

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

NOTICE AND AGENDA

**Wednesday, August 17, 2016
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

**ROLL CALL: Mayor Robert L. Poythress
Mayor Pro Tem Charles F. Rigby
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.
Council Member William Oliver
Council Member Cece Foley Gallegos**

INVOCATION: Pastor Tim Echevarria, New Harvest Christian Fellowship

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENT:

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

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

B-1 Minutes – 11/4/15, 5/18/16

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Adopting Standards for Sidewalk, Curb and Repair Thresholds and Methods (Report by Dave Randall)

- B-4 Consideration of a Resolution Approving an Attorney-Client Fee Contract with the Law Offices of Gregory L. Myers and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Brent Richardson)
- B-5 Consideration of a Minute Order Rejecting a Claim filed by Junaid Lateef (Report by Wendy Silva)
- B-6 Consideration of a Minute Order Rejecting a Claim filed by Mirella Chavez (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by Christina Alvarez (Report by Wendy Silva)
- B-8 Consideration of a Resolution by the City Council of the City of Madera Accepting Easement Deed for Cul-de-Sac Right-of-Way on South 'H' Street at the Silva Ford Property (Report by Keith Helmuth)
- B-9 Consideration of a Minute Order Accepting the Sanitary Sewer and Storm Drain Improvements-Variou Locations, Bid Package 2, Project No. S 10-01, CDBG-2014-2217-5072, and Authorizing the Recording of the Notice of Completion (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Amending the City of Madera Classification Plan (Report by Wendy Silva)
- B-11 Consideration of a Written Request by the Madera South High School Seeking Council Approval to Waive Permit Fees and Cover the Cost of Police and Public Works Efforts in Association with their Homecoming Parade and Request for the City to Pay \$1,200 Towards the Rental of Barricades (Report by Steve Frazier)
- B-12 Consideration of a Resolution Allowing for the Gating of the South End of the Alley Between Flume and Lake Streets and 4th and 5th Streets (Report by Dave Randall)
- B-13 Consideration of a Resolution Approving a Reimbursement Agreement with Century 21 M&M and Associates for Sidewalk Repair at 2000 N. Schnoor Ave. and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Dave Randall)
- B-14 Weekly Water Conservation Report 8/1/16-8/7/16 (Report by Dave Randall)
- B-15 Consideration of a Resolution Appointing Tim Riche to the City of Madera ADA Advisory Council (Report by Wendy Silva)

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

- C-1 Public Hearing and Consideration of a Resolution Approving the Formation of a Groundwater Sustainability Agency under the Sustainable Groundwater Management Act (Report by David Merchen)
- C-2 Second Reading and Consideration of Adoption of an Ordinance of the City of Madera Enacting a Transactions and Use Tax to be Administered by the State Board of Equalization, Upon Adoption by the Voters (Report by Brent Richardson)
- C-3 Second Reading and Consideration of Adoption of an Ordinance Amending Certain Sections of the Madera Municipal Code Pertaining to Water Regulations (Report by Dave Randall)

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

There are no items for this section.

F. COUNCIL REPORTS

G. CLOSED SESSION

ADJOURNMENT – Next regular meeting September 7, 2016

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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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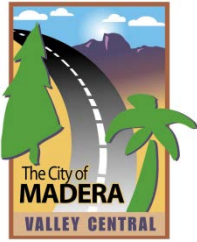
I, Sonia Alvarez, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the regular meeting of the Madera City Council for August 17, 2016, near the front entrances of City Hall at 4:00 p.m. on August 12, 2016.



Sonia Alvarez, City Clerk

Return to Agenda

Item:	B-1
Minutes for:	11/04/15
Adopted:	8/17/16



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

**November 4, 2015
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 11/04/15 was called to order by Mayor Pro Tem Oliver at 6:00 p.m.

ROLL CALL:

Present: Mayor Pro Tem William Oliver
Council Member Charles F. Rigby
Council Member Sally J. Bompreszi
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.

Absent: Mayor Robert L. Poythress

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Grant Administrator Sonia Hall, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Procurement Services Manager Becky McCurdy, Planning Manager Chris Boyle, Public Works Administrative Analyst Jason Rogers, Parks Planning Manager John Scarborough, Recreation and Community Programs Manager Ozzie Naranjo, Fire Chief Nancy Koerperich, and Division Fire Chief David Allen.

INVOCATION: Pastor Fred Thurman, New Life Assembly

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Oliver 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.

Bob Reyes, Interim CEO President of the United Way Fresno Madera Counties, thanked Council Member Derek Robinson, who also serves on the Board of Directors for United Way, for inviting them to come here this evening just to introduce themselves. With him tonight are two of his senior managers Vice President of Resource Development Susan Baseen, and Vice President of Community Impact May Gnia Her. He noted that everyone is kind of familiar with the United Way. They were invited by United Way Worldwide

to fill a void in Madera County. After working with Worldwide, they accepted the responsibility of trying to develop some programs that will help out in Madera County. They have programs obviously that they have done for years. They have 92 years in Fresno County and this is their first in Madera County. He added that a lot of what people think about United Way in Fresno County is that they are the conduit for raising money that goes to community organizations. Last year they raised about \$1.7 million that went directly to community based organizations that are their partners in Fresno County. They would like to be able to do the same thing in Madera County as they start to develop their programs here.

Mr. Reyes noted that there are two of the programs that they have that the City would be interested in. One is their Volunteer Income Tax Assistance program. They call it VITA for short. He advised that they do have some VITA sites here in Madera County. He explained that it is free taxes that they do for anyone, family or individual, making less than \$58,000 a year. They processed 7,000 tax returns last year and returned over \$11 million in tax refunds saving about \$6.7 million in tax preparation fees.

Mr. Reyes advised that the other program they would like to bring into our community is the 211 program. He noted that everyone is familiar with the 911 emergency number. 211 is non-emergency. They connect people with social services so if you are in need of rent assistance, food, shelter, those are their top items that people call about. They are applying with the California Public Utilities Commission in order to serve Madera County. Hopefully they will be approved at the beginning of 2016. They served over 40,000 phone calls last year in their service area. They serve both Fresno County and Stanislaus County noting that they have an agreement with them. They have 1,100 programs representing 400 agencies. They connect people with the services they need. They are kind of like the bridge.

Mr. Reyes stated that, in a nutshell, is what they do as the United Way. All of the money that comes to them through Madera County, they are setting aside for programs in Madera County. They just wanted to make sure that the City is aware of that. That is basically what they do. He added that he wants to give a shout out to Mary Anne Seay. She is his former English student from a long time ago. He was her 7th and 8th grade honors English instructor. He added that it is always nice to see his former students who have done really well. He commented that she was very, very bright when she was his student and he is sure she is doing a great job for the City. Mr. Reyes thanked them.

Council Member Holley welcomed Mr. Reyes and added that Madera had a United Way before. Their executive director was Barbara Roach who served here in Madera. He noted that she did a great job with the program. He is glad to see it come back to Madera.

Mr. Reyes stated they were asked to see if they could help serve in this area and they said yes. He thanked him for welcoming them.

Council Member Bompreszi commented that to access rent assistance, people would just have to dial 211 but it won't be available until after the first of the year.

Mr. Reyes stated that is correct if they want to use just dialing 211. He asked Ms. Her for the toll free number.

Council Member Bompreszi advised that she works at the Catholic Church and they get requests on a daily basis for rent assistance.

May Gnia Her, Vice President of Community Impact, replied that they currently have a toll free number for their residents here in Madera County and it is (866) 559-4211.

Council Member Rigby stated he knows this is the public comment section but maybe he can request for staff or the City Clerk to maybe have the United Way return for a full on workshop. He advised that he has several questions of his own but, he doesn't want to take up any more of their public's time during this session.

City Clerk Sonia Alvarez advised that she would arrange that.

Mayor Pro Tem Oliver thanked Mr. Reyes for the information.

Mayor Pro Tem Oliver asked if there are any other members of the public who wish to address the City Council at this time. No other requests were made.

PRESENTATIONS 2015 Active Transportation Program Grant Award

Mayor Pro Tem Oliver invited Sonia Hall, Interim Grant Administrator, to join him at the podium.

Mayor Pro Tem Oliver commented that they are proud to announce that they are in receipt of a significant portion of money from the State Active Transportation Program Grant Award. He explained that it is going to go a long way in helping to promote and increase walking and bicycling in their community. He knows specifically, projects and areas like the Fresno River Trail Project, will be benefitted greatly by helping to provide the missing link over Gateway and over the Union Pacific (UP) Railroad near Sharon Avenue near the drive-in. He knows residents in that neighborhood are excited about that betterment. They have asked about it many times at neighborhood watch and other activities. Mayor Pro Tem Oliver asked Ms. Hall to tell them a little bit more about these grant funds including the amount and what it is intended to do.

Sonia Hall, Interim Grant Administrator, stated that this is a grant through Caltrans. She noted that Caltrans previously had several different grant programs, Safe Routes to School and other different grant funding, and they decided to put all of their grants into one Active Transportation Program (ATP) Grant. She added that this is a highly competitive grant. She stated that for the City of Madera to receive this is quite an honor and it goes to show that the staff here was able to come together as a team and put together a very competitive application. She advised that the City, she believes, is to be awarded this grant in the 2016 cycle. She explained that the grant funds go into different cycles and advised that some of the awardees that receive these grants won't receive them until 2017 or 2018 but, Madera is of the first cycle to receive these grant funds. They are hoping to be able to start this project as soon as the grant funds are received. She congratulated the City and the staff who work so hard to put this together.

Mayor Pro Tem Oliver thanked Ms. Hall. He added that although Daniel Abdella is not here today, they are certainly appreciative of him for all of his hard work that went into this grant application. He thinks they submitted the application in May so to turn that around in such a short amount of time is certainly reflective of both he and his department, and Ms. Hall's efforts. He restated that they are really appreciative of that.

INTRODUCTIONS David Allen, Division Chief

Mayor Pro Tem Oliver invited Fire Chief Nancy Koerperich to come up and introduce a new member to their Cal Fire team here in Madera.

Fire Chief Nancy Koerperich stated that it seems like just a few months ago that she was able to bring their newest Division Chief before the Council and that was Ron Eldridge. She advised that Chief Eldridge had the pleasure of being promoted in his position so they did get a new search going for a new Division Chief and she would like to introduce him.

Chief Koerperich stated that Chief Allen has almost 30 years in the department. She noted that he has worked in San Diego for most of his time but, it is beautiful Madera so you want to leave San Diego to come here. She noted that she is just going to say that is her recruiting; that is how she gets that done. She has known Chief Allen for a very long time. He has worked in their Municipal Department as well as their Wild Land Department. He has both sides of that as well as being a law enforcement officer. She added that in San Diego he ran their Aviation Program, the Fire Prevention Program, and the Camps Program with their inmates so Chief Allen brings a wealth of knowledge to their little town here. She is very proud to be able to call him one of their Division Chiefs for Madera/Mariposa/Merced.

Division Chief David Allen stated that Chief Koerperich is right noting that it was her politicking in recruiting to get him to come to Madera. He is looking forward to it. He is looking forward to working with the City

and the County together and bringing at least the fire service all together under one umbrella; same mission, same objectives at the end of the day. He added that it has been fun so far. He has had meetings with a few of them in the room already so he is looking forward to it.

Council Member Holley stated he would like to introduce another City staff that is going to be welcomed to Madera.

City Attorney Brent Richardson advised that he can mention it but he can't do a full blown introduction.

Council Member Holley introduced Linda Shaw who came all the way from the other side of the world to join them as their new Executive Director for the Housing Authority. Some of them have already met her and if not, they would just like to welcome her to the City. He added that she will be back next week to give a bigger presentation. He just wanted everybody to get to know her and see who she is.

Council welcomed Ms. Shaw.

Mayor Pro Tem Oliver 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 B, Consent Calendar, item B-9, subject matter is a resolution approving settlement and release agreement. Ms. Alvarez advised that the report and supporting documents were distributed to the Council this evening. She announced that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

A-1 Update on City Maintenance of Landscape Maintenance Districts

Director of Parks and Community Services Mary Anne Seay stated that tonight they are going to give the Council an overview of the status of the Landscape Maintenance District (LMD) Program. She advised that over the balance of the last couple of years they have been before the Council with several items. They wanted to come before the Council to let them know where they are. They made some pretty significant decisions in the spring last year and they wanted to make sure that Council is aware of where they were and where they are, and a little bit about where they are headed. She stated they will be talking about the following: LMD Program Defined very briefly; Service Delivery Shift; and Looking Forward.

Ms. Seay advised that a landscape maintenance district, as they know, is a special assessment district above and beyond one's annual property tax that is established to fund landscape assessment zones. They have about 80 of them in the City of Madera and each of those are funded at a different rate: separate and apart from each other; part of what makes up the whole program. Ms. Seay stated that details of the zones and their corresponding assessments are tracked in the annual Engineer's Report that is put together by the City Engineer Keith Helmuth and his staff, and adopted by the Council each year. She noted that staff identified, during the process in the last couple of years, that about 60% of the zones within the 80 zone program were under-assessed. Ms. Seay advised that zones accepted before 2002 were built without automatic escalators in place and the ones that were built after 2002 have those automatic escalators in place to account for cost of living increases and increasing costs of doing business. She noted that as costs continued to climb, those earlier zones stayed static and that is where they ran into the trouble that they addressed in the spring the last few years.

Ms. Seay advised that in the spring of 2014, not this last spring but the spring before, Proposition 218 elections were held so that property owners could vote yea or nay on whether or not they wanted to increase their assessments. She noted that 23 of the 31, 218 elections that were held that year voted down the increase of assessments. She added that it should be noted that the majority of the property owners in the 31 zones that voted, did not participate in the election process. She advised that the consequence of that election was a reduction in service levels for maintenance in the 23 zones that voted down the assessments.

She added that the Engineering Department did notify all parcel owners that the election was coming and also notified them that service levels drops would be the result of a failed vote. Ms. Seay noted that still, staff and Council felt like they could increase their role in educating folks about 218 elections and they worked hard in the subsequent spring to educate folks about the 218 hearings in the spring of 2015.

Ms. Seay commented that the City was under contract with a landscape maintenance vendor at the time that the first service level reduction hit. The contractor didn't have the capacity to have 80 different zones with 80 different funding levels, and to spread that hit out evenly across the year. She noted that some zones had maybe, 10% underfunded while other zones could have been 300% underfunded. As a result, some of the maintenance actually seized as early as November of last year and then they kind of tailored it starting in November, some fell off in January, and other zones fell off later in the year.

Ms. Seay stated that in the spring of 2015, as residents started to see the results, staff and Council heard repeated concern both here and in Council Chambers, on the phone, through emails, and private conversations. She noted that the community certainly expressed their concern about the appearance of the public right of way, the condition of it. She added that everyone agreed that it was not a look they aspired to have. As she mentioned earlier, they committed to spending off hours to educate the public on the process and again, in 2015, they had a Proposition 218 election. They had 36 zones participate in the election; four were pulled for various reasons. Of those 36 zones, 23, again, failed to pass and even with the increased marketing attention, an overwhelming majority of the residents didn't participate in the process.

Ms. Seay commented that prior to the second 218 election, the City Council directed the Parks and Community Services Department to take over the landscape maintenance responsibilities in each of the zones effective July 1. She advised that some of the key factors that led to the decision to shift the work from vendor to internal forces was that this would add a level of predictability to the process. She noted that bidding work out, the numbers could shift. They were on a schedule of putting that out to bid about every three years so bringing the work in house does add a level of predictability to their work. She added that private contractors, as she alluded to earlier, are unwilling and unable to administer these differing levels of funding coming from 80 different zones. She noted that it is also very difficult for a private business to be successful if they are relying on resources that are subject to such drastic change year in and year out. She commented that City staff can more effectively manage the reduction in service and can better schedule part-time labor force to perform seasonal work. For example, as soon as these leaves get picked up, they will have fewer folks on the crew. Ms. Seay stated that it was their team's perception that internal forces could be more closely managed and staff believed that this increase in control and kind of daily hands on effort would result in a higher level of customer satisfaction.

Ms. Seay commented that at the April 15th Council meeting, staff immediately began several different processes at the same time. One was to recruit, hire and train the workforce and the other was to assemble all of the equipment materials that were needed to perform the work. She advised that the letter to the landscape contractor was sent immediately thereafter indicating the City's intent to terminate the agreement effective June 30th also.

Ms. Seay stated that City workforces, despite not having everybody onboard, the City workforce proudly took over the landscape maintenance duties in the program on July 1st. She noted that they probably read in the staff report that although they didn't have everybody hired yet that those staff members that are paid for out of the general fund were allocating their time to the zone program.

Ms. Seay commented that within days of crews taking over this work, literally within days of them taking over the work, the complaints began to wane. She advised that the LMD crew is comprised of two full-time staff. They have a Lead Worker and a Park Worker III but she would be remiss if she didn't acknowledge the hard work of John Scarborough and Hector Sanchez who really, without their efforts, they would not have seen this degree of success. They have what they feel is a cracker jack team that are working very, very well together and it certainly passes the eye test as she makes her way through town in comparison to last year. If they can use the amount of public complaints as a measure, and they do, they feel that so far they have experienced a fair degree of success.

Ms. Seay stated that upon first taking over the maintenance zone, staff began kind of systematically going through all of the irrigation systems and they found a lot of interesting things. She didn't even think that could be possible. When she says that, she is pointing to a root that is inside of an irrigation pipe; a lot of broken heads; a lot of leaking pipes and root damaged pipes, malfunctioning controllers have been diagnosed. She noted that staff has been really, really good about thinking about how to do it within the resources that they have. Instead of racing out and buying a brand new controller, there are several that can be repaired so they can get maybe four of them done for the price of buying one new controller. They are doing a lot of innovative things to keep things running.

Ms. Seay commented that it should be noted again that they are doing this work to the available funding level. For example, if "zone x" voted down the increase and they are underpaying, they are getting the service level that they have voted to receive. Ms. Seay added that again, it depends, some of them were slightly decreased, others were significantly decreased so staff has taken a lot of time to look at each zone and figure the best schedule. Some have moved to every other week. Some have moved to once a month. Everything is dependent on that specific funding level in each of the zones.

Ms. Seay advised that management is very closely monitoring the program. She noted that it was part of their decision making process, as they were recommending potentially taking over the zones, that a really positive by-product of the City taking over the maintenance in the zones would be that they could more accurately understand the actual cost of doing that work. In addition to fewer complaints and increased efficiencies, they are gathering that data to really build true time accounting of materials and time that will set their future assessment rates. She added that while some elements of the new tracking system are still yet undeveloped, they are making headway every day.

Ms. Seay referred to the display showing a before photo. She commented that the Council saw the bad ones yet this isn't even one of the really bad ones. She then displayed a photo after their crews have been through. Ms. Seay played a short video on landscape maintenance. Ms. Seay stated she would like to briefly thank Joseph Carrello who is on their team. He is helping them capture what they do in video format which is a way many people are coming to get information whether it is to educate people about what they are doing. To market their programs they are starting to create a lot of video by direction. She commented that Mr. Carrello has done a phenomenal job so far so they appreciate that.

Ms. Seay stated that looking forward, staff will continue to refine the processes. As she said, they have developed some systems and they are going to continue to use, particularly this first year, as a way to gather the data that they need to accurately determine what those future assessment levels will be. She advised that schedules including the tiered service levels and frequencies that she talked about are being refined. They are learning every week and staff out in the field is learning how they can be more efficient. They actually think that there will be some zones that it ends up that their assessment costs can be less than they are currently.

Ms. Seay commented that staff will assess needed irrigation system repairs. She noted that they saw that there were some problems and they will make those changes as the budgets allow and as the irrigation system controllers fail, where budgets allow, again, they will repair or replace those.

Ms. Seay referred to plant material that has died, noting that they have experienced some plant mortality. They are going to replace that with drought tolerant plants or mulch or something else that requires less water. For now, that brings them to the close of just an overview of where they are. She advised that Park Manager John Scarborough and Parks Supervisor Hector Sanchez are working in the zones every day and any one of the three of them can answer any questions that the Council might have.

Mayor Pro Tem Oliver thanked Ms. Seay. He stated that he thinks the video kind of tees it up nicely in that during this process, during the LMD elections, he thinks they learned very quickly that the community had a much greater appetite for information and transparency. He added that the Mayor challenged them to make an unprecedented effort both as a Council and staff, and other leaders to go out across every quarter of the City and to convey the information at hand, and also to collect input and folks opinions. Mayor Pro

Tem Oliver asked Ms. Seay if she recalls how many events they actually held during that time at the various school sites and public venues.

Ms. Seay replied that she is not sure. She thinks there were about 10 to 14.

City Engineer Keith Helmuth stated he is struggling with it too but Ms. Seay is probably right.

Ms. Seay advised that she doesn't have an exact number but she remembers there were at least three or four weeks where there were a good couple two and three a week. For some reason she wants to say 14 but she can't get to 14 in her mind.

Council Member Medellin stated he thinks they had at least two per district and some even had three so 12 to 14 was the minimum.

Mayor Pro Tem Oliver stated that he thinks if they had what they see now, today, and after this transition, he thinks it would have been a much different discussion and he thinks it taught them a lot so he was really appreciative of that. He knows for himself, he received a great number of calls and complaints and he hasn't received any to date. He is not sure about his colleagues but he would just like to congratulate staff for helping them adapt and move forward especially during the very warm summer heat during that time.

Ms. Seay stated that Hector Sanchez has done a phenomenal job as has John Scarborough. She added that they really are to be commended.

Mayor Pro Tem Oliver commented that he likes that they are going to move forward and hopefully look at areas where they can improve. He knows that before tonight's meeting he received an email correspondence with some questions with regard to this program. He personally has not had a chance to read it so he might ask staff at a point in the near future to respond in writing to that constituent.

Ms. Seay agreed.

Mayor Pro Tem Oliver asked if any other Council Members have questions for Ms. Seay.

Council Member Rigby stated obviously more money would make things a little easier. Council Member Rigby directed his question to Mr. Scarborough and Mr. Sanchez and asked if there are any other obstacles in the field that haven't been brought to Council's attention that they are seemingly hitting out while they are out. He stated that obviously, Ms. Seay has done a phenomenal job of showing the Council sort of the overview and the highlights of what is good and great. He kind of wants to know what is not so good and what is not so great if that is available tonight.

Park Manager John Scarborough stated, he thinks, as most people in the room are aware, the landscape maintenance zone program as a whole is very complex. He noted that it is actually a great question. One of the things, and he thinks that Mr. Sanchez will agree, that they are currently struggling with and frankly have struggled with since the program was born, is that each landscape maintenance zone has a specific boundary. They try to take those boundaries and then draw maps that accurately reflect the area that is to be maintained. He noted that it sounds pretty simple and nothing could be further from the truth. He advised that they run into situations where developments are built in phases. As an example, just right down the street they have the worst example which is Zone 10. He noted that there is a 10A, 10B, 10C, 10D; it goes all the way to 10I. Mr. Scarborough stated that as the first zone and the surrounding landscaping is built obviously, 10A is responsible for that maintenance. As 10B comes in, they build some additional landscaping and then they share some of A, and then as C comes in, they share some of A and B, and they have their own. When it is all said and done, they have a bunch of land with overlapping responsibilities and frankly, to a large degree has led them to where they are. They have contractors that come into town and staff hands them a stack of maps, about this thick (demonstrating thickness), and they say, here is the property that you are supposed to bid on. He added that in order for the contractors to effectively bid that they need to be able to split out the A and the B and the C and D, and that sort of thing, and these are properties that they have never even seen. He commented that staff has always suspected

that the bid prices were maybe not exactly reflective of what the actual work is. He stated that is one of the benefits to the City taking over this work and that the City has a better understanding of anybody as to what is actually out there; what is A, what is B, and what is C.

Mr. Scarborough stated, to finally answer the Council Member's question, they bring staff on and they give them the maps. They treat them sort of as contractors. They expect them to be able to record their time when they are working in a certain zone. If they replace a sprinkler head, write down a sprinkler head, you put it in 10A, that sort of thing. Mr. Scarborough noted that the guys literally can be walking down the sidewalk and they are, I'm in 10A, now I am in 10B. It took them a long time, and to be honest, staff is still working on it every day to train, teach, and make staff aware. They have to be aware of where they are every minute of every day because it changes and literally will change with just a couple of steps. Mr. Scarborough stated, as Ms. Seay had said, they put processes in place to record time and materials and that sort of thing but, they have the bones of this system and he thinks they are doing a really good job of recording when guys are working in a zone. They have to continue to refine that and part of that is to make sure that staff understands where they are and accurately record, for example, wait a minute, you weren't in B, you were in A, I saw you, you need to make sure that that time goes over there. Mr. Scarborough acknowledged that it is a big challenge. It is something he thinks is going to continue into the future but they are up for it. They are very aware of it and it is something that they talk and preach to staff all the time.

Council Member Medellin requested an update. They had talked last time about some existing medians. For instance, on Howard Road between Granada and Schnoor, taking out some of the sprinklers and putting in the bubblers and things like that. Also, for future reference, Ellis Overcrossing, 4th Street, and also the new industrial park that they just built. He wondered what their plans are for upcoming landscape.

Mr. Scarborough noted that it sounds like three separate questions. The first one is the median islands within residential neighborhoods. As an example, Westberry, the one that Council Member Medellin has spoken to on Howards, any median island that had turf in it and usually had trees as well, as a result of the Governors Emergency Water Conservation Ordinance, the City was not allowed to water those median islands. They could water the trees; they can't water the turf. He noted that it was a perfect storm because they were right in the middle of this zone, zone decisions made and work starting to come over to staff when they decided that they have to turn the water off, the grass can die, we are not willing to let the trees die. What they did is that they devised a plan to go citywide and convert the sprinkler systems in all of those medians over to drip systems. They put that plan into place simultaneously with taking over the zone program. It probably took them two/two and one-half months and actually, the very last medians, the ones on Westberry were done via volunteer efforts. They were finally able to round up a big group to help them finish that last piece. He commented that it is an extraordinarily successful program. He advised that there are communities where they just turned the water off. They didn't have the resources to convert to drip and they lost their trees. He doesn't think the City has lost any. He gave kudos to Mr. Sanchez and the staff.

