (attached). The policy provides general guidelines regarding council meetings, and agenda processing and distribution.

FINANCIAL IMPACT: There is no impact to the General Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN: The requested action is not specifically addressed in the Vision Plan however, it supports the statement of A Well Planned City by reinforcing transparency and open communication between the community and City government.

ORDINANCE NO. _____ C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, AMENDING PORTIONS OF CHAPTER 1 OF TITLE II OF THE
MADERA MUNICIPAL CODE PERTAINING TO COUNCIL MEETING AGENDAS

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-1.02 of Chapter 1 of Title II of the Madera Municipal Code is hereby amended to read as follows:

§ 2-1.02 AGENDA.

Except as otherwise may be provided in this chapter, the Council shall consider at each meeting only those matters which are designated on the agenda for each meeting. The agenda shall be prepared by the City Clerk, under the direction of the City Administrator, and shall be arranged in accordance with the Council's order of business as set forth in § 2-1.04 of this chapter. Matters which are desired to be included on the agenda shall be submitted to the City Clerk [in accordance with guidelines established by the City Clerk.]~~not later than 9:00 a.m. of the Wednesday, or the fifth day, prior to the meeting for which the agenda is prepared, whichever is earlier, except when such Wednesday or fifth day is a holiday, in which case such matters shall be submitted no later than 9:00 a.m. on the last working day preceding such holiday. The City Clerk shall deliver a copy of the agenda for each meeting to each council member as far in advance of the meeting as time will permit. [The agenda and reports shall be distributed electronically to the City Council and posted to the City website as set forth in the City Council Meeting Agenda Policy (AP-4), as amended from time to time, but in no event later than 72 hours before the scheduled meeting as required by state law.]~~

SECTION 2. Subsection (A) of Section 2-1.04 of Chapter 1 of Title II of the Madera Municipal Code is hereby amended to read as follows:

§ 2-1.04 ORDER OF BUSINESS.

(A) Promptly at the hour prescribed on the day of each regular meeting the members of the Council, the City Clerk, City Attorney, and City Administrator shall take their regular stations in the Council Chambers. The business of the Council shall be taken up for consideration and disposition ~~in~~ substantially [in] the following order [as set forth in the City Council Meeting Agenda Policy (AP-4) as amended from time to time.] ~~:- roll call, opportunity for public comment, approval of minutes of previous meetings, consent calendar, approval of payroll, appropriations, claims, hearings, reports on bids, introduction and adoption of resolutions and ordinances, consideration of approval of agreements, written communications, administrative and council reports, unfinished business, such other business within the subject jurisdiction of the Council as may be brought before it, and adjournment.~~

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

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.

* * * * *

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, AMENDING THE CITY COUNCIL MEETING AGENDA POLICY**

WHEREAS, the City has prepared revisions to the City Council Meeting Agenda Policy (AP-4) to provide general guidelines regarding council meetings, and agenda processing and distribution; and

WHEREAS, the revisions are consistent with Madera Municipal Code § 2-1.02 and § 2-1.04 regarding council meeting agendas.

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

1. The above recitals are true and correct.
2. The City Council Meeting Agency Policy (AP-4), a copy of which is on file in the office of the City Clerk and referred to for particulars, is hereby approved.
3. This resolution is effective immediately upon adoption.

* * * * *

CITY OF MADERA ADMINISTRATIVE POLICY	Policy No:	AP-4
	Date:	01/27/92
	Revised Date:	10/18/17
	Res. No.:	
SUBJECT: CITY COUNCIL MEETING AGENDA POLICY		

PURPOSE

To outline the procedure used to prepare and distribute reports for City Council meetings.

MEETINGS

A. REGULAR MEETINGS

Regular meetings of the Madera City Council, as established by ordinance, are held in the Council Chambers at City Hall on the first and third Wednesday of each month at 6:00 p.m. (MMC 2-1.01).

A.1. Final agendas for regular meetings shall be posted at City Hall at least 72 hours before the regular meeting date in accordance with the Ralph M. Brown Act.

A.2. Meeting packets shall be distributed electronically to the City Council and posted to the City website at least six (6) days before the regular meeting date.

B. SPECIAL MEETINGS

Special meetings may be called by the Mayor, by a majority of the Council, or by the City Administrator provided that sufficient notice is given to meet the posting requirements as outlined below.

B.1. Final agendas for special meetings shall be posted at City Hall at least 24 hours before the special meeting date in accordance with the Ralph M. Brown Act.

B.2. Meeting packets for special meetings shall be distributed electronically to the City Council and posted to the City website at least 24 hours before the special meeting date.

C. ADJOURNED MEETINGS

Any meeting of the Council may be adjourned to a time, place and date certain, but not beyond the next regular meeting. The City Clerk shall post a notice of adjournment within 24 hours of the notice of adjournment.

D. ORDER OF BUSINESS

The following outlines the order of business for council meeting agendas.

Call to Order

Roll Call

Invocation

Pledge of Allegiance

Public Comment

Presentations

Introductions

Section A - Workshops

Section B – Consent Calendar

Section C – Hearings, Petitions, Bids, Resolutions, Ordinances, and Agreements

Section D – Written Communications

Section E – Administrative Reports

Section F – Council Reports

Section G – Closed Session

Adjournment

DEPARTMENT RESPONSIBILITIES

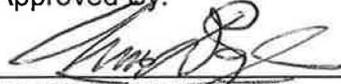
- A. The council meeting agenda is prepared under the direction of the City Administrator.
- B. The City Clerk is responsible for the coordination and distribution of the council meeting agenda. The council meeting agenda shall be posted and distributed in accordance with this policy and state law.
- C. Department heads, and/or their designees, are responsible for submitting agenda reports to the City Clerk. The City Clerk shall establish guidelines to include due dates for submittal of agenda titles and agenda reports to ensure timely distribution of the final agenda.
- D. Upon formal adoption by the City Council, the City Clerk is responsible for coordinating execution and distribution of the adopted items.

COUNCIL MEETING OF:
October 18, 2017

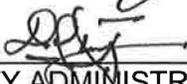
AGENDA ITEM NUMBER:
C-2

REPORT TO THE CITY COUNCIL

Approved By:



PLANNING MANAGER



CITY ADMINISTRATOR

SUBJECT:

Second Reading and Consideration of Adoption of an Ordinance Rezoning Approximately 1.4 Acres of Property Located at 733 and 743 Linden Street from the PD-1500 (Planned Development) Zone District to the PD-2000 (Planned Development) Zone District.

RECOMMENDATION:

It is recommended that the Council adopt the ordinance rezoning the subject properties.

DISCUSSION:

The applicant proposes to rezone two parcels located on Linden Street from the PD-1500 (Planned Development) Zone District to the PD-2000 (Planned Development) Zone District in order to provide for the development of a twenty-two (22) unit residential complex. The project site is located within the HD (High Density Residential) General Plan land use designation, which allows for a range of residential development density between a minimum of 15.1 units per acre to a maximum of fifty (50) units per acre. The project site is also within the Groves Neighborhood Plan, which envisioned the development of a mixed density residential neighborhood. The requested change to the PD-2000 Zone District provides for consistency with the Groves Neighborhood Plan, the General Plan and the Zoning Ordinance.

The rezoning was considered by the Planning Commission at its September 12, 2017 meeting. The City Council introduced the rezoning ordinance at its October 4, 2017 meeting. The second reading and adoption of the rezoning ordinance would complete the rezoning process.

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 Council, by considering how this proposal relates to surrounding development, is actively implementing Strategy 201 of the Vision Plan which encourages the redevelopment of property.

FISCAL IMPACT:

None.

ATTACHMENTS:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1.4 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF LINDEN STREET (733 AND 743 LINDEN STREET), APPROXIMATELY 650 FEET NORTH OF THE INTERSECTION OF LINDEN STREET AND SUNSET AVENUE, FROM THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-2000 (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 Section 10-3.302, 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:

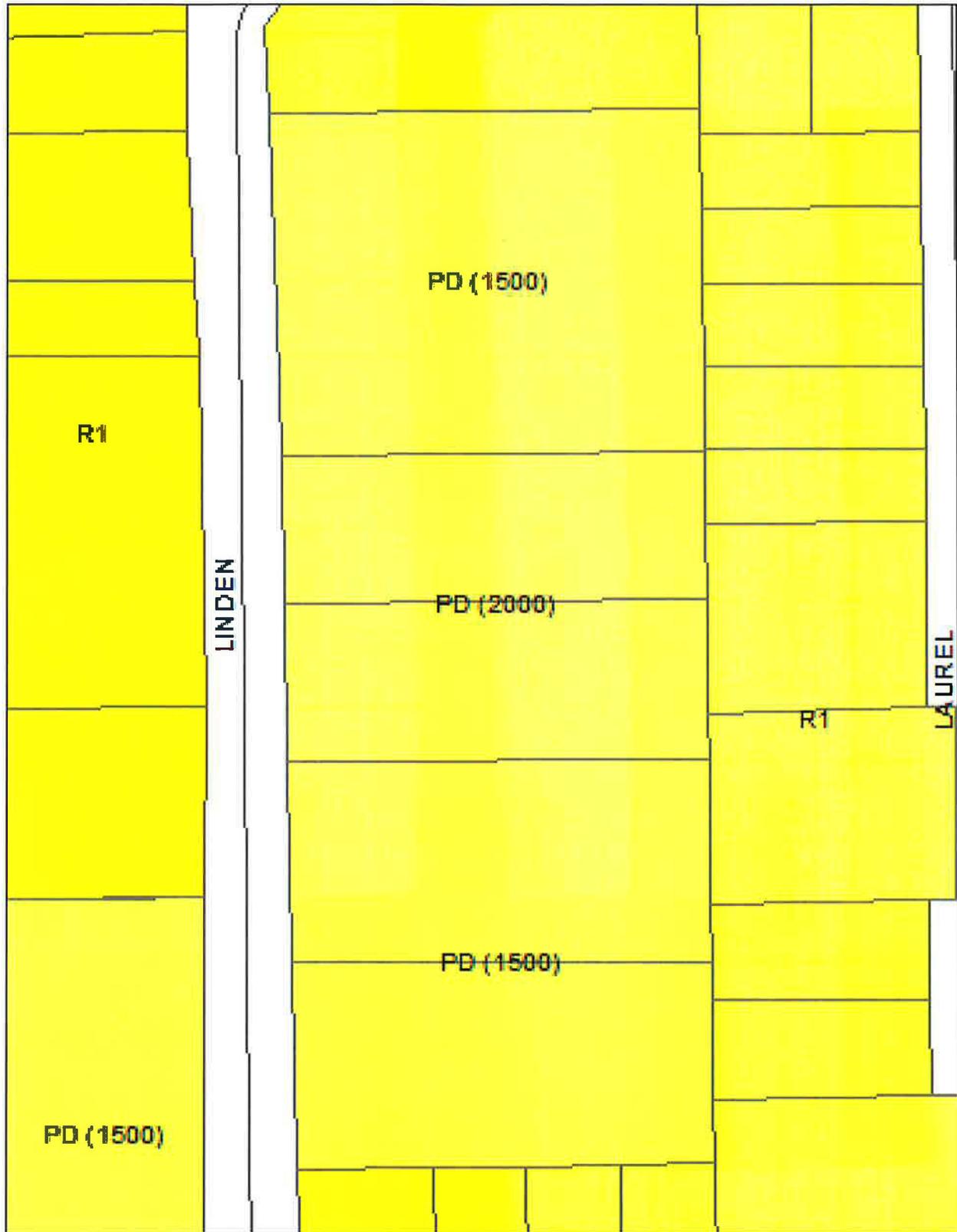
FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT 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



COUNCIL MEETING OF:
October 18, 2017

AGENDA ITEM NUMBER:
C-3

REPORT TO THE CITY COUNCIL

Approved By:


PLANNING MANAGER


CITY ADMINISTRATOR

SUBJECT:

Second reading and consideration of introduction of an ordinance rezoning approximately 40 acres of land located at the southeast corner of Tozer Street (Road 28) and Sunrise Avenue (Avenue 14½) to the PF (Public Facilities) Zone District.

