

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

**NOTICE AND AGENDA**

Wednesday, November 2, 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 Don Caballero, The Clay Ministries

**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 – 12/16/15, 1/06/16

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Minute Order Rejecting a Claim filed by Jacob Saldate (Report by Wendy Silva)

- B-4 Weekly Water Conservation Report 10/17/16 – 10/23/16 (Report by Dave Randall)
- B-5 Consideration of a Resolution of the City Council of the City of Madera, California Approving Participation in a Regional Assistance to Firefighters Grant Application with the County of Madera and City of Chowchilla to Replace Self-Contained Breathing Apparatus (Report by David Allen)
- B-6 Consideration of a Resolution Approving an Agreement with Moy and Associates to Provide Technical Public Transit Assistance for the City of Madera and Authorizing the Mayor to Sign the Agreement (Report by Ivette Iraheta)
- B-7 Consideration of a Resolution Appointing DJ Becker to the City of Madera ADA Advisory Council (Report by Wendy Silva)
- B-8 Consideration of a Resolution Approving Agreement for Outside of City Water Service for Property Located at 26844 Martin Street, Approving Covenant to Annex, Authorizing the Mayor to Execute the Agreement and Covenant on Behalf of the City and Directing Staff to Record the Agreement and Covenant (Report by Keith Helmuth)
- B-9 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Agreement for Patricia S. Carreon for a CalHome 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)

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

- C-1 Public Hearing and Consideration of Resolutions Authorizing the Annexation of Property into Community Facilities District (CFD) 2005-01, Levying a Special Tax Associated with the CFD, Calling for and Conducting a Special Election Addressing Annexation into the CFD, Certifying the Results of the Election and Adding Territory to the CFD (Report by Chris Boyle)

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

- E-1 Consideration of Request by the Madera Cemetery District to Allow for the Deepening of One of Their Wells in Lieu of Connecting to the City's Water System (Report by Keith Helmuth)

**F. COUNCIL REPORTS**


**G. CLOSED SESSION**

- G-1 Closed Session Announcement – City Attorney
- G-2 PERSONNEL EVALUATION--Pursuant to Government Code §54957  
Position: City Administrator
- G-3 Closed Session Report – City Attorney

**ADJOURNMENT** – Next regular meeting November 16, 2016

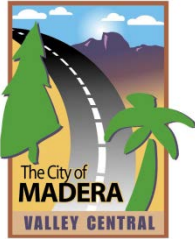
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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4<sup>th</sup> Street, Madera, California 93637 during normal business hours.
  - The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
  - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's office at (559) 661-5405.
  - Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5405.
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I, Sonia Alvarez, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the regular meeting of the Madera City Council for November 2, 2016, near the front entrances of City Hall at 3:00 p.m. on October 28, 2016.

  
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Sonia Alvarez, City Clerk

**Return to Agenda**

Item:	B-1
Minutes for:	12/16/15
Adopted:	11/02/16



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

**December 16, 2015  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

The regular meeting for 12/16/15 was 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 Sally J. Bompreszi  
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, Director of Community Development David Merchen, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, and Battalion Chief Matt Watson.

**INVOCATION:** Pastor Javier Castro, Hosanna Worship Center

**PLEDGE OF ALLEGIANCE:** Council Member Bompreszi 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.

**PRESENTATIONS** Madera South High School Cross Country Team

Mayor Poythress stated he has a special presentation to make and asked Council Member Medellin to join him at the podium.

Mayor Poythress stated that it is not always that you have excellence displayed in a community. He thinks they have a lot of really, really good things that happen here in the City of Madera. He thinks they have a

lot of good initiatives and a lot of great citizens and so forth but, it is not always that they have a group of people, a team that actually reaches the championship round and actually succeeds to become a champion. For that reason, this evening, they are celebrating the Madera South High School Cross Country team for their great achievements. He advised that they were the CMAC League Champions. They were 1<sup>st</sup> place in the CIF Central Section Championship. They were 4<sup>th</sup> place in the CIF State Championship and, they took 5<sup>th</sup> place in the NIKE Portland Invitational Elite Division. Mayor Poythress stated he will be asking the coach later on how many teams that involves noting that it's a lot. He noted that this is a fantastic achievement. He referred to the movie McFarland that came out a few years. He doesn't know why they don't have a movie called Madera to talk about their cross country team because their legacy in cross country goes back a long ways. He advised that it goes back to the 60's with Coach Dennis DeWitt, and all the great runners and the great legacy that was created during those years, that has been carried on through the 70's, 80's and 90's. Today they see the legacy of what was laid out back in those years. Mayor Poythress invited Coach Eloy Quintana to join him.

Eloy Quintana, coach for the Madera South High School Cross Country Team, greeted the Council and thanked them for having them and recognizing their Cross Country Boys Team. He introduced his coaching staff: Benny Madrigal, Sky Fierro, Kelly Valmonte, Mike Lennemann, Danny Vulich, and Alex Fierro. He noted that it does sound like a big coaching staff but the way they do it is that they have their feeder schools which is Desmond and Martin Luther King (MLK). They coach at their respective intermediate feeder schools and then they come up to the high school and help them out with the boys and girls that they have. They are like a big family and that is what they consider themselves. He also thanked all the parents for their support and help this past season. He named the parents of the runners noting some may not be present: Maria and Eduardo Herrera parents of Eduardo Herrera; Norma Cantu and Jaime Villar parents of Miguel Villar; Emily and Victor Ochoa parents of Michael Ochoa and Victor Ochoa; Melissa Hernandez and Marcus Zaragoza parents of Nick Hernandez; Mario and Gloria Alvarez parents of Adrian Alvarez; Bernabe Castillo and Guillermina Ramirez parents of Diose Castillo Ramirez; and Leticia and Manuel Nevarez parents of Christian Nevarez.

Coach Quintana stated that this past season was successful for Madera South Cross Country in many ways. He advised that their tradition holds true as they compared with some of the best teams in the State and in the Nation. They began their journey this year with some adversity as two of their key returners came down with an injury and an illness. He commented that Michael Ochoa developed an illness which left his training at a standstill for a considerable amount of time. He added that Christian Nevarez had a stress fracture that repaired but as a result, he developed other injuries that required him to take the rest of the season off. Coach Quintana noted that the two battled as much as they could but as for Christian Nevarez, he has battled the best he could, which was unfortunate, because they couldn't get him back on top but, they have him here and he just wants to recognize him. He asked Mr. Nevarez to stand up.

Coach Quintana stated that they are all here today because they are a family. They never leave their brothers alone nor do they leave them behind. They don't consider themselves a team. They consider themselves a family. That is how they go about their business as a family. They truly believe they are brothers and sisters and they've got each other's back no matter what. He added that their boys are selfless and they show it on the field and in their training. With the setbacks they had this year, it truly tested their character as a family and individually. He noted that each boy realized that there was a need to step up even more and that is just what they did. He stated that Nick Hernandez, Adrian Alvarez, Diose Ramirez, and Victor Ochoa all stepped up to the challenge regardless of the fact that they had less experience at the varsity level but they still competed like seasoned veterans. He noted that Eduardo Herrera and Miguel Villar both held strong throughout the season which created one of the best one two punches in the nation. He stated that a couple of websites went ahead and did the stats and whatnot and then those two combined for one two punches in the nation, they are literally the second best one two punches in the nation. No one else has been able to really get to what they got. He added that they both served as the glue and the motivation to keep the team going. He noted that Michael Ochoa made his comeback and despite his circumstances he was able to make big moves for the team during the most important meets such as league, valley, and state. Mr. Ochoa also tied his personal best, if not better, by one second which is huge

because he had to take up to eight weeks off of training so for him to come back and get back to where he was and almost better, shows the true heart of himself.

Coach Quintana stated that all these accomplishments speak volumes in how their boys were able to pull together as a team despite the struggles. He noted that it took digging deep and a lot of heart and grit in order to pull what they did. He added that because of the sacrifice, their hard work and no excuse attitude, the boys finished the first in league, first in the valley, and fourth in the state in Division I (DI) Level. Coach Quintana stated that if you ever do your research for cross country, the DI level in the State of California is the cream of the crop nationwide. For them to finish fourth is huge especially with the adversity and the way they had to go about this year in putting together the team so that was a huge accomplishment in itself.

Coach Quintana stated that the boys also made history at the Valley meet where they scored one through four places. He explained that in cross country, if you go one through five, that is a perfect score. At the Valley Championships, you don't go one through four ever because you have to go against the Clovis North, the Buchanans, the Clovis schools, the Bakersfield schools who also have big boy runners. He stated that these kids came through and they have been one through four with their fifth man in 10th place so they had all five in the top 10 and one through four. He contacted many of the gurus in the valley and they all told him, it has never been done in history to go one through four so you are the first school in history in the Central Section to go one through four.

Coach Quintana added that Eduardo Herrera also broke the Central Section all time Woodward Park record which was held by CJ Albertson from Buchanan High School. He noted that CJ Anderson's time was 14:51 and at the state meet Eduardo Herrera ran 14:48 which makes Eduardo now the fastest cross country runner in valley history. He added that Eduardo also went on to the Nike National Meet in Portland, Oregon. Nike flew him and paid everything, treated him like an Olympian, and many other individuals and teams. Eduardo placed 5<sup>th</sup> in the nation. He noted that Eduardo is the second person in Valley history to be First Team All American. Coach Quintana stated that what they love most about this team is the fact that they never let anything stop them from achieving their goals. They consistently compete against schools that have vast amounts of resources and funding but they never let that derail them from their goals. Coach Quintana referred to the website MileSplit California and advised that what he likes about it is that they look at concrete facts. They don't take guesses or hypothesis. The site conducted the rankings for next year. He knows it is really early but, the site is considering Madera South High School as the fastest and number one returning team in the state with all divisions combined.

Coach Quintana commented that with their returners and their future leader Miguel Villar who is returning as one of the top individuals in the state and nation, they are excited to continue their tradition and see what the future holds. He thanked all who have supported them on this journey.

Mayor Poythress thanked Coach Quintana. He noted that it is really good to hear that there is no pressure for next year. They are ranked number one and there are really high expectations. It is really great to know that they are carrying on a great tradition that has been over literally the last five to six decades and they continue to represent the school so well. Mayor Poythress stated that the City Council and the citizens of Madera are so very proud of them. He knows sometimes some of the other sports such as basketball, football, baseball, sports like that get a lot of recognition but certainly, this team deserves that top billing in their City and the recognition they are receiving tonight.

Mayor Poythress invited the team to come up and join him.

Council Member Oliver suggested that they take a team picture with the Council after the presentation.

Mayor Poythress agreed. He added that there will also be a presentation from Senator Cannella's office.

Mayor Poythress announced that they have a certificate of recognition for each. The certificate recognizes the Madera South High School Boys Cross Country Team for their drive and determination, and for working

as a team to overcome obstacles which led to an outstanding season with numerous team and individual accomplishments.

Mayor Poythress asked Council Member Medellin, who has been very instrumental in arranging for the recognition this evening, to assist in passing out the certificates. The certificates were presented to the team members, Coach Quintana, and his coaching staff.

Mayor Poythress introduced Shannon Picciano from State Senator Cannella's office.

Shannon Picciano stated that this came to the attention of the Senator's ears that this is truly a phenomenal team that they have. The Senator wanted her to ask if they could present some certificates on his behalf. Ms. Picciano read from the certificate. "On behalf of the California State Senate, I would like to recognize you and your team for having an outstanding season with numerous team and individual accomplishments. Congratulations on winning the first place at CMAC League Championship, 1<sup>st</sup>, 4<sup>th</sup>, and 5<sup>th</sup> place at CIF. The skills that you have gained and the character you have exhibited during competitive events will serve you for a lifetime. Congratulations and best wishes in your future endeavors. Presented on this day December 16, 2015, Senator Anthony Cannella, 12<sup>th</sup> Senate District." Ms. Picciano presented the certificates to the Coach and the team.

Coach Quintana recognized Madera Unified School District staff: Athletic Director Andrea Divine and District Athletic Director Marty Bitter (not present due to a conflict). They have been present with them from the beginning. They have been an amazing support and cast. Everything they need, they try to provide them with. He also recognized Superintendent Ed Gonzales who has been there for them since day 1 as well and their Associate Superintendent Mr. Villar. They have a great supporting cast in the district and they can't wait to see what they do in the future. He thanked the Council for having them.

A group photo was taken upon conclusion of the presentation.

**A. WORKSHOP**

There are no items for this section.

**B. CONSENT CALENDAR**

B-1 Minutes – 6/17/15

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Approving the List of Projects for Federal Transportation Funding Under the Map-21 CMAQ Program – 2015 Cycle and Authorizing the City Engineer to Submit the Project Applications to the Madera County Transportation Commission

And

Consideration of a Resolution Supporting and Implementing AB 1012, Timely Use of Funding for CMAQ Projects (Report by Keith Helmuth)

B-4 Consideration of a Resolution Amending the City of Madera Classification Plan and Setting the Rate of Compensation for Certain Classifications (Report by Wendy Silva)

B-5 Consideration of a Resolution Approving Award of Agreement for Utility Billing Services to DataProse, LLC, and Authorizing the Mayor to Sign the Agreement on Behalf of the City (Report by Becky McCurdy)

- B-6 Consideration of a Resolution Approving Award of Agreement for Collection Services to CB Merchant Services, and Authorizing the Mayor to Sign the Agreement on Behalf of the City (Report by Becky McCurdy)
- B-7 Consideration of a Resolution to Update a Memorandum of Understanding (MOU) with the Madera County Transportation Commission (MCTC) to Ensure On-going Comprehensive and Coordinated Transit Planning and Programming of Federal Transit Funds (Report by Sonia Hall)
- B-8 Consideration of Minute Order Acceptance of the Construction of the Dual Left Turn Lanes, Schnoor Avenue and Cleveland Avenue Federal Project No CML 5157 (079) City Project No. St 11-04 (Report by Keith Helmuth)
- B-9 Consideration of a Resolution Approving Improvement Deferral Agreement and Authorization of Lien for Gill Valero Gas Station (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Approving Improvement Deferral Agreement and Authorization of Lien for Future Investments, LTD (Report by Keith Helmuth)
- B-11 Consideration of Minute Order Approval of City Administrator Travel to SHOT Show, January 18 – January 22, 2016 (Report by David Tooley)
- B-12 Consideration of a Resolution Approving the Award of Contract for Fourth Street Medians Landscape & Irrigation Improvements Sunset Avenue to Lake Street City of Madera Project No. PK 15-02, in the Amount of \$279,169.45 to Clean Cut Landscape, Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 10%, and Authorizing the Mayor to Execute the Contract on Behalf of the City

And

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2015/16 Capital Fund Budget for the Fourth Street Medians Landscape & Irrigation Improvements Sunset Avenue to Lake Street City of Madera Project No. PK 15-02, Appropriating Regional Surface Transportation Program and Water Conservation Program Funds for the Construction Contract, Contingencies and Construction Inspection/Management (Report by Keith Helmuth)

Mayor Poythress asked if there are any items on the consent calendar that a Council Member would like to have pulled for further discussion. No requests were made and Mayor Poythress announced that he would accept a motion for action.

**ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

**RES. NO. 15-237 RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE LIST OF PROJECTS FOR FEDERAL TRANSPORTATION FUNDING UNDER THE MAP-21 CMAQ PROGRAM – 2015 CYCLE, AND AUTHORIZING THE CITY ENGINEER TO SUBMIT THE PROJECT APPLICATIONS TO THE MADERA COUNTY TRANSPORTATION COMMISSION**

**RES. NO. 15-238 RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA SUPPORTING AND IMPLEMENTING AB 1012, TIMELY USE OF FUNDING FOR CMAQ PROJECTS**



- RES. NO. 15-239      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE EMPLOYEE CLASSIFICATION PLAN ADOPTED BY RESOLUTION NO. 00-13 AND SETTING THE RATE OF COMPENSATION FOR CERTAIN CLASSIFICATIONS OF THE CITY OF MADERA
- RES. NO. 15-240      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AWARD OF AGREEMENT FOR UTILITY BILLING SERVICES TO DATAPROSE, LLC
- RES. NO. 15-241      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AWARD OF AGREEMENT FOR COLLECTION SERVICES TO CB MERCHANT SERVICES
- RES. NO. 15-242      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A NEW MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MADERA COUNTY TRANSPORTATION COMMISSION (MCTC) TO ENSURE ONGOING COMPREHENSIVE AND COORDINATED TRANSIT PLANNING AND PROGRAMMING OF FEDERAL TRANSIT FUNDS
- RES. NO. 15-243      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR GILL VALERO GAS STATION, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
- RES. NO. 15-244      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING IMPROVEMENT DEFERRAL AGREEMENT AND AUTHORIZATION OF LIEN FOR FUTURE INVESTMENTS, LTD, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
- RES. NO. 15-245      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR FOURTH STREET MEDIANS LANDSCAPE & IRRIGATION IMPROVEMENTS, SUNSET AVENUE TO LAKE STREET CITY OF MADERA PROJECT NO. PK 15-02 IN THE AMOUNT OF \$279,169.45 TO CLEAN CUT LANDSCAPE, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10%, CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 10%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY
- RES. NO. 15-246      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AMENDMENTS TO THE CAPITAL FUND BUDGET APPROPRIATING REGIONAL SURFACE TRANSPORTATION PROGRAM AND WATER CONSERVATION PROGRAM FUNDS FOR THE CONSTRUCTION CONTRACT, CONSTRUCTION CONTINGENCIES AND CONSTRUCTION INSPECTION AND MANAGEMENT

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

There are no items for this section.

**D.      WRITTEN COMMUNICATIONS**

- D-1      Written Communication from the Community Action Response Team Network International, Inc. Requesting City Support for an Intake Facility for Homeless Veterans (Lynn Collins)**

Council Member Robinson stated he has to opt out of this item and exited the Council Chambers.

Lynn Collins stated he represents the Community Action Response Team Network International, Inc. of Madera. He advised that they are a full veteran service provider fledglingly trying to create an intake facility primarily for veterans. They also have the idea that they would like to create and start a community garden within the City limits. He stated that right now that isn't available here. They would like to try to do that and at some point they will definitely get at the Council with discussing it. He stated that the veteran plight was addressed in a NOFA (Notice of Funding Availability) put out by the Housing Community Development (HCD) in 2015, around the beginning of the summer. He added that the fall round was subsequently funded this fall and they have applied. In keeping with that, they wanted to come to the Council and ask for the Council's permission to continue this course in vain to service veterans in the community. They have reached out to some of the Council Members. They have reached out to Mrs. Hall [referring to Sonia Hall] who by the way is an excellent choice for City Manager [Ms. Hall's actual title is Grant Administrator]. He added that she knows everything. He went to her office and he was totally aghast at how much information she had. He added that Council Member Holley was also instrumental in giving them some information on how to best navigate through the proper channels of the City. He advised that they just wanted to say thank you and hope that the Council would consider their program. He added that fledglingly as it is, it is something that the Council would get behind; something that the Council would take into serious consideration right now especially during the winter months and primarily in the summer months when it is really, really hot. They have a real disparity for their veterans. They are trying to correct that situation. They are hoping that the Council will give them their seal "approval" and their blessing to continue this vain. He thanked the Council for their time. He noted that if there is anything he forgot, he will probably write to the City Clerk and send it to them via email. He stated, God Bless them all.

Mayor Poythress stated his appreciation and thanked Mr. Collins for the presentation.

Council Member Robinson returned to the Council Chambers.

**D-2 Presentation by the Madera Youth Leaders on Environmental Projects (Mark Colley, Outreach Coordinator)**

Mark Colley, Outreach Coordinator for the Madera Coalition for Community Justice stated he is here tonight with their youth group, the Madera Youth Leaders. He introduced the three young men with him: Eddie, Freddie, and Rigo. They are here representing a much bigger group of about 26 youth who have been working on environmental projects for the past year. They are here to share some of their information; some of their findings. He turned the presentation over to the youth.

Eddie Estudillo stated he is a student at Monte Vista High School. He noted that they are here today to offer a report on a yearlong project their group has been working on and share their findings with the Council. This year was the first phase of their program to learn more about land use and how it connects to their everyday lives and add quality, health, transportation and housing.

Youth 2 [name not stated] stated that the Madera Coalition staff made the first presentation of smart growth city planning to them. The staff covered the principles and terminology such as mixed use, complete streets and zoning. They saw that these are connected to many other things such as transportation, air quality, car dependency and access to services.

Youth 3 [name not stated] stated that the Madera Coalition organized a walk and bike to school event at James Monroe Elementary to highlight safe roads to school in that area and promote alternative transportation. He noted that the class with the most number of students who biked or walked won a free pizza party for the whole class.

Eddie Estudillo stated that in October they hosted a public education event along McCullough River Trail. They called it the Bike and Walk Smart Growth Tour. They presented poster boards which they made on the topics of urban sprawl and its alternative smart growth city planning. They set up four stations on the

trail and presented information to the public. At their events, they surveyed the community to find out who they were reaching and what their attitudes were on biking. They had a combined total of over 900 people surveyed.

[The youth took turns presenting their findings and giving the remainder of the presentation.] 72% living east of Freeway 99, in Eastern Madera; 91% of people they reached were Latino. Questions included: How often do you ride your bike? Most said once in a while. Why do you bike? Most people do it for exercise. How far do you bike? Most people go one to two miles.

Finally, they surveyed 12 random students at Madera High and Madera South. They asked them which is the most dangerous street for cycling on the road to school. The students from Madera High said Yosemite Avenue and from South, they said Stadium Road. He added that all saw people having to ride their bike in the dirt or a sidewalk because there was no bike lane for them.

At the end of these projects, they sat down and wrote articles about their experience and all the things they learned. They published all their stories in the Madera Tribune on November 14<sup>th</sup>.

They stated that they continue to work on many more environmental programs. This was the introductory phase which focused on learning about the subjects. He advised that the next phase will include more actionable goals so in the near future they hope to work with local government staff for their input. He thanked the Council.

Mayor Poythress thanked them. He stated that it is certainly a timely topic. He stated that when they look at things like urban sprawl, smart growth, transportation, etc., everything ties in to greenhouse gasses. These are certainly hot topics and something that as the youth advance on in school and in other studies, this research will serve the youth well. He added that whether the people in California agree with some of the principles or not, it is the law of the land these days in the State and it is happening. Anytime there is a discussion about transportation funding, it is never about do we need more roads or these roads are in bad condition, it is all about what is this going to do for greenhouse gas emissions or how is this going to reduce that. He thanked the youth for their great research and encouraged them to keep up the great work.

**D-3 Consideration of a Resolution Approving a Request from Madera County Clerk – Recorder and Registrar of Voters for Waiver of Rental Fees for City Facilities to be Used as Polling Places for the 2016 Presidential Primary and Presidential General Elections (Report by Mark Etheridge)**

Director of Parks and Community Services Mary Anne Seay stated they received a request for a fee waiver for the use of City Parks and Recreation facilities for polling stations in June and November. She noted that they have actually not received that specific request since she has been here and it has just been their habit to allow that. She commented that since their specific request exceeds the limit of her authority to waive fees, staff thought it would be most appropriate to bring it before the Council. Ms. Seay advised that it is staff's recommendation that they waive the fees. Ms. Seay offered to answer any questions.

Mayor Poythress asked if there are any questions or comments. No comments were made and Mayor Poythress announced that he would accept a motion for action.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-3, RES. NO. 15-247 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

**RES. NO. 15-247 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A REQUEST FROM MADERA COUNTY CLERK-RECORDER AND REGISTRAR OF VOTERS FOR WAIVER OF RENTAL FEES FOR CITY FACILITIES TO BE USED AS POLLING PLACES FOR THE 2016 PRESIDENTIAL PRIMARY AND PRESIDENTIAL GENERAL ELECTIONS**

## **E. ADMINISTRATIVE REPORTS**

### **E-1 Weekly Water Conservation Reports**

Public Works Operations Director Dave Randall advised that in the Council's package they have the report for November 30<sup>th</sup> through December 6<sup>th</sup>. He noted that they will see that it notes a 15% water reduction rate for that week which unfortunately is down a little bit. He advised that is in comparison to 2013. He commented that the City's average for the month of November was 25% which is just 3% below their goal so they did fairly well for this season of the year. He advised that the cumulative average going forth since June is 27%. He noted that the numbers are fairly low so they are not seeing too much slippage yet.

Mr. Randall added that the water conservation numbers for this past week, ending Sunday, were up a little bit. They are at 19% which obviously is still a little under their goal. With that and the previous week, their average for December is 17%. He advised that generally during this wet season they will see that they are focusing more on public outreach, going out to public schools and other things. Their citation numbers are down a little bit because of that but that sort of has been their focus because there aren't a lot of people out watering these days. Mr. Randall offered to answer any questions.

Mayor Poythress asked if there are any questions for Mr. Randall. No questions were asked.

### **E-2 Update on the Status of the Formation of a Groundwater Sustainability Agency (GSA) for the Madera Groundwater Sub-basin and Direction to Staff Regarding the City's Preferred Structure for the Agency**

Community Development Director Dave Merchen stated that the item on the agenda is a discussion of the potential alternatives for the structure of a groundwater sustainability agency (GSA). He advised that the Sustainable Groundwater Management Act of 2014 (SGMA) provides a framework for sustainable management of groundwater supplies by local authorities. Notably, the act requires that groundwater sustainability agencies be formed for certain medium to high priority basins by June 30, 2017. They have to form the GSA noting that includes the groundwater basin that underlies the City of Madera and that is the Madera Sub-basin. They have to form that GSA by the middle of 2017. Subsequent to that, there needs to be a groundwater sustainability plan (GSP) that is prepared by the groundwater sustainability agency and that is a couple of years later by January of 2020. He advised that those two items, the formation of the GSA and the subsequent preparation of the GSP, are the two real critical items that SGMA calls on to be completed by the locals. He noted that the threat, of course, if the locals aren't able to do these things and take meaningful action to enhance the sustainability of the groundwater, is that the State will intervene. He advised that is something that most locals, stakeholders across the State, believe they would rather not see and that certainly has been the prevailing opinion amongst local Madera stakeholders.

Mr. Merchen stated that the groundwater basin underlying the Madera area is the sub-basin that is shown in bluish tone on their screen. He noted that basically it is the valley property of Madera County west of the Madera Canal. It excludes the property sort of at the north westerly third which is the Chowchilla Water Basin and it is on the south westerly boundary which he thinks is part of the Delta Mendota Basin.

Mr. Merchen referred to the display which is a very similar map. He advised that the point of showing a map of the same area, noting that this includes the excluded part, is just to show, by delineation of colors, the different entities that are involved with that basin. He noted that the pinkish area is Madera County. The bluish is Madera Irrigation District (MID). The City is the bright yellow area with the red box around it kind of in the middle of the screen. He noted there is the Aliso Water District and there is the Gravelly Ford down towards the middle bottom part of the screen as well. He added that there is a small district, Madera Water District that is located just northwest, just above the red line on the screen. Mr. Merchen stated there are seven total agencies that are involved in the Madera Sub-basin.

Mr. Merchen discussed the alternatives. They need to form that GSA in a couple of years. He noted that there are a lot of different combinations of options and they kind of simplified it in terms of what three options

they want to look at. He advised that the formation committee consisting of those seven agencies that is working on GSA has each been tasked with identifying if they could specify what structure is best for them; what are the pluses and minuses of the different alternative structures; what would they say. He noted that input has been solicited and reporting back regarding that information to the formation committee next month.

Mr. Merchen stated, of the three basic options, one is that they have one GSA that prepares one GSP. He advised that is the ideal situation at least in conceptual form where everybody collaborates to form one agency and that one agency prepares one plan. He added that it probably on paper, at least, would help to best introduce a collaborative cohesive approach to groundwater management. The downside is that it also means that you have one body that controls the sustainability measures implementation enforcement across the entire sub-basin and that is a little, he thinks, disconcerting to everyone involved because there is a lot of uncertainty as to what the groundwater measures are going to be, what the sustainability measures are going to be. He stated that while it is ideal maybe on paper for its cohesiveness, it may not be realistic and attainable just because of the uncertainties involved.