Mr. Scarborough commented on Freedom Industrial Park. They brought an item to Council, he thinks it was last November/December where they talked about a demonstration water conservation project. He noted that Council approved this item. Staff's intent in their presentation to Council at the time was to landscape the 4th Street median islands which go from Lake Street to about "I" Street and the Freedom Industrial Park median islands in an extraordinarily drought tolerant manner basically reminiscent of a desert scape. He believes the 4th Street Median Project is out to bid right now.

Mr. Helmuth stated that it is.

Mr. Scarborough noted that they are going to see some progress there pretty quick. Regarding Freedom Industrial Park, not yet. He spoke to the designer the day before yesterday and they are getting close.

Mr. Helmuth commented that Freedom is on hold until the 4th Street goes forward so they can see what the cost of 4th Street is and then revisit their funding availability.

Mr. Scarborough stated that their commitment to Council was, as these projects start to go in, is to come back to Council and give them comparison numbers on what the initial costs to install are, basically, their

old pallet versus the new. They are going to ascertain what maintenance costs will be going forward. Obviously, they think with the new pallet, maintenance costs will be a lot lower.

Mr. Scarborough referred to the Ellis Street Overcrossing. He advised that it is kind of an interesting situation. His understanding is that the highway divides City and County.

Mr. Helmuth agreed.

Mr. Scarborough stated that the east side is County, the west side is City. He advised that on the west side, they have water in place and pipe in place so that they could plant trees. He thinks there are four planters on the west side. On the east side, they have no capability to currently get water there. They can go ahead and do the west side but in their internal conversations they thought, well we do one side and then two or three years later we come and do the other side; it never looks right. Their thought was to hold up but obviously they will do whatever Council directs.

Council Member Medellin stated he was just curious. He saw that something was capped out there and it is basically just a box waiting for...

Mr. Scarborough stated those are the bubblers that were installed as part of the project but unfortunately there is no infrastructure on the east side to actually plug in to the system. He advised that staff even had a conversation about trying to work an agreement. There is a property owner at the bottom of the east side. They talked about trying to work something out and it just comes with too much risk. They thought well, we will just see what happens.

Council Member Medellin stated he was just looking for an update. He thanked Mr. Scarborough and stated his appreciation.

Mayor Pro Tem Oliver asked if there are any other questions. No other questions were asked. He thanked staff and stated his appreciation for the thorough report.

Mayor Pro Tem Oliver asked Ms. Seay if she has any other last comments before they move forward.

Ms. Seay replied no, thanked Council and stated staff's appreciation.

B. CONSENT CALENDAR

B-1 Minutes – 6/03/15

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Consenting to the Assignment of Design Services Agreement for Sewer and Storm Drain Projects from AECOM USA to AECOM Technical Services Inc. and Approving Amendment No. 3 to the Design and Services Agreement (Report by Keith Helmuth)

B-4 Consideration of a Resolution Approving the Master Agreement between the Madera County Transportation Commission and the City of Madera for the Fiscal Year 2014-15 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding (Report by Keith Helmuth)

B-5 Consideration of a Minute Order Approving a Request for a Cooperative Work Agreement (CWA) for the Bicycle Transportation Account Project BTA1011-06-MAD-01 for the Fresno River Trail Undercrossing at Gateway Drive and UPRR and Authorizing the City Engineer to Execute and Submit the Request on Behalf of the City (Report by Keith Helmuth)

B-6 Declaration of Surplus Property (Report by Becky McCurdy)

- B-7 Consideration of a Resolution Accepting Improvements for Will Gill Subdivision (Report by Keith Helmuth)
- B-8 Consideration of a Resolution Approving an Agreement with Mead and Hunt, Inc. for Professional Services for the Development of the Madera Municipal Airport Disadvantaged Business Enterprise Plan and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Dave Randall)
- B-9 Consideration of a Resolution Approving Settlement and Release Agreement and Authorizing the Mayor to Execute the Agreement (Report by Brent Richardson)

Mayor Pro Tem Oliver announced that they have a request from staff to pull item B-9 for consideration following closed session.

Mayor Pro Tem Oliver asked if there are any other items that Council would like to pull for further discussion or consideration. No other requests were made and Mayor Pro Tem Oliver stated he would entertain a motion to approve the consent calendar excluding item B-9.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-9, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 15-220 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA CONSENTING TO THE ASSIGNMENT OF THE DESIGN SERVICES AGREEMENT FOR SEWER AND STORM DRAIN PROJECTS FROM AECOM USA TO AECOM TECHNICAL SERVICES, INC. AND APPROVING AMENDMENT NO. 3 TO THE DESIGN SERVICES AGREEMENT

RES. NO. 15-221 RESOLUTION APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MADERA FOR THE FISCAL YEAR 2014-15 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE FUNDING

RES. NO. 15-222 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ACCEPTING IMPROVEMENTS FOR THE WILL GILL SUBDIVISION, AND AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE

RES. NO. 15-223 RESOLUTION APPROVING AN AGREEMENT WITH MEAD AND HUNT, INC. FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE MADERA MUNICIPAL AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

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

There are no items for this section.

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Progress Report on Housing Related Parks Program Grant Funding

Parks and Community Services Director Mary Anne Seay stated this report is designed to update the Council on the Housing Related Parks Program (HRPP) Grants and Related Projects. She advised that they had some original proposals and due to some unforeseen circumstances although, that is not entirely true, some of them they are kind of forcing and some weren't. They had to make some changes so they want to update the Council on the Knox Park Project and the inclusive play feature.

Ms. Seay stated that in January of 2014 and 2015, noting that staff worked with the Grant Administrator at the time Daniel Abdella, staff submitted Housing Related Parks Program Grants to the California Department of Housing and Community Development (HCD) for resources to build parks or park related projects. They were successful with in both cycles. She advised that they are formula based grants. They received \$731,250 in the first cycle and \$95,000 and some change in the second for a total of \$826,250. Ms. Seay realized that she never corrected that figure and it is a little bit more than that but, it is very close.

Ms. Seay stated that the original plan was to rehabilitate Knox Park located at "A" and Knox Streets, and to build a second park and adjoining amenities near the Sherwood Avenue and "D" Street ponding basin. At one time, and Council Member Holley can attest to this, Knox Park was a viable recreation space used by the neighborhood when it wasn't under water. She added that the 2.09 acre facility is actually counted in their park inventory as green space. As she drives by, and Mr. Scarborough drives by, they see a sign on the facility that says keep out. It is fenced but, they can see soccer goals in there. It has always been something that has been on the to do list. They wanted to build a two tiered park with the bottom tier obviously being used as a ponding basin would not be accessible during the winter or when it is being used for stormwater retention. She noted that the upper tier however, would be a year round amenity.

Ms. Seay stated that the ponding basin at Sherwood and "D", noting that these are the original concepts, is a large ponding basin that has a nice perimeter of wide areas of turf and an adjoining vacant parcel of land not quite an acre but almost. Staff envisioned this as a facility where they could encourage particular plant life which would also encourage wildlife; that they could build a perimeter walkway, even an observation deck and signage because they anticipated certain birds and other interesting creatures for kids and families to look at. They wanted to build a small park on the almost acre parcel of land next to the facility.

Ms. Seay advised that they have had to redefine those projects as a result of these unforeseen impacts. She advised that Knox Park is, as they know, a stormwater retention basin. She added that the master plan for stormwater indicates that that ponding basin needs to increase its capacity to be able to handle 20-acre feet of stormwater. She noted that it is listed in the master plan that it currently holds 16-acre feet. In working with Public Works and Engineering, staff accommodated for that. It was in the scope of work when they took on the project. One of the first steps that the design engineer took when they took on the job, was to survey the site. After doing so, the design engineer determined that it is about 9-acre feet of capacity. She along with Engineering staff, City Engineer Keith Helmuth, and Odell Engineering sat down quickly and they decided that the most prudent course of action would be to separate the projects into two phases. Phase 1 being the upper tier and Phase II being the lower tier that they would hopefully be ready to get the facility ready. They still haven't given up on the hope of turning that into useable greenspace because it is a neighborhood that could sure use it. Ms. Seay advised that they needed to phase it for two very specific reasons. One is that the funding is not sufficient to increase the capacity of the ponding basin to the degree that they now have to increase it. Second, the timelines with this funding source are just way too tight for them to engineer around the new problem. She advised that there are solutions. They believe they can get there. She added that it was too risky to keep their eggs in that same basket and proceed with the timelines being as tight as they are on the project.

Ms. Seay stated that Phase I, as she indicated, is the upper tier which will include new landscaping, recreation elements, seating, trash receptacles, overall aesthetics, and wrought iron fence. There would

be a four foot fence on the corner for safety for kids and then at some time in the future they would make the basin into a useable park space. Ms. Seay commented on the design. She indicated before that they are working with Odell Engineering and the design is at 60% complete. She advised that the design includes amenities and she wants to point out that the design includes amenities that were purchased with the help of the Public Works Department and the Grants Department with other funding sources. She noted that there is a Recycled Beverage Container Grant and a Tire Derived Product Grant that they were able to purchase the fall surface from the Tire Derived Product Grant and then also the play structure itself is made out of recycled beverage container as are some of the other pieces of furniture and trash receptacles.

Ms. Seay referred to the display, noting that it is kind of hard to see, but, if they can put themselves at the corner of "A" and Knox, they can see that the triangle on the corner represents the tier that they are talking about, and the amenities/embellishments that they are going to make now.

Ms. Seay stated that they brought the Sherwood and "D" Project to Council back in April. They were hoping to acquire the property adjacent to the land to build this facility. The property owner indicated that he wasn't willing to sell the property at the amount that was five times more than its current assessed value so they brought a series of options back to the Council. She advised that one of the reasons that this inclusive play feature at Centennial Park landed on their list, and landed so highly on their list, is that they have other funding sources that they can also pair with it. One is the Fansler Foundation Grant that they received. She noted that this keeps the Development Impact Fee (DIF) revenue that they have earmarked for completing the parking lot, curb, gutter, fencing at Sunrise Rotary Sports Complex intact and they wouldn't have to take money from DIF to move it to finish the project. They liked being able to work with these other funding sources. In total, they have the Housing Related Parks Program funding from 2014 and 2015, the Fansler Foundation resources of a little north of \$67,000, Recycled Beverage Container Grant at \$30,000, Tire Derived Product \$51,940, and then they also have another application in for more fall surface from Tire Derived Product Grant. They are hopeful that they receive at least part of that funding. As a nice gesture, the Mayor connected Parks and Community Services with the local Madera Realtor's Association who is applying for a grant from the National Association of Realtors. They like this project and they are working with the City.

Ms. Seay stated that a comprehensive inclusive play structure is more than just about accessibility. They talk about accessibility. It is the easiest part of this project to talk about. They are building a play feature where every kid in Madera, irrespective of their physical limitations or cognitive limitations, can have active access to this facility. She noted that sometimes they fail to talk about the importance of outdoor play for every kid irrespective of their needs. She added that every child needs to have those experiences to grow, to learn, to negotiate. They need the social and cognitive, and sensory motor skills that you learn in play for development. They do have a number of play features scattered about Madera. All of them are ADA compliant and she says that confidently. To the letter of the law, they are ADA compliant but to the spirit of the law, she can stand before them and say, if I had a child who was in a wheelchair, it would be really difficult for him or her to participate on that play feature, and they can do better than that. Ms. Seay commented that knowing the importance of play features and outdoor play, and connecting with other residents, they felt it was really important. She referred to the display and stated she included this picture because, how can you not smile when you look at that face.

Ms. Seay showed an early rendering of the facility. To kind of orient them, she stated that the black hatched walkway that goes across the road is actually going across the parking lot in the Youth Center. She noted this is just to the north side of Youth Center building. She commented that one of the things they did is recognize that the community really needs to be connected to this project, not just that they need to inform them about it. They wanted people to be a part of selecting what type of amenities they want to see in their parks. They've had a few interactions with neighborhood residents. They invited the neighbors around the park to come. They invited their partners from Madera Special Needs Program and they have presented to the City of Madera ADA Advisory Board. They have also made the renderings available at their Special Needs Indoor Soccer Program for all the parents to be able to comment; to let them know which amenity they think they need. She advised that in a perfect world, they would be able to have it all but they are not. In an effort to demonstrate their commitment to working with the community and getting their input, Joseph Carrello, with the Parks Department, built this. *Ms. Seay played a video.* Ms. Seay thanked Mr. Carrello.

Ms. Seay offered to answer any questions.

Mayor Pro Tem Oliver stated he personally does not but, he does appreciate a very thorough report and he really does appreciate all the efforts that went into soliciting all public input and ideas, and moving this project forward. He hopes it is a litmus for how they go about these types of projects in the future and obviously leveraging different sources of monies as well.

Mayor Pro Tem Oliver asked if any members of the Council have any questions for Ms. Seay.

Council Member Medellin stated he would like to echo those sentiments. He commented that Ms. Seay and her staff have done a wonderful job and outreach not just recently but with the landscape maintenance districts and zones. That has always been something that the Council preaches up here is to reach out the community, and more recently, with Centennial Park. He noted there was a lot of involvement, so much so that they even got a neighborhood watch meeting out of it, somebody that lives across the street which he thinks is going to happen this Friday. He commended Ms. Seay and her staff, including those present, for doing a wonderful job.

Ms. Seay added that one of the constituents that introduced herself to the Council Member and staff that day noticed some running water last weekend. The constituent contacted Council Member Medellin who in turn contacted staff and they got it dialed in and fixed, and it was kind of a neat by-product of that.

Mayor Pro Tem Oliver stated that if there are no other questions or comments, they will go ahead and move on to item E-2.

E-2 Weekly Water Conservation Reports

Jason Rogers, Administrative Analyst for the Public Works Department, stated for the weekly water report they have three weeks of water reports for them. As far as water conservation savings, Mr. Rogers advised that in the week ending 10/18/15, they were at about 25%; for the week ending 10/25/16, they were at 20%; and ending on Sunday, 15%; which gives them a total October conservation of about 23%, and a total cumulative to date conservation rating of 27.9%. He noted that is kind of right there at that 28% of where they should be. He added that they are seeing that conservation number go down lower as they go into the winter months. He noted that it is a little bit surprising as well considering that compared to 2013, they were about eight degrees cooler than what they were in 2013. They are not quite sure what the reason was for the decreased water conservation.

Mr. Rogers advised that as far as service requests, they have had 84 public service requests in the last three weeks in regard to water wasting. 20 leaks were reported as well and all were repaired within three days. They had 204 violations issued with the majority of those being first violations and just a few being second violations. They didn't have any third violations during this period so they are seeing some improvement on that.

Mr. Rogers commented that staff provided outreach to the swap meet, the Soroptomist Club, and several schools where they went out and visited and educated the public. He added that as far as rebates go, 23 people have successfully completed the rebate program for a total of \$8,500 in rebates. He advised that about \$8,000 of that is for turf replacement. They have 14 people right now currently enrolled in the program for an additional \$6,600 in rebates and once again the majority of that is turf replacement as well. He stated that one seems to be pretty successful in catching on with people.

Mr. Rogers offered to answer any questions.

Mayor Pro Tem Oliver stated he understands that the State recently issued their first set of fines, he believes, of water districts. He thinks they were targeting Southern California, the Coachella Water District and Beverly Hills. He asked if anyone wants to elaborate.

City Attorney Brent Richardson replied that all he knows is, he believes, that it was \$61,000 in total. He believes it was against Beverly Hills. Mr. Richardson added that there were a couple down in that Riverside area, in general Indio, but, they were all kind of down in that area. He noted that it wasn't \$10,000 a day, he doesn't believe.

Mr. Rogers commented that it was about three separate districts and it was \$61,000 to each one of them; not the \$10,000 a day. For those districts, they probably are not going to sweat that fine too much.

Mayor Pro Tem Oliver asked that they correct him if he is wrong. He thinks this is a State mandate that within 48 hours of a rain, folks are precluded from watering.

Mr. Rogers agreed and noted that was part of Governor Brown's State mandate.

Mayor Pro Tem Oliver added that as part of their enforcement activities and outreach materials that go out to remind folks of that fact especially as they have already had a few rains this season. He noticed a few lawns that were getting watered the next day. He thinks it would be an important fact to note.

Mr. Rogers agreed. He added that they have talked a bit in Public Works as well, using Facebook to notify residents, at least, who are connected that way that once it does rain that 48 hours after the rain to not water their lawns.

Council Member Rigby stated, since Mr. Rogers segued into social media, that he is curious that seemingly, the last three weeks, there were 133 first time offenders and he thinks that is a lot. He noted that seemingly is a spike from what they have been seeing over the last several months. He is curious as to, sort of, what are Public Works' plans within the near future to get this information available to the public, PSA's (public service announcements). He knows staff is in the schools and asked what sort of material is being used; being sent home. If they couldn't maybe help in some way, if there was a partnership that needs to be made with staff to get some of this information off the ground. He noted that it seems to be dragging. They have been talking about it for a while. They want to get information out. They want to get it out; they want to get it out. He noted that it is just not getting out.

Mr. Rogers replied that they have been trying to increase public awareness through getting out to the schools, getting out to the swap meet and trying to get out to various service clubs as well. Additionally, Parks has been very helpful as well. They have a larger audience on Facebook. They have been posting information on there for Public Works as well. He believes the Public Works Operations Director Dave Randall has been talking to the Council about using Joseph Carrello from Parks to create some videos so they can post to social media and try to get that message out there more. In the meantime, it is staff trying to get out there, talk with residents and try to get that engagement going so that they can educate people.

Council Member Rigby stated, just as a follow up, he might recommend that maybe even picking strategic locations where perhaps some of these first time offenders are being, so more so than not, and partnering with the neighborhood watch programs. He knows that he wouldn't mind seeing a representative from Public Works coming out to some of their neighborhood watch programs and just kind of reiterate what is available, what is being done and maybe talk a little bit more about the consequences. He commented that just in the last couple of neighborhood watch meetings that he has been to, off the record, off to the side, he has had several conversations with residents that are, yo man, I got this ticket. He would strongly suggest maybe taking advantage of that platform that has been available and maybe they can reiterate that to Mr. Randall but, perhaps creating some type of neighborhood outreach committee or team that staff in the Public Works office rotates every so often. His guess is the most they would hit is two to three neighborhood watch meetings a month.

Mr. Rogers agreed and stated he would definitely take that back to Mr. Randall. He thinks that is an excellent idea moving forward.

Council Member Bompreszi stated she thinks it was either Saturday or Sunday's paper where they posted all the different/various cities and where they are at. It said that the City had missed their goal when indeed

they haven't missed their goal. They were at 29.7 and their goal was 28. She asked Mr. Rogers if he happened to see that.

Mr. Rogers responded that cumulatively they are right at that 28% mark but the state still wants to see them meet that 28% goal monthly as well. So, if they don't hit that goal monthly, then they consider you meeting cumulative but not meeting the monthly goal.

Council Member Medellin stated he saw that too and it didn't put them in a good light. He thinks sometimes it is that confidence factor. It rained the other day so they are out of the drought or when they post that they did meet their monthly so then, I now can personally water a little bit extra; a little bit of that on the residents hurt them.

Mr. Rogers added that they are not the only City; most cities around didn't meet the State requirements. He noted that it just gets a little bit harder as they move further on into fall and winter because water usually is reduced anyways as a part of the season and then it just gets harder to try to find some of those areas to reduce.

Mayor Pro Tem Oliver asked if there are any other questions. No other questions were asked.

Mayor Pro Tem Oliver thanked Mr. Rogers.

F. COUNCIL REPORTS

Council Member Robinson reported that he participated in a neighborhood watch at Sherwood Square along with Mayor Pro Tem Oliver.

Council Member Robinson reported that he attended the celebration of Juan Felipe Herrera who is the United States' new Poet Laureate at Fresno State.

Council Member Rigby reported that he had the opportunity to celebrate their newest official neighborhood watch neighborhood which is the South Lake Street Neighborhood Watch. They were there last Thursday presenting them with their certificate as well as their first neighborhood watch sign which will be located at the park area on the corner of Lake Street near "A".

Council Member Rigby reported that he spent Saturday night with the Madera Ministerial Association as they hosted their annual Nigh Light event at the Madera Fairgrounds. They saw close to 4,000 community members come in and were served with food and games for kids. He advised that it was absolutely free as the Madera Ministerial Association once again just knocked it out of the park. It was just a great time and it was good to see his counterpart, Council Member Robinson, with his daughter. They could tell it was late because she wasn't happy she had to go. He believes bedtime was near. He added that it was good to be out there.

Council Member Holley reported that yesterday he was able to go to Bakersfield and attend the 4th Annual San Joaquin Housing Program that they put on. He advised that for all that are concerned with housing, there is a lot of grant money that is coming down the pipe for the Central Valley and that is what they were focusing on, what goes on from Kern County all the way up to Merced County. He restated that there is a lot of grant money out there. There are a lot of resources that people don't know about that is out there. They have an office right there in Merced that is taking grants for people for first time housing and small businesses as well.

Council Member Holley reported that last Saturday, he along with Council Member Medellin attended the Parkwood Neighborhood Watch. If they want to see something done for a neighborhood, it is like a horseshoe and they used a whole horseshoe for their neighborhood so it was really nice. He added that a few of the other neighborhoods he attended were in Parkwood as well and one over in the new KB Homes off of Olive. He noted there has been a lot going on; keeping them going so it is a good thing that they have a policy, if one is there they are all there. He loves that.

Council Member Medellin stated there was a block party where he along with Council Member Holley got to partake in a little bit of food on that day. When he says a little bit he means they ate a lot.

Council Member Medellin stated that obviously community outreach is huge. He thinks that is kind of the theme and neighborhood watch is a large part of that. He wasn't with his daughter at Night Light. There were a lot of people. He was with his son. Council Member Medellin stated he wants to commend Chief of Police Steve Frazier who was out there on a Saturday night greeting everybody at the front door along with Sheriff Jay Varney and that sent a strong message. He thanked Chief Frazier for being there and having donuts. He doesn't know what message that sent but that was on the Chief. He added that Chief Frazier was there with his son who is 20/21 years of age and he thinks he absolutely loved it. Again, he encourages community involvement and neighborhood watch. It is a huge part of who they are and what they do, and whatever message they have, they can't do it alone so that engagement is very, very important.

Mayor Pro Tem Oliver reported that he had an opportunity to attend the graduation ceremony for PG&E's Pathway Program for local veterans. He noted that it started with over 500 applicants and they put forward 17 graduates. He advised that it was the first of its kind in that these folks aren't just going to go out and work as lineman positions or in technical jobs but they are going to work as customer service representatives. There were a handful of folks from Madera. He has to give credit to Elaine Craig with their local Madera Workforce for playing a big role in helping process those folks and she received a lot of praise there. He commented that it was a successful deal. Their CEO and President Tony Earley was present and he is also a veteran. They look forward to continuing that program. Council Member Oliver stated he is excited that they will be able to put forth many other local veteran candidates.

Mayor Pro Tem Oliver reported that he attended neighborhood watch with their Sherwood Team with Council Member Robinson. He advised that it was the second meeting but he thinks it also offered a sobering assessment from Officer Vasquez who is the local beat officer. He noted that a week after the first meeting that they had, they had at least over 50 people in attendance, there was a string of seven burglaries in the neighborhood and not one was called in in time. So, Officer Vasquez's message, he thinks was made quite clear but he thinks that as they move forward and double down in their community outreach efforts, they have to wrack their heads a little bit as far as how they can get that message across in creative, anonymous calling; you are not going to be in trouble if you call in and inform law enforcement of suspicious activities. He noted that with their talented team of videographers on staff and with their PD (Police Department), he thinks that they can maybe look at some options and creative messaging in ways that they can get that point across.

Council Member Holley reminded everyone that this Saturday is the Pomegranate Festival. He didn't see any heads shaking so they all must be asleep by now. He asked that they go out and try to attend. He added that it is one of the great events that they put on that the City can be involved in. It doesn't cost them anything to go in but if they like pomegranates, there are all kinds of ways they can eat them.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session in two matters pursuant to Government Code §54956.9(d)(2) to discuss anticipated litigation in one matter as described under item G-2; and pursuant to Government Code §54956.9 (d)(1) to discuss existing litigation in one case as described under item G-3.

The Council adjourned to closed session at 7:25 p.m. ABSENT: Mayor Poythress.

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

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

One case: City of Madera v. Roy Roberts et al.
Madera Superior Court Case No. MCV062827

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 7:51 p.m. with all members present. Absent: Mayor Poythress.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code §54956.9(d)(2) to discuss anticipated litigation in one matter as described under item G-2 and reported that no reportable action was taken; and pursuant to Government Code §54956.9 (d)(1) to discuss existing litigation in one case as described under item G-3 no reportable action was taken.

Mayor Pro Tem Oliver announced that they would return to item B-9 of the consent calendar.

B-9 Consideration of a Resolution Approving Settlement and Release Agreement and Authorizing the Mayor to Execute the Agreement (Report by Brent Richardson)

Mayor Pro Tem Oliver stated that if there are no other questions or comments, he will entertain a motion for action.

On motion by Council Member Rigby, and seconded by Council Member Bompreszi, RES. NO. 15-224 was adopted by a roll call vote of 5-1. AYES: Mayor Pro Tem Oliver, Council Members Rigby, Bompreszi, Medellin, Robinson. NOES: Council Member Holley. ABSENT: Mayor Poythress.

RES. NO. 15-224 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SETTLEMENT AGREEMENT AND RELEASE WITH ROY ROBERTS AND DAVID ROBERTS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

ADJOURNMENT

The meeting was adjourned by Mayor Pro Tem Oliver at 7:54 p.m.

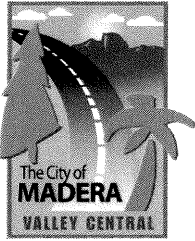
CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

ROBERT L. POYTHRESS, Mayor

Item:	B-1
Minutes for:	05/18/16
Adopted:	08/17/16



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

**May 18, 2016
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting and special meeting for 05/18/16 were called to order by Mayor Poythress at 6:00 p.m.