RECOMMENDATION:

It is recommended that the Council adopt the ordinance rezoning the subject properties.

DISCUSSION:

The County of Madera proposes to develop an expansion of the existing County government services campus on the project area under consideration for rezoning. In order to fully develop the property, the County wishes to annex into the City in order to connect to City services. Rezoning is required to be completed in advance of formal application for annexation into the City.

The project site is proposed to be rezoned into the PF (Public Facility) Zone District. The PF Zone District is designed to provide land for the development of offices and/or facilities owned and operated by city, county, state, or federal governmental agencies, and public school districts. Examples of development found in the PF (Public Facilities) Zone District include civic centers, fire and police stations, libraries and post offices, and schools. The PF Zone District is the correct zone for the development of the proposed government services campus.

The rezoning was considered by the Planning Commission at its September 12, 2017 meeting. The City Council introduced the rezoning ordinance at its October 4, 2017 meeting. The second reading and adoption of the rezoning ordinance would complete the rezoning process.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The project supports one of the four core vision statements in the Vision Plan, "A Well-Planned City," which envisions "providing efficient services" as a "significant concern for a rapidly growing community," and "open communications between the community and City/County government and within those governments [as] vital to a healthy city." Rezoning and General

Plan conformance in advance of the development of the governmental campus directly supports this core vision statement.

FISCAL IMPACT:

None.

ATTACHMENTS:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP PREZONING APPROXIMATELY FORTY ACRES LOCATED AT THE SOUTHEAST CORNER OF TOZER STREET AND SUNRISE AVENUE TO THE PF (PUBLIC FACILITY) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

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 prezoning of this property and have determined that the proposed prezoning 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 Section 10-3.302, 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 prezoning is in the best interest of the City of Madera, and the Council hereby approves the prezoning based on the following findings:

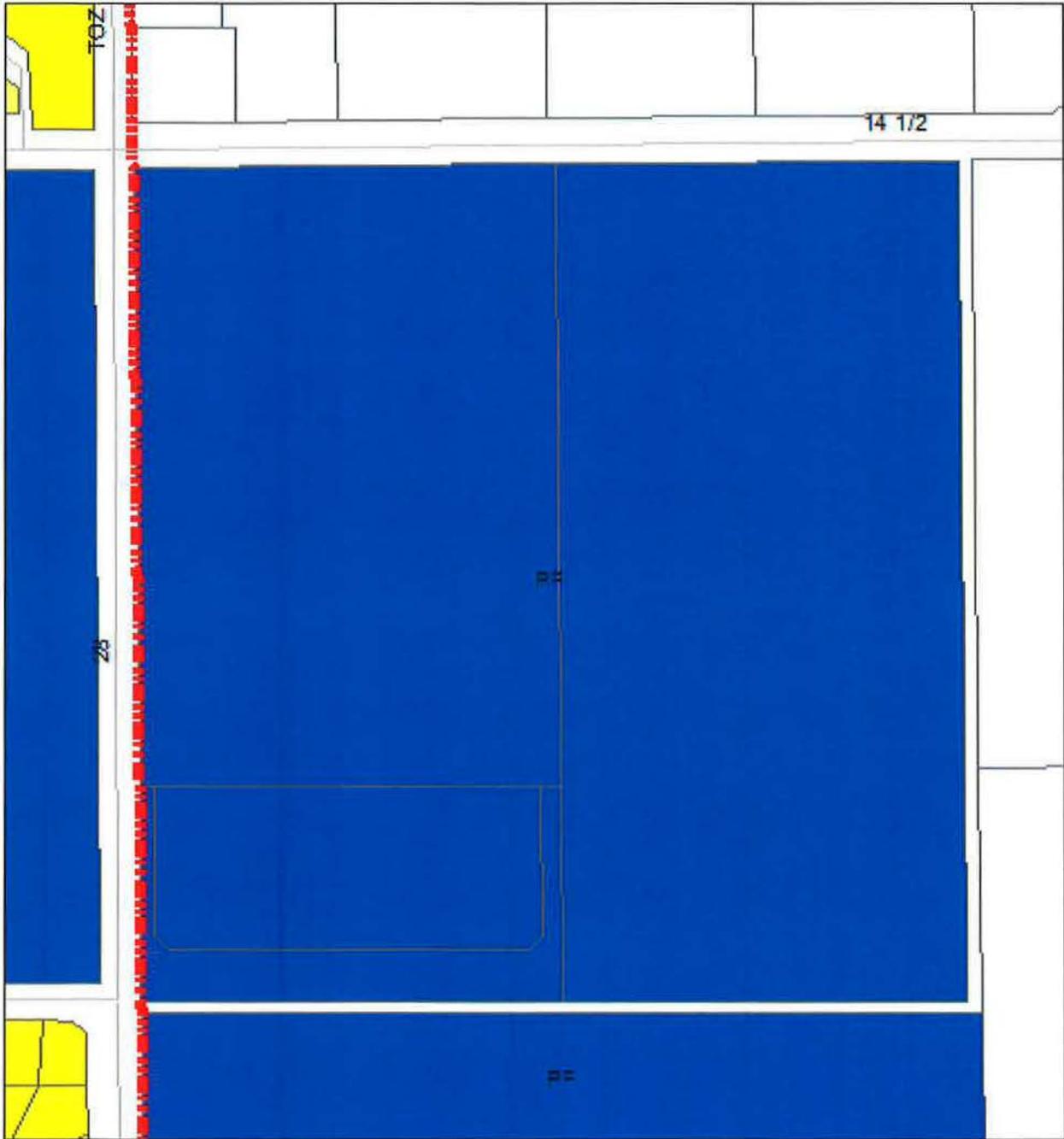
FINDINGS:

1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE.
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. THE CITY AGREES THAT NO SUBSEQUENT CHANGE MAY BE MADE TO THE GENERAL PLAN FOR THE ANNEXED TERRITORY OR ZONING THAT IS NOT IN CONFORMANCE TO THE PREZONING DESIGNATIONS FOR A PERIOD OF TWO YEARS AFTER THE COMPLETION OF THE ANNEXATION, UNLESS THE LEGISLATIVE BODY FOR THE CITY FINDS AT A PUBLIC HEARING THAT A SUBSTANTIAL CHANGE HAS OCCURRED IN CIRCUMSTANCES THAT NECESSITATES A DEPARTURE FROM THE PRE-ZONING IN THE APPLICATION TO THE COMMISSION.

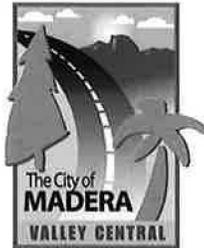
SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

EXHIBIT A



REPORT TO THE CITY COUNCIL

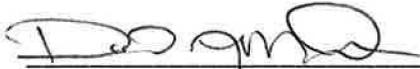


Groundwater Sustainability Agency

COUNCIL MEETING OF:
October 18, 2017

AGENDA ITEM NUMBER:
C-4

Approved By:


COMMUNITY DEVELOPMENT DIRECTOR


CITY ADMINISTRATOR

SUBJECT: Consideration of a Resolution Approving a Memorandum of Understanding with Respect to the Preparation of a Groundwater Sustainability Plan Within the Madera Subbasin and Authorizing the Mayor to Execute the Memorandum of Understanding on Behalf of the City.

RECOMMENDATION:

Staff recommends that the Council adopt a resolution approving the Memorandum of Understanding Addressing the Preparation of a Groundwater Sustainability Plan (GSP) Within the Madera Subbasin.

SUMMARY:

The City of Madera is one of seven agencies that have established a Groundwater Sustainability Agency (GSA) within the boundaries of Madera Groundwater Subbasin pursuant to the Sustainable Groundwater Management Act (SGMA). Six of those GSAs, including the City of Madera, have previously described their intention to work together to prepare a single Groundwater Sustainability Plan (GSP). In order to submit an application for grant funds to prepare the Plan, the six GSAs must formalize their intent to work together on the GSP by entering into a memorandum of understanding.

DISCUSSION:

In September of 2014, the Governor signed into law SB 1168, AB 1739, and SB 1319, known collectively as the Sustainable Groundwater Management Act (SGMA). SGMA established a framework for sustainable, local groundwater management and requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge. For the Madera Groundwater Subbasin, the formation of Groundwater Sustainability Agencies (GSAs) was required by 2017, and the preparation of a Groundwater Sustainability Plan (GSP) is required by 2020.

City's Previously Stated Preferences on SGMA Compliance Structures

In December of 2015, while local stakeholders were evaluating alternatives for complying with SGMA, the City Council reviewed alternatives for forming a GSA and preparing a GSP. At that meeting, the Council directed staff to provide notice to the other local stakeholders that it preferred a model whereby the City would establish itself as a GSA, and then work with other GSAs overlying the Madera Groundwater Subbasin on the preparation of a single GSP. That compliance model was also preferred by the majority of the other agencies that had the potential to form GSAs. In addition to the City of Madera, the other local agencies with the potential to establish GSAs included the following:

- Madera County
- Madera Irrigation District
- Madera Water District
- Gravelly Ford Water District
- Root Creek Water District
- New Stone Water District

City Groundwater Sustainability Agency (GSA) Formation

On August 17, 2016, the Madera City Council held a public hearing regarding the establishment of a GSA encompassing that portion of the Madera Subbasin lying within the City of Madera's city limits. After completing the hearing, the Council adopted Resolution 16-135 establishing the City of Madera Groundwater Sustainability Agency. After filing required materials with the State and undergoing a 90 day posting period, the City's status as a Groundwater Sustainability Agency became effective on February 16, 2017. Each of the agencies noted above also completed the process to become a GSA.