Mr. Merchen stated that the second option is to have multiple agencies but prepare one plan. In that role, the County would have a GSA that they would form and administer. The City would have one, MID would have one, and so forth then those multiple GSA's would work together to prepare a single plan with the single plan aiming towards sustainability for the whole basin. He advised that there is more refined implementation and enforcement. You can control how you implement the plan within your jurisdiction but you are all working towards the same goal with the same bottom line.

Mr. Merchen stated that the third option is to have multiple GSA's with multiple GSP's and again because you all have to have the same bottom line, the same goal, you will have to have a lot of coordination. A coordination agreement has to be in place because the State only cares about the basin. It doesn't care that the City is ok or that MID is ok or that Root Creek Water District is ok; it cares that the basin is implementing its sustainability measures.

Mr. Merchen noted that those are the three basic options. He stated that for the reasons they described, it is a little bit like Goldilocks. He doesn't know if he is using the right child story but, one bed is too soft, one bed it too firm but, the bed in the middle is maybe the softest bed. He noted that is kind of what they have identified here is that the porridge is in it. He added that he is not good at this; it's Little Red Riding Hood. His kids are much too old. He added that if someone can walk him through that story, it might help.

Mr. Merchen stated that the porridge on option number one is too hot and the porridge on number three is too cold. Staff's view, the middle option is about right. It gives them probably the best combination of ability to meet the sustainability goals while retaining the responsibility to define the how to enforce and implement measure within the City.

Mr. Merchen stated that a couple of key points that they made in the written report is that they can't have any overlap between the agencies that are involved with the groundwater basin. He noted that the problem is that they do have overlap currently. A couple of examples that he has identified are that there is overlap between the County of Madera's jurisdiction and MID, their boundaries; and the same thing between the City of Madera and MID. This also exists between Root Creek and the County and so forth. He noted that there are a lot of overlapping boundaries between the different districts in the City and County that are involved and as a result of that, even if the eventual groundwater structure is multiple GSA's working towards one GSP, there is going to have to be quite a bit of coordination and collaboration going on. Mr. Merchen commented that they have pointed out specifically in the report that they have talked to MID and there appears to be an interest in specifically having some collaboration between the City and MID to work out the conflict potentially even to form one joint GSA that covers both agencies. He clarified that none of that has been finalized and the Council doesn't have to commit to that this evening but, any options moving forward, it is important to recognize that they will continually need to collaborate with other entities and particularly MID as almost all of the City is within MID boundaries.

Mr. Merchen stated that staff's recommendation is number two. They are looking for kind of a head nodding consensus. He advised that there is no vote required tonight but they would like to be able to report back to the GSA formation committee next month that the Council did have a preference. He added that he would be happy to take any feedback the Council may have or look for a nodding of heads.

Council Member Oliver asked, between the formation of the GSA and the adoption of the GSP, has there been any direction as to who might foot the bill of the costs for all the groundwater analyses between that time for the respective GSA or is that pretty much left undetermined at this point.

Mr. Merchen responded that he thinks that largely has been left undetermined. There is a hope that by putting themselves in a position where they have an agency, a structure in place, that they can align themselves to get some grant funding but, in terms of actual strategic planning on resources and what they need to do, that has not been dealt with yet.

Mayor Poythress asked if there are any other questions and if everybody thinks the recommendation of option 2 is the way to go. Council concurred.

Mr. Merchen advised that the General Manager from MID, Thomas Greci, is here in attendance. Mr. Merchen noted that Mr. Greci has been great to work with. He asked Mr. Greci recently, because he kept seeing his name referred to in different ways, whether it was Tommy, Thomas, or Tom and he said to call him whatever they want.

Mayor Poythress stated he really appreciates the management at MID, Tommy, Dina, the staff there and their board. They are entering a new era of water issues and it is more important than ever to be joined, not only cooperating but, be joined at the hip because they are looking at their only source of water at this time in the City being from the aquifer. When they look at the long term, they really need to be looking at other options in other places and right now the only delivery system that is out there that they could rely on would be Madera Irrigation District. He added that there are just so many reasons beyond that that it is important that they work closer and closer together. He just thinks that MID has a great team and the right people are looking at the big picture and again, he appreciates MID and their efforts. He thanked Mr. Greci.

Mr. Merchen apologized for messing up the Little Red Riding Hood story. He feels bad and added that he is going to have to get that right next time.

Council Member Robinson stated he was concerned about the aspect of uranium in the water. He knows in private wells, and since they get all water from groundwater.

Mr. Merchen stated that water quantity, the availability of the sustainability of the supply has tended to be the key concern. Water quality is also something that if they have water but it is really expensive to treat or it is hard to get into the system, it doesn't do them as much good so certainly the water quality issues facing the region are also something that they would be concerned with.

City Administrator David Tooley stated he thinks there is an excellent example in Parkwood. As they continue to draw down on the aquifer, they are pulling more and more of the chemical content into the water so the manganese problem in Parkwood is an example of the kind of thing they as a City are going to have to be very cognizant of as they move forward.

Mayor Poythress agreed that is a good point and added great report.

## **F. COUNCIL REPORTS**

Council Member Robinson reported that on the 10<sup>th</sup> of December he attended the Mid Valley Disposal Annual Luncheon in Coalinga.

Council Member Robinson reported that on the 11<sup>th</sup> of December he attended the 55<sup>th</sup> Annual Moose Feed Luncheon along with Council Member Will Oliver in San Francisco. He advised that everybody was upbeat because construction is on the move.

Mayor Poythress asked how was the moose.

Council Member Robinson replied that it was elk.

Council Member Bompreszi went to the podium. She stated that many of them know and maybe some of them don't that last week she submitted her letter of resignation to the City Council which stated that it was a very difficult decision for her to make and one that was necessary. For the last year they have had her 94 year old mother living with them and trying to juggle work, Council, and her care, noting that she is the primary caregiver at night, it has been extremely difficult. She wanted to be able to address the audience with a letter to them.

Council Member Bompreszi read the letter. "Wow, what a difference nine years makes. I cannot believe that I have served on this Council for two full terms plus one year. A lot has changed in the nine years. They went from a Council elected at large to a Council elected by districts. When I began my term on this Council I was a Vice President (VP) of a bank and had only one grandchild (Taylor) at the time. I had just finished a master's degree in Financial Management and Accounting and it was a very exciting time for me. Since that time I have added four more grandchildren, Olivia, Tyler James, Sophia, and James Rigo. They are the light of our lives. I have lost a brother and a father to cancer during this time and I have had two other brothers who have beaten cancer. I have been a part of some exciting things in the City. We have opened two major shopping centers, the Commons at the Fairgrounds and Madera Marketplace on Tozer and Yosemite Avenue. We have built the youth center, Police Department, assisted in acquiring land for a new courthouse and we have widened 4<sup>th</sup> Street from Lake to Pine. We have gone through some real hard financial times during my nine years but we have remained united together and we supported one another and I am so proud to have been a part of such a wonderful group of people who have always been there for me encouraging me and supporting me. Times have changed for the better and I have come to realize how truly important God and family is to me. My priorities are in the right order God, family, and then everything else. I must now focus on caring for my family and I want to personally thank my husband, who is in the audience, for nine years of allowing me to serve, for doing the Wednesday dinners, which usually was pizza so we kept the pizza parlor in business but, it was always ready when I got home whether it was 7:00 o'clock or 8 o'clock. My mother, as I mentioned, has lived with us for the past year and I have been the primary caregiver in the evenings. She is 94 years old and is truly an inspiration to me. Growing up in a family that owned a local grocery store, I wasn't like normal kids that got to spend a lot of time with my parents and I feel like God has given me this time to care for my mom and truly get to know the amazing woman that she is. So my decision has been a difficult one to make and I will miss each and every one of you and I would like to thank you personally for all you do for our City and keep on doing what you do best, making the City of Madera a well-planned city, a strong community with great schools, and with great strong family values. Thank you."

Mayor Pro Tem Rigby stated he is going to miss Council Member Bompreszi. He noted that it has been a great year learning under her. He thanked her for all that she has done for their City and wished her good luck and best of health in life to her family as she moves forward.

Council Member Holley stated he has his beautiful wife out here joining him to let her know how they all act once again. He added that honestly he really doesn't have a lot to report. They are working real hard and he wants everyone to know that he is a mentor at Sierra Vista, at Parkwood, and at Millview. He also has a lunch buddy so they have been having their Christmas parties this week and to listen to them and him treating them for once, they are really enjoying this. He stated it is a challenge. As they know, in May he ended the Jesse Owens Games and he thought he was through with kids but somehow in his heart he just couldn't turn that away because Sierra Vista is so dear to his heart so he just started picking up something on the side to keep him going.

Council Member Holley stated he talked to Council Member Bompreszi the other day. He is not going to reiterate what just happened but, he will miss her and he wants her to know that if she needs him, he is just a phone call away.

Council Member Bompreszi thanked Council Member Holley.

Mayor Poythress thanked Council Member Holley for all his hard work with the kids and that he continue on in that vain.

Council Member Medellin stated that Council Member Bompreszi obviously has her priorities in order and he commends her for that and only she knows what is right. He noted that he and Council Member Bompreszi have known each other a long time. They served on the Lions together many, many years and she will truly be missed. He stated that she is a pillar of the community, a true leader, and she may not sit up on the dais but, they know that she will still be around and they will continue to encourage and support her, her husband Jim, and her family. What they are is family and like what was displayed here earlier with the team, they are a family not only at South High School but, they are all Maderans. They are all family. He wished her the absolute best of luck, Merry Christmas and Happy New Year.

Mayor Poythress stated that it sounds like he is saying no Council Member left behind.

Council Member Medellin agreed.

Council Member Oliver stated to Council Member Bompreszi that he most certainly appreciates her friendship, her service and leadership to their community but more importantly, her example. Only having served a year with her, it has been great to look aside to leaders like her. He knows as a new member, as he thinks they all probably struggle with at some point or at least for him, he tries to gain some type of litmus on how to make decisions and how to govern. He particularly appreciates her leadership during the time of their water conservation talks. He thinks that she inserted leadership. He added that she stepped forward during a time when it was very difficult for all of them but, it provided him a different perspective. He thinks it challenged him for the better and it is an experience that he will always walk away with and always value. He stated that he really appreciates her friendship and all that she has done to make their City a great place and the examples that she has laid before him, Charles and others. He thanked her.

Mayor Poythress advised that he needed to make an official announcement that Council Member Bompreszi's term will end when they adjourn the meeting so that means that she will join them in closed session so that she can participate there.

Mayor Poythress stated, like the others, he appreciates all the great work she has done. They have worked together professionally. He was there that moment in that little office when she announced that she was going to run. He thinks Bruce Norton was there also and it was just like whoa where did that come from. He knows that he had kind of been encouraging her. He noted that was an exciting time and she has been a very faithful member, trusted colleague. Like the others said, her years in the community, so many venues and so many ways, she has touched so many lives. He added that they are going to miss her on the Air Board (San Joaquin Valley Air Pollution Control District) too.

Council Member Bompreszi advised that she has to go there tomorrow.

Council Member Medellin stated that he calls the billboard.

Council Member Bompreszi agreed no more billboards, no more commercials.

Council Member Holley stated that his wife says that is your three seconds of fame.

Mayor Poythress stated that the exciting thing is the future. She has so many great opportunities ahead and family. He added that unfortunately there are so many people who reach a certain point in their careers



or their lives and it is almost like the best years are behind them. He thinks in her case, the best years are before her. He commented that she has that can do attitude. She's got the fire and he knows she is going to make a huge difference. He is looking forward to seeing what she has in store for them in the future.

Council Member Bompreszi stated to Mayor Poythress that now he is the oldest; the lonely only left of the originals.

Mayor Poythress agreed from the 2000's.

Council Member Holley gave a shout out to Deputy City Clerk Gabriel Rodriguez who is leaving the City at the end of the month. He thanked him for all his support and all his hard work that he has done for the City. He knows it was a hard thing. He keeps revoking him but Mr. Rodriguez still tells him he is going. He stated that honestly, as a friend and from the Council, they appreciate all his service.

Council thanked Mr. Rodriguez.

Council Member Holley added that now the City Clerk has to work.

Mayor Poythress reported that last Friday he attended his final Road Charge Technical Advisory Committee meeting in Riverside. He stated that he always wondered why they have those meetings all over the State well they follow the CTC (California Transportation Committee) meetings. They've wrapped up their report. It is going to be submitted to Caltrans to be implemented. They expect the Road Charge Pilot Program to commence on 7/1/16. They are about six months ahead of time; can they believe it. It is a State of California endeavor and they are six months ahead. He commented that it is an alternative way to collect money for roads and transportation. He added that if anybody read the Fresno Bee over the weekend, they had a couple of articles in regards to the Technical Advisory Committee and also the condition of their roads which they know are awful. He stated that is occurring.

## **G. CLOSED SESSION**

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

City Attorney Brent Richardson announced that the Council will adjourn to closed session pursuant to Government Code Section 54956.9(d)(1) to discuss conference with legal counsel in existing litigation as described under item G-2; and pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-3.

The Council adjourned to closed session at 7:03 p.m.

**G-2 Conference with Legal Counsel – EXISTING LITIGATION.** Subdivision (d)(1) of Government Code §54956.9  
Bank of New York Mellon v. City of Madera, MCV069729

**G-3 CONFERENCE WITH LABOR NEGOTIATORS** - Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: David Tooley and Wendy Silva  
Employee Organizations: General Bargaining Unit

### **G-4 Closed Session Report – City Attorney**

The Council returned from closed session at 7:15 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss conference with legal counsel in existing litigation as described

under item G-2 and reported that no reportable action was taken; and pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-3 and reported that no reportable action was taken.

**ADJOURNMENT**

The meeting was adjourned by Mayor Poythress at 7:16 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.

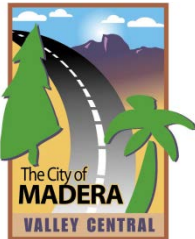
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SONIA ALVAREZ, City Clerk

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ROBERT L. POYTHRESS, Mayor

Item:	B-1
Minutes for:	01/06/16
Adopted:	11/02/16



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

January 6, 2016  
6:00 p.m.

**Council Chambers  
City Hall**

**CALL TO ORDER**

The regular meeting for 1/06/16 was called to order by Mayor Pro Tem Rigby at 6:00 p.m.

**ROLL CALL:**

**Present:** 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

**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, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, Division Fire Chief David Allen, Commander Dino Lawson, and Public Works Administrative Analyst Jason Rogers.

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

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem 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.

**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 items were distributed to the Council less than 72 hours before this meeting:

Under Section C, Hearings, Petitions and Bids, item C-3, subject matter is a resolution approving an amendment of the Land Use Element, a letter was received from Leadership Counsel for Justice & Accountability and distributed to the Council this evening.

Under Section E, Administrative Reports, item E-3, subject matter is scheduling of a public hearing, a staff memo and a letter from Bruce Evans, legal counsel for appellant, were distributed to the council this evening; and item E-4, subject matter is an update on proposal submitted by Triton Flight for Heroes, a revised report and agreement along with a business plan submitted by Triton Flight for Heroes were 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.

**PRESENTATIONS**      **Proclamation Recognizing the Fresno Madera Continuum of Care Homeless Point-in-Time Count**

City Clerk Sonia Alvarez announced that representatives from the Community Action Partnership of Madera County (CAPMC) requested the item pulled from the agenda. The item will not be heard this evening.

**A.      WORKSHOP**

There are no items for this section.

**B.      CONSENT CALENDAR**

B-1      Minutes – 7/1/15

B-2      Information Only – Warrant Disbursement Report

B-3      Consideration of a Resolution Approving a Memorandum of Understanding for the General Bargaining Unit between the City of Madera and Operating Engineers Local Union No. 3 and Authorizing the City Administrator to Sign the Memorandum (Report by Wendy Silva)

B-4      Consideration of a Resolution Approving Compensation Ranges for Part Time Positions of the City of Madera Due to a Change in the California Minimum Wage (Report by Wendy Silva)

Mayor Pro Tem Rigby asked if there is anything on tonight's consent calendar that needs to be pulled for further discussion. No requests were made.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.**

**RES. NO. 16-01      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A MEMORANDUM OF UNDERSTANDING FOR THE GENERAL BARGAINING UNIT BETWEEN THE CITY OF MADERA AND OPERATING ENGINEERS LOCAL UNION NO. 3 AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE MEMORANDUM**

**RES. NO. 16-02      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING COMPENSATION RANGES FOR PART TIME POSITIONS OF THE CITY OF MADERA**

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

**C-1 Public Hearing and Consideration of Introduction of an Ordinance Amending Title IV: Chapter 15: Medical Marijuana, of the Madera Municipal Code to Provide Compliance with the Medical Marijuana Regulation and Safety Act**

Planning Manager Chris Boyle stated this is an ordinance text amendment to amend Title IV of Chapter 15, their medical marijuana ordinance, to align itself and to provide compliance with the Medical Marijuana Regulation and Safety Act. He advised that it is a recently adopted law by the State. He noted that it really is broken into three discreet pieces of legislation. AB (Assembly Bill) 266 provides for a dual licensing structure where the City has the ability to license the medical marijuana types of businesses while at the same time the State also has licensure as well. He added that one cannot occur without the other so there is a dual licensing process that is aligned with AB 266. AB 243 establishes a regulatory and licensing structure for cultivation sites specifically and those are monitored under the Department of Food and Agriculture. Finally, SB (Senate Bill) 643 establishes a criteria for licensing of medical marijuana businesses, it regulates physicians, and it recognizes local authority to levy taxes and fees.

Mr. Boyle provided a quick overview of the new State legislation cumulatively. Local prohibition or regulation – City’s may prohibit or regulate medical marijuana businesses within their jurisdictions and local authority remains intact under the new law. Second, is that all medical marijuana businesses --that would be dispensary sales, delivery services, cultivation, transport, distribution-- all of those components of the medical marijuana industry must have a State license remembering also that there also must be a local license. Third, a medical marijuana business in any city may only operate if it has the permission from the State as well as permission from the City. Fourth is enforcement - revocation of local permission to operate means that a medical marijuana business must terminate operation, remembering that there is dual licensure, if local jurisdiction revokes the allowance for medical marijuana, then the State must also revoke and the State law also provides for civil penalties for operating without a State license.

Mr. Boyle advised that two areas require immediate attention from local governments. The first one is that jurisdictions that currently ban or that may wish to ban deliveries or mobile dispensaries should be aware that under AB 266, they will need to have an ordinance in place that affirmatively identifies and prohibits this activity. The second would be that AB 243 contains a provision stating that cities that do not have an ordinance regulating or prohibiting cultivation by March 1, 2016 would lose the authority to regulate or ban. In other words, there would be a loss of the dual licensing component. He noted that the author of the bill does state that they have agreed to prepare a fix it legislation but, they (the City) is advised to be safe to enact emergency ordinances by the end of February which is why he is here before the Council today.

Mr. Boyle referred to the City’s current ordinance which is borne out of the prior State Code and it provided for indoor cultivation of no greater than 100 square feet. That was for medical purposes only and it was within certain parameters: 2,000 feet away from schools, family daycares, and parks. He advised that the map they are looking at shows that there are certain areas of the City that met those parameters and as long as you did have a card for medical marijuana consumption and you only practice indoor cultivation, and odor did not move across and over and outside of your property, then you would be in compliance with the City’s current code.

Mr. Boyle advised that their new ordinance specifically prohibits the following activities: It prohibits commercial cannabis activities of all types in all zones within the City; prohibits all deliveries of medical cannabis whether the delivery originates or terminates within the City; prohibits all activities for which the State license is required under the Medical Marijuana Regulation and Safety Act; and finally, it prohibits all cultivation of cannabis for non-commercial purposes, even for medical purposes, in all zones of the City. Mr. Boyle advised that the ordinance as written is consistent with the State law.

Mr. Boyle stated that Staff and the Planning Commission recommend that the City Council consider this information together with testimony provided at this public hearing and introduce an ordinance amendment amending Title IV, Chapter 15, Medical Marijuana in its entirety. Mr. Boyle stated that completes his presentation and offered to answer any questions.

Mayor Pro Tem Rigby asked what comes first in the process, a State license or a City license.

Mr. Boyle replied that it really is a dual process noting that the State can't issue a license without local authorization. He advised that the City ordinance essentially says they can't license so hence, the State can't license as well.

Mayor Pro Tem Rigby asked if this protects the City from interstate licensing. For example, say someone came from Colorado with a state license from Colorado, would that be an acceptable state license that they would be able to pursue a local license.

Mr. Boyle responded no and advised that licensure would be through the City of Madera in conjunction with an associated state permit but in this case, all activities associated with marijuana are proposed to be prohibited within the City so, a Colorado license would not have any bearing.

Council Member Oliver asked Mr. Boyle, to the best of his knowledge, are there any medical marijuana commercial businesses in the City limits today. If so, how many? Where might they be located?

Mr. Boyle replied to the best of his knowledge, he is told by individuals that there are dispensaries within the City limits. Out of curiosity, even today, he went surfing and he believes that perhaps those individuals are correct but, he does not have any legal marijuana dispensaries operating within the city limits of the City of Madera.

City Attorney Brent Richardson stated, through the Chair, that basically the City of Madera currently has what they call a permissive zoning ordinance. In other words, they would actually have to get a use permit to do anything outside of what is already allowed. Since that is not allowed, they would have to get a use permit from the Planning Commission to do that and that has never been done. He explained that basically, this new law came in and said, we don't care if you have a permissive zoning ordinance. That is not going to be good enough. If you want to effectively ban it, then you actually have to have an actual express ban. He noted that is why a lot of cities are going to this.

Mayor Pro Tem Rigby asked if there are any other questions for Mr. Boyle. No other questions were asked.

Mayor Pro Tem Rigby opened the public hearing. No comments were offered and the public hearing was closed.

City Clerk Sonia Alvarez read by title the introduction of an ordinance.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED, AND THE INTRODUCTION OF AN ORDINANCE, ITEM C-1, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.**

**INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA DELETING CHAPTER 15 OF TITLE IV OF THE MADERA MUNICIPAL CODE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 15 TO TITLE IV PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER**

**C-2 Public Hearing and Consideration of Adoption of a Resolution Approving an Amendment of the Land Use Element of the General Plan to Provide Specific Changes to the Land Use Map Necessary to Provide Consistency with the Zoning Ordinance as Required by Law**

Planning Manager Chris Boyle stated this item is a General Plan amendment that would bring about zoning consistency. He advised that it is really a first step in their move towards updating their zoning ordinance. They can call it a house cleaning measure for that matter. He noted there are certain clerical errors within

their current General Plan that they would like to clean up in advance of moving forward with updating the zoning ordinance and land use map within their zoning ordinance.

Mr. Boyle shared some examples of the errors. For example, many of their ponding basins aren't called out as resource conservation zones. They have some subdivisions in the City that for one reason or another were developed with a greater density than the General Plan land use designation allowed. He noted that is probably the preponderance of the changes that are before the Council. He referred to the screen which shows the gated communities along Sunset that have a medium density but are actually developed in a low density General Plan land use designation and conversely, in their southwest quadrant, they have an entire subdivision, over 100 lots, that has a medium density when really it is a low density type of land use. He added that they have some clean up items in their downtown area; things like parking lots that are City owned and for one reason or another, they have a bank that is in a low density General Plan land use designation for residential development.

Mr. Boyle stated that generally, the changes before the Council tonight are clerical and housecleaning in nature and they are excited to clean up the map in advance of bringing a zoning ordinance before the Council. He noted that there are two small exceptions to the rule. He referred to the screen noting that the two black circles on the map delineate two neighborhoods on either end of their downtown core. He added that immediately north of us, they have a high density residential subdivision per their current General Plan but this neighborhood very much so is a medium density in nature and to protect its character, they propose to lower its density to medium density. He advised that there is overwhelming support from the neighbors to their immediate north. To the south, they proposed a residential General Plan land use designation about eight years ago when he first came to work in the City. He noted that the development that was really spearheading that never occurred. Consequently, they are returning that neighborhood to its original commercial General Plan land use designation.

Mr. Boyle stated that staff and the Planning Commission recommend that the City Council consider this information, together with testimony provided at the public hearing, and adopt the resolution approving the General Plan amendment. Mr. Boyle advised that concludes his presentation and offered to answer any questions the Council might have.

Mayor Pro Tem Rigby thanked Mr. Boyle and asked if there are questions from anyone on the Council.

Council Member Medellin stated he would just like to recognize the letter they got from Leadership Counsel. He didn't know if staff had any comment regarding that letter.

Mr. Boyle replied that will be addressed in the next item.

Mayor Pro Tem Rigby opened the public hearing. No comments were offered and Mayor Pro Tem Rigby closed the public hearing. He announced that he would entertain action on the resolution.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-2, RES. NO. 16-03 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.**

**RES. NO. 16-03            RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT OF THE LAND USE ELEMENT OF THE GENERAL PLAN TO PROVIDE SPECIFIC CHANGES TO THE LAND USE MAP NECESSARY TO PROVIDE CONSISTENCY WITH THE ZONING ORDINANCE AS REQUIRED BY LAW**

**C-3    Public Hearing and Consideration of Adoption of a Resolution Approving an Amendment of the Land Use Element of the General Plan to Provide Compliance with SB 244, Requiring the City to Identify Disadvantaged Unincorporated Communities Located within the City's Sphere of Influence and Analyze Infrastructure Deficits**

Planning Manager Chris Boyle stated this is General Plan amendment 2015-03 which looks to provide for compliance with SB (Senate Bill) 244. He advised that SB 244 was adopted in 2011. He noted that it really provided for three directives that need to be addressed within individual land use elements of general plans. They would need to be addressed within the subsequent Housing Element cycle. As they know, they recently adopted the Housing Element, and in response to that, they moved forward to provide for compliance with SB 244.

Mr. Boyle stated that the three components are as follows. Cities must identify and describe each island community or fringe community as defined that exist within that city's sphere of influence that is a disadvantaged unincorporated community. He explained that disadvantaged unincorporated communities are those communities that have a medium household income of 80% or less of the State's median household income. The second item, with cities having done that analysis and identified disadvantaged unincorporated communities, cities must include an analysis of water, wastewater, storm water drainage and structural fire protection needs or deficiencies for each of the identified communities in the land use element. Finally, cities must include an analysis in the land use element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible.

Mr. Boyle stated that staff's analysis identified four fringe communities. They are Madera Acres, Vista Grande Acres, Parksdale and Parkwood. Of those four communities, Madera Acres did not qualify as a disadvantaged unincorporated community because its income was greater than 80% of the median household income for the State of California. Therefore, staff analyzed three disadvantaged unincorporated communities: Vista Grande Acres in the northeast quadrant of the City's sphere; and Parkwood and Parksdale which abut to the City limits on its southeastern corridor.

Mr. Boyle explained that when they look at their analysis, they really focused on a recently completed 183 page document that provided an analysis of the capacity as well as the condition of infrastructure within both Parkwood and Parksdale. He noted that it looked at wastewater, storm drainage, sewer and water deficiencies as well as deficiencies both in the infrastructure itself and within capacities. When it came to Vista Grande Acres, remembering that Vista Grande Acres is a rural residential neighborhood that is on individual well and septic, there really wasn't any real public infrastructure there at this present point and time. The area relies solely upon individual private drainages, individual septic, and individual well.

Mr. Boyle referred to the Leadership Counsel for Justice and Accountability. He noted that they made four points and three of them are worthy of discussion this evening. Regarding the fourth one, he advised that they would always look to partner with other agencies in identifying funding mechanisms.

Mr. Boyle stated that the first one is a statement that the amendment does not provide analysis of water and other infrastructure capacity needs of the community of Vista Grande Acres. Mr. Boyle noted, after identifying that it was private infrastructure, the City did go and look to identify whether or not there were any infrastructural problems out there. He advised that there are about 230 parcels that make up Vista Grande Acres. In speaking with the County's Environmental Health Department, they advised that they have had four inquiries for new well permits within that area so less than 2% of the area they could identify had any water infrastructural deficiencies that the City could discern knowing that it is not public infrastructure and without a door to door survey, they couldn't discern any greater detail than that. But, he thinks that having four out of 230 parcels does a pretty good job of identifying that there aren't any deficiencies at this present time in that rural residential disadvantaged unincorporated community.