ROLL CALL:

Present: Mayor Robert L. Poythress
Mayor Pro Tem Charles F. Rigby
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.
Council Member William Oliver

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, City Engineer Keith Helmuth, Director of Human Resources Wendy Silva, Planning Manager Christopher Boyle, Director of Financial Services Tim Przybyla, Fire Chief Dave Allen, Director of Parks and Community Services Mary Anne Seay, Public Works Director Dave Randall, Director of Community Development David Merchen, Grants Manager Ivette Iraheta, Commander Dino Lawson, Neighborhood Preservation Supervisor Viola Rodriguez and Neighborhood Preservation Specialist I Fabela Rodriguez

INVOCATION: Pastor Tim McGraw, Yosemite Christian Center

PLEDGE OF ALLEGIANCE: Pro Tem Mayor 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.

No comments were offered.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR – SPECIAL MEETING

- B-1 Consideration of a Resolution Approving a Partnership Agreement with Madera Unified School District in Support of Their Carol M. White Physical Education Program Grant Submittal and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDAR FOR THE SPECIAL MEETING, RES. NO. 16-72 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

RES. NO. 16-72 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A PARTNERSHIP AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT IN SUPPORT OF THEIR CAROL M. WHITE PHYSICAL EDUCATION PROGRAM GRANT SUBMITTAL AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Mayor Poythress called on the City Clerk to make the late distribution announcement.

Sonia Alvarez, City Clerk announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda items were distributed to the Council less than 72 hours before this meeting. Under Section C, Item C-2, subject matter is Weed Abatement. A revised Exhibit A to the Resolution was distributed to the Council this evening. Item C-3, subject matter is an MOU with Madera Irrigation District. A revised 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.

B. CONSENT CALENDAR – REGULAR MEETING

- B-1 Minutes – There are no minutes for consideration.
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution of the City Council, of the City of Madera, California, Rescinding Resolution No. 15-138 and Approving a Subordination Agreement for Isaias G. Angeles for a HOME First Time Home Buyer Loan and Authorizing the City Administrator to Sign the Subordination Agreement on Behalf of the City of Madera (Report by Ivette Iraheta)
- B-4 Consideration of a Resolution Approving a Budget Amendment for the Second Year of a Three Year Existing Agreement for Services with Laurin Associates, A Division of Raney Planning and Management, to Conduct Annual Home Long-Term Monitoring for the Arborpoint and Madera Family Apartments (Report by Ivette Iraheta)
- B-5 Consideration of a Resolution Approving a Food Service Agreement with Madera Unified School District to Provide Meals to Eligible Youth during the Summer Food Service Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)
- B-6 Consideration of a Resolution Accepting a Street Easement Deed as Offered by TBS Holdings, LLC (Report by Keith Helmuth)
- B-7 Consideration of a Resolution of the City Council of the City of Madera, Approving an Agreement with Provost and Pritchard Consulting Group for Professional Surveying Services for Surveying on Sunset Avenue from Pine Street to Schnoor Avenue as Part of the Safe Routes to School Project at Thomas Jefferson Middle School, and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

B-8 Consideration of a Resolution Adopting an Updated City of Madera MAX and Dial-A-Ride Title VI Program (Report by Ivette Iraheta)

Mayor Poythress asked if there are any consent calendar items that a Council person would like to have pulled for further discussion. Seeing none, Mayor Poythress asked for a motion for action on the Consent Calendar.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR FOR THE REGULAR MEETING WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

RES. NO. 16-63 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, RESCINDING RESOLUTION NO. 15-138 AND APPROVING A SUBORDINATION AGREEMENT FOR ISAIAS G. ANGELES FOR A HOME FIRST TIME HOME BUYER LOAN AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE SUBORDINATION AGREEMENT ON BEHALF OF THE CITY OF MADERA

RES. NO. 16-64 A RESOLUTION APPROVING A BUDGET AMENDMENT FOR THE SECOND YEAR OF A THREE-YEAR EXISTING AGREEMENT FOR SERVICES WITH LAURIN ASSOCIATES, A DIVISION OF RANEY PLANNING AND MANAGEMENT, TO CONDUCT ANNUAL HOME LONG-TERM MONITORING FOR THE ARBORPOINT AND MADERA FAMILY APARTMENTS

RES. NO. 16-65 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A FOOD SERVICE AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT TO PROVIDE MEALS TO ELIGIBLE YOUTH DURING THE SUMMER FOOD SERVICE PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 16-66 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING EASEMENT DEDICATION FOR A NINETEEN FOOT WIDE STREET EASEMENT, AND AUTHORIZING THE RECORDING OF THE STREET EASEMENT DEED AND ACCOMPANYING CERTIFICATE OF ACCEPTANCE

RES. NO. 16-67 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH PROVOST AND PRITCHARD CONSULTING GROUP FOR PROFESSIONAL SURVEYING SERVICES FOR SURVEYING ON SUNSET AVENUE FROM PINE STREET TO SCHNOOR AVENUE AS PART OF THE SAFE ROUTES TO SCHOOL PROJECT AT THOMAS JEFFERSON MIDDLE SCHOOL, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

RES. NO. 16-68 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING AN UPDATED CITY OF MADERA MAX AND DIAL-A-RIDE TITLE VI PROGRAM

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

C-1 Public Hearing and Introduction of an Ordinance Amending Subsection B of Section 3-5.08 of Chapter 5 of Title III of the Madera Municipal Code in Compliance with Conducting Speed Surveys on City Streets (Report by Keith Helmuth)

Keith Helmuth, City Engineer stated that the purpose of this public hearing is to allow public comments relative to the proposed changes in speed limits within the City of Madera. These changes are made pursuant to a speed survey conducted by the Engineering Department in accordance with the California

Vehicle Code. Mr. Helmuth stated that speed surveys are required to be conducted in support of posted limits and must generally occur at a maximum of five years or the ability to enforce the speed limit may be jeopardized. Preparation of such surveys allow for periodic changes in driver behaviors or conditions of the road network. Mr. Helmuth stated that adoption of the amended ordinance will allow for posting speeds in conformance with the California Vehicle Code and will assist in enforcement activities. Mr. Helmuth stated that speed limits have stayed the same in all instances except for one. There is a segment of Westberry Boulevard from Sunset Avenue to Riverview Drive that was reduced from 45 mph to 40 mph. Mr. Helmuth stated that he would be happy to answer any questions.

Mayor Poythress asked if there were any questions for Mr. Helmuth before they opened up the public hearing. Seeing none; he opened up the public hearing. He asked if there were any members of the public who would like to address the Council on this item: Seeing none, he closed the public hearing and asked that title be read.

The introduction of an ordinance was read by title by the City Clerk.

Mayor Pro Tem Rigby moved to waive further reading of title and adopt. Ms. Alvarez, City Clerk clarified for the record that this is an introduction of an ordinance not an adoption.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED, AND ITEM C-1, INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

INTRO. ORD. AN ORDINANCE AMENDING SUBSECTION B OF SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA MUNICIPAL CODE IN COMPLIANCE WITH CONDUCTING SPEED SURVEYS ON CITY STREETS

C-2 Public Hearing on Objections to Weed Abatement and Consideration of a Resolution of the City Council of the City of Madera Authorizing the City Administrator or Designee to Abate Weed Nuisances Existing within the City (Report by Fabela Rodriguez)

Fabela Rodriguez, Neighborhood Preservation Specialist I stated that this is an update on the Weed Abatement process. Ms. Rodriguez stated that all vacant lots in the City of Madera were inspected and 322 properties were found to be in violation of Code 3-15.01 of the Madera Municipal Code. The weeds in these lots have the potential to become a fire hazard. Ms. Rodriguez stated that she started informing the public of the weed abatement process in February. She published an ad in the monthly newsletter that was mailed out with the utility billing.

Ms. Rodriguez stated that she started her inspections on February 29th and Notice of Violations were issued on March 17th to all the properties that were not in compliance. The Notice of Violations noted the violation, re-inspection date, corrective action and hearing date. Ms. Rodriguez stated that on April 21st courtesy notices were mailed out to the 322 property owners to remind them about discing and mowing their lots by May 1st. Re-inspections were made on May 2nd and 115 properties were found to be in violation. Parcels of all non-compliant lots were posted and she attempted to contact all the property owners about their existing violations. Properties in violation had dwindled down to 25 on May 2nd. The abatement will begin on May 23rd and end June 2nd. Ms. Rodriguez recommended adoption of the resolution for abatement of weed nuisances in the City of Madera.

Mayor Poythress asked the Council if they had questions for Ms. Rodriguez; seeing none, he opened the item for public comment. No public comment was presented and public hearing was closed.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-2, RES. NO. 16-69 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ABATE WEED
NUISANCES EXISTING WITHIN THE CITY OF MADERA****C-3 Consideration of a Resolution Approving the Madera Irrigation District and City of
Madera Groundwater Sustainability Agency Memorandum of Understanding (Report
by Dave Merchen)**

Dave Merchen, Community Development Director stated that the Sustainable Groundwater Management Act (SGMA) requires that Groundwater Sustainability Agencies (GSAs) be formed by 2017. Groundwater Sustainability Plans are due by 2020. Mr. Merchen stated that the agencies that are located within the Madera Sub-groundwater basin have decided that the basin should pursue a structure where individual GSAs are formed by the agencies within those basins. That would be the City, the County and a handful of water districts. Those GSAs would work together on a single plan. Mr. Merchen stated that one of the nuances of that structure is that the law does not allow any overlap between GSA boundaries. As it relates to the City of Madera, the City and Madera Irrigation District (MID) boundaries substantially overlap. About 90% of the City is located within the MID boundary. Mr. Merchen stated that for that reason, special coordination would be required. Staff worked with MID and looked at alternative methodologies and the one they liked was to form one GSA that would cover both the City and MID. As they got into the basics of how that would work, there were enough unanswered questions about government structures, implementation and enforcement that the staff from both agencies had reservations and ultimately decided to back off of that structure and pursue a simple Memorandum of Understanding (MOU).

Mr. Merchen stated that the MOU describes the intent of both parties to form their own GSAs. The City's GSA would be at City Limits and the MOU provides for the GSA boundaries of the City to be adjusted over time as the City grows through annexation. Mr. Merchen stated that the MOU provides for collaboration on funding, planning and implementation for groundwater sustainability activities over time as the plan is written and implemented.

Mr. Merchen stated that the MOU is pretty basic and straightforward and does what needs to be done in terms of coordination. Mr. Merchen stated that MID took action yesterday to adopt the MOU from their side. MID's final version as adopted is what was presented to the Council as a late submittal. Mr. Merchen stated he had concluded his report and would answer any questions the Council had.

Mayor Poythress asked the Council if they had questions for Mr. Merchen.

Council Member Oliver wanted to know if the City was looking to execute similar MOUs with other members of the City's groundwater basin to emphasize regional collaboration regarding funding requests or efforts to obtain grants monies or if that fell under the auspices of the groundwater JPA.

Mr. Merchen stated that they anticipate additional MOU activity with member agencies and probably with the County. As the City annexes a property, that unincorporated area will lie, for the time being, within that County GSA and the City would want to coordinate with the County on their boundaries so a GSA specific MOU with the County is probable. Mr. Merchen stated that the other form of MOU or agreement that he anticipates is that the GSAs will come together and enter into some kind of a defined relationship to prepare and work together on a plan. A more detailed MOU will come before they enter into the plan. Mr. Merchen stated that the umbrella that connects all of the groundwater activities is the JPA that will continue to exist and under which all agencies coordinate, not just the Madera sub-basin but the Chowchilla water basin as well.

Council Member Oliver asked if the state had provided any direction or guidance as to the type of governance that can be reflective of the GSAs. He wanted to know if there are any concrete details or if the City is flexible on how it wants their GSA to look and how it's going to be representative of the community.

Mr. Merchen stated that he doesn't think there is a lot of defined requirement except that the formation process is laid out in detail. He is not aware of any requirements regarding activities and structure of the governance board, but that is something that they'll have to become more fluent in.

Mayor Poythress asked if there were any further questions and announced that if there were no questions, he would consider a motion for action.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-3, RES. NO. 16-70 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

RES. NO. 16-70 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE MADERA IRRIGATION DISTRICT AND CITY OF MADERA GROUNDWATER SUSTAINABILITY AGENCY MEMORANDUM OF UNDERSTANDING.

C-4 Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines (Report by Brent Richardson)

Brent Richardson, City Attorney stated that this is a request to confirm special assessments on three properties that have substantial unpaid fines. Mr. Richardson stated that they seem fairly straightforward outside of the sheer volume of the fine. The property owners were cited and in two of the cases, the property owner was a bank.

Mayor Poythress asked if there were any questions for Mr. Richardson before they opened up the public hearing. Seeing none; he opened up the public hearing. He asked if there were any members of the public who would like to address the Council on this item. Seeing none, he closed the public hearing and brought the item back to Council for action.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM C-4, RES. NO. 16-71 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

RES. NO. 16-71 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT ADMINISTRATIVE FINES.

D. WRITTEN COMMUNICATIONS

D-1 Consideration of a Request from the Madera County Transportation Commission for Member Assessment Fee (Troy McNeil, MCTC)

Troy McNeil, Fiscal Supervisor for the Madera County Transportation Commission stated that MCTC is again requesting a member assessment fee to help pay for the Valley Voice Program and other advocacy efforts. The Valley Voice Program advocates for transportation and other related issues on the state and federal level. Mr. McNeil stated that Mayor Poythress has been directly involved with these efforts as past chair of the Regional Policy Council and from Mr. McNeil's understanding, Mayor Poythress is again planning to attend the Washington DC trip in September. Mr. McNeil stated that he believes that Mayor Poythress can attest to the importance of continuing this program. MCTC requests that the Council approve the fee.

Mayor Poythress asked Council if they had any questions for Mr. McNeil. Seeing none, Mayor Poythress stated he would accept a motion.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-1, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

E. ADMINISTRATIVE REPORTS

E-1 Weekly Water Conservation Report 5/2/16-5/8/16 (Report by Dave Randall)

Dave Randall, Public Works Director stated that this report had been suspended until the watering schedule had been changed. He is now back to give the Council good news. Mr. Randall stated that conservation numbers are up and have been as high as 32%. The state reduced the City's goal from 28% to 26%. Mr. Randall stated that the governor has decided to change things again. The governor left a lot up to the Water Board and details are lacking at this time, however it should provide the City opportunity to be more flexible. Mr. Randall stated that he would be glad to answer any questions.

Mayor Pro Tem Rigby asked for an update on the City's Rebate Program.

Mr. Randall stated that they would like to be more successful and staff will be coming back to the Council at a future meeting with another rebate program that staff wants to try. He believes they've expended approximately \$30,000. The state hasn't run out of money either. If people want to convert their lawn, it can happen. Staff will be coming back with some suggestions on how to spend additional City water conservation dollars.

Council Member Oliver asked if the City is working with local businesses such as GBS, Home Depot or Lowe's that sell rebate products.

Mr. Randall stated that staff has approached the businesses and GBS was supportive, but it's not a priority for the business owners as they have a lot of products in their stores.

Council Member Oliver stated that it might be a great opportunity to promote somehow.

Mr. Randall stated that staff will take a look at that, but will have to do things differently as response is not overwhelming. Mr. Randall stated that there are a lot of people without automatic sprinkler systems and staff hopes to target those efforts as well as address leakage issues.

David Tooley, City Administrator stated that staff is working on recommendations and project demonstrations for drought tolerant plantings and the technology that can be used. If they can attract people and show them what it can represent to their yard, it becomes an educational opportunity. Mr. Tooley stated that staff will bring that item to the Council for a full discussion in the near future.

F. COUNCIL REPORTS

Council Member Robinson stated that he attended the League of California Cities Executive Board meeting on May 12th. They are in need of golfers. City Managers and Directors are welcome.

Council Member Robinson stated that they will have the General Membership meeting at the Golf Course on June 9th.

Council Member Holley stated that he participated in Love Madera. He was displeased with the turnout and believes they need to put more effort into noticing the event.

Council Member Holley stated that he attended a conference for the Community Action Partnership. The conference was awesome and it was a well presented conference on migrant homes and funding.

Council Member Holley stated that he had a chance to visit Assembly Member Bigelow. He was able to tour the capital. It was a nice conference and the weather was beautiful.

Council Member Holley stated that he attended the Intercultural event at Sierra Vista Elementary School. They had a great turnout of 1,100 people.

Council Member Holley stated that he is still hosting Big Brothers Big Sisters and he hopes everybody gets on board and gets involved.

Council Member Holley mentioned that Leon Emo's service will be this Friday at 3:30 pm at Valley West Christian Center.

Council Member Oliver stated that he wanted to touch on Leon Emo's life and his friendship. Council Member Oliver stated that when he first got his start in City government it was volunteering on a Youth Center committee and one of the first staff members that he met was Leon Emo. Council Member Oliver stated that he has fond memories of Mr. Emo taking him to visit the Tribune and viewing newspaper articles of Bobby Kennedy's trip to Madera on May 30, 1968. Mr. Emo took photographs of the Kennedy's [during their visit] and was generous enough to lend those photographs to Council Member Oliver to incorporate into his personal items. Council Member Oliver is grateful for Mr. Emo's friendship and will look at those photographs differently and think of the person behind the lens.

Mayor Poythress stated that Leon Emo was a great guy and he had the pleasure of going to the desert with him once. Mayor Poythress stated that when a person passes, it's the investment in the lives of others and those relationships that really count and that is what Mr. Emo demonstrated best.

Council Member Holley stated that he and Leon Emo went back over 30 years. Council Member Holley stated that when he started the Jesse Owens games, Mr. Emo was there to write the stories. The pictures that Mr. Emo took made the kids see themselves as they grew and showed them that they could be somebody.

Council Member Holley stated that his granddaughter, Je'Nia Sears is #1 in the state in long jumping and attends Fresno State. She will be graduating on Saturday. Council Member Holley remembers when Mr. Emo wrote a story on her when she first started. Council Member Holley remembers telling Mr. Emo that she was going to be somebody and she was only three years old at the time. She started at the Jesse Owens games and he is a proud grandfather.

G. CLOSED SESSION

There are no items for this section.

ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 6:30 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

ROBERT L. POYTHRESS, Mayor

Prepared by:
ZELDA LEÓN, Deputy City Clerk

City of Madera

Council Meeting Of August 17th, 2016
Agenda Item No. B-2

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

From: Office of the Director of Finance

Subject: Listing of Warrants Issued

Date: 08/17/2016

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

July 26th, 2016 to August 8th, 2016

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

General Warrant:	205097-205276	\$ 1,464,946.44
Wire Transfer	Union Bank Payroll and Taxes	\$ 608,159.28
Wire Transfer	SDI	\$ 1,790.11
Wire Transfer	Cal Pers	\$ 328,537.86

Respectfully submitted,



Patricia Barboza
Financial Services Manager

CITY OF MADERA
REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT
August 8th, 2016

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
205097	7/28/2016	VILLAGOMEZ, JESUS	CANCELLED PROJECT, 519 N D ST	1,326.00
205098	7/28/2016	HOLLEY, DONALD	PARK DEPOSIT REFUND	190.00
205099	7/28/2016	LARIOS, ANNETT	POOL DEPOSIT REFUND	100.00
205100	7/28/2016	LOPEZ, GLORIA	PARK DEPOSIT REFUND	50.00
205101	7/28/2016	THE BANK OF NEW YORK MELLON	ADMIN FEE 07/01/16 - 06/30/17	1,923.90
205102	7/28/2016	AT&T	06/16 CALNET 2 SVS 9391026401	19.90
205103	7/28/2016	GOODE, DERIK	PARK DEPOSIT REFUND	50.00
205104	7/28/2016	ARAMARK UNIFORM SERVICES	06/16 UNIFORM SERVICES	4,290.68
205105	7/28/2016	BSK ASSOCIATES	WATER SAMPLES	2,157.50
205106	7/28/2016	BEST TOURS AND TRAVEL	SAN FRANCISCO DAY TRIP 7/13/16	800.00
205107	7/28/2016	BLAIR CHURCH & FLYNN	SURVEYING SVS ON ELLIS/AVE 16 OC-PHASE 2	180.00
205108	7/28/2016	CANON FINANCIAL SERVICES	CONTRACT COPIERS	3,976.67
205109	7/28/2016	CSJVRMA	CSJVRMA 1ST QTR DEP FY 16/17	743,286.00
205110	7/28/2016	CHICK, CHARLES	MILEAGE REIMB 2ND HALF CALL OUT 5/27/16	9.45
205111	7/28/2016	COMMUNITY ACTION PRTRNSHP OF MADERA CO	REIMBURSEMENT FY 15/16 4TH QTR	4,309.20
205112	7/28/2016	COMMUNITY BUSINESS BANK	ERP SYSTEM EQUIP/FIRE TRUCK LOAN PMT	165,715.47
205113	7/28/2016	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	174.50
205114	7/28/2016	CPS HR CONSULTING	BILINGUAL EXAM SANDOVAL/RAMIREZ	390.00
205115	7/28/2016	DATAPROSE, LLC	JUL 2016 BILLING/48HR NOTICE/NEWSLETTER	10,217.94
205116	7/28/2016	DIAMOND COMMUNICATIONS	SEWER LIFT STATION MONITORING	115.00
205117	7/28/2016	CROWN SERVICES CO.	PORT A POTTIES FOR 4TH OF JULY EVENT	1,533.72
205118	7/28/2016	ADMINISTRATIVE SOLUTIONS INC.	FUNDS ON DEPOSIT FOR MEDICAL CLAIMS	40,000.00
205119	7/28/2016	DEVASTATING PYROTECHNICS LLC	FINAL PMT FIREWORKS 4TH OF JULY EVENT	12,500.00
205120	7/28/2016	HERNANDEZ LUCIA OR CITY OF MADERA	Utility Billing Credit Refund	100.27
205121	7/28/2016	ARREOLA EFREN	Utility Billing Credit Refund	250.49
205122	7/28/2016	PISTORESI MICHAEL C/O DMP DEVELOPMENT	Utility Billing Deposit Refund	23.77
205123	7/28/2016	GALLEGOS PETER OR CITY OF MADERA	Utility Billing Credit Refund	151.20
205124	7/28/2016	MONREAL ANTHONY	Utility Billing Credit Refund	151.91
205125	7/28/2016	PEREZ EMMA	Utility Billing Credit Refund	10.51
205126	7/28/2016	CUELLAR SAPPHIRAH	Utility Billing Credit Refund	96.76
205127	7/28/2016	SOTO ESTELA AND JOSE	Utility Billing Credit Refund	150.34
205128	7/28/2016	SNACK NATURAL LLC DBA SNACMASTERS GOURMET JERKY	Utility Billing Credit Refund	452.02
205129	7/28/2016	SAFEGAURD PROPERTIES C/O B OF A PRESALE	Utility Billing Credit Refund	240.29
205130	7/28/2016	JAKUSZ PROPERTY MAINTENANCE	JULY 2016 MONTHLY MAINTENANCE	4,798.00
205131	7/28/2016	JAKUSZ PROPERTY MAINTENANCE	JULY 2016 MONTHLY MAINTENANCE	4,260.00
205132	7/28/2016	JAKUSZ PROPERTY MAINTENANCE	JULY 2016 MONTHLY MAINTENANCE	2,775.00
205133	7/28/2016	JAKUSZ PROPERTY MAINTENANCE	JULY 2016 MONTHLY MAINTENANCE	451.00
205134	7/28/2016	FRESNO COUNTY ECONOMIC OPPTY. COMMISSION	BERGON/PANAM SITE SUPPLIES JUNE 2016	243.34
205135	7/28/2016	FRESNO MADERA AREA AGENCY ON AGING	06/16 UNSERVED MEALS	483.10
205136	7/28/2016	GEIL ENTERPRISES, INC.	FLOOR SERVICE	8,609.08
205137	7/28/2016	CITY OF MADERA	JULY ADC WATER/TRASH 322 W 6TH ST	152.94
205138	7/28/2016	CITY OF MADERA	DISHWASHER REBATE TO 9915397	35.00
205139	7/28/2016	CITY OF MADERA	TOILET REBATE TO 9916865	50.00
205140	7/28/2016	MADERA CLEANERS & LAUNDRY	YOUTH CENTER FLOOR MAT SVS	32.30
205141	7/28/2016	MADERA COALITION FOR COMM JUSTICE	REIMB FOR 4TH QTR CDBG FUNDED RMP	4,232.85
205142	7/28/2016	MADERA COUNTY	50% AMTRAK STATION COSTS APR 2016	756.51
205143	7/28/2016	MADERA COUNTY E D C	REIMB TH QTR SALARIES/EXPS SM BUS LOAN	992.21
205144	7/28/2016	MADERA HONDA SUZUKI	HELMET	1,211.74
205145	7/28/2016	MADERA COUNTY WORKFORCE CORPORATION	PMT CDBG-FND 15/16 SCHOLARSHIP 4TH QTR	9,101.03
205146	7/28/2016	MADERA IRRIGATION DISTRICT	MADERA SUB BASIN SGA-MID 04/2-06/30/16	521.75
205147	7/28/2016	MADERA PUMPS, INC.	WELL #22 REPAIRS	810.00
205148	7/28/2016	AL VASQUEZ CONSTRUCTION	EMERGENCY ABATEMENT @ 518 VINEYARD AVE	900.00
205149	7/28/2016	PACIFIC GAS & ELECTRIC	06/16 SVS 9920095153-3	41,390.50
205150	7/28/2016	P G AND E	06/16 SVS 9787342989-4	125.66
205151	7/28/2016	GUTIERREZ, CHRISTINA	PARK DEPOSIT REFUND	107.50
205152	7/28/2016	VENEGAS, JEANETTE	POOL DEPOSIT REFUND	100.00
205153	7/28/2016	MARLEY, HERMINIA	POOL DEPOSIT REFUND	100.00
205154	7/28/2016	VELAZQUEZ, BEATRIZ	POOL DEPOSIT REFUND	100.00
205155	7/28/2016	GONZALES, DIANE	POOL DEPOSIT REFUND	100.00
205156	7/28/2016	TORRES, NICOLE	PARK DEPOSIT REFUND	50.00

