

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

NOTICE AND AGENDA

**Wednesday, February 4, 2015
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

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

INVOCATION: Chaplain Mike Unger, Madera Rescue Mission

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 – 12/17/14, 1/07/15

B-2 Information Only – Warrant Disbursement Report

- B-3 Consideration of a Resolution Consenting to a Short Sale for a HOME-Assisted First Time Homebuyer and Authorizing the City Administrator to Sign the Subordinate Lien Approval Letter (Report by Daniel Abdella)
- B-4 Consideration of a Resolution Appointing William Jacobsen and Nick Davis to the City of Madera Airport Advisory Commission (Report by Dave Randall)

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

- C-1 Public Hearing and Consideration of a Resolution Adopting a Negative Declaration Prepared in Accordance with the California Environmental Quality Act and Approving a Precise Plan for the Development of a Fifty-Four (54) Unit Multifamily Apartment Complex

And

Introduction of an Ordinance Rezoning 2.39-acres Located on the East Side of Emily Way at its Intersection with Joya Drive from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District (Report by Chris Boyle)

- C-2 Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines (Report by Brent Richardson)
- C-3 Consideration of a Resolution Approving a Labor Management Workers' Compensation Alternative Dispute Resolution Agreement Between the City of Madera and the Madera Police Officers' Association and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- C-4 First Reading and Consideration of Introduction of an Ordinance Amending Section 7 of Chapter 9 of Title I of the Madera Municipal Code Pertaining to Notice (Report by Brent Richardson)

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

- E-1 Consideration of the City of Madera Investment Report for the Quarter Ending December 31, 2014 for Approval and Acceptance (Report by Tim Przybyla)

F. COUNCIL REPORTS

G. CLOSED SESSION

There are no items for this section.

ADJOURNMENT – Next regular meeting February 18, 2015

Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4th Street, Madera, California 93637 during normal business hours.

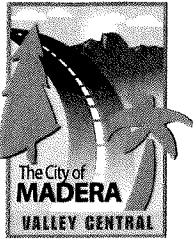
The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.

Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5405.

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 February 4, 2015, near the front entrances of City Hall at 3:00 p.m. on January 30, 2015.



Sonia Alvarez, City Clerk



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

December 17, 2014
6:00 p.m. – Closed Session
6:30 p.m. – Regular Session

Council Chambers
City Hall

6:00 p.m. CALL TO ORDER CLOSED SESSION

The closed session for 12/17/14 was called to order by Mayor Poythress at 6:00 p.m.

ROLL CALL:

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

PUBLIC COMMENT: Closed Session

The first fifteen minutes of this portion of the meeting are reserved for members of the public to address the Council on Closed Session items listed on the Agenda. Speakers seeking to comment on other items are requested to make those comments during the Public Comment portion of the meeting at 6:30 p.m. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

No comments were offered.

A. CLOSED SESSION *Closed Session items not concluded prior to the Regular Session may be continued at the end of the Regular Session.*

A-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session pursuant to GC §54956.9(d)(2) in two cases to discuss conference with legal counsel in anticipated litigation as described under item A-2; and pursuant to GC §54956.9 (d)(1) in one case to discuss conference with legal counsel in existing litigation as described under item A-3.

The Council adjourned to closed session at 6:01 p.m.

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

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

One case: Claudine Lozano v. City of Madera, et al.
MCV 067983

A. RECONVENE CLOSED SESSION

A-4 Closed Session Report – City Attorney

The Council returned from closed session at 6:19 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to GC §54956.9(d)(2) in two cases to discuss conference with legal counsel in anticipated litigation as described under item A-2 and reported that no reportable action was taken; and pursuant to GC §54956.9 (d)(1) in one matter to discuss conference with legal counsel in existing litigation as described under item A-3 and reported that no reportable action was taken.

RECESS

Mayor Poythress called a recess at 6:20 p.m.

6:30 p.m. CALL TO ORDER REGULAR SESSION

The regular session for 12/17/14 was called to order by Mayor Poythress at 6:30 p.m.

ROLL CALL:

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

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, Grant Administrator Daniel Abdella, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Procurement Services Manager Becky McCurdy, Planning Manager Chris Boyle, Commander Dino Lawson, and Wastewater Treatment Plant Manager Humberto Molina.

INVOCATION: Pastor Garland Wilson, New Generation

The invocation was given by Pastor Roger Leach from Valley West Christian Center due to the absence of Pastor Garland Wilson.

PLEDGE OF ALLEGIANCE: Mayor Poythress 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.

Ryan McWherter, Executive Director of the Madera County Food Bank, invited everyone to a huge event they are having tomorrow. They are partnering with TPI/Nutra Blend which is located in Madera. They have a 53 foot trailer in the Walmart Shopping Center parking lot. They want to bring awareness to food insecurity in Madera County. He advised that there will be a theater inside the trailer and it can hold 25 people at a time. They will be showing a video explaining food insecurity in the United States. He will also be speaking about the food bank. After that they will be giving away pulled pork sandwiches. He noted this is a good thing to see to know what is going on not only in the United States with food insecurity but bring more awareness about what is going on right here in Madera. Mr. McWherter advised that the event is from 10:00 a.m. to 2:00 p.m. He added that Goldberg and Sawyer Brown are the spokespersons for this.

Mayor Poythress asked if there are any other members of the public who would like address the Council. No other requests were made and Mayor Poythress closed the public comment.

Mayor Poythress advised that the City Clerk has a late distribution announcement.

City Clerk Sonia Alvarez announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda items were distributed to the council less than 72 hours before this meeting. Under Section B, consent calendar item B-7, subject matter is a resolution approving an agreement with Reinard Brandley, a revised report, resolutions, and agreement were distributed to the Council this evening. Under Section E, administrative reports item E-2, subject matter is a resolution authorizing appointments to the CDBG Review and Advisory Committee, a revised resolution was distributed to the Council this evening. Ms. Alvarez advised that extra copies are available at the podium for members of the public wishing a copy.

B. CONSENT CALENDAR

B-1 Minutes – 12/03/14

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Approving an Agreement with Sensus USA Inc. for Sensus Flexnet AMI Software Upgrade and Software Maintenance and Authorizing the Mayor to Sign the Agreement on Behalf of the City of Madera (Report by Dave Randall)

B-4 Consideration of a Resolution Approving Amendment #1 to the FY 2014-15 Adult Day Care Contract between the City and the Fresno-Madera Area Agency on Aging (FMAAA) and Authorizing the Mayor to Execute the Amendment to the Agreement on Behalf of the City

And

Consideration of a Resolution Amending the FY 2014-2015 Fund 49100 – Senior Citizens Transportation/Day Care/Centers Program Budget to Recognize \$3,400 in Additional Revenue (Report by Mark Etheridge)

B-5 Consideration of a Resolution Approving an Agreement with Krazan & Associates, Inc., for Professional On-Demand Services for Quality Assurance and Acceptance Testing for the City of Madera South Pine Street & West Pecan Avenue Improvements Project, City Project No. St 14-05 and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

B-6 Consideration of a Minute Order Rejecting a Claim filed by Sheila Bess (Report by Wendy Silva)

- B-7 Consideration of a Resolution Approving an Agreement with Reinard W. Brandley for Professional Services for the Design Engineering Work for the Apron Reconstruction Phase II and Supplemental Drainage Project at the Madera Municipal Airport and Authorizing the Mayor to Execute the Agreement on Behalf of the City

And

Consideration of a Resolution Amending the Fiscal Year 2014-15 Airport Budget and Appropriating Funds to Specified Accounts for the Design Engineering Work for the Apron Reconstruction Phase II and Supplemental Drainage Project (Report by Dave Randall)

- B-8 Consideration of a Resolution Amending the FY 2014/15 Annual Budget to Increase Expenditure Allocations in the Water System Utility Fund Budget to Fund Drought Related Water Well Maintenance Issues (Report by Dave Randall)
- B-9 Consideration of a Resolution Approving an Agreement with Christopher Tharp dba Transierra Technology for Lease of Property and the Hangar and Workshops Thereon Located at the Madera Municipal Airport and Authorizing the Mayor to Execute the Agreement on Behalf of the City of Madera (Report by Dave Randall)
- B-10 Consideration of a Resolution of the City Council of the City of Madera, California Authorizing Amendments to the Capital Fund Budget Appropriating Additional Water Utility Funds for the Well 18 Rehabilitation Project No. W 12-01

And

Consideration of a Minute Order Approval Increasing the Allowable Contingencies for the Existing Well 18 Rehabilitation Project No. W12-01 (Report by Keith Helmuth)

- B-11 Consideration of a Resolution Amending the FY 2014-15 Capital Improvement Program Budget to Reflect the Addition of Three Parks and Community Services Grant Funded Projects (Report by Mark Etheridge)
- B-12 Consideration of a Resolution of the City Council of the City of Madera to Approve a License from the U.S. Bureau of Reclamation, Contract No. 14-LC-20-0615, for Use of Bureau Right-of-Way for the Construction, Operation, and Maintenance of the Laurel Street Bike Path, Sunset Avenue to Fresno River Trail, and Authorize the Mayor to Execute the License on Behalf of the City (Report by Keith Helmuth)
- B-13 Consideration of a Resolution Approving an Agreement with Synagro-WWT, Inc. for Sludge Hauling and Disposal Services from the Wastewater Treatment Plant and Authorizing the Mayor to Sign on Behalf of the City (Report by Dave Randall)
- B-14 Consideration of a Resolution Approving an Agreement with the Natural Gas Vehicle Institute for Delivery of Natural Gas Vehicle Maintenance and Diagnostic Training to our Fleet Department and Authorizing the Mayor to Execute the Agreement (Report by Daniel Abdella)
- B-15 Consideration of a Resolution Approving the Award of Contract for the Dual Left Turn Lanes, Schnoor Avenue and Cleveland Avenue Federal Project No. CML 5157 (079) City Project No. ST 11-04 in the Amount of \$175,613 to Dawson-Mauldin Construction, Authorizing Construction Contingencies of Up to 15% and Construction Inspection and Management of Up to 15%, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Keith Helmuth)

- B-16 Consideration of a Resolution Approving Participation with the Madera County Workforce Investment Corporation in an On The Job Training Program, and Authorizing the City Administrator to Sign Reoccurring Agreements Related to the Program (Report by Dave Randall)

Mayor Poythress asked if members of the Council wish to pull any items from the consent calendar for further discussion or elaboration.

Mayor Pro Tem Oliver requested item B-8 pulled for further discussion.

Mayor Poythress asked if there are any other items. No other requests were made and Mayor Poythress stated he would accept a motion for action on the remaining consent calendar items.

ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-8, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

- RES. NO. 14-217 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH SENSUS USA INC FOR SENSUS FLEXNET AMI SOFTWARE UPGRADE AND SOFTWARE MAINTENANCE AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF MADERA**
- RES. NO. 14-218 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT #1 TO THE FY 2014-15 ADULT DAY CARE CONTRACT BETWEEN THE CITY AND THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 14-219 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE FY 2014-2015 FUND 49100 – SENIOR CITIZENS TRANSPORTATION/DAY CARE/CENTERS PROGRAM BUDGET TO RECOGNIZE \$3,400 IN ADDITIONAL REVENUE**
- RES. NO. 14-220 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH KRAZAN & ASSOCIATES, INC., FOR PROFESSIONAL ON-DEMAND SERVICES FOR QUALITY ASSURANCE AND ACCEPTANCE TESTING FOR THE CITY OF MADERA SOUTH PINE STREET & WEST PECAN AVENUE IMPROVEMENTS PROJECT, CITY PROJECT NO. ST 14-05 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 14-221 RESOLUTION APPROVING AN AGREEMENT WITH REINARD W. BRANDLEY FOR PROFESSIONAL SERVICES FOR THE DESIGN ENGINEERING WORK FOR THE APRON RECONSTRUCTION PHASE II AND SUPPLEMENTAL DRAINAGE PROJECT AT THE MADERA SUPPLEMENTAL DRAINAGE PROJECT AT THE MADERA MUNICIPAL AIRPORT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 14-222 RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2014-15 AIRPORT BUDGET AND APPROPRIATING FUNDS TO SPECIFIED ACCOUNTS FOR THE DESIGN ENGINEERING WORK FOR THE APRON RECONSTRUCTION PHASE II AND SUPPLEMENTAL DRAINAGE PROJECT**

- RES. NO. 14-223** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A LEASE AGREEMENT WITH CHRISTOPHER THARP DBA TRANSIERRA TECHNOLOGY FOR LEASE OF PROPERTY AND THE HANGAR AND WORKSHOPS THEREON LOCATED AT THE MADERA MUNICIPAL AIRPORT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF MADERA
- RES. NO. 14-224** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AMENDMENTS TO THE CAPITAL FUND BUDGET APPROPRIATING ADDITIONAL WATER UTILITY FUNDS FOR THE WELL 18 REHABILITATION PROJECT
- RES. NO. 14-225** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE FY 2014-15 CAPITAL IMPROVEMENT PROGRAM BUDGET TO REFLECT THE ADDITION OF THREE PARKS AND COMMUNITY SERVICES GRANT FUNDED PROJECTS
- RES. NO. 14-226** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA TO APPROVE A LICENSE FROM THE U.S. BUREAU OF RECLAMATION, CONTRACT NO. 14-LC-20-0615, FOR USE OF BUREAU RIGHT-A-WAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE LAUREL STREET BIKE PATH, SUNSET AVENUE TO FRESNO RIVER TRAIL, AND AUTHORIZING THE MAYOR TO EXECUTE THE LICENSE ON BEHALF OF THE CITY
- RES. NO. 14-227** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA AWARDDING A BID AND APPROVING AN AGREEMENT FOR SLUDGE HAULING AND DISPOSAL SERVICE WITH SYNAGRO-WWT, INC., AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT AND RELATED DOCUMENTS
- RES. NO. 14-228** RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH THE NATURAL GAS VEHICLE MAINTENANCE AND DIAGNOSTICS TRAINING TO THE FLEET DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
- RES. NO. 14-229** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR THE DUAL LEFT TURN LANES, SCHNOOR AVENUE AND CLEVELAND AVENUE FEDERAL PROJECT NO. CML 5157 (079) CITY PROJECT NO. ST 11-04 IN THE AMOUNT OF \$175,613 TO DAWSON-MAULDIN CONSTRUCTION, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 15% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 15%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY
- RES. NO. 14-230** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING PARTICIPATION WITH THE MADERA COUNTY WORKFORCE INVESTMENT CORPORATION IN AN ON THE JOB TRAINING PROGRAM, AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN REOCCURRING AGREEMENTS RELATED TO THE PROGRAM

Mayor Poythress called item B-8 for discussion.

B-8 Consideration of a Resolution Amending the FY 2014/15 Annual Budget to Increase Expenditure Allocations in the Water System Utility Fund Budget to Fund Drought Related Water Well Maintenance Issues

Public Works Operations Director Dave Randall advised that this item has to do with their wells. They are probably all aware that they had a little problem with their wells relative to the drought and conditions they have run into. They have had to expend a considerable amount of money that they normally would not expend on repairing some wells. He advised that Well 21 was down and it has been put back in service. He added that Well 27 is being finished up and there is a related item from Engineering on Well 18. He commented that this unfortunately is going to be a little bit of a pattern for a while that they have unexpected expenditures. He commented that it is just a change in how some of their aquifers are operating.

Mayor Pro Tem Oliver stated he wanted to double check on the \$61,000 and asked if that would go specifically to Well 27 or to cover the maintenance costs across the system.

Mr. Randall responded that it is their normal operating funds that they use to do well maintenance. They used it on those two wells so it is just basically replacing what they borrowed to take care of those two unique problems. He added that just today he found another problem that is going to cost them \$10,000 to fix but that is just the nature of dealing with that size of infrastructure issues.

Mayor Poythress stated he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM B-8, RES. NO. 14-231, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 14-231 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2014/15 ANNUAL BUDGET TO INCREASE EXPENDITURE ALLOCATIONS IN THE WATER SYSTEM UTILITY FUND BUDGET TO FUND DROUGHT RELATED WATER WELL MAINTENANCE ISSUES

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

C-1 Public Hearing and Consideration of a Resolution of the City Council of the City of Madera, California Adopting the Madera Regional Groundwater Management Plan on Behalf of the City of Madera

Community Development Director David Merchen stated they may recall that in January of 2013, the Council entered into an MOU with the County of Madera to participate in the preparation of the Groundwater Management Plan. They also, at that point, authorized the City to participate in the funding in the amount of \$20,000. He noted that other partners which simultaneously joined the effort, in addition to the City and County, include the City of Chowchilla, the Madera Irrigation District, the Chowchilla Water District and South-East Madera County United (SEMCU) which is a consortium of property owners in southeastern Madera County. He advised that about 1 ½ years ago the plan was completed. It was finished late November and is ready for adoption by each of the participating agencies. He noted that a public hearing is required in order to adopt.

Mr. Merchen commented that the Groundwater Management Act encourages local agencies to work cooperatively to manage groundwater resources within respective jurisdictions. He added that the Groundwater Management Plan which is the subject of this evening's action is a primary tool for that collaborative planning process. He advised that it is commonly referred to as 3030 Plan. They may have heard that mentioned at some time and that refers to the enabling legislation. He commented that as they talked about groundwater issues, over primarily the last couple of years, the City does not have the ability to unilaterally control its water resources. They don't control the groundwater underneath them and they don't have sources of surface water at their disposal so the importance for the City to collaborate

with the local stakeholders is real and significant to them. He advised that this is one of the efforts that is important for them to demonstrate their commitment to that collaborative process.

Mr. Merchen stated that the goal of the Groundwater Management Plan is to provide the framework and technical data to allow for effective groundwater management which moves to restore where possible, and to maintain a high quality and dependable groundwater resource. He noted that the plan documents existing groundwater management efforts throughout the study areas that are already underway as well as those strategies which are planned but not yet implemented. He stated that even though they are talking about a regional management effort, a regional planning effort, there are some strategies which apply to specific areas within the overall Groundwater Management Plan boundaries more than others and it is important to note that although this is a collaborative process or maybe because it is a collaborative process each of the participating agencies retains whatever sovereignty it had over its groundwater resources before the plan was prepared. He noted that it is a planning tool, a strategic tool but not necessarily a process resulting in the dedication of any sovereignty that any agency had.

Mr. Merchen commented that the Groundwater Management Plan provides information and strategies to assist the City and other local stakeholders with efforts to achieve the basin objectives which are identified in the plan. He advised that those primarily addressed the overdraft conditions and the things that go along with those overdraft conditions like substance and subsidence on the west side.

Mr. Merchen advised that there are both strategies and related actions and a list of projects that have the capability to improve groundwater conditions over time identified in the plan. He commented that it is hoped that those projects would become eligible for grant funding for the agencies that have the ability to implement the projects.

Mr. Merchen commented that as mentioned, this is one of a couple of efforts that are important to them. There are a couple of other efforts that will be presented to them in short order including another plan called the Integrated Regional Water Management Plan (IRWMP). He advised that is a plan being prepared by the Regional Water Management Group which is yet another planning group for water resources. Finally, kind of an exciting process, is the adoption of the Joint Powers Agreement to form the Madera Water Authority and that is an entity that will result in a formally structured collaborative agency that again is formed for the purpose of structure mostly at this point and not necessarily for the purpose of regulating each other's stuff, each other's business but an important first step and that will come to Council at their first meeting in January.

Mr. Merchen advised that the item this evening requires a public hearing and although he doesn't believe that they are anywhere near a majority protest it is possible that if a majority protest is made they will have to pull the item from consideration.

Mayor Poythress asked if members of the Council have any questions for Mr. Merchen. No questions were asked.

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

Mayor Poythress stated he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY, RES. NO. 14-232 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 14-232 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE MADERA REGIONAL GROUNDWATER MANAGEMENT PLAN ON BEHALF OF THE CITY OF MADERA

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

City Attorney Brent Richardson advised that the Municipal Code does provide that they can record a lien against the property for the unpaid fines once it is confirmed at a public hearing by the City Council. He noted that the Attorney's office goes through them, vets them out, looks for problems and then compiles them almost on a monthly basis. They usually have one or two but this is a little bit more of a lengthy list for Council consideration. He advised that the public hearing allows anybody that wants to speak to do so.

Mr. Richardson referred to Exhibit A to the resolution listing the various properties. He suggested an amendment to Exhibit A regarding two properties: 312 Wallace Avenue should be reduced by \$100 and should read \$127.50 because \$100 was paid on it; and 400 South D Street was paid in full so it should be removed from the exhibit. Mr. Richardson requested Exhibit A modified as part of any motion.

Mayor Poythress added that any appeals have already occurred before this noting that there is an appeal process for those who wish to challenge those.

Mr. Richardson responded agreed with Mayor Poythress and added that citations have to be appealed within 15 days of issuance. He noted that these are ones that have remained outstanding and remain unpaid. They have gone through processes and often times they haven't been appealed and likely won't be.

Mayor Poythress asked if members of the Council have any questions for Mr. Richardson. No questions were asked.

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

COUNCIL MEMBER BOMPREZZI MADE A MOTION TO APPROVE THE RESOLUTION AS MODIFIED. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROBINSON, AND RES. NO. 14-233 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

**RES. NO. 14-233 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT
ADMINISTRATIVE FINES**

D. WRITTEN COMMUNICATIONS

**D-1 Written Communication from James B. Pettit Regarding Driveway Accessibility
Concerns at 2632 Kimberly Drive**

City Engineer Keith Helmuth stated this item is regarding the written communication from James B. Pettit regarding driveway accessibility concerns at 2632 Kimberly Drive. Mr. Helmuth commented that the purpose of this staff report was to provide Council with staff's response to Mr. Pettit's request regarding a driveway. He advised that as part of his quick presentation he thought he would provide a few examples of many similar driveways that can be found. He noted that the design is a common response to a garage entry that is not set at a 90 degree angle to the street and is typically selected by the developer during the building permit stage. Mr. Helmuth advised that as long as the garage is readily accessible the proposed driveway design is not typically considered a point of concern for City staff.

Mr. Helmuth referred to the display and stated that the first two photos are found in the City of Madera. He commented that there are many more that are like this. He stated that the first one represents the end of a cul-de-sac and it shows a driveway at a skew to the garage itself but it comes in at a 90 degree angle to the street. The second one is a more severe angle coming to the street. He noted that typically the drivers are able to negotiate that turn and enter the garage as planned. Mr. Helmuth stated the third example is from the City of Fresno. He went to an aerial view of the City of Fresno and it took him about 60 seconds to find this example. He noted that it shows that the car on the left is not well aligned with the driveway but what they see is that the driveway is aligned at a 90 degree angle to the street. Another example shows a driveway similar to Mr. Pettit's. It has an angle closer to the street. It is actually on a

much shorter driveway. He stated that the unique part of this one is when they move to the house to the right of the driveway that is similar to Mr. Pettit's, they will see that the developer actually made a conscious decision to do a couple of different things. Along the left edge it looks as if he is starting to curve into the driveway. On the right side he actually goes at a straight angle to the street. He noted that there is a little bit of both there; it is flexible but these driveways are typically within the realm of the developer in terms of how they would like to construct it. He added that as long as there is driveway access to the garage, again, staff doesn't typically have a concern with it. He advised that the ready availability of these examples does not mean that driveways do not exist similar to the request that Mr. Pettit is requesting.

Mr. Helmuth noted that there are other examples where the driveways come straight out to the street. He commented that these examples are intended to illustrate that this is a very common driveway design and that Mr. Pettit's driveway is not unusual or defective in any manner. Mr. Helmuth commented that typically the driveway approaches the street at a right angle and that is more of a modern design probably within the last 10, 15, 20 years. He explained that the reason it approaches at a 90 degree angle is primarily sight visibility. He noted that when you are encroaching the street at a 90 degree angle you are able to look left and look right to see oncoming traffic. If you take that driveway and run it straight out into the street and put the driveway at a skew you are forced to turn farther to the left or to the right and that increases the possibility that you might miss an oncoming car and get into an accident. He commented that it basically increases liability. Mr. Helmuth offered to answer any questions the Council may have and advised that he understands that Mr. Pettit is in the audience.

Mayor Poythress asked if members of the Council have any questions for Mr. Helmuth. No questions were asked.

Mayor Poythress stated he is assuming that Mr. Pettit would like to make some remarks.

James Pettit stated he lives at 2632 Kimberly Drive in Madera. He commented this is his first time ever doing this kind of stuff. He stated his disagreement with Mr. Helmuth when he has to jump the curb or drive on his grass to park his vehicle. If they have another car in the yard or if you have a car on the street, they park up against the curb, and it is the sidewalk that is blocking his driveway. He noted that the driveway is not the problem; it is the sidewalk. If they look at the picture it is the sidewalk; it is not the driveway. He stated that the sidewalk is not his responsibility; it is Engineering's responsibility. He commented that he went to the Engineering department and they told him that this should have never been approved and then the guy in the background kept saying I don't have the budget for this so I'm not gonna fix it. He invited the guy out to his house and they still disagreed at his house. He stated that this guy doesn't have the budget so that tells him just because he doesn't have the budget he doesn't want to fix his driveway. He restated that it is not his driveway; it is the sidewalk. He doesn't know why they say driveway when it considers the sidewalk. He restated that he has to jump that curb to park his truck straight into his driveway instead of just driving into his driveway. He stated his appreciation to the Council for listening to what he has to say but he totally disagrees with Mr. Helmuth.

Mayor Poythress thanked Mr. Pettit for his comments. Mayor Poythress asked if members of the Council have any comments or questions regarding this item.

Council Member Bompreszi stated she went and took a look at it. If they look at the picture it is almost like...how the driveway was, how it goes over to the right. It almost appears to be off because the driveway doesn't go in at an angle.

Mr. Pettit commented that Mr. Helmuth states he has full access but he doesn't have full access to his driveway.

Council Member Bompreszi referred to the right hand side of the photo.

Mr. Pettit commented that the right hand side is fine; the left hand side is bad.

Council Member Bompreszi stated that it is almost like it wasn't long enough.

Mr. Helmuth stated that the driveway itself is standard width up close to the garage. As it moves out to the street, the driveway gets wider and there is an extra section of concrete. He showed that if they follow this line up it comes up and it would curve for the path of a vehicle.

Mr. Pettit stated that the picture does not do justice. To do justice they have to come up to his house and look at the driveway. He commented that the picture displayed is not like the picture he submitted. He took one from ground level. He stated that at ground level, if there is a car parked over on the left hand side he cannot access to his driveway without slamming into that guy.