Mr. Boyle, stated that second, the letter states that the wastewater capacity in the community of Parksdale is deficient however, it does not offer any potential actions that could be taken to cure this deficiency. He noted that within the Parkwood and Parksdale water, sewer, and storm drainage infrastructure study prepared by Akel, there is a long discussion about not just the present condition but, the long term solutions in terms of providing solutions for both capacity and for the actual maintenance of the infrastructure that is there. He is not sure whether the Leadership Counsel had access or was able to research the document but, the deficiencies within Parksdale were clearly identified and the solutions are also identified within that document.



Mr. Boyle, stated that third (in letter), the amendment does not describe that due to drought conditions and reliance on groundwater, the community of Parkwood experienced a water emergency in 2014 and was connected to Madera's water system. Mr. Boyle explained that the purpose of the analysis wasn't really to look at or analyze what was admittedly a temporary solution but, the study itself does do an outstanding job of looking to identify how to permanently resolve Parkwood's problems with looped water systems and the like to provide not just reliable water but reliable fire flow to the community so they (the City) felt that their analysis was strong in looking for compliance with SB 244.

Mr. Boyle stated that staff and the Planning Commission recommend that the City Council consider this information together with testimony provided at the public hearing and adopt a resolution approving the recommended amendment to the land use element of the General Plan.

Mr. Boyle advised that concludes his presentation and offered to answer any questions.

Mayor Pro Tem Rigby asked if any other Council Members have questions for Mr. Boyle. No questions were asked and Mayor Pro Tem Rigby opened the public hearing. He asked that anyone approaching the podium please state their name and address for the record.

Robert Fuentes stated he is an attorney with Leadership Counsel for Justice and Accountability and he resides in Fresno. He came prepared to go over the entire substance of the letter that they provided earlier today but, it looks like Mr. Boyle did a very good job of addressing those points and responding to them, and they appreciate that. They also appreciate the work in general of the Madera Planning Department in conducting the analysis of disadvantaged unincorporated communities. For those who do not know what they do, they are based in Fresno but they work with, and in many instances, legally represent a number of disadvantaged unincorporated communities throughout the San Joaquin Valley. They are co-sponsors of SB 244 so it is their goal to help jurisdictions including the City of Madera comply with the statutes requirements and to also ensure that the basic service and infrastructure needs of disadvantaged communities are met.

Mr. Fuentes stated, as he mentioned, it seems like most of the points from their letter were already addressed so the only other thing he will add is that they want to emphasize also that due to the drought, the State Water Resources Control Board is currently and specifically prioritizing water consolidation projects throughout the State. They are working with a number of jurisdictions in applying for that funding. He stated that they would be happy to assist with applying for this funding if the City so desires. He thanked the Council for consideration of their comments and stated his appreciation. He added that if either the Council or members of their staff, or the Planning Department would like to follow up to go over either the content of their letter or anything else related to the implementation of SB 244, they would be happy to do that.

Mayor Pro Tem Rigby thanked Mr. Fuentes.

Mayor Pro Tem Rigby asked if any other members of the public would like to address the Council at this time in regards to item C-3. No other comments were made. Mayor Pro Tem Rigby closed the public hearing and brought the item back to Council for discussion and/or action.

Council Member Oliver thanked Mr. Boyle for a job well done. He is certainly appreciative of both the City and County's efforts to jointly participate in the infrastructure study of Parksdale and Parkwood.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-3, RES. NO. 16-04, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.**

**RES. NO. 16-04                      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN IN ORDER TO PROVIDE COMPLIANCE WITH STATE LAW**

**SB 244, WHICH ADDRESSES DISADVANTAGED UNINCORPORATED  
COMMUNITIES WITHIN THE CITY'S SPHERE OF INFLUENCE**

Mayor Pro Tem Rigby suggested that staff maybe will pursue connecting with the Leadership Counsel on more funding for items such as this in the future.

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

**E-1 Weekly Water Conservation Reports**

Public Works Operations Director Dave Randall stated what the Council has in their package is a little bit of a different format change. They are trying to make this a little simpler noting that they might be getting tired of seeing the same old graphs. They are trying to suggest that maybe during the winter months they don't need to take up the Council's valuable time during Council; they will just make it a consent item if the Council so desires. Otherwise, he enjoys standing up there.

Mr. Randall stated that the report indicates that they had a fairly good week. They were up to 25% in water conservation. For the month of December it was 20% and overall, they are still at 27%. He noted that this is sort of consistent with what the State is doing. He advised that yesterday, the State Water Board (Board) released an article that talked about their findings noting that they did 20% as well down from 24% in October. They (the Board) acknowledged that this was sort of their expectation. They are still at 26 point something percent overall since June so they are still calling it a win. Mr. Randall advised that the City sort of feels that same way. While sometimes they don't like to see that they are not at 28%, they recognize that that's the reality of the weather and the usage patterns that go along with fall and winter usage.

Mr. Randall advised that enforcement has been pretty much the same; a little bit less during the holidays. He noted that there are not too many people having too many problems. He stated that it is very consistent that people are being cooperative with the process. They are not seeing any problems.

Mr. Randall offered to answer any questions. He noted that he would like to end this for a time and they would return with reports in the spring after they go back to their spring watering schedule.

Mayor Pro Tem Rigby asked if there are any spikes or changes in the public's response to the plans they have set for them to come in and get stuff for indoors like the toilets or shower heads. He knows a lot of people have kind of been off during the holiday season and maybe some more people are home for DIY's (do-it-yourself).

Mr. Randall replied not particularly. He advised that the most interest is actually in the outdoor stuff, timers, lawns and stuff, and that is not completely dead but, they still have some interest. They do have some pending but, it is not at the same rate. They are working to bring one or two other elements to the Council. One of the things that they do still have going on during the winter is their leaks. They get reports of that through their software and they send out notices to people telling them that it appears that they have a leak. If it shows that there is a constant usage of water 24 hours a day that means you've got a toilet that is running or something else going on. What they find is there are some people that simply don't want to put out the cash to make those repairs so they are looking at a program that can help with that either through a loan or through some rebates to try to encourage those leaks to be taken care of. Other than that, they are just continuing with the rebates that they currently have.

Mayor Pro Tem Rigby commented that they also have a new sign outside.

Mr. Randall agreed that they have the new signs up. He advised that they need to be changed this week. They found they didn't have the correct numbers. There is always something but, they will be changing the numbers on a regular basis.

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

## **E-2 Administrative Report Requesting Council Direction Regarding Housing Authority Police Officer**

Chief of Police Steve Frazier stated the PowerPoint will synopsize the report the Council has in front of them. He advised that historically they have had a Housing Authority officer starting back in 1992. Typically when they have had those assignments, they made those assignments within existing resources. They have always been able to do that in the past. He added that the Housing Authority has paid in the past 75% of the officer's salary but, they have received 100% of the officer's time. He noted that the Housing Authority tenants basically have demonstrated with past surveys that they have been satisfied with the services provided by the Housing Authority officer and any time that they have an officer that can go through and vet the process for placing people, get to know them, and they have a resource to call and ask for by name, typically, they find that they have a higher satisfaction with that process.

Chief Frazier stated that their current situation is that they have no vacancies. To let them know, at the conclusion of the recruitment that they did this summer, they have hired four recruits. They started in the academy yesterday but with those four recruits, they have filled all of their vacancies. With those four recruits and long term injuries, they have eight officers that are out of patrol, that are not available to provide service to this community. Right now it would be outside of paying overtime. It would be very difficult for them to make an assignment outside of either hiring an additional officer or paying overtime if they were just to move forward with existing resources.

Chief Frazier stated that the report outlines five options. Option 1 is allow the department to hire an officer and agree to the 75/25% split with the officer working 100% of the time for the Housing Authority when funded at the 75% level. Option 2 is allow the department to hire an officer. The officer works 75% of the time for the Housing Authority and 25% for the Police Department (PD). The breakdown of hours would be 1560/520 hours, 39/13 weeks with the PD. Option 3 is allow the department to hire an officer and ask the Housing Authority their ability to fund an officer at the 100% level. He is sure the Council have all recognized that the Housing Authority Director Linda Shaw is here and is available for questions if they have any. Option 4 is that the Council has no desire to over hire and asks the department to staff the Housing Authority position within existing resources. Option 5 is do nothing, the Housing Authority officer provides no value.

Chief Frazier stated that staff's recommendation is that the Council allow the City to over hire and then choose option one through three in order to facilitate providing the Housing Authority an officer. Chief Frazier offered to answer any questions.

Mayor Pro Tem Rigby stated, so they are clear, though they are calling this position a Housing Authority officer, they would have all of the jurisdiction that a regular officer would have.

Chief Frazier replied yes. They will be a City of Madera Police Department employee who will be contracted out to the Housing Authority. He advised that the City has two similar contracts right now in which Officer Reyes here is assigned to the school. They have two MUSD (Madera Unified School District) school officers that are contracted to provide service to the school as a School Resource Officer. This would be similar in nature to that.

Mayor Pro Tem Rigby asked if there are any questions for Chief Frazier.

Council Member Robinson stated he likes number one or two.

Council Member Medellin thanked the Chief for the report. He thinks the need in the value, they all understand is huge. The connectivity that they have with their Housing Authority residents and having that

confidence knowing that they have an assigned officer is great. He stated, as he said, the value is difficult to put a price on. He provided a little history. He stated that they had an officer. Their past executive director removed that position. He added that they have had their interim executive director that tried to bring that position back. As they all know, Linda Shaw, their new Housing Director has hit the ground running and in past discussion with her, she too sees the need and the value of having an assigned officer but, it does boil it down to budget. As he said, Ms. Shaw has only been with them for a couple of months but, she has agreed to be here to maybe shed a little light on, he thinks, option 3 and confirm to the Council that option 3 with 100% funding from the Housing Authority (Authority) is feasible. He noted that Ms. Shaw is still working on her budget as well as a few other things so she wanted to make sure that that was something that the Authority could do. If Mayor Pro Tem Rigby doesn't mind, he would like to call their Housing Director Linda Shaw forward. He added that she might be able to further discuss and answer any questions the Council may have.

Linda Shaw, Housing Authority Director, stated she believes that bringing on a community policing program and a police officer dedicated to the Housing Authority is really, really important. She asked for their support of option 3. That is the option she is in favor of not only to demonstrate how much they need the officer but to also say that they are willing to put their best foot forward and say this is important to them. She stated that option 3 requires that the Housing Authority pay for 100% of the officer's time. She has looked in the last two weeks, after she spoke with Chief Frazier about this, to see where they could manage that within the budget. She has talked to several of the Council Members individually and gotten support for the notion that they need to have an officer in place. They still have to do correct inquiries. The inquiries she is getting in tells her nothing about potential applicants that they are asked to house. Ms. Shaw added that she still has problems, as recently as last week, with a tenant just firing a weapon in the parking lot. She still has problems with drugs as it happens to be nationwide. She has found a place where she can manage that budget and pay for that position through by shutting down a lot of the outsourcing to vendors that they do. She noted that they do a tremendous amount of that to the tune of \$800,000 in the last eight months. She commented that there is room to play with here in terms of meeting that commitment. She wants to assure them personally that it can be done and hopefully the Council will allow it to be done.

Mayor Pro Tem Rigby thanked Ms. Shaw.

Council Member Medellin thanked Ms. Shaw. He stated, to add to that, Ms. Shaw has done a fantastic job over the last couple of months. She has been doing some immediate rearranging and for her to reorganize and find some of these funds to completely fund that officer, he thinks logistically makes the most sense not only for the Housing Authority and for the Police Department but, as they all know through their neighborhood watch, having that officer there on the grounds and interacting on a first name basis again brings a huge value.

Council Member Oliver stated he would like to echo Council Member Medellin's sentiments and he agrees that Ms. Shaw has done a fantastic job. He thinks this position will also provide a great investment to the adjacent communities where their housing units and developments are. He thinks that that is going to be a really great asset for the City, for the Housing Authority, and for their neighborhoods moving forward. Council Member Oliver stated his support for option 3.

Council Member Holley stated he concurs with everything they said.

Council Member Robinson agreed with number 3 as well. He added that when he was a youth, his mother had a large family and he was raised partly in public housing. He has some family members currently in public housing. He knows that they need to be protected because if you look at projects like in Oakland, back in the 80's, it was rampant with all types of crimes. He thinks that would be a plus so that people can at least sleep at home without worrying about crime and make their neighborhoods that much better.

Mayor Pro Tem Rigby stated he believes staff has direction and asked if they need to take a vote.

City Attorney Brent Richardson stated that staff is just looking for direction.

**E-3 Consideration of a Request to Schedule Public Hearing for Appeal of a Planning Commission Decision Denying Entitlements Necessary for the Establishment of a Convenience Store**

Planning Manager Chris Boyle stated staff has prepared an administrative report which requested for a January 20<sup>th</sup> appeal hearing to hear an appeal of the Captain Mart and Wireless entitlements that recently were before the Planning Commission. He noted that in lieu of receipt of the request to extend that hearing to an April date and waive the requirement to be heard within the 60 day timeframe, staff would support a scheduled hearing of April 6, 2016.

Mayor Pro Tem Rigby stated he is fine with that.

Council Member Oliver stated that works for him.

Council Member Holley asked if the request was from the applicant.

City Attorney Brent Richardson replied that it was kind of a joint request between staff and the applicant. There is some language that will be brought to the next meeting, a slight amendment, as they saw, he thinks, in the memo from him (Mr. Richardson). In order to facilitate getting that change through, that basically will gear decisions on appeals a little more towards the larger council body. He advised that it would take that amount of time basically into March until the thing is effective so they figured the first April meeting would probably be the next appropriate one. In order to do that, noting that there is actually a provision in the code that says that you basically have to hear the thing and decide by a certain timeframe, they had to essentially get a written waiver of that and the appellant has done that. He restated that it was essentially a joint deal the City suggested and they agreed.

Mayor Pro Tem Rigby stated that is a little housecleaning first and then they will be able to hear that.

Mr. Richardson agreed. He thinks it is actually better all the way around and the existing wording is really kind of an old throwback to the old five member council format.

Council Member Medellin stated he agrees. Now that they are a seven member Council, it is prudent to do that and he appreciates Mr. Lateef being here and being understanding of that.

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

Mayor Pro Tem Rigby announced that he would entertain an action on item E-3 for the postponement of the public hearing to April 6, 2016.

**COUNCIL MEMBER HOLLEY MADE A MOTION TO ACCEPT THE MOTION TO MOVE THE HEARING TO APRIL 6, 2016. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROBINSON AND WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.**

**E-4 Update on the Proposal Submitted by Triton Flight for Heroes, Inc. to Conduct an Air Show at the Madera Municipal Airport**

**And**

**Consideration of a Resolution Approving a Revocable Use Permit to Triton Flight for Heroes, Inc. to Conduct an Airshow at the Madera Municipal Airport and Authorizing the Mayor to Execute the Permit on Behalf of the City**

Public Works Operations Director Dave Randall stated this item is coming back to the Council. They previously heard the presentation. Council direction was given to work with the applicants, define some of the terms, and to seek a business plan from Triton. Mr. Randall advised that the staff report includes the business plan as it recently was distributed. He added that staff sat down with internal staff and found what

resources the City had that they could provide. They spoke with Triton as to what their needs were so they have identified those and articulated them clearly. He advised that Triton does have more needs than the City has capacity. He noted that the City can't provide some things. This is an all in kind participation; there is no cash in the deal. For example, the City can't do things such as ambulance service because the City doesn't have ambulances. He added that the County has agreed to participate. They have not articulated an exact methodology of participating but, as they get to that point, they may see some relief of some of the City's burden. They may not. He noted that there may be other services that the County provides. He stated that it does represent a considerable expenditure of City staff time. It is a little under \$50,000 but, they most certainly feel confident that the City can provide the services as discussed.

Mr. Randall advised that before the Council tonight is basically a use permit that will sort of memorialize that agreement and give them the ability to move forward then Triton can make more finite decisions and get people to make commitments. He advised that is sort of what Triton is seeking this evening. He noted that Triton representatives are here this evening to answer any questions. Mr. Randall offered to answer any questions as well.

Council Member Oliver stated that the initial amount was for around \$50,000 and that is now decreased to about \$44,000.

Mr. Randall replied that the main change probably is that they got some better numbers from Fire. The old numbers just has a ballpark figure of some of the values. He commented that some of them really are sort of subjective issues. For example, they don't actually go out and rent the fire trucks so telling you how much it is worth a day is sort of hard to say.

Council Member Oliver referred to police and fire staffing based on the estimates that they are providing and obviously past shows, and asked, if that number happens to be significantly less, are they going to relieve some of the folks. He asked if there is a way to recalibrate that or are they kind of sticking with the ten or however many police officers in preparation of those attendees.

Mr. Randall replied that is the commitment the City has of what it has available. If for some reason their demands reduce, they can size down. He noted that police officers are basically working on overtime so it is easy to tell them don't come in. He added that is the same thing for Public Works staff. It is not like they have extra people lying around. He noted that they run pretty lean so most of their assignments are mission critical and they can't necessarily take them off. When they have seasons like this rain, it is hard but, they have to move things around. There is not a lot to play with there. He stated that means a lot of the things that are done like this are overtime expenditures. They do have budgets for those but not endless budgets as the Council knows.

Joe Conway with Triton Flight for Heroes stated if they can provide some reports on advance ticket sales, if that helps out. He added that there is no way to know how many people will walk up on a Saturday and Sunday and buy tickets so they don't want to get stuck behind the power curve on having the proper authorities there.

Mayor Pro Tem Rigby opened the item up to Council for questions.

Council Member Oliver asked Mr. Conway to elaborate a little bit. He knows the last time Mr. Conway was here he talked about commitments, talked about going to the County. He noted that obviously they have an updated business plan as far as the non-profit organization with which this air show will fall under. He asked Mr. Conway to elaborate and provide the Council with a little bit of an update from the last time he was here as far as where things are on his end and maybe any additional information he can provide.

Mr. Conway replied that they give a presentation before the County Board of Supervisors (Board). He advised that they were very receptive and very open to helping as much as they can. He added that the Board did give the permission to have their staff contact the City staff, get together and try to figure out how they were going to be able to help. He noted that they were talking recently with Jason Rogers (Public Works Administrative Analyst) who advised that the City had not heard anything from the County yet. Mr.

Conway stated he called Robert Jeffers over at Supervisor Rick Farinelli's office. He advised that Mr. Jeffers profusely apologized that they had kind of dropped the ball on starting that motion and getting together with the City. He added that Mr. Jeffers assured him that that was happening at this point and time, that they were going to help expedite whatever they could, whatever the City needed and figure out how the County could provide service to the City because, they are very interested in doing so.

Mr. Conway stated they have continued to talk to potential sponsors for the air show. He noted that it has always been on a contingency basis that they don't have anything signed sealed yet so, they need to be cautious of how they are talking to the people that are going to make this thing happen for them. He added that they get calls every day. In fact, he got three today from people that want to come back to Madera, fly the show and be a part of it. They were here in 2009 or 2010 and saw how well it was run. They enjoyed it and they want to come back. He advised that he is having to put the brakes on them as well until they get things figured out.

Council Member Oliver stated, as he mentioned last time regarding air shows, he thinks they all have a connection to an air show. They have either attended as a child. He has fond memories. He knows for himself, with his father who they lost last year. One of his profound memories is going with his father to the 2010 air show. He thinks for himself there is no doubt that an air show can be a great value to their community if not for just to showcase their great City and to celebrate aviation in Madera. However, looking at everything in totality, he thinks they have to look at the whole proposal and he is going to be honest. He thinks that if this was proposed as a for-profit, black and white, it's a business relationship, he thinks he would see it one way. He thinks if it was a non-profit geared towards the promotion of aviation perhaps through air shows, he could see it that way. He noted that this is being pitched as an air show that essentially is falling under the umbrella of a veteran's benefit organization. At least once a year they have many different non-profits come here into City Hall and pitch their non-profits, their programs or services for what they call CDBG (Community Development Block Grant) money and often times those are for applications as low as \$5,000. The City looks at past performance and future potential. He asked Mr. Conway if he can elaborate and confirm to the Council for example, if he takes the \$200,000 plus in proceeds that is going to go towards veterans, their families and medical need. He asked how Mr. Conway can ensure that.

Mr. Conway replied that they have to take his word as the executive director, his passion for what they are trying to do here, why they are putting on this air show, putting the effort, the time, the money, the volunteers and all of effort that they are doing. They have tried now for several years to get themselves into the position where they have a corporate jet aircraft to fly that mission. They back peddled out of that. They went back and said, we are going to walk, we are going to jog, we are going to run. He stated they need to make sure that they have events like an air show here that could put a lot of money into their pockets if it is done properly. They want to make sure that when they do that they raise a lot of funds for that. They will sit back with groups like the Veterans Airlift Command who currently has about 75 different missions that are being unfulfilled for families that need to travel back and forth across the country for just the purpose they are talking about. They work with Walt Fricke at the Veterans Airlift Command. They say, hey look, we just raised \$200,000. We know that we can do 10 missions with the \$200,000. Let's start picking missions and let's start flying. Mr. Conway stated they are not going to have paid employees within Triton Flight for Heroes so what they are looking to do is put 100% of any of the proceeds that comes into Triton Flight for Heroes directly into the mission. They will have some administrative costs for letters that are sent out for support, for stamps, for things like that. He advised that it is going to be a very small amount of money and they even try to deal with people on sponsorships for those types of things.

Council Member Oliver stated he doesn't doubt Mr. Conway's intent and heart for this mission. He knows looking back, 2009/2010, Mr. Conway has partnered with other non-profit organizations whether it is with Valley Veterans and their magazine or Valley Children's Hospital, and he thinks that is commendable. He noted that in the updated business plan that they received, Mr. Conway makes mention of an establishment of a for-profit which Mr. Conway just referenced. He asked Mr. Conway to share the status there. From what he read, is that without the for-profit, being able to procure a corporate aircraft whether it be by purchase, donation or by lease, it would be difficult to then utilize the proceeds.

Mr. Conway replied that they have to understand that Triton PEO is the for-profit parent. He noted that it is not apparent where they are connected as far as the business. He stated that Triton Flight for Heroes stands alone as a California 501(c)(3) organization so Triton PEO has made a commitment of people, staff, personnel, and money on a yearly basis to make sure that they are going to be able to fulfill their mission. He stated they are the group that is providing a tremendous amount of assets, people. The services that they are needing right now as far as producing any of the documents that they are providing for, for the City, for the County or for anybody else, so as they continue to grow as a professional employer organization and gain more doctors groups and do their business, it is only going to enhance what they are going to be able to do for them on a yearly basis. He noted that Triton PEO has made the commitment to them as a stand-alone 501 (c)(3) that when we grow and they grow, their responsibilities and their money coming to them will also increase. So, they know as long as Triton PEO is doing well, which they are and they are growing rapidly, Triton Flight is going to be in a good position. That kind of goes back to where they want to be here on a yearly basis. They want to make sure that they are out there with a title sponsor. He added that Triton PEO wants to become that title sponsor on a yearly basis. They want to be the ones that sit there and say, right after the next successful air show, we are going to commit "x" amount of dollars for the next budget so you can go out and start planning and doing a better job the next time. They had that commitment from Triton PEO. He trusts them, he believes them. He has been around them for a while so he has to take their word for it right now.

Council Member Medellin stated, just on the heels of Council Member Oliver's request, Mr. Conway's intention is commendable. He does question personally the benefit that is a little more local for Madera County and their veterans. He thinks the flight for people to have a non-stop, one-way flight to see loved ones is great. He thinks it is out there. They don't have a plane secured yet or a pilot. Some of the logistics are kind of on the backburner until they get money but, they have a large problem, not just countywide, but nationwide with homeless veterans, veterans with medical needs, children of veterans, and jobless veterans, and again specifically here in Madera County. With the number of people that Mr. Conway proposes that are going to come to this event, he certainly would like more so than Mr. Conway's word, something in writing that would show just how much he cares about their veterans here locally. Not to beat a dead horse but, he kind of wants to follow with Council Member Oliver and what he is after and what Mr. Conway does propose in writing for their local veterans here in Madera County.

Mr. Conway agreed and added that they certainly can provide that for the City. When they talk about the mission at Triton Flight, they always talk about local, regional, and national outreach so that has been in their mission statement and it has been what they intend to do. He added that the big mission that they initially wanted to fulfill because it is a need out there and an itch that is not being fulfilled, is the long distance haul. But, as they are transitioning an aircraft to and from different locations, they are going to be working with different organizations to find out who may need a ride even if it is a short ride from San Francisco down to Madera or Fresno so they will be reaching out. People will know that they have an aircraft on the ramp. They will be able to call them up. If they had the time and if they had the airplane and the crew available to help out with something that somebody needs on a local, regional or national level, they will take that up with the board and act quickly because that is typically something that needs to happen in a timely fashion and they can make it happen. It is not that they are going to stick strictly to a long haul where they say, look, if it is not 2,000 miles we are not going to worry about it. When they talk about this air show and they talk about getting involved with the local chamber of commerce, other non-profit organizations, when they talk about how they want to grow from the local level, reach out into the valley, Central Valley Air Show, reach out to California, reach out beyond that, they are not going to turn their backs on anybody. He can certainly put that down in writing and sign it for him.

Council Member Medellin asked if this is something that Mr. Conway sees as a long term commitment; a 5 or a 10 year agreement.

Mr. Conway replied he would like to see it for 15 or 20 years. This is something he wants to do here. He wants to do it for a long period of time and he wants to build the relationships with the individuals and the companies that can make it happen; absolutely without question.



Council Member Robinson stated that the Fresno Naval Air Guard has an F-16 fighter with the City emblem on the wing. He asked Mr. Conway if he has notified the commander there noting that he is from Madera.

Mr. Conway replied that they have not spoken yet to the International Guard in Fresno. That is on their list to do and since the F-18's from Navy Lemoore have already agreed, if they have a show, they will be flying their show for them. They will need the support of the Fresno International Guard. He advised that his father was a Squadron Commander at the International Guard in Fresno for many years. They moved to Fresno in '67 because of the guard so he grew up as a guard fan. Now that they are flying the F-15 Strike Eagles, that is an aircraft that can actually land in Madera. They have talked to a few of the pilots but not the command leadership yet about actually having one of the F-15's possibly on static display here so the Fresno International Guard, the Army International Guard, the AVCRAD (Aviation Classification Repair Activity Depot) Center out at the airport will be front and center as much as they would like to be.

Council Member Robinson asked if they will have helicopters also.

Mr. Conway replied that they will have helicopters as well. In 2010, they had the 129<sup>th</sup> Air Rescue Squadron, the "Helo" Squadron out of Moffett up in San Francisco. They will be coming down again if they have an event. They are also going to do some civilian helicopters and they actually mentioned that again with fire that they truly would like to get a skycrane helicopter out here. He added that is a wicked looking beast.

Council Member Robinson asked if they will have the air force and navy recruitment.

Mr. Conway replied yes. He has already spoken to all of the local recruiters. He has already offered them a free space to come out and distribute and type of material they want to do. He has also elaborated that they can bring out any type of equipment that they want to show off and they can have as much ramp space as they need for that.

Council Member Robinson added that maybe they can get the boot camp to come out there.

Mr. Conway replied as long as he doesn't have to exercise with them that is fine.

Mayor Pro Tem Rigby stated that undoubtedly he would love to see nothing more than an airshow here in the City of Madera for long periods of time. He too shares several of the concerns that his colleagues do in regards to the funding, specifically funds that will be raised. He asked Mr. Conway if they do or do not have this airplane.

Mr. Conway replied that they do not have the airplane.