205157	7/28/2016	BAUTISTA, SONIA	PARK DEPOSIT REFUND	50.00
205158	7/28/2016	DUDLEY, IMELDA	REFUND SWIM LESSONS FEE-MEDICAL REASONS	40.00
205159	7/28/2016	VELASQUEZ, JOSEPH	REIMB FOR RENTAL CAR & GAS GREAT PGR TRN	352.83
205160	7/28/2016	PECK'S PRINTERY	ENGINEERING PRINTING SVS	749.74
205161	7/28/2016	CHASE BENNETT-SHEFFIELD	WEED ABATEMENT MAY 25TH 2016	2,517.56
205162	7/28/2016	ALL STAGE CONSTRUCTION	TEMP WATER METER #26 DEPOSIT REFUND	1,700.00
205163	7/28/2016	PITNEY BOWES GLOBAL FINANCIAL SERVICES	QTRLY RENTAL (04/30/16-07/29/16)	265.32
205164	7/28/2016	PRESORT CENTER OF FRESNO, LLC.	06/16 AR STATEMENTS	224.22
205165	7/28/2016	Principal Life Insurance Company	AUGUST 2016 DENTAL BILL	17,244.31
205166	7/28/2016	PROVOST & PRITCHARD CONSULTING GROUP	SUNSET AVE SURVEY 06/01/16-06/30/16	10,800.00
205167	7/28/2016	RANEY PLANNING & MANAGEMENT, INC.	HOME LONG-TERM MONITORING APRIL 2016	4,560.42
205168	7/28/2016	REGENCE BLUECROSSS BLUESHIELD OF UTAH	CITY PAID RETIREE MED BILL DAVID CHUMLEY	299.60
205169	7/28/2016	Superior Vision Inc	AUGUST 2016 SUPERIOR VISION	2,291.04
205170	7/28/2016	TESEI PETROLEUM INC.	FUEL CHARGES 6/21/16 - 6/30/16	34,320.96
205171	7/28/2016	UNITED RENTALS, INC	CONCRETE GRINDER/REDI LCOK GRIT	510.84
205172	7/28/2016	UNITED HEALTHCARE INSURANCE COMPANY	CITY PD UNITED HEALTH CARE JUNE 2016 #2	2,086.00
205173	7/28/2016	VERIZON WIRELESS	PD AIR CARDS JUN 11 - JUL 10	228.06
205174	7/28/2016	WEST COAST ARBORISTS, INC.	2016 PARK TREE MAINT 6/1/16 - 6/15/16	7,875.00
205175	7/28/2016	WILDLIFE CONTROL TECHNOLOGY, INC.	MAY 2016 RODENT CONTROL SVS	3,105.00
205176	8/1/2016	YOSEMITE CHRISTIAN CENTER	PARK DEPOSIT REFUND	50.00
205177	8/1/2016	AT&T	PD PRIVATE LINE SVS 05/19-06/18	378.42
205178	8/1/2016	AT&T	05/16 CALNET 3 SVS 9391031569	2,572.86
205179	8/1/2016	HORAL, DONALD C	HANGAR DEPOSIT REFUND UNIT H	90.00
205180	8/1/2016	AMERICAN BUSINESS MACHINES	WASTE TONER	20.64
205181	8/1/2016	AMERICAN MOBILE SHREDDING	SHREDDING SVS	280.00
205182	8/1/2016	THE ARC FRESNO	CITY CAN ORDERS MAY 2016	1,373.33
205183	8/1/2016	CALIFORNIA DEPARTMENT OF JUSTICE	TEST BLOOD ALCOHOL APRIL 2016	1,225.00
205184	8/1/2016	CENTRAL VALLEY CHAPTER	BACKFLOW TESTER RECERTIFICATION-BOTWRIGH	200.00
205185	8/1/2016	COMCAST	05/14-06/13 SVS 8155500320092096	126.89
205186	8/1/2016	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	236.00
205187	8/1/2016	CPS HR CONSULTING	POLICE OFFICE SUPERVISOR TEST	393.80
205188	8/1/2016	CORELOGIC INFORMATION SOLUTIONS INC	METROSCAN 05/16	150.00
205189	8/1/2016	CROXEN, MARIANNE	CITIZEN ACADEMY DINNER	120.00
205190	8/1/2016	DIAMOND COMMUNICATIONS	QUARTERLY ALARM - WAREHOUSES	255.00
205191	8/1/2016	E & M ELECTRIC & MACHINERY, INC.	SOFTWARE SVS	12,019.07
205192	8/1/2016	ECN POLYGRAPH AND INVESTIGATIONS	BACKGROUND POLYGRAPHS	1,350.00
205193	8/1/2016	ENTENMANN-ROVIN CO	BADGES	540.78
205194	8/1/2016	47TH PLACE- CARPET ONE	INSTALLATION OF VCT IN NEW OFFICES	1,895.00
205195	8/1/2016	GUARDIAN WESTERN SWEEPING INC.	MONTHLY POWER SWEEPING	521.00
205196	8/1/2016	HACH COMPANY	YEARLY FEES	728.37
205197	8/1/2016	HUBER TECHNOLOGY, INC.	MAINTENANCE EVAL OF CONDITION	1,400.00
205198	8/1/2016	LEXISNEXIS	MAY CHARGES	274.00
205199	8/1/2016	LYNN PEAVEY COMPANY	EVIDENCE SUPPLIES	121.57
205200	8/1/2016	MADERA COUNTY AUDITOR	ANIMAL SHELTER SVS FY 15/16 FEB-MAY 2016	58,333.32
205201	8/1/2016	MADERA TRIBUNE	DBE AD	84.60
205202	8/1/2016	MADERA VETERINARY CENTER	VET SVS 1605M-1449	243.75
205203	8/1/2016	SINGH, INDERJEET	BLDG PERMIT 20161178 PULLED/CANCELLED	96.34
205204	8/1/2016	MARTINEZ, OBDULIA	FACILITY DEPOSIT REFUND	100.00
205205	8/1/2016	DIAZ, ASHLEY	PARK DEPOSIT REFUND	50.00
205206	8/1/2016	HOLT, RICKEY	PARK DEPOSIT REFUND	50.00
205207	8/1/2016	MOTZ, KIARA	PARK DEPOSIT REFUND	50.00
205208	8/1/2016	HERNANDEZ, JAIME	PARK DEPOSIT REFUND	50.00
205209	8/1/2016	FORESTIERE, ANTHONY	BASIC SWAT COURSE REIMB-DID NOT ATTEND	430.43
205210	8/1/2016	VILLA GARDENING SERVICE INC	MAY 2016 GARDENING SVS-ACCORNERO PARK	275.00
205211	8/4/2016	AT&T	06/16 CALNET 3 SVS 9391026403	2,530.45
205212	8/4/2016	BSK ASSOCIATES	WATER SAMPLES	2,616.25
205213	8/4/2016	BANK OF THE WEST	IN-CAR CAMERA	8,713.46
205214	8/4/2016	CALIFORNIA DEPARTMENT OF TRANSPORTATION	SIGNALS & LIGHTING BILLING APR-JUN 2016	6,030.65
205215	8/4/2016	ROLFE CONSTRUCTION	ST 10-01 PROGRESS PMT #6	42,396.60
205216	8/4/2016	COLONIAL LIFE & ACCIDENT INSURANCE CO	E700482-3 FOR 07/29/2016 PAYROLL	1,222.20
205217	8/4/2016	COMCAST	07/22- 08/21 SVS 8155500320322006	86.10
205218	8/4/2016	COMCAST	CITY INTERNET CONNECTION 07/15- 08/14/16	1,520.00
205219	8/4/2016	CEB	MUNICIPAL LAW HANDBOOK	393.97
205220	8/4/2016	GONZALES ROSIE	Utility Billing Deposit Refund	68.71
205221	8/4/2016	MENDOZA SALVADOR G OR CITY OF MADERA	Utility Billing Credit Refund	211.95

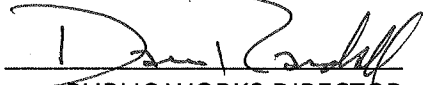
205222	8/4/2016 NIXON RONALD AND MINTA C/O FOX PROPERTY MANAGEMEN	Utility Billing Deposit Refund	3.62
205223	8/4/2016 LOPEZ YOLANDA OR CITY OF MADERA	Utility Billing Credit Refund	120.91
205224	8/4/2016 YANG LINDA	Utility Billing Deposit Refund	53.44
205225	8/4/2016 ISARRA DANIEL	Utility Billing Credit Refund	218.06
205226	8/4/2016 CORTEZ CHARLIE	Utility Billing Credit Refund	197.32
205227	8/4/2016 DE LA GARZA VANESSA OR CITY OF MADERA	Utility Billing Credit Refund	96.58
205228	8/4/2016 BOVELAND MARCELLUS	Utility Billing Credit Refund	216.95
205229	8/4/2016 RAYGOZA LUZ M IBARRA	Utility Billing Credit Refund	107.53
205230	8/4/2016 THAN AUNG	Utility Billing Credit Refund	173.48
205231	8/4/2016 CITY OF MADERA OR RENTERIA ANICETO ADRIA	Utility Billing Credit Refund	150.56
205232	8/4/2016 CHRISTIANSEN MARK	Utility Billing Credit Refund	168.84
205233	8/4/2016 CITY OF MADERA OR DOLORES GARCIA MARIA M	Utility Billing Credit Refund	150.41
205234	8/4/2016 HERNANDEZ OSCAR OR CITY OF MADERA	Utility Billing Credit Refund	38.37
205235	8/4/2016 GEORGE THERESE JANINE	Utility Billing Credit Refund	177.77
205236	8/4/2016 RIOS CAYETANO	Utility Billing Credit Refund	37.09
205237	8/4/2016 MEDINA HECTOR	Utility Billing Credit Refund	110.01
205238	8/4/2016 URIBE LATOYA	Utility Billing Credit Refund	0.05
205239	8/4/2016 VILLANUEVA ALATORRE RUFINA	Utility Billing Credit Refund	114.61
205240	8/4/2016 COMPASS HOMES INC. C/O JASPAL KLAIR	Utility Billing Deposit Refund	52.48
205241	8/4/2016 LUIS JOE	Utility Billing Credit Refund	129.90
205242	8/4/2016 PESTORICH HOLDINGS LLC	Utility Billing Credit Refund	154.44
205243	8/4/2016 JORDON RUSSELL	Utility Billing Credit Refund	123.21
205244	8/4/2016 JAKUSZ PROPERTY MAINTENANCE	APRIL 2016 MONTHLY MAINTENANCE	12,284.00
205245	8/4/2016 FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION SVS 07/16- 07/31/16	7,687.50
205246	8/4/2016 HAYNES, EUGENE G.	MILEAGE REIMB 07/26/16 HEARING	20.52
205247	8/4/2016 LEXISNEXIS	JULY CHARGES	274.00
205248	8/4/2016 LINCOLN FINANCIAL	LIFE & LTD INSURANCE AUGUST 2016	7,815.14
205249	8/4/2016 CITY OF MADERA	MULCH REBATE APPLY TO 4616003	50.00
205250	8/4/2016 CITY OF MADERA	CLOTHES WASHER REBATE APPLY TO 9892619	50.00
205251	8/4/2016 CITY OF MADERA	TOILET REBATE APPLY TO 9534006	50.00
205252	8/4/2016 CITY OF MADERA	MULCH REBATE APPLY TO 9907485	50.00
205253	8/4/2016 CITY OF MADERA	MULCH REBATE APPLY TO 9893622	50.00
205254	8/4/2016 CITY OF MADERA	MULCH REBATE APPLY TO 9894152	50.00
205255	8/4/2016 MADERA COUNTY TREASURER	JUNE 2016 PARKING PENALTIES	306.00
205256	8/4/2016 MADERA COUNTY E D C	COUNTY CONTRIB HEAVY MAINT FACILITY MKTG	15,000.00
205257	8/4/2016 MADERA COUNTY E D C	QUARTERLY CONTRIBUTION 1ST QTR 16/17	42,952.25
205258	8/4/2016 MADERA TRIBUNE	1 YEAR SUBSCRIPTION	49.00
205259	8/4/2016 MADERA TRIBUNE	CDBG ACTION PLAN	661.00
205260	8/4/2016 WILLDAN FINANCIAL SERVICES	ANNUAL DISTRICT ADMIN SVS AUGUST 2016	799.47
205261	8/4/2016 N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 07/29/2016 PAYROLL	6,156.86
205262	8/4/2016 N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-02 FOR 07/29/2016 PAYROLL	3,824.60
205263	8/4/2016 PACIFIC GAS & ELECTRIC	06/16 SVS 3533032414-2	1,062.57
205264	8/4/2016 P G AND E	07/16 SVS 1619119913-8	10,269.01
205265	8/4/2016 PAY PLUS SOLUTIONS, INC.	CALPERS MONTHLY SUBSCRIPTION AUG 2016	247.00
205266	8/4/2016 MOY, ELLEN	PAYMENT FOR ACQUISITION	500.00
205267	8/4/2016 SOLAR CITY CORP	CANCELLED PERMIT 20160870	126.60
205268	8/4/2016 PHOENIX GROUP INFO SYS	CITATIONS JUNE 2016	266.75
205269	8/4/2016 RUSH ADVERTISING SPECIALTIES	MUNIS IMPLEMENTATION TRAINING NOTEPADS	812.50
205270	8/4/2016 SAFETY NETWORK, INC.	UPRR CROSSING PECAN/GRANADA FINAL PMT	5,195.00
205271	8/4/2016 TAG/AMS, INC.	DOT TESTING	26.00
205272	8/4/2016 TECHNICON ENGINEERING SVCS., INC.	LABORATORY SVS PK-61 PROGRESS PMT #3	2,021.00
205273	8/4/2016 THYSSENKRUPP ELEVATOR CORPORATION	YOUTH CENTER ELEVATOR SVS	241.98
205274	8/4/2016 TRUKKI, MARK	REIMBURSE LUNCHES FOR TRAINING	71.58
205275	8/4/2016 VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 07/29/16 PR	20,942.03
205276	8/4/2016 VERIZON WIRELESS	COUCIL IPAD DATA PLAN & NEW IPADS	3,909.04
Bank # 1 - Union Bank General Account Total			1,464,946.44

REPORT TO CITY COUNCIL

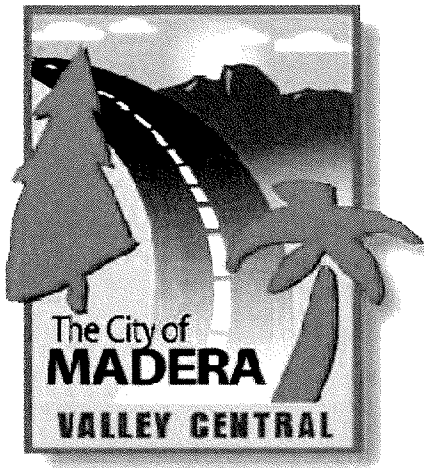
MEETING DATE: August 17, 2016

AGENDA ITEM NUMBER: B-3

Approved By:


PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR



SUBJECT: Consideration of a Resolution Adopting Standards for Sidewalk, Curb and Repair Thresholds and Methods.

RECOMMENDATION: Staff recommends that the Council consider adopting a Resolution adopting the proposed standards for sidewalk, curb and gutter repair thresholds and methods.

SUMMARY: Many of the historical practices concerning when a sidewalk is sufficiently damaged to require repair and what methods are allowed to make such repairs have not been formalized. The proposed resolution would monument the standards the City would use in these matters; thereby reducing ambiguity and providing clearer directions and more opportunities to remedy sidewalk and gutter issues that arise.

DISCUSSION: Lifted, broken, and spalled concrete sidewalks, curbs and gutters are common for municipalities. There is rarely adequate municipal funding for replacement and/or maintenance of these amenities. Normally only the most severe and consequential damage is addressed by municipalities.

The California Streets and Highway Code Section 5600 assigns the responsibility for maintaining the sidewalks, curbs and gutters to the contiguous property owners. This does not relieve the City from related liability. If the City has constructive knowledge of a safety issue, it becomes liable for damages and injuries caused by the condition. Per previous Council direction, City staff does not proactively inspect or monitor sidewalk conditions. However, when a complaint is received from a citizen about a situation, or a property is reviewed as part of processing an entitlement, the property owner is notified that they are required to repair any defects that are found as the City then has constructive knowledge of the defect and incurs potential liability along with the property owner until the hazard is eliminated.

Property owners are usually displeased to learn that maintenance of the city sidewalk is their financial obligation. To help lighten this burden, the Council approved and funded the Sidewalk Repair Cost Assistance Program, aka 50/50 program, where the City pays up to 50% of the costs if the damage was caused by a street tree. Staff also can give the property owners additional time to get estimates and make the repairs as needed. However, it still remains the property owner's responsibility to make the repairs. If the property owners fail to do so the City will make the repairs and the City may lien the property for the costs of the repairs if not collected from the property owners.

Unfortunately, the threshold for when a sidewalk is significantly lifted or damaged to require it to be repaired is not statutorily defined; nor have we previously established clear standards for acceptable means of making repairs. The proposed standards are intended to provide clarity so that property owners and staff can consistently know when repairs must be made and how they may be made. The

standards were developed collaboratively by the Public Works and Engineering staffs, with consultation of our risk management staff. While no standards can address all the unique cases, the intent of the standards is to address the most common situations and allow the City Engineer to consider unique circumstances and opportunities to effect repairs.

FINANCIAL IMPACT:

This action does not have any financial impact; it does not increase or decrease expenses or revenues for the program.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

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

RESOLUTION NO. 16 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
ADOPTING STANDARDS FOR SIDEWALK REPAIR THRESHOLDS AND METHODS**

WHEREAS, the City of Madera desires to have consistent policies for when and how repairs of defects in sidewalks, curbs and gutters are made; and

WHEREAS, the City has studied the issues and developed such policies that are deemed to be in compliance with the provisions of the California Streets and Highways Code section 5600.

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

1. The above recitals are true and correct.
2. The City of Madera Policies on Thresholds and Means for Repair of Sidewalk, Curb, & Gutter Defects, on file with the office of the City Clerk and referred to for more particulars, is hereby adopted.
3. This resolution is effective immediately upon adoption.

City of Madera

Policies on Thresholds and Means for Repair of

Sidewalk, Curb, & Gutter Defects

Defects that will require repairs:

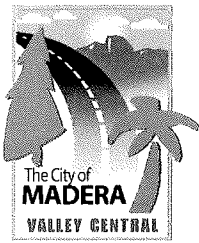
- An abrupt surface elevation change, such as a raised or sunken joint, that causes more than ½ inch difference in elevation shall require the sidewalk to be repaired.
- Any concrete spalling of the surface, regardless of depth, shall be cause for repair of the area. “Spalling” means the deterioration of the concrete surface that results in flaking or popping off the surface of the concrete, leaving a rough and/or uneven surface.
- Any crack or gap that is more that ½” in width is cause for repair.
- Any change in grade that causes water to pool in the gutter beyond the edge of the gutter pan and onto the street.
- Any defect that causes the sidewalk to not be in compliance with ADA requirements for which the City has received a notice of impediment to accessibility.
- Any defect that the City determines to pose a hazard to the public.

Approved means of making repairs:

- The preferred method is to remove and replace the defect concrete to a joint or score line.
- Grinding or saw cutting to eliminate abrupt surface elevation change, such as a raised or sunken joint is only allowed up to a maximum depth of 1 inch; and must be long enough for the ground off or cut area to meet ADA slope requirements.
- Filling or ramping up of an area to eliminate a raised or sunken joint, regardless of material is not allowed for permanent repairs, but may be allowed by the City Engineer for temporary fixes until a permanent repair is made.
- In unique circumstances only, the City Engineer may approve alternative repair methods that results in improvements that have the same durability that would result from the area being removed and replaced completely to current City Standards.

Additional related provisions:

- The cause of the failure, such as tree roots, or poor sub-grade compaction shall be remedied before the repairs are made.
- Repairs shall result in the finished product being compliant with handicap accessibility requirements, unless the existing surrounding improvements do not allow for the repaired section to meet current standards, then the repair shall be made to match the surrounding areas and standard under which it was originally installed.
- Pursuant to the California Streets and Highways Code section 5600, property owners are responsible for the maintenance and repair of the sidewalks, curbs and gutters, and driveway aprons that are contiguous to their property. The City is responsible for the pavement adjacent to the gutter.



REPORT TO CITY COUNCIL

[Return to Agenda](#)

Approved by:

Department Director

City Administrator

Council Meeting of: August 17, 2016

Agenda Number: B-4

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING ATTORNEY-CLIENT FEE CONTRACT WITH THE LAW OFFICES OF GREGORY L. MYERS

RECOMMENDATION: Staff requests that the Council approve an Attorney-Client Fee Contract with Gregory L. Myers to provide legal services in connection with litigation filed by Junaid Lateef.

BACKGROUND:

On or about July 20, 2016, Mr. Lateef submitted a tort claim to the City of Madera alleging damages arising out of the denial of a conditional use permit. Subsequently, on or about July 28, 2016, Mr. Lateef filed a writ of mandate in Madera Superior Court seeking relief based on the same occurrence as alleged in his tort claim. It is necessary to retain outside counsel to handle these matters and our risk management authority has provided an opinion that coverage for the claims made by Mr. Lateef is not available through the risk management authority. Accordingly, it is recommended that we directly retain Greg Myers, who currently handles much of the City's litigation, to handle this litigation matter. Approval of the contract accomplishes this.

FINANCIAL IMPACT: The financial impact is unknown at this time and depends on how the litigation evolves from this point. Costs associated with defense of the claim will be paid out of the Insurance Reserve Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN –

The activity described in this report is not specifically incorporated in the strategies contained in the action plans of the Vision Madera 2025 and is not in conflict with any of the action or goals contained in the plan.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN ATTORNEY-CLIENT FEE CONTRACT WITH THE LAW OFFICES OF GREGORY L. MYERS AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, on or about July 20, 2016, Mr. Lateef submitted a tort claim to the City of Madera alleging damages arising out of the denial of a conditional use permit; and

WHEREAS, on or about July 28, 2016, Mr. Lateef filed a writ of mandate in Madera Superior Court seeking relief based on the same occurrence as alleged in his tort claim; and

WHEREAS, it is recommended that we directly retain The Law Offices of Gregory L. Myers, who currently handles much of the City's litigation, to handle this litigation matter; and

WHEREAS, an Attorney-Client Fee Contract has been prepared and is on file in the Office of the City Clerk.

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

1. The recitals listed above are true and correct.
2. The Attorney-Client Fee Contract with The Law Offices of Gregory L. Myers, a copy of which is 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 Contract on behalf of the City of Madera.
4. This resolution is effective immediately upon adoption.

* * * * *

LAW OFFICES OF GREGORY L. MYERS
1500 W. Shaw Avenue, Suite 204
Fresno, California 93711
(559) 222-1005

ATTORNEY-CLIENT FEE CONTRACT

This ATTORNEY-CLIENT FEE CONTRACT ("Contract") is entered into by and between the CITY OF MADERA ("Client") and the LAW OFFICES OF GREGORY L. MYERS, ("Attorney").

1. **CONDITIONS:** This Contract will not take effect, and Attorney will have no obligation to provide legal services until Client returns a signed copy of this Contract.

2. **SCOPE OF SERVICES:** Client hires Attorney to provide legal services in connection with *LATEEF v. CITY OF MADERA* filed in the Superior Court for the County of Madera and which bears the case number MCV 072672. Attorney shall provide those legal services reasonably required to represent Client, and shall take reasonable steps to keep Client informed of progress and to respond to Client's inquiries.

It is understood that Attorney and its agents, employees and contractors shall perform all work under this Contract as independent contractors and not as affiliates, partners, joint ventures, agents, employees, servants or assigns of Client.

3. **CLIENT'S DUTIES:** Client shall be truthful with Attorney, cooperate with Attorney, keep Attorney informed of developments, abide by this Contract, pay Attorney's bills on time.

4. **LEGAL FEES:** Client agrees to pay for legal services at the following rates:

Partners	\$ 265.00/hr
Associates	\$ 235.00/hr

(Attorney charges in minimum units of .1 hours.)

Client will be charged for the time spent on telephone calls relating to Client's matter, including calls with Client, opposing counsel or court personnel. Attorney will charge for waiting

time in court and elsewhere and for travel time, both local and out of town.

5. **COSTS & EXPENSES:** In addition to paying legal fees, Client shall reimburse Attorney for all costs and expenses incurred by Attorney, including, but not limited to, process servers' fees, fees fixed by law or assessed by courts or other agencies, court reporters' fees, extraordinary postage, messenger and other delivery fees, extraordinary in-office photocopying at \$.25 per page, parking, mileage at the prevailing IRS rate per mile and other similar items.

To aid in the preparation or presentation of Client's case, it may become necessary to hire expert witnesses, consultants or investigators. Attorney will not hire such persons unless Client agrees to pay their fees and charges. Attorney will select expert witnesses, consultants or investigators to be hired, with Client's prior consent.

6. **STATEMENTS:** Attorney shall send Client periodic statements for fees and costs incurred. Client shall pay Attorney's statements within 10 days after each statement's date. Client may request a statement at intervals of not less than 30 days. Upon Client's request Attorney will provide a statement within 10 days.

Any objection to any billing must be brought to the attention of Attorney within fifteen (15) days of the billing; otherwise, the bill will be deemed accepted as sent.

7. **ATTORNEY'S FEE AWARD:** Client is responsible for all fees and costs incurred in this action, regardless of whether the Court orders another to be responsible therefore.

Any amounts actually paid to Attorney pursuant to Court Order will be credited to Client's account. If there is an award for attorney's fees which is not paid, Client may assign any judgment for attorney fees to a collection agency or another attorney. Attorney will cooperate in any assignment of such judgement.

///

8. **DISCHARGE & WITHDRAWAL:** Client may discharge Attorney at any time. Attorney may withdraw with Client's consent or for good cause. Good cause includes Client's breach of this Contract, Client's refusal to cooperate with Attorney or to follow Attorney's advice on a material matter, or any other fact or circumstance that would render Attorney's continuing representation unlawful or unethical.

9. **CONCLUSION OF SERVICES:** When Attorney's services conclude, all unpaid charges shall become immediately due and payable. After Attorney's services conclude, Attorney will, upon Client's request, deliver Client's file to Client, along with any Client funds or property in Attorney's possession.