Council Member Medellin stated, so that he can get his facts straight, what Mr. Helmuth is saying is that the approach, or the width of the driveway is to engineering standard and what they see on the left is actually the choice of the developer to widen the driveway portion slightly but the actual approach is to City standards.

Mr. Helmuth responded yes.

Council Member Medellin stated, as Mr. Helmuth said before, and again he just wants to make sure he gets his facts straight, that the developer has the choice to either make it this particular angle or kind of a curve angle, that the City, in this particular case, approved this one because it was standard width or met the minimum width of the driveway as well as the approach.

Mr. Helmuth responded yes that is true. He stated that what it boils down to is whether the garage is accessible and whether they are constructing the driveway in accordance with City standards.

Council Member Medellin added that those standards were met.

Mr. Helmuth responded that they are met.

Mr. Pettit asked that if they looked at the picture he submitted.

Council advised that they have it.

Mr. Pettit stated that this is a picture he personally took himself. He is pretty sure they wouldn't want their driveway to look like that or the sidewalk coming across into their driveway. He restated that it is not the driveway. He is telling them it is the sidewalk.

Mayor Poythress stated that typically when he has bought homes or investment properties or whatever in the past, he considers these things when he buys a property or something like that. If there is something that he would like to do to modify it later on, he looks at it, ok it is my issue, what I need to do is take action and if I have to use my own funds to modify it I'll do that. He guesses in this particular case, Mr. Pettit bought the property with this situation the way it is, it meets City standards, and maybe it doesn't exactly fit for convenience purposes. Mayor Poythress stated for that particular reason he wouldn't support using City funds to fix the curb. He added that potentially there is a gift of public funds if they did do that because it does meet standards so they can't do that.

Mr. Pettit stated he understands what Mayor Poythress is saying.

Mayor Poythress asked Mr. Richardson what action the Council should take.

City Attorney Brent Richardson stated he was going over the written request and he doesn't see, unless he is missing it, the actual request. He just sees statements that he shouldn't have to pay to fix it but he doesn't see any request of the City Council.

Mayor Poythress commented that the Council has been advised. He thanked Mr. Pettit. He stated that Mr. Pettit has presented his case and pictures.

Mr. Pettit commented that this is his first time for doing this and he appreciates the Council listening to him but he still totally disagrees.

E. ADMINISTRATIVE REPORTS

E-1 Presentation from Conner Energy and ConEdison Solutions Regarding the Proposed Installation of Solar Panels and Parking Covers at City Hall and Request for Direction to Proceed with Negotiations

Director of Financial Services Tim Przybyla stated present this evening is Michael Chapin and Craig Fisher from ConEdison to make the presentation. He advised that Conner Energy and ConEdison approached him a while back and they wanted to know if there are any projects that they might be able to help the City out with. To himself he thought maybe they could save the City some dollars on energy here at City Hall. He checked with Public Works and they had another project which was possibly getting solar energy put on certain streetlights that were installed in the City without power to them. He commented that at no cost to the City, ConEdison and Conner Energy did the research, and gave the City proposals on both of those. They have since come up with another plan for the streetlights since it didn't really pencil out for the City to include that in this project. As they will see in the staff report, the proposal that they have come up with saves the City over \$600,000 over a 20 year term.

Michael Chapin stated he is really excited to be able to present this tonight. He noted that this is something they have been working on with City staff for a few months and they have really got it down to what they think is a really good project for some energy savings here for the City. Mr. Chapin stated he is the President of Conner Energy and with him tonight is Craig Fisher who is the Solar Manager for ConEdison Solutions. Mr. Chapin stated that ConEdison Solutions is probably a household name and they may have heard of it. They are one of the oldest and biggest energy companies on the New York Stock Exchange to date and they are one of the United States' premier energy service companies. They have over \$41 billion in assets. They manage quite a number of projects regarding energy, renewable energy, utility scale development. He advised that he would go over some of the projects that are in process today that they may be familiar with today as well.

Mr. Chapin commented that there are some local projects that he and ConEdison are working on in conjunction with the City of Kerman, one of their neighboring cities here. He displayed a picture of a 500 kW system, a ground man tracker. He advised that the solar energy developed from that project offsets the energy for the wastewater treatment plant for the City of Kerman. He added that just last month he and ConEdison have gone to the city and they have expanded that to 1.2 megawatts which is over double the size. They have now taken not only the energy savings for the wastewater treatment plant but expanded it to take over all of the cities energy needs essentially city hall, police, parks and recreation, and the wastewater treatment plant are now going to be done with renewal energy for the City of Kerman. What they are seeing is the first half of phase I and phase II is coming on board. Notably, just to point out, the U.S. Postal Service has been a customer of ConEdison since 1998. There are over 360 sites that are managed for energy services with ConEdison today and that is about \$30 million in energy programs from retrofitting lighting to solar retrofitting for the United States Postal Services. He added that the 360 sites are here in California alone. They have a very good footprint both locally and regionally here supporting energy programs for local governments. He advised that he would be happy to share with the Council any of the projects that they will be developing.

Mr. Chapin stated that the energy program that was developed here with City staff is one that would include them installing solar photovoltaic panels on the rooftop of City Hall and then also installing them as back solar carports. If they can imagine solar canopies with solar on top that creates energy during the daytime and provides shade for the cars in the back lot as well. He advised that the energy will be offsetting the power that is used at City Hall. They have some of the numbers here to show the City how those energy savings measure up. He noted that they are actually doing this without City financing so

they are not going to be asking the City's general fund to cover this expense. ConEdison is actually covering the entire cost of the program from installation, from ongoing maintenance, a full turnkey solution. He restated that this is without any debt financing or capital investment from the City.

Mr. Chapin commented that essentially the way the program works is under a power purchase agreement (PPA) which means that the power generated from those solar panels is sold to the City on a per kilowatt basis. He noted that they simply substitute the power they are buying today from the local utility provider with power that they are generating from the utility panels on the rooftop. Essentially they are going to be selling power to the City cheaper than what they pay today for that power. He noted that there are a couple of big advantages here. One is that this is a no capital cost program for the City. Essentially they are going to be providing all the infrastructure, the maintenance, and simply have these panels sell power to the City at a price lower than what the City is paying today to create the savings. He commented that it is a full service program with all the maintenance included and the power purchase agreement does one other key feature. It allows ConEdison to be the owner of the system and take advantage of solar tax credits that the City doesn't have an appetite for. These are tax credits that cities or government agencies don't have a tax burden appetite. He noted that they monetize those tax credits and pass those savings on to the City in the form of lower rate power.

Mr. Chapin stated that working with staff over the last few months they were able to look at the City's energy bills and see how much the City is spending at City Hall. He advised that over the past 12 months they observed there is a little over \$54,000 of energy bills and that is what the City has spent. These are dollars that have already gone out to pay for utility bills for City Hall. He noted that the way they measure that is in terms of kilowatt hours. This is exactly how many kilowatt hours did the City buy so roughly \$317,714 of kilowatts were consumed at City Hall which equates to a little over almost 18 cents a kilowatt hour. That is what the City has spent this past year on paying for power at City Hall. He commented that under the next breakdown he will share that this solar program is going to save the City conservatively a little over \$600,000 over this 20 year period. He noted that it is a 20 year commitment to buy power that escalates the rate at 2%. He referred to the slide and advised that essentially on the left side they have what the City is spending today with PG&E, \$0.1768. Under their current proposal they are looking to sell, and the City will be buying power at \$0.155. If this was a program developed 3 years ago, this would have been a proposal that would have said the City would have some payback feature, we need you to pay into this with some portion of money and there will be some savings down the line once power catches up. He stated that because the price of solar has come down and the price of power has gone up they are able to tell the City, today we can build you the system and we are going to be able to sell you power immediately. He stated that means as soon as the system turns on, the City is saving money because they are going to be buying power for less than what they pay today for it. They are also going to be doing probably two other things here. Mr. Chapin commented that the \$0.1768 rate is done through PG&E. If they are not familiar with PG&E raises, their rates, briefly, they do it under a general rate case. That means that they have to go ask the Public Utilities Commission every three years saying this is what our rates are today, we want to increase them the next three years. They do it every three years and they increase rates for its ratepayers. To give them a benchmark, he noted that PG&E has requested, between 2012 and 2014, they brought their general rate case, noting that this is very common, they requested a 40.2% increase in the ratepayer's rates. He commented that is how much PG&E asked for. What they received was 16.64% for this three year period. He added that is also very common. He restated these are the rate increases that go on every three years for PG&E customers.

Mr. Chapin commented that with this new system that they have developed for the City, they would be at a lower rate today, \$0.155, and it would only escalate 2% per year so they wouldn't have to worry about what is this next three year cycle going to look like from PG&E and it is a hedge against those rising energy costs so they aren't going to be subject to these PG&E rate hike increases. They will be locked in at \$0.155 with a 2% escalator. He stated that he can tell them that if they went to any city and said would you like to lock in your rates with only a 2% escalator, almost every city in California would do that all day long to avoid these rate hikes.

Mr. Chapin referred to the slide which is a quick snapshot of the City's energy savings and how they measure up. Essentially on the left hand side is the City's production and that is literally how many

kilowatt hours their system is expected to produce. It also shows the rate at \$0.155, the current utility bill for next year and the PPA, the power purchase agreement bill which the City would pay ConEdison for the power that they purchase. The utility bill, after the solar column, is how much they are not able to offset. If they look up at the top it has a net meter percent offset at 97%. That is about 98% of the City they are expecting to offset of City Hall's energy usage and that will leave a residual bill of about \$1,000. Their annual savings is in the right hand column and it sums up, over the 20 year period, at \$633,000 over time. He stated that the good benefit here is that it is no money out of pocket for the City and they are able to actually get underneath the rate today so even if nothing else happened they are able to save immediately as soon as the system turns on. He added these are savings that go on for the next 20 years for the system.

Mr. Chapin displayed the most current design layout. They can see the top of City Hall is projected and also in the back they have lit solar carports. Negotiated from staff they are also going to be providing EV charging stations so they will also have access for electric charging vehicles that will come in. There will be two charging stations with four handles so it can handle up to four vehicles for EV vehicles whether they are City vehicles or however the City designates, they will be available to be charged. He added that there will be shaded areas, with solar canopies, for those cars that park in the back at City Hall. He stated this is essentially the layout that is being proposed. Essentially it is just a little bit under 200 kilowatts or kW in size. He stated that it is about 150 kW for these two, about 75 kW for the rear solar canopies and rooftop solar of about 40 kW to 50kW on size that is being proposed here. He noted that is a visual look at what is proposed.

Mr. Chapin stated that if the City Council would like them to move forward with this they are more than ready and prepared to do it. In fact, they are ready to inspect the roof as early as 10:30 tomorrow with their structural engineers to start working on making this a final presentation for the City. What is involved is that they would basically submit to the City all the review documents that they would want to see including the power purchase agreement, the site lease, and the final design sizing and so forth for the City to be able to review. If the City wanted to bring this back for a final approval it would require a public hearing similar to what the City had tonight. The hearing is required under Government Code §4217 and that is essentially the process to get this project approved and moving forward. Mr. Chapin offered to answer any questions. He added that Craig Fisher is also available for technical questions.

Mayor Poythress asked if members of the Council have any questions.

Mayor Poythress stated that he thinks he heard Mr. Chapin say that almost every other city would do something like this if they could get the 2% savings.

Mr. Chapin responded absolutely. If they look at what cities have been paying in terms of rate hikes from PG&E, if they go back, he doesn't know if they can find a 2% only increase. It has literally been double digit for as long as he can remember. He knows that last year it was over 12% in some cases so literally if they could save, would they want to lock in their rates at 2%. What they are saying today is we are actually going to lower it then lock it in at 2% so they are doing it probably better for the City in both ways. They haven't seen that from PG&E at all.

Mr. Przybyla commented that the 2% is an escalator so each year they should expect their rates from them to come up by 2%. He added that the projections that they have made, the City's savings of \$633,000, is assuming a rate of 4.5% increase which staff feels is a conservative estimate as far as how much PG&E is going to increase their rates over that 20 year term. That is where they come up with that \$633,000 savings with no out of pocket cost to the City and parking structures installed with two charging stations. Each station with two plug ins. He stated that either visitors or City vehicles could plug in to that, charge their vehicles and help keep the green here at the City of Madera.

Council Member Bompreszi stated they are talking a 20 year period. The City is already bursting at the seams. She asked what happens if they start doing well and they decide they need to build a new facility and they want to sell this facility after 10 years.

Mr. Chapin responded that essentially this is a 20 year lease. He commented that probably the first five years he would say that they probably want to make sure they stay put. They will have the option at any point and time to purchase the asset at fair market value. One option is just like an automobile lease when you are done with it you usually have two options, you can either buy the car at the end of that lease or you can simply turn it in to the dealership. He noted that the term here is 20 years and you can say you can have your solar array back and it's yours. If they decided to move systems they can either purchase outright or if the tenant, and if it is agreed through ConEdison, they could transfer the lease as long as the lease obligor is going to be able and willing to pick it up. It would have to be another credit worthy party that could pick up those lease payments. He commented that the alternative is that they could actually even move the equipment to the new site location. He stated the solar carports probably wouldn't be as practical to want to move those. He would assume that the new tenant would want to keep those. A rooftop solar, that is an easier move, literally moving those rooftop panels to a new location. He commented that more practical, they are probably looking at allowing the new tenant, whoever picks up the building to take the benefit of the energy savings and usually if it is down the road they should be worth a lot more with the price of energy and the savings that it provides to the building. He noted that it would be an asset that would be able to stay with the building and they would be able to allow for the purchase of the asset at any point and time.

City Administrator David Tooley stated he has read a limited number of PPA's. He thinks their concern is right on point. They would want to establish what those parameters were in an agreement before they executed it. He restated he is beyond his depth but he needs to ask the question. In reading about PPA's there is also an issue of true ups in terms of what actual savings are. He asked Mr. Chapin how that works within what he is presenting to the City.

Mr. Chapin responded that essentially there are two ways. One is that the company would have a guaranteed production output. Regarding production, the City is only paying for the kilowatt hours that are produced in the system so all of the risk of production is borne by ConEdison. It means if the system breaks down they are not charging the City any money for it if the system is not working. He commented that this is literally only the power that is being produced and the City is only paying for that amount of power. He restated that the City's savings are dependent on that system producing those many kilowatt hours. They will guarantee that the system will produce at least 80% of what they predict. If it doesn't, they write the checks. He noted that production guarantee is built into the contract as part of the power purchase agreement but they need to remember that the system performing optimally works for all parties. They want the system performing because they want to sell those kilowatt hours to the City as best they can and they want to make sure that the City is getting the savings. They don't want the system down for any amount of time longer than the City does. Both of their missions are aligned on that sense. They would provide the production guarantee for the City providing that they provide at least 80% of the production as expected in the system.

Council Member Medellin stated that any time a proposal comes up for a \$30,000 a year savings for 20 years he is certainly all ears and he would certainly agree with moving forward with negotiations. He is sure there are going to be a lot more questions than what they have here this evening in a true apples to apples comparison to what PG&E is offering them now versus what they are offering. He referred to Mr. Chapin's comment on tax credits that the City would not be interested in and asked him why. He is not sure if he heard him but he thinks tax credits are a big issue and asked who is going to get those credits and savings.

Mr. Chapin responded that just to make it clear what they are talking about here is what is being referred to is the 30% Investment Tax Credit (ITC) which is a federal tax credit. He explained just like they each pay taxes on their federal tax returns, their company would get a credit against taxes that they pay on their federal taxes in the amount of 30% of the cost of the system. He commented that essentially those are dollar for dollar tax credits that go against what you pay on your taxes. He added that if the city were to simply go out and buy the system in cash, the city would be able to take 30% off the city's taxes that they pay to the federal government. They don't pay any taxes so the city would get 30% credits that would go nowhere. As a third party, as the owner of the system, ConEdison would actually be able to purchase the array, install it, say we own the system and we are simply selling power to the city on a

kilowatt hour basis and since they own the system, essentially they will be able to take those 30% federal tax credits, write those off of their tax returns and basically they net that down off the system cost so that they can sell the city lower, cheaper power. He commented that is what the City would rather see. They would rather see them sell them power cheaper than for them to absorb 30% federal tax credits that they couldn't use because they don't file a tax return.

Council Member Medellin commented then that the federal tax credit is on the actual product not the energy.

Mr. Chapin responded correct. He restated that the tax credits go towards 30% of the cost of the system.

Council Member Holley stated he likes that idea but asked who is in charge of the maintenance.

Mr. Chapin responded that ConEdison has 24/7 onsite maintenance. They would actually have an online portal where they would be able to see every kilowatt hour produced. They would be in charge of maintenance. They provide one to two panel washings a year to make sure that they are performing optimally and 100% of the maintenance is borne by ConEdison. They don't expect City staff to go out and maintain it at all. He restated that it is 100% maintained by ConEdison.

Council Member Bompreszi commented that if she understands correctly, the panels lose production every year. She commented that they are going from production in year one 1 of 300,910 kWh down to 273,574 kWh. She asked if that is because they lose their kilowatts.

Mr. Chapin responded that there is a degradation in system performance that they basically calculate out. When they do a performance guarantee they want to guarantee that the system is going to perform optimally over this 20 year period. What they have factored in is a half of a percent degradation in system performance per year so they do have that system loss built into the system. That is why they see system production going down over years. He would say today, in a little over the last ten years, most panel manufacturers will provide an 80% warranty for a 20 year period, and the modules today would be producing at least 80% of their expected output 20 years from now. They have seen panels that were built in the 50's and 60's still doing that today so they expect their generation, the better technology panels, should be performing at least at 80% of what they expect and that is what they put in their guarantee. They know that the modules and the manufacturers who make them will also warranty that at 80% of its production for the 20 years and that is why they see a half of a percent degradation built in to the pro forma per year.

Council Member Rigby commented this is nothing against Conner Energy or ConEdison Solutions but he just wanted to go on the record by saying that it seems too good to be true, some of it. What he wants to be able to do, and he doesn't know how the rest of the Council Members feel, but he would like for this to go into further discussion and he would also like to hear public on this matter.

Mayor Poythress commented that the staff recommendation is to direct staff to proceed with negotiations. He added that probably as part of that, if they wanted to do that, would be to answer any of those questions or concerns.

Mr. Przybyla responded that is correct. Staff would come back with a contract for the Council to consider for possibility of approval. He added that at that time they could answer any further questions that Council has.

Mayor Poythress stated that it would be a public hearing.

Mr. Przybyla responded yes and advised that it would be a noticed public hearing. They would post that they would be holding a public hearing in two weeks and they would come back with a contract that staff has worked through thoroughly with the City Attorney and staff to make sure that any concerns that have been mentioned are taken care of.

Council Member Bompreszi stated that with the panels being put on the parking lot are they going to lose parking spaces as a result of that and if so, how many. She noted that sometimes they come here and cannot find a parking place. They have to park at the government center and walk over. She is curious whether they are going to be losing parking spaces.

Mr. Chapin responded that they did not anticipate any parking spaces being lost. They did notice that they would have to trim or remove some trees to make sure there is no shading on the panels on the edge of perimeter so they calculated that into the equation. He added that generally in all the parking lots this will be going between the rows of them and the base isn't as large; it is literally a very small footprint so they wouldn't be losing any spaces. This will literally only add the shading and the only thing lost that they saw was the trees that would need to be trimmed or removed.

City Administrator David Tooley stated his comment is to Council Member Rigby's point. Mr. Tooley noted that he doesn't consider himself an expert by any stretch of the imagination on solar but he does know something about lease versus purchase. He commented that lease deals are very common in governmental for the very reasons they talked about earlier. They don't expend their own capital, they don't assume the risk, and they don't assume the maintenance. He stated that the discussion about credits are correct. He commented that on depreciation credits there is incentive there for the private sector to enter into a lease with a governmental as opposed to a straight acquisition deal. He commented that the keys here are going to be specific to solar and that is what they are going to have to carefully evaluate. They already have several solar applications within the City. They have some experience but to Council Member Rigby's point, it is going to have to be very carefully evaluated before they give the Council a final recommendation.

Mr. Tooley stated that staff's recommendation is that they allow them to proceed, do the analysis so they have that information. He added that if there is not an interest he asked that they tell them this evening and not go through the exercise but they think there is some potential here and staff asks for Council's consideration.

Council Member Robinson commented that he was going to say the same thing about the wastewater treatment facility solar, the contract they had, and the Police Department since they have solar panels also.

Mr. Przybyla responded yes and noted the difference on the Police Department is that the City purchased it, and at the wastewater treatment plant it is a lease power purchase agreement.

Mr. Tooley responded that they just need to think of a lease as a different form of ownership.

Mayor Poythress commented that staff has recommended that Council direct them to proceed with negotiations and asked the members of the Council if they are in agreement.

Council concurred.

City Attorney Brent Richardson stated that if they don't go out to bid and negotiate direct with one company, at the public hearing, the Council has to make a finding. They would have to be satisfied through evidence presented at the hearing that the anticipated cost to the public agency for the energy, under the contract, will be less than the anticipated marginal cost to the public agency of energy that would have been consumed by the public entity during that time period in the absence of that purchase. He advised that is a requirement of being able to adopt a contract in this fashion rather than going out to bid.

Mayor Poythress asked Mr. Przybyla if there is a reason why they are not going out to bid.

Mr. Przybyla responded that they did go out to bid but not through a formal RFP process. They had their Purchasing Agent Becky McCurdy send out approximately 20 different invitations for different companies to express an interest in providing such a power purchase agreement for the City. They received no

response for the first month and a half, and about a week ago one of the companies finally came back and said are you guys still interested in doing this because we are really interested in doing business with you. He commented that the Purchasing Agent's response to them was we are moving ahead with what we have been working on. He added that Conner Energy told him early on that for this size of a project not many companies that are big enough and have the resources to do something, to do a power purchase agreement, would bid on this. By the City sending out those 20 different requests for proposals for requests for interest they kind of verified ya that seems to be the true case here.

Mayor Poythress thanked them for the presentation and advised that staff has direction.

Mr. Tooley responded that if Council is satisfied, he is too.

E-2 Consideration of a Resolution Authorizing Appointment to the Community Development Block Grant Review and Advisory Committee by District Council Members and the Mayor

Grant Administrator Daniel Abdella stated staff brings this item to Council seeking direction on the composition of the Community Development Block Grant (CDBG) Review and Advisory Committee (RAC). He advised that the RAC primarily provides the Council with recommendations for the allocation of CDBG funds through a public hearing process. He advised that after the RAC has reached its recommendation, staff brings them before Council for the Council to make its final allocations of the CDBG awards. Mr. Abdella noted that currently the RAC consists of one member from the Council as well as four representatives from the various Vision Madera 2025 Action Plan implementation committees. He added that while the structure has served the City well the pool of volunteers from these committees has diminished and is expected to be inadequate to fill vacancies for the upcoming Fiscal Year 15/16 CDBG process. Mr. Abdella stated that in order to maintain the RAC staff recommends amending the appointment criteria of committee members so that they provide for a representative nominated by each Council Member as well as the Mayor. He noted that the 7 member body would preserve the role of the RAC while ensuring a wider selection of potential candidates. He advised that RAC members appointed under this new set of criteria would serve for 4 years or the duration of appointer's term, whichever is less. He noted that the suggested changes will allow the City to maintain the benefits of the RAC without violating with the terms of the CDBG program. The amendment would also align the policies of the RAC to those of other advisory boards within the City. Mr. Abdella stated that for these reasons staff urges Council to adopt the proposed resolution amending the RAC's policies. He added that given the broad scope of the grant, the CDBG award has a potential to advance an extensive number of the Vision Plan's objectives depending upon the Council's final allocation. Mr. Abdella offered to answer any questions or concerns the Council may have.

Mayor Pro Tem Oliver stated he has been honored to serve on the RAC committee for four years. He thinks it plays an important part in the CDBG review process and it provides the community a great opportunity to have input. Mayor Pro Tem Oliver asked if the appointments would be based on individual boundaries of districts or would Council Member's have the opportunity to select within the City limits.

Mr. Abdella responded that the resolution that the Council has before them does not specify that it is by district so the Council Members and the Mayor would have the latitude of choosing whoever they want.

Mayor Poythress asked if members of the Council have any other questions. No questions were asked and Mayor Poythress stated he would accept a motion for action.

On motion by Council Member Oliver, and seconded by Council Member Medellin, **RES. NO. 14-234** was adopted unanimously by a vote of 7-0.

RES. NO. 14-234 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING APPOINTMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT REVIEW AND ADVISORY COMMITTEE BY DISTRICT COUNCIL MEMBERS AND THE MAYOR

F. COUNCIL REPORTS

F-1 Mayor's Appointments to Boards, Committees, and Commissions

Mayor Poythress made the following appointments to City boards, committees, and commissions. No changes were made to those committees appointed by a city selection committee.

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

City Selection Committee Appointments

The Mayors of Madera and Chowchilla serve on this committee. The City Selection Committee is administered by the Madera County Clerk of the Board. The City Selection Committee meets as needed to make appointments to LAFCO and SJVUAPCD Citizen Advisory Committee.

LAFCO – Local Agency Formation Commission	City Primary: Andy Medellin (term ending 1/31/16) Alternate: Dennis Haworth, City of Chowchilla
San Joaquin Valley Unified Air Pollution Control District Citizen Advisory Board (SJVUAPCD)	Primary: John Chavez, City of Chowchilla Council Member (term ends 1/31/16) Alternate: Dave Randall, City Planning Director (term ends 1/31/14)

SJVUAPCD SPECIAL CITY SELECTION COMMITTEE

The valley-wide Special City Selection Committee is charged with making appointments of city representatives to the SJVUAPCD Governing Board.

San Joaquin Valley Unified Air Pollution Control District Governing Board	Sally Bompreszi – January 2012 thru January 2018
--	---

Other Council Reports

Council Member Robinson reported that last Friday he attended the Mid-Valley Disposal luncheon. They talked about recycling of biodegradable waste. They have a process now that speeds up the breakdown of all the particles. He noted that it used to take two weeks now it is down to one week. He added that they are one of the top disposal companies in the nation that received this grant. Council Member Robinson stated he was thinking that they might have a possibility of taking the City's wastewater waste and turning it into fertilizer.

Council Member Robinson reported that Friday evening he attended the Building Industry Association Christmas Party. He noted that was delightful and they are really excited about building in Madera County.

Council Member Rigby reminded everyone that he will be attending the Madera County Food Bank Drive to Feed the Kids tomorrow from 10:00 a.m. to 2:00 p.m. at the Walmart parking lot. He is really excited for what Mr. McWherter has been doing at the Food Bank. He thinks they have done a tremendous job feeding their City.