Mayor Pro Tem Rigby asked if there is a magic number of sponsorships, noting that Mr. Conway had mentioned earlier that they have sponsors lined up that they are just waiting for someone to say yes.

Mr. Conway replied yes.

Mayor Pro Tem Rigby referred to Mr. Conway's comment that he has gone to the County and they have said yes. He asked how much money the County is willing to help out with.

Mr. Conway stated that the County has not told them that and the County said they would work with the City on that.

Mayor Pro Tem Rigby noted that the City hasn't been contacted and asked if that is correct.

Mr. Conway replied he is unaware of any contact at this point. He was told by the Chief of Staff...

Mayor Pro Tem Rigby stated he is letting Mr. Conway know that the City has not been contacted.

Mr. Conway acknowledged Mayor Pro Tem Rigby's comment that the City has not been contacted.

Mayor Pro Tem Rigby stated that Mr. Conway also talked about getting involved with the Chamber of Commerce and asked if there is anything monetarily that they are willing to help out with.

Mr. Conway replied that until they have approval to do the show, they have not spoken to them.

Mayor Pro Tem Rigby asked for confirmation that sponsors are not going to give them money until the City gives them money.

Mr. Conway replied it is until they get signed off on a show, yes. He added that there is a lot of effort and time that goes into meet and greets, sitting down with people, talking about sponsorships, and what performers they may want to sponsor to come to the show. He noted that is a tremendous amount of time and effort to put into it without knowing whether or not they are going to be able to do it.

Mayor Pro Tem Rigby commented that the last time Mr. Conway was here, Mayor Poythress had mentioned that he would have liked to have seen a business proposal. He noted that Mr. Conway made it available which he appreciates very much so. He was reading over that business proposal and he didn't really see the breakdown of funds that would be allocated to the veterans, how that works, what that process is. He believes that number is estimated somewhere around \$20,000 per flight or equates to a family or one ticket. He really doesn't know. He asked Mr. Conway to elaborate a little bit more on that breakdown. He asked if he missed it in the business proposal.

Mr. Conway commented that if it was not in the business plan itself, it was in the original PowerPoint presentation and information. For example, if they raised \$200,000 with this particular show and they have a cost of \$20,000 per, that is going to be 10 flights.

Mayor Pro Tem Rigby asked Mr. Conway to break that down for him; we have a charter plane, we got a...

Mr. Conway stated for example, right now, an organization like Clay Lacy Aviation down in Van Nuys who is a friend of Triton Flight for Heroes, has a corporate jet aircraft. They would go to him and say ok, we've got "x" amount of dollars, we don't have our own aircraft yet so to fulfill the mission that we are going to fly, we need to come to you as a corporate jet owner and actually charter that aircraft out. He would either give them a great rate to do it or he will charge them the full rate. Mr. Conway stated he has to assume that he is going to charge them the full rate until they get something better. The more money they save on dealing with different aircraft owners until they get their own airplane, he may be able to get 12 or 15 rides for people out of that \$200,000. It all depends on how they negotiate with them, who owns the aircraft, and how they have to make a presentation.

Mayor Pro Tem Rigby stated that would be their first stop so to speak.

Mr. Conway stated absolutely and until they get their own aircraft, they are going to be chartering an aircraft, paying for that, and providing that service as quickly as possible.

Mayor Pro Tem Rigby asked that Mr. Conway correct him if he is wrong that all proceeds from this airshow will go towards flying veterans and their families from all over the United States but hopefully, maybe specifically, the Central Valley.

Mr. Conway replied they would like to, yes. To answer the first question yes, the proceeds of this show are going to go to their mission in flying those families. He added that those families will need to be picked from a group and a list of families that need the help at a particular point and time so they can make sure that they are accommodating them as necessary.

Mayor Pro Tem Rigby stated he is just kind of curious regarding the sponsors. He noted that Mr. Conway undoubtedly has them lined up so he has already started doing some of his footwork as he mentioned earlier, sitting down and shaking hands. He is kind of curious why they wouldn't want to donate without the City saying yes to this airshow. Why wouldn't somebody want to say let me help you buy this airplane? Let's help you get this airplane in the Central Valley now.

Mr. Conway replied that the sponsors for this particular air show are not going to be the ones that are going to buy this aircraft. They are working with doctors' groups in the Fresno and Clovis area. He noted that the doctors' groups are going to want to buy that airplane and they are going to want the depreciation off that airplane. They are going to turn around and lease that aircraft back to them for say \$1 a year so they will get the full depreciation of the airplane and then Triton Flight for Heroes, with the funds they raise from events like the air show and/or people that want to donate to their mission, they will operate the aircraft. They will crew it, operate it, insure it. They will do everything that needs to be done to it. He added that they may take that airplane and put it onto a Part 135 charter which is a Federal Aviation Administration charter and that will raise funds for the aircraft, help pay for the aircraft and then they can use it for their mission part of the time during the month. There are a lot of different options to do it but just so they understand, unless there is a secondary deal with any potential sponsors for this air show, they will not be buying an aircraft for them. They will only be participating to sponsor the event to raise funds for the mission out of this local area.

Mayor Pro Tem Rigby thanked Mr. Conway for clearing that up and stated his appreciation. He asked what is keeping sponsors from sponsoring right now.

Mr. Conway replied that it is him. He wants to make sure that they can do what they say they are going to do and produce an air show. They have gone out. They have talked to a lot of people that are sitting back. For example, Clawson Honda has said, what can we do out there because what we can do out there is going to be based on whether or not you can do it and how we can do it. He says, let me get the permission to do it. I am going to come right back into your office and we are going to make some sort of a deal. We are going to figure out a sponsorship dollar and what you want to do at that show, whether you want to bring cars out and do test drives or ride quad runners and move dirt around and do those types of things. He referred to Metal Militia, the motorcycle guys who have said, look, we need some planning ahead of time so we can't make any plans with you and set any dates aside until we know you have permission to do the show. He noted that they have made a tremendous amount of calls. There is a tremendous amount of people that are sitting back there waiting for them to have that permission, to have the airport, to have the show, to have the support. Once they have it, it is going to be a matter of making those phone calls and go, let's get into the meeting, let's get it done and lets rock and roll.

Mayor Pro Tem Rigby agreed and asked if there is a targeted amount maybe that Mr. Conway has in his head.

Mr. Conway replied that he believes the working budget right now is around \$272,000 and change.

Council Member Oliver stated he thinks they all support an airshow and more importantly, he thinks they need to look at a lot of different ways they can use the airport with the amenity that it is to showcase their City. He added that obviously, not having the pro forma for Mr. Conway's non-profit to solicit \$50,000 in in-kind donations, for the City, it is a business decision and the City has to hedge their bets to hope that that money is going to go towards the benefit that Mr. Conway says that it will. Council Member Oliver added that however, he is encouraged by the County wanting to participate. He tuned in to their meeting. It sounded like there was wide consensus that they wanted to hold hands with the City and doing the air show which, he thinks they all agree, would be a regional benefit. He is also encouraged by Mr. Conway's past partnership with other not for profit organizations so he does not doubt Mr. Conway's intent or his mission. He thinks not having a little bit of the previous experience or success through Triton Flight for Heroes just makes it more difficult. He thinks this also presents an opportunity to foster goodwill in Madera. He asked Mr. Conway if he would consider, in lieu of not having much activity with his non-profit up until this time, or pro forma to work off of, would he consider committing let's say 25% of ticket proceeds at the door to a non-profit organization in town or to a veterans organization like Honor Flight or perhaps work with the VFW or American Legion. He asked Mr. Conway if he would ensure that a portion of the money will go directly towards a veterans benefit organization and while Mr. Conway's fledging organization takes off and while money comes in, next year he can come back to the Council and say, look, we committed "x" amount of dollars from our proceeds to the Honor Flight or to whatever organization might be, we have this amount of proceeds that we are looking at affording "x" amount of flights for these military and their families. Council

Member Oliver commented that he can tell Mr. Conway that that would rest much more comfortably with him this time next year, hopefully before then when Mr. Conway pitches the Council again. He asked Mr. Conway if that is something he would be willing to entertain.

Mr. Conway agreed and added that he thinks, along those lines, something they will be doing is that they could, as a non-profit organization, get temporary liquor licenses and do a lot of the stuff themselves. What they do is that they pull in volunteer groups in the area that are non-profit. They work the booths. They get a percentage of the proceeds and that is a way that they can reach out and help different non-profit groups put money in their pocket and they get to come out and be a part of the show.

Council Member Oliver stated he was assuming that would happen just based on past performance, past air shows, that was his assumption. What he is kind of looking for is that Mr. Conway wants a commitment from the City, \$50,000, is a business decision. He noted that is a large amount of money. From that, he asked Mr. Conway if he can commit to the City, in writing, that he will dedicate a certain percentage of proceeds, let's say out the door or whatever it might be, to go towards a not for profit that they collectively agree on would be...

Mr. Conway replied that he can certainly take that to his board of directors and come up with a number that they can try to reach and see what is agreeable.

Council Member Oliver stated that at the end of the day, he thinks the proceeds, and he doesn't doubt Mr. Conway's intent, if the proceeds are generated to go towards veterans and families in need, he stands by Mr. Conway with that sentiment. He thinks that in this first year the City can help him get some leg so to speak, but at the same time, help some organizations in town and foster additional goodwill for this air show.

Mr. Conway replied that he would be more than happy to look into that.

Council Member Medellin restated Mr. Conway's comments: his own airplane, crew, has to be operational, insurance, \$200,000 for 10 or 12 flights. He asked Mr. Conway if he has made this pitch, noting that he thinks he asked him before privately, to go to a commercial airline company and say this is what we are doing. He thinks they can buy a heck of a lot more than 10 flights with \$200,000 for families and really be at the ready anywhere with major airport or even small airport and a heck of a lot more flights than 10 or 12. He understands there might be layovers or they don't leave immediately but, he is starting to think, with the number of families that may need their one airplane, that may happen anyway. So, to kind of get this off the ground, no pun intended, early using a commercial airline and getting discounted, free tickets or something to a family that is in need, it is still at no charge. It is still a service that they are providing yet you are providing this nationwide to a lot more families than 10 or 12.

Mr. Conway replied number one, the airlines will not give them free tickets.

Council Member Medellin stated or discounted tickets or whatever. He is just asking Mr. Conway if he has gone down that avenue.

Mr. Conway replied that all of the major airlines, there is not a current major airline right now that will get them a discounted fair. In fact, almost all bereavement fares for the airlines are non-existent at this point and time. They just won't do it. He added that they are making tremendous amounts of money. They are not doing the same things that they used to do and when they start talking about having to get a family to and from, when they start talking about getting a person with an amputee situation, a wheelchair situation, when they start talking about them needing the personal assistance and the aid, a lot of the time, they can't get through TSA and even get to their airplane. Mr. Conway added that TSA right now, for the folks that they are talking about helping, it is a problem; it really is.

Steve Herz, Grounds/Operations Director with Triton, referred to the comment made by Council Member Oliver. He wants to make one point that none of the City funds are dispersed to this cause until the week before if at any point in time.

Council Member Oliver stated he understands.

Mr. Herz stated, their legwork, with the go from the City and the support, gets them to the place they need to be in the sponsorship levels and everything else because, as Mr. Conway told them, they are basically being held back on what they are trying to accomplish. He then directed his comment to Council Member Medellin. The other thing that is not being talked about is that they eliminate the TSA, they eliminate the difficulty of the disabled person trying to go through the public process of air transportation, the gate where they don't have any assistance down to the gate, the lack of the airline employee helping them. Now they have the difficulty of getting on the aircraft. Mr. Herz noted that they are providing the personalization that the Honor Flight, who will get 130, 150, 180 veterans all at one time, hats off to them noting that he appreciates that, but they are looking at a bulk movement where this is personalized. They've got two to three family members. If that person needs the assistance to get back there, and this is not only for the person that is having the surgery or had the surgery, it might be just an uncle or it might be the disabled person that needs the help doing it so this is a more specialized personalized form of what they are trying to do and again, directing his comment to Council Member Oliver, they are dealing with the City's commitment to them. It gives them the green light to go because if they now have to try to disperse or share...they have the desire to do so as was evident in the previous air shows but, at this point, they are kind of focused on getting themselves going.

Council Member Oliver stated he understands that.

Mr. Herz commented that he doesn't mean that to sound selfish but...

Council Member Oliver stated he is just trying to help them and say let's get some experience and quite frankly where he has a disagreement is he doesn't think their mission needs the air show. He thinks their mission, standing on its own, is an admirable one and he thinks it is one that would be attractive and lucrative for any dollars whether it be personal or corporate dollars.

Mr. Conway stated he thinks they do need a big event like the air show because, as they get their local and regional relationships built up over the years, they have no idea what wonderful relationships and partnerships and help is going to come out of that so having an event that brings that many people together, over the course of the year when they are talking to as many people as they are talking to, they get to meet some people that can really make a difference. That is exciting for them and that is why for him, to put in the time and the effort to go and meet and greet and do things he needs to do as the executive director, he is excited about it.

Council Member Medellin asked that they just understand that \$50,000 or \$40,000 or whatever the City puts in, these are monies out of their general fund that they are going to take from their Police Department, from their Parks Department; they are just doing their due diligence.

Mr. Conway acknowledged Council Member Medellin's comment.

Council Member Medellin asked them to just understand that the City is turning over every stone doing what they feel is best for their community and for their taxpayer.

Mr. Conway agreed and added that the Council wouldn't be doing their job if they weren't asking all the questions.

Council Member Medellin thanked Mr. Conway for understanding.

Mayor Pro Tem Rigby stated, if he is correct, they are discussing a revocable use permit and asked what the stipulations are under this revocable use permit. He stated that maybe the City Administrator, Mr. Tooley could help him understand a little bit.

City Administrator David Tooley yielded the microphone to the City Attorney.

City Attorney Brent Richardson asked what exactly is the nature of the question.

Mayor Pro Tem Rigby asked what is the stipulation of this specific revocable use permit. At any time, does the Council pull this permit if one of them isn't happy, if all of them aren't happy, do they sit down, do they set stipulations prior; what exactly is this revocable use permit.

Mr. Richardson advised that he needs to look at the actual revocation provisions in here.

Mr. Conway offered to answer. He advised that what the revocable permit is, is a timeline from when the Council approves any funds going into what Triton is going to try to do and what they say they are going to do. As they go line by line on the revocable permit, there are timelines that they (Triton) has to fulfill certain obligations. They have to work with the County. They have to work with the City. They have to close roads. They have to show that they have a traffic plan in and out. They have to show they have an operation plan for the ramp. They have to show that they have the FAA closing the airspace the way they are supposed to do it and they have to provide information in a timely fashion so anybody that wants to review it, they are doing exactly what they said they would do to make sure that this is a safe, well run event and there is not going to be anything missed. So, that is what basically the revocable permit is. It is a timeline. It is things that they have to follow. They have to provide all the insurance information. They have to make sure that all the people that should be on the insurance waivers are on those waivers. They have to make sure that the City has all the bios, all of the information for Triton's ramp bosses, their air bosses so that the City can look at that or anybody else that wants to look at that, knows that they've got the right people in the right places and they are doing it within the right timeframes. He advised that is what the revocable permit, in his opinion is, it is a timeline to make sure things are correct.

Mr. Richardson replied that in looking at it there is actually no cut off as far as the revocation. There are just numerous conditions that have to be met any one of which failure to do would be cause for the thing not too issue. He added that one thing the Council might want to think about, referring to Councilman Oliver's suggestions as far as some sort of percentage allocation to a separate charity, should the Council wish to have something like that, they could also, he believes, put it in there as one of the provisions.

Mayor Pro Tem Rigby asked if they would amend that tonight, a provision.

Mr. Richardson replied that they would just have to get it on the record and they could amend it. They would change it and then actually retype it before it was signed.

Council Member Medellin suggested to possibly wait and see. He thinks Triton is on the County's agenda for the end of the month. If he is not mistaken, noting he could be wrong, but maybe they could work out a couple of the details and offers that Councilman Oliver had presented as well as wait for the County Board of Supervisors and see what they bring to the table.

Mr. Conway stated that Robert Jeffers from Supervisor Rick Farinelli's office said that they were done with Triton. They had given permission to speak to the City. He had not heard about being on their agenda for another meeting. If Council Member Medellin has heard that, he (Mr. Conway) has not. He will need to contact them.

Council Member Medellin asked that he contact the County since he heard it directly from Mr. Jeffers.

Council Member Robinson asked what the timeframe is. They need plenty of time to plan this and get it rolling.

Mr. Conway replied yes sir.

Council Member Robinson stated he doesn't want to delay them.

Mr. Conway stated they had hoped to start rock and rolling tomorrow.

Council Member Holley stated he looked at this and he looked at all the numbers. He is looking at what it will bring to their City. They are just thinking about what they can spend out but not looking at what can come in. He sees a lot of revenues that are going to come in to the City, different hotels, different gas stations. It might uplift their City from all around of people coming to see what Madera has to offer. He added that some attracting things like this he thinks, they need to look outside of what they are doing as a Council to help someone as an avenue of what they are helping on the outside that they don't see. They haven't had an airshow here in so long that the attraction will bring a lot because he has been around and listened to a lot of folks talk about different air shows, what they like about it, how it was back in the day. He thinks it is something that is well worth their investment. He believes they are going to get a lot out of it but, he would like to see these guys go forward. He noted that nothing can happen until the Council gives them an ok to what they can do. If it can't happen, then they won't be out of anything.

Mayor Pro Tem Rigby thanked Council Member Holley.

Mayor Pro Tem Rigby stated that tonight they are considering a resolution for the revocable use permit to Triton Flight. He kind of agrees with Council Member Medellin. He would really like to see a little bit more conversation going back and forth between County and City especially monetary. He would hate to put the City in a position to where everybody says, yes this sounds great but the City is the one that is fiscally responsible for everything. He thinks if this is going to benefit as many people as they honestly believe it can, that several entities should be jumping onboard with this and not just giving the nod and passing the buck so to speak. He would be willing to maybe restrain from a dollar amount that would be given to this event barring communication with the County and possibly even maybe the Chamber of Commerce and the City of Chowchilla. He is not really sure if that is even what they are doing tonight.

Council Member Oliver added that Mr. Conway also mentioned speaking to his board of directors to talk about the possibility of making a financial commitment with ticket proceeds to a not for profit for a veterans organization. He imagines they would probably need a week or so to have those discussions.

Mr. Conway stated he would imagine he can do it quicker than that. He would have to see what they think. He added that certainly is not something that has come up in any of their discussions about putting their time and effort into that. They know that they raised a lot of money in the past for different organizations and there are ways to do that throughout the air show industry. They have picked local charities in the past. He noted that there is no reason to think that they wouldn't do the same and benefit some local charities. He has to see their comfort level on saying that they are going to give a specific amount to that. He would think that they would need to evaluate how the show did and take a look at the numbers and make that decision at that point and time.

Council Member Oliver stated he agrees with Council Member Medellin. He would be in support of tabling this discussion. He added that Mr. Conway has an opportunity to meet with his board of directors. The City has an opportunity to receive some feedback from the County and maybe they can revisit this in a couple of weeks.

Council Member Medellin stated he thinks it would be prudent and the right thing for the City to do.

Mr. Tooley stated he would like to check in with the City Clerk. He knows time is of the essence for the proponents.

Mr. Conway agreed.

Mr. Tooley asked if the Successor Agency has a meeting scheduled sometime between now and the next Council meeting.

City Clerk Sonia Alvarez replied yes, they have one scheduled next Wednesday.

Mr. Tooley commented that potentially, if all of these issues could be addressed, would the Council be amenable to adding this to that Successor Agency meeting for discussion.

Council Member Medellin agreed if all these issues could be addressed.

Mr. Tooley stated best case is that they could be back in a week if they can complete and get the information the Council has asked. That is the only suggestion he could add to the discussion.

Mayor Pro Tem Rigby replied he thinks that is a great solution for the time being and he thinks all on the Council would entertain that opportunity to discuss this at the next Successor Agency which would be approximately a week from today.

Mr. Conway asked how that is going to be affected if the County Board of Supervisors is going to have them on an agenda later in the month.

Mayor Pro Tem Rigby stated that the City basically has a week to reach across the street and find out a little bit more of what their yes we support this actually really means; concerns of dollars and cents.

Mr. Conway thanked Mayor Pro Tem Rigby for clarifying that.

Mr. Richardson added that he can reach out to Claudia Mendoza, Recording Secretary for Successor Agency, and pretty much have this exact item put on their agenda so that the Council can bring it back up for consideration if they want.

Mayor Pro Tem Rigby asked if they need a motion to do that.

Mr. Richardson replied no.

Mr. Conway asked when he speaks to the County, is there anything the Council would like for him to talk to them about or was this something that the City is going to handle on their own. He asked how he can help.

Mayor Pro Tem Rigby stated it feels like the City would be in contact with the County well before Mr. Conway is being that he is possibly scheduled for the end of the month. He thinks Mr. Conway can just rely on the City and then maybe call his County friends and say, why haven't we been contacted yet.

Mr. Conway advised that they will get a call.

Mayor Pro Tem Rigby stated his appreciation to Mr. Conway for his patience and his understanding. He added that their mission is admirable and something that he personally truly wants to support. He hopes they can come to a bottom line and gets this moving forward.

Mr. Conway stated that he does understand the concern and questions so not a problem.

## **F. COUNCIL REPORTS**

Council Member Robinson reported that on the 17<sup>th</sup> he had a meeting with the Rancheria Council, the Mono Indians Rancheria, and they are feeling confident that they will have their casino starting pretty soon. He asked them what they can contribute to the community by uniting with United Way. He was concerned about gambling fever and people are spending all of their money gambling instead of paying for their rent and food for the kids. They said, oh yes we are looking for it, referring to a non-profit where they can donate. He added that Chukchansi has their name right there on the baseball stadium in Fresno and it is not benefitting us.



Council Member Robinson reported that he handed out food at the Food Bank along with Council Member Medellin. He added that they have a need here in this community. They need to find ways for jobs, housing, and safety.

Council Member Oliver commended Mayor Pro Tem Rigby on a fine job and added that he made it look too easy.

Mayor Pro Tem Rigby stated his appreciation.

**G. CLOSED SESSION**

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

City Attorney Brent Richardson announced that the Council will adjourn to closed session pursuant to Government Code Section 54956.9(d)(2) to discuss conference with legal counsel in anticipated litigation as described under item G-2.

The Council adjourned to closed session at 7:35 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 Closed Session Report – City Attorney**

The Council returned from closed session at 7:44 p.m. ABSENT: Mayor Poythress.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code Section 54956.9(d)(2) to discuss conference with legal counsel in anticipated litigation as described under item G-2 and reported that no reportable action was taken.

**ADJOURNMENT**

The meeting was adjourned by Mayor Pro Tem Rigby at 7:44 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.

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SONIA ALVAREZ, City Clerk

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ROBERT L. POYTHRESS, Mayor

Council Meeting Of November 2nd, 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: 11/02/2016

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

October 12th, 2016 to October 24th, 2016

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

General Warrant:	10774-10919	\$	647,817.60
Wire Transfer	Union Bank Payroll and Taxes	\$	615,320.90
Wire Transfer	SDI	\$	1,799.74
Wire Transfer	Cal Pers	\$	251,175.30

Respectfully submitted,



Tim Przybyla  
Financial Services Director

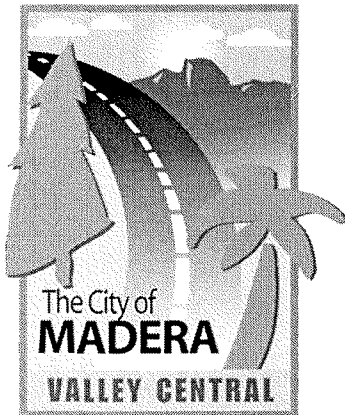
**CITY OF MADERA**  
**REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT**  
**October 24th, 2016**

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
10774	10/13/2016	ADMINISTRATIVE SOLUTIONS INC.	MONTHLY ADMINI FEE OCTOBER 2016	4,386.00
10775	10/13/2016	AKEL ENGINEERING GROUP, INC.	ENGINEERING SERVICES RELATED T	32,373.88
10776	10/13/2016	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXPENSE ACCT 10/07/16 PAYROLL	731.16
10777	10/13/2016	AT&T	PD PRIVATE LINE SVS 09/19 - 10/18	378.42
10778	10/13/2016	AT&T	09/16 CALNET 3 SVS 9391031575	169.00
10779	10/13/2016	BOYLE, CHRISTOPHER	PER DIEM APA CA 2016 ANNUAL CONFERENCE	128.00
10780	10/13/2016	BUSHONG, JASON	MILEAGE REIMBURSEMENT 09/18/16-09/20/16	44.78
10781	10/13/2016	CALIFORNIA FORENSIC INSTITUTE	PRE-EMPLOYMENT PSYCH EXAM	400.00
10782	10/13/2016	CASCADE FIRE EQUIPMENT COMPANY	FIRE EQUIPMENT	1,666.44
10783	10/13/2016	CITY OF MADERA	10/16 UTILITIES ACCT# 003040441-0	311.81
10784	10/13/2016	COLONIAL LIFE & ACCIDENT INSURANCE CO	#E700482-3 FOR 10/07/16 PAYROLL	1,148.24
10785	10/13/2016	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	462.50
10786	10/13/2016	COOK, DANIEL	PER DIEM 2016 CALBO EDUCATION WEEK	417.44
10787	10/13/2016	DATAPROSE, LLC	09/16 AR STATEMENTS	21.99
10788	10/13/2016	ECONOMIC DEVELOPMENT COMMISSION	EDC ECONOMIC SUMMIT 10/20/16	420.00
10789	10/13/2016	ENTENMANN-ROVIN CO	BADGE	177.04
10790	10/13/2016	EVERBRIDGE, INC.	Nixle engage - 11/30/16 - 11/2	3,750.28
10791	10/13/2016	FCS INTERNATIONAL INC.	R-000037 RAYMOND RD. SHOULDER	11,100.00
10792	10/13/2016	FIRST TRANSIT INC.	FIRST TRANSIT SEP 2016	155,247.62
10793	10/13/2016	FORENSIC NURSE SPECIALISTS, INC.	FRESNO SART	900.00
10794	10/13/2016	GOLDEN STATE FLOW MEASUREMENT INC.	WALL CHARGER - 5000 SERIES HHD	442.38
10795	10/13/2016	GUARDIAN WESTERN SWEEPING INC.	MONTHLY POWER SWEEPING	521.00
10796	10/13/2016	HERNANDEZ, MARIBEL	PER DIEM 2016 CE SEIMINAR & EXHIBITOR SHOWCASE	80.00
10797	10/13/2016	JSA INSPECTIONS	LEAD PAINT INSPECTION - 717 N H ST	550.00
10798	10/13/2016	MADERA DOWNTOWN ASSOC.	FY 16/17 1ST QTR ASSESSMENTS PAYABLE	6,640.90
10799	10/13/2016	MADERA IRRIGATION DISTRICT	MADERA GROUNDWATER JPA MID REIM 07/01/16-09/30/1	828.30
10800	10/13/2016	MADERA RADIO DISPATCH, INC.	TOWER RENT	281.40
10801	10/13/2016	MADERA TRIBUNE	PC NOTICE	75.60
10802	10/13/2016	MADERA UNIFIED SCHOOL DISTRICT	FACILITY USE	70.00
10803	10/13/2016	MARTIN, DANNY	PER DIEM ANNUAL FALL CONFERENCE TOWN & COUNTRY	578.20
10804	10/13/2016	MARTINEZ, ANDREW	PER DIEM 2016 CE SEMINAR & EXHIBITOR SHOWCASE	80.00
10805	10/13/2016	MAGDALENO NATALIE	DISMISSED PARKING CITATION	272.00
10806	10/13/2016	P G AND E	09/16 SVS 5225647713-5	10.51
10807	10/13/2016	PACIFIC GAS & ELECTRIC	08/16 PG&E SVS 9920095153-3	47,654.55
10808	10/13/2016	CARLA BARRERA	PARK DEPOSIT REFUND	100.00
10809	10/13/2016	CRAIG VOYLES	PARK DEPOSIT REFUND	50.00
10810	10/13/2016	CYNTHIA WRIGHT	PARK DEPOSIT REFUND	50.00
10811	10/13/2016	DIANA HERNANDEZ	PARK DEPOSIT REFUND	100.00
10812	10/13/2016	ERIKA MOSQUEDA	PARK DEPOSIT REFUND	100.00
10813	10/13/2016	GABRIELA RAMIREZ	PARK DEPOSIT REFUND	50.00
10814	10/13/2016	JACQUELINE ARMENDAREZ	PARK DEPOSIT REFUND	100.00
10815	10/13/2016	JUAN FIGEROA	PARK DEPOSIT REFUND	50.00
10816	10/13/2016	JUAN VILLAFAN	PARK DEPOSIT REFUND	100.00
10817	10/13/2016	MADERA GLASS PLANT C/O DIMAS SALINAS	PARK DEPOSIT REFUND	50.00
10818	10/13/2016	MARGARITA RAMIREZ	PARK DEPOSIT REFUND	165.00
10819	10/13/2016	MARIA CASTANEDA	PARK DEPOSIT REFUND	50.00
10820	10/13/2016	MARINA PEREZ	PARK DEPOSIT REFUND	100.00
10821	10/13/2016	MONICA MENDOZA	PARK DEPOSIT REFUND	50.00
10822	10/13/2016	NARCIZO SALINAS	PARK DEPOSIT REFUND	50.00
10823	10/13/2016	NEW HARVEST CHRISTIAN C/O TIM ECHEVARRIA	PARK DEPOSIT REFUND	100.00
10824	10/13/2016	RAMON GOVEA	PARK DEPOSIT REFUND	100.00
10825	10/13/2016	SAMANTHA MILLER	PARK DEPOSIT REFUND	50.00
10826	10/13/2016	TILLIE ZARCO	PARK DEPOSIT REFUND	95.00
10827	10/13/2016	VALERIE MORENO	PARK DEPOSIT REFUND	100.00
10828	10/13/2016	WILBERT MCALISTER	PARK DEPOSIT REFUND	50.00
10829	10/13/2016	PAY PLUS SOLUTIONS, INC.	CALPERS PRODUCTS	272.00
10830	10/13/2016	PECK'S PRINTERY	CALL CARDS DISPATCH	214.65
10831	10/13/2016	POLYDYNE INC.	SLUDGE DEWATERING POLYMER FOR	4,123.44
10832	10/13/2016	PROVOST & PRITCHARD CONSULTING GROUP	PERMIT COMPLIANCE	358.20
10833	10/13/2016	RANDALL, DAVE	PER DIEM AWWA FALL CONFERENCE	192.00
10834	10/13/2016	STERLING HOME SHOWCASE	14-CalHome-9834	3,745.50
10835	10/13/2016	TAMARACK PEST CONTROL	SEPTEMBER 2016 PEST CONTROL	1,020.00