10. **DISCLAIMER OF GUARANTEE:** Nothing in this Contract and nothing in Attorney's statements to Client will be construed as a promise or guarantee about the outcome of Client's matter. Attorney makes no such promises or guarantees. Attorney's comments about the outcome of Client's matter are expressions of opinion only.

11. **EFFECTIVE DATE:** This Contract will take effect when Client has performed the conditions stated in paragraph 1, but its effective date will be retroactive to the date Attorney first provided services. The date at the beginning of this Contract is for reference only.

12. **INSURANCE COVERAGE:** Attorney maintains errors and omissions insurance coverage applicable to the services to be rendered.

DATED: _____, 2016

ATTORNEY:

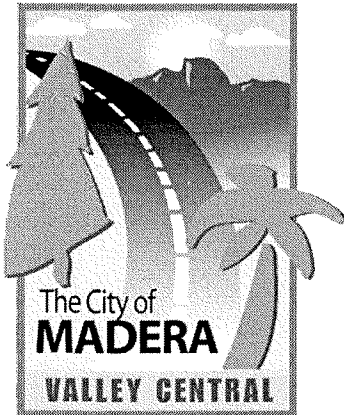
LAW OFFICES OF GREGORY L. MYERS

By _____
GREGORY L. MYERS

DATED: _____, 2016

CLIENT:
CITY OF MADERA

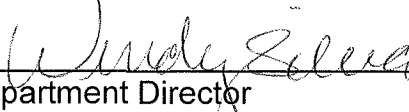
REPORT TO CITY COUNCIL

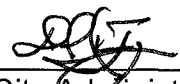


Council Meeting of August 17, 2016

Agenda Item Number B-5

Approved by:


Department Director


City Administrator

Consideration of a Minute Order Rejecting a Claim filed by Junaid Lateef

RECOMMENDATION

It is recommended Council reject the claim filed by Attorney R. Bruce Evans on behalf of his client Junaid Lateef. The City will send a rejection notice to Attorney R. Bruce Evans with a copy to Mr. Lateef.

HISTORY

A claim was filed on July 25, 2016. The claimant is alleging on May 4, 2016 he was discriminated against and his civil rights and due process rights were allegedly violated because he was denied a Conditional Use Permit. The claimant is seeking \$5,000,000.00. The claim was filed timely and sufficiently.

SITUATION

Mr. Lateef claims the Madera City Council voted 4-1 on May 4, 2016 to grant Mr. Lateef's appeal to allow him to operate a small neighborhood grocery store that included the sale of beer and wine. However, the City Attorney took the position that a unanimous vote of 5-0 was required. Therefore, Mr. Lateef is alleging the City is acting in a discriminatory manner towards him and refuses to grant the necessary approvals for his neighborhood grocery market due to racial and/or ethnic prejudices. As such, Mr. Lateef alleges he suffered tremendously as he claims his due process rights were violated, his civil rights have been violated and the City continues to maintain an incorrect and unfair interpretation of its code in order to simply preclude Mr. Lateef from having his application approved. Thus, Mr. Lateef alleges he suffered damages with respect to loss of business, loss of investment, loss of future revenue, loss of good will and all other business losses. Lastly, Mr. Lateef alleges he has suffered emotional distress as a result of the City's prejudicial and discriminatory actions.

Staff is recommending the claim filed on behalf of Mr. Lateef be rejected.

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

JUL 25 2016

CLAIM FORM

BY: [Signature]

(Please Type Or Print)

CLAIM AGAINST City of Madera; Madera City Council
(Name of Entity)

Claimant's name: Junaid Lateef Telephone Number: [Redacted]

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

Claimant's address: [Redacted]

Address where notices about claim are to be sent, if different from above: Solomon, Saltsman & Jamieson, 426 Culver Blvd., Playa del Rey, CA 90293

Date of incident/accident: May 4, 2016

Date injuries, damages, or losses were discovered: May 4, 2016

Location of incident/accident: City of Madera

What did entity or employee do to cause this loss, damage, or injury? See attached

(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)? City Council; Planning Commission; City Staff

What specific injuries, damages, or losses did claimant receive? _____

(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)] \$5,000,000.00

How was this amount calculated (please itemize)? See attached

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 7-20-16 Signature: [Signature]

If signed by representative:

Representative's Name R. Bruce Evans Address 426 Culver Blvd., Playa del Rey, CA 90293
Telephone # (310) 822-9848
Relationship to Claimant Attorney

ATTACHMENT TO CLAIM

Mr. Lateef filed an application (“application”) for a Conditional Use Permit (“CUP”) to operate a neighborhood grocery store with the sale of tobacco products and the sale of beer and wine for off-site consumption, a Variance to allow him to operate with a two-stall reduction in required parking, and a Site Plan Review to ensure compliance with Madera’s General Plan and Municipal Code in October of 2015.

The Madera Planning Commission heard the application on December 8, 2015. After the Planning Commissioners received an email, on December 8, 2015, from City Councilmember Charles Rigby urging them to deny the application, the Planning Commissioners voted to deny Mr. Lateef’s application. Thus, it is clear that Mr. Lateef’s due process rights were violated as he never received a fair hearing before the Planning Commission. The email was never properly disclosed at the hearing, though it clearly should have been, and was only produced after the hearing and upon numerous inquiries. Mr. Lateef was entitled to a fair hearing based on the evidence brought forth in the public hearing before the Planning Commission, not secret back channel communications. The City Council appoints the Planning Commissioners and, of course, hears appeals from the Planning Commission and such communication to the Planning Commission was clearly prejudicial. Mr. Lateef was further prejudiced after the denial of the application by the Planning Commission because a Planning Commission approval only requires a simple majority, but a Council decision, on appeal, requires a super majority.

On December 9, 2015, Mr. Lateef appealed the Planning Commission’s decision to the City Council pursuant to Madera Municipal Code section 10-3.1309. When Mr. Lateef filed his appeal, Madera Municipal Code section 10-3.1309 required a four-fifths (80%) vote of the City Council in order to grant, in whole or in part, any appealed application that was denied by the Planning Commission. On January 5, 2016, Mr. Boyle contacted Mr. Lateef and his Counsel indicating that the City intended to amend the four-fifths majority vote requirement in the interest of fairness. Notably, the Staff Report accompanying amended section 10-3.1309 stated:

“It is recommended that any amendment not create a more egregious appeal standard...”

The 71% (5/7) standard is recommended so as to more closely align with the purpose and intent of the ordinance which is not necessarily to restrict Council reevaluation of a Planning Commission action, but instead to allow for fair reevaluation of Commission decisions when appealed to the City Council by an interested party.”

Then, on March 2, 2016, the City Council amended Madera Municipal Code section 10-3.1310 to require a five-sevenths (71%) vote of the City Council in order to grant, in whole or in part, any appealed application that was denied by the Planning Commission. Thus, amended Madera Municipal Code section 10-3.1310 was intended to be a less onerous standard to provide the Council with greater flexibility in reviewing Planning Commission decisions.

On April 6, 2016, the City Council heard Mr. Lateef’s appeal and the denial of his application. Six councilmembers were present, but Councilmember Rigby recused himself and thus, only five councilmembers heard the matter. During the hearing, Mr. Lateef demonstrated how the approval of the application would result in a benefit to the community because Mr. Lateef proposes to provide the

community with a neighborhood grocery market.¹ Specifically, Mr. Lateef explained that the neighborhood grocery market would be family owned and operated and would provide a variety of grocery items to a community that is severely underserved. Mr. Lateef explained that the sale of beer, wine, and tobacco products would be incidental to the sale of grocery items, including, but not limited to produce, dairy, dry foods, medicine, household items, Pakistani foods and spices, etc. Mr. Lateef even volunteered numerous conditions to be placed on the CUP in order to ensure that the location remain a neighborhood grocery market and in order to address any potential concerns related to the sale of beer, wine, and/or tobacco. All five councilmembers voted unanimously to continue the hearing on Mr. Lateef's appeal to May 4, 2016 in order to provide Planning Staff time to prepare a resolution granting Mr. Lateef's appeal. Thus, all five councilmembers expressed their support for Mr. Lateef's application and appeal.

On May 4, 2016, Mr. Lateef appeared before the City Council for the continued hearing. Again, there were six (6) councilmembers present, but Councilmember Rigby recused himself and thus, there were only five (5) councilmembers that voted on the appeal. The Council voted 4-1 to grant the appeal and approve the project. At the conclusion of the hearing, the City Council and City Clerk plainly understood Mr. Lateef's application to be approved by the 4-1 vote – immediately announcing such from the dais. Unfortunately, the City Attorney took the position that a unanimous vote of 5-0 was necessary to overturn the Planning Commission's decision. The burden cannot be elevated, in this case, to require Mr. Lateef to obtain a unanimous vote. The totality of the facts presents a violation of Mr. Lateef's substantive and procedural due process rights.

Mr. Lateef has provided the City with ample authority to show that the City Attorney's position is legally and factually incorrect and unfair.² However, the City has yet to formally recognize that the vote of 4-1 on May 4, 2016 by the City Council was in fact, a grant of Mr. Lateef's appeal.

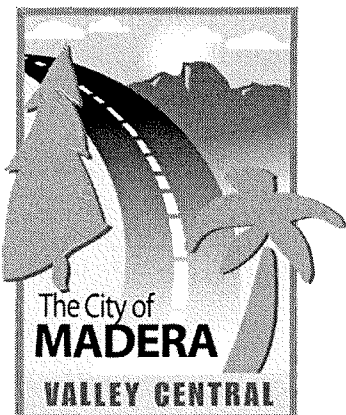
Thus, it is clear that the City has prejudiced Mr. Lateef from the inception of his application. Mr. Lateef was denied any semblance of a fair hearing before the Planning Commission and then, when the City Council actually voted to grant Mr. Lateef's appeal, the City Attorney advanced an interpretation that is inconsistent with the intent of the Amended Ordinance, California case law or fundamental notions of fairness and due process. It remains clear that the City has stacked the deck against Mr. Lateef and the decisions to deny Mr. Lateef's application appear to have been motivated more by racial prejudice and suspension rather than sound land use principles. There was no legal basis for the Planning Commission to deny Mr. Lateef's application and there is now, no basis for the City Attorney to assert that Mr. Lateef needed a unanimous vote of 5-0 from the City Council in order to grant the appeal. Therefore, it is clear to Mr. Lateef that the City is acting in a discriminatory manner toward him and refuses to grant the necessary approvals for his neighborhood grocery market due to racial and/or ethnic prejudices. As such, Mr. Lateef has suffered tremendously as his due process rights were violated, his civil rights have been violated, and the City continues to maintain an incorrect and unfair interpretation of its Code in order to simply foreclose Mr. Lateef from having his application approved. Thus, Mr. Lateef has suffered damages with respect to loss of business, loss of investment, loss of future revenue, loss of good will, and

¹ Correspondence to the City Council, dated March 28, 2016, is attached hereto and incorporated herein by reference.

² A copy of the correspondence sent to the City Attorney is attached hereto and incorporated herein by reference.

all other business losses. Lastly, Mr. Lateef has suffered emotional distress as a result of the City's prejudicial and discriminatory actions.

REPORT TO CITY COUNCIL



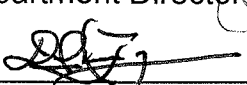
Council Meeting of August 17, 2016

Agenda Item Number B-6

Approved by:



Department Director



City Administrator

Consideration of a Minute Order Rejecting a Claim filed by Mirella Chavez

RECOMMENDATION

It is recommended Council reject the claim filed by Mirella Chavez. The City will send a rejection notice to Ms. Chavez.

HISTORY

A claim was filed on June 30, 2016. The claim was deemed insufficient as to the specific loss location and specific pot hole. Also, the claimant did not indicate what the City did or did not do to create the liability exposure. Therefore, the claim was returned as insufficient. On July 20, 2016 the City received an amended Claim Form from the claimant. There was enough information on the Claim Form to deem the claim sufficient.

SITUATION

Ms. Chavez alleges on June 18, 2016 a vehicle in front of her stopped unexpectedly. The claimant alleges she had to swerve to the right to avoid the stopped vehicle and in doing so struck a pot hole on the side of the road. The claimant damaged the right front rim of the vehicle she was driving. The claimant is seeking \$558.17 in damages from the City for the rim repairs based upon an invoice from Selma Honda. The invoice was attached to her claim.

Suzanne Johnson, AIMS, investigated the claim. Ms. Johnson discussed the matter with Dave Randall, Public Works Operations Director, who indicated the City had no prior complaints with regard to the shoulder at the subject loss location. Mr. Randall indicated the City has a "dress up" shoulder program where they would periodically dress up the shoulders. However, Mr. Randall stated it was primarily based on complaints. Mr. Randall also indicated the accident occurred within City limits.

Based upon Ms. Johnson's investigation, she found no evidence of negligence and/or liability on the part of the City. First of all, the claimant was inattentive, traveling at an unsafe speed for conditions causing her to swerve off the roadway to miss the stopped vehicle ahead of her. Secondly, the claimant ran off the roadway and damaged her rim on the shoulder of the roadway. The shoulder was not intended for driving. Lastly, it appeared as if the claimant had low profile tires on her vehicle. With low profile tires there would be a much greater risk of damage to the tires and/or rims when encountering an irregularity in the roadway. Also, the City had no prior notice of an alleged dangerous condition at the loss location.

Ms. Johnson has recommended the claim be rejected. Staff concurs with her recommendation.

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

RECEIVED

City of Madera City Clerk

CLAIM FORM

By: D Alvarez

Date: 7/20/14

(Please Type Or Print)

CLAIM AGAINST City of Madera
(Name of Entity)

Claimant's name: Mirella Chavez Telephone Number [REDACTED]

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

Claimant's address: [REDACTED]

Address where notices about claim are to be sent, if different from above: _____

Date of incident/accident: 07/18/14

Date injuries, damages, or losses were discovered: 07/18/14

Location of incident/accident: South lane on Rd. 28 near cross street of S. Knox Ave

What did entity or employee do to cause this loss, damage, or injury: Heading North Rd. 28 near cross st of South Knox, vehicle in front of me did an unexpected →
(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)? _____

What specific injuries, damages, or losses did claimant receive? Right Front Rim was bent.

(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)] _____

How was this amount calculated (please itemize)? Vehicle was taken to Selma Honda Whole estimate was made to repair rim.

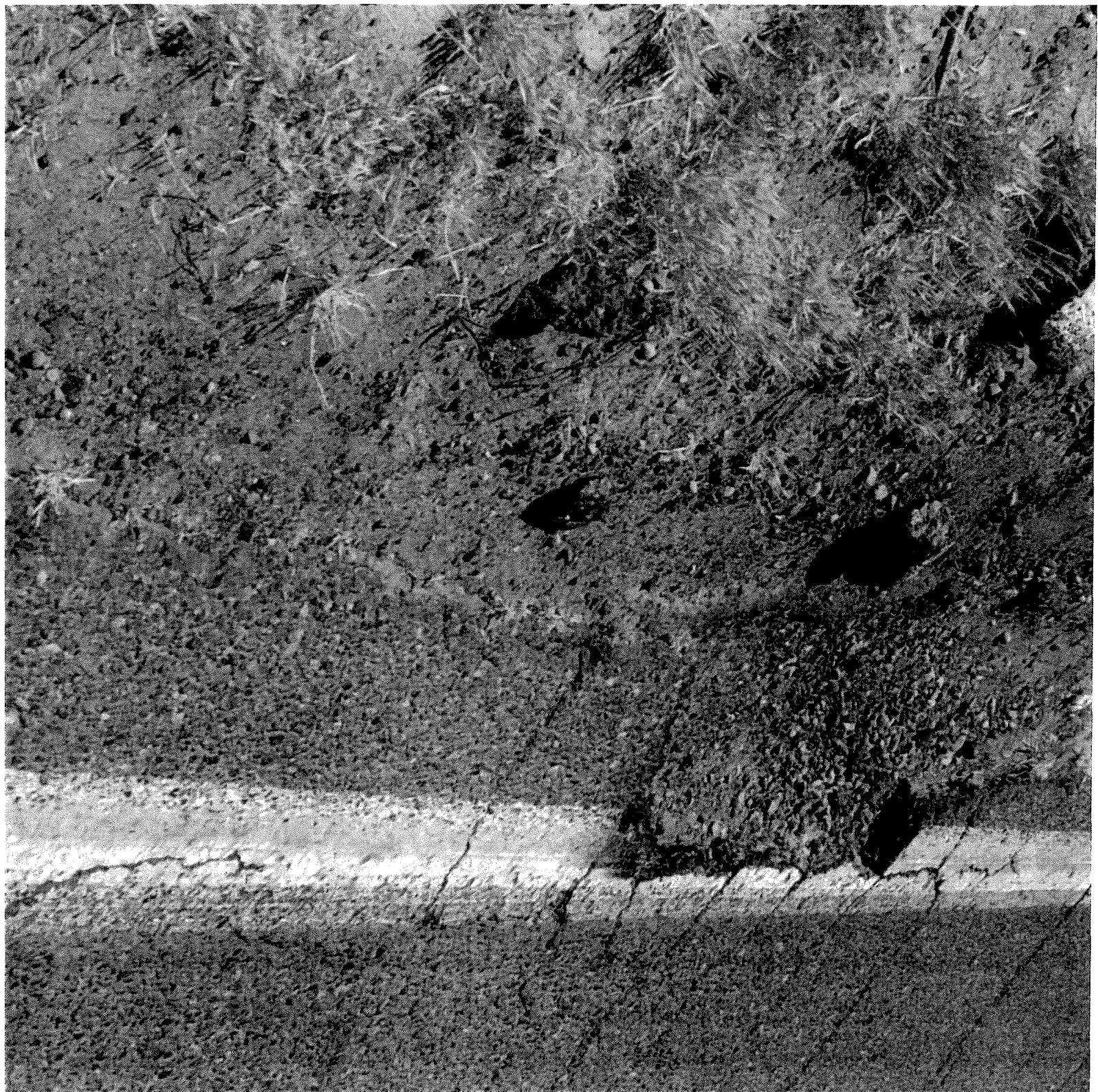
(Use back of this form or separate sheet if necessary to answer this question in detail.)

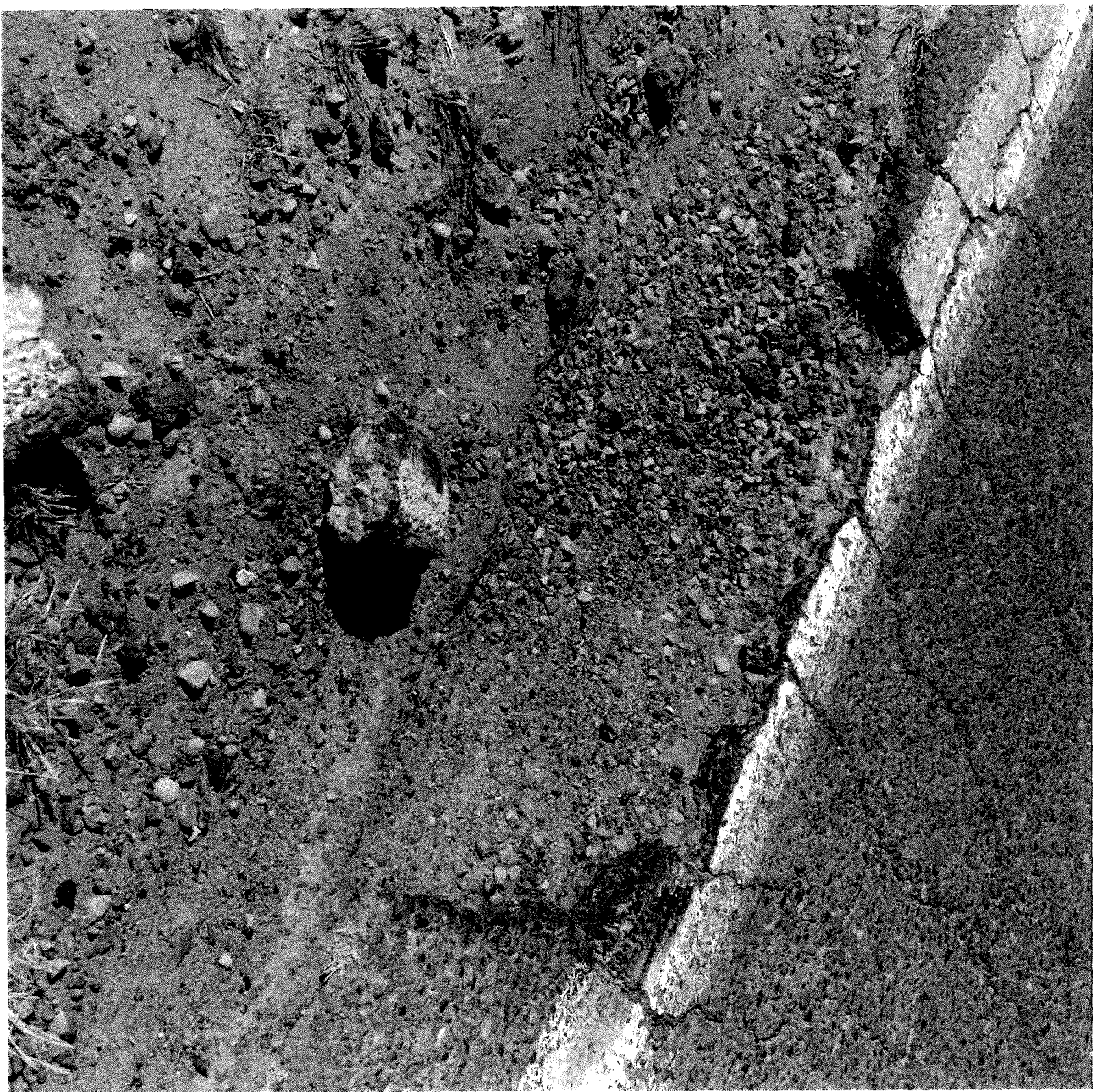
Date Signed: 07/18/14 Signature: [Signature]

If signed by representative: Representative's Name _____ Address _____

Telephone # _____

Relationship to Claimant _____







HONDA



Selma Honda

2705 Auto Mall Drive
Selma, CA 93662
Selma (559) 891-3100
Fresno (559) 834-5325

BAR# ARD166616
EPA# CAL000160257

CUST. NO.	TAX EXEMPT NUMBER	CUST. P. O. NO.	SHIP VIA	PAY	SOLD BY	INVOICE DATE	INVOICE
63001				CASH	RICHARD NEIL	06/18/16	PQ53

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MIRELLA CHAVEZGOMEZ

S
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QUANTITY		PART NUMBER / DESCRIPTION	BIN	LIST	NET	AMOUNT
SHIP	B. O.					
1	0	42700-T2A-A83 DISK (1) CORE PRICE 1HGCR2F56FA195043	SO	463.38	463.38 50.00	463.38 50.00

PARTS DEPARTMENT
HOURS:
MONDAY - FRIDAY
7:00 AM to 5:30 PM
SATURDAY
8:00 AM to 12:00 PM

WE ACCEPT



We are your
one-stop
for a
complete
inventory
of parts

* NO REFUND OR RETURN ON ANY SPECIAL ORDER OR ELECTRICAL PART.
* NO RETURN WITHOUT THIS INVOICE, AND ORIGINAL PACKAGING
No Returns After 15 Days. 20% Handling Charge on Returned Merchandise.
DISCLAIMER OF WARRANTIES

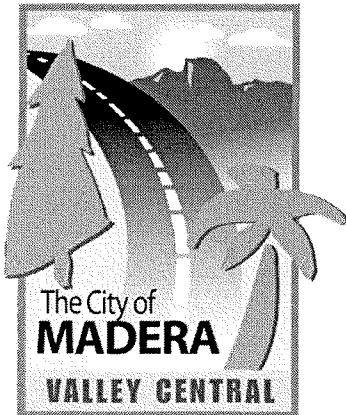
Any warranties on the products sold hereby are those made by the manufacturers of those products. This dealership hereby expressly disclaims all warranties, either express or implied, including any implied warranties of merchantability or fitness for a particular purpose, and this dealership neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

In the event of legal action to collect any sums due, I agree to pay costs of collection and fees including reasonable attorney's fees.

	SUBTOTAL	513.38
RESTOCK CHARGE		0.00
TAX		44.79
FREIGHT		0.00
	PAY THIS AMOUNT	558.17

THANK
WE APP
YOUR B

REPORT TO CITY COUNCIL



Council Meeting of August 17, 2016

Agenda Item Number B-7

Approved by:

Wendy Silva
Department Director

DRJ
City Administrator

Consideration of a Minute Order Rejecting a Claim filed by Christina Alvarez

RECOMMENDATION

It is recommended Council reject the claim filed by Christina Alvarez. The City will send a rejection notice to Ms. Alvarez.

HISTORY

A claim was filed on June 21, 2016. The claim was deemed insufficient as to what, if anything, the City did or failed to do to create the liability exposure. Therefore, on June 22, 2016 the City served Ms. Alvarez with an Insufficiency Notice. On July 7, 2016, the City received an amended claim. The amended claim was deemed timely as well as sufficient.

SITUATION

Ms. Alvarez alleges that on June 9, 2016, a large Eucalyptus tree from the river bank came down and crashed onto her fence and gate. The damage to the fence and gate allegedly caused the remaining fence to be unstable. Ms. Alvarez is seeking \$2,500.00 in damages from the City for the repairs to the fence and gate. Ms. Alvarez provided theory of liability with her claim. In her amended claim Ms. Alvarez 's theory of liability against the City was that the City neglected to maintain the Eucalyptus trees along the river bank for at least five years causing the branches to become heavy and fall.

Suzanne Johnson, AIMS, investigated the claim. Ms. Johnson discussed the matter with City employee John Scarborough, Parks Planning Manager, who advised Ms. Johnson about four or five years ago the City built an undercrossing so that pedestrians could utilize the trail to go underneath the bigger roads in town. It was built as a way of protecting pedestrians from crossing busy streets. Mr. Scarborough indicated when it was built a small portion of the undercrossing

was built on private party. Mr. Scarborough stated the property ran along a track of homes. The property was in its natural and wild state. The property was never cared for by the private property owner. The property was comprised of tall bushes and grass. Mr. Scarborough indicated the City acquired the property recently. Therefore, the City has not done anything with it. On the date of the incident, a large Eucalyptus branch broke off and hit the claimant's fence. Mr. Scarborough said the tree was about 20 feet away from the claimant's fence. However, he stated the fence was already in very poor condition. Mr. Scarborough indicated the City had no prior notice of a potentially dangerous condition with regard to the subject tree.