Council Member Holley reported that he was honored today with a certificate from the California Health Leadership. As they know, in Madera they put on this partnership Transforming Madera. He commented that they had a grant submitted by the County to renovate a park in Parksdale. They had a big meeting at Cesar Chavez School a couple of months ago. Over 100 people attended. He added that Council Member Medellin and a couple of County Supervisors also attended. They involved the community for input on what they want at each of the parks. He noted that sometimes when they do something they don't invite the community but these folks got together as their team and put this together. Today the committee put their actions together and told folks what they did and they received a certificate. Council Member Holley added that each time he goes somewhere as a City representative, all his Council Members are there because he lets them know they are a City and they want to make sure that everybody is aware of what is going on. He doesn't just like to do something and not let the rest of them know what a good thing they are missing.

Council Member Holley invited everyone to the Martin Luther King (MLK) Jr. program scheduled January 18, 2015 at Martin Luther King Jr. Middle School. They have seven kids that are going to give a speech. He commented that it very interesting to hear the kids talk about Martin Luther King Jr. He added that some people don't even know Mr. King's real name.

Council Member Medellin stated that 2014 was a good year and he anticipates 2015 being a great year. He wished everybody a Merry Christmas and a Happy New Year. He commented that it is great to look to his right and to his left and see seven of them up there now. He thinks they have great things in store for the upcoming year. He expressed a special thank you to staff and stated it is great to see Mary Anne Seay here in front of them again. He thanked everyone for all their hard work and efforts.

Mayor Pro Tem Oliver reported that he had the opportunity to attend the Jefferson Neighborhood Watch meeting last week. This was their second meeting so they are one away from forming an official neighborhood watch team. There was a lot of great lively discussion. They had good representation from the City, from the County, the Probation Department. More importantly he wanted to give kudos to the Engineering staff for hearing the concerns that were presented at the first meeting and being proactive and working with them. He thinks they arranged a stop sign to limit speeding on Jefferson. He thanked them for their good work and wished everyone happy holidays and Happy New Year.

Mayor Poythress reported that he had an opportunity to attend a couple of neighborhood watch meetings. There was an initial one on Riverview for a group there.

Mayor Poythress asked members of the Council if they would be opposed to staff coming back with a recommendation for potentially changing times of their meetings.

Council concurred.

City Administrator David Tooley commented, so that they are on the record, he believes he understands this to mean that this has to do with closed session as opposed to some other timing issue.

Mayor Poythress stated that is correct.

Mr. Tooley stated he is crystal clear on this.

Mayor Poythress wished everyone a Merry Christmas.

ADJOURNMENT

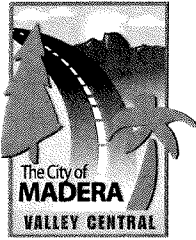
The meeting was adjourned by Mayor Poythress at 7:46 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

SONIA ALVAREZ, City Clerk

ROBERT L. POYTHRESS, Mayor



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

January 7, 2015
6:00 p.m. – Closed Session
6:30 p.m. – Regular Session

Council Chambers
City Hall

6:00 p.m. CALL TO ORDER CLOSED SESSION

The closed session for 1/07/15 was called to order by Mayor Poythress at 6:00 p.m.

ROLL CALL:

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

PUBLIC COMMENT: Closed Session

The first fifteen minutes of this portion of the meeting are reserved for members of the public to address the Council on Closed Session items listed on the Agenda. Speakers seeking to comment on other items are requested to make those comments during the Public Comment portion of the meeting at 6:30 p.m. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

No comments were offered.

A. CLOSED SESSION *Closed Session items not concluded prior to the Regular Session may be continued at the end of the Regular Session.*

A-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session in one item pursuant to Government Code §54956.8 as described under item A-2.

The Council adjourned to closed session at 6:01 p.m.

A-2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Pursuant to Government Code Section 54956.8

PROPERTY: 1 PARCEL

(1) 128 Sherwood Way APN: 003-130-002

Agency Negotiators:	Mary Anne Seay, John Scarborough, Les Jorgensen
Negotiating Parties:	Rodolfo Barboza
Under Negotiation:	Price & Terms

A. RECONVENE CLOSED SESSION

A-3 Closed Session Report – City Attorney

The Council returned from closed session at 6:10 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session for one matter pursuant to Government Code §54956.8 as described under item A-2 and reported that no reportable action was taken.

RECESS

Mayor Poythress called a recess at 6:10 p.m.

6:30 p.m. CALL TO ORDER REGULAR SESSION

The regular session for 1/07/15 was called to order by Mayor Poythress at 6:30 p.m.

ROLL CALL:

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

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, Grant Administrator Daniel Abdella, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, Commander Dino Lawson, Engineering Special Transportation Projects Manager Les Jorgensen, Neighborhood Preservation Supervisor Monica Diaz, and Successor Agency Director Jim Taubert.

INVOCATION: Pastor Roger Leach, Valley West Christian Center

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

PUBLIC COMMENT:

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

No comments were offered.

Mayor Poythress announced that the City Clerk will make a late distribution announcement.

City Clerk Sonia Alvarez announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda item were distributed to the Council less than 72 hours before this meeting. Under section C, item C-2, subject matter second reading and ordinance amendment pertaining to weed abatement, a revised ordinance was distributed to the Council this evening. Ms. Alvarez advised that extra copies are available at the podium for members of the public wishing a copy.

B. CONSENT CALENDAR

- B-1 Minutes – There are no minutes for consideration.
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution Approving a Memorandum of Understanding between the City of Madera and Clearpoint Credit Counseling Solutions to Provide First-Time Homebuyer Education as Required by the Neighborhood Stabilization Program 3 and Authorizing the Mayor to Execute the Agreement (Report by Daniel Abdella)
- B-4 Consideration of a Minute Order Authorizing the Submittal of a Time Extension Request to the Madera Local Agency Formation Commission for the Southeast Madera Development Annexation and Authorizing the Mayor to Sign the Request Letter On Behalf of the City (Report by David Merchen)
- B-5 Consideration of a Resolution Approving an Amendment Regarding a Cost of Living Increase to the Employment Agreement with the City Attorney (Report by Wendy Silva)
- B-6 Request to Schedule Public Hearing for Appeal of Planning Commission Conditions of Approval (Report by Chris Boyle)
- B-7 Status Report on the City of Madera 2014/2015 Budget (Report by Tim Przybyla)

Mayor Poythress asked if there are any items on the consent calendar that members of the Council would like to have pulled for further discussion or elaboration.

Council Member Medellin declared, under the advice of the City Attorney, a conflict of interest on item B-6 due to his extensive conversations with the proponent.

Mayor Poythress stated he would accept a motion for action on the remaining consent calendar items other than B-6.

ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-6 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-01 A RESOLUTION OF THE CITY OF MADERA, CALIFORNIA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MADERA AND CLEARPOINT CREDIT COUNSELING SOLUTIONS REGARDING HOMEBUYER TRAINING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

RES. NO. 15-02 A RESOLUTION APPROVING AN AMENDMENT REGARDING A COST OF LIVING INCREASE TO THE EMPLOYMENT AGREEMENT WITH THE CITY ATTORNEY AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT

Council Member Medellin exited the Council Chambers.

*B-6 Request to Schedule Public Hearing for Appeal of Planning Commission Conditions of Approval
(Report by Chris Boyle)*

Mayor Poythress called item B-6 for discussion and announced that if there are no questions, he will accept a motion for action. No questions were asked.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, THE REQUEST TO SCHEDULE PUBLIC HEARING FOR APPEAL OF PLANNING COMMISSION CONDITIONS OF APPROVAL WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSTENTION: COUNCIL MEMBER MEDELLIN.

Council Member Medellin reentered the Council Chambers.

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

C-1 Consideration of a Resolution Adopting the Madera Groundwater Authority Joint Powers Agreement on Behalf of the City

And

Designation of a Primary Member, a First Alternate, and a Second Alternate to Serve as the City's Representative to the Madera Groundwater Authority

Community Development Director David Merchen stated he believes it was at the last meeting where the Council considered and adopted the Madera Regional Groundwater Management Plan. He outlined that there were a handful of actions that would be coming up that would be similarly addressing groundwater resources in one way or another. He advised that this is the second of at least three items that he can define so far.

Mr. Merchen commented that tonight's item would adopt a resolution which enters the City into the Madera Groundwater Authority Joint Powers Agreement (JPA). He noted that the agreement itself establishes a structure, a placeholder agency of sorts. He advised that the business of the groundwater authority will be to collaboratively manage groundwater. He noted that the specific actions are not, at this point, particularly well defined and will essentially be established by the groundwater authority itself and potentially by the changing landscape of groundwater regulation at the state level. He advised that at least for the time being, it is a demonstration that there are several agencies, they hope all ten of the early participating agencies, that are willing to collaboratively join together to responsibly manage groundwater resources within the region. Mr. Merchen commented that this agreement would do that. He advised that the Council's vote on the resolution would enter the City into that JPA and if they do so, they would need to identify, according to the JPA, a primary member as well as a first and second alternate.

Mayor Poythress commented that this is an interesting item and it is a very important agency and joint powers authority to be involved with. Mayor Poythress asked if members of the Council have any questions for Mr. Merchen.

Council Member Oliver commented, for clarification, that this would serve as a groundwater sustainability agency which will be required later down the line because of Sacramento's recent legislation and asked if this could pivot to that type of agency in the future.

Mr. Merchen responded that the way the JPA wording is currently structured it cannot. He added that the wording in the agreement says it won't. He noted that would have to be determined by the agreement of the partners later on to change that language if they wanted it to be.

Mayor Poythress noted that they have the consideration of the resolution and then they have the second part of the action. He advised that the designation of people to serve on the committee is not a Mayor's

appointment. It is something the Council needs to vote on. He noted that he does have some recommendations in terms of participants. He commented that as far as the primary member he would appreciate the opportunity to serve as the primary member for a number of reasons. Number one is being Mayor but also as far as interests that cover a lot of areas such as farming, customers, the City, and so forth. He noted he kind of wears a lot of hats and covers a lot of areas. He stated he would appreciate that opportunity. Mayor Poythress advised that he also has a recommendation for the first and second alternates. He would kind of like to get their newest Council Members more involved. He knows that they have been assigned to a limited number of committees thus far and he thinks it would be appropriate to vote to assign the first alternate to Mayor Pro Tem Oliver and the second alternate to Council Member Rigby.

Council Member Medellin asked if that is something they need in the form of a motion. He noted that is something he respects and honors the Mayor's recommendation. He would be happy to move forward if that is what they need.

City Attorney Brent Richardson advised that it would be proper to take them in order because they still need the motion on the actual JPA agreement but as Council Member Medellin mentioned they can do it by motion.

COUNCIL MEMBER MEDELLIN MADE A MOTION TO APPROVE ITEM C-1, ADOPTING THE MADERA GROUNDWATER AUTHORITY JPA ON BEHALF OF THE CITY. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND RES. NO. 15-03 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE MADERA GROUNDWATER AUTHORITY JOINT POWERS AGREEMENT ON BEHALF OF THE CITY OF MADERA

COUNCIL MEMBER MEDELLIN MADE A MOTION TO APPOINT MAYOR POYTHRESS AS THE PRIMARY MEMBER, MAYOR PRO TEM OLIVER AS THE FIRST ALTERNATE, AND COUNCIL MEMBER RIGBY AS THE SECOND ALTERNATE FOR THE MADERA COUNTY GROUNDWATER JPA. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND THE APPOINTMENTS TO THE MADERA COUNTY GROUNDWATER JPA WERE ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

Mr. Merchen commented that he hopes it is not too late but he did want to make a correction. He advised that the first meeting of the JPA, assuming that there are seven members that have adopted it, is tomorrow at 4:00 p.m. He mentioned in the staff report that the typical meeting schedule is the second Thursday. He explained that it is only the second Thursday tomorrow because the first Thursday was on New Year's Day. He advised that the formation committee has typically met on the first Thursday but most importantly the JPA will vote, as soon as they are formed whether that is tomorrow or the next meeting, on when their normal meeting schedule will be. He commented there is a chance that they may select a different date than what has been selected so far. He meant to mention that before they voted and he hopes that doesn't complicate things.

Mayor Poythress thanked Mr. Merchen for his comments.

C-2 Second Reading and Consideration of Adoption of an Ordinance Amending Chapter 15 of Title III of the Madera Municipal Code Pertaining to Weed Abatement

Neighborhood Preservation Supervisor Monica Diaz stated before the Council is an item showing a revised ordinance which would address weed abatement issues throughout the City. Ms. Diaz thanked Mayor Pro Tem Oliver for catching a typographical error and advised that the memo regarding that is before the Council tonight. She also thanked all the department heads that took the time to respond to their request for information, input, and review, and added that their efforts are appreciated. Ms. Diaz offered to answer any questions the Council may have.

Mayor Poythress asked if members of the Council have any questions for Ms. Diaz. No questions were asked and Mayor Poythress called for title.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER BOMPRESZI, AND SECONDED BY COUNCIL MEMBER MEDELLIN, FURTHER READING WAS WAIVED AND ITEM C-2, ORD. NO. 913 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. NO. 913 C.S. ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA REPEALING CHAPTER 15 OF TITLE III IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 15 PERTAINING TO WEED ABATEMENT

C-3 Second Reading and Consideration of Adoption of an Ordinance Amending Section 13 of Chapter 5 of Title V of the Madera Municipal Code Pertaining to Water Use Restrictions

Public Works Operations Director Dave Randall stated this is a second reading of what was introduced to the Council the second meeting in November. He advised that it continues their current level III water provisions of outdoor watering only twice a week rather than reverting back to no watering during the winter time. They are hoping to save a little bit on the water table. He noted that they most certainly could during the winter handle the peak demand but they want to be more conservative during this drought. It also helps them be a little bit more consistent with enforcement. They don't have to reeducate the public when spring comes. Mr. Randall offered to answer any questions the Council may have.

Council Member Rigby commented that constituents in his district have brought to his attention, more than once, the regulations on washing of cars. They are only able to wash a car between the hours of essentially 12:00 a.m. until 11:00 a.m. when many are either sleeping or working, and then when they return home, only to be able to wash their cars from what he believes to be 7:00 p.m. to 12:00 a.m. He advised that a lot of them want, basically, to be able to wash their car whenever they want to.

Mr. Randall commented that car washing has been a problem and added that there are a number of issues that get raised on that. Mr. Randall stated that they most certainly, if the Council would like, could entertain amending that to be a little more lenient. He noted that it probably is not one of more significant issues. He stated the key is to use a nozzle that has a turn off on it, a controlled nozzle rather than just running the hose indefinitely. He advised that the peak issue is not as significant for them on that.

Mayor Poythress stated if there are no other questions or comments he will ask for the title to be read.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED AND ORD. NO. 914 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. NO. 914 C.S. ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION 13 OF CHAPTER 5 OF TITLE V OF THE MADERA MUNICIPAL CODE PERTAINING TO WATER USE RESTRICTIONS

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Consideration of Approval of Change in Meeting Agenda Format or in the Alternative Request that the Council Provide Alternate Direction to Staff

City Attorney Brent Richardson stated that back in 2010 the Council approved changes to the agenda format that essentially structured it as it is now with closed session starting at 6:00 p.m. and a separate section for the regular session starting at 6:30 p.m. He commented that Mayor Poythress approached him a couple of meetings ago about potentially altering that back to a straight 6:00 p.m. meeting start and the closed session will be just another item on the agenda. He referred to the exhibit showing the structure with the closed session as the last item on the agenda. He noted that the reason for that is that a lot of times participation in closed session is typically limited to a few individuals. A lot of times it is not a good use of people's time to make everybody sit through it. Mr. Richardson commented that the potential change to the format, attached as Exhibit A, is what is before the Council tonight. Mr. Richardson offered to answer any questions.

Council Member Bompreszi stated she is sure glad it is not 6:00 a.m.

Mayor Poythress commented they were talking about early mornings before they started.

Council Member Medellin stated he thinks it is a great recommendation and added that it makes it a little more efficient and conserves a little time.

Mr. Richardson stated staff would be looking for a motion.

Council Member Bompreszi made a motion to approve the change. The motion was seconded by Council Member Holley.

Mr. Richardson added that the suggestion is that they make it effective the first meeting in February. It will give people a little bit of time to adjust. Staff can put a notice out and make people aware of it a little bit before it takes effect.

Mayor Poythress commented that would be like the Ministerial Association and a lot of people are used to showing up at 6:30 p.m. They will need to show up at 6:00 p.m. now.

Mr. Richardson advised that he has also put items on the upcoming Housing Authority and Successor Agency agendas to consider changing those as well to make it consistent.

COUNCIL MEMBER BOMPRESZI RESTATED HER MOTION TO APPROVE THE CHANGE IN THE AGENDA MEETING FORMAT. COUNCIL MEMBER HOLLEY RESTATED HIS SECOND TO THE MOTION AND THE CHANGE IN THE AGENDA MEETING FORMAT WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

F. COUNCIL REPORTS

Council Member Robinson stated he wasn't able to travel to Sacramento to see Betty Yee taking her oath of office but he did attend the High Speed Rail Groundbreaking along with Council Member Oliver. He commented that there were some college students that had a have a ride campaign. He doesn't know if he will be able to ride it by then.

Council Member Robinson reported that he attended the Madera County elected meeting.

Council Member Rigby reported that he had the opportunity to attend an opening of the Tractor Supply located just off of Country Club Drive (Road 26 and Adell St.). He is really excited to see new businesses coming in to the City and that was great.

Council Member Holley announced that the Martin Luther King Jr. Host Committee is putting on a celebration on Sunday, January 18, 2015 at Martin Luther King Jr. Middle School at 2:30 p.m. He invited everyone to attend. He added that students from different schools will be speaking.

Mayor Pro Tem Oliver reported that he attended the High Speed Rail Groundbreaking Ceremony.

Mayor Pro Tem Oliver announced that next week he will be out of town for a few days attending the League of California Cities training for newly elected. He hopes to bring back some notes to hopefully make him a stronger Council Member.

ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 6:50 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

SONIA ALVAREZ, City Clerk

ROBERT L. POYTHRESS, Mayor

City of Madera

Council Meeting Of	February 4, 2015
Agenda Item No.	<u>B-2</u>

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

From: Office of the Director of Finance

Subject: Listing of Warrants Issued

Date: 2/4/2015

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

January 9, 2015 to January 22, 2015

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

General Warrant:	198088-198231	\$	950,890.05
Wire Transfer	Union Bank Payroll and Taxes	\$	511,372.77
Wire Transfer	SDI	\$	1,459.53
Wire Transfer	Cal Pers	\$	156,454.22

Respectfully submitted,

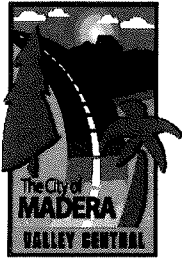


Tim Przybyla
Financial Services Director

CITY OF MADERA
REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT
February 4, 2015

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
198088	1/15/2015	VASQUEZ, ISAAC GARCIA	PARK DEPOSIT REFUND	100.00
198089	1/15/2015	AT&T	12/14 SVS 5596649090870	15.74
198090	1/15/2015	ALL VALLEY ADMINISTRATORS	ADMIN FEES FOR JANUARY 2015	66.00
198091	1/15/2015	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXPENSE 01/16/15 PR	766.19
198092	1/15/2015	ANDY'S SPORTS AND DESIGN	CITY LOGO SHIRT FOR COUNCIL MEMBER	33.40
198093	1/15/2015	ASCAP	ASCAP LICENSE RENEWAL	335.00
198094	1/15/2015	THE ARC FRESNO	CITY CAN ORDERS DECEMBER 2014	1,237.50
198095	1/15/2015	CALACT	CALACT MEMBERSHIP	485.00
198096	1/15/2015	CALIFORNIA BUILDING STANDARDS COMMISSION	REVOLVING FUND SB 1473 FR QTR 10/1-12/31	427.00
198097	1/15/2015	MADERA TROPHY	ADULT SOFTBALL TROPHY	24.84
198098	1/15/2015	COLONIAL LIFE & ACCIDENT INSURANCE CO	E700482-3 FOR 1/16/15 PAYROLL	1,100.57
198099	1/15/2015	CORELOGIC INFORMATION SOLUTIONS INC	METROSCAN 12/14	150.00
198100	1/15/2015	DIAMOND COMMUNICATIONS	FACILITIES ALARM MONITORING	1,355.00
198101	1/15/2015	ADMINISTRATIVE SOLUTIONS INC.	CITY PD RETIREE BILL 01/01- 03/01/15	5,658.20
198102	1/15/2015	RIVERA RUBEN AND MARY OR CHRISTOPHER	Utility Billing Credit Refund	227.58
198103	1/15/2015	KAUR AMARJIT AND SINGH JASWINDER	Utility Billing Credit Refund	291.99
198104	1/15/2015	VAN VO VIVIAN	Utility Billing Credit Refund	236.12
198105	1/15/2015	GALLEGOS ELISEO AND JEANETTE	Utility Billing Credit Refund	196.50
198106	1/15/2015	VELA FRANCISCO AND JENNIFER	Utility Billing Credit Refund	90.45
198107	1/15/2015	CRUZ-QUIROZ SEVERINO	Utility Billing Credit Refund	238.80
198108	1/15/2015	QUIROZ CIRIACO VASQUEZ	Utility Billing Credit Refund	150.55
198109	1/15/2015	PINEIDA MANUEL	Utility Billing Credit Refund	114.74
198110	1/15/2015	SALAS GILBERT OR CITY OF MADERA SALAS ESTHELA	Utility Billing Credit Refund	134.76
198111	1/15/2015	PERALES ANTONIO	Utility Billing Credit Refund	150.41
198112	1/15/2015	ALVARADO ARIEL AND FLOR LUGO DE OR CITY OF MADERA	Utility Billing Credit Refund	150.41
198113	1/15/2015	LOPEZ FELICITAS	Utility Billing Credit Refund	82.36
198114	1/15/2015	BAY VIEW LOAN SERVICING	Utility Billing Credit Refund	69.56
198115	1/15/2015	LARSON KATRINA	Utility Billing Credit Refund	156.14
198116	1/15/2015	KSA REALTY INC	Utility Billing Credit Refund	134.89
198117	1/15/2015	BUTTACAVOLI CAMDEN	Utility Billing Credit Refund	107.62
198118	1/15/2015	ENVIRO CLEAN	FLOOR CLEANER REPAIRS	364.88
198119	1/15/2015	ELECTRONIC DATA SOLUTIONS	ANNUAL TECH SUPPORT	250.00
198120	1/15/2015	HS POSTERS, INC.	TRANSIT AD	240.00
198121	1/15/2015	FRESNO COUNTY TREASURER	WATER SAMPLES	2,064.00
198122	1/15/2015	FRESNO COUNTY ECONOMIC OPPTY. COMMISSION	ADC MEALS DECEMBER 2014	449.11
198123	1/15/2015	GEIL ENTERPRISES, INC.	JANITORIAL SERVICES	105.00
198124	1/15/2015	GOLDEN STATE FLOW MEASUREMENT INC.	WATER METER REGISTERS	2,476.57
198125	1/15/2015	GUARDIAN WESTERN SWEEPING INC.	MONTHLY POWER SWEEPING	482.00
198126	1/15/2015	HERTZ EQUIPMENT RENTAL	WATER TRUCK RENTAL	1,583.28
198127	1/15/2015	INDUSTRIAL ELECTRICAL CO.	ELECTRICAL VIDS FOR WELL #24, 28	44,855.99
198128	1/15/2015	JSL CONSTRUCTION INC.	ABATEMENT AT 121 N ST	14,375.00
198129	1/15/2015	JORGENSEN COMPANY	SERVICE PARTS	94.21
198130	1/15/2015	KAISER FOUNDATION HEALTH PLAN	CITY MEDICAL KAISER JANUARY 2015	121,352.37
198131	1/15/2015	LEHR AUTO ELECTRIC	SIREN	278.47
198132	1/15/2015	LEXISNEXIS	DECEMBER CHARGES	274.00
198133	1/15/2015	LINCOLN FINANCIAL	JANUARY 2015 LIFE & LTD INSURANCE	6,748.60
198134	1/15/2015	M A C E A	JANUARY 2015 MONTHLY DUES	28.00
198135	1/15/2015	CITY OF MADERA	JANUARY WATER/TRASH	115.35
198136	1/15/2015	CITY OF MADERA	JANUARY INTERMODAL UTILITIES	50.39
198137	1/15/2015	CITY OF MADERA	JANUARY UTILITIES- 123 N E ST	22.33
198138	1/15/2015	CITY OF MADERA	JANUARY UTILITIES 1063 SAN CARLOS AVE	67.03
198139	1/15/2015	CITY OF MADERA	JANUARY UTILITIES 999 SAN BRUNO AVE	63.47
198140	1/15/2015	CITY OF MADERA	JANUARY UTILITIES 1990 TANGERINE AVE	63.02
198141	1/15/2015	M.C.E.A.	JANUARY 2015 MONTHLY DUES	200.00
198142	1/15/2015	MADERA CLEANERS & LAUNDRY	FLOOR MAT SERVICE	32.30
198143	1/15/2015	MADERA COUNTY OFFICE OF EDUCATION	MADERA COMPACT- MEMBERSHIP DUES	200.00
198144	1/15/2015	MADERA IRRIGATION DISTRICT	ADMIN SVS JPA FC 7/10- 11/30/14	1,094.34
198145	1/15/2015	M P O A	JANUARY 2015 MONTHLY DUES	7,093.80
198146	1/15/2015	MADERA TRIBUNE	ORDINANCE SUMMARY	77.40
198147	1/15/2015	MADERA UNIFIED SCHOOL DISTRICT	MUSD CNG FUEL	361.23
198148	1/15/2015	MASON, ROBBINS, BROWNING & GODWIN,LLP	JPA SVS THRU 12/31/14	1,183.65
198149	1/15/2015	MOTOROLA SOLUTIONS INC.	TOOL REPLACEMENT	7,640.15
198150	1/15/2015	MOY & ASSOCIATES	TRANSIT MANAGER NOV THROUGH DEC 2014 SVS	13,034.79
198151	1/15/2015	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 01/16/2015 PAYROLL	5,628.92
198152	1/15/2015	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-02 FOR 01/16/2015 PAYROLL	1,608.80
198153	1/15/2015	OPERATING ENGINEERS, LOCAL #3	JANUARY 2015 MONTHLY DUES	4,488.00
198154	1/15/2015	ONTRAC	MAILING SVS	3.59
198155	1/15/2015	PACIFIC GAS & ELECTRIC	12/14 SVS 3533032414-2	82,776.36
198156	1/15/2015	PREMIER ACCESS INSURANCE COMPANY	CITY PAID DENTAL BILL JANUARY 2015	16,238.66
198157	1/15/2015	PAY PLUS SOLUTIONS, INC.	CALPERS JANUARY SUBSCRIPTION	247.00
198158	1/15/2015	DELGADO, MARIA	FACILITY DEPOSIT REFUND	250.00
198159	1/15/2015	RAMIREZ, MARIA	PARK CANCELLATION REFUND	165.00