10836	10/13/2016	THE RADAR SHOP	RECERTIFIED RADAR UNITS	594.00
10837	10/13/2016	TRANSUNION RISK & ALTERNATIVE DATA SOL.	DATABASE ACCESS SEPTEMBER 2016	110.00
10838	10/13/2016	TYLER TECHNOLOGIES INC.	SOFTWARE COSTS	50,040.00
10839	10/13/2016	ABARCA SOPHIA C	UTILITY BILLING CREDIT REFUND	206.46
10840	10/13/2016	AGUILAR YOLANDA V	UTILITY BILLING CREDIT REFUND	214.60
10841	10/13/2016	ARIANNA LLAMAS	UTILITY BILLING CREDIT REFUND	196.60
10842	10/13/2016	ARREDONDO ROZALYN OR CITY OF MADERA	UTILITY BILLING CREDIT REFUND	334.86
10843	10/13/2016	BANUELOS MAXIMO	UTILITY BILLING CREDIT REFUND	150.31
10844	10/13/2016	BARAJAS JOSE	UTILITY BILLING CREDIT REFUND	99.68
10845	10/13/2016	BENCHMARK COMMUNITIES	UTILITY BILLING CREDIT REFUND	146.61
10846	10/13/2016	BERRY CONSTRUCTION	UTILITY BILLING CREDIT REFUND	51.71
10847	10/13/2016	BRAR HOLDINGS INC	UTILITY BILLING CREDIT REFUND	98.50
10848	10/13/2016	CAMACHO HERIBERTO J	UTILITY BILLING CREDIT REFUND	185.76
10849	10/13/2016	CASTILLO MONICA A OR CITY OF MADERA	UTILITY BILLING CREDIT REFUND	178.56
10850	10/13/2016	CHORBADJIAN HAROUT	UTILITY BILLING CREDIT REFUND	186.21
10851	10/13/2016	DEARING ROBERT AND ERNESTINE	UTILITY BILLING CREDIT REFUND	29.48
10852	10/13/2016	DI CRISTINA KIMBERLY C/O NEWTON PROPERTY	UTILITY BILLING CREDIT REFUND	76.29
10853	10/13/2016	DIAZ REBECCA OR CITY OF MADERA	UTILITY BILLING CREDIT REFUND	147.01
10854	10/13/2016	DIAZ ROLAND	UTILITY BILLING CREDIT REFUND	8.25
10855	10/13/2016	DOMINGUEZ RAFAEL N	UTILITY BILLING CREDIT REFUND	206.19
10856	10/13/2016	HANSON TERRY C/O NEWTON PROPERTY	UTILITY BILLING CREDIT REFUND	46.36
10857	10/13/2016	HO MAI	UTILITY BILLING CREDIT REFUND	39.94
10858	10/13/2016	HOLT E ERNEST AND ELIZABETH	UTILITY BILLING CREDIT REFUND	219.76
10859	10/13/2016	JOSE JUANA	UTILITY BILLING CREDIT REFUND	126.30
10860	10/13/2016	MARTINEZ CARMEN	UTILITY BILLING CREDIT REFUND	112.98
10861	10/13/2016	MEELO CORPORATION C/O MADERA MANAGEMENT	UTILITY BILLING CREDIT REFUND	52.33
10862	10/13/2016	MOHAMMED ARFAN C/O NEWTON PROPERTY	UTILITY BILLING CREDIT REFUND	0.56
10863	10/13/2016	RODRIGUEZ HERICA	UTILITY BILLING CREDIT REFUND	123.40
10864	10/13/2016	ROMO JORGE	UTILITY BILLING CREDIT REFUND	109.16
10865	10/13/2016	SIMPSON DONNIE	UTILITY BILLING CREDIT REFUND	10.20
10866	10/13/2016	TARLTON PROPERTIES LLC	UTILITY BILLING CREDIT REFUND	78.25
10867	10/13/2016	VEGA MARIBEL	UTILITY BILLING CREDIT REFUND	41.04
10868	10/13/2016	VILLARREAL ADRIANA	UTILITY BILLING CREDIT REFUND	150.30
10869	10/13/2016	YOUNG LYNN	UTILITY BILLING CREDIT REFUND	12.15
10870	10/13/2016	ZAK'S	SECURITY SVS	308.00
10871	10/18/2016	RBC CAPITAL MARKETS	REMARKETING AGREEMENT 05/02/16 - 07/31/16	756.78
10872	10/18/2016	US BANK CORPORATE PAYMENT SYSTEMS	09/16 CAL-CARD CHARGES	133,297.41
10873	10/20/2016	ADMINISTRATIVE SOLUTIONS INC.	CITY PAID RETIREE PRESCRIPTION BILL	3,182.16
10874	10/20/2016	ALL VALLEY ADMINISTRATORS	MEDICAL AND CHILD CARE EXPENSE 10/21/16 PAYROLL	833.16
10875	10/20/2016	AT&T	09/16 CALNET 3 SVS 9391026388	634.45
10876	10/20/2016	AT&T	09/16 CALNET 3 SVS 9391026391	4,121.02
10877	10/20/2016	BEST TOURS AND TRAVEL	MORRO BAY SENIOR TRIP	560.00
10878	10/20/2016	BOYLE, CHRISTOPHER	PER DIEM APA CA 2016 ANNUAL CONFERENCE PARKING	51.00
10879	10/20/2016	BSK ASSOCIATES	WATER SAMPLES	3,535.00
10880	10/20/2016	CAL VALLEY PRINT	EMBROIDERY	153.36
10881	10/20/2016	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINT 8/31/16 - FIRE STATION #6	1,015.50
10882	10/20/2016	CALIFORNIA DEPARTMENT OF JUSTICE	NEW HIRES FINGERPRINT APPS	96.00
10883	10/20/2016	CALIFORNIA SURVEYING AND DRAFTING SUPPLY	WIDE FORMAT PAPER	63.32
10884	10/20/2016	CITY OF MADERA	OCTOBER ADC UTILITIES/ 322 W 6TH ST	152.94
10885	10/20/2016	CITY OF MADERA	CLOTHES WASHER REBATE 9654231	150.00
10886	10/20/2016	COLONIAL LIFE & ACCIDENT INSURANCE CO	#E700482-3 FOR 10/21/16 PAYROLL	1,116.53
10887	10/20/2016	DIAMOND COMMUNICATIONS	PAN AM ALARM MONITORING	466.00
10888	10/20/2016	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 10/1-10/15/16	8,643.75
10889	10/20/2016	FRESNO COUNTY ECONOMIC OPPTY. COMMISSION	BERGON/PANAM SITE SUPPLIES SEPTEMBER 2016	804.71
10890	10/20/2016	GREATHOUSE, KIMBERLY	REIMBURSEMENT FOR FIELD PANTS	124.04
10891	10/20/2016	CORINNE LONG-FOLK	#E700482-3 FOR 7/29/16 PAYROLL DEDUCTION REFUNDED	73.96
10892	10/20/2016	LOTUS FRESNO, CORP.	CONSULTING SERVICES	3,600.00
10893	10/20/2016	M A C E A	OCTOBER 2016 MONTHLY DUES	25.00
10894	10/20/2016	M P O A	OCTOBER 2016 MONTHLY DUES	6,282.48
10895	10/20/2016	M.C.E.A.	OCTOBER 2016 MONTHLY DUES	390.00
10896	10/20/2016	MADERA COUNTY	MAP COPIES	3.10
10897	10/20/2016	COURTYARD BY MARRIOTT- PASADENA	APA CA 2016 ANNUAL CONFERENCE LODGING	358.26
10898	10/20/2016	MARTIN, DANNY	PER DIEM ANNUAL FALL CONFERENCE	642.20
10899	10/20/2016	MOLINA, HUMBERTO	PER DIEM AWWA FALL CONFERENCE	584.04
10900	10/20/2016	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 10/21/16 PAYROLL	6,801.86
10901	10/20/2016	N.P.C.-ORCHARD TRUST COMPANY	PLAN#340227-02 FOR 10/21/16 PAYROLL	3,166.94

10902	10/20/2016	NSP3	CENTENNIAL PARK BIKE RACKS	1,254.20
10903	10/20/2016	OPERATING ENGINEERS, LOCAL #3	OCTOBER 2016 MONTHLY DUES	308.00
10904	10/20/2016	DARYL & ELAINE WOLF	TURF REPLACEMENT REBATE	1,000.00
10905	10/20/2016	P G AND E	09/16 SVS 5207933925-6	136.04
10906	10/20/2016	PRINTASAURUS	T-BALL SHIRTS/HATS	1,178.57
10907	10/20/2016	RED WAVE COMMUNICATION INC.	SOFTWARE	572.67
10908	10/20/2016	REHRIG PACIFIC COMPANY	HARDWARE AND RELATED ITEMS	57,417.92
10909	10/20/2016	SAMARIN, STEVE	BEE SWARM REMOVAL SERVICE AT SAVE MART-HOWARD	785.00
10910	10/20/2016	SUNEDISON, LLC	SOLAR ELECTRIC UTILITIES SEPTEMBER 2016	23,722.05
10911	10/20/2016	SUPERIOR VISION INC.	OCTOBER 2016 VISION PLAN	2,414.43
10912	10/20/2016	SYNAGRO WEST, INC.	Syanagro Biosolids transportat	12,020.28
10913	10/20/2016	TESEI PETROLEUM, INC.	FUEL	660.95
10914	10/20/2016	THE ARC FRESNO	CITY CAN ORDERS SEPTEMBER 2016	1,280.79
10915	10/20/2016	THRIVE FITNESS	OCTOBER 2016 MONTHLY DUES	66.50
10916	10/20/2016	THYSSENKRUPP ELEVATOR CORPORATION	YOUTH CENTER ELEVATOR SVS	250.32
10917	10/20/2016	UNITED RENTALS, INC	FORKLIFT RENTAL	3,166.28
10918	10/20/2016	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 10/21/16 PAYROLL	20,997.51
10919	10/20/2016	VERIZON WIRELESS	CC IPAD SVC 9/11/16-10/10/16	304.08
Bank # 1 - Union Bank General Account Total				647,817.60

REPORT TO CITY COUNCIL




Council Meeting of November 2, 2016

Agenda Item Number B-3

Approved by:

  
Department Director

  
City Administrator

**Consideration of a Minute Order Rejecting a Claim filed by Jacob Saldate**

**RECOMMENDATION**

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

**HISTORY**

A claim was filed on September 28, 2016 by Jacob Saldate. The claimant is alleging that he struck a hole in the road and one of his vehicle's wheel rims was damaged. Mr. Saldate alleged that the condition of the road at the corner of Westberry and Kennedy was very poor due to numerous repairs/patch work that never held. The claim was filed timely as well as sufficiently.

**SITUATION**

The claimant indicated that on September 22, 2016, he was driving southbound on Westberry. He had stopped at the stop sign, then drove about 10 feet at approximately 10 miles per hour when something jarred the rear of his vehicle. He stated he had struck a hole in the roadway which caused a slow leak in his tire and bent one of the wheel rims. Mr. Saldate reported that the stop sign was positioned back from the roadway and that the road did not curve correctly with the other road. He further stated that there was no white line to designate the shoulder of the road but there were white marks on the roadway which he believed to be markings indicative of road work. Mr. Saldate denied making a sharp turn but stated that he expected the road to be there when he turned. He indicated that the accident occurred on the deteriorated shoulder of the road. He did not see the subject hole before he made the right turn. He is seeking \$570.00 to replace the damaged wheel rim.

Suzanne Johnson of AIMS investigated the claim. Ms. Johnson spoke to City employee Bob Mack, Streets and Storm Drainage Operations Manager, and he

advised the City never received a complaint for the location in question. There were no other incidents reported at that location. Mr. Mack indicated the shoulder of the road was on a maintenance schedule and it was last worked on in May 2016. At that time, no pothole was present. The white markings on the road were USA 811 locator marks to mark utilities. The marks were placed at least three days prior to the road repairs in May 2016. The pothole was not part of the designated travel lane. The incident occurred on the shoulder of the road.

Ms. Johnson found no evidence of negligence and/or liability on the part of the City. Therefore, the City should have no responsibility for the subject claim.

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: [Signature]

Date: 9/28/16

(Please Type Or Print)

CLAIM AGAINST City of Madera - Public Works (streets)  
(Name of Entity)

Claimant's name: Jacob Saldate 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: \_\_\_\_\_

Date of incident/accident: 9-22-16

Date injuries, damages, or losses were discovered: 9-22-16

Location of incident/accident: CORNER of Westberry + Kennedy

What did entity or employee do to cause this loss, damage, or injury? Previous Repair work never held correctly - Patched numerous times. - See attached Pic's and Answer on separate page.  
(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] Unknown

What specific injuries, damages, or losses did claimant receive? Damaged Rim of vehicle. These are Not aftermarket wheels. Hole that was hit cause air leak. see separate page.  
(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)] \$570.<sup>00</sup>

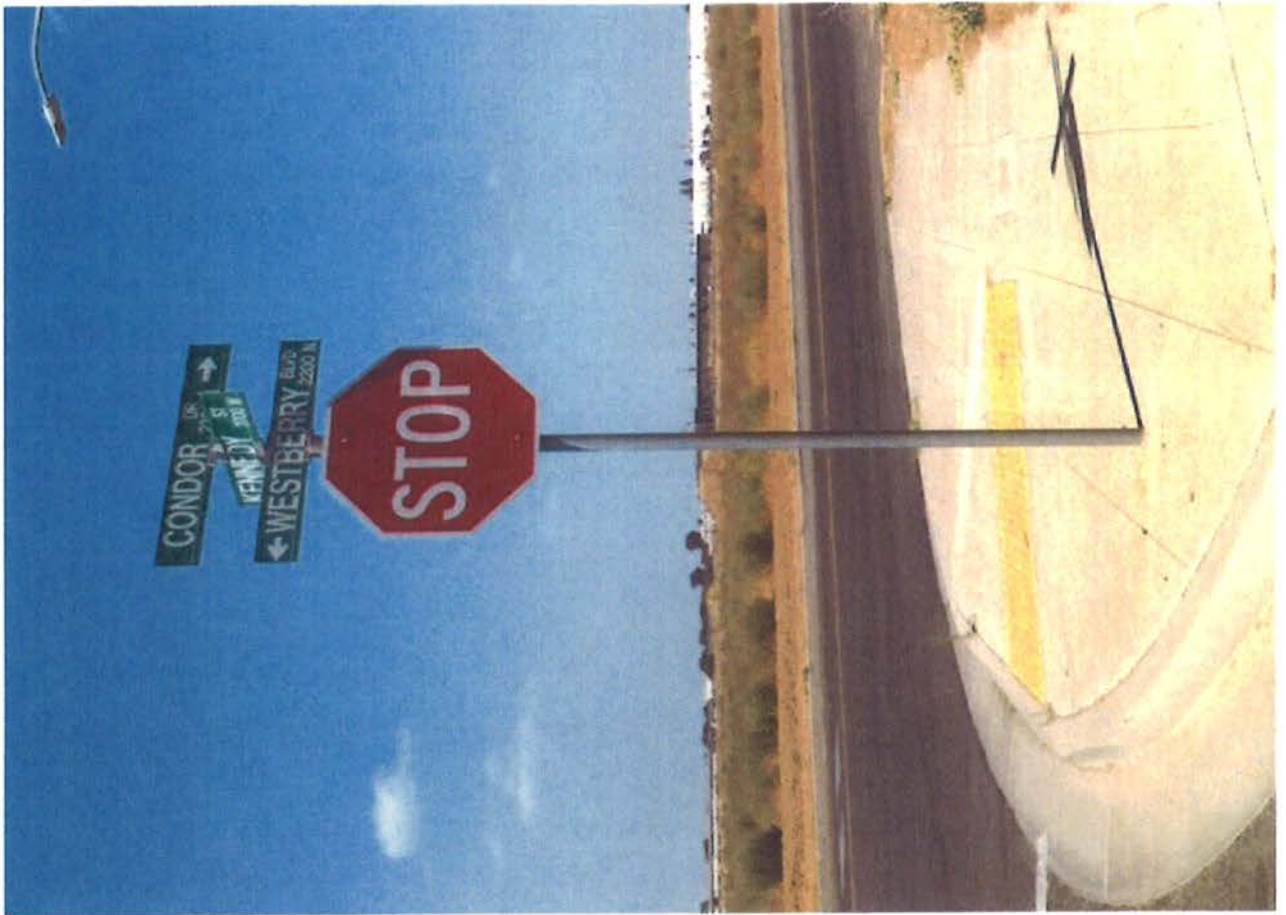
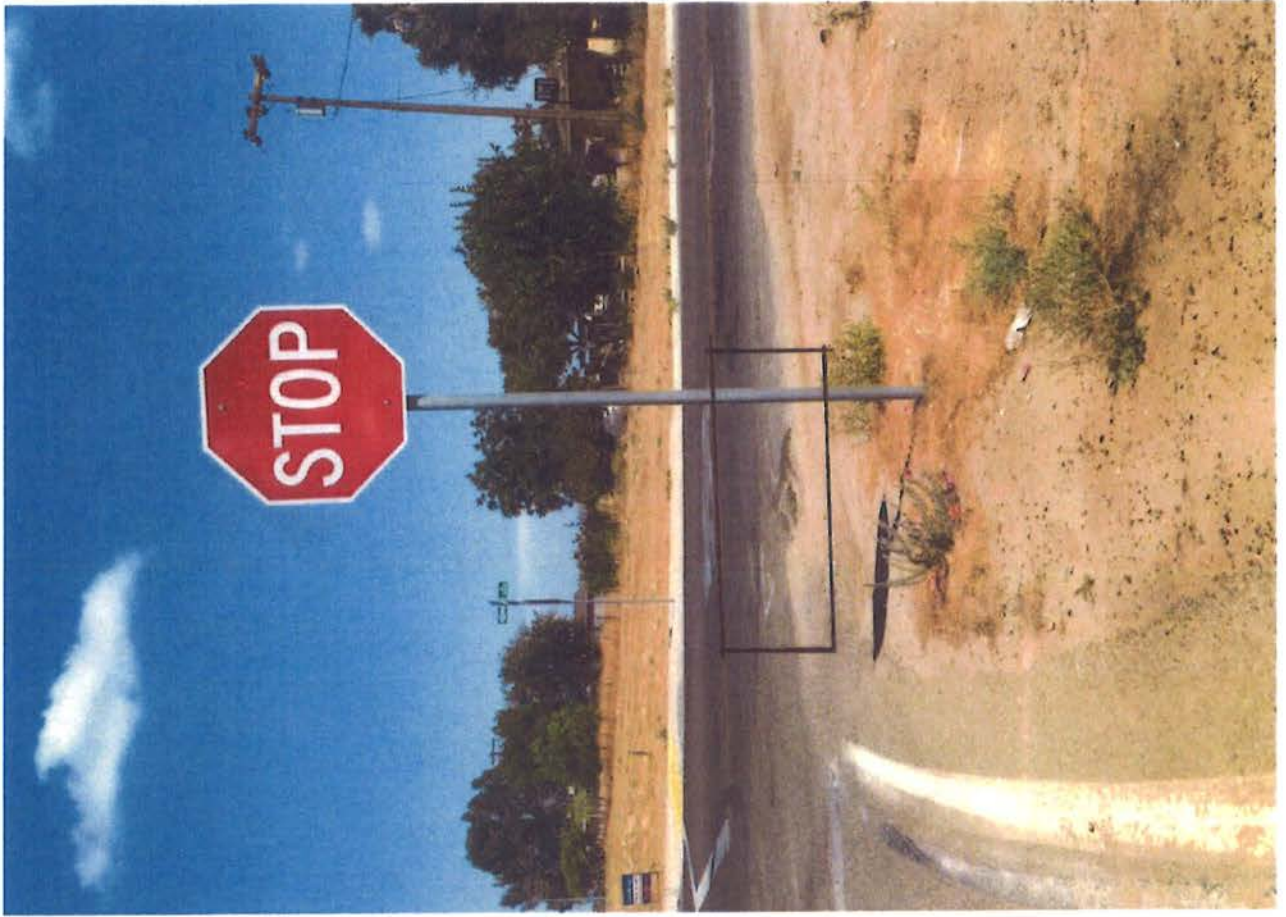
How was this amount calculated (please itemize)? \_\_\_\_\_  
(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 9-26-16 Signature: [Signature]

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



1. Previous repair/patch work never held. It is obvious by these pictures that work has taken place at the location struck. White markings show where proper patch/fill work was to take place and instead of using the white applied markings the work was done directly on top of old work, which the multiple seams can be seen in photos. The attached Photos show multiple attempts to repair same location. This location will only continue to get worse especially in the coming months, as the rains come.
2. The hole size is roughly 8 to 10 inches deep, 17 to 20 inches wide and over a foot in length.
3. Damage to rim caused an air leak. Tire did not rupture and is in usable condition (according to Les Schwab TC). The leak requires air frequently and the only proper fix is to replace rim. These are stock Chevrolet wheels (NOT aftermarket).













**MADERA AUTO CENTER**  
 1300 Country Club Drive  
 MADERA, CA 93638



Phone (559) 674-9000  
 or (800) 2-MADERA  
 Fax (559) 674-9500  
 PLEASE VISIT US AT:  
 www.maderaauto.com

**FOR ALL YOUR GM AND TOYOTA PARTS**

NO RETURN ON ELECTRICAL, FUEL OR SPECIAL ORDERED ITEMS. ACCEPTABLE RETURNS MUST BE WITHIN FIVE DAYS, ACCOMPANIED BY INVOICE, AND SUBJECT TO 30% HANDLING CHARGE.

NO RETURNS WITHOUT ORIGINAL INVOICE.  
 NO REFUNDS ON ELECTRICAL OR SPECIAL ORDER PARTS.

Credit Cards Accepted:

CUST. NO.	TAX EXEMPT NUMBER	CUST. P. O. NO.	SHIP VIA	PAY	SOLD BY	INVOICE DATE	INVOICE
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71898  
 559-661-2118  
 CASH JESUS P RAMOS JR 09/26/16 PQ3647 CVR

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JACOB SALDATE

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QUANTITY		PART NUMBER / DESCRIPTION	BIN	LIST	NET	AMOUNT	EXT. COMP	EXT. COST
SHIP	B. O.							
1	0	19301162 WHEEL PKG 5.803	DISPLA	553.35	527.00	527.00		

The manufacturer warranty constitutes all of the warranties with respect to the sale of the item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items. All items identified by NPH are not supplied, or warranted by the vehicle manufacturer.

**DUE TO FACTORY REQUIREMENTS**  
 ONLY THOSE PARTS MEETING PACKAGING CRITERIA CAN BE ACCEPTED FOR RETURN. BOXES MUST BE INTACT AND STILL BE PROPERLY LABELED. BLISTER PACKS MUST BE UNOPENED.

SUBTOTAL	527.00
RESTOCK CHARGE	0.00
TAX	42.16
FREIGHT	0.00
<b>PAY THIS AMOUNT</b>	<b>569.16</b>

X \_\_\_\_\_  
 AUTHORIZED SIGNATURE



# REPORT TO CITY COUNCIL

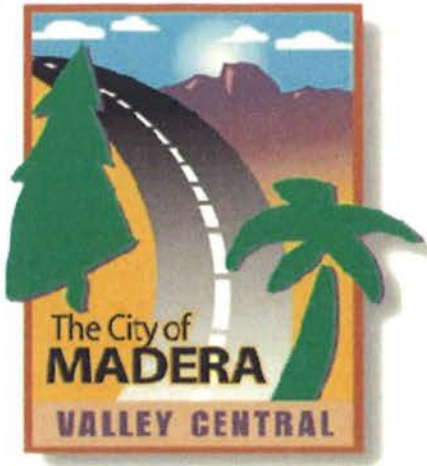
MEETING DATE: November 2, 2016

AGENDA ITEM NUMBER: B-4

Approved By:

*Jason Rogers*  
 for PUBLIC WORKS DIRECTOR

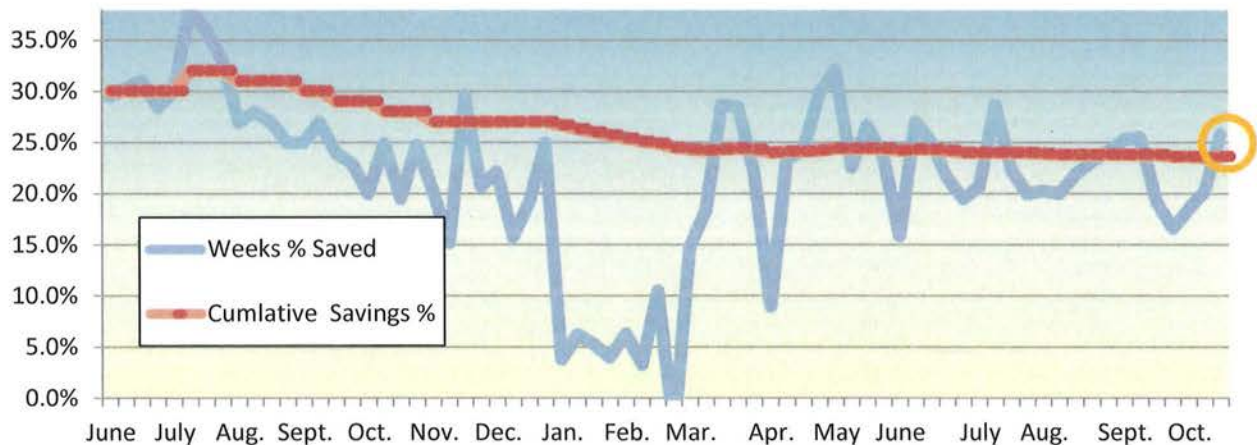
*[Signature]*  
 CITY ADMINISTRATOR



**SUBJECT:** Weekly Water Conservation Report for October 17<sup>th</sup> thru October 23<sup>rd</sup>.

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

**SUMMARY/ DISCUSSION:** The City's water conservation rate was up from 18% last week to 25% this week as illustrated in the graph below, and is comparable to where we were last October. Conservation is often low during this time of year as many customers have yet to adjust or turn off their irrigation systems in response to the cooler temperatures. Typically we see more substantial reductions in the quantity of water pumped in November if there has been some rain and there are no unseasonal temperature spikes. Below is the most current water conservation data.