Preliminary Work on GSP

In 2016, Madera County received Proposition 1 grant funding to engage a consultant to begin work on preliminary tasks necessary to prepare a GSP and comply with SGMA, as follows:

1. Create a Hydro-geologic Conceptual Model of the Subbasin
2. Prepare a Conceptual Subbasin Water Budget Model and Time Period for Analysis
3. Identify Crucial Data Sets; Compile Existing Groundwater Data
4. Identify and Prioritize Data Gaps

While Madera County was the grant recipient and administered the consultant agreement, all of the GSAs in the Madera Subbasin worked to facilitate the completion of the preliminary project. The resulting work product is a technical memorandum prepared by the consultant in July of this year. The next segment of work will build off of this material. Using the remaining grant funds, the GSAs are now working to fill in some of the data gaps that were identified.

Memorandum of Understanding Under Consideration

A new application for Proposition 1 Funding to prepare the Groundwater Sustainability Plan is in the process of being completed. In order to submit that application, the six GSAs that are going to work together to prepare a single GSP need to enter into a memorandum of understanding to formalize the relationship. New Stone Water District, the GSA that has decided not to participate in the single GSP with the remaining entities, is not a party to the MOU and will prepare a separate GSP. The MOU focuses on cooperation between the parties to prepare the GSP, and specifies that individual GSAs do not forfeit their rights and authorities regarding implementation of the Plan nor do they give up any pre-existing powers they might have. The County will act as fiscal agent for any grant funds received and no local financial match is expected due to the disadvantaged status of the region. If a financial commitment is triggered later, the MOU will be amended or a new agreement will be created to address cost sharing.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 434 - Ensure continued water supplies to meet the demands of all Maderans through innovative reclamation, conservation and education on water-use.

FINANCIAL IMPACT:

There is no immediate financial impact associated with the proposed memorandum of understanding. If funding is required in the future, cost sharing language will be incorporated into an amended MOU or new agreement between the parties.

GSA Resolution No. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AS THE CITY OF MADERA
GROUNDWATER SUSTAINABILITY AGENCY ADOPTING THE MEMORANDUM OF
UNDERSTANDING WITH RESPECT TO THE PREPARATION OF A GROUNDWATER
SUSTAINABILITY PLAN WITHIN THE MADERA SUBBASIN

Whereas, in September of 2014, the Governor signed into law the Sustainable Water Management Act (SGMA), which imposes new requirements on local agencies focusing on sustainable groundwater management at the groundwater basin level; and

Whereas, the City of Madera adopted a resolution to establish the City of Madera Groundwater Sustainability Agency (GSA) on August 17, 2016 and became the exclusive GSA within its boundaries on February 16, 2017; and

Whereas, SGMA requires the adoption of a Groundwater Sustainability Plan (GSP) for the Madera Groundwater Subbasin by 2020; and

Whereas, the City of Madera GSA is one of six GSAs within the Madera Groundwater Subbasin which intend to work cooperatively to prepare a single GSP in order to comply with the requirements of SGMA; and

Whereas, the six GSAs intending to work together on a single GSP desire to enter into an agreement that provides for cooperation and collaboration as to preparation of the GSP and to facilitate the submittal of grant applications to obtain funding to complete the GSP.

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 Memorandum of Understanding with Respect to the Preparation of a Groundwater Sustainability Plan Within the Madera Subbasin, a copy of which is on file with the office of the City Clerk, is hereby adopted.
3. The Mayor is authorized to execute the Memorandum of Understanding on behalf of the City as the City of Madera Groundwater Sustainability Agency.
4. This resolution is effective immediately upon adoption.

* * * * *

**MEMORANDUM OF UNDERSTANDING
WITH RESPECT TO THE PREPARATION OF A GROUNDWATER
SUSTAINABILITY PLAN WITHIN THE MADERA SUBBASIN**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into the 1st day of November, 2017 (the “Effective Date”), by and among the Groundwater Sustainability Agencies of the COUNTY OF MADERA (“COUNTY”), the CITY OF MADERA (“CITY”), the MADERA IRRIGATION DISTRICT (“MID”), the ROOT CREEK WATER DISTRICT (“RCWD”), the MADERA WATER DISTRICT (“MWD”), and the GRAVELLY FORD WATER DISTRICT (“GFWD”), collectively hereinafter referred to as the “Parties.”

RECITALS

A. WHEREAS, on September 16, 2014, the Governor of the State of California signed the Sustainable Groundwater Management Act (“SGMA”) into law, consisting of Senate Bills 1168 and 1319, and Assembly Bill 1739 collectively, codified at Water Code Sections 10720 *et seq.*; and

B. WHEREAS, SGMA requires that California groundwater basins and subbasins be managed by a Groundwater Sustainability Agency (“GSA”) or multiple GSAs, and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (“GSP”) or multiple coordinated GSPs; and

C. WHEREAS, each of the Parties overlie the Madera Groundwater Subbasin (“Madera Subbasin”), as its boundaries are recognized by the California Department of Water Resources (“DWR”) in Bulletin 118 as groundwater subbasin number 5-22.06, and may be modified from time to time in accordance with Water Code section 10722.2; and

D. WHEREAS, each of the Parties is a GSA within the Madera Subbasin, and desires through this MOU to coordinate and mutually develop a single GSP for the Parties.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein and these Recitals, which are hereby incorporated herein by this reference, it is agreed by and among the Parties as follows:

1. **Objectives.** The objectives of the Parties in entering into this MOU are as follows:

(a) The Parties intend to work together in mutual cooperation to jointly develop a single GSP, in compliance with SGMA, for the sustainable management of groundwater within the Madera Subbasin.

(b) The Parties intend that implementation of the GSP will be defined in the GSP, or by separate agreement, which will supersede this MOU.

(c) The Parties intend to allow any individual Party to implement the GSP within its own boundaries, and intend to work together to coordinate such implementation in accordance with the requirements of SGMA.

(d) The Parties intend that nothing in this MOU will serve to limit, or otherwise interfere, with the respective Parties' rights and authorities over their own internal matters as recognized by SGMA including, but not limited to, a Party's rights as a GSA, its surface water supplies, groundwater supplies, facilities, operations, water management, water supply matters, or anything else limiting a Party's police powers under any other authority.

(e) Each Party acknowledges that SGMA provides that multiple GSAs within a given Bulletin 118 groundwater subbasin are required to use the same data and consistent methodologies for certain required technical assumptions when developing a GSP.

2. **Powers Reserved to the Parties.** Each of the individual Parties will have the sole and exclusive right, in their sole discretion, to:

(a) Function as a GSA within the Party's GSA boundaries, and/or a GSP "Management Area" managed in whole or in part by such Party.

(b) Exercise discretion as a GSA to approve the GSP prepared in accordance with this MOU as applicable to the Party's GSA boundaries, and/or the GSP Management Area managed in whole or in part by such Party acting as a GSA.

(c) At each individual Party's election, implement the GSP adopted by each individual Party pursuant to this MOU within the Party's GSA boundaries, and/or the GSP Management Area managed in whole or in part by such Party.

(d) Undertake special activities pursuant to the GSP developed. However, notwithstanding anything to the contrary in this MOU, no special activities pursuant to the GSP developed or adopted hereunder shall be undertaken within the geographic or service area boundaries of any Party unless that Party has formally and expressly consented and agreed to the activity proposed.

(e) Exercise the powers, without limitation, conferred to a GSA by SGMA.

3. **Administration.** With respect to the administration of this MOU, the Parties agree as follows:

(a) This MOU will not create a new entity with any new powers.

(b) The COUNTY shall act as the fiscal agent for any grant funds received on behalf of the Madera Subbasin for the preparation of the GSP.

(c) The intent is to form a Madera Subbasin Coordination Committee with the help of a DWR Facilitator. The COUNTY is currently working with DWR and such facilitation services are included within the scope of work with DWR.

(d) The understanding of the Parties is that there will be no requirement for matching funds by the Parties for the Proposition 1 grant that is being applied for by the Parties, through the County, because approximately 65% of the Madera Subbasin includes disadvantaged communities ("DACs"). Should this scenario change, or should the cost of the GSP exceed the

grant funding award for the Madera Subbasin, the Parties will amend this MOU or create a separate cost sharing agreement to address this issue.

4. **Term.** This MOU shall be effective as of the Effective Date, and shall remain in effect until all Parties have approved the GSP.

5. **Withdrawal.** A Party may, in its sole discretion, withdraw from this MOU upon 90 days written notice to the other Parties.

6. **Notices.** All notices required or permitted by this MOU shall be in writing, and may be delivered in person (by hand or by courier) or may be sent by regular, certified, or registered mail or U.S. Postal Service Express Mail, with postage prepaid, or by facsimile transmission, or by electronic transmission (email) and shall be deemed sufficiently given if served in a manner specified in this Section 6. The addresses and addressees noted below are that Party's designated address and addressee for delivery or mailing of notices.

- | | |
|------------|---|
| To COUNTY: | County of Madera
Max Rodriguez, Chairman
Board of Supervisors
200 W. Fourth Street
Madera, CA 93637 |
| To CITY: | City of Madera
Andy Medellin, Mayor
205 W. Fourth Street
Madera, CA 93637 |
| To MID: | Madera Irrigation District
Jim Erickson, President
12152 Rd 28 1/4
Madera, CA 93637 |
| To RCWD: | Root Creek Water District
Nick Bruno, President
P.O. Box 28548
Fresno, CA 93729 |
| To MWD: | Madera Water District
John Gies, General Manager
16943 Road 26
Madera, CA 93637 |
| To GFWD: | Gravelly Ford Water District
Don Roberts, General Manager
18811 Road 27
Madera, CA 93638 |

Any Party may, by written notice to another, specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, three (3) days after the postmark date. If sent by regular mail, the notice shall be deemed given forty-eight (48) hours after it is addressed as required in this section and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery to the Postal Service or courier. Notices transmitted by facsimile transmission or similar means (including email) shall be deemed delivered upon telephone or similar confirmation of delivery (confirmation report from fax machine is sufficient), provided a copy is also delivered via personal delivery or mail. If notice is received after 4:00 p.m. or on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

7. **Compliance with Laws.** In any action taken pursuant to this MOU, the Parties shall comply with all applicable statutes, laws, and regulations, specifically including, but not limited to, SGMA and its implementing regulations, as they now exist or as they may be amended or promulgated from time to time.