198160	1/15/2015	UNITE HERE LOCAL 19	FACILITY DEPOSIT REFUND	50.00
198161	1/15/2015	DELGADO, MARIA	FACILITY DEPOSIT REFUND	250.00
198162	1/15/2015	PRICE PAIGE AND COMPANY	PROFESSIONAL SVS FOR PERIOD ENDING 12/31	4,780.00
198163	1/15/2015	REINARD W. BRANDLEY CONSULTING	APRON RECONSTRUCTION DESIGN	25,500.00
198164	1/15/2015	SENSUS USA	ANNUAL TECH SUPPORT 2015	6,812.42
198165	1/15/2015	SPARKLETT'S	LAB & DRINKING WATER	219.78
198166	1/15/2015	SUNEDISON, LLC	ELECTRIC UTILITIES DECEMBER 2014	19,951.41
198167	1/15/2015	TEMPLE CONSULTING GROUP, LTD	MAIS SOFTWARE MAINTENANCE PROGRAM 2015	18,920.00
198168	1/15/2015	TESEI PETROLEUM, INC.	FUEL	329.69
198169	1/15/2015	THRIVE FITNESS	JANUARY 2015 MONTHLY DUES	155.00
198170	1/15/2015	THYSSENKRUPP ELEVATOR CORPORATION	YOUTH CENTER ELEVATOR SVS	234.36
198171	1/15/2015	US BANK CORPORATE PAYMENT SYSTEMS	12/14 CAL-CARD CHARGES	108,951.59
198172	1/15/2015	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 01/16/15 PR	17,406.00
198173	1/15/2015	VISION SERVICE PLAN-(CA)	VISION SVS PLAN VSP JANUARY 2015	2,327.68
198174	1/15/2015	WECO WELDING, PAINT, SUPPLIES & EQUIP	CO2 FOR POOL LATE FEE	586.50
198175	1/22/2015	RODRIGUEZ, OLIVIA	FACILITY DEPOSIT REFUND	50.00
198176	1/22/2015	AT&T	01/15 SVS 8000-893-0630	360.87
198177	1/22/2015	AT&T	12/14 SVS 5596640196629	1,199.42
198178	1/22/2015	AT&T	12/14 SVS 5596742351543	1,099.75
198179	1/22/2015	AT&T	12/14 SVS 2343428590253	2,069.93
198180	1/22/2015	AT&T	12/14 SVS 5596619156821	479.82
198181	1/22/2015	BLUE SHIELD OF CALIFORNIA	CITY PAID BLUE SHIELD JANUARY 2015	174,625.83
198182	1/22/2015	CSMFO	2015 CSMFO MEMBERSHIP RENEWAL	110.00
198183	1/22/2015	CALIFORNIA DEPARTMENT OF JUSTICE	FINGERPRINT APPS	32.00
198184	1/22/2015	CALIFORNIA DEPARTMENT OF TRANSPORTATION	SIGNALS/LIGHTING SHARED COSTS OCT-DEC 14	4,342.72
198185	1/22/2015	DIVISION OF THE STATE ARCHITECT	CA PORTION OF SB1186 FEES FY 14/15 QTR 2	62.40
198186	1/22/2015	CBCINNOVIS, INC	ACCESS FEE	16.00
198187	1/22/2015	COMCAST	PD CABLE TV 1/14/15- 2/13/15	126.67
198188	1/22/2015	LUPE, MIZELL	REFUND DOUBLE PMT ON ALARM PERMIT	50.00
198189	1/22/2015	COPWARE	LEGAL SOURCEBOOK & SITE LICENSE	950.00
198190	1/22/2015	CREATIVE COPY	CREATIVE COPY	366.00
198191	1/22/2015	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 01/01- 01/15/15	6,506.25
198192	1/22/2015	FRESNO BEE, THE	HELP WANTED AD	393.99
198193	1/22/2015	HERITAGE K9	BI-MONTHLY MAINT TRAINING DEC 2014	866.67
198194	1/22/2015	J'S COMMUNICATIONS	QTRLY SVS AGREEMENT JAN- MAR 2015	4,707.00
198195	1/22/2015	JSL CONSTRUCTION INC.	PMT #8- 271152 SAN BRUNO AVE	7,565.15
198196	1/22/2015	FIRST TRANSIT INC.	FIRST TRANSIT NOVEMBER 2014	63,117.43
198197	1/22/2015	LANGUAGE LINE SERVICES, INC.	INTERPRETATION SVS	82.80
198198	1/22/2015	VIDEGAIN, RYAN	REIMBRSMT OF MEALS AND PARKING FEES	63.68
198199	1/22/2015	LYNN PEAVEY COMPANY	SUPPLIES	296.65
198200	1/22/2015	CITY OF MADERA	PAN AM UTILITIES JANUARY 2015	130.66
198201	1/22/2015	MADERA CLEANERS & LAUNDRY	FLOOR MAT SERVICE	32.30
198202	1/22/2015	MADERA COALITION FOR COMM JUSTICE	REIMBURSMT FOR 2ND QTR 14/15 CDBG	1,508.50
198203	1/22/2015	MADERA COUNTY TREASURER	NOVEMBER 2014 PARKING PENALTIES	310.50
198204	1/22/2015	MADERA COUNTY AUDITOR-CONTROLLER	ANIMAL SHELTERING SVS FY 14/15 JAN 2015	12,500.00
198205	1/22/2015	MADERA COUNTY E D C	EDC 3RD QUARTER BILLING	37,052.50
198206	1/22/2015	MADERA COUNTY E D C	REIMB FOR QTR2 SALARIES/EXPENSES	916.37
198207	1/22/2015	MADERA DOWNTOWN ASSOC.	FY 14/15 QTR2	6,517.96
198208	1/22/2015	MADERA HONDA SUZUKI	TIRE REPAIR	305.15
198209	1/22/2015	MADERA PRIVATE SECURITY PATROL	SECURITY SVS	198.00
198210	1/22/2015	MADERA RADIO DISPATCH, INC.	TOWER RENT	200.00
198211	1/22/2015	MADERA TRIBUNE	PC 1/13/15 PUBLIC NOTICE	106.20
198212	1/22/2015	MATTHEW BENDER & CO., INC.	PENAL CODES	1,525.04
198213	1/22/2015	MCCOMBS, MATTHEW	REIMBURSEMENT FOR MEALS & PARKING FEES	125.97
198214	1/22/2015	METRO UNIFORM	UNIFORMS	1,566.00
198215	1/22/2015	MOORE-TWINING ASSOCIATES, INC.	PHASE 1 ENVIR ASSMT- TRANSIT MAINT FAC	1,700.00
198216	1/22/2015	NIXLE LLC	2015 SUBSCRIPTION TELE COMMUNICATION SVS	3,535.00
198217	1/22/2015	ONTRAC	SHIPPING SVS	10.77
198218	1/22/2015	P G AND E	12/14 SVS 9787342989-4	142.69
198219	1/22/2015	OCHOA, ROBERT	YOUTH BASKETBALL REFUND	36.00
198220	1/22/2015	BEARDEN, SUSAN	FACILITY DEPOSIT REFUND	100.00
198221	1/22/2015	FOOD FAIR MARKET	RETURN FULL DEPOSIT	1,550.00
198222	1/22/2015	PHOENIX GROUP INFO SYS	DECEMBER 14/15 CITATIONS	465.95
198223	1/22/2015	PITNEY BOWES CREDIT CORP.	QUARTERLY METER RENTAL OCT- JAN 2015	249.51
198224	1/22/2015	PRAXAIR DISTRIBUTION, INC.	CYLINDER DEMURRAGE	448.80
198225	1/22/2015	REINARD W. BRANDLEY CONSULTING	APRON RECONSTRUCTION DESIGN	8,062.00
198226	1/22/2015	SIMPLEXGRINNELL	ANNUAL FIRE EXT SERVICE	45.45
198227	1/22/2015	TASER INTERNATIONAL	TASERS	132.03
198228	1/22/2015	TEMPLE CONSULTING GROUP, LTD	MAIS SOFTWARE MAINT JAN THROUGH DEC 2015	1,400.00
198229	1/22/2015	TESEI PETROLEUM INC.	FUEL CHARGES 12/20/14- 12/31/14	18,451.45
198230	1/22/2015	TRANSUNION RISK & ALTERNATIVE DATA SOL.	DATABASE ACCESS DECEMBER 2014	110.00
198231	1/22/2015	UNION PACIFIC RAILROAD	FOURTH ST UPRR- LAKE	22,425.41
Bank # 1 - Union Bank General Account Total				950,890.05



REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF February 4, 2015

AGENDA ITEM NUMBER B-3

APPROVED BY


GRANT ADMINISTRATOR


CITY ADMINISTRATOR

SUBJECT: Consideration of a Resolution Consenting to a Short Sale for a HOME-Assisted First Time Homebuyer and Authorizing the City Administrator to Sign the Subordinate Lien Approval Letter

RECOMMENDATION:

Staff recommends Council approve a resolution consenting to the Short Sale and authorizing the City Administrator's signature on the Subordinate Lien Approval letter.

SUMMARY:

The borrower signed loan documents February 25, 2005. The amount of assistance was as follows:

HOME	\$20,455
RDA Match	6,818
Local Program Income	<u>2,727</u>
Total Assistance	<u>\$30,000</u>

According to the borrower, in July of 2011 she began to reside in North Dakota to take care of her injured brother. In October of 2011, she took a leave of absence from her job in California. She decided to try to work in North Dakota and traveled between California and North Dakota. In April of 2014, she received an opportunity to take over a business in North Dakota. She entered into an agreement with her son-in-law to take over the house payment and start to purchase the property; however, he backed out. Her business is barely making it, all earnings go right back into the business and she can no longer afford the payment on the house.

HOME Management Memo No. 12-01 specifies recipients may approve short sales without state approval. Recipients have three major sets of responsibilities as follows:

Set No. 1: Counsel borrowers about their best interests:

1. Assist the borrower to retain their home, discuss why the borrower is requesting a short sale, discuss alternatives to a short sale such as loan modifications and provide counseling about possible tax consequences.

2. Discuss the advantages of remaining in the home (i.e., stable, affordable housing payments versus paying potentially higher rent that may increase over time).
3. Discourage the short sale if borrowers appear to be seeking to escape a temporary “under-water” situation.

Set No. 2: Recipients role as a prudent lender:

1. Recover loan proceeds to the extent possible.
2. Verify the sales price is approximately fair market value.
3. Negotiate with the first lender for a portion of the lender’s proceeds.
4. Ensure the following documentation is in the file for State review:
 - a. A description of discussions with the borrower.
 - b. An estimate of fair market value.
 - c. A description of negotiations with the primary lender
 - d. Documents pertaining to the escrow.

Set No. 3: The Recipient must not take any actions contrary to the following provisions of the HOME Final Rule at 24 CFR 92.254(a)(5)(ii)(A):

“...the participating jurisdiction is subject to the limitation that when the recapture requirement is triggered by a sale (voluntary or involuntary) of the housing unit, and there are no net proceeds or the net proceeds are insufficient to repay the HOME investment due, the participating jurisdiction can only recapture the net proceeds, if any. The net proceeds are the sales price minus superior loan repayment (other than HOME funds) and any closing costs.”

Staff discussed with the borrower short sale alternatives, loan modifications, the possible tax consequences and referred her to counseling. According to the borrower, there are no advantages of staying in the home, and she waived her right to counseling.

The escrow documentation states we are receiving \$2,000 through the Short Sale transaction. The listing price and Field “As Is” Value are both \$94,600. Staff documented the file with the items detailed in Set Nos. 1 through 3, above. Upon completion of the Short Sale, staff shall file IRS Form 1099-C as stated in HOME Management Memo No. 12-01.

FINANCIAL IMPACT:

Staff shall deposit \$2,000 into the City’s HOME Reuse Account. Funds in this account provide assistance to eligible HOME activities and, staff shall allocate Reuse funds before our available HOME funds are committed and drawn. Because it is considered Recapture and not Program Income, 10 percent of the \$2,000 is not available for Administration expenses. Following the provision to recapture the net proceeds, if any, does not impact the General Fund.

VISION MADERA 2025 ACTION PLAN CONSISTENCY:

The Vision Plan does not address Short Sales. It is not in conflict with any of the actions or goals contained in the Plan. In addition, it is consistent with the provision of the HOME Final Rule at 24 CFR 92.254(a) (5) (ii) (A).

RESOLUTION NO.: 15-____

**A RESOLUTION, OF THE CITY OF MADERA, CALIFORNIA, CONSENTING TO A
SHORT SALE FOR A HOME-ASSISTED FIRST TIME HOMEBUYER AND
AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE
SUBORDINATE LIEN APPROVAL LETTER**

WHEREAS: The borrower signed loan documents February 25, 2005 for the property located at 117 Walnut Street in the City of Madera, California 93637, and

WHEREAS: Because of hardship, the borrower relocated to North Dakota to care for a family member and to re-establish employment, and

WHEREAS: HOME Management Memo No. 12-01 specifies recipients may approve short sales without state approval and have three major sets of responsibilities as follows:

Set No. 1: Counsel borrowers about their best interests:

Set No. 2: Recipients role as a prudent lender:

Set No. 3: The Recipient must not take any actions contrary to the following provisions of the HOME Final Rule at 24 CFR 92.254(a)(5)(ii)(A)

WHEREAS: Staff discussed with the borrower short sale alternatives, loan modifications, possible tax consequences and referred her to counseling and, according to the borrower, there are no advantages of staying in the home, and she waived her right to counseling, and

WHEREAS: Staff's review of the escrow documentation states we are receiving \$2,000 through the Short Sale transaction, and the listing price and Field "As Is" Value are both \$94,600, and

WHEREAS: Staff documented the file with the items detailed in Set Nos. 1 through 3, above, and

WHEREAS: Staff shall file IRS Form 1099-C as stated in HOME Management Memo No. 12-01.

IT IS NOW THEREFORE RESOLVED THAT:

1. The above recitals are true and correct.
2. The City of Madera hereby consents to the short sale of the property located at 117 Walnut Street, Madera, California 93637.
3. The City Administrator is hereby authorized to sign the Subordinate Lien Approval letter attached as Exhibit A and any and all documents necessary as required by the subordinate lender to facilitate the short sale.
4. This resolution is effective immediately upon adoption.

EXHIBIT A

February 5, 2015

CitiMortgage Inc.
1000 Technology Drive
O'Fallon, MO 63368

Re: CitiMortgage Loan No.: 2002439081

Dear Sir or Madam:

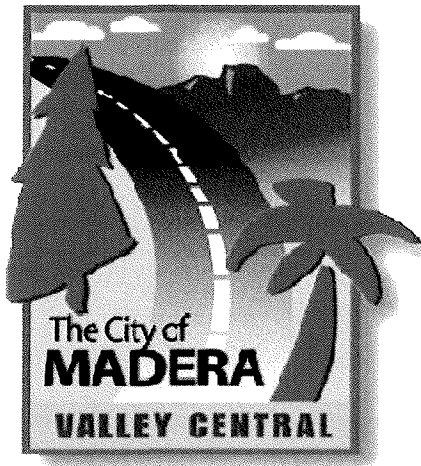
According to the Home Affordable Foreclosure Alternative (HAFA) Program, the City of Madera agrees to the payoff of \$2,000 from sale proceeds. In addition, the borrower is released from all liability for the balance of the deficiency. No contributions from the borrower or the real estate agent are a condition of releasing the lien.

Thank you for your attention to this letter. If there are questions, then do not hesitate to contact Jorge Antonio Rojas, Program Manager, 559-661-3693, irojas@cityofmadera.com.

Very truly yours,

David R. Tooley
City Administrator

/jr

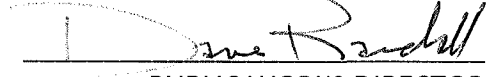


REPORT TO CITY COUNCIL

MEETING DATE: February 4, 2015

AGENDA ITEM NUMBER: B-4

Approved By:


PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR

SUBJECT:

Consideration of a Resolution Appointing William Jacobsen and Nick Davis to the City of Madera Airport Advisory Commission.

RECOMMENDATION:

Staff recommends that the Council adopt a resolution appointing William Jacobsen and Nick Davis to the City of Madera Airport Advisory Commission.

DISCUSSION:

The City of Madera Airport Advisory Commission (AAC) is a Council appointed body established in order to serve in an advisory capacity only to the City Council and staff on matters involving the Madera Municipal Airport. The AAC is tasked with reviewing the annual budget, recommending capital projects, review and recommend airport policies and operation procedures, and to review and recommend action regarding land use surrounding the airport.

The City Council approved an update of the AAC bylaws on October 15, 2014 and shifted from a five member panel to seven members, with each member of the City Council nominating a member of the AAC. This necessitated that additional members be added to the Commission and the existing appointments be reconfirmed.

Council Member Charles Rigby has indicated a desire to nominate and appoint William Jacobsen to the AAC to serve a term concurrent with his own. Mr. Jacobsen is the current Treasurer for the Madera Aero-modelers Radio Control Society. Additionally, Mr. Jacobsen serves as the Treasurer for the Valley West Christian Center Board of Directors and as the Clerk of the Board for the Sherman Thomas Charter School Board.

Mayor Pro Tem William Oliver has indicated a desire to nominate and appoint Nick Davis to the AAC to serve a term concurrent with his own. Mr. Davis is a member of the Madera County Aircrafters' Club and is the current Vice President for the club. Additionally, Mr. Davis has served on other boards, including the Madera County Farm Bureau and Madera County Arts Council.

Both appointees will bring a breadth of experience and understanding of aeronautical issues and concerns to the Airport Advisory Commission.

FINANCIAL IMPACT:

There are no financial impacts from the recommended actions, as the Commission serves without compensation.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

While this item does not directly implement a Vision action item, it is not in conflict with one either.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MADERA, CALIFORNIA, APPOINTING WILLIAM JACOBSEN
AND NICK DAVIS TO THE CITY OF MADERA AIRPORT
ADVISORY COMMISSION

WHEREAS, vacancies exist in the City of Madera Airport Advisory Commission for the Mayor and City Council Members; and

WHEREAS, the City Council in previous action has adopted an Ordinance that specifies nomination and appointment procedures, and terms of office for members of City Boards and Commissions; and

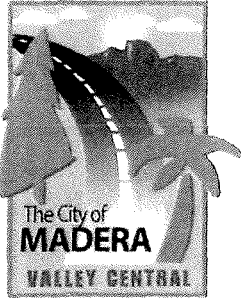
WHEREAS, William Jacobsen has been duly nominated to fill the vacancy of the appointment for Council Member Rigby; and

WHEREAS, Nick Davis has been duly nominated to fill the vacancy of the appointment for Mayor Pro Tem Oliver; and

WHEREAS, the nominees have the requisite experience and desire to fulfill the responsibilities of the posts.

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

1. The above recitals are true and correct.
2. William Jacobsen and Nick Davis are hereby appointed to the office of the Airport Advisory Commission of the City of Madera for the term prescribed by Ordinance.
3. This resolution is effective immediately upon adoption.



CITY OF MADERA COMMISSION, BOARD, AND COMMITTEE

APPLICATION

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

PLEASE CHECK ONE OR MORE:

- | | |
|---|---|
| ☐ ADA Advisory Council | ☒ Airport Advisory Commission |
| ☐ Beautification Committee | ☐ Civil Service Commission |
| ☐ CDBG Review and Advisory Committee | ☐ Loan Review Committee |
| ☐ Planning Commission | ☐ Transit Advisory Board |
| ☐ Other: _____ | |

Please type or print in ink.

<u>Jacobsen</u>	<u>William</u>	<u>D.</u>
LAST NAME	FIRST NAME	M.I.
<u>2500 Meadowrest Way</u>	<u>Madera, CA 93637-4902</u>	<u>(559) 675-0931</u>
HOME ADDRESS	CITY, STATE, ZIP	HOME PHONE
<u>Same as above</u>		<u>bill.jacobsen@sbcglobal.net</u>
MAILING ADDRESS	CITY, STATE ZIP	E-MAIL ADDRESS
<u>Retired</u>	<u>Professional Land Surveyor</u>	
EMPLOYER	JOB TITLE	BUSINESS PHONE

LENGTH OF RESIDENCE IN CITY OF MADERA <u>51</u> YEARS ____ MONTHS	ARE YOU A REGISTERED VOTER OF THE CITY OF MADERA? ☒ YES ☐ NO	HAVE YOU EVER BEEN CONVICTED OF A FELONY? ☐ YES ☒ NO
--	--	--

EDUCATIONAL BACKGROUND:

1958 Graduate of Madera Union High School
AA Degree at Fresno City College: 1960
Attended Fresno State College for 3-years (Engineering Major)
Nevada Professional Land Surveyor since 1975
California Professional Land Surveyor since 1983

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

Madera Aero-modelers Radio Control Society: Treasurer
Valley West Christian Center Board of Directors: Treasurer
Sherman Thomas Charter School Board: Clerk of the Board

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

NONE

I AM INTERESTED IN SERVING FOR THE FOLLOWING REASONS:

Help review city and county developments adjacent to the airport, to ensure an environment for the airports longevity and public safety.
Help the city keep abreast of changes in aviation developments for commercial and private use and to review airport policies and operating procedures to comply with FAA Regulations.

REFERENCES (Optional):

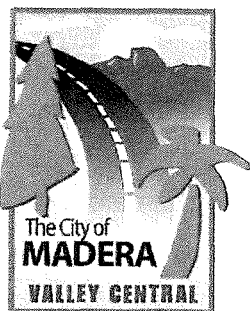
01-19-2015

DATE

William D. Jacobsen
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



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:

- | | |
|---|---|
| ☐ ADA Advisory Council | ☒ Airport Advisory Commission |
| ☐ Beautification Committee | ☐ Civil Service Commission |
| ☐ CDBG Review and Advisory Committee | ☐ Loan Review Committee |
| ☐ Planning Commission | ☐ Transit Advisory Board |
| ☐ Other: _____ | |

Please type or print in ink.

Davis	Nick	R
LAST NAME	FIRST NAME	M.I.
26704 Avenue 8	Madera	NA
HOME ADDRESS	CITY, STATE, ZIP	HOME PHONE
26704 Avenue 8	Madera	Nick.Davis@TheWineGroup.com
MAILING ADDRESS	CITY, STATE ZIP	E-MAIL ADDRESS
The Wine Group	Vineyard Manager	559-352-8067
EMPLOYER	JOB TITLE	BUSINESS PHONE

LENGTH OF RESIDENCE IN CITY OF MADERA 31 YEARS 6 MONTHS	ARE YOU A REGISTERED VOTER OF THE CITY OF MADERA? ☒ YES ☐ NO	HAVE YOU EVER BEEN CONVICTED OF A FELONY? ☐ YES ☒ NO
--	--	--

EDUCATIONAL BACKGROUND:

Graduate of Madera High School - 2002
Graduate of Cal Poly, San Luis Obispo, 2007
Student at Craig School of Business, Fresno, AG EMBA (current)

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

Executive Board-member, Secretary, Madera County Farm Bureau Secretary (current)
Executive Board-member, Vice-President, Madera County Aircrafter's Club (current)
Executive Board-member, Secretary, Madera County Aircrafter's Club (past)
Executive Board-member, Vice-President, Madera County Arts Council (past)

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

None

I AM INTERESTED IN SERVING FOR THE FOLLOWING REASONS:

I'm interested in serving on this Commission to represent fellow pilots flying in and out of the Madera airport, businesses operating at the airport and see the airport continues to operate efficiently and at it's full potential for all who use and benefit from its existence.

REFERENCES (Optional):

1/21/2005

DATE


SIGNATURE

PLEASE RETURN COMPLETED APPLICATION TO:

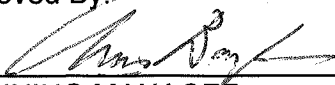
CITY OF MADERA
OFFICE OF THE CITY CLERK
205 West Fourth Street
Madera, CA 93637
(559) 661-5405
(559) 674-2972 Fax

COUNCIL MEETING OF:
February 4, 2015

AGENDA ITEM NUMBER:
C-1

REPORT TO THE CITY COUNCIL

Approved By:


PLANNING MANAGER


CITY ADMINISTRATOR

SUBJECT:

Public Hearing and Consideration of Adoption of a Resolution Adopting a Negative Declaration prepared in accordance with the California Environmental Quality Act and Approving a Precise Plan for the Development of a Fifty-Four (54) Unit Multifamily Apartment Complex, and Introduction of an Ordinance Rezoning 2.39-acres Located on the East Side of Emily Way at its Intersection with Joya Drive from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District.

RECOMMENDATION:

It is recommended that the Council, after considering public testimony, adopt the resolution adopting the Negative Declaration and approving the precise plan, and introduce the ordinance rezoning the subject property.

DISCUSSION:

The project site is vacant land generally located west of the hospital campus and south of Almond Avenue. Around the project site, there is a mix of vacant parcels amidst land developed at an urban density. The project, including all of its various entitlements, was considered by the Planning Commission at its January 13, 2015 meeting. Planning Commission Resolution No. 1788 was adopted, recommending that the City Council approve the project, subject to findings and conditions of approval.

Rezone

The project site is within the HD (High Density) General Plan land use designation, which allows for residential development at a range of densities beginning at 15.1 units per acre, reaching as high as fifty units per acre. The project site is currently within the PD-3000 (Planned Development) Zone District. The PD-3000 (Planned Development) Zone District is not consistent with the HD (High Density) General Plan land use designation. A change to the PD-1500 (Planned Development) Zone District would provide consistency between the General Plan and the Zoning Ordinance. The proposed multifamily apartment complex project would be constructed at a density that is consistent with the General Plan and proposed zoning for the project site.

There are sufficient City services available to serve the project site. Sewer, water and storm drainage facilities would be extended to service the project site. Streets would be improved in

conjunction with development. These improvements would be consistent with the City's Master Plans.