Enforcement			
Public Contacts	500	1 <sup>st</sup> offenses (\$75)	31
Verbal warning	1	2 <sup>nd</sup> offenses (\$250)	1
Correction Notices	54	3 <sup>rd</sup> or more offense (\$500)	0

**FINANCIAL IMPACT:**

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

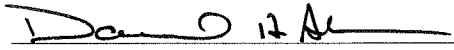
**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

While the proposed actions are not specifically addressed as part of the Plan, they are not in conflict with it and are sympathetic of the underlying principles of the 2025 Plan.


## REPORT TO CITY COUNCIL

Approved by:

Council Meeting of: November 2, 2016

  
Department Director

Agenda Number: B-5

  
City Administrator

**SUBJECT:** Consideration of a Resolution of the City Council of the City of Madera, California approving participation in a regional Assistance to Firefighters Grant application with the County of Madera and City of Chowchilla, to replace self-contained breathing apparatus.

### RECOMMENDATION:

The Fire Department recommends the City Council of the City of Madera, California, adopt a Resolution approving the fire department to work with the lead agency, Madera County Fire Department, in the Assistance to Firefighters Grant application requesting replacement of self-contained breathing apparatus (SCBA) throughout Madera County and both cities.

### BACKGROUND:

The City of Madera, City of Chowchilla and Madera County Fire Departments have all applied for previous Assistance to Firefighters Grants. With the need for all three departments to replace their self-contained breathing apparatus, personnel from each department have discussed and are proposing a regional application to replace these units with a standard type unit throughout the County, including both cities. Due to the requirements and grading methods used for award of these competitive grants a regional application will provide the best opportunity for award.

### FISCAL IMPACT:

Due to combined population of over 20,000 and under 1,000,000 County wide we would be required to provide a 10% match to the federal grant. Madera City Fire currently has 16 SCBAs. The total cost for SCBAs, masks, bottles and incidentals for the City of Madera will be approximately \$107,000.00. Of that we will have to provide the 10% match of awarded funds for the City of Madera's share of approximately \$10,700.00. This is a non-budgeted cost and will require a modification to current budget or next fiscal year's budget depending on award time frame.

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

The resulting resolution is consistent with the following action items:

- 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.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING A REGIONAL APPLICATION FOR ASSISTANCE TO FIREFIGHTERS GRANT WITH MADERA COUNTY AS THE LEAD AGENCY.

**WHEREAS**, the City of Madera is eligible to apply for an Assistance to Firefighters Grant; and

**WHEREAS**, this grant provides an opportunity to make a regional application that increases the potential for award; and

**WHEREAS**, Madera County Fire and Chowchilla City Fire has a need to replace Self Contained Breathing Apparatus; and

**WHEREAS**, each agency shall be responsible for their share of the required matching funds of 10% of the award amount.

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

- 1) The above recitals are true and correct.
- 2) The City Council of the City of Madera, California authorizes the fire department to work with Madera County Fire Department on submission of a regional AFG (Assistance to Firefighters) grant application.
- 3) The matching funds of 10% of award amount for City of Madera's share will require a budget modification.
- 4) Total City of Madera portion of the project is estimated at approximately \$107,000 which will require a 10% match of approximately \$10,700.00
- 5) This resolution is effective immediately upon adoption.

\*\*\*\*\*



## REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF: November 2, 2016

AGENDA ITEM NUMBER: B-6

APPROVED BY:

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

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

### SUBJECT:

**CONSIDERATION OF A RESOLUTION APPROVING AN AGREEMENT WITH MOY AND ASSOCIATES TO PROVIDE TECHNICAL PUBLIC TRANSIT ASSISTANCE FOR THE CITY OF MADERA AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT.**

### RECOMMENDATION:

Staff recommends that the Council approve the resolution engaging Moy and Associates for technical public transit consulting services.

### SUMMARY:

Grants department staff recommends that Moy and Associates be retained in order to provide technical public transit assistance for the City of Madera transit program. These services would support the transition for the recently hired Transit Program Manager into the position. The department believes that Ms. Moy possesses the necessary experience and judgment to guide our Transit Program Manager through a seamless transition and to an efficient permanent arrangement.

### DISCUSSION:

In August 2016 the City hired a Transit Program Manager with transit and grant management background. Grants department staff recommends that Moy and Associates be retained to provide temporary technical public transit assistance for the City of Madera's transit program in order to support the transition for the Transit Program Manager into the position. The goal for soliciting these services is to provide the new manager with the necessary background of the City of Madera Dial-a-Ride and Madera Area Express (MAX) services, available funding sources, as well as assist with short-term and long-term planning. The technical assistance will focus on reviewing

funding requirements and obligations to ensure that the City complies with all Federal, State and Local mandates when implementing its various projects. In addition, this assistance will enhance the skills of the new Transit Program Manager and help to ensure that the City of Madera is prepared to take advantage of each potential funding or other opportunity that may be forthcoming.

The City has previously utilized the transit planning expertise of Ellen Moy, Principal of Moy and Associates. Ms. Moy served the City in various roles as a consultant from 1994 through 2015. She possesses over three decades of transit experience and has directly contributed to the success of our program. Ms. Moy brings a wealth of experience and knowledge specific to our program which will enable us to address our most pressing transition needs. Staff recommends that the City retain Moy and Associates for transit consulting services for a short-term period, not to extend beyond January 31, 2017.

The attached Scope of Work (**see Exhibit A**) is intended to provide a cost-effective approach to address these needs and to ensure implementation of prudent transportation strategies for our community.

#### **FISCAL IMPACT:**

Approval of the attached agreement will not adversely impact the General Fund because the position of Transit Program Manager is entirely supported by transit grants. Further, the agreement will not increase the demands placed upon these grants because the cost of retaining a transition consultant does not exceed the cost allocated for transit staffing positions.

#### **VISION MADERA 2025 CONSISTENCY:**

The engagement of Moy and Associates to provide consulting services will support our community's commitment to providing a citywide multi-modal transportation plan to ensure safe, affordable, and convenient transportation for residents and businesses within Madera. (**Multi-modal Transportation: Strategy 121**)

**RESOLUTION NO. 16-**

**RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH MOY AND ASSOCIATES FOR TECHNICAL PUBLIC TRANSIT ASSISTANCE FOR THE CITY OF MADERA AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**Whereas**, the City of Madera (hereinafter, 'City') operates a public transportation system consisting of both fixed route and demand response services; and

**Whereas**, these services require management by a skilled professional experienced in the operation of such systems; and

**Whereas**, the City's new Transit Program Manager was hired in August 2016; and

**Whereas**, Transit Consultant Ellen Moy has the necessary background and experience to provide transitional technical assistance to the new transit manager and other staff; and

**Whereas**, a scope of work has been prepared which describes the duties and obligations of the City and Moy and Associates to perform transit program technical and training services on a short-term basis; and

**Whereas**, the scope of work is on file in the office of the City Clerk and is referred to for further particulars.

**Now, therefore the City Council of the City of Madera hereby finds, orders, and determines as follows:**

1. The recitals listed above are true and correct.
2. The agreement between the City and Moy and Associates, a copy of which is on file in the office of the City Clerk and referred to for particulars, is approved.
3. The Mayor of the City of Madera is authorized to execute the Agreement on behalf of the City.
4. The resolution is effective immediately upon adoption.

\*\*\*\*\*



## CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT, made and entered into this 2<sup>nd</sup> day of November, 2016, by and between the CITY OF MADERA, a municipal corporation, hereinafter referred to as "City," and MOY AND ASSOCIATES, hereinafter referred to as "Contractor." The purpose of this contract is to provide technical public transit assistance for the City of Madera.

NOW THEREFORE, the parties hereto do mutually agree as follows:

### I. Contract Organization and Content

This contract is fully comprised of these terms and the attached exhibit--Exhibit "A", Scope of Work, incorporated herein by reference.

### II. Statement of Work

The work to be conducted by Contractor is specified in Exhibit "A", Scope of Work, which includes a schedule and budget. During the performance of the contract, the City representative will be:

- Ivette Iraheta, Grants Administrator

### III. Term

The term of this contract is for the period beginning November 7, 2016 through January 31, 2017.

### IV. Assignability

Contractor shall not assign any interest in this contract without the prior written consent of the City.

### V. Contract Changes

No alteration or deviation of the terms of this contract shall be valid unless made in writing and signed by the parties. No oral understanding or agreement not incorporated herein shall be binding on any of the parties.

City may request, at any time, amendments to this contract and will notify Contractor in writing regarding changes. Upon a minimum of ten (10) days notice, Contractor shall determine the impact on both time and compensation of such changes and notify City in writing. Upon agreement between City and Contractor as to the extent of these impacts on time and compensation, an amendment to this contract shall be prepared describing such changes. Such amendment shall be valid effective the date of the amending documents.

## VI. Contract Costs and Reimbursements

### A. Maximum Contract Amount/Budget Amendments

The City will pay Contractor \$168.00 per hour for time not to exceed 88 hours of work in accomplishing the work indicated in the Scope of Work. In no event shall such payment exceed a total of \$14,784.00 for such services during FY16/17 notwithstanding the possibility that Contractor may complete all of the work listed on Exhibit A, Scope of Work in less than the estimated hours.

The amount of \$168.00 per hour in FY16/17 is the total amount of remuneration that will be paid to Contractor. Contractor will only be paid the hourly rates included in this agreement for services directly rendered in accomplishing the work performed in the Scope of Work and for travel mileage and will not be reimbursed for any expenses indirectly expended by her accomplishing this agreement.

### B. Payments and Report

Payments are authorized under this contract. Contractor to City must submit progress billing as often as monthly. City must pay Contractor within thirty (30) days for billing by Contractor. A description of work activities shall accompany each billing and shall specify the hours spent on work completed.

## VII. Inspection of Work

Contractor and any subcontractors shall permit the City the opportunity to review and inspect the project activities at all reasonable times during the performance period of this contract including review and inspection on a daily basis.

## VIII. Status of Contractor

All acts of Contractor relating to the performance of this contract shall be performed as an independent contractor, and not as an agent, officer, or employee of the City. Contractor, by virtue of this contract, has no authority to bind or incur any obligation on behalf of the City. Except as provided in this contract, Contractor has no authority or responsibility to exercise any rights or power vested in the City. No agent, officer, or employee of the City is to be considered an employee of Contractor. Both Contractor and City understand that this contract shall not, under any circumstances, be construed or considered to create an employer-employee relationship or a joint venture. As an independent contractor:

A. Contractor shall be responsible to City only for the requirements and results specified in this contract, and except as expressly provided in this contract, shall not be

subjected to the City's control with respect to the physical action or activities of Contractor in fulfillment of this contract.

B. Contractor, at all times during the term of this contract, shall represent and conduct herself as an independent contractor, and not as an employee of the City.

#### IX. Staffing

There shall be no change in Contractor as Project Manager or members of the project team without prior written approval by the City.

#### X. Subcontracting

The City shall subcontract no portions of Contractor's work included in this contract without written authorization.

All authorized subcontracts shall contain the same applicable provisions specified in this contract.

#### XI. Termination of Contract

##### A. Termination for Convenience of City

City may terminate this contract at any time by giving notice to Contractor of such termination, and the effective termination date, at least ten (10) days before the effective date of such termination. In such event, all finished or unfinished documents and other materials shall, at the option of City, become its property. If this contract is terminated by City, as provided herein, Contractor shall be reimbursed for expenses incurred prior to the termination date, in accordance with the cost provisions of this contract.

##### B. Termination for Cause

If through any cause, Contractor shall fail to fulfill in timely and proper manner its obligations under this contract, or if Contractor violates any of the covenants, agreements, or stipulations of this contract, City shall thereupon have the right to terminate the contract by giving not less than ten (10) days written notice to Contractor of the intent to terminate and specifying the effective date thereof. City shall provide an opportunity for consultation with Contractor prior to termination. In such an event, all finished and unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by Contractor under this contract shall, at the option of City, become City's property. Contractor shall be entitled to receive compensation for all satisfactory work completed prior to the date of receipt of notice.

#### XII. Compliance with Laws, Rules and Regulations

All services performed by Contractor pursuant to this contract shall be performed in accordance and full compliance with all applicable Federal, State or local statutes, rules and regulations.

### XIII. Conflict of Interest

Contractor shall act in an independent capacity in the performance of this contract, and not as officers, employees or agents of City.

### XIV. Copyrights

Contractor shall be free to copyright material developed under this contract with the provision that the City reserves a royalty-free, non-exclusive and irrevocable license to produce, publish, or otherwise use, distribute, and to authorize others to use, the work for any purpose. Contractor is subject to the duties of agency relating to rights in data and copyrights as set forth in 23 CFR 172.9 (c) and (d). If this contract involves experimental research or demonstration work, Contractor is subject to the duties relating to rights to inventions and patents contained in 48 CFR 1-27.

### XV. Disputes

Except as otherwise provided in this contract, any dispute concerning a question of fact that is not disposed of by mutual agreement shall be decided by a court of competent jurisdiction.

### XVI. Held Harmless

In the furnishing of the services provided for herein, the Contractor is acting as an independent contractor and not as an employee of the City.

The Contractor shall indemnify and defend the City and hold it, its Council, boards, commissions, officers, employees, volunteers and agents free and harmless from and against any and all claims, lawsuits, judgements, costs, expenses and attorneys' fees on account of injury to persons or damage to property arising out of or resulting from Contractor's performance of this contract.

During the term of this Contract, the contractor shall pay for and maintain insurance as listed below:

- A. Comprehensive General Liability Insurance of not less than \$1,000,000.00 limit of liability with a 30-day written Notice of Cancellation in favor of the City.
- B. When Contractor employs other personnel, Contractor shall provide Worker's Compensation Insurance with a 10-day written Notice of Cancellation in favor of the City.
- C. Contractor shall furnish the City with original certificates and amendatory endorsements effecting coverage required by the insurance clause in the Agreement. The endorsements should conform to the requirements of the City. All certificates and endorsements are to be received and approved by the City before the contract is approved and work commences in the period covered by the Agreement. The City

reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by this Agreement at any time.

- D. Automobile insurance covering automotive liability, any auto coverage, occurrence form. Coverage is to be equal to Insurance Services Office (ISO) Commercial General Liability Form CA 00 01 06 92 covering Automobile Liability, Code 1 “any auto.” Automobile Liability: \$1,000,000 per accident for bodily injury and property damage. Automobile liability policies are to contain, or be endorsed to contain, the following provisions:
1. The Entity, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor’s insurance, or as a separate owner’s policy.
  2. For any claims related to this project, the Contractor’s insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor’s insurance and shall not contribute with it.
  3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days’ prior written notice by certified mail, return receipt requested, has been given to the Entity.
- E. Insurance is to be placed with insurers with a current A.M. Best’s Rating of no less than A: VII unless otherwise acceptable to the City.
- F. Any deductibles or self-insured retentions must be declared and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to the City, its officers, officials, employees and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claims administration and defense expenses.

#### XVII. Equal Employment Opportunity/Nondiscrimination

Contractor shall comply with Title VI of the Civil Rights Act of 1964, as amended, and with the provisions contained in 49 CFR 21 through Appendix C and 23 CFR 710.405(b).

### XVIII. Disadvantaged Business Enterprise (DBE)

It is the policy of City that Disadvantaged Business Enterprises (DBEs), as identified in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with State or Federal Funds.

Contractor shall ensure that DBEs, as defined in 49 CFR Part 23, have the maximum opportunity to participate in the performance of this contract. In this regard, Contractor shall take all necessary and reasonable steps to ensure that DBEs have the maximum opportunity to compete for and to perform subcontracts arising out of this contract.

During the period of this contract, Contractor shall maintain records of all applicable subcontracts advertised and entered into germane to this contract, documenting the opportunity given to DBEs to participate in this contract, actual DBE participation, and records of materials to be purchased from DBE suppliers. Such documentation shall show the name and business address of each DBE subcontractor or vendor. Upon completion of the contract, a summary of these records shall be prepared and certified correct by Contractor, and shall be furnished to City.

### XIX. Audits

At any time during normal business hours, and as often as City deems necessary, Contractor shall make available for examination all of its records with respect to all matters covered by this contract for purposes of audit, examination, or to make copies or transcripts of such records, including, but not limited to, contracts, invoices, material, payrolls, personnel records, conditions of employment and other data related to all matters covered by this contract. Such records and access to the facilities and premises of Contractor shall be made available during the period of performance of the contract, and for three years after City makes final payment under this contract.

### XX. Notice

Any notice or notices required or permitted to be given pursuant to this contract may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following address:

### XXI. Government-Wide Debarment and Suspension

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor shall be required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945. The contractor shall be required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing this Agreement, Contractor certifies as follows:

The certification in this clause is a material representation of fact relied upon by the City. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to remedies available to the City, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Contractor agrees to comply with the requirements of 49 CFR 29, Subpart C while this Agreement is. The Contractor further agrees to include a provision requiring such compliance in its lower tier covered transactions.

City of Madera  
Ivette Iraheta, Grants Administrator  
205 West 4<sup>th</sup> Street  
Madera, CA 93637

Ellen Moy  
6082 Millerton Road  
Friant, CA 93626

IN WITNESS WHEREOF, the City of Madera and Ellen Moy have executed this agreement.

MOY AND ASSOCIATES

CITY OF MADERA

By:

By:

\_\_\_\_\_  
Ellen Moy  
Principal

\_\_\_\_\_  
Robert L. Poythress  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sonia Alvarez  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Brent Richardson  
City Attorney

\_\_\_\_\_  
Date



**EXHIBIT A**  
**SCOPE OF WORK**

**TECHNICAL PUBLIC TRANSIT ASSISTANCE  
FOR THE  
CITY OF MADERA**

**October 2016**

**Prepared for:**

**Mr. Tim Przybyla, Finance Director  
Ms. Ivette Iraheta, Grants Administrator  
City of Madera  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637**

**Prepared by:**

**Ms. Ellen Moy  
Moy & Associates  
559-822-2425**

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**CITY OF MADERA  
TECHNICAL PUBLIC TRANSIT ASSISTANCE  
SCOPE OF WORK  
October 2016**

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**PURPOSE AND BACKGROUND**

The City of Madera is interested in retaining technical public transit services to ensure continuity and integrity in the delivery of Madera Area Express/MAX and Dial-A-Ride services. Prudent management oversight of the City's transit systems is critical given current transit demand and the use of a myriad of funding sources and regulations. Sound administrative and fiscal policies and procedures will ensure that the City is well positioned to respond quickly and successfully to future transit demand and ever-changing federal, State, and local funding requirements.

This Scope of Work is intended to provide technical assistance in the form of staff training that addresses ongoing operations, planning, administration, budgeting, monitoring, and evaluation of the City's transit services for maximum efficiency and cost-effectiveness. Technical assistance also will address federal, State, and local funding requirements to ensure City compliance to maintain stable funding, a sound budgeting process, and reliable services.

The City desires to focus on several key areas, as follows:

- Technical Transit Assistance/Training
- Short-Range and Long-Range Budgeting
- Capacity-Building (staff, resources, etc.)

Ellen Moy has provided transit planning services to the City since 1994 and most recently as Transit Manager for over six years. She has assisted in all facets of the City's transit operations and will work with staff to ensure continued delivery of quality transit services to Madera residents. This Scope of Work reflects tasks to be undertaken by Ms. Moy that will address the three key areas listed above. Ultimately, this Scope of Work will provide technical assistance and guidance that comprehensively addresses mandated requirements and actions that lead to safe, reliable, and progressive services in the City of Madera.

**PROPOSED APPROACH**

The tasks described below will be undertaken in close coordination with Grants Administration Department staff, including the Grants Administrator, Transit

Management Analyst, and Program Manager. Given the short timeline of this Scope of Work, tasks will be limited to staff training.

Seven training sessions are proposed that address 15 key transit areas. These areas focus on fundamental management, planning and service implementation requirements for the City of Madera.

The proposed approach is as follows:

- Provide a comprehensive overview of transit operations, administration, budgeting, planning and service delivery requirements, as detailed in Attachment A.
- Provide technical direction, training, and guidance to ensure understanding of work tasks that must be addressed and/or undertaken to meet requirements in key transit areas in Attachment A.

Staff questions related to the training areas will be responded to only during training sessions. Review and/or development of transit-related reports or documents or other tangible products and other technical transit support will be undertaken and billed as additional hours beyond the current agreement if agreed to by both parties and upon prior approval by City transit management staff.

## **TIMELINE**

The proposed sessions within this Scope of Work span approximately twelve days that can be accomplished within a maximum period from November 7, 2016 to no later than January 31, 2017.

## **SCOPE OF WORK – TECHNICAL PUBLIC TRANSIT ASSISTANCE WORK TASKS**

### **I. TRANSIT TECHNICAL ASSISTANCE/TRAINING**

This task will provide technical assistance and training to transit and management staff to ensure seamless operation of MAX and Dial-A-Ride. Work effort will encompass many diverse areas integral to the delivery of services and that require continuous monitoring, administration, and oversight.

A contract operation, such as Madera's, demands proactive oversight that effectively integrates and coordinates transit operations and contractor responsibilities with in-house City transit functions and requirements. Key areas include, at a minimum, the following:

- Operations
- Maintenance

- Administration and Management
- Short-Range and Long-Range Strategic Planning
- Capital Plan Implementation
- Financial Management and Budgeting
- Community Outreach, Public Relations, and Marketing
- Regulatory Compliance

Another key component of this task will be to provide an overview of the Federal Transit Administration (FTA) Triennial Review requirements. Further, technical compliance areas of the Triennial Review will be reviewed in detail to ensure that current management, planning, operations, and third-party oversight actions are being undertaken and proactively incorporated in the City's on-going transit policies and procedures. In the City's 2015 Triennial Review, 17 mandated areas were addressed.

## **II. SHORT-RANGE AND LONG-RANGE TRANSIT BUDGETING**

This key task is incorporated as part of a technical training session and will focus on assisting staff to closely align budgets with proposed short-range and long-range transit plans. Proactive, thoughtful budgeting for short and long-term service and capital improvements is an on-going activity that must be flexible and strategic.

The City's transit services are funded by a variety of federal, State, and local sources. Some of these sources are stable, long-term funds while others are available for limited periods of time and for specific purposes. The City also may utilize competitively awarded federal and State funds. While providing opportunities, these funding sources also pose challenges in leveraging project and matching funds and completing projects within budget and required timelines.

Currently, there are several large capital projects under way at the City, including construction of a new Transit Facility; procurement of MAX and Dial-A-Ride buses, and development of bus stop improvements. Refinements to these projects are anticipated; and planning and development of future capital projects is conducted on an on-going basis. Likewise, transit services are evaluated and improved on a continuous basis. Timely and accurate budgeting and processing of these projects is imperative to ensure seamless and cost-effective transit operations.

## **III. CAPACITY-BUILDING**

The City desires to maintain a transit division that functions smoothly both operationally and administratively and that can effectively achieve its objectives in a sustainable manner. This task is incorporated as a technical training session and will assist transit staff in evaluating and developing operational and human resources strategies that guide future actions based on anticipated growth in transit services.

This task also will address approaches for strengthening the skills, competencies and abilities of staff to guide long-term internal development and activities. Transit

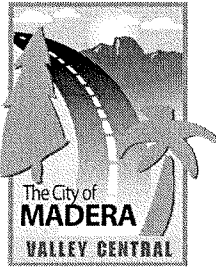
policies and procedures will be evaluated that may result in a “toolkit” to assist in the development of current and future staff.

**PROPOSED BUDGET**  
**November 7, 2016 – January 31, 2017**

<u>WORK ACTIVITY</u>	<u>TOTAL HOURS</u>
I. Transit Technical Assistance/Training	88
II. Short-Range and Long-Range Budgeting	(Included in I.)
III. Capacity-Building (Staff Resources, etc.)	(Included in I.)
Total Hours*	88
Subtotal Mileage (12 RT; 24 mi @\$0.54/mile)	\$156
Total Cost (@\$168.00/hr)	\$14,940

\* The above hours and tasks may be amended through mutual agreement with City and Ms. Ellen Moy of Moy & Associates.


## Report to City Council



Council Meeting of November 2, 2016  
Agenda Item Number B-7

Approved by: \_\_\_\_\_

  
Department Director

  
City Administrator

### Consideration of a Resolution Appointing DJ Becker to the City of Madera ADA Advisory Council

#### RECOMMENDATION

Staff recommends Council take action on the resolution appointing DJ Becker to the City of Madera ADA Advisory Council (MADAAC).

#### HISTORY

MADAAC consists of seven members, equal to the number of members on the City Council. MADAAC currently has two vacancies.

#### SITUATION

The MADAAC representative formerly appointed by Council Member Donald Holley has resigned because she is moving out of Madera. Council Member Holley is recommending DJ Becker 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 DJ BECKER  
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 subject to confirmation by the Council as a whole; and

WHEREAS, Council Member Donald Holley wishes to appoint DJ Becker to the ADA Advisory Council for a term concluding December 2016 or until Council Member Holley is no longer on the City Council, whichever occurs first; and

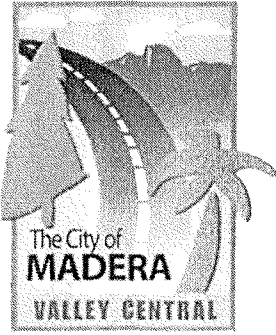
WHEREAS, Ms. Becker has expressed her desire to serve on the ADA Advisory Council.

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

1. DJ Becker is appointed to the ADA Advisory Council for a term ending December 2016 or until Council Member Holley is no longer on the City Council, whichever occurs first.
2. 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.

Becker DJ

LAST NAME	FIRST NAME	MI
[REDACTED]		
HOME ADDRESS	CITY, STATE, ZIP	HOME PHONE
[REDACTED]		
MAILING ADDRESS	CITY, STATE ZIP	E-MAIL ADDRESS
EMPLOYER	JOB TITLE	BUSINESS PHONE
Self Employed	Writer/Reporter	

LENGTH OF RESIDENCE IN CITY OF MADERA ____ YEARS <u>2</u> 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:

Associates degree, University of South Carolina  
United States Marine Corps  
Emergency Medical Technician (Volunteer)

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

Volunteer - Friends of Madera Animal Shelter (2002)  
Shot Clinic co ordinator 2006-2014  
media & educational outreach  
New Animal Shelter Ballot Initiative co ordinator

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:

would like to participate in  
improving access for all Maderans.