Ms. Johnson's investigation reveals on the date of the incident in looking at the weather history on line the wind speed was 8 mph. The maximum wind speed was 14 mph and the maximum gust speed was 17 mph. The wind was the heaviest between 5:00 and 6:00p.m. However, the wind speed was less than 9 mph around midnight, when the alleged incident occurred. Therefore, Ms. Johnson was able to determine the wind was not a factor.

Based on Ms. Johnson's investigation she found no evidence of negligence and/or liability on the part of the City. The City also had no prior notice.

Ms. Johnson has recommended the claim be rejected. Staff concurs with her recommendation.

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

RECEIVED

City of Madera City Clerk

CLAIM FORM

By: D. Wang

Date: 7/7/16

(Please Type Or Print)

CLAIM AGAINST City of Madera
(Name of Entity)

Claimant's name: Christina Alvarez Telephone Number [REDACTED]

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

Claimant's address: [REDACTED]

Address where notices about claim are to be sent, if different from above: same

Date of incident/accident: 06/09/2016

Date injuries, damages, or losses were discovered: 06/10/2016

Location of incident/accident: backyard of 1901 Riverview Drive, Madera

What did entity or employee do to cause this loss, damage, or injury? City of Madera has neglected to maintain Eucalyptus trees along river bank for at least 5 yrs resulting with top heavy branches that are falling
(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)? [REDACTED]

What specific injuries, damages, or losses did claimant receive? Fence + gate were broken, remaining fence is wobbly + unsteady due to large limb of Eucalyptus tree falling on it + yard
(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)]

\$ 2500

How was this amount calculated (please itemize)? estimate from Lowe's contractor

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 07/06/2016 Signature: [Signature]

If signed by representative:
Representative's Name _____ Address _____
Telephone # _____
Relationship to Claimant _____

14 posts @ 9.97 = \$140.⁰⁰

14 concrete bags @ 2.35 bag = \$33.⁰⁰

13 2x4's @ 6.87 = \$89.⁰⁰

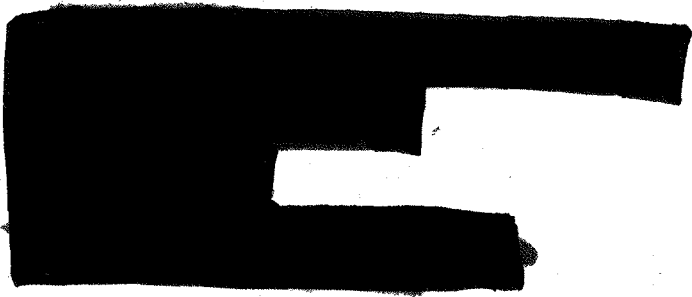
1 gate kit = 49.99

136 picket boards = \$487.⁰⁰
(3.58)

12x16 panel boards = \$141.⁰⁰
(23.54 each)

screws/nails, hardware for gate, labor = \$1500.⁰⁰
+ taxes on materials

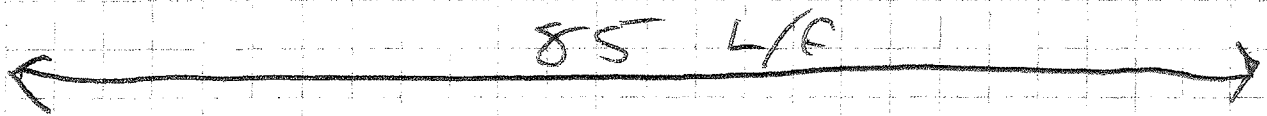
CHRIS ALVAREZ



LOWE'S (BRYAN)
2100 W. CLEVELAND
MADERA CA.
93637
(209) 617-5352

85 L/F OF RED WOOD FENCE.
8" PLANK W/ 12" GRASS BOARD
FOR A TOTAL OF 6' TALL.

POSTS 4X4 P.T. RAILS (3) HIGH P.T.
CAST IN SOLID CONCRETE
NO GATE. LABOR, MATERIALS,
DELIVERY ~~\$2449.19~~ \$2449.19



W/ 6" PLANK

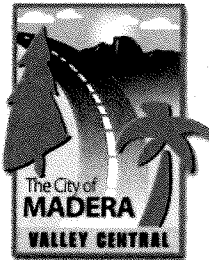
\$2,416.82

54 MONTH @ 5.99% FINANCING
NO PENALTY FOR EARLY PAYOFF
APPROX. \$35.00 A MONTH



Bryan Bohall
Project Specialist - Exteriors

1750 W Olive Ave
Merced, CA 95348
Phone: 209-385-5000
Cell: 209-617-5352
Fax: 209-385-5009
bryan.bohall@store.lowes.com



REPORT TO CITY COUNCIL

COUNCIL MEETING OF AUGUST 17, 2016

AGENDA ITEM NUMBER B-8

APPROVED BY:


DEPARTMENT DIRECTOR


CITY ADMINISTRATOR

SUBJECT: CONSIDERATION OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MADERA ACCEPTING EASEMENT DEED FOR CUL-DE-SAC RIGHT-OF-WAY ON SOUTH 'H' STREET AT THE SILVA FORD PROPERTY

RECOMMENDATION:

That the City Council approve Resolution No. 16-_____:

1. Accepting the Easement Deed.
2. Authorizing the City Clerk to prepare and execute the Certificate of Acceptance and record the Easement Deed.

Engineering

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

www.madera-ca.gov

SUMMARY:

With the recent vacation of excess street right-of-way on South 'H' Street at the Silva Ford dealership, it is necessary to provide a cul-de-sac for a turnaround at the new southerly termination of 'H' Street at the Silva Ford property.

DISCUSSION:

The property owner has agreed to dedicate to the City an area, as shown in Exhibit "A", which will accommodate vehicular turnarounds, including fire trucks, by way of a so-called "hammerhead" cul-de-sac. A gate in the fence at the cul-de-sac will provide access to City utilities south of the cul-de-sac, in the area in which 'H' Street was vacated, for maintenance purposes.

FISCAL IMPACT:

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

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

RESOLUTION NO. 16- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
ACCEPTING EASEMENT DEED FOR CUL-DE-SAC RIGHT-OF-WAY ON
SOUTH 'H' STREET AT THE SILVA FORD PROPERTY**

WHEREAS, the vacation of excess street right-of-way on South 'H' Street by the City of Madera made it necessary to provide a cul-de-sac turnaround at the Silva Ford property; and

WHEREAS, the owner has agreed to dedicate an area, as shown in Exhibit "A", which will accommodate said cul-de-sac; and

WHEREAS, the property owner has signed an easement deed, and the City Engineer is recommending that Council accept the easement deed on behalf of the City; and

WHEREAS, the proposed use of the subject easement is categorically exempt from CEQA.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA

HEREBY RESOLVES, FINDS, DETERMINES AND ORDERS AS FOLLOWS:

1. The above recitals are true and correct.
2. The City of Madera accepts an easement deed for the area shown in Exhibit "A".
3. The City Clerk is hereby authorized and directed to prepare a Certificate of Acceptance of the easement deed for the area shown in Exhibit "A".
4. The City Clerk is hereby authorized and directed to record the easement deed, a copy of which is on file in the office of the City Clerk, and is referred to for particulars pertaining to the area shown in Exhibit "A".

* * * * *

EXHIBIT "A" , Page 1 of 2

Easement for Public Street Purposes

Beginning at a point on the southwesterly line of Block 6 of Hughes Addition to the Town (now City of Madera) according to the map thereof filed in Volume 4 of Maps at page 31, Fresno County Records, from which the northwest corner of Lot 17 of said Block 6, bears North 39°16'48" West, a distance of 10.00 feet;

Thence along the northerly line of the southerly 15.00 feet of said Lot 17, North 50°42'14" East, a distance of 1.77 feet the beginning of a non-tangent curve concave to the north having a radius of 45.00 feet, the center of which bears North 21°09'33" East;

Thence easterly along said non-tangent curve, through a central angle of 32°51'18" an arc distance of 25.80 feet to a point of reverse curvature with a curve concave to the southwest having a radius of 45.00 feet;

Thence easterly, southerly and westerly along said reverse curve, through a central angle of 150°06'16" an arc length of 117.89 feet to the northeasterly right-of-way of 'H' Street ;

Thence northwesterly along said right-of-way being a non-tangent curve concave to the northeast having a radius of 966.00 feet the center of which bears North 48°02'59" East, through a central angle of 02°40'13" an arc distance of 45.02 feet;

Thence continuing along the said right-of-way, North 39°16'48" West a distance of 57.55 feet to POINT of BEGINNING.

Area: 3,190 Square Feet more or less

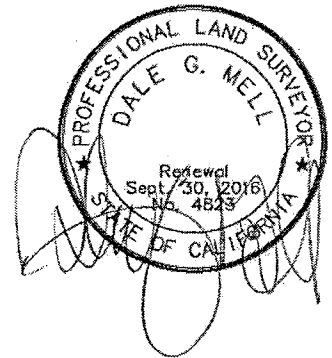
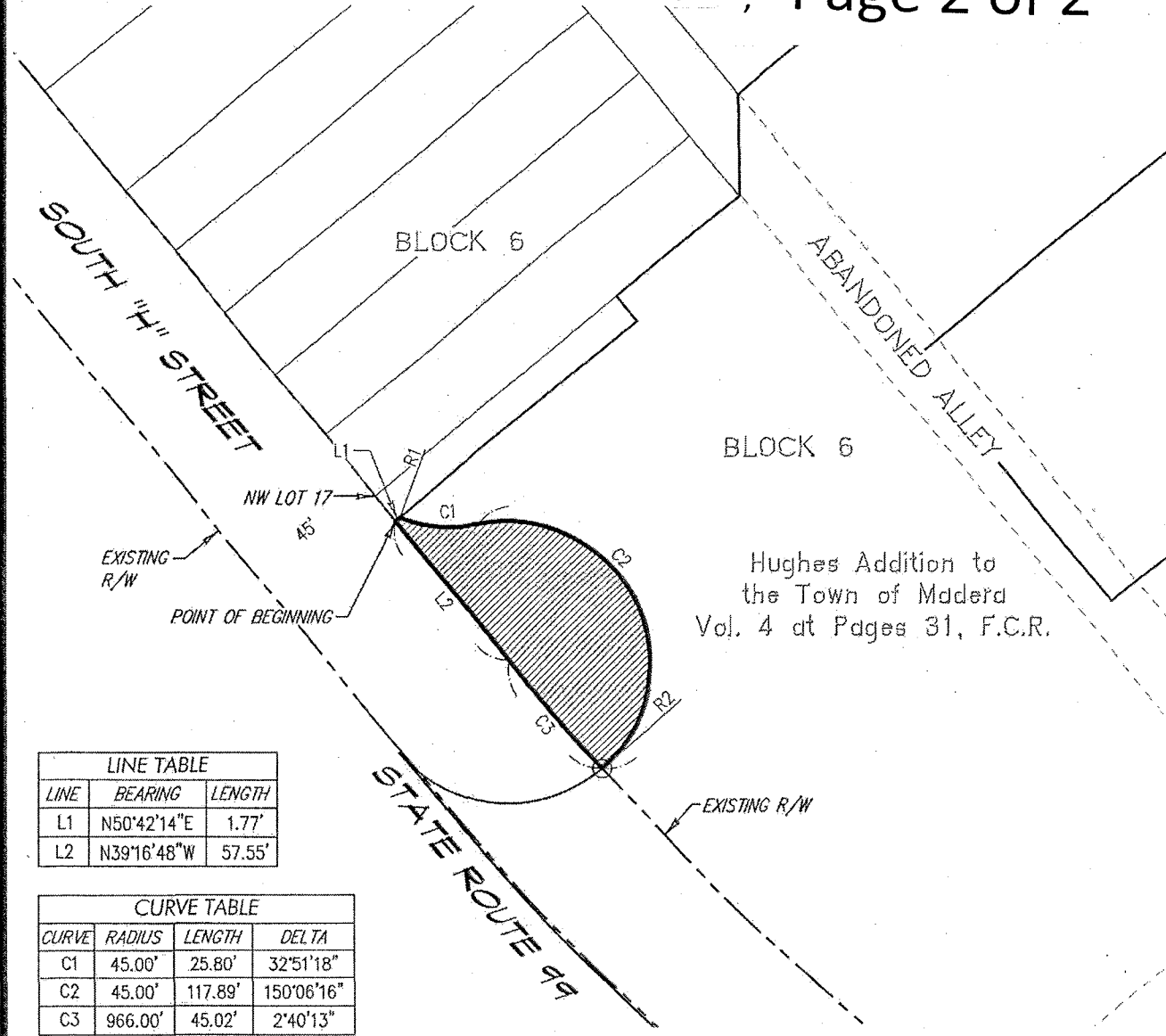


EXHIBIT "A", Page 2 of 2




Hughes Addition to the Town of Madera Vol. 4 at Pages 31, F.C.R.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N50°42'14"E	1.77'
L2	N39°16'48"W	57.55'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	45.00'	25.80'	32°51'18"
C2	45.00'	117.89'	150°06'16"
C3	966.00'	45.02'	2°40'13"

RECORD OWNER :
 S&B PROP INC./SILVA AUTO GROUP INC.
 15252 ROAD 23
 MADERA, CA 93737

A.P.N. : 010-212-012

 INDICATES 3,190 S.F. TO BE DEEDED FOR PUBLIC STREET PURPOSES.

RADIAL TABLE	
LINE #	BEARING
R1	N21°09'33"E
R2	N48°02'59"E

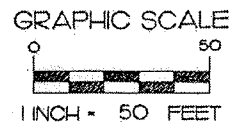
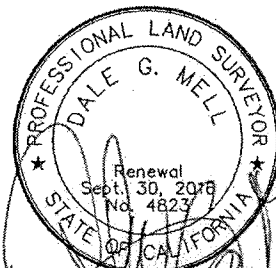
PREPARED BY:



**DALE G. MELL
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES

2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
 (559) 292-4046 * FAX 251-9220



BY: J.LOR - 07/22/16
 DMA CADFILE: 13-019.01EX02

PLOTTED BY: JASON R. LOR - 7/22/2016 9:17:17 AM C:\MY DOCUMENTS\13-019.01EX02.DWG

RECORDING REQUESTED BY:
City of Madera
AFTER RECORDING RETURN TO:
City Clerk
City of Madera
205 W. 4th Street
Madera, CA 93637

NO DOCUMENTARY TAX DUE – R&T 11922 (Amended)
Presented for Recordation by the City of Madera
Fee waived per Section 27383 of the Government Code.....No Fee Due 0

APN: 010-212-012

STREET EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,
Dealership Properties, LLC

DOES HEREBY GRANT TO **THE CITY OF MADERA**, A MUNICIPAL CORPORATION OF THE
STATE OF CALIFORNIA

An easement for street 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, California, County of Madera, State
of California, being more particularly described as follows:

(See Exhibit 'A' attached hereto and made a part hereof)

Dealership Properties, LLC (Limited Liability Company)

By:  Date: 8/11/16
Lakwinder S. Brar
Managing Member

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 8/11/16, before me, EMA G REYES, Notary Public, personally appeared Lakwinder S. Brar 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



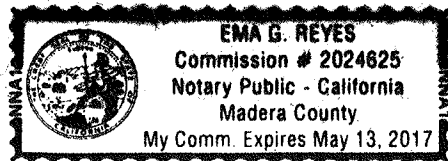


EXHIBIT "A"

Easement for Public Street Purposes

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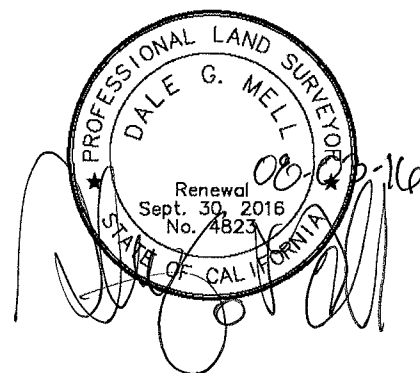
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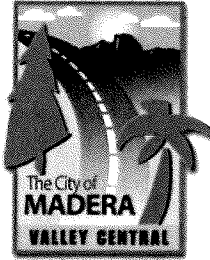
Thence easterly, southerly and westerly along said reverse curve, through a central angle of 150°06'16" an arc length of 117.89 feet to the northeasterly right-of-way of 'H' Street ;

Thence northwesterly along said right-of-way being a non-tangent curve concave to the northeast having a radius of 966.00 feet the center of which bears North 48°02'59" East, through a central angle of 02°40'13" an arc distance of 45.02 feet;

Thence continuing along the said right-of-way, North 39°16'48" West a distance of 57.55 feet to POINT of BEGINNING.

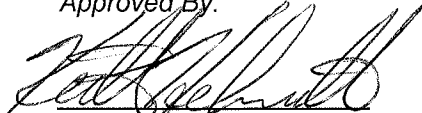
Area: 3,190 Square Feet more or less





REPORT TO CITY COUNCIL

Approved By:


Department Director

Council Meeting of August 17, 2016

Agenda Item Number B-9


City Administrator

SUBJECT: MINUTE ORDER – ACCEPTING THE SANITARY SEWER AND STORM DRAIN IMPROVEMENTS-VARIOUS LOCATIONS BID PACKAGE 2 PROJECT NO. S 10-01, CDBG-2014-2217-5072, AND AUTHORIZING RECORDING OF THE NOTICE OF COMPLETION

RECOMMENDATION:

City Council approve Minute Order approving:

1. Acceptance of the Sanitary Sewer and Storm Drain Improvements-Variou Locations Bid Package 2 Project No. S 10-01, CDBG-2014-2217-5072.
2. The recording of the Notice of Completion.
3. The release of retention 35 days after recording of the Notice of Completion.

SUMMARY:

The City Council, at their July 15, 2015 meeting, awarded a contract to Rolfe Construction for the Sanitary Sewer and Storm Drain Improvements-Variou Locations, or Sewer Bid Package 2. The Contractor has completed the project in accordance with the plans and specifications and as modified by approved change orders, including the emergency repair of the Schnoor Sewer Trunk Main this past April. Staff recommends that the City Council accept the project.

SITUATION:

A final project inspection was held by the Engineering Division. Affected divisions within the Public Works Department also participated in the final review of the project. All parties agree the project can be recommended for acceptance by the City Council and a "Notice of Completion" recorded.

The Sewer Bid Package 2 Project completed several individually identified sewer Capital Improvement Program (CIP) projects. Bid Package 1 that included both sewer

Engineering

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

www.madera-ca.gov

and storm drainage improvements was completed in 2011. The remaining projects were identified as Sanitary Sewer and Storm Drain Improvements-Variou Locations, Bid Package 2 (however, there were no storm drain improvements in this project). In addition to sewer main repairs and replacements, the pumps were replaced at the South Street Sewer Lift Station, an existing lift station was abandoned and removed in Almond Avenue, and the manholes in Madera Avenue that were paved over by Caltrans several years ago were raised to the street surface for maintenance access with Sewer Bid Package 2. Pipebursting methods were used to replace the sewer main under UPRR in 9th Street and also in Mainberry in order to minimize impacts to the trees in the median. Both locations were successful. As such, the pipebursting method will be considered for future sewer improvement projects.

The original contract amount was \$1,089,346. In total, three Contract Change Orders were processed for work added/deleted to the project as noted below.

- Change Order No. 1.....net increase of \$14,104.00
Added cost to lower a water main discovered to be in conflict with the sewer main replacement.
- Change Order No. 2net increase of \$ 102,140.00
On April 11, 2016 Schnoor Avenue collapsed due to a failure in the 24" sewer trunk main in the center of the roadway. Rolfe Construction replaced the concrete pipe with 24" PVC pipe between 4th and 5th Streets, repaired a small segment in 5th Street, and repaired the roadway. The emergency repair was made under this project because we had an open contract (with funds available) and insurance on file for Rolfe Construction.
- Change Order No. 3net decrease of \$ 3,776.00
The final balancing change order reflecting actual, measure quantities of items installed.

The total amount of Change Orders, including the Schnoor Avenue Emergency Repair, results in an increase to the contract of \$112,468.00 increasing the cost of the project 10.3% to \$1,201,814.00.

FINANCIAL IMPACT:

Funding for the Project was programmed in FY2014/2015 budget in several line item accounts in the Sewer System utility fund totaling over \$1.1 million and \$700,000 of Community Development Block Grant (CDBG) funds in 2217-5072 for projects in eligible areas. Funds remaining after completion of the project will be returned to the Sewer Fund balance. The CDBG funds were fully expended.

Construction of the project did not have a financial impact on the City's General Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The recommended capital improvement project supports Vision Strategy 101.6, Ensure infrastructure can sustain population growth.

RECORDING REQUESTED BY:
CITY OF MADERA

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE
FEE WAIVED PER SECTION 27383 OF THE GOVERNMENT CODE - NO DOCUMENT TAX DUE \$ -0-

NOTICE OF COMPLETION
Corporation

NOTICE IS HEREBY GIVEN THAT:

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

NAMES

ADDRESSES

N/A

6. A work of improvement on the property hereinafter described was completed on AUGUST 17, 2016
7. The name of the original contractor, if any, for such work of improvement was _____
Rolfe Construction Company, LLC.
(If no contractor for work of improvements as a whole, insert "none".)

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

NAMES

ADDRESSES

N/A

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

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

**SANITARY SEWER AND STORM DRAIN IMPROVEMENTS-VARIOUS
LOCATIONS BID PACKAGE 2 PROJECT NO. S10-01, CDBG-2014-2217-5072**

10. The street address of said property is Madera _____ **City Limits – various locations**
(If no street address has been officially assigned, insert “none”.)

Dated: _____

Keith Brent Helmuth, P.E
City Engineer

STATE OF CALIFORNIA
County of Madera

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

Signature of Officer: _____

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

State of California
County of Madera

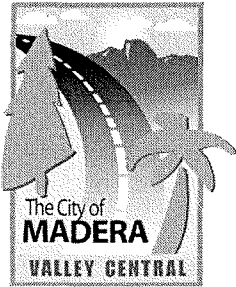
Keith Brent Helmuth, P.E

Subscribed and sworn to (or affirmed) before me on this ___ day of August, 2016, by Keith
Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who
appeared before me.

Date

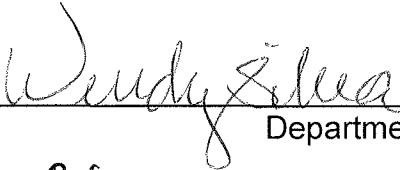
Sonia Alvarez, City Clerk

Report to City Council




Council Meeting of August 17, 2016
Agenda Item Number B-10

Approved by:



Department Director



City Administrator

Consideration of a Resolution Amending the City of Madera Classification Plan

RECOMMENDED ACTION

It is recommended Council adopt the resolution amending the employee classification plan for the Building Permit Technician classification, recommended to be re-titled as Permit Technician.

SITUATION

With the adoption of the Fiscal Year 2016-17 budget, a Building Permit Technician position was added to the Building Department personnel allocations to provide front-line customer support at the Building/Planning counter. In advance of recruiting to fill the position, staff reviewed the existing job description for the classification as it has been several years since this classification was used. Some minor updates were recommended to make the position a little less technical and a little more customer service oriented. In addition, it is recommended to modify the name from Building Permit Technician to Permit Technician. While the individual will primarily work processing permits and providing customer service for the Building department, they will also provide front-line customer service for Planning or any other Community Development customers who come to the counter.

Staff presented the proposed modifications to the job specification to the affected bargaining unit for review and comment and did not receive any negative response.

FISCAL IMPACT

There is no proposed compensation change for the Permit Technician position, just an update of the job description.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Amendments to the City of Madera classification and compensation plan are 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.

RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
AMENDING THE EMPLOYEE CLASSIFICATION PLAN ADOPTED BY RESOLUTION No. 00-13**

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

SECTION 1. The Employee Classification Plan adopted by Resolution No. 00-13 is hereby amended by the modification of the Building Permit Technician classification to Permit Technician. The revised job description for this position is on file with the Office of the City Clerk and referred to for more particulars.

SECTION 2. This resolution is effective immediately.

* * * * *

CITY OF MADERA

PERMIT TECHNICIAN

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities that are associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

Under direction, reviews applications for and issues permits in accordance with building, zoning, mechanical, plumbing, electrical, housing and related codes and regulations governing the construction, alteration, repair and use of buildings and structures; provides excellent customer service for customers of the Community Development customer counter; performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

The **Permit Technician** is the journey level class responsible for performing a variety of technical and administrative duties under minimal supervision including calculating fees; reviewing permit applications; explaining laws, codes, ordinances and processes to permit applicants and the general public; issuing permits; and coordinating permit files.

SUPERVISION RECEIVED/EXERCISED:

Receives supervision from the Chief Building Official and direction from the Plans Examiner.

ESSENTIAL FUNCTIONS: *(include but are not limited to the following)*

- Reviews permit applications for buildings and related construction involving installation, repair, replacement and alteration for compliance with applicable codes and regulations; prepares building, mechanical, plumbing and electrical permits.
- Reviews applications for completeness and researches application and permit status; explains required inspections and construction requirements to owners, architects, engineers, contractors and the public; prepares and maintains records and files for monitoring deficiencies and status of compliance.
- Acknowledges and records complaints of unauthorized building construction work; coordinates responses to inquiries from the public, outside agencies or City Departments through the Chief Building Official and other staff as needed.
- Provides information to the public about the methods of construction and permit application procedures.
- Performs “over-the-counter” plan reviews for simple projects such as patio covers and minor tenant improvements of non-structural components.

PERMIT TECHNICIAN

Page 2

- Establishes positive working relationships with contractors, developers, state/local agencies and associations, City management and staff, and the public.