Precise Plan

Precise Plans are utilized within Planned Development zones to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space. Approval of the Precise Plan would provide for the construction of a three-story multifamily residential apartment complex. The fifty-four (54) unit project would be developed within three three-story residential structures. Eighteen one-bedroom, eighteen two bedroom, and eighteen three bedroom units would be distributed within the three structures. The primarily stucco structures have been enhanced with wrought-iron railings, window accents, and expansive rock treatments. Multiple colors will be employed to accentuate structural articulation while minimizing the mass of these three-story structures. Composition tile roofing is proposed. Applicable utilities will be located within mechanical/electrical service rooms.

The multifamily complex is designed around a central open space area which includes many of the project amenities, including a swimming pool and spa, covered barbeque area, sports court and children's tot-lot. Carport structures are designed to be complimentary and compatible to the primary structures. The parking fields are positioned in such a way as to minimize the intrusion of a three-story structure upon surrounding existing land uses. A fire lane is located on the south boundary of the project.

Open space is provided at a ratio of 712 square feet per unit, slightly less than the required 750 square feet per unit required in the PD (Planned Development) Zone. Because of the density requirements of the HD (High Density) General Plan land use designation, it can be difficult to provide all of the varying development requirements within high density development projects. Open space has been maximized by limiting ground-mounted utilities such as HVAC equipment. Because of the amount of proposed amenities included within the project and the restricted ground placement of utilities, staff can recommend support of the project even with a slight reduction in total open space.

General Plan Conformity

The General Plan includes specific goals and accompanying policies which assist in the implementation of those goals. General Plan Goal CD-1 calls for "the City of Madera [to] require that all new development is well-planned and of the highest possible quality. The City will seek to build an image of Madera as a contemporary small city with vibrant, livable neighborhoods and walkable pedestrian -and bicycle- oriented development." Goals CD-2 expands that vision by requiring that "all new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture." Based on the whole of the project, site design, architecture, and amenities, the proposed multifamily apartment complex is consistent with the goals and policies of the General Plan.

CEQA

An initial study and a negative declaration have been prepared for consideration. The Planning Commission and staff recommend adoption of a resolution adopting the negative declaration.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The first of the four core vision statements in the Vision Plan is "a well-planned city." The Council, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help "ensure adequate supply of affordable, accessible and barrier-free housing city-wide" and is specifically consistent with

Strategy 131, which requires that we "Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components."

FISCAL IMPACT:

The development of new residential development would not adversely impact the City as demands for services are generally balanced by new revenues from increases in property and sales taxes. This project is also includes a requirement that the project be annexed into Community Facilities District (CFD) 2005-01. The CFD collects a special assessment that helps to bridge the gap between the cost of providing services to new development and the revenues generated by that development.

REFERENCE MATERIALS:

Aerial Photo

Zoning Map

Planning Commission Resolution No. 1788

Initial Study and Environmental Assessment

Resolution of the City Council

Exhibit A - Amended Zoning Map

Exhibit B - Precise Plan 2015-02

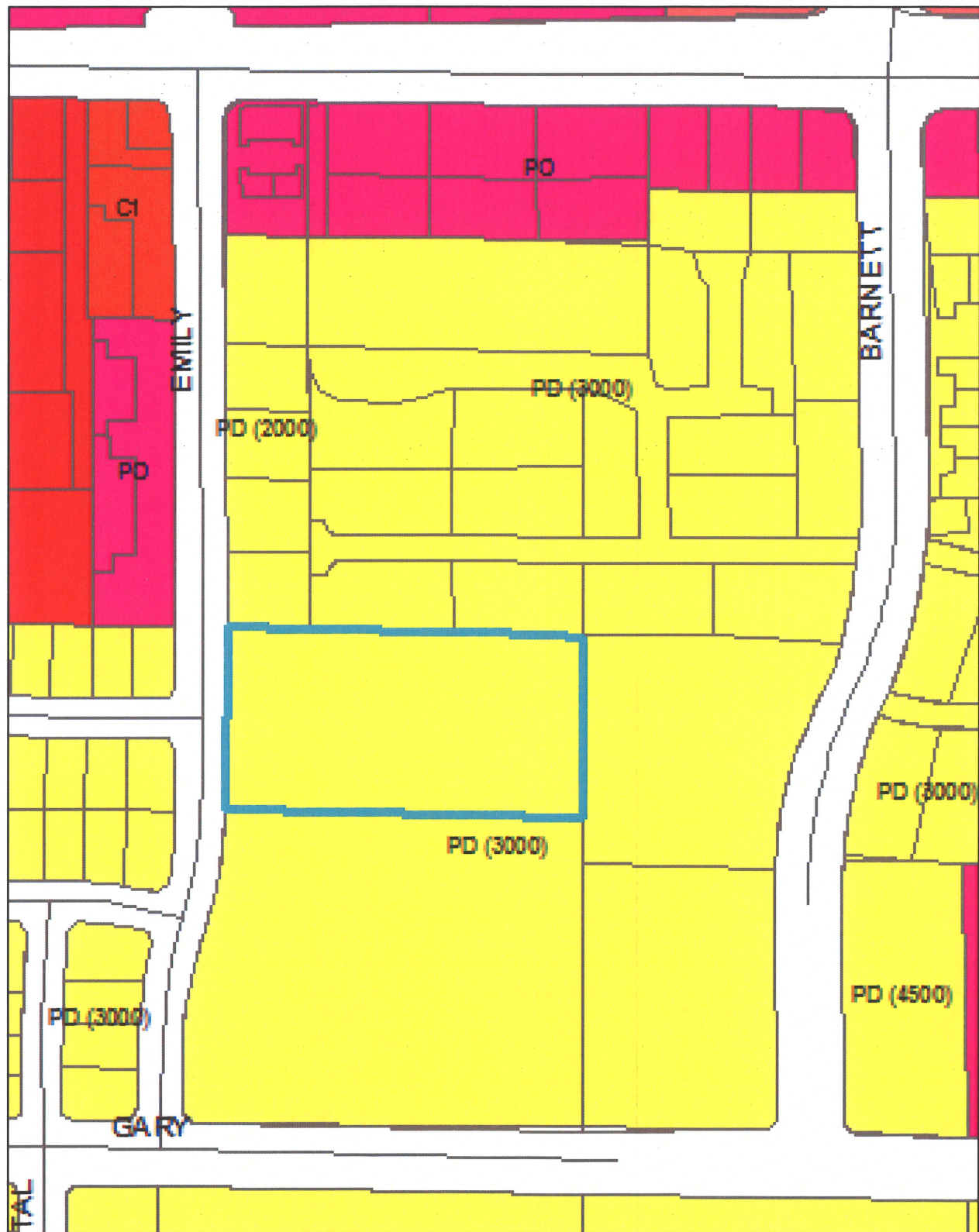
Rezoning Ordinance

Exhibit A - Amended Zoning Map

Aerial Photo



Zoning Map



RESOLUTION NO. 1788

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF A NEGATIVE DECLARATION, ADOPTION OF AN ORDINANCE REZONING PROPERTY LOCATED ON THE EAST SIDE OF EMILY WAY AT ITS INTERSECTION WITH JOYS DRIVE AND APPROVAL OF A PRECISE PLAN ALLOWING FOR THE DEVELOPMENT OF THE SITE CONSISTENT WITH THE GENERAL PLAN AND ZONING.

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

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

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

WHEREAS, a proposal has been made to rezone approximately 2.39 acres of property located on the east side of Emily Way at its intersection with Joya Drive, resulting in a change from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District, as shown in the attached Exhibit A; and

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

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

WHEREAS, a proposal has been made to adopt a precise plan consistent with the PD 1500 (Planned Development) Zone District; and

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

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

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

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

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

1. The above recitals are true and correct.
2. Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission finds that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and has hereby been adopted in accordance with the California Environmental Quality Act.
3. The Planning Commission hereby recommends that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
4. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.

5. The Planning Commission hereby recommends the City Council approve the proposed precise plan as conditioned for development of the project as shown in Exhibit B.

6. This resolution is effective immediately.

* * * * *

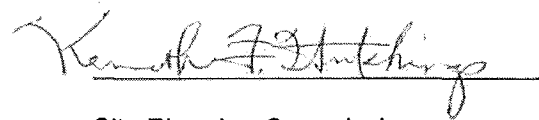
Passed and adopted by the Planning Commission of the City of Madera this 13th day of January, 2015, by the following vote:

AYES: Shirley Driggs, Pamela Tyler, Bruce Norton, Ruben Mendoza,
Jim DaSilva and Kenneth Hutchings

NOES: None

ABSTENTIONS: None

ABSENT: Robert Gran, Jr.



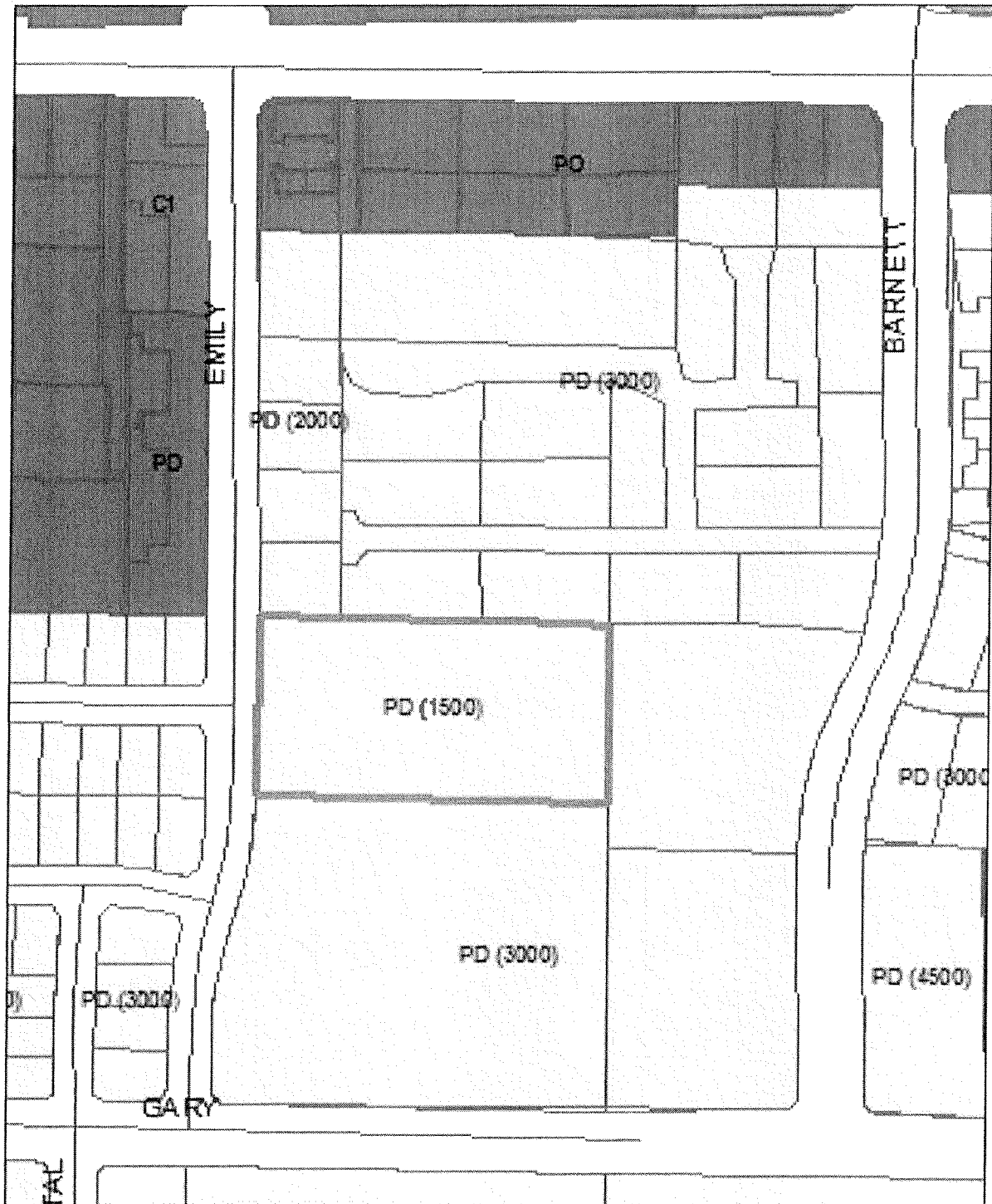
City Planning Commission

Attest:


Christopher F. Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO, 1788

EXHIBIT 'A'



[illegible]

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Emily Way Apartments Rezone 2014-01 Precise Plan 2014-02

This environmental assessment has been prepared to evaluate the impacts of the proposed project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code [PRC] 21000 et seq.). For this project, the City is the lead agency under CEQA because it has the primary responsibility for approving and implementing the project, and therefore the principal responsibility for ensuring CEQA compliance.

Project: Rezone 2014-01
Precise Plan 2014-02

Applicant: McClure Enterprises Inc.
3317 M Street
Merced, CA 95348

Owner: Louie Fimbres
501 North E Street
Madera, CA 93638

Location: The 2.39-acre project site is located on the east side of Emily Way at its intersection with Joya Drive (APN: 012-253-002).

Proposal: An application to rezone 2.39 acres from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District to allow for the development of a fifty-four (54) unit multifamily apartment complex with associated improvements and infrastructure. The apartment complex includes 18 one-bedroom, 18 two-bedroom, and 18 three-bedroom units distributed within three structures. Amenities include playground features, barbeque areas, a swimming pool area, and sports court. All construction would be three stories high.

Existing Zone District: PD-3000 (Planned Development)

Existing General Plan Land Use Designation: HD (High Density)

Surrounding Land Uses and Zoning:

South – Vacant
North – Multifamily Residential
West – Single Family Residential
East – Vacant

Responsible and Interested Agencies:

San Joaquin Valley Air Pollution Control District
Madera Unified School District
Madera Irrigation District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

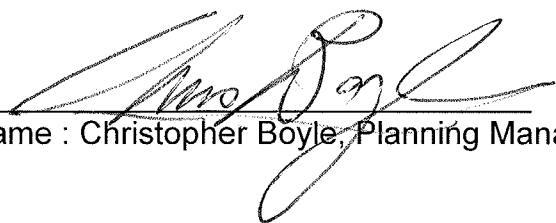
The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| ☒ Aesthetics | ☐ Agriculture Resources | ☒ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Hazards & Hazardous Mat. | ☐ Hydrology / Water Quality | ☐ Land Use / Planning |
| ☐ Mineral Resources | ☒ Noise | ☒ Population / Housing |
| ☒ Public Services | ☐ Recreation | ☒ Transportation/Traffic |
| ☐ Utilities / Service Systems | ☐ Greenhouse Gas Emissions | ☐ Mandatory Findings
of Significance |

DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature 
Printed Name : Christopher Boyle, Planning Manager

Date: December 18, 2014

Explanation of Environmental Checklist

I. AESTHETICS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion: An application to rezone 2.39 acres from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District to allow for the development of a fifty-four (54) unit multifamily apartment complex with associated improvements and infrastructure. The apartment complex includes 18 one-bedroom, 18 two-bedroom, and 18 three-bedroom units distributed within three structures. Amenities include playground features, barbeque areas, a swimming pool area, and sports court. All construction would be three stories high.

The project site has been identified for residential development within the 2009 General Plan, high density development as part of the 2010 Housing Element Update and is zoned appropriately for the proposed use. The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light. Existing City Standards will insure that the impact is less than significant and will not substantially degrade the existing visual character or quality of the property and its surroundings.

a) **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The project will not have a substantial adverse effect on a scenic vista. The City of Madera is located in a predominantly agricultural area near the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. By developing land

within the city's sphere of influence, the proposed project will reduce development pressure on rural lands.

b) **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings, and historic buildings within a state scenic highway.

c) **Less Than Significant Impacts.** The project would not degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.

d) **Less Than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with urban development as a result of the project, although it will be a less than significant impact when required directional shielding is incorporated.

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepare pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Discussion: The project area is located on land identified as Grazing land within the 2012 California Farmland Mapping and Monitoring Program.

a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Grazing land on the 2012 Important Farmland Map, the project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.

a) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts in the affected territory. The City of Madera General Plan identifies this site for residential uses.

b) **No Impacts.** The development of this property will not influence surrounding properties to convert from farmland to non-agricultural uses since this property is surrounded by property designated for urban development, consistent with the Madera General Plan.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Discussion: The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are "criteria pollutants." The SJVUAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.

The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The SJVUAPCD has determined that project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons per year NO_x, 10 tons per year ROG, and 15 tons per year PM₁₀. Therefore, the District concludes that project specific criteria pollutant emissions would have a less than significant adverse impact on air quality.

Additionally, because the proposed project includes more than fifty residential units, the project is subject to SJVUAPCD District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, would be made a condition of project approval.

Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to Air Pollution Control District review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not produce any climate changes. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors

- a) **Less Than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- b) **Less Than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) **Less Than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d) **No Impacts.** The proposed project would not expose sensitive, receptors to substantial pollutant concentrations.
- e) **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion: With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to agricultural uses in the past, resulting in a highly maintained and disturbed habitat. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

The approximately 2.39-acre project site is void of any natural features such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Review of the most recent Department of Fish and Game CNDDDB Occurrences database information indicates that there are no recorded occurrences of any listed species (endangered or threatened) within a one-half-mile radius of the project site. The property surrounding the site is either already developed or approved for urban development. The site is currently being maintained by an annual regimen of disking for weed abatement and fire prevention purposes. Therefore, no opportunity exists for the site to be utilized as a native resident or migratory wildlife corridor. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

a) **No Impacts.** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) **No Impacts.** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

c) **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.

d) **No Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion: The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

a) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.

b) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.

c) **No Impacts.** The proposed project would not directly or indirectly destroy a unique a paleontological resources or sites or unique geologic features. There are no known paleontological resources or sites or unique geologic features located in the affected territory.

d) **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.

VI. GEOLOGY AND SOILS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion: There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

ai.) **No Impacts.** No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the project site. Due to the geology of the project area and its

distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.

aii) **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.

aiii) **No Impacts.** Liquefaction describes a phenomenon in which a saturated, soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.

aiv) **No Impacts.** The project will not result in or expose people to potential impacts from landslides or mudflows.

b) **No Impacts.** Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, The California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from future urban development, if any.

c) **No Impacts.** The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) **No Impacts.** The project will not result in or expose people to potential impacts from expansive soils.

e) **No Impacts.** Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

VII. GREENHOUSE GAS EMISSIONS. Would the project:

	<i>Potentially Significant Impact</i>	<i>Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion: In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

The San Joaquin Valley Unified Air Pollution Control District staff has concluded that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both manmade and natural that have occurred in the past; that is occurring now; and may occur in the future. The Air District has advanced a methodology of reducing the (assumed) significance of impacts around performance measures applied to projects or alternatively, by comparing project-level impacts to an identified GHG emissions threshold.

In the absence of further regulatory or scientific information related to GHG emission and CEQA significance, it is currently too speculative to make a significant determination regarding this project's direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion: The project site is not within one-quarter mile of an existing school, and will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or

future residents of the project. The project site is outside of the scope of the Madera County Airport Land Use Compatibility Plan. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

- a) **No Impacts.** The proposed project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b) **No Impacts.** The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) **No Impacts.** The project would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substances sites within the City of Madera (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e) **No Impacts.** The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport. The proposed project would not bring about a safety hazard related to an airport or aviation activities for people residing or working in the project area.
- f) **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g) **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	☐	☐	☒
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion:

The proposed project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City's Master Plans. The project will not change any drainage patterns or stream courses, or the source or direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions.

The project will not expose people or property to water related hazards. During future construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during any future construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions. Standard construction practices and compliance with City ordinances and regulations, *The Uniform Building Code*, and adherence to professional engineering design approved by the Madera Engineering Department will mitigate any potential impacts from this project. This development will be required to comply with all City ordinances and standard practices which will assure that storm water will be adequately drained into the approved storm water system. The project will not create any impacts on water quality.

Based on a review of the City's FEMA maps, the site is in a Zone X, and the project will not place housing or other land uses in a 100-year flood hazard area. These are areas outside of the 500-year flood area. The project will not expose people or structures to a significant risk because of dam or levee failure. The project will not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.

a) **No Impacts.** Development of the project site would be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development would also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

b) **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c) **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

d) **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.

- e) **No Impacts.** The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f) **No Impacts.** The proposed project would not degrade water quality.
- g) **No Impacts.** The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- h) **No Impacts.** The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- i) **No Impacts.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j) **No Impacts.** The project would not have any potential to be inundated by a seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion: Development of the project area is consistent with the urbanization of the project area, as evaluated in the General Plan and its EIR; therefore impacts in this category are avoided.

a) **No Impacts.** The project would not physically divide an established community. Rather, it logically allows development to occur in an orderly manner, adjacent to urban development.

b) **No Impacts.** The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

c) **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

a) **No Impacts.** The project would not result in the loss or availability of mineral resources.

b) **No Impacts.** The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.

XII. NOISE. Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion: These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a) **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.

- d) **Less than significant impact.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e) **No Impacts.** The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) **No Impacts.** The project will is not located within the vicinity of a private airstrip.
-

XIII. POPULATION AND HOUSING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion: The proposed project will not induce additional substantial growth in this area. The property involved does not have any existing residential uses and the project would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **Less than significant impact.** The proposed residential development will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Roads and other infrastructure will be improved to handle the proposed development.
- b) **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c) **No Impacts.** The proposed project would not displace any people.

XIV. PUBLIC SERVICES.

- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
☐	☐	☒	☐
☐	☐	☒	☐
☐	☐	☒	☐
☐	☐	☒	☐
☐	☐	☒	☐

Discussion: Development of this site, under the current or requested land use and zoning, will result in an increased demand for public services. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services such as fire and police protection, and additional park and school facilities. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the density of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. Initially, the project will rely upon temporary on-site storm drain retention strategies. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The County's current landfill continues to have sufficient capacity. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- i) Fire protection. **Less than significant impact.** The proposed project would not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection.

iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of residential development. The proposed project would not generate a significant impact to the schools in Madera.

iv) Parks. **Less than significant impact.** The proposed project would not generate a significant impact to the park facilities in Madera.

v) Other public facilities. **Less than significant impact.** The proposed project would not have any impacts on other public facilities.

XV. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion: Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

a) **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) **No Impacts.** The project includes recreational facilities. The proposed facilities will not have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e. Result in inadequate emergency access?	☐	☐	☐	☒
f. Result in inadequate parking capacity?	☐	☐	☐	☒
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion: This property was included in the General Plan and its EIR and the potential traffic generated from this land use considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.

a) **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections. Improvements to Emily Way will be made as part of the project.

b) **Less-Than-Significant Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

- d) **Less-Than-Significant Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.
- e) **No Impacts.** The proposed project would not result in inadequate emergency access.
- f) **No Impacts.** The proposed project would not result in inadequate parking capacity.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion: The City's community sewage disposal system will continue to comply with Discharge Permit requirements. The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. The County's current landfill continues to have sufficient capacity. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

a) **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

- b) **No Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c) **No Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- d) **No Impacts.** There will be sufficient water supplies available to serve the project.
- e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g) **No Impacts.** Any development project that might be proposed on the project site would be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Determination:

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Noise, Population and Housing, Public Services, and Transportation and Traffic.

The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction or do not exceed a threshold of significance. Therefore, a Negative Declaration is the appropriate level of documentation for this project.

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MADERA ADOPTING A NEGATIVE DECLARATION AND
APPROVING A PRECISE PLAN FOR 2.39 ACRES OF
PROPERTY LOCATED ON THE EAST SIDE OF EMILY WAY AT
ITS INTERSECTION WITH JOYA DRIVE.**

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

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

WHEREAS, State law also requires that consistency between the General Plan and Zoning Ordinance be maintained; and

WHEREAS, a proposal has been made to rezone approximately 2.39 acres of property located on the east side of Emily Way at its intersection with Joya Drive, resulting in a change from the PD-3000 (Planned Development) Zone District to the PD 1500 (Planned Development) Zone District, as shown in the attached Exhibit A; and

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

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

WHEREAS, a precise plan has been proposed for development of the subject property; and

WHEREAS, the Precise Plan is consistent with the goals and policies of the General Plan and is consistent with the development standards of PD-1500 (Planned Development) Zone District, as shown in the attached Exhibit B; and

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

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

WHEREAS, the Planning Commission of the City of Madera recommended approval of the Rezone and Precise Plan, and adoption of the Negative Declaration on January 13, 2015; and

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

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

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

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

3. The proposed Rezone, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.

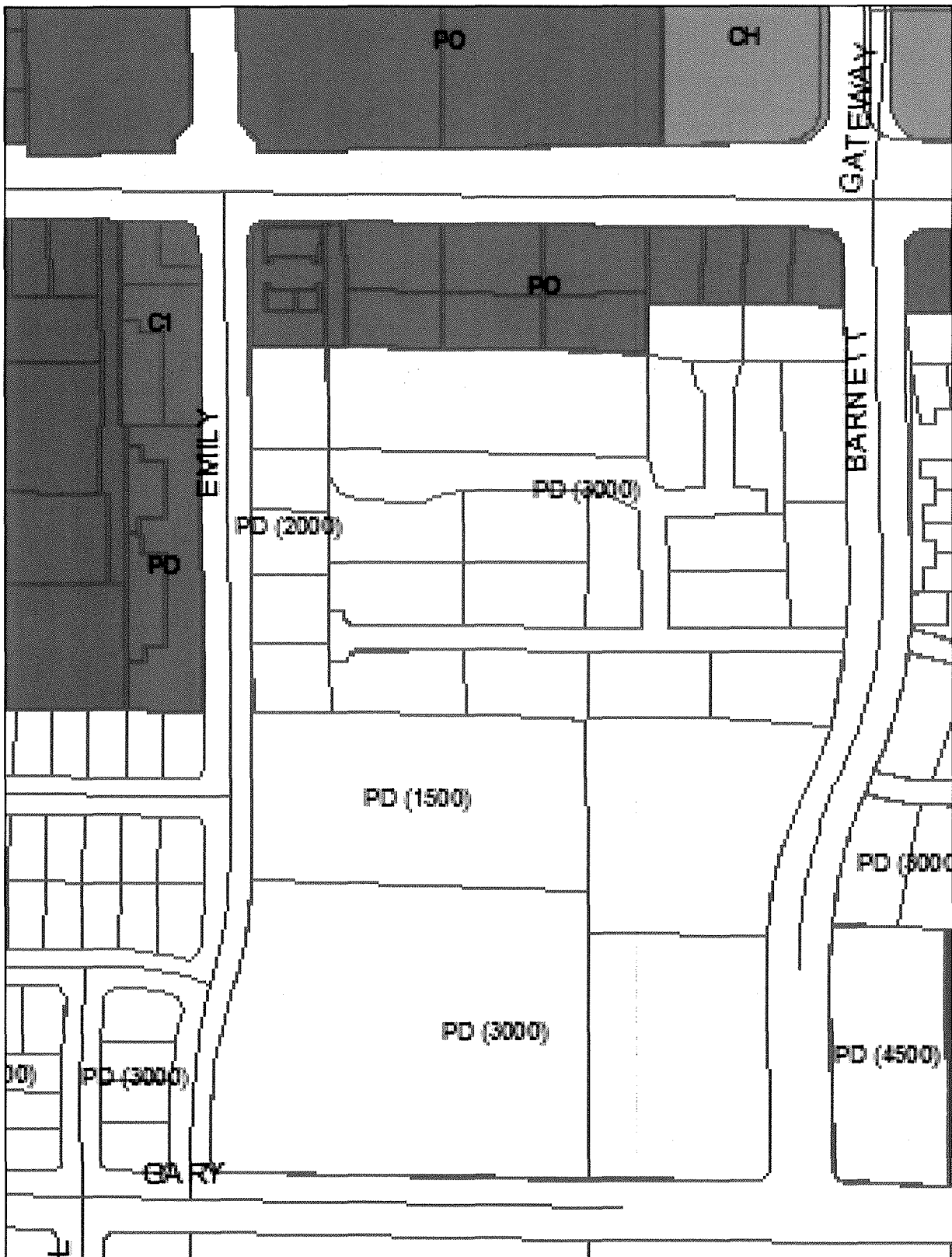
4. The proposed Precise Plan, as shown in Exhibit B, is consistent with the goals and policies of the General Plan and the development standards of the PD-1500 (Planned Development) Zone District, and is hereby approved.