REFERENCES (Optional):

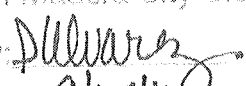
Kirsten Gross, Director Madera Co. Animal Services  
Chuck Donald, Publisher Madera Tribune  
Mike Kime, chief Madera PD, retired

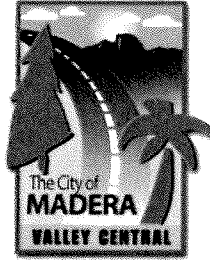
Sept 15, 2016  
DATE

  
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

RECEIVED  
City of Madera City Clerk  
By:   
Date: 9/15/16



## REPORT TO CITY COUNCIL

COUNCIL MEETING OF November 2, 2016  
AGENDA ITEM NUMBER B-8

APPROVED BY:

DEPARTMENT DIRECTOR

CITY ADMINISTRATOR

**SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING AGREEMENT FOR OUTSIDE OF CITY WATER SERVICE FOR PROPERTY LOCATED AT 26844 MARTIN STREET, APPROVING COVENANT TO ANNEX, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND COVENANT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT AND COVENANT**

### RECOMMENDATION:

That the City Council approves Resolution No. 16-\_\_\_:

1. Approving the request by Helen V. Keeling for connection to the City's water system.
2. Authorizing the Mayor to execute the agreement and Covenant on behalf of the City.
3. Directing staff to record the agreement and covenant.

### Engineering

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

[www.madera-ca.gov](http://www.madera-ca.gov)

## **BACKGROUND:**

The City has a policy wherein properties located outside the City Limits and are adjacent to the City water system, may under certain conditions, apply for and receive City water service.

## **SITUATION:**

The property owner, Helen V. Keeling, has an existing single family residence on a single parcel located on the south side of Martin Street, west of Lake Street. Mrs. Keeling has requested she be allowed to connect to an existing 12-inch City water main on Martin Street, and has declared their request as an urgent matter as the on-site well is going dry.

Prior to water connection, owner agrees to sign the attached **“COVENANT TO ANNEX TO THE CITY OF MADERA AND WAIVE THE RIGHT TO PROTEST THERETO”**.

The Local Agency Formation Commission (LAFCO) has approved the connection to City water service outside the current City limits.

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

The installation of an outside the City Limits water service connection to the site is not specifically addressed in the vision or action plans.

RESOLUTION NO. 16-\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING THE AGREEMENT WITH HELEN V. KEELING FOR  
OUTSIDE OF CITY WATER SERVICE FOR 26844 MARTIN STREET, APPROVING  
THE COVENANT TO ANNEX, AUTHORIZING THE MAYOR TO EXECUTE THE  
AGREEMENT AND COVENANT ON BEHALF OF THE CITY AND DIRECTING  
STAFF TO RECORD THE AGREEMENT AND COVENANT**

**WHEREAS**, Helen V Keeling desires to connect the property located at 26844 Martin Street to the City water system; and

**WHEREAS**, the property is located in the unincorporated territory of the County of Madera; and

**WHEREAS**, the City Council is willing to authorize said connection to the City's water system, subject to certain conditions.

**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. That certain agreement for water system connection by and between the City and Helen V. Keeling, owner of the property located on the south side of Martin Street, west of Lake Street, known as 26844 Martin Street, a copy of which is on file in the Office of the City Clerk and which reference is hereby made for full particulars as to terms and conditions thereof, is approved.
3. The Covenant to Annex to the City of Madera and Waive the Right to Protest Thereof, a copy of which is on file in the Office of the City Clerk and which reference is hereby made for full particulars as to terms and conditions thereof, is approved.
4. The Mayor is authorized and directed to execute said Agreement and Covenant on behalf of the City.
5. Staff is hereby directed to record the Agreement and Covenant
6. This resolution is effective immediately upon adoption.

\*\*\*\*\*

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

Fee Waived Per Section 27383 of the Government Code

No Doc. Tax Due

## AGREEMENT FOR OUTSIDE CITY LIMITS WATER CONNECTION FOR 26844 MARTIN STREET

AGREEMENT MADE AND ENTERED INTO this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF MADERA, a municipal corporation of the State of California, hereinafter called "CITY" and Helen V. Keeling, hereinafter called "APPLICANT".

### W I T N E S S E T H

**WHEREAS**, APPLICANT is the owner of that certain property consisting of 0.93 acres, more or less, located on the south side of Martin Street, west of Lake Street, known as 26844 Martin Street, in the unincorporated territory of Madera County; and

**WHEREAS**, APPLICANT desires a water connection to serve APPLICANT'S property at said address; and

**WHEREAS**, CITY is willing to authorize said water connection subject to conditions agreeable to APPLICANT;

**NOW, THEREFORE**, the parties hereto agree as follows:

1. Subject to and in accordance with all of the conditions set forth in this agreement, CITY hereby authorizes APPLICANT to connect to existing water main in Martin Street to serve APPLICANT'S property located on the south side of Martin Street, west of Lake Street, which property is more particularly described as follows:

A parcel of land in the NE 1/4 of Section 12, Township 11 South, Range 17 East, N. D. B. & M., according to the Official Plats thereof, described as follows:

Beginning at a point which bears South 0° 03' East 1341.95 feet, and North 89° 42' West 320.68 feet from the northeast corner of said Section 12, thence South 0° 03' East 299.75 feet, thence North 89° 42' West 145.35 feet, thence North 0° 03' West 299.75 feet, thence South 89° 42' East 145.35 feet to the point of beginning, as shown on a Map of Survey for Tom Upton in the NE 1/4 of Section 12, Township 11 South, Range 17 East, N. D. B. & M., filed and recorded in the office of the County Recorder of the County of Madera, State of California June 27, 1946 in Vol. 6 of Maps, at page 3.

2. Prior to any such installations, APPLICANT shall pay to CITY water impact fees which total \$845.00. Impact fees are based on one single family residence on a single parcel. Any additional development on site will be subject to additional CITY impact fees. APPLICANT shall also pay to City connection, permit, inspection or other fees as required, and 50% of the cost to install the 8-inch component of the 12-inch water main located in Martin Street, in the amount of \$2,827.50. On and after connection of APPLICANT'S property to the CITY water system, APPLICANT shall pay to CITY the appropriate monthly water service charges.

3. APPLICANT agrees that connection at this time is for the purpose of providing domestic water service to property located on the south side of Martin Street, west of Lake Street. Any future water connection for property development purposes is subject to approval of CITY.

4. APPLICANT hereby agrees, prior to receipt of CITY water service, to install a water meter and a reduced pressure back flow prevention device at property line in accordance with City Standard Specifications and destroy any existing wells in accordance with the Madera County and California Department of Health Standards.

5. APPLICANT hereby agrees to the annexation to the CITY of all of APPLICANT'S property described herein and agrees to pay any and all fees and charges associated therewith and hereby irrevocably consents to the annexation of said real property as soon as the Subject Property meets the standards for annexation as determined by the City and waives any right to protest such annexation.

6. APPLICANT agrees that water connection shall be subject to all City water regulations and fines as may be contained in City of Madera Municipal Code.

7. CITY reserves the right to terminate water service provided herein in the event of breach by APPLICANT of any of the terms of the agreement, including but not necessarily limited to the non-payment of monthly service charges. In no event shall APPLICANT'S consent to annexation, however, be considered revocable as a result of the terms of this paragraph.

8. This agreement shall be recorded and is considered a covenant running with the land and is binding upon APPLICANT, APPLICANT'S heirs, executors, administrators, assigns and successors in interest.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year hereinabove first written.

CITY OF MADERA

Accepted by:

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

Keith B. Helmuth

City Engineer

CITY OF MADERA

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

Robert L. Poythress, Mayor

OWNERS/APPLICANTS

ATTEST:

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

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

Sonia Alvarez, City Clerk

Helen V. Keeling

APPROVAL AS TO FORM:

ATTACH NOTARY

ACKNOWLEDGEMENT

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

Brent Richardson, City Attorney



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

Fee Waived

Per Section 27383 of the Government Code

No Doc. Tax Due

**COVENANT TO ANNEX TO THE CITY OF MADERA  
AND WAIVE THE RIGHT TO PROTEST THERETO**

**RECITALS**

WHEREAS, the undersigned, Covenantor, hereby represents and warrants that they are the record owner of the real property (the "Subject Property") commonly known as 26844 Martin Street (APN 038-030-015), situated in the County of Madera, State of California, and more particularly described as:

A parcel of land in the NE 1/4 of Section 12, Township 11 South, Range 17 East, N. D. B. & M., according to the Official Plats thereof, described as follows:

Beginning at a point which bears South 0° 03' East 1341.95 feet, and North 89° 42' West 320.68 feet from the northeast corner of said Section 12, thence South 0° 03' East 299.75 feet, thence North 89° 42' West 145.35 feet, thence North 0° 03' West 299.75 feet, thence South 89° 42' East 145.35 feet to the point of beginning, as shown on a Map of Survey for Tom Upton in the NE 1/4 of Section 12, Township 11 South, Range 17 East, M. D. B. & M., filed and recorded in the office of the County Recorder of the County of Madera, State of California June 27, 1946 in Vol. 6 of Maps, at page 3.

WHEREAS, the Covenantor hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument; and

WHEREAS, all such instruments of Subordination, if any are attached hereto and made a part of this instrument; and

WHEREAS, Covenantor's property currently is located in unincorporated portion of Madera County and she is seeking permission from the City to connect to the City water system located adjacent to Covenantor's property.

## COVENANTS

NOW, THEREFORE, the Covenantor hereby covenants, promises and agrees with the City of Madera, for the benefit of said City its public property and the Subject Property, as follows:

1. The Covenantor hereby agrees to willingly participate in the annexation of the Subject Property to the City of Madera, including filing an application for annexation and paying all applicable fees related thereto as soon as the Subject Property meets the standards for annexation as determined by the City.
2. The Covenantor hereby agrees to the annexation of the Subject Property and waives any right to protest the annexation thereof.
3. Whenever the context hereof requires, the neuter shall include the masculine or feminine, or both, the singular shall include the plural. It is the intention hereof that this document shall constitute a covenant running with the Subject Property owned by the Covenantor, jointly and severally binding upon the undersigned and each of their heirs, representatives, successors and assigns.
4. The Covenant shall be released and of no further effect upon a written determination by the City Engineer of the City of Madera that its continued existence and enforcement are no longer necessary.

CITY OF MADERA

Accepted by:

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

Keith B. Helmuth  
City Engineer

CITY OF MADERA

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

Robert L. Poythress, Mayor

ATTEST:

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

Sonia Alvarez, City Clerk

COVENANTORS

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

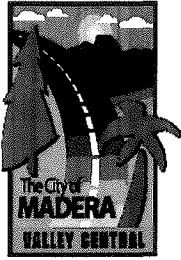
Helen V. Keeling

APPROVAL AS TO FORM:

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

Brent Richardson, City Attorney

ATTACH NOTARY  
ACKNOWLEDGEMENT



# REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF November 2, 2016

AGENDA ITEM NUMBER B-9

APPROVED BY

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

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

**SUBJECT: Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Agreement for Patricia S. Carreon for a CalHome First Time Home Buyer Loan and Authorizing the City Administrator to Sign the Subordination Agreement on Behalf of the City of Madera**

**RECOMMENDATION:** Staff recommends Council approve the resolution to subordinate the first time homebuyer loan for Patricia S. Carreon.

**DISCUSSION:**

Ms. Carreon received first time homebuyer assistance consisting of a CalHome loan for \$44,700. She signed loan documents as follows:

CALHOME	DATE
Deed of Trust and Promissory Note	August 13, 2015

Ms. Carreon is refinancing her existing first mortgage. According to our Loan Servicing Policies and Procedures, subordinations with no cash out are permitted. No cash out means there are no additional charges on the transaction above loan and escrow closing fees. In addition, there are no third party debt payoffs or additional encumbrances on the property above traditional refinance transaction costs. The refinance should lower the housing cost of the borrower by providing them with a lower interest rate. Finally, the Principal, Interest, Taxes and Insurance (PITI) shall be included in the monthly mortgage payment. The chart below provides details about the existing and proposed first loan.

Loan Terms	Loan Length	Interest	Principal, Interest, Taxes, Insurance and Mortgage Insurance, if any	Principal	Interest Paid Over Life of Loan
Original	29 years remaining	4.25	\$683.62	\$73,632.54	\$135,147.30
Proposed	30 years	3.25	\$641.98	\$76,510.00	\$119,871.49

The proposed refinance meets all of the requirements of our Loan Servicing Policies and Procedures. It reduces the borrower's interest rate, includes PITI in the monthly mortgage payment, and it lowers her

housing costs and the amount of interest paid over the life of the loan. As a result, Staff urges Council to approve the subordination agreement for Ms. Carreon.

**FINANCIAL IMPACT:**

The proposed subordination does not impact the General Fund because this is a grant-funded activity.

**VISION MADERA 2025 ACTION PLAN CONSISTENCY:**

The Plan does not address subordinations. Likewise, it does not conflict with the Plan.

**RESOLUTION NO. 16-**

**A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING A SUBORDINATION AGREEMENT FOR PATRICIA S.  
CARREON FOR A CALHOME FIRST TIME HOME BUYER LOAN AND  
AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE  
SUBORDINATION AGREEMENT ON BEHALF OF THE CITY OF MADERA**

**WHEREAS**, the borrower received a CALHOME First Time Home Buyer loan for \$44,700 and signed documents as follows; and

<b>HOME</b>	<b>DATE</b>
Deed of Trust and Promissory Note	August 13, 2015

**WHEREAS**, the borrower wishes to refinance the existing first loan associated with the property and a Subordination Agreement is recommended based on findings as follows:

1. The proposed refinance is consistent with the requirements for allowing subordinations under the City of Madera Loan Servicing Policies and Procedures. The refinance reduces the borrower's interest rate, includes PITI in the monthly mortgage payment, and it lowers the housing costs and the amount of interest paid over the life of the loan.

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

1. The above recitals are true and correct.
2. The Subordination Agreement, a copy of which is on file in the office of the City Clerk and referred for particulars, is hereby approved.
3. The City Administrator is authorized to execute the Subordination Agreement on behalf of the City of Madera.
4. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Grant Administrator.
5. This Resolution is effective immediately upon adoption.

\*\*\*\*\*

RECORDING REQUESTED BY  
Patricia S. Carreon

When Recorded Mail to:

City of Madera  
205 West 4th Street  
Madera, CA 93637  
Attn: City Clerk's Office

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS SUBORDINATION AGREEMENT, made this 2nd day of November, 2016, by Patricia S. Carreon, owner(s) of the land hereinafter described and hereinafter referred to as "Owner," and the City of Madera present owner and holder of the deed of trust and note first hereinafter described and hereinafter referred to as "Beneficiary";

#### WITNESSETH

WHEREAS, Owner(s) have executed a deed of trust, dated August 13, 2015, to the City of Madera, a Municipal corporation, as trustee, covering:

The land referred to herein below is situated in the City of Madera, County of Madera, State of California and is described as follows:

Parcel 2 according to the Parcel Map recorded December 28, 1977 in Book 24, Page 46 of Maps, Madera County Records.

APN: 007-084-017-000

WHEREAS, the Subordinate Deed of Trust was security for a promissory note in the amount of \$44,700.00 dated August 20, 2015, and in favor of Beneficiary, which deed of trust was recorded on August 20, 2015, as Instrument No. 2015019363 Official Records of said county ("Subordinate Deed of Trust"); and

WHEREAS, Owner desires to obtain a loan, hereafter referred to as the “Refinancing Loan” in an amount not to exceed \$76,510.00 and is about to execute a deed of trust and note in a sum not to exceed \$76,510.00, in favor of Quicken Loans Inc., hereinafter referred to as “Lender”, payable with interest and upon the terms and conditions described herein, which deed of trust is to be recorded concurrently herewith; and

WHEREAS, Lender is willing to make the Refinancing Loan provided the deed of trust securing it (the Superior Deed of Trust) is a lien or charge on the Real Property prior and superior to the lien or charge of the Subordinate Deed of Trust, and provided further that Beneficiary specifically and unconditionally subordinates the lien or charge of the Subordinate Deed of Trust to the Superior Deed of Trust; and

WHEREAS, it is mutually beneficial to Beneficiary and Owners that Lender make the Refinancing Loan to Owners and Beneficiary is willing to subordinate the lien to the Subordinate Deed of Trust, insofar as it encumbers the Real Property, to the Superior Deed of Trust in order that Owners may obtain the Refinancing Loan from Lender.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lender to make the loan above referred to, it is hereby declared, understood and agreed as follows:

1. The terms concerning the Refinancing Loan to which the Subordinate Deed of Trust shall be subordinated shall be as follows:

- a. The total amount of the Refinancing Loan shall not exceed \$76,510.00.
- b. No portion of the Refinancing Loan shall be used for anything other than to satisfy the existing first deed of trust used to purchase the Property and pay costs connected with obtaining the Refinancing Loan on the Property.
- c. The Refinancing Loan bears interest, exclusive of late charges, penalties, or fees payable in case of default, at a fixed rate not to exceed 3.250 % per annum.
- d. The Refinancing Loan is payable in equal monthly installments of principal and interest over a period of Three Hundred and Sixty months from the date of the Superior Deed of Trust with the total unpaid balance all due and payable at the end of that period.

2. Beneficiary hereby subordinates the Subordinate Deed of Trust to the Superior Deed of Trust, which shall be recorded concurrently with this instrument in the Office of the County Recorder of Madera County, California. Beneficiary further declares that the lien of the Superior Deed of Trust shall be and is in all respects prior and superior to the lien of the Subordinate Deed of Trust and that the Superior Deed of Trust and any renewals or extensions of the Superior Deed of Trust



and the note secured by it shall be and remain at all times a lien or charge on the Real property, prior and superior to the lien or charge of the Subordinate Deed of Trust.

3. Beneficiary acknowledges that it intentionally waives, relinquishes, and subordinates the priority and superiority of the lien or charge of the Subordinate Deed of Trust in favor of the lien or charge of the Superior Deed of Trust, and that it understands that in reliance on and in consideration of this waiver, relinquishment, and subordination specific loans and advances are being and will be made, and that specific monetary and other obligations are being and will be entered into by third parties, that would not be made or entered into but for the reliance on the waiver, relinquishment, and subordination. Beneficiary further acknowledges that an endorsement has been placed on the note secured by the Subordinate Deed of Trust and that the Subordinate Deed of Trust has by this instrument been subordinated to the lien or charge of the Superior Deed of Trust.

4. This Agreement contains the whole agreement between the parties relating to the deed of trust loans, and the priority of those loans. There are no agreements, written or oral, outside or separate from this agreement, and all prior negotiations, if any, are merged into this agreement.

5. This Subordination Agreement shall inure to the benefit of Lender, its legal representatives, successors, and assigns, and shall be binding on Beneficiary and Owners, their respective heirs, legal representatives, successors, and assigns.

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN, A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

City of Madera, Beneficiary

Owner(s)

\_\_\_\_\_  
David R. Tooley, City Administrator

  
\_\_\_\_\_  
Patricia S. Carreon

**ATTACH NOTARY  
ACKNOWLEDGMENT**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

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

State of California )

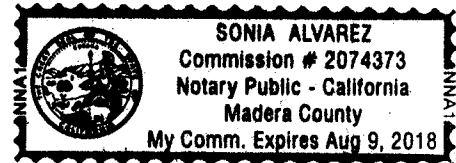
County of Madera )

On 10/28/16 before me, Sonia Alvarez, Notary Public, personally appeared PATRICIA S. CARREON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Sonia Alvarez (Seal)



DESCRIPTION OF ATTACHED DOCUMENT (OPTIONAL)

Title or Type of Document: Subordination Agreement 007-084-017-000

Document Date: 11/2/16

Number of Pages:

Signer(s) Other Than Named Above:

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name:

Signer's Name:

Title:

Title:

# REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF:  
November 2, 2016

AGENDA ITEM NUMBER:  
C-1

Approved By:

  
\_\_\_\_\_  
PLANNING MANAGER

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

Subject: Public Hearing and Consideration of:

- (1) A Resolution of the City Council of the City of Madera, California, Authorizing the Annexation of Territory to Community Facilities District No. 2005-01 and Authorizing the Levy of a Special Tax and Submitting the Levy of Tax to the Qualified Electors.
- (2) A Resolution of the City Council of the City of Madera, California, Calling a Special Election and Submitting to the Voters of Annexation No. 3 of the City of Madera Community Facilities District No. 2005-01 Propositions Regarding the Annual Levy of Special Taxes within Annexation No. 3 to Finance Police Protection Services, Fire Protection and Suppression Services, Park Maintenance, and Storm Drainage System Operation and Maintenance Within the District, and the Establishment of an Appropriations Limit.

Conducting of:

- (3) A Special Election of the Qualified Electors of Annexation No. 3 of City of Madera Community Facilities District No. 2005-01 and Declaration and Certification of the Results Thereof.

Consideration of:

- (4) A Resolution of the City Council of the City of Madera, California, Making Certain Findings, Certifying the Results of an Election and Adding the Territory Identified as Annexation No. 3 to Community Facilities District No. 2005-01.

## RECOMMENDATION:

After reviewing the above-referenced resolutions and accompanying documents, it is recommended that the City Council hold the public hearing and after its close, adopt the resolutions and conduct the special election. If the election is successful, these actions will result in an annexation of territory into City of Madera Community Facilities District No. 2005-01.

## BACKGROUND:

The City's first Community Facilities District ("CFD 2005-01") was formed at the November 16, 2005 meeting of the City Council. As was originally envisioned with the establishment of the

CFD, future residential projects not included in the initial formation process are required to go through an annexation process in order to be included in CFD 2005-01. Projects may be annexed one at a time, or in a group if they are ready at the same time.

A group of two subdivisions is currently prepared to proceed with the annexation process into CFD 2005-01. This will comprise the third annexation. The table below summarizes the projects which are proposing to be annexed.

Project Name	Owner	Acres	Lots	Location
Capistrano 16	Joseph Crown Dev.	18.82	103	Almond/Westberry
Emily Way Apts.	McClure Enterprises	2.39	54 units	Emily/Joya

At the Council's September 21, 2016 meeting, it approved a resolution adopting a boundary map depicting the territory proposed for annexation. At the September 21, 2016 meeting, a resolution was approved declaring the City's intention to annex the proposed territory into CFD 2005-01.

At tonight's meeting, after the close of the public hearing and adoption of the above-referenced resolutions, if the landowner(s) elect to annex at the special election, the City can proceed with the annexation by adopting a resolution of annexation.

**FINANCIAL IMPACT:**

Based on the 2016/17 Fiscal Year CFD 2005-01 assessments for single and multifamily residential units, the estimated annual revenue received by the City for the annexation (Fund 76650) will be \$63,931.12 at full buildout of the developments. CFD 2005-01 includes an annual CPI adjustment. The process for annexation is funded by the developer and no General Fund monies are used for this effort.

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

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

**ATTACHMENTS**

- Resolution of Annexation
  - Exhibit A – Rate and Method of Apportionment
  - Exhibit B – Ballot
- Resolution Calling for Election
  - Exhibit A – Ballot
- Resolution of Results of Election
  - Exhibit A – Statement of Votes Cast
  - Exhibit B – Annexation Map
  - Exhibit C – List of Properties

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-01 AND AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING THE LEVY OF TAX TO THE QUALIFIED ELECTORS**

**WHEREAS**, this Council, on September 21, 2016, adopted Resolution No. 16-155 (hereafter referred to as the "Resolution of Intention") stating its intention to annex territory to City of Madera Community Facilities District No. 2005-01 (hereafter referred to as "CFD No. 2005-01"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (hereafter referred to as the "Act");

**WHEREAS**, a copy of the Resolution of Intention, which states the authorized services to be provided and financed by CFD No. 2005-01, and a description and map of the proposed boundaries of the territory to be annexed to CFD No. 2005-01 ("Annexation No. 3"), is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein;

**WHEREAS**, on the 2nd of November, 2016, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to CFD No. 2005-01;

**WHEREAS**, at said hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to CFD No. 2005-01 and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held;

**WHEREAS**, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to CFD No. 2005-01 by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in CFD No. 2005-01, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to CFD No. 2005-01, or (iii) owners of one-half or more of the area of land in the territory proposed to be annexed to CFD No. 2005-01; and

**WHEREAS**, a boundary map for Annexation No. 3 to CFD No. 2005-01 has been filed with the County Recorder of the County of Madera, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council for the City of Madera as follows:

1. The above recitals are all true and correct.
2. All prior proceedings taken by this Council with respect to CFD No. 2005-01 and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act.
3. The description and map of the boundaries of the territory to be annexed to CFD No. 2005-01, on file with the City Clerk are hereby finally approved, are incorporated herein by

reference, and shall be included within the boundaries of CFD No. 2005-01, and said territory is hereby annexed to CFD No. 2005-01, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

4. The services which CFD No. 2005-01 is authorized to finance are in addition to those provided in or required for the territory within CFD No. 2005-01 and the territory to be annexed to CFD No. 2005-01 and will not be replacing services already available. A general description of the services to be financed is as follows:

Police protection services and fire protection and suppression services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police protection services and fire protection and suppression services and other services as defined herein, respectively, and (iv) City overhead costs associated with providing such services within the District. On each July 1 following the Base Year the increases attributed to salaries and benefits shall be calculated and limited to the increase based on the Annual Escalation Factor as provided in the Rate and Method of Apportionment of the Special Taxes. The Special Tax will finance Services that are in addition to those provided in or required for the territory within the District and will not be replacing services already available. The Special Tax provides only partial funding for police and fire services.

Park Maintenance of the City of Madera, including but not limited to, labor, material, administration, personnel, equipment, and utilities necessary to maintain park improvements within the District, including recreational facilities, trees, plant material, sod, irrigation systems, sidewalks, drainage facilities, weed control and other abatements, public restrooms, signs, monuments, and associated appurtenant facilities located within the District.

Storm drainage system maintenance and operations of the City of Madera, including but not limited to, labor, material, administration, personnel, equipment, and utilities necessary to maintain and operate the storm drainage system within the District.

5. It is the intention of this legislative body that, except where funds are otherwise available, a special tax sufficient to pay for said services to be provided in CFD No. 2005-01 and the territory proposed to be annexed as part of Annexation No. 3, secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 3, will be levied annually within the boundaries of Annexation No. 3 from and after the annexation of such property to CFD No. 2005-01. The special taxes shall be those as originally authorized through the formation of CFD No. 2005-01 and adopted by Ordinance of this legislative body, and no changes or modifications are proposed in the special taxes from those as originally set forth and made applicable to CFD No. 2005-01.

For particulars as to the rate and method of apportionment of the proposed special tax (the "RMA"), reference is made to the attached and incorporated Exhibit "A," which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within the

Annexation No. 3 to clearly estimate the maximum annual amount that said person will have to pay on said special tax.

6. The provisions of the Resolution of Intention of the City each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.

(a) Pursuant to the provisions of the Act, the proposition of the levy of the special tax within Annexation No. 3 shall be submitted to the voters within Annexation No. 3 at a special election called therefor as hereinafter provided. This Council hereby finds that fewer than 12 persons have been registered to vote within Annexation No. 3 for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within Annexation No. 3 and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in Annexation No. 3.

(b) Pursuant to Section 53326 of the Act, the election shall be conducted by mail ballot under section 1340 of the California Elections Code. The Council called a special election to consider the measures described and incorporated as Exhibit "B," which election will be conducted on November 2, 2016 (hereafter referred to as "Election Day"). The City Clerk is the election official to conduct the election and provided each landowner in the territory to be annexed to CFD No. 2005-01, a ballot in the form of Exhibit "B", which form is hereby approved. The City Clerk has accepted the ballots of the qualified electors received prior to 6:00 p.m. on Election Day, whether received by mail or by personal delivery.

(c) This Council hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters, that the voters have waived such requirement and the date for the election hereinabove specified is established accordingly.

**CITY OF MADERA  
COMMUNITY FACILITIES DISTRICT NO. 2005-1  
RATE AND METHOD OF APPORTIONMENT**

A Special Tax of Community Facilities District No. 2005-1 of the City of Madera (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing in Fiscal Year 2006-07 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

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

**"Act"** means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, c) park maintenance, d) storm drainage system operation and maintenance and other services as defined herein including but not limited to ambulance and paramedic services.