To the extent that this MOU conflicts with or does not accurately reflect any applicable statutes, laws, or regulations now existing or as amended or promulgated from time to time, the laws, statutes, and regulations shall govern. To the extent that any applicable statutes, laws, or regulations are amended or newly promulgated in such a manner that causes this MOU to conflict with, or no longer accurately reflect, such statutes, laws, or regulations, this MOU shall be modified, in writing, by all Parties, in order to comport with the newly amended or promulgated statutes, laws, or regulations.

8. **Entire Agreement.** This MOU and items incorporated herein contain all of the agreements of the Parties with respect to the matters contained herein, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.

9. **Amendments.** No provisions of this MOU may be amended or modified in any manner whatsoever except by an agreement in writing duly authorized by representatives of all Parties.

10. **Assignment.** The rights and obligations of the Parties under this MOU may not be assigned or delegated.

11. **Binding Effect.** This MOU shall apply to and bind successors, assignees, contractors, subcontractors, transferees, agents, employees, and representatives of the respective Parties hereto.

12. **Governing Law.** This MOU and all documents provided for herein and the rights and obligations of the Parties hereto shall be governed in all respects, including validity, interpretation and effect, by the laws of the State of California (without giving effect to any choice of law principles).

13. **Waiver.** The failure of any Party to insist on strict compliance with any provision of this MOU shall not be considered a waiver of any right to do so, whether for that breach or

any subsequent breach. The acceptance by any Party of either performance or payment shall not be considered to be a waiver of any preceding breach of the MOU by any other Party.

14. **Severability.** If any term or provision of this MOU is, to any extent, held invalid or unenforceable, the remainder of this MOU shall not be affected.

15. **Headings.** The subject headings of the sections of this MOU are included for purposes of convenience only and shall not affect the construction or interpretation of any of the provisions herein.

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16. **Counterparts.** This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the day and year first above written.

COUNTY OF MADERA

MADERA IRRIGATION DISTRICT

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

CITY OF MADERA

MADERA WATER DISTRICT

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

GRAVELLY FORD WATER DISTRICT

ROOT CREEK WATER DISTRICT

By: _____

By: _____

Name: _____

Name: _____

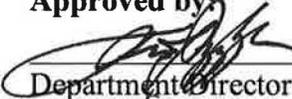
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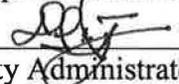


REPORT TO THE CITY COUNCIL AND TO THE MADERA PUBLIC FINANCING AUTHORITY

Approved by:



Department Director



City Administrator

Council Meeting of: October 18, 2017

Agenda Number: C-5

SUBJECT:

- A. Consideration of a Resolution of the City Council of the City of Madera Approving the Debt Management Policy (City)
- B. Consideration of a Resolution of the Madera Public Financing Authority Approving the Debt Management Policy (MPFA)

RECOMMENDATION:

- A. Council to adopt a Resolution of the City Council of the City of Madera approving the Debt Management Policy.
- B. MPFA Board to adopt a Resolution of the Board of Directors of the Madera Public Financing Authority approving the Debt Management Policy

BACKGROUND:

Government Code section 8855(i) requires an issuer of public debt to provide to the California Debt and Investment Advisory Commission ("CDIAC"), no later than 30 days prior to the sale of any debt issue, a report of the proposed issuance. Effective January 1, 2017, issuers must certify on the Report of Proposed Debt Issuance that they have adopted local debt policies concerning the use of debt and that the proposed debt issuance is consistent with those policies. The issuer's local debt policies must include (1) through (5), below.

1. The purposes for which the debt proceeds may be used.
2. The types of debt that may be issued.
3. The relationship of the debt to, and integration with, the issuer's capital improvement program or budget, if applicable.
4. Policy goals related to the issuer's planning goals and objectives.
5. The internal control procedures the City and Authority have implemented, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use.

ANALYSIS:

In addition to the requirement set forth by Government Code section 8855(i), it is prudent financial management for the City and Authority to adopt a debt management policy that sets parameters for issuing debt, managing the debt portfolio and provides guidance to decision makers. Adoption of the attached Debt Management Policy will help ensure that any City or Authority debt is issued and managed prudently to maintain a sound fiscal position.

The attached Debt Management Policy has been written to include all elements required by CDIAC as well as best management practices expected by the pertinent credit markets and municipal bond industry. This policy will assist the City and Authority in pursuing and maintaining quality credit ratings in addition to providing guidance to decision makers.

CONCLUSION:

Approval of the Resolutions by the City Council and the MPFA Authority will allow the City and Authority to be in compliance with the requirements of Government Code section 8855(i) prior to the issuance of any obligations.

FINANCIAL IMPACT: None

CONSISTENCY WITH THE VISION MADERA 2025 PLAN: Approval of this item is consistent with Strategy 115 of the Vision Plan - Economic Resource Provision: Ensure sufficient economic resources to provide adequate City services and prepare for future growth. It is also in line with funding core services as articulated by the Vision Madera 2025 Plan.

RESOLUTION NO. 17-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING THE DEBT MANAGEMENT POLICY**

WHEREAS, the City of Madera has prepared and submitted for the consideration by the City Council the Debt Management Policy;

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

1. The above recitals are true and correct.
2. The City of Madera City has caused to be prepared a Debt Management Policy, a copy of which is on file in the Office of the City Clerk, and incorporated herein by reference as if set forth in full, in order to comply with prudent financial management practices and to meet the requirements of California State Senate Bill 1029 (Chapter 307, enacted September 12, 2016).
3. The policy is intended to provide guidelines for the prudent issuance of debt.
4. The goal is to enhance the economic condition and ensure consistency with the planning goals and objectives, the approved capital improvement program and the adopted budget.
5. The Debt Management Policy, a copy of which is on file in the Office of the City Clerk and referred to for particulars, is hereby approved.
6. This resolution is effective immediately upon adoption.

* * * * *

CITY OF MADERA DEBT MANAGEMENT POLICY

This Debt Management Policy (the "Debt Policy") of the City of Madera was approved by the Madera City Council on October 18, 2017. The Debt Policy may be amended by the Madera City Council as the Council deems appropriate from time to time in the prudent management of the debt.

The Debt Policy has been developed to provide guidance in the issuance and management of debt and is intended to comply with Government Code Section 8855(i), which became effective on January 1, 2017.

1. Purpose

This Debt Policy shall govern all debt undertaken by the City of Madera (the "OBLIGOR"). The OBLIGOR hereby recognizes that a fiscally prudent debt policy is required to:

- Maintain a sound financial position.
- Ensure flexibility to respond to changes in future service priorities, revenue levels, and operating expenses.
- Protect credit-worthiness.
- Ensure that all debt is structured to protect both current and future taxpayers, ratepayers and constituents.
- Ensure that the debt is consistent with the planning goals and objectives, approved capital improvement program and adopted budget, as applicable.

2. Policies

A. Purposes For Which Debt May Be Issued

- (i) Long-Term Debt. Long-term debt may be issued to finance or refinance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and/or operated by the OBLIGOR.
 - (a) Long-term debt financings are appropriate when the following conditions exist:
 - When the project to be financed is necessary to provide basic services.
 - When the project to be financed will provide benefit to constituents over multiple years.
 - When total debt does not constitute an unreasonable burden to the taxpayers, ratepayers or constituents.
 - When the debt is used to refinance outstanding debt in order to

produce debt service savings or to realize the benefits of a debt restructuring.

- (b) Long-term debt financings will not generally be considered appropriate for current operating expenses and routine maintenance expenses.
- (c) The OBLIGOR may use long-term debt financings subject to the following conditions:
 - The project to be financed has been or will be approved by the governing body.
 - The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%, unless specific conditions exist that would mitigate the extension of time to repay the debt and it would not cause the OBLIGOR to violate any covenants to maintain the tax-exempt status of such debt, if applicable.
 - The OBLIGOR estimates that sufficient income or revenues will be available to service the debt through its maturity.
 - The OBLIGOR determines that the issuance of the debt will comply with the applicable requirements of local, state and federal law.
- (ii) Short-term debt. Short-term borrowing may be issued to provide financing for operational cash flow in order to maintain a steady and even cash flow balance. Short-term debt may also be used to finance short-lived assets or capital projects such as lease-purchase financing for equipment.
- (iii) Financings on Behalf of Other Entities. The OBLIGOR may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties to further the public purposes of the OBLIGOR. In such cases, the OBLIGOR shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with the policies set forth herein.

B. Types of Debt

In order to maximize the financial options available to benefit the public, it is the policy of the OBLIGOR to allow for the consideration of issuing all generally accepted types of debt, including, but not exclusive to the following:

- Revenue Bonds: Revenue Bonds are limited-liability obligations tied to a specific enterprise or special fund revenue stream where the projects financed clearly benefit or relate to the enterprise or are otherwise permissible uses of the special revenue. An example of projects that would be financed by a Revenue Bond would be water or wastewater improvements, which would be paid back with money raised from rates and charges from water and/or wastewater users. Generally, no voter approval is required to issue this type of obligation, but in some cases the OBLIGOR must comply with proposition 218 regarding rate adjustments.

- Lease Revenue Bonds: Issuance of Lease Revenue Bonds is a commonly used form of debt that allows the OBLIGOR to finance projects where the debt service is secured via a lease agreement and where the payments are budgeted in the annual budget appropriations. Lease Revenue Bonds do not constitute indebtedness under any constitutional debt limit and do not require voter approval.
- Special Assessment/Special District Debt: The OBLIGOR will consider duly filed petitions and other requests from interested parties for the use of debt financing secured by property based assessments or special taxes in order to provide for necessary infrastructure for new development or in connection with any duly authorized annexation or other process that extends the service area of the OBLIGOR, but only under strict guidelines adopted by the governing body, which may include, without limitation, minimum value-to-lien ratios and maximum tax burdens. Examples of this type of debt are Assessment Districts (AD) and Community Facilities Districts (CFD, more commonly known as Mello-Roos Districts). To protect bondholders as well as the reputation and credit rating of the OBLIGOR, the OBLIGOR will also comply with all State guidelines regarding the issuance and administration of special tax or special assessment debt. Under no circumstances shall any special tax or special assessment be determined or changed with reference to the value of the property subject to any tax or assessment.
- Bond or Grant Anticipation Notes: Bond or Grant Anticipation Notes are short-term debt obligations that are issued to generate funds for upcoming projects or to delay a bond issue with the expectation that the Bond or Grant Anticipation Notes will be payable from the proceeds from the sale of the bonds or from grant proceeds. Bond or Grant Anticipation Notes may be issued to preserve the long-term financing options of the OBLIGOR in the interest of its taxpayers, ratepayers and constituents and to manage the capital project financing needs of the OBLIGOR during periods of instability in the financial markets.
- Clean Water State Revolving Funds ("SRF"), Infrastructure Bank ("I-Bank") or United States Department of Agriculture ("USDA") loans: The SRF loan program was established by the federal Clean Water Act to finance the protection and improvement of water quality. The I-Bank was established to provide low cost borrowing to applicants. The USDA offers a loan program for disadvantaged communities. The OBLIGOR may apply to the State, the I-Bank or USDA for the financing of capital project needs. SRF, I-Bank and USDA loans should be compared to other types of borrowings due to their relatively low transaction cost.
- Direct Placements and Equipment Leases: Direct Placements and Equipment Leases are non-public, negotiated transactions with commercial banks, commercial equipment leasing companies and institutional or accredited investors. Direct Placements and Equipment Leases should be compared to other types of borrowings due to their relatively low transaction cost.