WORKING CONDITIONS:

Position requires sitting, standing, walking on level and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping, crawling and making repetitive hand movement in the performance of daily duties. The position also requires both near and far vision when operating assigned equipment, and acute hearing is required when providing phone and face-to-face service. The need to lift, carry, pull and push tools, supplies and other equipment weighing 25 pounds or more is also required. Training for the position may entail working in situations that may expose the employee to fumes or airborne particles, electrical shock or mechanical hazards. Such training may also require the incumbent to climb ladders, drive motorized vehicles, and work in heavy vehicle traffic conditions. The incumbent will often work with constant interruptions.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification)*

Education and/or Experience:

Any combination of education and experience that has provided the knowledge, skills and abilities necessary for a **Permit Technician**. A typical way of obtaining the required qualifications is to possess:

A high school diploma or equivalent and two years of increasingly responsible administrative experience in an engineering, building, planning or similar office that provided experience reading, interpreting, and applying regulations, laws, codes, ordinances or similar information;

-OR-

An Associates Degree in architecture, planning, zoning, construction technology or closely related field and one year of experience involving public contact and customer service.

License/Certificate:

Possession of, or ability to obtain, a valid Class C California driver's license. Possession of a Building Permit Technician certificate by a recognized code publishing organization such as the International Code Council, (ICC) is desirable but not required.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position)*

Knowledge of:

Principles, practices and methods used in various land use and building construction areas, including plumbing, electrical and mechanical; California construction codes such as the California Building Code, Energy Code, etc.; other applicable federal, state and local laws, codes and regulations including laws, ordinances and codes related to

building construction and zoning; computer applications including word processing; public relations techniques and procedures; operational characteristics and use of standard equipment used in building inspection and the building trades; occupational hazards and standard safety procedures.

Ability to:

Read and interpret simple plans; read, interpret, understand, apply and explain in layman's terms applicable laws, codes, ordinances, regulations and similar regulations; communicate clearly and concisely, both orally and in writing; handle multiple customers in a fast-paced environment; create and maintain complete logs for projects; establish and maintain effective working relationships.

Skill to:


Effectively operate office equipment, including phones and a variety of computer software.

REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF August 17, 2016

AGENDA ITEM NUMBER B-11

APPROVED BY


DEPARTMENT HEAD


CITY ADMINISTRATOR

SUBJECT: CONSIDERATION OF A WRITTEN REQUEST BY THE MADERA SOUTH HIGH SCHOOL SEEKING COUNCIL APPROVAL TO COVER PERMIT FEES AND COVER THE COST OF POLICE AND PUBLIC WORKS EFFORTS IN ASSOCIATION WITH THEIR HOMECOMING PARADE AND REQUEST FOR THE CITY TO PAY \$1,200 TOWARDS THE RENTAL OF BARRICADES

RECOMMENDATION:

It is the recommendation of staff that Council approve the City covering the cost of the participation of Police and Public Works for traffic and clean-up for the Madera South High School (MSHS) Homecoming Parade and approve paying \$1,200 towards the rental of barricades as well as approve covering the \$25 permit fee.

SUMMARY:

Madera South High School is sponsoring its annual Homecoming Parade on Friday, September 16, 2016. Approximately 900 students will take part in the parade, including the Band, pep and cheer, Varsity and Junior Varsity football teams, and class and club floats. All purple pyramid elementary and junior high schools will be bused to the campus to watch the parade.

It has been the practice of the Council to recognize this function as a community event and help defray some of the costs associated with putting on the activity.

DISCUSSION:

Mrs. Julie Larrivee, Director of Student Activities, has requested the City Council cover the permit fees, and is asking the council to cover the cost for police and public works services associated with the event. As is City policy, insurance binders (Special Events Insurance) to transfer liability and property damage claims from the City to parade sponsors, are to be provided by Madera South High School. Further, Madera South High School requests the City of Madera pay, \$1,200

toward the cost of barricades. Last year the Council approved this request out of the Community Promotion/Employee recognition line item (10201120-6518).

FINANCIAL IMPACT:

The cost of providing City services to assist with traffic and crowd control and cleanup is estimated at about \$1,765 to pay for overtime and straight time for about two and a half hours of work. The sponsors request this amount of money be covered by the City and additionally is seeking \$1,200 for assistance in barricade rental.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

City participation in the annual Homecoming Parade supports the following Vision 2025 strategies:

- Strategy 317: “Develop and encourage festival, gatherings, and events . . .”.
- Strategy 332: “Expand comprehensive services for Madera’s youth . . .”
- Strategy 313: “Provide year-round programs fostering community pride. . .”.



Madera South High School

705 W. PECAN AVE
MADERA, CA 93637
PHONE: (559) 675-4450
FAX: (559) 675-9985

Madera South High School August 2, 2016
705 W. Pecan Ave
Madera, CA 93637

Principal
Oracio Rodriguez

Vice Principals
Robyn Cosgrove
Adam Coudell
Curriculum & Instruction

Matthew Toews
School of Agriculture
& Engineering

Carry Gassett
School of Business
& Human Services

Brad Holck
School of Health Services

Ericka Moran
School of Humanities

Athletic Director
Andrea Devine

Activities Director
Julie Larrivee

Mayor Robert L. Poythress and Members of the City Council,

For the last five years, our school's Homecoming festivities have featured a community parade thanks to your contribution and support. We are beyond thrilled to continue the traditional of promoting our student body and celebrating Stallion Pride once again this year. Please consider this letter as our request to be put on the agenda for your next meeting. The item for consideration is our 6th annual Madera South High Homecoming Parade on Friday, September 16th. This parade has been a goal from the very first year we opened as a brand new high school and an event that we wish to continue to showcase our students and creating a strong Stallion Alumni.

Approximately 900 high school students will take part in the parade, including the band, pep and cheer, all football teams, class and club floats. This is our third year we are collaborating with our feeder elementary and middle schools to be part of the celebration. Each school has the opportunity to have a float in the parade which will increase our parade participation to over 1,000 involved. We also invite all of the purple pyramid elementary and middle schools to attend and pay for them to be bussed over to our campus to watch the parade. Last year we had over 5,000 students and spectators lined on the parade route.

We understand that an event of this magnitude will incur many costs for all parties involved. We make sure to inform all Madera residents who reside on the parade route to make sure they are aware of the closure of the streets. We ask that the City of Madera would continue to support this event that is truly meaningful not only for our students, but the community of Madera by waiving the permits, police and public work fees that are associated with the events. We also ask to continue the agreement that was made last year that the City of Madera will pay, not to exceed, \$1, 200 toward the cost of the rental of the safety barricades through the company, Alert O Lite. We have paid the remaining balance of the barricades which is usually an additional \$400-\$500.

We are looking forward to another spirited community pride event!
Thank you for your consideration of this matter.
Sincerely,

Julie Larrivee
Director of Student Activities
675-4450 ext. 1083 cell 974-1404
julielarrivee@maderausd.org

RECEIVED

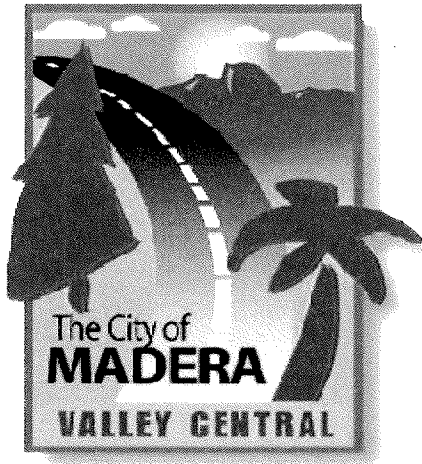
City of Madera City Clerk

By: [Signature]
Date: 8/11/16

REPORT TO CITY COUNCIL

MEETING DATE: August 17, 2016

AGENDA ITEM NUMBER: B-12



Approved By:

[Signature]
PUBLIC WORKS DIRECTOR

[Signature]
CITY ADMINISTRATOR

SUBJECT: Consideration of a Resolution Allowing for the Gating of the South End of the Alley Between Flume and Lake Streets and 4th and 5th Streets.

RECOMMENDATION: Staff recommends that the Council consider adopting a resolution allowing for the gating of the south end of the alley between Flume and Lake Streets and 4th and 5th Streets.

SUMMARY: Due to the recent elimination of thru traffic from Flume Street to 4th Street, in front of the Youth Center, traffic has become a problem in the adjacent alley as vehicles attempt to bypass congestion of Lake Street. To prohibit the use of the alley as a street, vehicle access from 4th street will be blocked by a gate. The alley will be accessible from 4th Street.

DISCUSSION: Complaints from residents on the alley resulted in initial attempts to reduce the traffic by posting a speed sign and speaking with the County Social Services management; as the worst of the traffic is generated when they close and their employees leave. As these efforts did not effectively reduce the problem, Staff met with the concerned residents and the Neighborhood Watch group to get their input and buy-in on the proposed alley closure.

FINANCIAL IMPACT:

This action has a minor cost associated with the fabrication and installation of the gate. These costs will be expended from the existing budget appropriations from the Street Division budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

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

RESOLUTION NO. 16 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
AUTHORIZING GATING THE SOUTH END OF THE ALLEY BETWEEN FLUME AND LAKE
STREETS AND 4TH AND 5TH STREETS**

WHEREAS, due to the recent elimination of through traffic from Flume Street; the alley between Flume and Lake Streets and 4th and 5th Streets has an increased volume of traffic using the alley as a through street; and

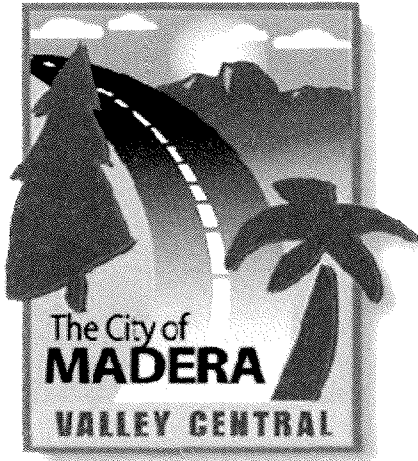
WHEREAS, the City of Madera desires to limit the major use of the alley primarily for adjacent property access; and

WHEREAS, the majority of the undesired traffic is traveling south to west; and

WHEREAS, installation of a gate on the south end would restore the use of the alley to its intended design and purpose.

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 installation of a gate is approved for the south end of the alley between Flume and Lake Streets and 4th and 5th Streets.
3. This resolution is effective immediately upon adoption.



REPORT TO CITY COUNCIL

MEETING DATE: August 17, 2016

AGENDA ITEM NUMBER: B- 13

Approved By:


PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR

SUBJECT: Consideration of a Resolution Approving a Reimbursement Agreement with Century 21 M&M and Associates for Sidewalk Repair at 2000 N Schnoor Ave and Authorizing the Mayor to Execute the Agreement on Behalf of the City.

RECOMMENDATION: Staff recommends Council approve the agreement with Century 21 M&M and Associates for reimbursement of sidewalk repair work through the Sidewalk Repair Cost Assistance Program. Staff further recommends Council authorize the Mayor to execute the Agreement on behalf of the City.

SUMMARY: Century 21 M&M and Associates is the property owner of 2000 N. Schnoor Ave and wish to enter into an agreement with the City of Madera in order to receive \$987.50 reimbursement for curb and gutter, sidewalk and driveway repair costs under the Sidewalk Repair Cost Assistance Program.

DISCUSSION: The City Council, at their January 21, 2015 meeting, adopted Resolution **No. 15-21**, approving the Sidewalk Repair Cost Assistance Program. The program assists property owners with the costs of portions of the sidewalk, curb or gutter that are in need of repair.

Century 21 M&M and Associates has expressed interest in the Program to cure raised sidewalk issues, caused principally by root intrusion from the existing street trees, adjacent to the property. The Public Works Department met with Century 21 M&M and Associates and determined the scope of work eligible under the program; was 15 lineal feet of the sidewalk, 75 square feet of sidewalk. The damage appears to be due to lifting from tree roots.

Upon review of the scope of work, Century 21 M&M and Associates was advised to follow the guidelines of the program and obtain three bids from contractors. The three bids received were received by the Public Works Department along with the property owner. The lowest responsive bid was from Fuentes Concrete.

The costs for this project is as follows:

	Total Cost	City Share	Property Owner Share
Sidewalk	\$1,975.00	\$987.50	\$987.50

Since the start of the Sidewalk Reimbursement program in April 2009 there have been 45 people who have expressed interest in the program. Of those 45, 17 have participated in the program including Century 21 M&M and Associates. With the inclusion of tonight's agreement, a total of \$987.50 will be expended from the program for Fiscal Year 2016/17.

FINANCIAL IMPACT: There is approximately \$10,000 remaining in LTF funds which is allocated in Account No. 5830-5100 for the Sidewalk Repair Cost Assistance Program. This item will reduce that balance by \$987.50.

VISIONING: This action is consistent with strategy 401 – Develop and promote Madera as a walk-able community with an emphasis on improving the quality of the natural resources.

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT WITH
CENTURY 21 M&M AND ASSOCIATES FOR SIDEWALK REPAIR AT 2000
NORTH SCHNOOR AVE AND AUTHORIZING THE MAYOR TO EXECUTE
THE AGREEMENT ON BEHALF OF THE CITY**

WHEREAS, the City of Madera is committed to the maintenance and continuous improvement of the City's infrastructure; and

WHEREAS, the City desires to maintain a harmonious, peaceful environment; and safe walkable neighborhoods; and

WHEREAS, the City Council has adopted Resolution No.15-21, approving the Sidewalk Repair Cost Assistance Program that assists the adjacent property owner for a portion of the cost of sidewalk and curb/gutter repair/replacement of approved costs within the limits of the program funds; and

WHEREAS, Century 21 M&M and Associates plans to repair the sidewalk adjacent to 2000 N. Schnoor Ave; and

WHEREAS, Century 21 M&M and Associates desires to enter into an agreement with the City for reimbursement which is on file in the office of the City Clerk entitled, "AGREEMENT FOR SIDEWALK REPAIR REIMBURSEMENT 2000 N. SCHNOOR AVE".

**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 Sidewalk Repair Reimbursement for 2000 N. SCHNOOR AVE "Reimbursement Agreement", a copy of which is 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 Reimbursement Agreement on behalf of the City.
4. This resolution is effective immediately upon adoption.

AGREEMENT FOR SIDEWALK REPAIR REIMBURSEMENT FOR 2000 N. SCHNOOR
AVE

This Agreement is made this _____ day of _____, 2016, by and between the City of Madera, hereinafter referred to as "City," and Century 21 M&M and Associates hereinafter referred to as "Owner(s)" in regard to the property of 2000 N. Schnoor Ave.

RECITALS:

A. City has determined that many sidewalks, curbs and gutters within the City are in need of repair or replacement, and has developed and adopted guidelines and set aside a limited amount of funding for a 50/50 owner participation sidewalk repair program (the Program) which will facilitate the repair of sidewalks and assist owners of abutting properties in financing such repairs.

B. The Streets and Highways Code requires owners of property abutting sidewalks, including curbs and gutters, to maintain sidewalks in a condition that will not endanger the public or interfere with public convenience.

C. Owner desires to repair the sidewalk abutting Owner's property and desires to participate in the City's Sidewalk Repair Program.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements herein contained, it is agreed by and between the City and Owner as follows:

1. Scope of Work. Owner and City have determined the scope of repairs to be undertaken to the sidewalk abutting Owners property (the Work), and the scope of the Work to

be performed is set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

2. Duties of Owner. The Owner shall obtain bids from three contractors to perform the Work as set forth in Exhibit A. The bids obtained must be calculated using prevailing wages. The contractors shall all be licensed by the State of California. Owner shall provide City with copies of all three bids.

3. Selection of Contractor. City shall review the bids provided by Owner and shall select the lowest responsive bidder and shall notify Owner of which bid has been selected. City shall not consider any bids which were not prepared using prevailing wages. Owner shall take all steps reasonably necessary to engage the selected contractor in performing the Work as set forth in Exhibit A. City shall not be a party to any contract or other agreement between Owner and the contractor performing the Work.

4. Commencement of Work. Owner shall ensure that Work shall commence within 30 days of execution of this Agreement, and shall ensure that the Work shall be completed no later than 90 days from execution of this Agreement.

5. Inspection and Approval of Work. The property owner shall apply for an encroachment permit through the Engineering Department. All fees for this permit shall be waived. Upon notification by Owner that the Work has been completed, City shall inspect the work and shall approve the Work if it meets all applicable standards and specifications. City approval shall be in writing on a form provided by City to Owner.

6. Payment of Contractor and Reimbursement. Upon completion of the Work as evidenced by written approval of City, Owner shall pay to the contractor the entire amount due

for the contractor's completion of the Work. City shall upon satisfactory evidence of payment in full to the contractor by Owner, reimburse the amount stipulated by this agreement, which shall not exceed Nine Hundred Eighty Seven Dollars and Fifty Cents, \$987.50. City reimbursement shall only be made in accordance with a bid selected by City pursuant to Section 3 herein.

7. Indemnification. The Owner agrees to indemnify and defend the City and hold it, its Council, commissions, officers, volunteers, employees and agents free and harmless from and against any and all claims, lawsuits, judgments, costs, expenses and attorneys fees on account of injury to persons or damage to property arising out of or resulting from the negligence or willful misconduct of the Owner in the performance of this Agreement except for the sole negligence or willful misconduct of the City.

8. Attorney's Fees/Venue. In the event that any action is brought to enforce the terms of this Agreement, the party found by the court to be in default agrees to pay reasonable attorney's fees to the successful party in an amount to be fixed by the Court. The venue for any claim being brought for breach of this Agreement shall be in Madera County.

9. Governing Law. The laws of the State of California shall govern the rights and obligations of the parties under the Agreement, including the interpretation of the Agreement. If any part of the Agreement is adjudged to be invalid or unenforceable, such invalidity shall not affect the full force and effect of the remainder of the Agreement.

10. Termination. This Agreement may be terminated by mutual agreement or it may be terminated by the City upon giving fifteen (15) days written notice of intent to terminate the contract.

11. Notice. Any notice required hereunder shall be mailed

To the City:

City of Madera
c/o Dave Randall, Public Works Director
1030 S. Gateway Dr.
Madera, CA 93637

To the Owner:

Century 21
M&M and Associates
2000 N. Schnoor Ave
Madera, CA 93637

12. Assignment. Neither the City nor Owner shall assign its interest in this Agreement without the written consent of the other.

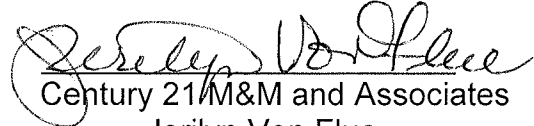
13. Complete Agreement of Parties. This Agreement, including attachments incorporated herein by reference, represents the entire agreement and understanding between the parties. Any modifications to this Agreement shall be in writing and signed by authorized representatives of the parties. One or more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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at Madera, California, the day and year first above written.

CITY OF MADERA

Robert L. Poythress
Mayor

OWNER



Century 21/M&M and Associates
Jerilyn Von Flue
Sales Manager

Attest:

Sonia Alvarez
City Clerk

Approved as to Form:

Brent Richardson
City Attorney

Sidewalk Repair Reimbursement Program Scope of Work

APPOINTEE DETAILS		
Last Name: _____	First Name: _____	Century 21 M&M and Associates
Address: _____	2000 North Schnoor	Zip Code: _____ 93637
Home # : _____	Cell # : _____	
SCOPE OF WORK		
Location:		
Corner of Pepper Tree Ln and Foxglove Way. Approximately 15" from S.W. access ramp a 5' X 15' Section of sidewalk		
Repairs Required:		
1. 75 square ft of sidewalk to be removed and replaced due to lifting from tree roots		
- City is not responsible for costs associated with replacing any rocks or grass in the area on the side of the sidewalk		
- Contractor shall install new sidewalk, driveway approach, curb and gutter to City Standards		
City Cost Share:		
Total cost of work shall be \$987.50 based upon the bids from Fuentes Concrete for service of Sidewalk repair and the cutting of all existing roots under sidewalk.		
- Owner's cost shall be \$ 987.50		
- City's cost shall be \$ 987.50		

REPORT TO CITY COUNCIL

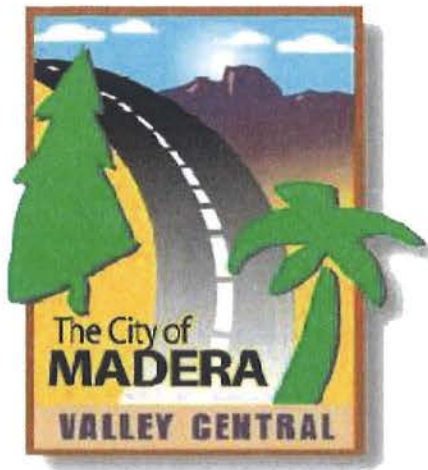
MEETING DATE: August 17, 2016

AGENDA ITEM NUMBER: B-14

Approved By:


PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR



SUBJECT: Weekly Water Conservation Report – August 1st – August 7th

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

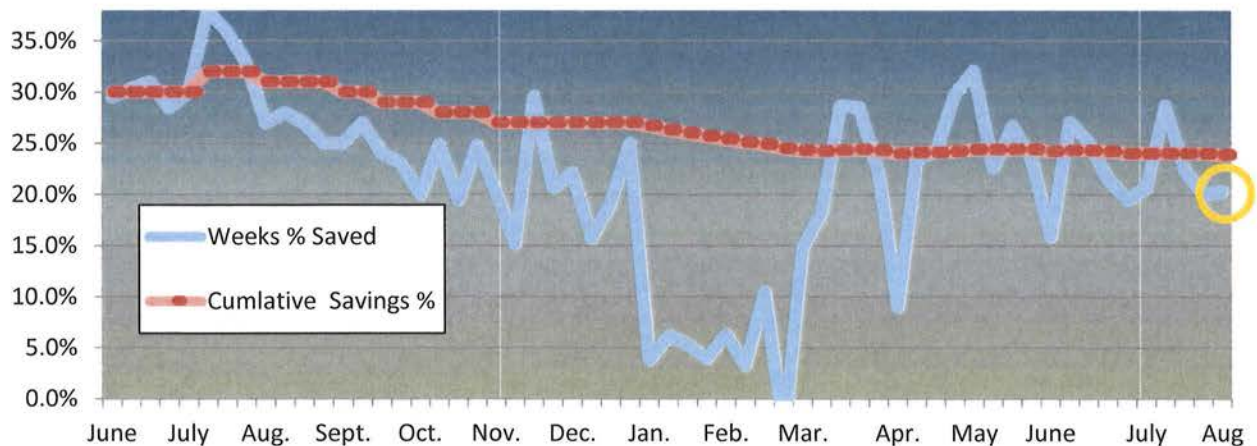
SUMMARY/ DISCUSSION: As illustrated in the graph below the City’s conservation rate continues to stay below the 28% target. Overall water conservation is continuing to not be as high as last year.

The City submitted its data for the State to determine its new water conservation numbers; it appeared that the data could cause Madera’s numbers to go down. The State has verified the data submitted, but has not yet confirmed in writing if it will reduced the States target water conservation numbers for the City of Madera.

Below is the most current water conservation data.



Below is the weekly and cumulative water conservation including the latest data.



		Enforcement	
220	Public Contacts	51	1st offenses (\$75)
0	Verbal warning	2	2nd offenses (\$250)
72	Correction Notices	1	3rd or more offense (\$500)

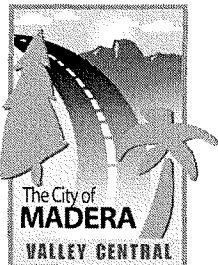
FINANCIAL IMPACT:

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

Report to City Council

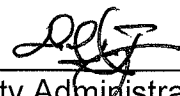


Council Meeting of August 17, 2016
Agenda Item Number B-15

Approved by:



Department Director



City Administrator

Consideration of a Resolution Appointing Tim Riche to the City of Madera ADA Advisory Council

RECOMMENDATION

Staff recommends Council approve the resolution appointing Tim Riche to the City of Madera ADA Advisory Council (MADAAC).

HISTORY

MADAAC was established in 2006 to advise the City Council and staff on matters relating to the American's with Disabilities Act (ADA) and consists of seven members, equal to the number of members on the City Council.

SITUATION

Council Member Cece Foley Gallegos is recommending Tim Riche to serve on MADAAC.

FISCAL IMPACT

Appointees to MADAAC serve in a volunteer capacity.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

MADAAC plays an integral role in helping the City to achieve vision action items related to accessibility. Specifically:

- 113.1 After update of General Plan, update existing City Accessibility Plan.
- 113.4 Provide parking with easy access for the handicapped.
- 138.1 Update the City of Madera's ADA program.
- 138.2 Inventory those public structures currently not in ADA compliance and develop a plan to bring them into compliance.

RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPOINTING TIM RICHE
TO THE MADERA ADA ADVISORY COUNCIL**

WHEREAS, the City of Madera has established an ADA Advisory Council to serve in an advisory capacity to the City Council and City staff; and

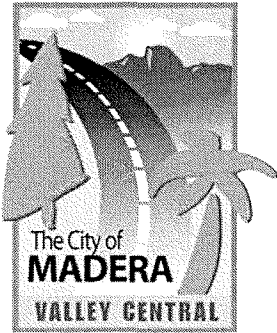
WHEREAS, the ADA Advisory Council is comprised of seven citizens appointed individually by members of the City Council; and

WHEREAS, Council Member Cece Foley Gallegos wishes to appoint Tim Riche to the ADA Advisory Council for a term concluding December 2018 or until Council Member Foley Gallegos is no longer on the City Council, whichever occurs first; and

WHEREAS, Mr. Riche has expressed his desire to serve on the ADA Advisory Council.

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. Tim Riche is appointed to the ADA Advisory Council for a term ending December 2018 or until Council Member Foley Gallegos is no longer on the City Council, whichever occurs first.
3. This resolution is effective immediately upon adoption.



CITY OF MADERA COMMISSION, BOARD, AND COMMITTEE

APPLICATION

I hereby request that I be considered as a nominee for the following City of Madera Commission, Board, or Committee:

PLEASE CHECK ONE OR MORE:

- | | |
|---|--|
| <input checked="" type="checkbox"/> ADA Advisory Council | <input type="checkbox"/> Airport Advisory Commission |
| <input type="checkbox"/> Beautification Committee | <input type="checkbox"/> Civil Service Commission |
| <input type="checkbox"/> CDBG Review and Advisory Committee | <input type="checkbox"/> Loan Review Committee |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Transit Advisory Board |
| <input type="checkbox"/> Other: _____ | |

Please type or print in ink.