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

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



**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by assessor's parcel number.

**"Base Year"** means Fiscal Year ending June 30, 2007.

**"City"** means the City of Madera.

**"Council"** means the City Council of the City of Madera, acting as the legislative body of the District.

**"County"** means the County of Madera, California.

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

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

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

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

**"District"** means Community Facilities District No. 2005-1 of the City of Madera.

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

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

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Land Use Class"** means any of the classes listed in Table 1.

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

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

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

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

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

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

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

**"Special Tax"** means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

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

**"State"** means the State of California.

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

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

**"Undeveloped Property"** means, for each Fiscal Year, all Assessor's Parcels of Taxable Property not classified as Developed Property or Entitled Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator.

**"Unit"** means any separate residential dwelling unit in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use.

## **B. ASSIGNMENT TO LAND USE CATEGORIES**

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

**C. MAXIMUM SPECIAL TAX RATE**

**1. Developed Property**

**TABLE 1  
Maximum Special Tax for Developed Property  
Community Facilities District No. 2005-1**

<b>Land Use Class</b>	<b>Description</b>	<b>Maximum Special Tax Per Unit<sup>1</sup></b>
1	Developed Single-Family Residence	\$311 per Unit
2	Developed Multi-Family Residence	\$285 per Unit

<sup>1</sup> Maximum Special Tax includes Administrative Expenses.

**2. Entitled Property**

**TABLE 2  
Maximum Special Tax for Entitled Property  
Community Facilities District No. 2005-1**

<b>Land Use Class</b>	<b>Description</b>	<b>Maximum Special Tax Per Lot</b>
3	Entitled Property	\$166 per Lot

<sup>1</sup> Maximum Special Tax includes Administrative Expenses.

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

**3. Undeveloped Property**

No Special Tax shall be levied on Undeveloped Property

**4. Tax-Exempt Property**

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

**5. Multiple Land Use Classes**

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

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

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

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

**E. APPEALS**

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

**F. EXEMPTIONS**

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

**G. MANNER OF COLLECTION**

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

**H. TERM OF SPECIAL TAX**

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

**City of Madera**

**Community Facilities District No. 2005-1, (Public Services), Annexation No. 3**

**OFFICIAL BALLOT**

**SPECIAL TAX ANNEXATION ELECTION**

This ballot is for the special landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Madera no later than 6:00 o'clock p.m. on Wednesday, November 2, 2016 either by mail or in person. The City Clerk's office is located at City Hall, 205 W Forth Street, Madera, California, 93637.

To vote, mark in the voting square after the word "YES" or after the word "NO". For a list of acceptable marks, please refer to the back of this ballot.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Madera and obtain another.

**BALLOT MEASURE:** Shall the City of Madera, by and for its Community Facilities District No. 2005-1 (Public Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in the Resolution of Intention of the City of Madera adopted by its Council on September 21, 2016?

**YES:**

**NO:**

By execution in the space provided below, you also confirm your waiver of the time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326 (a) and 53327 (b) of the California Government Code.

Acres Owned Within Territory Annexed:

Number of Votes:

Property Owner:

Property Owner/Authorized Representative Signature: \_\_\_\_\_

## BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



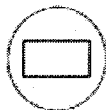
A dot or oval mark substantially inside a box;



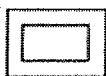
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

*Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.*

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF ANNEXATION NO. 3 OF CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01 A PROPOSITION REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 3 TO FINANCE POLICE PROTECTION SERVICES, FIRE PROTECTION AND SUPPRESSION SERVICES, PARK MAINTENANCE, AND STORM DRAINAGE SYSTEM OPERATION AND MAINTENANCE WITHIN THE DISTRICT**

**WHEREAS**, pursuant to Section 53325.1 of the California Government Code the City Council (the "City Council") of the City of Madera (hereafter referred to as the "City") has adopted the resolution authorizing the annexation of territory to City of Madera Community Facilities District No. 2005-01, County of Madera, State of California (hereafter referred to as "CFD No. 2005-01"); and

**WHEREAS**, by that resolution, the City Council called a special election on the propositions to be submitted to the voters of the territory proposed to be annexed to CFD No. 2005-01 (hereafter referred to as "Annexation No. 3") with respect to the levy of special taxes therein for the financing of police protection services, fire protection and suppression services, park maintenance, and storm drainage system operation and maintenance within CFD No. 2005-01; and

**WHEREAS**, pursuant to Section 53326 of the California Government Code, it is necessary that the City Council submit to the voters of Annexation No. 3 the annual levy of special taxes on taxable property within Annexation No. 3; and

**WHEREAS**, the Community Development Director has advised the City Council that the property owners of the subject parcels have reported to the City staff that all of the subject parcels are uninhabited with no voters registered at the subject parcel. City Staff has personally visited the sites and found that there are no occupied dwellings on the subject parcels. Staff has advised the City Council that the annexation area qualifies as uninhabited as there are less than 12 persons registered to vote within Annexation No. 3;

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council for the City of Madera Community Facilities District No. 2005-01, Annexation No. 3 as follows:

1. The City Council finds that: (i) the foregoing recitals are true and correct; (ii) 12 persons have not been registered to vote within the territory to be annexed to CFD No. 2005-01 for each of the 90 days preceding the close of the public hearing on November 2, 2016; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory to be annexed to CFD No. 2005-01, whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within Annexation No. 3 which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) the owners of all of the land in Annexation No. 3 by written consent (a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this resolution and the election on the propositions, (b) consented to the holding of the



election on November 2, 2016, (c) waived notice and mailed notice of the time and date of the election, (d) waived an impartial analysis by the City Attorney of the ballot propositions pursuant to Section 9280 of the California Elections Code and arguments and rebuttals pursuant to Sections 9281 to 9287, inclusive, and 9295 of that Code, and mailing of a statement pursuant to Section 9401 of that Code, and (e) waived a synopsis of the measures to be included in the official ballot for said elections pursuant to Section 12111 of that Code; and (f) the City Clerk (hereafter referred to as the "City Clerk") has consented to the holding of the election on November 2, 2016.

2. The City Council hereby calls and schedules a special election for November 2, 2016, on the proposition of the annual levy of special taxes on taxable property within Annexation No. 3 to CFD No. 2005-01 to finance police protection services, fire protection and suppression services, park maintenance, and storm drainage system operation and maintenance within Annexation No. 3 to CFD No. 2005-01.

3. The proposition to be submitted to the voters of Annexation No. 3 at such special election shall be as follows:

Shall the City of Madera, by and for its Community Facilities District No. 2005-01 (Public Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in the Resolution of Intention of the City of Madera adopted by its Council on September 21, 2016?

4. Except as otherwise provided in Section 5 hereof, the special election shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

5. The procedures to be followed in conducting the special election on the proposition with respect to the levy of special taxes on taxable property within Annexation No. 3 to CFD No. 2005-01, to pay for police protection services, fire protection and suppression services, park maintenance, and storm drainage system operation and maintenance within the District:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the Special Election shall be distributed to the qualified electors by the City Clerk by mail or by personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and in particular Division 4 (commencing with Section 4000) of that Code with respect to election conducted by mail, the City Clerk, or designated official shall mail or deliver to each qualified elector an official ballot in the appropriate form attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, a return identification envelope addressed to the City Clerk for the return of voted official ballots.

(c) The official ballot to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who

voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the proposition set forth in the official ballot as marked thereon in the voting square opposite such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within Annexation No. 3 to CFD No. 2005-01.

(d) The return identification envelope mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The information to voter form to be delivered by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 6:00 p.m. on the 2nd day of November 2016; provided that if all qualified electors have voted, the elections shall be closed with the concurrence of the City Clerk.

(f) Upon receipt of the return identification envelopes, which are returned prior to the voting deadline on the date of the elections, the City Clerk shall canvass the votes cast in the election, and shall file a statement with the City Council as to the results of such canvass and the election on the proposition set forth in the official ballot.

**Exhibit A**

**City of Madera**

**Community Facilities District No. 2005-01, (Public Services), Annexation No. 3**

**OFFICIAL BALLOT**

**SPECIAL TAX ANNEXATION ELECTION**

This ballot is for the special landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Madera no later than 6:00 o'clock p.m. on Wednesday, November 2, 2016 either by mail or in person. The City Clerk's office is located at City Hall, 205 W Forth Street, Madera, California, 93637.

To vote, mark in the voting square after the word "YES" or after the word "NO". For a list of acceptable marks, please refer to the back of this ballot.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Madera and obtain another.

**BALLOT MEASURE:** Shall the City of Madera, by and for its Community Facilities District No. 2005-01 (Public Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in the Resolution of Intention of the City of Madera adopted by its Council on September 21, 2016?

**YES:**

**NO:**

By execution in the space provided below, you also confirm your waiver of the time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326 (a) and 53327 (b) of the California Government Code.

Acres Owned Within Territory Annexed:

Number of Votes:

Property Owner:

Property Owner/ Authorized Representative Signature: \_\_\_\_\_

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, MAKING CERTAIN FINDINGS, CERTIFYING THE RESULTS OF A SPECIAL ELECTION AND ADDING THE TERRITORY IDENTIFIED AS ANNEXATION NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 2005-01**

**WHEREAS**, the City Council of the City of Madera (the "City Council"), has previously formed a Community Facilities District pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, said Article 3.5 thereof. The existing Community Facilities District being designated as Community Facilities District No. 2005-01 (hereafter referred to as CFD No. 2005-01); and,

**WHEREAS**, the City Council initiated proceedings to annex certain territory to Community Facilities District No. 2005-01 (hereafter referred to as "Annexation No. 3"); and

**WHEREAS**, at this time the unanimous consent to the annexation of Annexation No. 3 has been received from the property owner or owners of such territory; and

**WHEREAS**, less than twelve (12) registered voters have resided within the territory of Annexation No. 3 for each of the ninety (90) days preceding November 2, 2016, therefore, pursuant to the Act the qualified electors of Annexation No. 3 shall be the "landowners" of Annexation No. 3 as such term is defined in Government Code Section 53317(f) and each such landowner who is the owner of record, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that she or he owns within Annexation No. 3; and

**WHEREAS**, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on the property within Annexation No. 3 to the qualified electors of Annexation No. 3 and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified electors of Annexation No. 3; and

**WHEREAS**, the City Clerk of the City of Madera has caused ballots to be distributed to the qualified electors of Annexation No. 3, has received and canvassed such ballots and made a report to the City Council regarding the results of such canvas, a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and

**WHEREAS**, at this time the measures voted upon did receive the favorable 2/3's vote of the qualified electors, and the City Council desires to declare the results of the election; and

**WHEREAS**, a map showing the territory to be annexed and designated as Annexation No. 3 (hereafter referred to as the "Annexation Map"), a copy of which is attached as Exhibit B hereto and incorporated herein by this reference, and a list of Assessor Parcel Numbers and landowners, a copy of which is attached as Exhibit C hereto and incorporated herein by this reference, has been submitted to the City Council.

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council for the City of Madera Community Facilities District No. 2005-01, Annexation No. 3 as follows:

1. The above recitals are all true and correct.
2. This City Council does hereby determine as follows:

(a) The unanimous consent to the annexation of Annexation No. 3 to CFD No. 2005-01 has been given by all of the owners within Annexation No. 3 and such consent shall be kept on file in the Office of the City Clerk.

(b) Less than twelve (12) registered voters have resided within the territory of Annexation No. 3 for each of the ninety (90) days preceding November 2, 2016, therefore, pursuant to the Act the qualified electors of Annexation No. 3 shall be the "landowners" of such Annexation No. 3 as such term is defined in Government Code Section 53317(f).

(c) The qualified electors of Annexation No. 3 have unanimously voted in favor of the levy of special taxes within Annexation No. 3 upon its annexation to CFD No. 2005-01.

3. The boundaries and parcels of territory within Annexation No. 3 and on which special taxes will be levied in order to pay for the costs and expenses of authorized public services are shown on the Annexation Map as submitted to and hereby approved by this City Council.

4. The City Council does hereby determine and declare that Annexation No. 3 is now added to and becomes a part of CFD No. 2005-01. The City Council, acting as the legislative body of CFD No. 2005-01, is hereby empowered to levy the authorized special tax within Annexation No. 3.

5. Immediately upon adoption of this Resolution, notice shall be given as follows:

An Amendment No. 3 to the Amended Notice of Special Tax Lien shall be recorded in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.

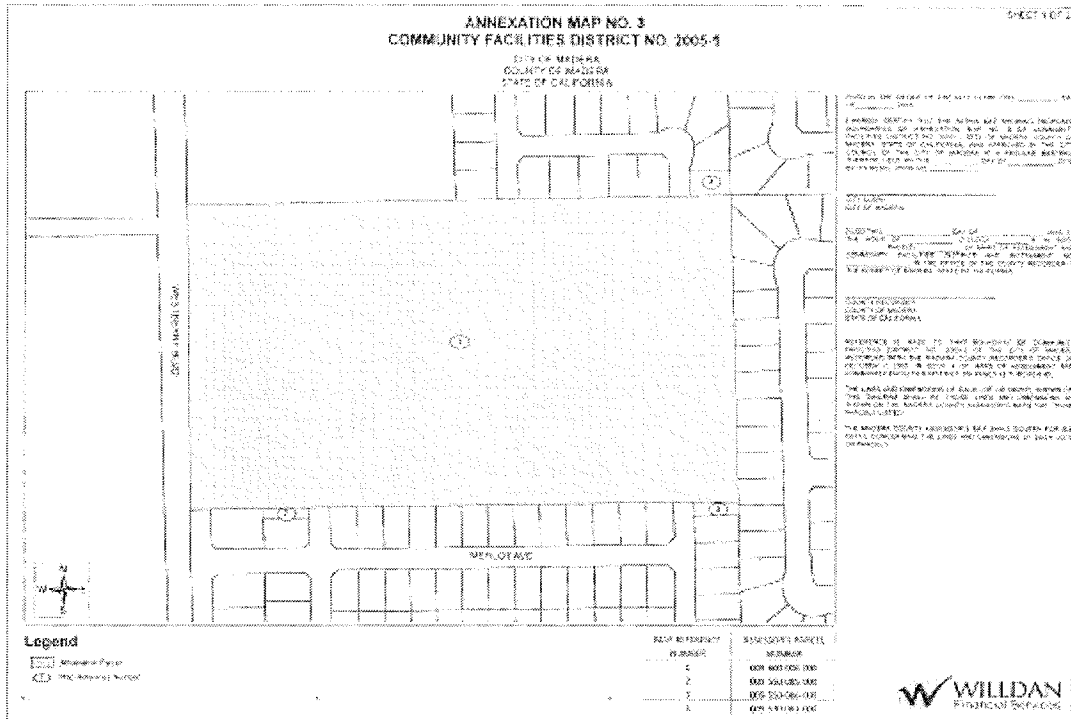


# Exhibit B

## Annexation Map

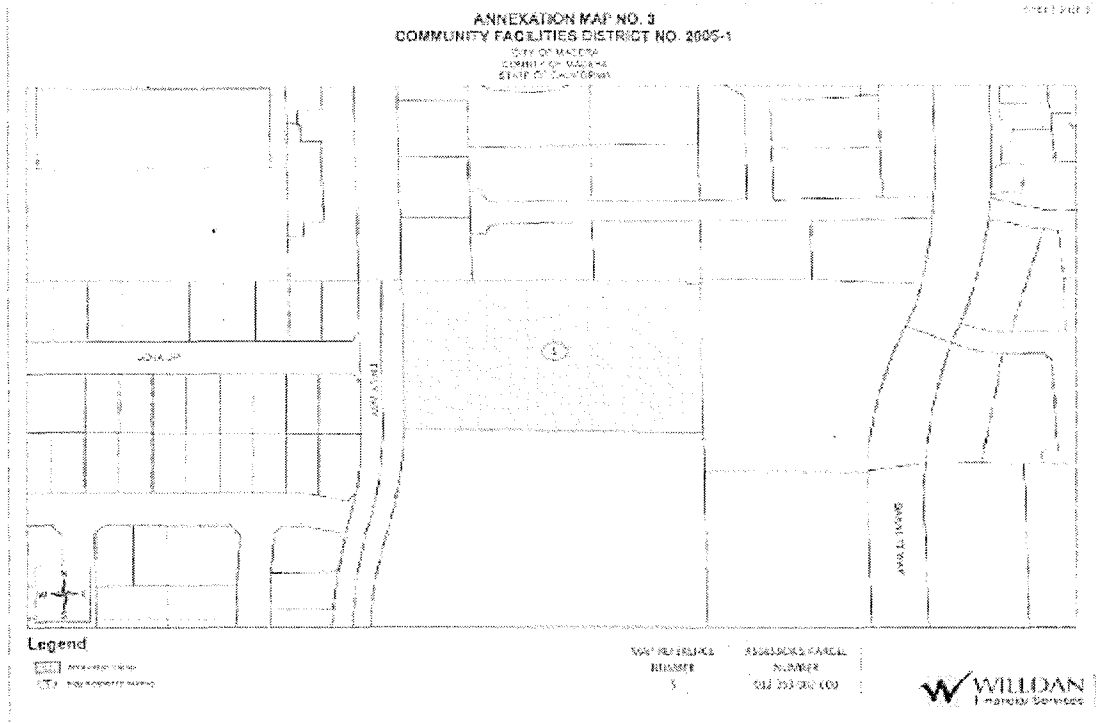
Boundary Map of Annexation No. 3 to City of Madera Community Facilities District No. 2005-1

Capistrano 16



Boundary Map of Annexation No. 3 to City of Madera Community Facilities District No. 2005-01

Emily Way Apartments

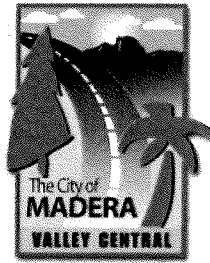




## Exhibit C


### List of Properties to be Annexed

<u>APN(s)</u>	<u>Landowner(s)</u>
009-600-006-000	Joseph Crown Development
009-550-085-000	Joseph Crown Development
009-550-086-000	Joseph Crown Development
009-530-061-000	Joseph Crown Development
012-253-002-000	McClure Enterprises, Inc.



## REPORT TO CITY COUNCIL

Approved By:

  
Department Director

Council Meeting of November 2, 2016

Agenda Item Number E-1

  
City Administrator

**SUBJECT: CONSIDERATION OF REQUEST BY THE MADERA CEMETARY DISTRICT TO ALLOW FOR THE DEEPENING OF ONE OF THEIR WELLS IN LIEU OF CONNECTING TO THE CITY'S WATER SYSTEM**

### RECOMMENDATION:

Staff recommends that the Council review the information presented in this report, and if it concurs that unique circumstances exist to justify the deepening of the existing on-site well, direct staff to prepare a letter to Madera County's Development / Environmental Health Division outlining the City's consent.

### SUMMARY:

The Madera Cemetery District (MCD) has submitted a written request for City authorization to allow the Madera County Development / Environmental Health Division to issue a permit to deepen an existing but failing water well at the Arbor Vitae Cemetery. The cemetery is located to the west of State Route 99 generally bounded by Central Avenue, Roberts Avenue and a subdivision to the west. The cemetery has two wells. The cemetery's small well, at a depth of 150 feet, currently has a water level of approximately 145. The MCD has provided a summary of the impacts within the attached letter that might occur should the well fail without establishing a new source of water. Though the proposal is counter to the City's policy that failing on-site wells should be abandoned in lieu of connecting to the municipal water system, Staff does not disagree that there are unique circumstances associated with the request that may reasonably support approval of the request.

### DISCUSSION:

Requests for new or deepened wells are a relatively common occurrence with such requests numbering between 5 and 10 a year. Typically, requests are denied based on City policy that private wells only be allowed within the City if they existed prior to annexation into the City. The Council provided direction on this issue during a 2013 discussion addressing a variety of City requirements for newly annexed parcels. At that time, the Council provided positive feedback with regard to one provision that would allow for property owners to be given the option of either constructing well improvements or extending water lines if the cost of extending a water line would substantially exceed the cost of well improvements. Because the County of Madera is responsible for actually issuing a well permit within the City or within 500 feet of the City limits, they will not issue a permit, including this one, unless the City Engineer provides written approval to the well improvements.

### Engineering

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

[www.madera-ca.gov](http://www.madera-ca.gov)

### Basis for Current Connection Policy

There are at least three primary reasons why the City and policy does not typically support new or deepened wells:

1. Depending on the well depth and demand, it may compete with and jeopardize nearby City municipal wells,
2. Private wells represent an uncontrolled and un-monitored use of one of the City's most precious resources (metering is not currently a requirement of wells),
3. Private Wells may represent a concern relative to health and safety of City residents as the wells represent an unprotected and again un-monitored link to the water table.

The Arbor Vitae Cemetery is completely within the City limits and is surrounded by development on all sides. It is also within a quarter mile of the recently reactivated City Well #18 and one half mile of two other City wells. With a current irrigation demand of approximately 260 gallons per minute (GPM) and a stated use of nearly 24 hours, the cemetery water use impacts can be described in different ways depending on the assumption of how it receives its water. Under existing conditions, it represents, for lack of a better word, competition to the City's municipal well system. If it were to be connected to the City system, its 260 GPM demand represents about 20% of an average City well production of 1,300 GPM. At an average cost of \$1,500,000 per well (based on past wells dating to 2008), connection to the City system has a monetary impact on the Water Fund. Public Works has also reviewed this request and indicated that it would be difficult to quantify the effects of this request on the City's water system; particularly the water table adjacent to City wells.

### Unique Conditions Identified in Support of Well Deepening Request

As indicated previously, the Madera Cemetery District (MCD) has submitted a written request as well as other attached supporting documentation. One of the cited concerns from the MCD is that they currently irrigate using a water pressure of 70 psi. Because the City typically does not guarantee a pressure much beyond 40 psi and the cemetery is nearly 600 feet to a City main, staff does acknowledge that they would likely be required to make significant and costly modifications to the existing cemetery irrigation system and/or the City's adjacent water system. This aspect of the request in principle meets the current application of the City's policy in that connecting to the City water system appears to be substantially more expensive than deepening of the existing well. As such, this would seem to support or allow a delay (in this case indefinitely) a requirement to connect to the City system. The written request also notes the potential for physical impacts to gravesites due to irrigation changes and operational impacts to funeral services that may include delays to burials. Staff acknowledges these unique conditions and does not disagree that they may provide a reasonable basis to allow deepening and continued utilization of an on-site well.

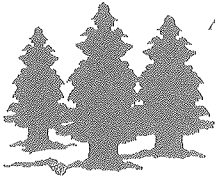
It should be noted that, if approved, this would be considered a unique circumstance and staff would continue to address future requests similar to current practice.

### **FISCAL IMPACT:**

The monetary impact is difficult to establish. As indicated, water demand represents a significant portion of an average City well. Replacement of that capacity would come in the form of a new well that would also service other facilities; both current and future. While the Madera Cemetery District would pay water rates if connected to the City, the portion of rates paid associated with replacement facilities such as wells would require years to reimburse the water fund for the portion of a water well capacity that will ultimately need to be replaced.

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

Depending on the decision of City Council, consistency with the Vision Plan is either met or not met relative to Action 434.1 - *Increase water-usage monitoring through meter reading and water-patrol to increase conservation.*



# Madera Cemetery District

*A Public Cemetery / Endowment Care Cemetery*

1301 Roberts Ave.  
P.O. Box 477  
Madera, CA 93639  
Phone (559) 674-8826  
FAX (559) 674-3237  
E-mail: madcem@yahoo.com  
Website: www.maderacemetery.com

MAURICE CAPPELLUTI  
Chairperson

JIM HARPER  
Vice Chairperson

LOIS BETTY  
Trustee

DAVID G. NEMETH  
Trustee

CANDY TALLEY  
Trustee

BELVA BARE  
District Manager

**October 24th, 2016**

**Keith Helmuth  
Madera City Engineer  
205 W. Fourth Street  
Madera, Ca. 93637**

**Regarding: Rejuvenating small well Arbor Vitae Cemetery  
To be presented to the City Council for approval**

Madera Cemetery District operates and maintains five cemeteries in Madera County. Arbor Vitae, Calvary, Oakhurst, North Fork and Raymond. All cemeteries are on their own well system, excluding Raymond. The Arbor Vitae Cemetery is located in the city of Madera.

Madera Cemetery District provides 450-500 burials per year, with Arbor Vitae having the largest amount of burials per cemetery. Madera Cemetery District was formed in 1944 by the Madera County Board of Supervisors.

Our small well at the Arbor Vitae Cemetery is currently at 150 feet; our water level is at 145 feet. We need to drill deeper to maintain this well. This well has been supplying water since 1946 with no major issues.

We are requesting to drill to 320 feet.

Here is information regarding why the Arbor Vitae Cemetery needs to continue with our own well system:

- The Arbor Vitae Cemetery has 30 acres to irrigate with 100's of trees.
- We currently irrigate with non potable water.
- We irrigate daily in order to have coverage of the 30 acres.
- We have to irrigate properly in order to have burial in a timely manner.
- Madera Cemetery District has reduced its water usage by 44 percent since 2014.
- Burials normally take 3-4 hours with normal irrigation. Without our normal irrigation burials will take 4-6 hours to prepare due to hard pan factor. We have up to five burials per day
- We will not be able to accommodate families for burials in a timely manner. (Additional cost for families) The public will have an increase in burial charges from the funeral home due to wait conditions.
- Burials could be postponed for up to 4 to 5 days depending on the ground conditions.

ARBOR VITAE CEMETERY  
1301 Roberts Ave., Madera, CA 93637

CALVARY CEMETERY  
28447 Avenue 14, Madera, CA 93638

RAYMOND CEMETERY  
Road 607, Raymond, CA 93653

NORTH FORK CEMETERY  
32823 Road 228, North Fork, CA 93643

OAKHILL CEMETERY  
40188 Hwy. 41, Oakhurst, CA 93644

- Cost of water will be passed on to the public. The public will have a large increase in burial charges.
- Disturbing gravesite to hook up to city. Contacting families to inform them that we will need to access their family member's gravesite in order to run piping. Additional grieving, distress to families.
- Madera Cemetery District is noted as one of the top five cemeteries in the State of California due to the planning, beautification and maintenance.
- Loss of trees due to lack of water, taking away the noted top five cemetery districts in the State.
- We charge endowment care as per Health and Safety Code Article 2 Number 8725. The Endowment care as stated by the State of California is a portion of the purchase price of the grave is contributed to an endowment care fund. Income from the endowment care fund is used to provide regular care and maintenance at the cemetery. Regular care and maintenance activities can include: cutting grass, regrading of graves, planting and caring for trees, maintenance of water supply systems, roads, drainage, etc. The minimum amount to be contributed to the endowment care fund is normally governed by law.
- Our water pressure is at 70 psi.
- City water pressure is at 40 psi, it would not provide proper coverage or volume to maintain irrigation practices.
- We are considered as agriculture land.
- Madera Cemetery District is not a park or a school. We are unique in what we provide and how we serve the public.

Madera Cemetery District prides its self on serving the public with dignity and honor with every person that comes through our gates. To provide a beautiful peaceful place for burial of their loved ones. We strive to keep the costs down for the families we serve.

Respectfully submitted:  
Belva Bare  
District Manager  
Madera Cemetery District  
1301 Roberts Ave  
Madera, Ca. 93637  
559 674-8826

## Cemetery Districts in the State of California Well information

**Clovis Cemetery District** is on their own well system. The City of Clovis just recently allowed them to drill a new well. The justification for the Cemetery and the City of Clovis is that irrigation water should not be potable water.

**Merced Cemetery District** is on their own well system. Merced Cemetery District was connected to City water. Merced reconnected to their own well system for irrigation purposes of non potable water. They are located in the City of Merced.

**Visalia Cemetery District** is on their own well system. They are located in the City of Visalia. Their well system is for irrigation only non potable water.

**Selma Cemetery District** is on their own well system. They are located in the City of Selma. Their well system is for irrigation only non potable water.

**San Jacinto Valley Cemetery District** just recently disconnected from the City to access to access their own well. Due to use of non potable water for irrigation.

**Chowchilla Cemetery District**, just drilled a well two years ago with no adverse problems.