5. This resolution is effective immediately.

* * * * *

CITY COUNCIL RESOLUTION NO. ____

EXHIBIT 'A'



CITY COUNCIL RESOLUTION NO. ____

EXHIBIT 'B'

Precise Plan 2014-02 Conditions of Approval

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.
6. Precise Plan 2006-05, Tentative Subdivision Map 2006-08, and Precise Plan 2007-17 shall be rendered null and void with approval of Rezone 2014-01 and Precise Plan 2014-02.
7. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R3, residential zoning standards.

Planning Department Conditions

8. Site Data
Precise Plan Area – One (1) parcels, approximately 2.39 acres (APN: 012-253-002)

Building Area – 54 units, as follows:

- 18 - one-bedroom units @ 880.83 square feet each
- 18 - two-bedroom units @ 984.64 square feet each
- 18 - three-bedroom units @ 1136.83 square feet each

Approved Use of Buildings: Residential

Minimum Parking Requirements: 113 stalls

- Uncovered – 59
- Covered – 54
- Accessible – 5

Parking Provided: 114 stalls

Uncovered – 59
Covered – 54
Accessible – 5

Loading Spaces Required: None

9. All parking stalls shall be marked and striped to City standards.
10. All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles.
11. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City Standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
12. No wheel stops shall be incorporated into the parking field/parking stall layout.
13. Handicap parking shall be consistent with the requirements of the Americans with Disabilities Act.
14. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.
15. Carport structures shall be architecturally integrated with the primary dwelling structures to the satisfaction of the Planning Manager. A plan set of a typical carport structure shall be submitted for review and approved in advance of any submittal for Building Department plan check.
16. The minimum usable open space for each individual unit shall be 712 square feet per unit.
17. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.
18. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
19. The property owner, operator, manager shall keep the property clear of all trash, rubbish and debris at all times, and dumping of refuse shall be restricted to the dumpsters owned by the property owner.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

20. As a component of building permit plan check, the applicant shall identify the following information for Planning Department review and approval:
 - Utility meter locations identified on the site plan

- Roof-mounted HVAC (heating, ventilation or air conditioning) equipment locations
 - All HVAC, compressor, utility meter locations, mechanical and electrical equipment
21. Wherever possible, all electrical equipment shall be installed within electrical/mechanical service rooms, screened from public views to the specifications of the Planning Department. The applicant shall architecturally integrate equipment locations. Any roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
 22. All HVAC equipment shall be roof mounted or installed within the interior of the structure, screened from public views to the specifications of the Planning Department. All roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
 23. Future placement of roof-mounted equipment, which is not part of this precise plan approval, shall require amendment to this Precise Plan. Per the Planning Commission's direction, staff may review and authorize the installation of roof-mounted solar panels without Planning Commission approval.
 24. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance. Any wall-mounted equipment shall be painted to match the exterior wall.
 25. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.
 26. Backflow prevention devices must be screened per the approval of the Planning Manager.
 27. Transformers and similar pad-mounted utilities must be screened per the approval of the Planning Manager.

Building Colors, Materials and Lighting Considerations

28. Prior to the submittal of building permits, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building and carport colors and materials for all surfaces to include walls, roof, trim and fencing.
29. Prior to the submittal of building permits, the applicant shall submit a representative color section rendering of the proposed building(s), using a scale similar to the exterior elevation drawings to the Planning Department for review and approval.
30. The construction of building(s) approved as part of the precise plan shall be consistent with the approved color and materials presentation board and representative color section rendering of the proposed building as reviewed and approved by the Planning Department. Any alteration shall require amendment of the precise plan through Planning Commission approval.
31. Carports shall be constructed in such a way as to architecturally integrate with the primary structures per the approval of the Planning Department.

32. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
33. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
34. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Signage

35. A Sign Review application shall be submitted for all signage associated with the multifamily residential development.
36. The multifamily residential complex entry signs shall be of a monument style no greater than six feet tall and no larger than twenty-four (24) square feet in area. The complex entry signs shall not be internally illuminated.
37. The location, size and design of any directional signs (on-building or freestanding) shall be reviewed and approved by the Planning Department as part of the Sign Review application.
38. All proposed construction announcement sign uses to conform with the Municipal Sign Ordinance.

Landscaping

39. Onsite and offsite landscaping and irrigation shall be installed consistent with plans submitted at time of building permit plan check and approved by the Planning Manager and Parks Department prior to issuance of building permits. The landscape and irrigation plan shall be prepared by a licensed landscape architect and shall be consistent with the State of California Model Water Efficiency Landscape Ordinance. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
40. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.
41. The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City approved street tree every 30 feet shall be provided, along with root guards. No trees shall be planted within five (5) feet of any fire hydrant. Each street tree shall be planted with a City approved root barrier.
42. A detailed landscaping plan shall be submitted to the Planning Manager and Parks Department for review and approval and shall include:
 - Landscaping materials such as bushes trees, and groundcover shall be used to enhance the aesthetic of the buildings and grounds, by delineating various use

spaces such as the tot lot, accentuating the paths of travel, and highlighting entrances.

- Shade trees shall be planted evenly throughout the parking lot, with a minimum of one tree for each three uncovered parking spaces. Trees shall not be placed behind adjacent walkways, but in tree islands or planting strips adjacent to parking stalls.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Three-foot-high vertical landscaping screens shall be developed where exposed parking fields are in close proximity to street frontages.
 - A detailed planting list for landscaping, with the number, size, spacing and specie of all plantings.
 - A no less than four (4') foot planting strip shall be developed along the northern and eastern project boundaries.
 - Open areas of turf shall be included within the landscaping plan, functioning as additional open space amenities.
43. The final selection of playground equipment, barbeque features, and outdoor furniture, and supporting apparatus such as trash receptacles and light fixtures shall be approved by the Planning Department as a component of building permit plan check. The scale and quality of the proposed equipment is deemed to be of high importance. The play area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the play apparatus shall be a material approved for use by the Parks Department. Minor alterations and amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the precise plan approved by the Planning Commission.
44. The playground equipment all other site amenities shall be maintained in good working order and appearance.

Walls and Fences

45. The perimeter fencing of the project shall as follows:
- A six (6') foot tall tubular steel/wrought iron design with faux-stone pilasters incorporated at no more than twenty (20) feet on center intervals shall be constructed along the western property line per the satisfaction of the Planning Manager. The wall shall not encroach into the ten-foot public utility easement.
 - A six (6') foot tall solid masonry wall shall be constructed along the northern and eastern property lines per the satisfaction of the Planning Manager.
 - A six (6') foot tall wood fence shall be constructed along the southern property line per the satisfaction of the Planning Manager.
46. Trash enclosures shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure. As an alternative, the applicant may construct the enclosure of masonry block with a stone fascia which matches the primary structure.
47. Trash enclosure gates shall be steel construction painted a color approved by the Planning Manager.

Fire Access Road

48. The fire access road located along the south boundary of the project shall be closed to through traffic at all times. Bollards shall be approved by the Planning Manager.
49. At such time as development occurs on the adjacent southern property, the applicant shall not contest and shall be a party to the recordation of cross access pedestrian and vehicular easements sufficient to allow the expansion of the fire access lane to serve as a twenty-six (26') foot wide two-way drive aisle serving both the project site and the southern parcel.

Engineering Department Conditions

General Conditions

50. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
51. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or the City Engineer shall be notified so that procedures required by state law can be implemented.
52. Improvement plans for the project shall include the most recent version of the City's General Notes.
53. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
54. The developer shall pay all required fees for completion of project. Fees due include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
55. Separate trash and recycle containers are required. The number and size of containers shall be based on the size and use of the facility, as determined by the Public Works Department. The need for additional containers at a later date requires expansion of existing enclosures or construction of new enclosures. Enclosure(s) shall be constructed in accordance with City Standard Drawing E-7.

Streets

56. The developer shall dedicate a ten (10') foot Public Utility Easement (PUE) on Emily Way along the entire project frontage.
57. Emily Way shall be constructed to a sixty (60') foot residential street standard including asphalt pavement, curb and gutter, sidewalk and street lights per current City standards.
58. The proposed street type entrance shall be constructed with a minimum face of curb radius of 20 feet. The proposed median island in driveway approach shall be set back to accommodate pedestrian path of travel.
59. The proposed driveway approach shall be designed and striped to safely guide vehicle traffic.

60. Handicap access ramps shall be constructed at all curb returns per current City and ADA standards. If necessary, additional right-of-way shall be dedicated to accommodate access ramps.
61. Street lights shall be installed along Emily Way per current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera Standards.
62. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.

Water

63. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.
64. Except as allowed for by the City Engineer and/or Fire Marshall, the existing water system improvements previously constructed on-site and within the City right-of-way are not to be used by the proposed project, and shall be demolished and removed.
65. Water service connections shall be constructed to current City standards with water meters located within City right-of-way and backflow prevention device within private property.
66. Landscape water service shall have constructed with a separate water meter and backflow prevention device.
67. Water main and fire hydrant mains onsite and offsite installation over 18 feet in length shall comply with City of Madera sterilization procedures.
68. Onsite water mains shall be maintained by the Owners of the proposed project property.
69. Water systems designed to meet the required fire flow for this type of development shall be approved by the Fire Department.

Sewer

70. Except as allowed for by the City Engineer and/or Fire Marshall, the existing sewer system improvements previously constructed on-site and within the City right-of-way are not to be used by the proposed project, and shall be demolished and removed.
71. Emily Way sewer main connection, larger than 4-inch diameter shall require manhole installations.
72. Onsite sewer mains and service laterals shall be maintained by Owners of project property at Owners expense.
73. Onsite sewer mains shall be subject to air testing and video inspection.
74. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

75. The project site is to drain storm runoff to existing Gary Lane Basin located to the south of the project site per the current Storm Drain Master Plan.
76. The project site shall connect to the existing storm drain system in Emily Way and construct improvements to drain storm runoff to the Gary Lane Basin. A detailed drainage study shall be submitted to support the design of the storm drain facilities per current Storm Drain Master Plan.
77. The Developer shall adhere to all current State Water Control Board requirements.

Fire Department Conditions

78. All multi-family residential properties shall be equipped with automatic fire sprinkler protection.
79. Ladder Truck access may be required for evacuation of the structure. The plate height of the highest floor must be compared to the height of the closest adjacent vehicle access location.
80. Fire resistive unit separations shall be in accordance with the California Building Code and all penetrations and/or openings must be properly protected.
81. Panic hardware shall be required from the swimming pool enclosure.

San Joaquin Valley Air Pollution Control District Conditions

82. The applicant shall address the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project. The applicant shall comply with the comments and conditions as noted in the attached San Joaquin Valley Air Pollution Control District letter dated December 15, 2014.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 2.39 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF EMILY WAY AT ITS INTERSECTION WITH JOYA DRIVE FROM THE PD-3000 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT .

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

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

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

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

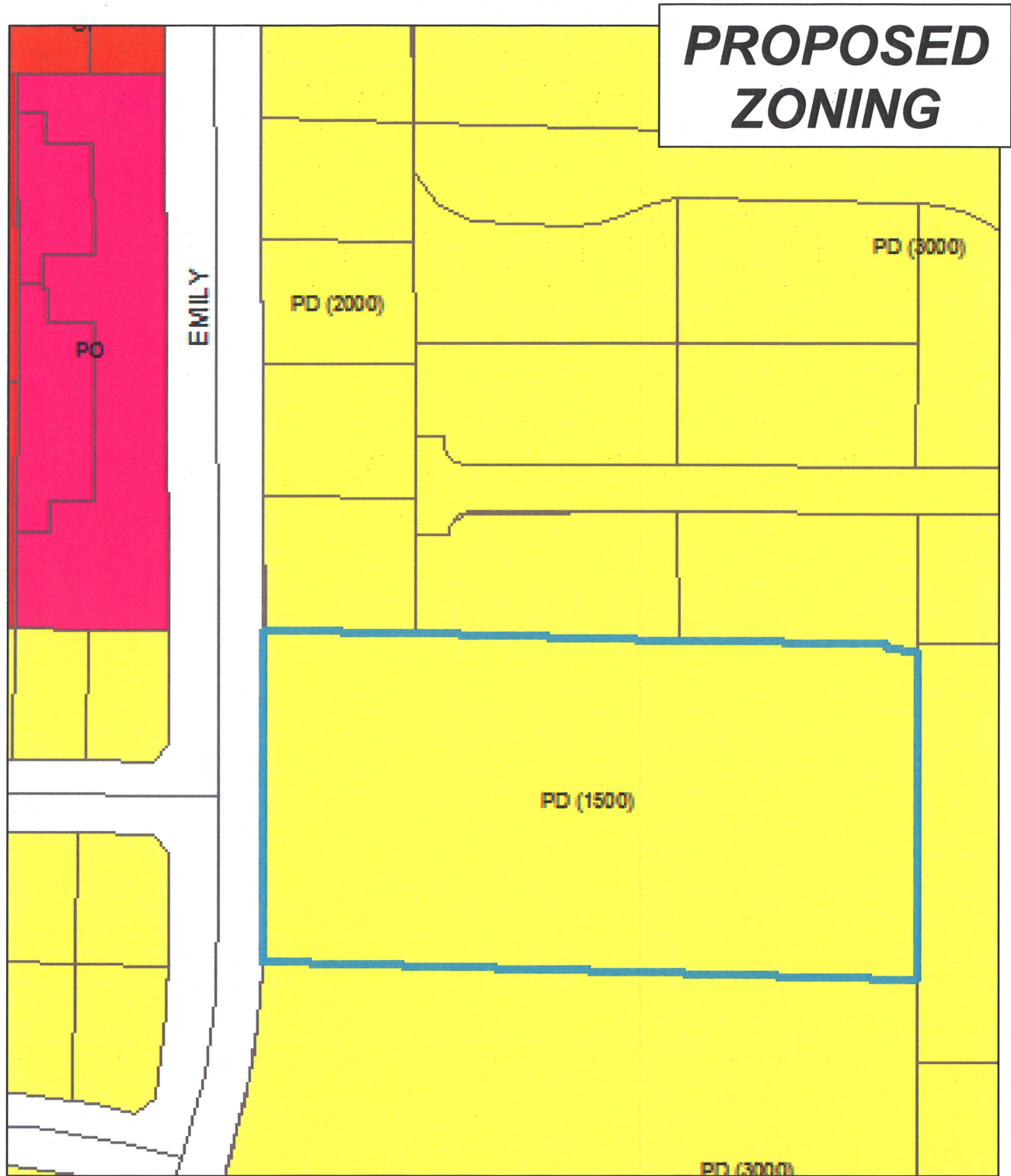
FINDINGS:

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

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

* * * * *

EXHIBIT "A"

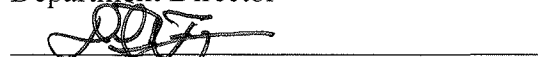


REPORT TO CITY COUNCIL

Approved by:



Department Director



City Administrator

Council Meeting of: February 4, 2015

Agenda Number: C-2

SUBJECT: Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines

RECOMMENDATION: That the City Council of the City of Madera adopt a resolution confirming delinquent administrative fines for the purpose of recording liens against property to recover such delinquent fines.

SUMMARY: On or about January 2015, while pursuing collections actions for the City of Madera's Code Enforcement department, it was determined that the citations issued in relation to the several properties located in the City of Madera, and attached as Exhibit A to the Resolution, could be collected through the City's special assessment procedure. As such, the homeowners were notified by first class mail that on February 4, 2015, a public hearing would be held at 6:00 pm in the City Hall Council Chambers to confirm the delinquent assessments.

DISCUSSION: Madera Municipal Code Section 1-9.11 allows the City Council of the City of Madera to confirm the amount of delinquent fines, and authorizes the City Administrator to place liens on the properties, which may then be turned over to the County Tax Assessor for placement on the property tax roll for collection.

FINANCIAL IMPACT: There is no direct impact to the General Fund from this action.

VISION AND ACTION PLAN: This action is not specifically addressed in the Vision Plan.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT ADMINISTRATIVE FINES.

WHEREAS, the City of Madera has identified property against which administrative citations have been issued imposing fines which remain unpaid and are now delinquent, which properties are identified in Exhibit "A" which is attached hereto and incorporated by reference; and

WHEREAS, the City of Madera has provided notice of the public hearing to confirm special assessments for the delinquent fine amounts to the property owners in compliance with Section 1-9.09 of the Madera Municipal Code; and

WHEREAS, the City Council of the City of Madera has conducted a public hearing to confirm special assessments for the delinquent citations amounts in the attached Exhibit "A", in accordance with the Madera Municipal Code.

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

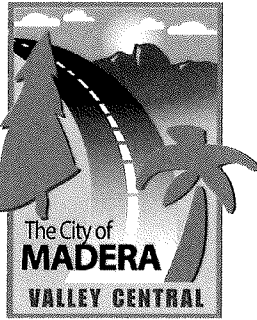
1. The above recitals are true and correct.
2. The amounts of the special assessments for delinquent fines against the properties identified in Exhibit "A" are hereby confirmed.
3. The City Administrator is authorized to cause a Notice of Lien for each of the respective properties to be recorded with the County Recorder and thereafter cause a copy of the Notice of Lien to be provided to the County Tax Assessor for inclusion in the next regular tax bill.
4. This resolution is effective immediately upon adoption.

* * * * *

EXHIBIT "A"

<u>Assessor's Parcel No.</u>	<u>Property Location</u>	<u>Delinquent Amount</u>
011-012-004	400 South D Street	\$660.00
009-340-035	35 Pointe West	\$1000.00
009-260-015	507 Autumn Road	\$200.00

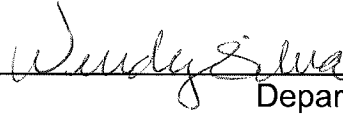
REPORT TO CITY COUNCIL



Council Meeting of February 4, 2015

Agenda Item Number C-3

Approved by:



Department Director



City Administrator

Consideration of a Resolution Approving a Labor Management Workers' Compensation Alternative Dispute Resolution Agreement Between the City of Madera and the Madera Police Officers' Association and Authorizing the City Administrator to Execute the Agreement

RECOMMENDATION

It is recommended Council approve the Labor Management Workers' Compensation Alternative Dispute Resolution (ADR) Agreement between the City of Madera (City) and the Madera Police Officers' Association (MPOA) and authorize the City Administrator to execute the agreement.

HISTORY

Under the California Labor Code, employers and recognized bargaining units may negotiate and enter into agreements to create an alternative dispute resolution process for workers' compensation matters. Dispute resolution processes contained in the negotiated agreement supersede the California workers' compensation system processes for employees covered by the agreement.

SITUATION

City staff approached MPOA with the idea of negotiating a Workers' Compensation ADR Agreement. Both the City and members of the MPOA bargaining unit were familiar with the existing workers' compensation system provided by the State of California and believed an agreement that would be beneficial to all parties could be negotiated. The MPOA petitioned the State for permission to negotiate a Workers' Compensation ADR Agreement and that permission was granted.

With assistance from the City's third party workers' compensation claims administrator, an attorney that usually represents employers in workers'

compensation matters, and an attorney that usually represents employees in workers' compensation matters, an agreement was negotiated that includes the following provisions:

- All workers' compensation claims filed by MPOA members after the ADR Agreement is approved will be covered by the agreement.
- Any claims filed by MPOA members prior to the approval of the ADR agreement may petition to be included under the ADR agreement.
- A Joint Labor Management Committee (JLMC) will be created consisting of members of City staff and the MPOA to administer the program and review claims data to ensure that continuance of the program is in the best interests of the parties.
- A list of preferred specialists for referral will be approved and maintained by the JLMC. Additionally, the City's third party administrator will be given approving authority for any specialists not on the list approved by the JLMC.
- A list of Independent Medical Examiners (IME's) will be approved and maintained by the JLMC. The IME's will be utilized for resolution of medical disputes such as causation, permanent disability, apportionment and permanent work restrictions. The IME's have entered into agreements with the risk management authority to provide for expedited appointments and expedited reporting timelines over the existing State processes.
- A list of qualified mediators will be approved and maintained by the JLMC. The mediators will have the authority to approve settlement agreements. Mediation will be available to both legally represented and non-represented employees.
- A list of nurse case managers will be approved and maintained by the JLMC to assist in facilitating medical treatment.

To determine the effectiveness of the program, the JLMC will annually review comparative data between pre and post ADR Agreement implementation claims, to include:

- Total number of claims reported by MPOA members per fiscal year
- Whether a Qualified Medical Examiner (QME)/Agreed Medical Examiner (AME) was utilized (pre implementation claims)
 - Reason for the medical dispute
 - Timeline from QME/AME panel request to appointment date
 - Timeline from appointment date to report received date
 - Report completeness/was a supplement required
 - Permanent disability percentage by type of injury
- Whether an Independent Medical Examiner (IME) was utilized (post implementation claims)
 - Reason for the medical dispute
 - Timeline from dispute identification to appointment date

- Timeline from appointment date to report received date
- Report completeness/was a supplement required
- Permanent disability percentage by type of injury
- Percent of claims litigated pre/post implementation
- Length of time to Permanent & Stationary/Maximum Medical Improvement date from injury date (pre/post implementation)
- Length of time to final settlement approval from injury date (pre/post implementation)
- Delayed claims (pre/post implementation)
 - Reason for the delay
 - Length of time accept/deny decision date from injury date
 - Claim resolution

The proposed Labor Management Workers' Compensation ADR Agreement is on file with the office of the City Clerk and referred to for further particulars.

FISCAL IMPACT

The intent of the Labor Management Workers' Compensation ADR Agreement is to improve and expedite existing processes in the State workers' compensation system to the extent feasible under the Labor Code. The proposed program is expected to reduce the City's exposure to temporary disability payments, Labor Code 4850 salary replacement benefits, time spent in light/modified duty assignments and legal costs.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Labor relations between the City and its respective bargaining units are not specifically addressed in the vision or action plan; the requested action is also not in conflict with any of the actions or goals contained in that plan.

RESOLUTION No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING A LABOR MANAGEMENT WORKERS' COMPENSATION
ALTERNATIVE DISPUTE RESOLUTION AGREEMENT BETWEEN THE
CITY OF MADERA AND THE MADERA POLICE OFFICERS' ASSOCIATION
AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT

WHEREAS, the City of Madera (City) and the Madera Police Officers' Association (MPOA) desire to enter into an agreement that provides an alternative dispute resolution process for workers' compensation claims pursuant to Labor Code §3201.7(a)(3)(c); and

WHEREAS, City and MPOA have met and conferred in good faith and negotiated an agreement that provides active employees and retirees claiming compensable injuries under Division 4 of the California Labor Code with an expedited procedure to resolve disputes in accordance with the provisions of the agreement and to facilitate those employees' prompt recovery and return to work; and

WHEREAS, a Labor Management Workers' Compensation Alternative Dispute Resolution Agreement has been prepared, and such Agreement is acceptable to both parties.

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

1. The Labor Management Workers' Compensation Alternative Dispute Resolution Agreement between the City of Madera and the Madera Police Officers' Association, on file with the Office of the City Clerk and referred to for further particulars, is approved.
2. The City Administrator is authorized to execute the Agreement on behalf of the City of Madera.
3. This resolution is effective immediately upon adoption.

* * * * *

**LABOR MANAGEMENT WORKERS' COMPENSATION ALTERNATIVE
DISPUTE RESOLUTION AGREEMENT BETWEEN THE CITY OF MADERA
AND THE MADERA POLICE OFFICERS' ASSOCIATION**

THIS LABOR MANAGEMENT WORKERS' COMPENSATION ALTERNATIVE DISPUTE RESOLUTION AGREEMENT (Agreement) is entered into by and between the City of Madera (City) and the Madera Police Officers' Association (MPOA). This Agreement is created pursuant to California Labor Code §3201.7(a) (3) (c).

Nothing in this agreement diminishes the entitlement of a Covered Individual as defined in Article III of this Agreement to compensation payments for total or partial permanent disability, total or partial temporary disability, Labor Code §4850 benefits, or medical treatment fully paid by the employer and otherwise provided for in Division 4 of the Labor Code. Nothing in this agreement denies to any covered employee the right to representation by counsel at all stages during this alternative and expedited resolution process.

The City and MPOA negotiated this agreement by forming a partnership known as the Joint Labor Management Committee (JLMC); this committee is comprised of two (2) City staff members to be determined and designated in writing to the MPOA by the City Administrator and two (2) MPOA representatives to be determined and designated in writing to the City by the MPOA President.