The OBLIGOR may from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such debt without an amendment of this Debt Policy.

Debt shall be issued at fixed interest rates unless the OBLIGOR makes a specific determination that a variable interest rate issue will benefit the OBLIGOR. Debt other than Direct Placements and Equipment Leases shall be issued at negotiated or competitive sale, as determined to be beneficial by the OBLIGOR under the facts and circumstances of each transaction.

C. Relationship of Debt to, and Integration With Capital Improvement Program and Budget

The OBLIGOR intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in its capital budget and capital improvement plan.

The OBLIGOR shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues. The OBLIGOR shall seek to avoid the use of debt to fund infrastructure and facility improvements that are the result of normal wear and tear, unless a specific revenue source has been identified for this purpose.

The OBLIGOR shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the public purposes.

The OBLIGOR shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its general fund.

D. Policy Goals Related to Planning Goals and Objectives

The OBLIGOR is committed to financial planning, maintaining appropriate reserve levels and employing prudent practices in governance, management and budget administration. The OBLIGOR intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the approved annual budget.

It is a policy goal of the OBLIGOR to protect taxpayers, ratepayers and constituents by utilizing conservative financing methods and techniques and to obtain the highest practical credit ratings and the lowest practical borrowing costs.

The OBLIGOR will comply with applicable local, state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.

When refinancing debt, it shall be the policy goal of the OBLIGOR to realize, whenever possible, and subject to any overriding non-financial policy considerations, a minimum net present value debt service savings equal to or greater than 3% of the refunded principal amount.

E. Internal Control Procedures

When issuing debt, in addition to complying with the terms of this Debt Policy, the OBLIGOR shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds.

The OBLIGOR will periodically review the requirements of and will remain in compliance with the following:

- any continuing disclosure undertakings under SEC Rule 15c2-12,
- any federal tax compliance requirements, including without limitation arbitrage and rebate compliance, related to any prior bond issues, and
- the investment policies of the OBLIGOR as they relate to the investment of bond proceeds.

The OBLIGOR shall be attentive in using bond proceeds in accordance with the stated purpose at the time that such debt was issued. Whenever practical, proceeds of debt will be held by a third-party corporate bank trustee, and the OBLIGOR will submit written requisitions for such proceeds. The OBLIGOR will submit a requisition only after obtaining the signature of the City Administrator or Director of Financial Services / Treasurer.

In those cases where it is not practical for the proceeds of debt to be held by a third-party corporate bank trustee, the Director of Financial Services / Treasurer or their appointee shall retain the records of all expenditures of the proceeds through the final payment date for the debt and for any additional period required under applicable federal tax regulations.

Without limitation on the foregoing, the OBLIGOR shall adopt and administer detailed federal tax compliance policies, conforming to then-current federal tax laws and regulations, and specific to each transaction in which interest payments made by the OBLIGOR are excluded from gross income for federal income tax purposes. Said adoption shall be evidenced by the adoption of one or more resolutions authorizing and approving the transaction and the documents to be executed and delivered by the OBLIGOR in the transaction.

F. Waivers of Debt Policy

- There will be circumstances from time to time when strict adherence to a provision of this Debt Policy is not possible or not in the best interest of the OBLIGOR.
- If the OBLIGOR Staff has determined that a waiver of one or more provisions of this Debt Policy should be considered, staff will prepare an analysis for the governing body describing the rationale and the impact of the waiver on the proposed debt issuance.
 - Provisions of this Debt Policy may be waived by the approval of the governing body.
- The failure of a debt financing to comply with one or more provisions of this Debt Policy shall in no way affect the validity of any debt issued by the OBLIGOR in accordance with applicable laws.

MPFA RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MADERA PUBLIC FINANCING
AUTHORITY
APPROVING THE DEBT MANAGEMENT POLICY**

WHEREAS, the City of Madera has submitted for the consideration by the Board of Directors of the Madera Public Financing Authority the Debt Management Policy;

NOW, THEREFORE, THE MADERA PUBLIC FINANCE AUTHORITY HEREBY FINDS RESOLVES AND ORDERS AS FOLLOWS:

1. The above recitals are true and correct.
2. The Executive Director of the Authority has caused to be prepared a Debt Management Policy, a copy of which is on file in the office of the City Clerk, and incorporated herein by reference as if set forth in full, in order to comply with prudent financial management practices and to meet the requirements of California State Senate Bill 1029 (Chapter 307, enacted September 12, 2016).
3. The policy is intended to provide guidelines for the prudent issuance of debt.
4. The goal is to enhance the economic condition and ensure consistency with the planning goals and objectives, the approved capital improvement program and adopted budget.
5. The Authority does hereby approve the Debt Management Policy, a copy of which is on file in the office the City Clerk and referred to for particulars.
6. This resolution is effective immediately upon adoption.

* * * * *

THE MADERA PUBLIC FINANCING AUTHORITY DEBT MANAGEMENT POLICY

This Debt Management Policy (the "Debt Policy") of the Madera Public Financing Authority was approved by the Board of Directors of the Madera Public Financing Authority on October 18, 2017. The Debt Policy may be amended by the Board as the Board deems appropriate from time to time in the prudent management of the debt.

The Debt Policy has been developed to provide guidance in the issuance and management of debt and is intended to comply with Government Code Section 8855(i), which became effective on January 1, 2017.

1. Purpose

This Debt Policy shall govern all debt undertaken by the Madera Public Financing Authority (the "OBLIGOR"). The OBLIGOR hereby recognizes that a fiscally prudent debt policy is required to:

- Maintain a sound financial position.
- Ensure flexibility to respond to changes in future service priorities, revenue levels, and operating expenses.
- Protect credit-worthiness.
- Ensure that all debt is structured to protect both current and future taxpayers, ratepayers and constituents.
- Ensure that the debt is consistent with the planning goals and objectives, approved capital improvement program and adopted budget, as applicable.

2. Policies

A. Purposes For Which Debt May Be Issued

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- When the debt is used to refinance outstanding debt in order to produce debt service savings or to realize the benefits of a debt restructuring.
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- (c) The OBLIGOR may use long-term debt financings subject to the following conditions:
- The project to be financed has been or will be approved by the governing body.
 - The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%, unless specific conditions exist that would mitigate the extension of time to repay the debt and it would not cause the OBLIGOR to violate any covenants to maintain the tax-exempt status of such debt, if applicable.
 - The OBLIGOR estimates that sufficient income or revenues will be available to service the debt through its maturity.
 - The OBLIGOR determines that the issuance of the debt will comply with the applicable requirements of local, state and federal law.
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B. Types of Debt

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obligation, but in some cases the OBLIGOR must comply with proposition 218 regarding rate adjustments.

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C. Relationship of Debt to, and Integration With Capital Improvement Program and Budget

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The OBLIGOR shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues. The OBLIGOR shall seek to avoid the use of debt to fund infrastructure and facility improvements that are the result of normal wear and tear, unless a specific revenue source has been identified for this purpose.

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The OBLIGOR shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its general fund.

D. Policy Goals Related to Planning Goals and Objectives

The OBLIGOR is committed to financial planning, maintaining appropriate reserve levels and employing prudent practices in governance, management and budget administration. The OBLIGOR intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the approved annual budget.

It is a policy goal of the OBLIGOR to protect taxpayers, ratepayers and constituents by utilizing conservative financing methods and techniques and to obtain the highest practical credit ratings and the lowest practical borrowing costs.

The OBLIGOR will comply with applicable local, state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.

When refinancing debt, it shall be the policy goal of the OBLIGOR to realize, whenever possible, and subject to any overriding non-financial policy considerations, a minimum net present value debt service savings equal to or greater than 3% of the refunded principal amount.

E. Internal Control Procedures

When issuing debt, in addition to complying with the terms of this Debt Policy, the OBLIGOR shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds.

The OBLIGOR will periodically review the requirements of and will remain in compliance with the following:

- any continuing disclosure undertakings under SEC Rule 15c2-12,
- any federal tax compliance requirements, including without limitation arbitrage and rebate compliance, related to any prior bond issues, and
- the investment policies of the OBLIGOR as they relate to the investment of bond proceeds.

The OBLIGOR shall be attentive in using bond proceeds in accordance with the stated purpose at the time that such debt was issued. Whenever practical, proceeds of debt will be held by a third-party corporate bank trustee, and the OBLIGOR will submit written requisitions for such proceeds. The OBLIGOR will submit a requisition only after obtaining the signature of the Executive Director or Director of Financial Services / Treasurer.

In those cases where it is not practical for the proceeds of debt to be held by a third-party corporate bank trustee, the Director of Financial Services / Treasurer or their appointee shall retain the records of all expenditures of the proceeds through the final payment date for the debt and for any additional period required under applicable federal tax regulations.

Without limitation on the foregoing, the OBLIGOR shall adopt and administer detailed federal tax compliance policies, conforming to then-current federal tax laws and regulations, and specific to each transaction in which interest payments made by the OBLIGOR are excluded from gross income for federal income tax purposes. Said adoption shall be evidenced by the adoption of one or more resolutions authorizing and approving the transaction and the documents to be executed and delivered by the OBLIGOR in the transaction.

F. Waivers of Debt Policy

- There will be circumstances from time to time when strict adherence to a provision of this Debt Policy is not possible or not in the best interest of the OBLIGOR.
- If the OBLIGOR Staff has determined that a waiver of one or more provisions of this Debt Policy should be considered, staff will prepare an analysis for the governing body describing the rationale and the impact of the waiver on the proposed debt issuance.
 - Provisions of this Debt Policy may be waived by the approval of the governing body.
- The failure of a debt financing to comply with one or more provisions of this Debt Policy shall in no way affect the validity of any debt issued by the OBLIGOR in accordance with applicable laws.