Riche	Tim	B
LAST NAME	FIRST NAME	M.I.
██	Madera CA 93637	██████████
HOME ADDRESS	CITY, STATE, ZIP	HOME PHONE
██		██████████
MAILING ADDRESS	CITY, STATE ZIP	E-MAIL ADDRESS
Madera Unified	Work Experience Coordinator	
EMPLOYER	JOB TITLE	BUSINESS PHONE

LENGTH OF RESIDENCE IN CITY OF MADERA 22 YEARS MONTHS	ARE YOU A REGISTERED VOTER OF THE CITY OF MADERA? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	HAVE YOU EVER BEEN CONVICTED OF A FELONY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
---	--	--

EDUCATIONAL BACKGROUND:

Fresno State BA Mass Communication Minor in English Fresno Pacific Masters in Educational Leadership and Organization

PLEASE LIST ANY ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND ANY OFFICES YOU HAVE HELD IN THOSE ORGANIZATIONS:

Member of Valley West Christian Center
Chamber of Commerce Salute to Education

PLEASE LIST ANY APPOINTED PUBLIC BOARDS OR COMMISSIONS ON WHICH YOU HAVE SERVED, DATES OF SERVICE AND ANY CHAIRMANSHIP OR OFFICE HELD:

I AM INTERESTED IN SERVING FOR THE FOLLOWING REASONS:

My son is autistic and he sees the world as a welcoming or hostile place. It is important that we make Madera as welcoming as possible. Plus how can you tell Councilperson Foley Gallegos "No"

REFERENCES (Optional):

Charles Rigby

Will Oliver

Robert Poythress

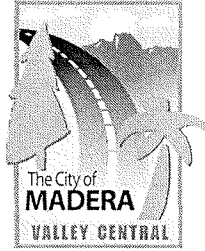
8/8/16
DATE


SIGNATURE

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF MADERA
OFFICE OF THE CITY CLERK
205 West Fourth Street
Madera, CA 93637
(559) 661-5405
(559) 674-2972 Fax

REPORT TO THE CITY COUNCIL



COUNCIL MEETING OF:
August 17, 2016

AGENDA ITEM NUMBER:
C-1

Approved By:



COMMUNITY DEVELOPMENT DIRECTOR



CITY ADMINISTRATOR

SUBJECT: Public Hearing and Consideration of a Resolution Approving the Formation of a Groundwater Sustainability Agency under the Sustainable Groundwater Management Act

RECOMMENDATION:

Staff recommends that the Council adopt a resolution approving the Formation of a Groundwater Sustainability Agency under the Sustainable Groundwater Management Act.

SUMMARY:

In prior discussions regarding the requirements and local implementation of the Sustainable Groundwater Management Act (SGMA), the City Council has discussed its desire to establish a Groundwater Sustainability Agency consistent with the City limits. This action is consistent with the strategy that emerged from the group of local agencies within the Madera Water Sub-basin that are working together to ensure SGMA compliance. After conducting a public hearing, the City Council may adopt a resolution approving the formation of a GSA covering the City limits.

DISCUSSION:

In September of 2014, the Governor signed into law SB 1168, AB 1739, and SB 1319. Together, these three pieces of legislation are known as the Sustainable Groundwater Management Act (SGMA) and they impose new requirements on local agencies focusing on sustainable groundwater management. For the Madera Groundwater Sub-basin, the formation of Groundwater Sustainability Agencies (GSAs) is required by 2017, and the preparation of a Groundwater Sustainability Plan (GSPs) is required by 2020.

The State requirements provide flexibility regarding the structure of GSAs. The agencies that have jurisdiction within the Madera Groundwater Sub-basin decided to employ a structure whereby each agency would form a separate GSA, and then all the GSAs would work together on a single Plan. The boundaries of the separate GSAs are not permitted to have any overlap. This limitation is important to the City because the existing City limits overlap substantially with the existing boundaries of the Madera

Irrigation District (MID). In May of this year, the City and MID entered into a memorandum of understanding agreeing to collaborate on issues related to boundaries, planning, funding and implementation. The City may also wish to consider a collaboration agreement with Madera County addressing similar issues, including how GSA boundaries are affected when the City annexes property over time.

Prior to electing to become or establish a GSA, state law (Water Code 10723) requires that the local agency hold a noticed public hearing to accept comments regarding the potential action. As required, such notice has been published twice in the Madera Tribune. The City Council may, after conducting the public hearing, proceed with adopting the resolution to form the GSA if so chooses. If adopted, the resolution calls for the Community Development Director to provide notice to the State Department of Water Resources in the manner required by the Water Code. The City will also establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents as required by Water Code.

Earlier this year, staff was contacted by the Madera Valley Water Company about the inclusion of their service area with the City GSA. The Madera Valley Water Company is mutual water company that services unincorporated, rural residential neighborhoods north of the City. This request was evaluated and discussed with other local agencies within the Madera Sub-basin. Staff is not recommending the inclusion of the Madera Valley Water Company within the City GSA Boundaries. The obstacles associated with such an approach are probably not insurmountable. However, the establishment of GSA boundaries that are consistent with the organizational boundaries is most consistent with the purpose of SGMA and avoids potential conflicts related to land use, service delivery, and governance.

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 immediate financial impact associated with the proposed memorandum of understanding. The City provided an initial contribution of \$3,000 to the Madera Sub-basin GSA Formation Committee to help the initial efforts of GSA formation. Additional funding may be requested in the future, and operational funding demands of the future GSA are unknown at this point.

Resolution No. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE FORMATION OF A
GROUNDWATER SUSTAINABILITY AGENCY UNDER THE SUSTAINABLE GROUNDWATER
MANAGEMENT ACT

WHEREAS, on September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law by the Governor to provide for sustainable management of groundwater by providing local groundwater agencies with the authority to sustainably manage groundwater through the adoption of Groundwater Sustainability Plans; and

WHEREAS, Water Code Section 10723(a) authorizes local land use authorities, water suppliers, and certain other local agencies, or a combination of local agencies, overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (GSA) for the basin; and

WHEREAS, the City of Madera (City) is a local agency qualified to become a GSA because City manages water supply and delivery, and has land use responsibilities over a portion of the Madera Sub-basin (Basin Number 5-22.06, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin, a DWR-designated high-priority basin; and

WHEREAS, the City has informed other local agencies with responsibility for land use and groundwater authority within the Madera-Sub-basin of its intent to become a GSA; and

WHEREAS, City held a public hearing on August 17, 2016, after publication of notice pursuant to Government Code Section 6066 to consider adoption of this Resolution; and

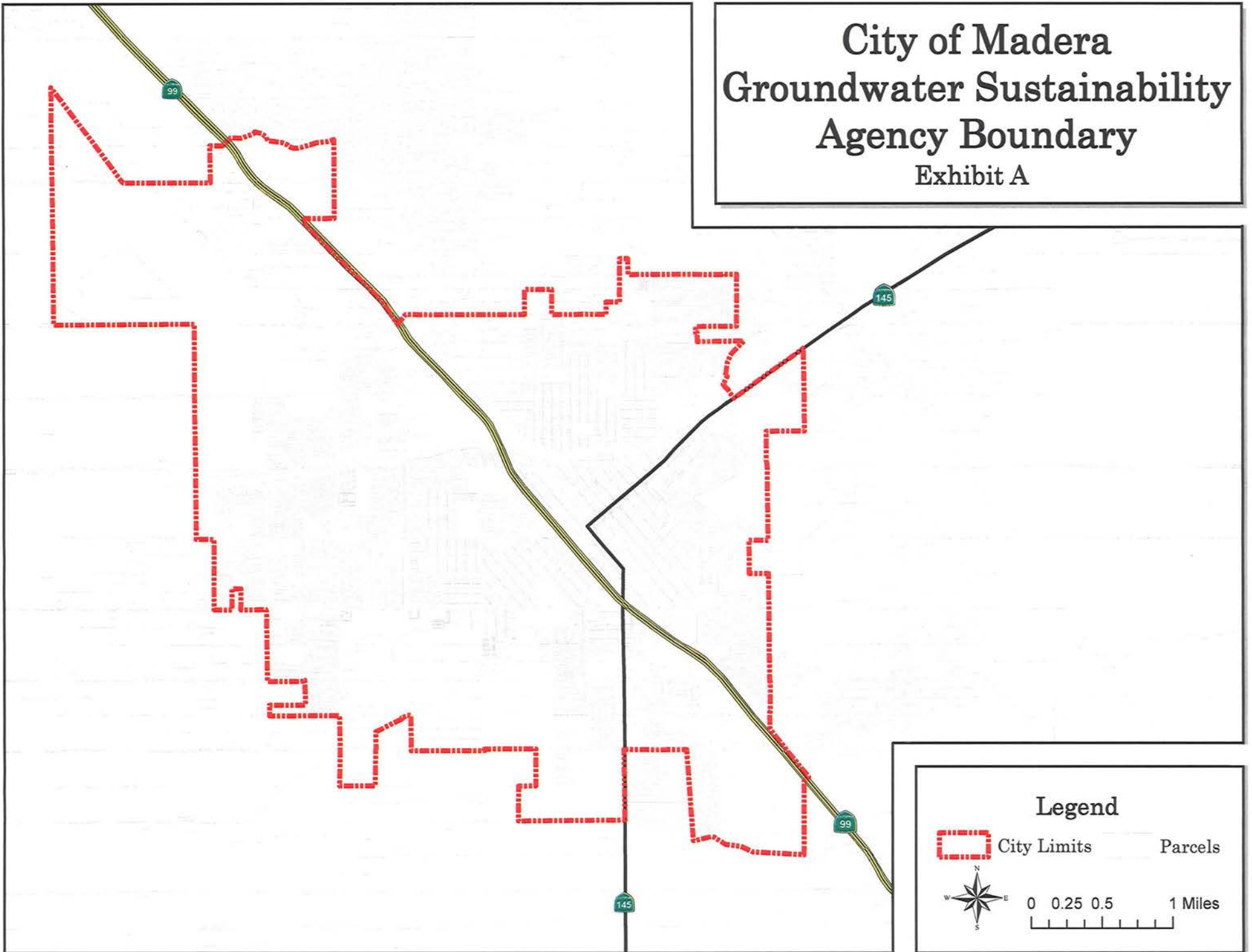
WHEREAS, adoption of this Resolution does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines because it is an administrative action that does not result in any direct or indirect physical change in the environment.

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



1. The above recitals and findings are true and correct.
2. The City of Madera does hereby elect to become a Groundwater Sustainability Agency to cover the portion of DWR Basin No. 5-22.06 within the City Limits as of August 17, 2016, as shown on Exhibit "A" attached to this Resolution.
3. The City of Madera Groundwater Sustainability Agency hereby created shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents, as required by California Water Code Section 10723.4.
4. Within 30 days of the date of this Resolution, the Community Development Director is directed to submit a notice of intent to the Department of Water Resources, pursuant to Water Code section 10723.8 (a).
5. This resolution is effective immediately upon adoption.

* * * * *

City of Madera Groundwater Sustainability Agency Boundary Exhibit A

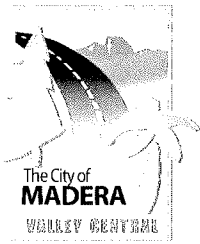


Legend

 City Limits  Parcels



0 0.25 0.5 1 Miles




REPORT TO CITY COUNCIL

Approved by:



Department Director



City Administrator

Council Meeting of: August 17, 2016

Agenda Number: C-2

SUBJECT: SECOND READING AND CONSIDERATION OF ADOPTION OF AN ORDINANCE OF THE CITY OF MADERA ENACTING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, UPON ADOPTION BY THE VOTERS.

RECOMMENDATION: Staff requests that the Council conduct a second reading and adopt an ordinance enacting a transactions and use tax to be administered by the State Board of Equalization, upon adoption by the voters.

BACKGROUND:

At the Council Meeting held on August 3, 2016 the Council approved a sales and use tax measure to be put to the voters during 2016. At that meeting as part of calling for the election as to the sales and use tax measure, the City Council introduced an ordinance which would become effective upon approval by the voters of the tax measure. As with any ordinance, a second reading must be conducted or waived and the ordinance must then be adopted to become effective upon approval by the voters.

FINANCIAL IMPACT: This item which merely calls for putting the tax question to the voters will not have a direct fiscal impact to the City. However, should the measure be approved by the voters, the potential revenue to the City is estimated to be around \$3.5 million annually.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN –

Strategy 111: Local Agencies share vision: Promote greater alignment of local government agencies under a shared community vision.

Strategy 115: Economic Resource Provision: Ensure sufficient economic resources to provide adequate City services and prepare for future growth.

Strategy 421: First Response Emergency Services: Ensure the safety and protection of Madera and its community members through adequate first response to emergencies. Maintain sufficient resources to expand protection as the community grows.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MADERA, CALIFORNIA ENACTING A TRANSACTIONS AND USE TAX
TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION,
UPON ADOPTION BY THE VOTERS

The City Council of the City of Madera does hereby ordain as follows:

SECTION 1. Chapter 8 of Title VIII is hereby added to the Madera Municipal Code as follows:

§8-8.01 TITLE. This Ordinance shall be known as the City of Madera Transactions and Use Tax Ordinance. The City of Madera will hereinafter be called City. This Ordinance shall be applicable in the incorporated territory of the City.

§8-8.02 DEFINITIONS. The following words and phrases shall be defined as set forth herein, except that any term or phrase not defined in this shall have the same meaning as that term or phrase is defined in the California Revenue and Taxation Code, Division 2, Parts 1.6 and 1.7:

(A) "*City*" means the City of Madera.

(B) "*Operative Date*" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter by vote of the electorate on November 8, 2016.

(C) "*State*" means the State of California.

§8-8.03 PURPOSE. This Ordinance is adopted to achieve the following, among other purposes, and it shall be interpreted liberally in order to accomplish all of its lawful purposes:

(A) To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.9 of Part 1.7 of Division 2, which authorizes the City to adopt this Ordinance if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

- (B) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- (C) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- (D) To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and, at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.
- (E) To provide transactions and use tax revenue to the City to be used for general purposes.

§8-8.04 CONTRACT WITH THE STATE. Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this chapter; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

§8-8.05 TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a general transactions tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail within the territory of the City on and after the Operative Date of this Ordinance.

§8-8.06 PLACE OF SALE. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

§8-8.07 USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in the territory of the City at the rate of 0.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

§8-8.08 ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this Ordinance, and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted, incorporated, and made a part of this chapter as though fully set forth herein.

§8-8.09 LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(A) Wherever the State is named or referred to as the taxing agency, the name of the City shall be substituted. However, this substitution shall not be made when:

- (1) The word "State" is used as a part of the title of the State Controller, State Treasurer, Victim Compensation and Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;
- (2) The result of the substitution would require action to be taken by or against the City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.
- (3) In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - (a) Provide an exemption from the tax in this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from the tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or
 - (b) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the same provision of that code.

(c) In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(B) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in section 6203 and in the definition of that phrase in section 6203.

§8-8.10 PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

§8-8.11 EXEMPTIONS AND EXCLUSIONS.

(A) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(B) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government;

(2) Sales of property to be used outside the City, which is shipped to a point outside the City pursuant to the contract of sale by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

(a) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- (b) With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 - (3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
 - (4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this chapter.
 - (5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- (C) There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property:
- (1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance;
 - (2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California;
 - (3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter;
 - (4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.

- (5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 - (6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 - (7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- (D) Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to such person of the property the storage, use or other consumption of which is subject to the use tax.

§8-8.12 AMENDMENTS. All amendments subsequent to the Effective Date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become adopted and part of this chapter; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council or the City's voters may amend this chapter to comply with applicable law or as may be otherwise necessary to further the chapter's stated purposes. However, as required by Article XIII C of the California Constitution, no amendment to this chapter may increase the rates of the taxes authorized by this chapter unless such amendment is submitted to and approved by the voters.

§8-8.13 PROHIBITION ON ENJOINING COLLECTION. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected under this chapter.

SECTION 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. Effective Date.

This Ordinance relates to the levying and collecting of City transactions and use taxes and shall take effect immediately. However, no tax imposed by this chapter shall be effective unless that tax has been approved by the voters of the City as required by section 2(b) of Article XIII C of the California Constitution and applicable law.

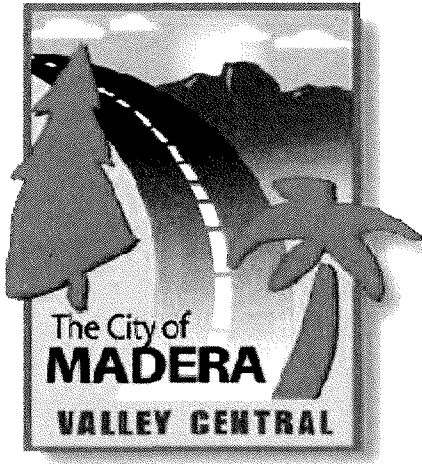
SECTION 4. Precedence Over Other Provisions in the Municipal Code.

Any provision of the Madera Municipal Code or appendices thereto inconsistent with the provisions of this chapter, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this chapter.

REPORT TO CITY COUNCIL

MEETING DATE: August 17, 2016

AGENDA ITEM NUMBER: C-3



Approved By:


PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR

SUBJECT:

Second Reading and Consideration of Adoption of an Ordinance Amending Certain Sections of the Madera Municipal Code Pertaining to Water Regulations

RECOMMENDATION:

Staff recommends that the Council conduct a second reading and adopt the proposed ordinance regarding the water system and enforcement of water regulations.

SUMMARY:

The Council is being asked to implement new water regulations that resolve some procedural issues that are not addressed in the Ordinance. There are no significant changes to the Cities water policies. The ordinance was introduced at a public hearing during the last Council meeting; this is the last step to adoption.

DISCUSSION:

There are 10 revisions that amend or add to the existing ordinance, they are described briefly below, and a copy of specific language changes are shown in the attached formal ordinance which would enact the changes.

NEW PROVISIONS:

§ 1-9.07 (D) Exceptions. This section adds “watering at prohibited times and other water wasting violations,” to the list of examples in which a ten day notice of violation is not required. Notices of violation are appropriately used when there is situation which is being maintained on an ongoing basis, such as a broken pipe where the person needs time to make repairs. A ten day notice of violation where such violation only occurs for a brief time period, such as watering on the wrong day, is impractical and is included in the list in subsection (D) of such examples for clarity. This amendment clarifies the issue.

§ 5-5.03 (G) This additional subsection makes tampering with a meter illegal and thereby subject to fines in addition to the cost of repairing damages.

§ 5-5.04 Opening and closing of Valves. This new section makes it illegal for anyone except the City to open and close valves or tamper with the City's water system, and thereby subject to fines if they do so.

§ 5-5.08 This amendment eliminates a provision for doubling rates outside of the City that is not legally enforceable as there is no nexus between the increased fee and increased cost for providing the service outside of the City. It allows the Council to determine if additional costs and corresponding fees are applicable in each new service outside of the City.

§ 5-5.10 The addition to this subsection clarifies that if you have a leak on your property, regardless if it is known where it is occurring, the property owner is responsible for repairing it.

§ 5-5.14 (B) This subsection addresses emptying of pools, the amendment replaces the ambiguous language of "frequently" with "more than once between May 1 and September 30", and quantifies a substantial amount of drainage as being over 250 gallons.

§ 5-5.15 This amendment clarifies the past practice of not selling water for construction for use on projects outside of the City.

§ 5-5.16 This eliminates a portion of the section that stipulates the amounts of fines, which is duplicative and in conflict with § 1-9.06 of the Madera Municipal Code which covers all infractions. It will not change the amount of the fines currently charged, but simply eliminate an ambiguity between the two existing sections in the Code.

§ 5-6.01 (A) & (D) These subsections are amended to specify that it is illegal to connect water services on separate properties or water accounts, unless specifically allowed by a condition in an entitled development.

FINANCIAL IMPACT:

The expenses for implementing and administering these enforcement issues occur within the Water Fund and would not have any impact on the General Fund. There is no appreciable impact to revenues or expenses that will occur due to these amendments.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING PORTIONS OF CHAPTER 9 OF TITLE I AND CHAPTER 5, OF TITLE V OF THE MADERA MUNICIPAL CODE RELATING TO WATER REGULATIONS

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

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

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

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

Section 2. Subsection (D), of Section 07, of Chapter 9, of Title I of the Madera Municipal Code is hereby amended to read as follows:

(D) *Exceptions.* The notice required under this section may be dispensed with for the following violations: (1) violations that create an imminent danger to the health, safety and/or welfare as determined by the Enforcement Officer, and for which immediate correction is required; (2) non-continuing violations for which it is not practicable or possible to provide prior notice and an opportunity to correct; and (3) repeat or chronic violations where either formal or informal notice of the violation, and previous reasonable opportunities to correct have been provided. Examples of non-continuing violations where notice is not practicable or possible include, but are not limited to, violations relating to the maintaining of dogs at large and vicious dogs, the spillage of hazardous waste, [watering at prohibited times and other water wasting violations,] and the lighting of fires.

Section 3. Subsection (G) of Section 03, of Chapter 5, of Title V, of the Madera Municipal Code is hereby added to read as follows:

[(G) It is unlawful to cause, allow, or permit tampering with any water meter, valves, transmitters, or other meter appurtenances; or to obscure, bury, block access to, or otherwise hide a valve, valve box or water service feature. If, as a result of tampering, the meter or service is damaged, an additional fee for all the cost for staff to remedy the damage or disruption shall be charged and collected in

addition to all other charges and penalties, payment of such charges and penalties shall be required before water is restored.]

Section 4. Section 04, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

SERVICE CONNECTION AND DISCONNECTION CHARGES
(REPEALED). [OPENING AND CLOSING OF VALVES.

Only the City may open or close any valve. It is unlawful to cause, allow, permit, or tamper with any valve or other devices in the City's water system.]

Section 5. Section 08, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

WATER SERVICE CHARGES OUTSIDE CITY.

Public agencies, industries, and individuals located outside the city shall be charged a monthly water charge to be determined in each individual case by ~~minute order of the Council.~~ ~~For all other connections outside the city limits, the charge shall be double the rates provided for by this chapter for connections within the city.~~ All such connections shall be made only at the pleasure of the Council and shall be subject to discontinuance on 30-day written notice to the water user.

Section 6. Section 10, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

Each consumer of water shall keep all connections, faucets, hydrants, pipes, outlets, and plumbing fixtures tight and free from leaking, dripping, or wasting water. [Any property with water service from the City system that has an unidentified discharge of water shall be repaired so as to discontinue the uncontrolled discharge. Costs for identifying the location of the discharge and making repairs or modifications shall be the sole financial responsibility of the property owner.]

Section 7. Subsection (B), of Section 14, of Chapter 5, of Title V of the Madera Municipal Code is hereby amended to read as follows:

(B) [If prior notice is given to the Public Works Department] swimming pools may occasionally be emptied [or a substantial portion drained] for maintenance which cannot be ~~accompanied~~ [accomplished] when full of water. [For the purposes of this section a substantial portion shall be considered anything more than 250 gallons of water.] ~~Frequently e~~[E] [emptying [or draining a significant portion] of a pool [more than once] between May 1 and September 30 will be a violation and subject to the same surcharges in effect for other water waste. Pools must be equipped with filtration systems in good working order.

Section 8. Section 15, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

CONSTRUCTION WATER

Metered and flat rate fees for construction water shall be established by resolution. Water may be taken only from fire hydrants specifically designated by the Department of Public Works. Construction water must be utilized in a prudent manner and not allowed to be wasted. Removal of water from the city system for construction or other purposes without authorization shall be considered a violation of this section and is expressly declared to be a misdemeanor. [No water shall be exported for use on a project outside of the City.]

Section 9. Section 16, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

~~VIOLATION OF CHAPTER; PENALTIES.~~

~~Any person willfully violating any provisions of this chapter is guilty of a violation [as hereafter provided] and subject to the penalties therefore as provided by law. In addition to the issuance of a citation for violation of this chapter, the following sanctions shall also apply: upon determination of a violation of this chapter, the Department of Public Works shall issue to the user or consumer a notice of violation and direction to correct the condition or to discontinue the prohibited practice. If the consumer fails to comply with the direction of the Department of Public Works and a second notice of violation is issued, a \$50 charge will be added to the next ensuing water bill of the consumer. In the event of a third notice of violation, a \$100 charge shall be added to the following water bill, and after a fourth (and subsequent) notice of violation a \$150 charge shall be added to the water bill and the Director of Public Works may install a water meter at the expense of the water user or consumer on the water service line and thereupon such consumer or user shall pay for the water actually used at the meter rates or water service shall be discontinued. Every person who willfully violates any provision of this chapter, or who verbally abuses, threatens, harasses, or in any manner interferes with city water patrol officers or any city employees investigating or enforcing city water regulations is guilty of a misdemeanor as set forth in § 1-2.01 of Chapter 2 of Title 1 of this code, any reference to infractions referred to therein being expressly declared inapplicable.~~

Section 10. Subsection (A) of Section 01, of Chapter 6, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

(A) The purpose of this chapter is:

(1) To protect the public water supply against actual or potential contamination through cross- connections by isolating sources of contamination that may occur within a water user's premises because of some undiscovered or unauthorized cross-connection on the premises;

(2) To eliminate existing connections between the city water system and other sources of water;

(3) To eliminate cross-connections between the city water system and sources of contamination;

(4) To prevent the making of cross-connections in the future.

[(5) To prevent connections of water between separate properties or water accounts.]

Section 11. Subsection (D) of Section 01, of Chapter 6, of Title V, of the Madera Municipal Code is hereby added to read as follows:

[(D) Unless specifically approved as a condition to a development entitled by the City, it is unlawful to allow, permit, cause, or maintain a water service from one property to be connected to a separate property or to a separately metered water account. Any existing connections between properties shall be the responsibility of the property owners to permanently eliminate such connections.]

Section 12. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

Section 13. Effective Date. This ordinance shall be effective and of full force and effect at 12:01 a.m. on the 31st day after its passage.

* * * * *