The purpose of the JLMC is to develop and maintain the exclusive list of initial treatment providers, the exclusive list of Independent Medical Examiners, the list of mediators and the list of nurse case managers; develop policy and procedures of the Alternative Dispute Resolution program; to review implementation and the progress of the program and address any issues at time frames agreed to by the committee; and to ensure that the program terms and

conditions are administered in harmony with this Agreement. Additionally, the JLMC shall annually review claims data for claims administered prior to the implementation of this Agreement with claims data for claims administered under the provisions of this Agreement to ensure continuation of the program is in the best interests of all parties.

Article 1: Purpose

The purposes of this Agreement are:

- 1.1 To provide active employees and retirees claiming compensable injuries under Division 4 of the California Labor Code (“Workers’ Compensation Law”) with an expedited procedure to resolve disputes in accordance with the provisions of this Agreement and to facilitate those employees’ prompt recovery and return to work;
- 1.2 To reduce the number and severity of disputes between the City and covered employee, when those disputes relate to workers’ compensation;
- 1.3 To provide workers’ compensation coverage in a way that improves labor management relations, improves organizational effectiveness, and reduces costs for the City;
- 1.4 To provide the City and covered employees with access to nurse case managers to assist with disputes and conflict arising from medical disputes relating to workers’ compensation; and
- 1.5 To provide the City and covered employees with access to mediators so that legal disputes can be resolved informally and more expeditiously.
- 1.6 These purposes will be achieved by:
 - 1.6.1 Utilizing an exclusive list of medical providers to be the sole and exclusive source of initial treatment for covered employees, except for covered employees who have pre-designated a physician in accordance with Labor Code §4600 (d)(1);

- 1.6.2 Utilizing an exclusive list of medical providers to be the sole and exclusive source of medical-legal evaluations for disputed issues surrounding covered employees in accordance with Labor Code §3201.7(c); and
- 1.6.3 Maintaining a list of nurse case managers and mediators to assist in carrying out the purposes and goals of this Agreement.

Now, therefore, in consideration of the mutual terms, covenants and conditions herein, the parties agree as follows:

Article 2: Term of Agreement

The City and MPOA enter into this Agreement with the understanding that the law authorizing this Agreement is new and evolving. The parties further understand that this Agreement governs a pilot program and that it shall become effective after it is executed by the parties, approved as applicable by the City's self-insurance pool and/or excess carriers, submitted to the Administrative Director of the State of California, Department of Industrial Relations, Division of Workers' Compensation in accordance with Title 8, California Code of Regulations §10202(d), and accepted by the Administrative Director as evidenced by the Director's letter to the parties indicating approval of the Agreement. This Agreement shall be in effect for one year from the date of the Administrative Director's letter of acceptance to the parties. Thereafter, it shall continue and remain in force from year to year unless terminated by either party as provided for below. Any claim arising from an industrial injury sustained before the termination of this Agreement shall continue to be covered by the terms of this Agreement, until all medical issues related to the pending claim are resolved.

The parties reserve the right to terminate this Agreement at any time (1) for good cause, (2) by mutual agreement or (3) by act of the Legislature. The terminating party must give sixty (60) calendar days written notice to the other

party of the intent to terminate. Upon termination of this Agreement, the parties shall become fully subject to the provisions of the applicable Labor Code provisions to the same extent as they were prior to the implementation of this Agreement, except as otherwise specified herein.

Article 3: Scope of Agreement

3.1 This Agreement applies only to injuries, as defined by Workers' Compensation Law, claimed by the following referred to herein as "Covered Individuals:" 1) active employees, 2) retirees, and 3) active employees and retirees where a petition to reopen a pre-existing claim to seek new and further disability or to reduce a prior award is filed after the effective date of this agreement. Active employees and retirees with an existing claim filed prior to the effective date of this agreement (pre-existing claim) that have not already had a medical-legal evaluation under the State's AME/QME system may request to resolve their claim under the provisions of this agreement. Such requests should be made in writing to the City's third party claims administrator (TPA). The decision to accept a pre-existing claim into the alternative dispute resolution program will lie solely with the City. If a request is made to utilize the alternative dispute resolution program for a pre-existing claim and that request is approved, all future disputes on said claim must be resolved according to the provisions of this agreement. The scope of this agreement does not apply to retirees that have a future medical dispute that is outside the five year statute of limitations or Labor Code Section §5804.

3.2 Injuries occurring and claims filed after termination of this Agreement are not covered by this Agreement.

3.3 This Agreement is restricted to 1) establishing the use of an exclusive list of initial treatment providers to be used for initial evaluation and treatment

of Covered Individuals, 2) establishing the use of an exclusive list of medical providers to be used for medical and medical-legal dispute resolution of Covered Individuals, 3) establishing mediation as an option to litigation and the use of an exclusive list of mediators to be used for legal dispute resolution of Covered Individuals, and 4) establishing a process for informal legal discovery in accordance with Article 8, and 5) establishing the use of an exclusive list of nurse case managers to be used to assist with medical treatment dispute resolution of covered employees in accordance with Labor Code §3201.7(c).

- 3.4 For purposes of this Agreement a “claimed injury” is one for which either 1) the Covered Individual has reported an injury to the City or 2) an Application for Adjudication of Claim has been filed with the Workers’ Compensation Appeals Board (“WCAB”).

Article 4. Initial Injury/Illness Treatment

- 4.1 Upon initial knowledge of a work-related injury or illness, a Covered Individual will continue to follow established City processes and procedures for reporting the injury/illness. The Covered Individual will seek treatment at the City’s designated treatment facility unless the Covered Individual has pre-designated a physician in accordance with Labor Code §4600 (d)(1).
- 4.2 The JLMC may create a list of approved initial treatment facilities in addition to existing facilities. Any such list must be unanimously approved by the members of the JLMC.
- 4.3 The JLMC will create and maintain a list of specialists for patient referral in common specialties, to include but not be limited to, orthopedics (specific to arms, shoulders, knees, back, spine/neck, and hand), cardiology, psychology, chiropractic care, acupuncture, physical therapy and

functional capacity. If the primary treating physician requests referral to a specialist and the request is approved, the City's TPA will provide the approved list of specialists to the referring doctor. The referring doctor may decide which specialist to refer to in consultation with the Covered Individual. If the primary treating physician desires to refer to a specialist not on the approved list for the given specialty, such request must be approved by the City's TPA. If the Covered Individual requires referral within a specialty not on the list created by the JLMC, the City's TPA must approve the specialist recommended by the treating physician. Appointments with specialists and notification of such appointments will continue to be made by the treating physician's office.

- 4.4 This Agreement does not constitute a Medical Provider Network ("MPN"). Physicians who act as a Covered Individual's treating physician, or have provided treatment to the Covered Individual, shall not act as the Independent Medical Examiner (IME) in the Covered Individual's claim should an IME be required pursuant to Article 5.

Article 5. Expedited Medical-Legal Process

- 5.1 Physicians who serve in the capacity as Independent Medical Examiner ("IME") pursuant to this Agreement will receive enhanced compensation in excess of the Official Medical Fee Schedule for services performed as outlined in the physician contract in exchange for expedited examinations and report preparation.
- 5.2 This Agreement does not constitute a Medical Provider Network ("MPN"). Physicians who act as a Covered Individual's treating physician, or have provided treatment to the Covered Individual shall not act as the Independent Medical Examiner (IME) in the Covered Individual's claim.

Pre-designation of a physician must comply with the requirements set forth in Labor Code section 4600(d)(1).

- 5.3 All Covered Individual's with a disputed medical issue as described in Section 5.5 must be evaluated by an approved physician from the exclusive list of IME's . Should the Covered Individual claim injuries requiring more than one medical specialist, the Covered Individual shall be provided an IME appointment in each area of specialty. The JLMC will determine and maintain the exclusive list of IME's agreed upon by the parties. If the IME requires the opinion of an additional sub-specialist, the IME shall refer the Covered Individual to a physician of the IME's choice, who need not be on the IME list. The consulting specialist charges are subject to the Official Medical Fee Schedule (OMFS). The IME may not refer the Covered Individual to his/her treating physician for this purpose nor may the Covered Individual designate the specialist as his/her treating physician following the referral.
- 5.4 The exclusive list of IME's shall include the specialties as agreed upon by the JLMC.
- 5.5 An IME shall be used for all medical disputes that arise in connection with a workers' compensation claim including but not limited to determination of causation, the nature and extent of an injury, the nature and extent of permanent disability and apportionment, temporary and/or permanent work restrictions, ability to return to work (including modified duty), current and future medical care, and resolution of all disputes arising from utilization review, pursuant to Labor Code section 4062(b). The parties agree that the Covered Individual shall use the originally chosen IME for all subsequent disputes and injuries claimed arising under this agreement. In the event that said IME is no longer available, the parties shall utilize

the next specialist on the list pursuant to Section 5.10.4, as set forth herein.

- 5.6 The IME process described above will be triggered when either party provides the other written notice of an objection in connection with any issues set forth in Article V paragraph E above or other mutually agreed areas of dispute from which the JLMC determines the IME would be the appropriate resolution process. Objections from the City shall be sent to the Covered Individual with a copy to the Covered Individual's legal representative if represented. Objections from the Covered Individual or Covered Individual's legal representative shall be sent to the Covered Individual's assigned claims examiner with a copy to the City's Director of Human Resources and City's legal representative, if applicable.
- 5.7 Objections must be presented in writing and shall be sent within thirty (30) calendar days of receipt of a medical report or a utilization review decision addressing any of the issues set forth above. A letter delaying acceptance of the claim automatically creates a dispute; further, all denials and/or delays of benefits including a denial of the claim automatically creates a dispute. Delayed decisions based on legal issues shall not trigger the IME process. A subsequent acceptance of the claim and/or resolution of the disputed issue may eliminate the need for completion of the dispute resolution process set forth in this Agreement.
- 5.8 The exclusive list of IME's shall serve as the exclusive source of medical-legal evaluations for all disputed medical issues arising from a claimed injury, unless otherwise agreed to by the JLMC in writing.
- 5.9 The parties hereby agree that from time to time the exclusive list of IME's may be amended. For either party to propose adding an IME to the exclusive list of medical providers, the party must provide written notice to

the JLMC of its request to add a physician to the list. The JLMC must unanimously agree in writing to the addition of physicians to the IME list. A physician may be deleted from the exclusive list of medical providers only if he/she breaches the terms and conditions of his/her contract to provide services or by written mutual agreement of the members of the JLMC. The list shall be reviewed quarterly by the JLMC from the execution date of the Agreement and quarterly thereafter for additions and deletions of newly selected or deleted IME's. Any IME proposed for consideration of addition or deletion after the review period will be reviewed at the next interval review period of the JLMC unless there is a breach of the terms and conditions of the Agreement or by mutual agreement of the JLMC.

5.10 Appointments.

5.10.1 The City's TPA shall schedule appointment(s) with the IME and provide notice of the appointment within ten (10) calendar days of the date of receipt of the objection issued by any party subject to the terms and provisions of this Agreement. The notice of the appointment location, date and time shall be sent to the Covered Individual and to his/her legal representative, if there is one. A copy of the notice shall also be provided to the City.

5.10.2 The Covered Individual shall be responsible for providing the City's TPA with his/her work schedule prior to an appointment being made so that appointments can be made, if possible, during a Covered Individual's non-working hours. If the Covered Individual is the objecting party requesting an IME appointment, the initial written objection shall contain the employee's work schedule information as well as any known dates within the 30-day scheduling window when the Covered Individual is

unavailable to attend an IME appointment. If the City is the objecting party, the Covered Individual must advise the City's TPA of any known dates within the 30-day scheduling window when the Covered Individual is unavailable to attend an IME appointment within seven (7) calendar days of the date of the objection notice. This seven (7) day period shall toll the ten (10) day notice of appointment provision in Section 5.10.1. It is the Covered Individual's responsibility to identify and present his/her availability for appointments within the scheduling window. Once an appointment is set, any requests to change scheduling must be made in writing to the JLMC with the reason for the request clearly presented. Re-scheduling will only be approved in the case of unforeseen emergencies.

- 5.10.3 Compensation for attending medical appointments under this Agreement shall be consistent with California statutes and City policy.
- 5.10.4 Mileage reimbursement to covered employees shall be in accordance with Labor Code § 4600(e)(2), unless transportation is provided by the City.
- 5.10.5 For purposes of appointments, the City's TPA shall select the IME(s) by starting with the first name from the exclusive list of approved medical providers within the pertinent specialty, and continuing down the list, in order, until the list is exhausted, at which time the City's TPA will resume using the first name on the list.

- 5.10.6 The IME shall submit the medical reports thirty (30) days following examination of the employee, pursuant to the contract terms, unless a longer period of time is agreed to by the JLMC.
- 5.11 The City is not liable for the cost of any medical examination used to resolve the parties' disputes governed by this Agreement where said examination is furnished by a medical provider that is not authorized by this Agreement. Medical evaluations shall not be obtained outside of this Agreement for disputes covered by this agreement, notwithstanding Labor Code §4605.
- 5.12 Both parties shall be bound by the opinions and recommendations of the IME selected in accordance with the terms of this Agreement, subject to legal challenges brought by the parties.
- 5.13 Either party who receives records prepared or maintained by the treating physician(s) or records, either medical or nonmedical, that are relevant to the determination of the medical issue shall serve those records on the other party immediately upon receipt. The Covered Individual shall not unduly delay providing authorization to obtain pertinent medical records related to the claimed injury. If one party objects to the provision of any nonmedical records to the IME, the party shall object within twenty (20) calendar days of the service of records. Objection to the provision of nonmedical records may result in the denial of the claim on the basis that the IME did not have complete and accurate information. There shall be no objection to the provision of medical records to the IME, subject to the provisions of the Labor Code.
- 5.14 The City's TPA shall provide to the IME records prepared or maintained by the Covered Individual's treating physician(s) and medical and nonmedical records relevant to the determination of the medical issue(s). The City's

TPA shall prepare a list of all documents provided to the IME, and shall serve a copy of the list on the Covered Individual and on his/her representative, if applicable, at the time the records are provided to the IME.

- 5.15 All communications with the IME shall be in writing and shall be served on the opposing party. This provision does not apply to oral or written communications by the Covered Individual or, if the Covered Individual is deceased, the Covered Individual's dependent, in the course of the examination or at the request of the evaluator in connection with the examination, or to administrative communications with the IME's staff.
- 5.16 Ex parte communication with the IME is prohibited. If a party communicates with the IME in violation of Section(s) 5.15 and/or 5.16, the aggrieved party may elect to terminate the medical evaluation and seek a new evaluation from the next IME chosen from the list pursuant to Section 5.10.5. If a new examination is required, the party making the communication prohibited herein may be liable for the cost, pursuant to Labor Code §5811, or as ordered by the WCAB.
- 5.17 If either party disputes a medical or medical-legal finding of the IME, they shall notify the other party of this dispute by way of written objection within thirty (30) calendar days of actual receipt of the IME's report. All disputes of this nature shall be resolved either by way of supplemental interrogatory and report or by way of deposition.

Article 6. Mediation

- 6.1 Any party subject to the provisions of this Agreement may request mediation in accordance with the provisions set forth herein. Mediation is an informal, confidential process in which a neutral party assists the other parties in understanding their own interests, the interests of the other

party, and the practical and legal realities each party faces. The role of the mediator is to help the parties explore options and arrive at a mutually acceptable resolution of the dispute, if possible. The mediator will have authority to approve all settlements, awards, and orders achieved through mediation and may additionally approve non-disputed settlements reached by the parties. Such settlements, awards, and orders approved by the Mediator will be filed and recorded with the WCAB by the City's TPA, unless otherwise agreed by the parties.

6.2 Mediation is voluntary and both parties must agree to mediate a particular issue or matter in order for mediation to be successful. Mediation is strongly encouraged by all parties to this Agreement and is the preferred first step to resolving disputes or reaching settlement of claims.

6.3 The mediation process shall be triggered when one party gives the other written notice of their desire to engage in mediation in connection with any issue including, but not limited to, any purely factual or legal defense involving a determination of causation, applicability of a presumption, whether a medical report constitutes substantial evidence, disputes involving average weekly wage or the rate of pay for Labor Code §4850 benefits, temporary disability benefits, whether an apportionment opinion is valid, disputes over a permanent disability rating, disputes over occupational group numbers, credits for claimed overpayment of benefits, determination of dependency status in death claims, penalties, issues involving alleged serious and willful misconduct, issues involving potential violations of Labor Code §132a, discovery disputes, and questions involving jurisdiction.

6.4 It is the specific intent and desire of the parties that the mediation process set forth herein be flexible and is designed as a means to resolve factual

and/or legal disputes that are not amenable to resolution through the expedited medical-legal process. The potential issues listed in Section 6.3 is not meant to be all inclusive but is merely a listing of issues likely to be the most common particularly suited for mediation. Upon mutual agreement of the parties, any issue typically encountered in the California workers' compensation system can be deemed appropriate for mediation in accordance with the provisions of this Agreement.

- 6.5 Upon receipt of an official request to mediate, the non-requesting party shall have a period not to exceed fifteen (15) calendar days within which to either accept or reject the request to mediate. If no response is received within the fifteen (15) calendar day period, the request shall be deemed to have been rejected. Any response to a request to mediate from the City shall be sent to the Covered Individual with a copy to the Covered Individual's legal representative, if applicable. Any response to a request to mediate from the Covered Individual's legal representative shall be sent to the Covered Individual's assigned claims examiner with a copy to the City and City's legal representative, if applicable. If no response is received from either party, the requesting party is encouraged to make a verbal attempt to verify receipt of the request to mediate and confirm the other party's intent not to participate. Additionally, if the mediation request originates from the City and no response is provided, the City's TPA may assign a mediator from the list in accordance with paragraph G of this section to contact the other party to determine the reasons they feel mediation is not appropriate for the particular dispute and discuss the reasons mediation may be applicable and helpful for resolution of the particular dispute.

- 6.6 If both parties agree to mediate an issue or issues, within fifteen (15) calendar days of such agreement being reached, mediation of said issues will be assigned to a mediator from the approved mediator list. The JLMC will determine and maintain the exclusive list of mediators.
- 6.7 For purposes of selecting a mediator, the City's TPA shall select the mediator by starting with the first name from the mediator list and continuing down the list, in order, until the list is exhausted, at which time the City's TPA shall resume using the first name on the list. The City's TPA shall notify all parties of the selection and assignment of a mediator within ten (10) calendar days of such assignment having been made.
- 6.8 All costs associated with the mediation shall be paid by the City.
- 6.9 Immediately upon selection of a mediator, the selected mediator shall be notified by the City's TPA of his/her selection. The selected mediator shall then schedule the date, time, and location of the mediation with the parties.
- 6.10 The mediation must take place within forty-five (45) calendar days of notification having been sent to the mediator of his/her selection, unless this time limit is waived by both parties. If the selected mediator is either unable or unwilling to schedule the mediation within this forty-five (45) calendar day period, and the time limit is not waived by both parties, a new mediator shall be selected from the mediator list from the next mediator available on the list, pursuant to the provisions of Section 6.7.
- 6.11 The procedure, process, format, general nature of the mediation, the issues to be mediated, and the manner in which the mediation shall be conducted will be within the sole discretion of the mediator.
- 6.12 Mediation briefs shall not be mandatory but are strongly recommended and shall be a useful tool to assure that the mediator fully understands the

issues involved and each party's respective positions in regards to each issue. Mediation briefs should be submitted to the mediator no later than ten (10) calendar days prior to the mediation, unless otherwise directed by the mediator. No specific format for a mediation brief is required. Mediation briefs may be formatted and submitted as either a formal pleading or in an informal letter brief format.

- 6.13 A summary of the mediation shall be prepared by the mediator setting forth the specific issues presented for the mediation, a general description of how the mediation was conducted, and the length of time of the mediation. Additionally, the mediator will complete a disposition form to be provided by the City's TPA. Copies of the mediation summary and disposition form shall be served upon the Covered Individual, the Covered Individual's legal representative, if applicable, the Covered Individual's assigned claims examiner, the City's Director of Human Resources, and the City's legal representative, if applicable. It is the responsibility of the City's TPA to provide the appropriate contact information to the mediator upon assignment of the case
- 6.14 If the mediation is unsuccessful at resolving the dispute, either party may seek to have the issue or issues adjudicated by the WCAB by filing a Declaration of Readiness to Proceed, in accordance with the rules and regulations governing WCAB hearings, as set forth in the Labor Code and the California Code of Regulations.
- 6.15 Although the mediation process is completely voluntary, it is expected that if the parties mutually agree to mediate an issue or issues, both parties shall abstain from filing a Declaration of Readiness to Proceed with respect to said issue or issues with the WCAB until completion of the mediation process, as set forth above.

Article 7: Nurse Case Management

- 7.1 Any party subject to the provisions of this Agreement may request the involvement of a nurse case manager in accordance with the provisions set forth herein.
- 7.2 The purpose of nurse case management includes, but is not limited to, coordinating and facilitating medical care for Covered Individuals, to be proactive with respect to intervention and facilitation of recovery of the Covered Individual, to assist and guide the covered employee through the medical treatment process and, if practical, assist with resolution of treatment disputes between the primary treating physician, secondary treating physicians and utilization review. The nurse case manager shall not attend the actual medical examination of the Covered Individual without consent of the individual.
- 7.3 A nurse case manager shall be assigned from the approved nurse case manager list. The nurse case manager list shall be developed and maintained by the JLMC.
- 7.4 For purposes of selecting a nurse case manager, the City's TPA shall provide the Covered Individual with the nurse case manager list within ten (10) calendar days of receipt of the request for a nurse case manager. The Covered Individual may select any nurse from the list. The Covered Individual must advise the City's TPA of his/her nurse selection within ten (10) calendar days of the distribution of the list. If the Covered Individual fails to respond, the City's TPA will attempt to make telephone contact with the Covered Individual to verify that he/she is declining to choose a nurse case manager from the list. If no response is received or the Covered Individual affirms that he/she is declining to make a choice, the City's TPA may assign the nurse case manager of its choosing. The

City's TPA shall notify all parties in writing, including the selected nurse case manager, of the selection and assignment of the nurse case manager within ten (10) calendar days of such assignment having been made.

- 7.5 If the selected nurse case manager is either unable or unwilling to serve as the designated nurse case manager, a new nurse case manager shall be selected from the nurse case manager list pursuant to Section 7.4.
- 7.6 Nurse case management reports shall be prepared as per the usual custom and practice of the designated nurse case manager and provided to the City's TPA.
- 7.7 All costs involved in nurse case management for a Covered Individual shall be borne by the City.

Article 8: Discovery

- 8.1 Covered Individual shall provide the City's TPA with fully executed medical, employment and concurrent employment releases, disclosure statement and any other documents and information reasonably necessary for the City to resolve the Covered Individual's claim, when requested. If the Covered Individual fails to return the release and it is determined that the medical information is not sufficient for the IME to provide a comprehensive evaluation, the parties shall meet to resolve the issue(s) prior to setting an evaluation, and if necessary, may elect to mediate the issue. This Article does not supplant or diminish the parties' rights to pursue or contest discovery issues pursuant to the remedies provided in the Labor Code, through mediation or the WCAB.
- 8.2 This Agreement does not preclude a formal deposition of a Covered Individual or an IME when necessary. Attorney's fees for depositions of Covered Individuals shall be paid consistent with the provisions of the

Labor Code. There shall be no attorney's fees for depositions of physicians or IMEs.

Article 9: General Provisions

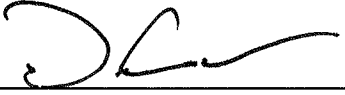
- 9.1 This Agreement constitutes the entire understanding of the parties and supersedes all other agreements, oral or written, with respect to the subject matter in this Agreement.
- 9.2 This Agreement shall be governed and construed pursuant to the laws of the State of California.
- 9.3 This Agreement shall not be amended, nor any provisions waived, except through the meet and confer process with approval by the MPOA and City Council of the City of Madera.
- 9.4 If any portion of this Agreement is found to be unenforceable or illegal the remaining portions shall remain in full force and effect.
- 9.5 This Agreement may be executed in counterparts.
- 9.6 Notice required under this Agreement shall be provided to the parties as follows:

City: Director of Human Resources
City of Madera
205 W. 4th Street
Madera, CA 93637

MPOA: MPOA President
City of Madera Police Department
330 South C Street
Madera, CA 93638

Signatures

REPRESENTATIVES OF THE MADERA POLICE OFFICERS' ASSOCIATION



Daniel Foss, MPOA President

1-27-15

Date



Brent Cederquist, MPOA Vice President

01-27-15

Date

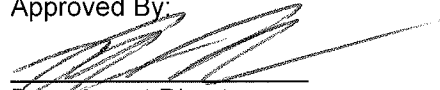
MANAGEMENT REPRESENTATIVE OF THE CITY OF MADERA

David R. Tooley, City Administrator

Date

REPORT TO CITY COUNCIL

Approved By:



Department Director

Council Meeting of February 4, 2015
Agenda Item Number C-4



City Administrator

SUBJECT: Consideration of Introduction an Ordinance of the City Council of the City Of Madera, California, Amending Section 7 of Chapter 9 of Title I of the Madera Municipal Code Pertaining to Notice

RECOMMENDATION: That the Council introduce an ordinance amending Section 7 of Chapter 9 of Title I of the Madera Municipal Code pertaining to notice relative to administrative citations.

SUMMARY: Staff has become aware of language in the municipal code which affects the day to day conduct of Neighborhood Revitalization activities and the process for the issuance of notices of violations and administrative citations. The issue is created by the wording in the administrative enforcement section of the Municipal Code. The proposed amendment attempts to cure the defect.

DISCUSSION: Madera Municipal Code section 1-9.07 sets forth the procedure for providing notice of violations of the Madera Municipal Code, and sets forth the process for the issuance of citations based on such notice. Current wording dispenses with the requirement for issuance of a new notice of violation for the same violation of the Municipal Code if the violation occurs in the same location. The location limitation creates a problem especially when dealing with abandoned vehicle violations. With vehicles, owners often move the vehicle to another area of the city in order to avoid a citation. While the same violation still exists in such cases, the current wording of Section 1-9.07(F) would not allow a citation based on the original notice of violation because the individual moved the vehicle some distance. The result is that people can attempt to avoid responsibility using the loophole. Elimination of the same location requirement for related violations of the same section would eliminate the loophole and allow Neighborhood Revitalization to properly address the violation and compel correction of the violation.