Quarter 1, 2017

WWW.MIDVALLEYDISPOSAL.COM

15300 W JENSEN AVE. KERMAN, CA 93630

559.237.9425

CLEAN UP 2017 EVENT RESULTS

This event lasted a total of 27 days. A few days it rained made it difficult for cleanup crew. All in all they did a great job!!

MATERIAL	WEIGHT (lbs)
REFUSE	3,040,480
METAL	146,100
E-WASTE	6,920
MATTERESS DIVERTED	600+

PARKWOOD PRESENTATION

During the month of February, Mid Valley Disposal's Recycling Coordinator conducted a presentation at Parkwood Elementary after-school program. Over 100 students grades K-6 enjoyed learning about the importance of recycling and composting. Parkwood Elementary is one of our pilot schools for composting—they are off to a great start!

EARTH DAY

Earth Day 2017 at Centennial Garden was a blast! We had about 25 families with their children attend. They played the Guessing Game which was a huge hit. Attendees learned the importance of recycling and composting. Most of the kids went to George Washington Elementary, soon on our list for composting. They were excited to know they will be the first to learn before the program becomes implemented.



Clean Up 2017



Parkwood



Earth Day

ORGANICS

April was a great month for teaching and learning about organics implementation. The Vineyard Restaurant has been looking forward to our organics program for a few years. I was able to give a presentation to 8 kitchen staff members. Black Bear Diner was also eager and ready to learn more about organics. A group of 30 employees from Black Bear Diner completed the training program for organics. \$5 Starbucks card was given to all who answered questions correctly —great questions and a fun time! At Rancho San Miguel, our Recycling Coordinator completed 3 training classes for organics. Swag was given to employees that answered questions correctly and a raffle was held to conclude all the fun!!! All together we were able to reach 80+ employees about organics and the correct way to recycle.

1st Quarter Tonnage Report

	Residential	Commercial
Recycling	924	461
Green Waste	2205	24
Refuse	3916	3842
Total Diversion	44%	11%



GREEN LIVING

Quarter 2, 2017

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15300 W JENSEN AVE. KERMAN, CA 93630

559.237.9425

EARTH DAY AT CESAR CHAVEZ

Mid Valley Disposal's Recycling Coordinator, Annette, conducted presentations at Cesar Chavez Elementary. Mrs. Vasquez's pre-school classes learned that everyday should be Earth Day. Students were taught the "Recycle" song and played the guessing game. To conclude both presentations, all 43 pre-schoolers planted flowers. What a wonderful day—way to go Mrs. Vasquez!

BUSINESS EXTRAVAGANZA AND HOME SHOW

Our team had the opportunity to attend Madera's Business Extravaganza. Recycling Coordinator's main focus this year was contamination. Having a picture of our equipment played a good role informing them of issues we are having. We had kids play the guessing game "Where Do They Go". One student from Cesar Chavez Elementary School did a great job placing all items in their correct spot! Cesar Chavez is one of our organics pilot program schools. An estimated 1200+ residents attended this event—great turnout! Our outreach will be focused on going back to basics with recycling teaching residents the proper way to recycle.



Cesar Chavez



Business Extravaganza



Commercial Load

LOAD CHECKS

The recycling in most of our servicing cities is plagued by contamination. To ensure that our loads are clean our team will be conducting load checks. During the month of April, a lot of trash and Styrofoam was found in MVD residential recycle loads. A load check for Madera's commercial sector was conducted during the month of May. Contamination was found in the middle of loads and according to our driver the labels on the boxes of the bad load came from Madera Housing Authority. MVD's Recycling Coordinator gave the multi-family a call and sent them the pictures. Our team will be revisiting this location and distributing educational flyers. All in all the contamination was very minimal. More outreach is needed so that residents are made aware of what is not acceptable.

2nd Quarter Tonnage Report

	Residential	Commercial
Recycling	851	402
Green Waste	2222	32
Refuse	3988	3495
Total Diversion	43%	11%



REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF October, 18, 2017

AGENDA ITEM NUMBER E-1

APPROVED BY:

Luette Frabeto
GRANTS ADMINISTRATOR

[Signature]
CITY ADMINISTRATOR

SUBJECT:

CITY OF MADERA TRANSIT UPDATES FOLLOWING JUNE 2017 WORKSHOP

RECOMMENDATION:

Staff recommends that Council review updates to the City of Madera transit system and provide any additional direction or feedback that Council finds essential to continue to improve its services.

DISCUSSION:

Since receiving Council direction and feedback during the June 21, 2017 transit workshop, aimed at improving City of Madera transit services, staff have been planning, developing, and implementing Council's recommendations. The table below provides a quick update on the status of the implementation of Council's recommendations.

Topic	Update
<p>1. Technology</p>	<ul style="list-style-type: none"> - Residents and passengers can access online directions to bus stops for MAX using Google Maps. - Staff did demo of Simpli Software on 10/13/17. - Simpli Software hardware installation has been completed in 8 buses for Dial-A-Ride and goes live on 10/27/17. - Staff have begun development of a Technology Plan as part of the Asset Management Planning process.
<p>2. Partnership with MUSD for CNG Usage</p>	<ul style="list-style-type: none"> - First class of drivers trained on 10/6/17, and now able to access CNG pumps for fueling. - Additional class for remaining drivers will take place before December 2017.

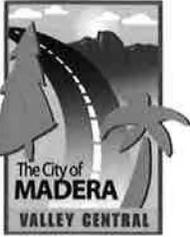
3. In-Service Training	<ul style="list-style-type: none"> - Madera PD provided Verbal Judo Training on 08/15/17 to help drivers learn effective strategies when dealing with aggressive and dangerous passengers. - All Dispatchers have completed portions of the 10 interactive courses of Skillport Online Customer Service Training. - Staff and Operations Assessment completed by Western Regional Operations Manager. - Scheduling all-staff Customer Service Training based on assessment of specific needs to take place during fall 2017. (Assessment has been completed and curriculum is being developed)
4. Transit Fares	<ul style="list-style-type: none"> - Transit Advisory Board reviewed, researched and discussed how Madera transit fares compare to other valley communities. - TAB agenda for its 10/18/17 meeting includes discussion to recommend that Council hold a public hearing to request increases to DAR and MAX fares, which have not been increased since the inception of services in 1999.
5. Proclamation for Loretta Castro	<ul style="list-style-type: none"> - To take place during 10/18/17 Council meeting.
6. Public Outreach /Communication	<ul style="list-style-type: none"> - Staff has completed an assessment of current brochure, marketing materials. - Madera College representatives shared sample marketing materials to promote the new fixed route to the college. - TAB committee has agreed to ask local high school students to provide suggestions for a new MAX logo.
7. Bus Acquisition	<ul style="list-style-type: none"> - Staff have secured quotes for the nine buses to be purchased. - Staff have completed CalTrans/MBTA Joint Procurement Purchasing Worksheets and are awaiting opening of FTA grant system to begin utilization of pre-award authority for the first two buses to be purchased.
8. College Route Expansion	<ul style="list-style-type: none"> - On 09/11/17, staff met with City College representatives and outlined plan for January 2018 launch. - Soft launch scheduled for January 2018 during an event called Extreme Registration for the Winter Semester.
9. New Transit Facility	<ul style="list-style-type: none"> - Completion of design is underway, and anticipate a 100% design completion by November 2017. - Following bid process, construction is anticipated to begin no later than spring 2018.

FINANCIAL IMPACT:

The implementation of Council's recommendations for transit services do not impact the General Fund because all of the transit projects are funded by Federal, State and Local Transportation Fund sources which are not part of the General Fund.

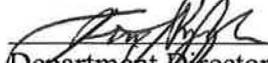
VISION MADERA 2025 ACTION PLAN CONSISTENCY:

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.

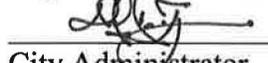


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Administrator

Council Meeting of: October 18, 2017

Agenda Number: E-2

SUBJECT: Quarterly Budget Review and Expenditure Reduction Recommendations

RECOMMENDATION: Council to accept the Quarterly Budget Report as presented and provide staff with direction regarding the proposed expenditure reductions.

INTRODUCTION: The report presented for Council consideration contains both a quarterly budget update and a series of recommendations for reduction of the General Fund Budget Deficit. The recommended reductions are driven by what may be characterized as a public employee pension crisis.

Council is intimately familiar with the underlying facts. Council received a public presentation and has been provided ongoing communications describing League of Cities efforts to achieve pension reform, the impacts on other cities, and the potential impacts on Madera's service delivery plan. The public and many of the city's employees are not as familiar with the challenges the State, cities, counties, and special districts face due to pension cost increases. The balance of this introduction will provide a general discussion as background.

Public employee pension crisis

The public employee pension crisis is one shared across much of the United States and even internationally. This same conversation is taking place in Australia. While there is room for informed debate it may be argued government has overpromised on its ability to pay for many of the pension plans it has approved.

The cost of pensions has been a factor in both municipal bankruptcies as well as reductions in services provided. Between 2008 and 2013 Oakland actively discussed bankruptcy and reduced its workforce by 16 percent; Atlantic City has had its municipal operations taken over by the New Jersey Local Finance Board; Detroit filed for Chapter 9 bankruptcy in 2013; Central Falls, Rhode Island filed bankruptcy in 2011; and Desert Hot Springs, Mammoth Lakes, Stockton, and Vallejo have all filed for bankruptcy in California. Since 2010 there have been 61 filings for municipal bankruptcy in the United States. While the reasons for bankruptcy vary from one

jurisdiction to another the cost of pensions is an often-identified factor in expenses that are outpacing revenues.

A 2016 Hoover Institute study stated, "While state and local government across the US largely claimed they ran balanced budgets, in fact they ran deficits through their pensions systems of \$167 billion." The study goes on to observe that almost every State and local government has an unbalanced budget due to "runaway pension fund costs that are continually chipping away at already inadequate budgets."

Finally, there is a parallel and largely unrecognized crisis in promises made to public employees for lifetime health care. Many local governments have promised "lifetime health care" for employees who retire with 20, 10, or even 5 years of service. Estimates place the nation-wide costs of these unfunded liabilities at *three to four times the costs of unfunded pension liabilities*. This will push many, many local governments into bankruptcy sooner rather than later. Fortunately, Madera has avoided this trap.

California Pensions

The California Public Employees Retirement System (PERS) is the second largest retirement system in the United States with over \$300 billion in assets and nearly 2 million members. It ranks only behind the Social Security System in size. The seeds of the California pension crisis were planted in 1999 when then Governor Gray Davis signed legislation that gave prison guards, Cal State professors, and other State employees enhanced retirement plans. Legislation followed soon thereafter providing similar plans for local government. Proponents and PERS analysts argued there would be no additional costs to taxpayers because at that time the pension system was "super-funded," meaning PERS investments and anticipated growth in those investments would cover the future costs. They were off by billions of dollars. The new plans provided both new levels of benefits to those hired after the date of adoption *as well as* benefits retroactively to those already in the system. The retroactive features of the new plans created an immediate, unfunded liability. While the City initially participated in these enhanced benefits beginning in the early 2000s, the City took action to lower its pension benefits for new hires in 2012.

The PERS funding plan for many years included an assumed rate of return of 7.5 %. While PERS beat that assumed investment return in the 1990's, the recession of 2007 served as a wake-up call. PERS experienced an investment loss of a little more than \$56 billion, almost 24% of its total portfolio. There was resistance to lowering the assumed return on investment because it would require increased contributions from PERS members. The failure to increase contribution rates *increased* unfunded liabilities. The PERS board waited fully 6 years before implementing a phased increase in member contributions over a five-year period. *To this day some members of the PERS Board remain in denial and are calling for new, enhanced retirement plans.* In December 2016, the PERS Board voted to decrease the assumed return on investment from 7.5% to 7.0% over a five-year period. This created a corresponding increase in member contribution rates. The projected impact on Madera and a comparative with other cities is shown below. Of very real concern is that many analysts believe the assumed rate of return on investments should be 4% as opposed to the 7% figure PERS has proposed.

As can be seen on the following chart, Madera is not alone in its CalPERS situation. NHA Advisors provided the comparative information below and calculates the City's increase to be about 71%, compared to our estimated 68.5%. Staff will discuss these calculation differences with NHA after the completion of this staff report.

Comparison of CalPERs Payment Increases			
City Name	Increases in Total Payment*		
	FYE 2023	FYE 2026	FYE 2030
Madera (NHA Model)	71%	66%	76%
Madera (City Model)	68%	N/A	N/A
Alameda	81%	94%	111%
American Canyon	72%	59%	69%
Arcata	51%	65%	78%
Benicia	79%	92%	109%
Corning	86%	99%	109%
El Centro	32%	43%	55%
Galt	62%	55%	65%
Hayward	69%	85%	102%
Lakeport	42%	51%	55%
National City	75%	88%	103%
Newark	78%	93%	112%
Oxnard	72%	83%	94%
San Carlos	37%	32%	30%
Scotts Valley	57%	45%	58%
Upland	66%	84%	89%
Victorville	71%	83%	96%
Average	65%	72%	83%

*Percent increases relative to FYE 2018 payment

Note: NHA Advisors, LLC is a Municipal Advisor, not a registered actuary, and therefore all projections are "best estimates". Projections based upon CalPERS actuarial reports and inclusive of discount rate reduction and recent investment performance.

Madera

Madera has largely been successful in limiting the impacts felt by this crisis. The recent change in the assumed rate of return on PERS investments and the possibility that they may lower that factor even further should however be considered game changers.

Added to other anticipated cost increases, our long term financial projections suggest a 2018-19 operating loss in excess of \$2 million in the City's General Fund. Depending on any number of other factors – collective bargaining, a recession, changes in State or Federal legislation – that number could be more or less than our early projection. Yes, the City has a "rainy day fund" of over \$13 million in General Fund reserves. That money is set aside for cash flow and catastrophic events and should only be utilized in compliance with the General Fund Reserve Policy adopted by Council. But operating losses only increase over time unless proactively

addressed. The lessons from Vallejo, Stockton, San Bernardino, and Desert Hot Springs should not be lost on Madera’s decision makers.

The City’s flexibility to deal with these changes has obviously changed over time. By necessity the City has tightened up its budgets. As demonstrated in the following table for many years we were able to underspend our budgets and eliminate operating losses. That is no longer the case. The table on the following page demonstrates how the City of Madera has come much closer to its budget projections over the past two fiscal years than it had in the previous six fiscal years.

General Fund Expenditure History, Excluding CDBG

Year	Budget	Actual	% Expended
2017	32,901,868	32,365,309	98.4%
2016	32,778,467	32,801,512	100.1%
2015	31,187,844	29,123,391	93.4%
2014	28,448,615	27,228,712	95.7%
2013	27,428,578	26,558,652	96.8%
2012	29,037,660	26,748,446	92.1%
2011	30,828,959	28,909,604	93.8%
2010	30,437,509	28,951,922	95.1%

Until the courts provide relief from prior decisions that limit pension reform; until the Legislature provides authority for pension reform *after the courts act*; and until the City and its collective bargaining units find a common agreement on pensions after the courts and State act; Madera must necessarily be in the business of reducing expenses.

The recommendations provide a guide for initial steps; subsequent steps, including significant reorganization of City functions, should be considered no later than the first quarter of 2018.

QUARTERLY BUDGET UPDATE:

The purpose of a Quarterly Budget Report is to measure how well the City departments are doing within their operational budgets and to determine if any budget adjustments are necessary for them to complete the fiscal year within budget. At this early point in the fiscal year, staff has reviewed the City’s revenues and expenditures and found the departments appear to be performing within their respective expenditure budgets overall. The Mid-Year Budget Report will provide a much better picture of how we expect to perform for the entire fiscal year.

GENERAL FUND	Budget	YTD Actual	
Total Revenue	-37,611,653	-4,699,410	12.5%
M&O	12,624,229	1,646,598	13.0%
Salaries & Benefits	22,644,463	5,544,097	24.5%
Capital Outlay	4,047,499	14,427	0.4%
Total Expenditures	39,316,191	7,205,122	18.3%
Total Deficit/(Surplus)	1,704,538	2,505,712	

At this time, the City of Madera General Fund revenues for the first quarter of Fiscal Year 2017/2018 stand at approximately 12.5% of the annual budget and expenditures are approximately 18.3% of budget, with expenditures exceeding revenues by \$2.5 million. Although one might expect revenues and expenditures to be at approximately 25% for the first quarter, General Fund revenues do not flow in on a steady monthly basis. For example, Property Tax revenues are received around February and June and Sales Tax revenues for each month are received roughly two to three months after the month's end. The City's General Fund Reserve Policy calls for 15% of its operational budget to be set aside for cash flow purposes to help cover the first two quarters of the fiscal year.

The lag in expenditures is primarily due to capital projects that have not been completed yet. Because it can take up to three months for some bills to be received and processed by Accounts Payable, there is likely a substantial amount of Maintenance and Operations (M&O) and Capital Outlay expenditures for the first quarter of Fiscal Year 2017/2018 that have not been recorded or paid at the time of this report. When staff completes the Mid-Year Budget Report, anticipated in February or March, accruals will be made and more meaningful comparisons between budget and actual revenues and expenditures will be presented. With this report being prepared only one week after the end of the first quarter of the fiscal year, the figures included are very preliminary. Unlike Capital Outlay and M&O, Salaries and Benefits are processed and paid within a week of being due and they appear to be tracking according to budget at this time.

The General Fund budget projections for Fiscal Year 2017/2018 still appear to be reasonable, given the information that we have at this time. In other words, without further budget reductions, the City of Madera's General Fund may realize a \$1.7 million reduction in Fund Balance during Fiscal Year 2017/2018. This will be discussed in further detail in the General Fund Expenditure Reductions section, beginning on the next page of this report.

MAJOR ENTERPRISE FUNDS (Water, Sewer and Solid Waste)

	Budget	YTD Actual	
Total Revenue	(25,831,617.39)	(7,385,324.97)	28.6%
M&O	17,648,458	2,276,071	12.9%
Salaries & Benefits	6,366,984	1,436,114	22.6%
Capital Outlay	10,813,600	81,266	0.8%
Total Expenditures	34,829,042	3,793,451	10.9%
Total Deficit/(Surplus)	8,997,424	-3,591,874	

At the end for the first quarter of Fiscal Year 2017/2018, the City's Major Enterprise Funds' revenues stood at approximately 28.6% of the annual budget and expenditures were approximately 10.9% of budget. Revenues are tracking slightly higher than 25% at the end of the first quarter, due to the first three months of the fiscal year being the hottest months of the year, which results in higher than average Water revenue. The Water revenues currently reflect 32.9% of the annual projection. The Major Enterprise Fund expenses are well below 25%, due primarily to capital projects which have not been completed and to delayed billing (as discussed under the General Fund section).

During the mid-year budget review process, staff and the City Council will develop a much better review of the adequacy of the Enterprise Fund budgets. However, at this point, assuming that the capital projects are completed in a timely manner, staff anticipates that the Enterprise Funds will perform closely to their respective budgets.

GENERAL FUND EXPENDITURE REDUCTIONS:

During the final presentation of the City of Madera 2017/2018 Budget, staff and the City Council reviewed a proposed General Fund budget with a \$1.7 million reduction to the General Fund's fund balance. After backing out one-time expenditures of about \$393,000 related to capital outlay for a new fire truck and the implementation of our new ERP system (Tyler Munis), we were left with a projected "operational" deficit of about \$1.3 million. To help bridge that deficit for FY 2017/2018, it was agreed that we would draw down \$400,000 of Measure K reserves for public safety expenses, which left us with a projected deficit of just over \$911,000. At that time, Council and staff agreed that we would work diligently together to identify further cost-saving measures.

The following section of this report covers the cost-saving measures that staff has identified in order to begin addressing the budget gap. The proposals took into consideration impact on the General Fund while trying to maintain the services we provide to the public at their current level. It had previously been the practice of the City of Madera to budget a deficit of a million dollars or more and end up balancing the budget during the fiscal year. Over the last few years, staff has continuously trimmed its budgets, leaving less and less expenditure savings to be realized during the year. In Fiscal Year 2015/2016, the City realized an operational loss of roughly \$1 million that was basically offset by one-time revenue of about \$1.5 million related to lease financing. In Fiscal Year 2016/2017, a good portion of the proceeds from the lease financing were expended

on capital outlay for the New Fire Truck and the new ERP system – Tyler Munis. Staff anticipates that the City will realize a depletion of fund balance approximating \$600,000 in Fiscal Year 2016/2017, subject to results of the audit of our 2016/2017 financial statements.

Further complicating our fiscal situation and our main reason for concern at this time is the apparently unsustainable condition of pension costs, with projected cost increases of 68% over the next few years. With the known personnel cost increases on the horizon and without sufficient revenue increases to support them, the only possible course of action is a reduction in staffing and services. The reductions that staff has identified include position cuts of both part-time and full-time staff. The elimination of any positions will result in decreased services to the public. However, staff has attempted to identify the positions that would have the least impact on service to the public and still enable the City to provide an acceptable level of service with the remaining employees and programs. The elimination of a position does not necessarily mean that a person will be laid off, either. The City will attempt to hire from within and move displaced employees to other positions for which they are qualified that become available, so that we can retain as many of our valuable employees as possible.

The proposed deficit reductions include \$36,500 of increased revenues through partnerships and/or grants, \$290,083 of staffing reductions or shifts, \$28,500 of Maintenance and Operations (M&O) reductions and \$138,021 of Capital Outlay reductions, for total reductions of \$493,104 in Fiscal Year 2017/2018. A list of the reductions with anticipated savings for both the current fiscal year and for next fiscal year can be seen on the following page. The assumption for M&O costs is that after this year of deep cuts, only half of such reductions would be possible in the next fiscal year. However, further cost-saving measures and service reductions as we begin next year's budget will likely be necessary to avoid further fund balance depletion in Fiscal Year 2018/2019.

GENERAL FUND BUDGET COST-SAVINGS MEASURES - FY 17/18	Proposed Current Year Reductions	Estimated Future Year Savings
City Clerk		
Conference/Training/Ed	2,400	1,200
City Administrator		
Conference/Training/Ed	2,100	1,050
Central Admin		
Conference/Training/Ed	3,400	1,700
HR		
Advertising/Job Announcements	2,000	1,000
Contracted Services	1,500	750
Pre-Employment Costs	1,400	700
Employment Recruitment Costs	300	150
Conference/Training/Ed	5,800	2,900
PCS		
Various (see Exhibit A)	205,128	241,956
Facilities Maintenance		
Salaries and Benefits	24,419	48,838
Graffiti		
Salaries and Benefits - PW Mtnc Wrkr II	34,185	69,369
IT		
Capital Outlay/Reduced Charges to Departments	103,021	103,021
Finance		
Conference, Training, Education	2,000	1,000
Fleet		
Motor Pool Savings	20,000	20,000
Salaries and Benefits - Mechanic III	37,066	74,132
Salaries and Benefits - Shop Supervisor	21,874	43,749
Planning		
M&O Cuts	7,600	3,800
Code Enforcement		
Personnel costs for homeless cleanup charged to Solid Waste	18,910	18,910
Total Budget Cost-Savings Measures	493,104	634,225

Conference, Training and Education – Most departments had already reduced their Conference, Training and Education budgets for this current fiscal year budget that was approved by Council. Those departments that have offered to make further reductions will have greatly reduced their ability to train staff and participate in conferences related to their duties.

Human Resources (HR) – On top of their \$5,800 of Conference, Training and Education cuts, the HR Department has identified another \$5,200 of savings that will be realized by reduced hiring activities and/or by passing some of those costs on to the departments who may be doing any hiring.

Parks and Community Services (PCS) – The Parks and Community Services Department has identified \$164,750 of deficit reductions, which includes reductions in personnel costs, reductions in capital outlay and increases in revenue. A listing and explanation of those proposals can be seen in Exhibit A, attached. Another \$40,378 of current year savings has been identified from shifting an Administrative Assistant from PCS to Public Works, eliminating the position for PCS and providing assistance to Public Works where other vacated positions will need to be filled due to attrition.

Facilities Maintenance – The Facilities Maintenance Division is an Internal Service Fund that operates under the direction of Public Works. The position under consideration here is that of one Public Works Maintenance Worker I. The elimination of this position would reduce Facilities Maintenance's ability to respond to low priority services calls for such things as furniture assembly or moving, emergency lavatory cleaning and assistance with door locks, etc. The remaining positions would include an Electrical and Facilities Operations Manager, four Electricians and three Maintenance Technicians.

Graffiti – A vacant position exists in the Streets Division of the Public Works Department that is funded primarily through Storm Water funds. The Graffiti Division, which is part of the Streets Division, consists of one Lead Worker and two Maintenance Workers. Staff is proposing shifting one Maintenance Worker into the vacant position in the Streets Division. This is estimated to generate a \$34,185 General Fund savings in the current fiscal year (for one-half year) and \$69,369 for a full fiscal year. The elimination of this position would result in reduced service hours and may cause a backlog of requests for graffiti abatement and minimize the ability to proactively abate graffiti. Because the Graffiti Division is under the Streets Division, flexing other staff to assist with Graffiti duties depending on work load will remain an option.

Fleet – Fleet is also an Internal Services Fund that allocates its costs out to the departments that utilize its services. An estimated \$20,000 could be saved annually for the General Fund by reducing the fleet size and utilizing a motor pool program through which people could reserve a motor pool vehicle when needed rather than having a number of vehicles in the fleet that get very little use.

Two positions have also been identified in Fleet that could help reduce costs to the General Fund. The Shop Supervisor position has been vacant for a few years, but has not been eliminated from the budget. Eliminating that position from the budget will generate an annual General Fund savings of \$43,749 in the current and future fiscal years. The other position recommended for

elimination is that of a Mechanic III, which is estimated to save the General Fund \$21,874 for half year of current fiscal and \$43,749 annually, thereafter. The elimination of this position would increase the workload for the remaining five mechanics and could result in a slower turnaround time for fleet maintenance.

Planning - The Planning Department has identified an additional \$7,600 in Conference, Training and Education, which would leave them with \$5,900 for Fiscal Year 2017/2018 compared to their 2016/2017 budget of \$15,000.

Code Enforcement – Staff has identified \$18,910 of savings that can be realized in the current fiscal year by charging staff time that is spent cleaning up the trash that is generated by homeless encampments to Solid Waste. This will not require an elimination of positions, but will help to reduce the deficit to the General Fund by shifting some staff time to Non General Fund activities.

CONCLUSION: With the pension crisis clearly going to impact California cities over the foreseeable future, with the City of Madera’s budgets already having been tightened over the past few years and with a projected current year deficit of \$911,000 even after a \$400,000 drawn-down of Measure K reserves, immediate steps need to be taken to prevent the City of Madera from joining other cities who will be filing for bankruptcy during the next five years and beyond. Staff is requesting direction from Council on the proposed reductions as outlined in this report.

FINANCIAL IMPACT: The proposed budget expenditure reductions are anticipated to result in a net decrease in expenditures of \$456,604 and increased revenues of \$36,500 to the City’s General Fund. If Council directs staff to move forward with these changes, these measures could help to decrease the projected 2017/2018 deficit by \$493,104.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN: Approval of this item is consistent with Strategy 115 of the Vision Plan - Economic Resource Provision: Ensure sufficient economic resources to provide adequate City services and prepare for future growth. It is also in line with funding core services as articulated by the Vision Madera 2025 Plan.

Exhibit A

Parks & Community Services Proposed Budget Adjustments As of August 31, 2017					
#	Division	Program	Impact to 17-18 GF	Impact to 18-19 GF	Description of Change & Associated Impacts
1	Parks	Capital	\$15,000	Unsure	PCS Admin team will increase the amount of cost allocation to Capital Projects. While staff currently cost allocates a portion of their salaries to capital projects, we can squeeze out some more. The impact will be \$15,000 less actual capital (bricks & sticks) work can be done and capital budgets are tight.
2	Community Services	Seniors Adult Day Care	\$35,000	\$70,000	<p>Staff used the elimination of the Adult Day Care Program as an example to Council at the Budget Workshop in June. The elimination of the program is now recommended effective January 1, 2018. After revenues and full-time staff are factored in, the net savings to the GF will be approximately \$70,000/year.</p> <p>numbers range from as low as 5 and max out at 20, though our high water mark has been 17 for the last 10 years. We currently have 4 daily participants, 1 comes 3 times/week and 2 come twice/week. There are 2 more who are registered who come on an as needed basis. The elimination of this program is difficult as there is no similar service in the County. Some families with working adults rely on PCS to provide adult day care services to their loved ones and would be in a bind to find a solution. That said, we are the only municipality that offers such a program and ADC services are not considered core services even by your PCS team. 2 – 4 part-time employees would lose their job in this scenario.</p>
3	Community Services	Seniors	\$52,250	\$62,700	This action transfers the Senior Nutrition Program Monitor from the PCS Department to a vacant Office Assistant II position paid with Enterprise Funds in the Public Works Department. The individual in this position is responsible for monitoring the Home-Bound Meal program which has been drastically reduced since she took the position after a service delivery plan shift closed the kitchen (the employee was formerly the Head Cook). With the reduction of Home-Bound Meals and the elimination of the ADC Program, one Program Coordinator in the Senior Services Division will be uncomfortable, yet manageable. If ADC is not eliminated, this shift becomes more difficult on staff.

5	Recreation	After School	\$31,500	Unsure	At their last meeting, Council adopted a Consultant Services Agreement between the City and MUSD for \$80,000 to provide Recreation services to Foster and Homeless Youth. The Agreement allows for cost allocation of full-time staff time toward and about 50% of this overall Agreement amount is realized as revenue that decreases the load on the GF. This gives the City \$40,000 in GF relief; the proposed Agreement between the same two agencies for traditional after school services has been reduced by \$17,000 for the current school year. This negatively impacts the GF by \$8,500 – hence the net GF relief in the current Fiscal Year is projected to \$31,500 (\$40,000 less \$8,500). The signs are good that the FIT/Foster Youth Program will grow, potentially even in the current year. MUSD staff seem encouraged about future years with this Agreement. The after school agreement, however, is more tenuous. While our team believes we may be able to mitigate the continued reduction in the size of this agreement to some extent, predicting what MUSD will do in future years is beyond my ability.
6	Recreation	Special Events	\$18,500	\$18,500	This reduction is based on the elimination of PCS’s participation in 4 special events. It means that we would eliminate supplies, equipment and all part time staff hours related to those 4 events. We would eliminate: our entry in the <u>Old Timer’s Parade (\$3,800)</u> , our entry in the <u>Christmas Light Parade (\$3,000)</u> , the <u>Spring Eggstravaganza (\$9,000)</u> and our participation in <u>Fiesta in the Park (\$2,500 for recreation & \$200 for Parks)</u> .
7	Parks	Maintenance	\$5,000	Unsure	Staff secured a mini-grant from PG&E to help pay for materials and labor for a service club day of service event in the spring of 2018. This event was scheduled to occur before a partial funding source was identified. We are unsure if similar grant resources will be available next year.
8	Recreation	General Recreation	\$7,500	\$10,000	Staff can reduce the hours of operation at the Pan American Center and the John Wells Youth Center.
9	PCS	Administration	\$40,378	\$80,756	Transfer of the Administrative Assistant in the PCS Admin Division to a vacant position in Public Works saves the GF about \$80,000 annually. Duties performed by the Admin Assistant will be shared by remaining personnel and will impact bottom-line service delivery.
TOTAL			\$205,128	\$241,956	There are some unknowns for FY 18-19 though the number is expected to grow with agreements/grants/water conservation resources.