FISCAL IMPACT: The introduction and adoption of the proposed ordinance should not have any fiscal impact on the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

ORDINANCE NO. _____ C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, AMENDING SECTION 7 OF CHAPTER 9 OF TITLE I OF
THE MADERA MUNICIPAL CODE PERTAINING TO NOTICE

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

SECTION 1. Section 7 of Chapter 9 of Title I, of the Madera Municipal Code is hereby amended as follows:

§ 1-9.07 ISSUANCE OF CITATION; WRITTEN NOTICE; DELIVERY OF NOTICE; EXCEPTIONS; EXPIRATION OF NOTICE; SUFFICIENT NOTICE OF SUBSEQUENT VIOLATIONS.

(A) *Issuance of citation.* Upon determining that a violation of the Municipal Code has occurred, the Enforcement Officer shall determine the party responsible for the violation. If the responsible party is a business, the responsible party shall be deemed to be the person who is in immediate control of the business on site that day, or when determined by the Enforcement Officer, the legal owner of the business may be deemed the responsible party.

(B) *Written notice.* Except as provided for in subdivision (D) of this section, prior to issuing an administrative citation to a responsible party, the Enforcement Officer shall provide written notice to the responsible party of the violation. That notice need not be in any particular form but shall at a minimum:

- (1) Describe the nature of the Municipal Code violation, including identifying the Municipal Code section or sections violated;
- (2) Identify what action is necessary to correct the violation;
- (3) Provide the responsible party with not less than 10 days to correct the violation, unless:
 - (i) a lesser time is specified elsewhere in the Municipal Code; or
 - (ii) the Enforcement Officer determines that a lesser time is necessary to protect the public health, safety, or welfare of the citizens of the city;
- (4) Explain the consequences of a failure to correct the violation or violations; and
- (5) The maximum fine that could be imposed.

(C) *Delivery of notice.* The notice required in subsection (B) of this section may be delivered to the responsible party by first class mail, postage pre-paid, certified mail, overnight mail, facsimile, telex, hand delivery, or by any other method reasonably likely to provide notice to the responsible party, by sending notice to the responsible party's business address, principal place of business address, residence address, or other address known to the Enforcement Officer by reliable information. The time within which to correct the violation shall run from the date the notice is sent.

(D) *Exceptions.* The notice required under this section may be dispensed with for the following violations: (1) violations that create an imminent danger to the health, safety and/or welfare as determined by the Enforcement Officer, and for which immediate correction is required; (2) non-continuing violations for which it is not practicable or possible to provide prior notice and an opportunity to correct; and (3) repeat or chronic violations where either formal or informal notice of the violation, and previous reasonable opportunities to correct have been

provided. Examples of non-continuing violations where notice is not practicable or possible include, but are not limited to, violations relating to the maintaining of dogs at large and vicious dogs, the spillage of hazardous waste, and the lighting of fires.

(E) *Expiration of notice.* If after the expiration of the time period provided to the responsible party to correct the violation, the responsible party has not corrected the violation, the Enforcement Officer may issue an administrative citation to the responsible party by one of the following methods:

(1) The Enforcement Officer may attempt to locate the responsible party at the location of the violation during regular business hours if a business, or at any reasonable time if not a business. If the Enforcement Officer is able to locate the responsible party, the Enforcement Officer shall attempt to obtain the signature of that person on the administrative citation. If that responsible party refuses to or does not sign the administrative citation, the lack of signature shall in no way affect the validity of the citation and subsequent proceedings. If the responsible party refuses to accept the administrative citation, the Enforcement Officer may either leave the citation with the responsible party or mail the citation in accordance with this section;

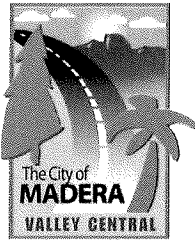
(2) For property related violations, the Enforcement Officer may securely post the citation in a conspicuous place on the property and mail a copy of the citation to the responsible party by first class mail within three days of posting to the responsible party's business address, principal place of business address, residence address, or other address known to the Enforcement Officer by reliable information. Such mailing may be made by first class mail, postage pre-paid, or by certified mail.

(F) *Sufficient notice of subsequent violation.* The notice provided pursuant to this section shall be sufficient notice for subsequent [related] violations of the same code section occurring within one year of the notice ~~if the violation occurs at the same location.~~

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

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

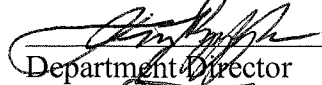
* * * * *



[Return to Agenda](#)

REPORT TO CITY COUNCIL

Approved by:



Department Director



City Administrator

Council Meeting of: February 4, 2015

Agenda Number: E-1

SUBJECT: Consideration of the City of Madera Investment Report for the Quarter Ending December 31, 2014 for Approval and Acceptance

RECOMMENDATION: Staff recommends the Council approve and accept the City of Madera Investment Report for the quarter ending December 31, 2014 as presented.

DISCUSSION: The City of Madera Investment Policy calls for a quarterly report to be presented to the City Council, giving detail information on the portfolio and bank positions with summary information to permit an informed outside reader to evaluate the performance of the investment program. Therefore, the Finance Director hereby submits the quarterly report for the quarter ending December 31, 2014 as required by policy.

The market values for the items being reported were obtained from Union Bank, who acts as the custodian for our investments and who we consider to be an independent source for such information. After reviewing the information included in the attached Investment Report, the Finance Director/Treasurer certifies that to the best of his knowledge: 1) all investment actions taken during this quarter have been made in full compliance with the City of Madera November 2014 Investment Policy and, 2) the City will meet its expenditure obligations for the next six months.

As can be seen in the summary information of the Council Investment Report, the City's investment program has well out-performed the benchmarks, with a 1.14% yield as compared to 0.21% for the 1-Year Treasury and 0.64% for the 2-Year Treasury. Total Market Value of the City's investments equaled \$56.2 million as of December 31, 2014, with Medium Term Notes, Federal Agency Securities and Negotiable Certificates of Deposit Securities making up 60.1% of that total. Cash held in interest-bearing accounts increased significantly during the quarter due to \$3 million of Federal Agency Securities that were called in late December. Those funds were reinvested into Federal Agency Securities in early January.

The Portfolio Holdings Distribution by Maturity Range report is on the second page of the Council Investment Report and reflects the percentages of holdings for each maturity range as of December 31, 2014. All holdings are in line with the November 2014 investment policy.

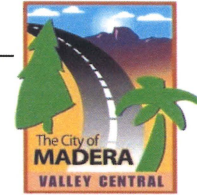
FINANCIAL IMPACT: There is no fiscal impact of the Council's acceptance of this Investment Report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN: Approval of this item is consistent with Strategy 115 of the Vision Plan - Economic Resource Provision: Ensure sufficient economic resources to provide adequate City services and prepare for future growth.

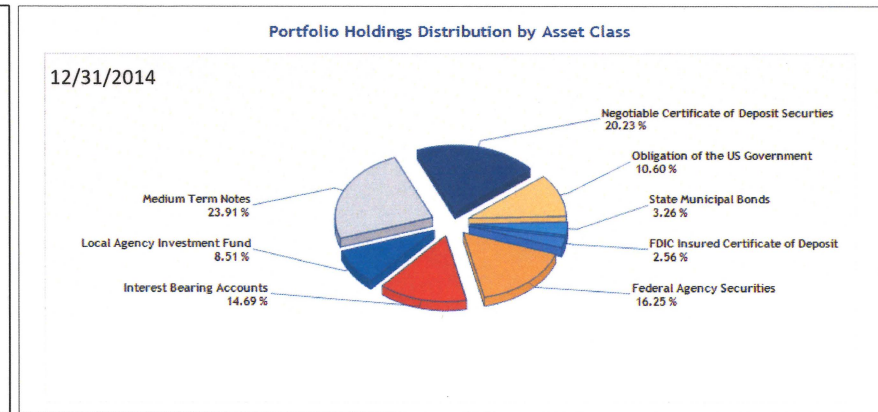
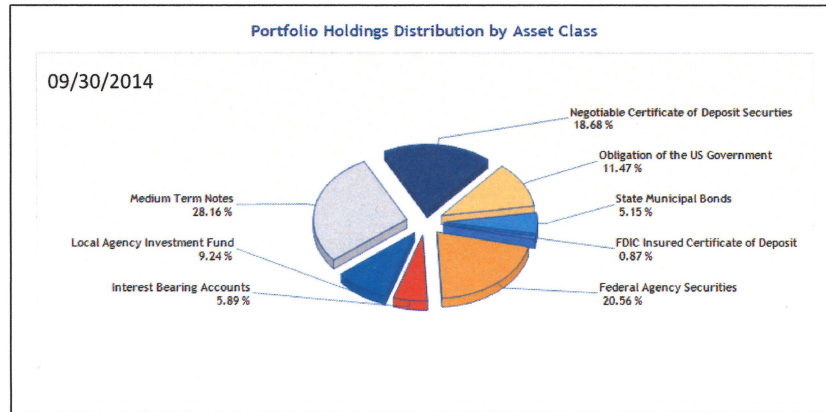
CITY OF MADERA

Council Investment Report

December 31, 2014



	Beginning Balance 9/30/2014	Ending Balance 12/31/2014
Benchmark Performance		
Weighted Average Yield	1.21	1.14
1 Year Treasury	0.11	0.21
2 Year Treasury	0.57	0.64



Asset Class	YTM @ Cost	Days To Maturity	% of Portfolio	Market Value	Book Value	Duration To Maturity
FDIC Insured Certificate of Deposit	1.293	632	1.23	700,000.00	700,000.00	1.71
Federal Agency Securities	1.643	1232	18.68	10,655,170.00	10,621,972.03	3.27
Interest Bearing Accounts	0.003	1	14.05	8,012,306.22	8,012,306.22	0.00
Local Agency Investment Fund	0.246	1	8.39	4,786,740.74	4,786,740.74	0.00
Medium Term Notes	1.479	603	25.58	14,591,186.14	14,509,904.87	0.36
Negotiable Certificate of Deposit Securities	1.217	1011	16.97	9,678,516.95	9,683,751.13	2.73
Obligation of the US Government	1.030	1063	10.42	5,944,060.00	5,956,213.92	2.88
State Municipal Bonds	3.891	377	4.68	2,666,366.70	2,631,628.00	1.00
Total / Average	1.218	692	100	57,034,346.75	56,902,516.91	1.53

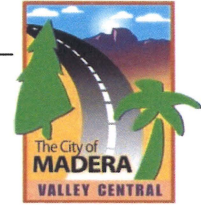
Asset Class	YTM @ Cost	Days To Maturity	% of Portfolio	Market Value	Book Value	Duration To Maturity
FDIC Insured Certificate of Deposit	1.262	626	2.56	1,440,052.40	1,445,000.00	1.69
Federal Agency Securities	1.523	1078	16.25	9,139,490.00	9,103,706.78	2.87
Interest Bearing Accounts	0.004	1	14.69	8,262,924.20	8,262,924.20	0.00
Local Agency Investment Fund	0.267	1	8.51	4,789,657.35	4,789,657.35	0.00
Medium Term Notes	1.491	536	23.91	13,452,138.96	13,390,678.60	0.34
Negotiable Certificate of Deposit Securities	1.227	932	20.23	11,378,566.15	11,420,781.38	2.51
Obligation of the US Government	1.031	972	10.60	5,964,620.00	5,959,427.49	2.63
State Municipal Bonds	3.806	290	3.26	1,831,530.00	1,809,780.91	0.78
Total / Average	1.141	620	100	56,258,979.06	56,181,956.71	1.40

Investment Policy Compliance	Max	Max Maturity	Compliance
FDIC Insured Certificate of Deposit	30%	5 Years	Yes
Federal Agency Securities	90%	5 Years	Yes
Interest Bearing Accounts	20%	n/a	Yes
Local Agency Investment Fund	50M	n/a	Yes
Medium Term Notes	30%	5 Years	Yes
Negotiable Certificate of Deposit Securities	30%	5 Years	Yes
Obligation of the US Government	90%	5 Years	Yes
State Municipal Bonds	20%	5 Years	Yes

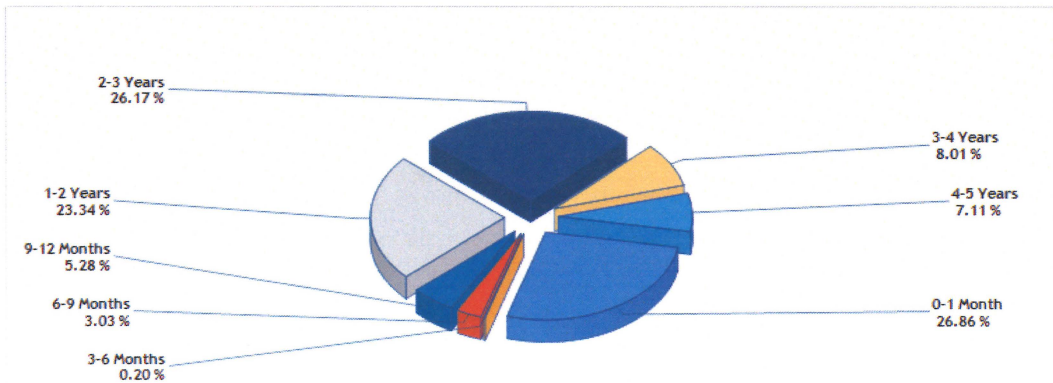
CITY OF MADERA

Council Investment Report

December 31, 2014



Portfolio Holdings Distribution by Maturity Range



Maturity Range	Face Amount/Shares	YTM @ Cost	Cost Value	Days To Maturity	% of Portfolio	Market Value	Book Value	Duration To Maturity
0-1 Month	15,052,581.55	0.222	15,052,581.55	3	26.86	15,052,071.55	15,052,581.55	0.00
3-6 Months	110,000.00	0.734	115,392.20	105	0.20	109,990.10	110,536.16	0.29
6-9 Months	1,700,000.00	1.167	1,700,000.00	233	3.03	1,707,345.00	1,700,000.00	0.28
9-12 Months	2,962,000.00	2.856	3,021,367.03	286	5.28	2,995,989.40	2,972,578.77	0.57
1-2 Years	13,082,000.00	1.301	13,483,688.89	604	23.34	13,302,326.11	13,227,385.92	1.46
2-3 Years	14,669,000.00	1.294	14,690,763.40	909	26.17	14,674,318.57	14,668,855.26	1.69
3-4 Years	4,488,000.00	1.305	4,460,312.50	1234	8.01	4,446,680.35	4,469,261.66	3.32
4-5 Years	3,983,000.00	2.008	3,980,500.00	1699	7.11	3,970,257.98	3,980,757.39	4.50
Total / Average	56,046,581.55	1.137	56,504,605.57	622	100	56,258,979.06	56,181,956.71	1.41

City of Madera
Council Investment Report
 Report Format: By Transaction
 Group By: Asset Class
Portfolio/Report Group: Report Group: Investment Portfolio
As of 12/31/2014

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
FDIC Insured Certificate of Deposit										
Redding Bank of Commerce 1.17 9/14/2015	CD-1256	0.36	Certificate Of Deposit	9/14/2012	1.170	200,000.00	200,000.00	200,000.00	9/14/2015	257
Pentagon FCU 1.2 10/14/2015	CD1234	0.44	Certificate Of Deposit	10/14/2014	1.200	249,000.00	249,000.00	249,000.00	10/14/2015	287
Triumph Savings Bank 1.195 9/30/2016	CD-6749	0.44	Certificate Of Deposit	9/30/2014	1.195	250,000.00	250,000.00	250,000.00	9/30/2016	639
USAA Federal Saving Bank 1.49 10/29/2016	CD-2146	0.44	Certificate Of Deposit	10/29/2012	1.490	250,000.00	250,000.00	250,000.00	10/29/2016	668
Parkway Bank 1.15 4/7/2017	70153RHJ0	0.44	Negotiable Certificate Of Deposit	10/7/2014	1.150	248,000.00	248,000.00	245,832.48	4/7/2017	828
Washington TR 1.35 10/10/2017	940637GP0	0.44	Negotiable Certificate Of Deposit	10/8/2014	1.350	248,000.00	248,000.00	245,219.92	10/10/2017	1014
Sub Total / Average		2.56			1.262	1,445,000.00	1,445,000.00	1,440,052.40		626
Federal Agency Securities										
FHLB 5.625 6/13/2016	313771AA5	1.91	FHLB Bond	6/20/2012	1.500	1,000,000.00	1,158,810.00	1,072,090.00	6/13/2016	530
FHLB 5.625 6/13/2016	313771AA5	1.91	FHLB Bond	1/27/2012	2.137	1,000,000.00	1,145,000.00	1,072,090.00	6/13/2016	530
FNMA 0.625 9/27/2016-13	3136G1GR4	1.77	FNMA Bond	3/27/2013	0.625	1,000,000.00	1,000,000.00	997,430.00	9/27/2016	636
Fannie Mae 1.07 8/22/2017-16	3136G23L9	0.89	FNMA Bond	8/22/2014	1.070	500,000.00	500,000.00	498,015.00	8/22/2017	965
FNMA 1.125 9/28/2017-16	3136G1ZD4	1.77	FNMA Bond	3/28/2014	1.125	1,000,000.00	1,000,000.00	998,550.00	9/28/2017	1002
FHLB 1.3 10/16/2017	3130A36V1	0.89	FHLB Bond	10/16/2014	1.300	500,000.00	500,000.00	499,890.00	10/16/2017	1020
FHLMC 1.2 12/26/2017-14	3134G5AP0	0.89	FHLMC Bond	6/26/2014	1.200	500,000.00	500,000.00	500,945.00	12/26/2017	1091
FHLMC 1.25 12/27/2017-15	3134G4Y69	0.89	FHLMC Bond	3/27/2014	1.250	500,000.00	500,000.00	500,705.00	12/27/2017	1092
FHLB 1.5 6/29/2018-14	3130A2BQ8	0.89	FHLB Bond	6/30/2014	1.500	500,000.00	500,000.00	499,435.00	6/29/2018	1276
FHLMC 1.85 6/26/2019-14	3134G57F6	1.78	FHLMC Bond	6/26/2014	1.903	1,000,000.00	997,500.00	1,002,430.00	6/26/2019	1638
FHLB Step 12/17/2019-15	3130A3JW5	1.77	FHLB Bond	12/17/2014	2.319	1,000,000.00	1,000,000.00	998,010.00	12/17/2019	1812
FHA Step 12/18/2019	3134G5RP2	0.89	Federal Housing Administration	12/18/2014	1.793	500,000.00	500,000.00	499,900.00	12/18/2019	1813
Sub Total / Average		16.25			1.523	9,000,000.00	9,301,310.00	9,139,490.00		1078
Interest Bearing Accounts										
Union Bank - Parking Fines Cash	CASH3596	0.09	Cash	6/30/2013	0.000	50,433.98	50,433.98	50,433.98	N/A	1
Union Bank - Special Program Cash	CASH6508	0.04	Cash	6/30/2013	0.000	21,024.00	21,024.00	21,024.00	N/A	1
Union Bank - Trust MM	MM4900	6.19	Money Market	6/30/2013	0.010	3,481,328.35	3,481,328.35	3,481,328.35	N/A	1
Union Bank - General Fund Cash	CASH2166	8.37	Cash	6/30/2013	0.000	4,710,137.87	4,710,137.87	4,710,137.87	N/A	1
Sub Total / Average		14.69			0.004	8,262,924.20	8,262,924.20	8,262,924.20		1
Local Agency Investment Fund										
LAIF LGIP	LGIP0502	8.51	Local Government Investment Pool	6/30/2013	0.267	4,789,657.35	4,789,657.35	4,789,657.35	N/A	1
Sub Total / Average		8.51			0.267	4,789,657.35	4,789,657.35	4,789,657.35		1

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
Medium Term Notes										
General Electric Var. Corp 1/9/2015	36962G5P5	1.78	Corporate Bond	1/11/2012	1.031	1,000,000.00	1,000,000.00	1,000,080.00	1/9/2015	9
General Electric Var. Corp 1/30/2015	36962G5Q3	1.78	Corporate Bond	1/30/2012	1.000	1,000,000.00	1,000,000.00	999,410.00	1/30/2015	30
National Rural Utilities 2.45 4/15/2015	63743FMP8	0.20	Corporate Bond	5/24/2012	0.734	110,000.00	115,392.20	109,990.10	4/15/2015	105
General Electric Var. Corp 8/11/2015	36962G4N1	1.78	Corporate Bond	8/11/2010	1.000	1,000,000.00	1,000,000.00	1,004,170.00	8/11/2015	223
CitiGroup Funding Var. Corp 9/28/2015	17308CQH2	1.42	Corporate Bond	9/28/2010	1.505	800,000.00	800,000.00	801,352.00	9/28/2015	271
Coca Cola 1.5 11/15/2015	191216AP5	0.20	Corporate Bond	5/24/2012	0.680	113,000.00	116,176.43	114,107.40	11/15/2015	319
Morgan Stanley Var. Corp 2/28/2016	61745E5K3	3.59	Corporate Bond	2/28/2011	2.236	2,000,000.00	2,000,000.00	2,022,340.00	2/28/2016	424
Monsanto Co 2.75 4/15/2016-11	611662BM8	0.19	Corporate Bond	5/24/2012	0.826	107,000.00	114,865.57	109,438.53	4/15/2016	471
General Electric 3.35 10/17/2016	36962G5H3	1.48	Corporate Bond	2/27/2012	1.856	800,000.00	852,872.00	831,904.00	10/17/2016	656
General Electric 5.375 10/20/2016	36962GY40	0.19	Corporate Bond	2/27/2012	1.996	100,000.00	114,925.00	107,481.00	10/20/2016	659
Boeing Co 3.75 11/20/2016	097023BC8	0.20	Corporate Bond	5/24/2012	0.878	105,000.00	118,246.80	110,512.50	11/20/2016	690
General Electric 2.9 1/9/2017	36962G5N0	1.46	Corporate Bond	2/27/2012	1.912	792,000.00	828,186.48	819,585.36	1/9/2017	740
Walt Disney 1.125 2/15/2017	25468PCS3	0.20	Corporate Bond	5/24/2012	1.023	113,000.00	113,529.97	113,038.42	2/15/2017	777
General Electric 5.4 2/15/2017	36962G2G8	0.34	Corporate Bond	2/22/2012	2.281	175,000.00	200,562.25	189,983.50	2/15/2017	777
JPMorgan Chase Var. Corp 3/7/2017	48125VQE3	7.12	Corporate Bond	3/7/2012	1.385	4,000,000.00	4,000,000.00	4,006,800.00	3/7/2017	797
Bershire Hathaway 1.6 5/15/2017-12	084664BS9	0.20	Corporate Bond	5/24/2012	1.378	113,000.00	114,203.45	113,966.15	5/15/2017	866
General Electric Var. Corp 8/1/2017	36962G6B5	1.77	Corporate Bond	7/31/2012	1.375	1,000,000.00	1,000,000.00	997,980.00	8/1/2017	944
Sub Total / Average		23.91			1.491	13,328,000.00	13,488,960.15	13,452,138.96		536
Negotiable Certificate of Deposit Securities										
GE Capital Financial Inc 1.5 9/2/2015	36160YG74	0.45	Negotiable Certificate Of Deposit	9/2/2011	1.500	250,000.00	250,000.00	251,587.50	9/2/2015	245
GE Money Bank - Draper, UT 1.5 9/2/2015	36161NQB7	0.45	Negotiable Certificate Of Deposit	9/2/2011	1.500	250,000.00	250,000.00	251,587.50	9/2/2015	245
Iberia Bank 0.7 6/13/2016	45083ADE9	0.44	Negotiable Certificate Of Deposit	6/13/2014	0.700	249,000.00	249,000.00	247,946.73	6/13/2016	530
First Business Bank WI 0.75 6/30/2016	31938QE75	0.44	Negotiable Certificate Of Deposit	12/30/2013	0.750	249,000.00	249,000.00	249,405.87	6/30/2016	547
Investors Svgs Bk 0.7 7/21/2016	46176PCX1	0.44	Negotiable Certificate Of Deposit	7/21/2014	0.700	249,000.00	249,000.00	248,113.56	7/21/2016	568
Doral Bank - Catano 1.25 8/1/2016	25811LY78	0.44	Negotiable Certificate Of Deposit	7/30/2012	1.250	248,000.00	248,000.00	250,162.56	8/1/2016	579
Cardinal Bank NA 0.65 9/14/2016	14147VDU7	0.44	Negotiable Certificate Of Deposit	3/14/2014	0.650	249,000.00	249,000.00	248,736.06	9/14/2016	623
Peoples United Bank 0.9 10/6/2016	71270QJA5	0.44	Negotiable Certificate Of Deposit	10/15/2014	0.900	248,000.00	248,000.00	247,226.24	10/6/2016	645
Sallie Mae Bank - Murray, UT 1.35 10/11/2016	795450PQ2	0.44	Negotiable Certificate Of Deposit	10/10/2012	1.350	248,000.00	248,000.00	249,475.60	10/11/2016	650
Synovus Bank 0.9 10/21/2016	87164DFT2	0.44	Negotiable Certificate Of Deposit	10/21/2014	0.900	248,000.00	248,000.00	246,844.32	10/21/2016	660
BMW Bank - Salt Lake City, UT 1.3 10/26/2016	05568PZ67	0.44	Negotiable Certificate Of Deposit	10/16/2012	1.350	248,000.00	247,516.40	249,401.20	10/26/2016	665
1st Merit Bank 1 10/31/2016	320844PB3	0.44		10/31/2014	1.000	248,000.00	248,000.00	246,931.12	10/31/2016	670

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
			Negotiable Certificate Of Deposit							
Rollstone Bank 0.75 11/30/2016	77579ABJ4	0.44	Negotiable Certificate Of Deposit	5/30/2014	0.750	248,000.00	248,000.00	247,070.00	11/30/2016	700
Cathay Bank 0.75 12/14/2016	149159JW6	0.44	Negotiable Certificate Of Deposit	3/14/2014	0.750	249,000.00	249,000.00	248,459.67	12/14/2016	714
CIT Bank 1.35 12/20/2016	17284AY44	0.44	Negotiable Certificate Of Deposit	6/13/2012	1.350	245,000.00	245,000.00	247,352.00	12/20/2016	720
Patriot Bank 0.7 12/20/2016	70335XEP7	0.44	Negotiable Certificate Of Deposit	6/20/2014	0.700	249,000.00	249,000.00	247,829.70	12/20/2016	720
Firstbank PR 1 12/20/2016	33764JQ57	0.44	Negotiable Certificate Of Deposit	12/20/2013	1.000	249,000.00	249,000.00	249,034.86	12/20/2016	720
National Bank 0.75 12/20/2016	634030AK6	0.44	Negotiable Certificate Of Deposit	6/20/2014	0.750	249,000.00	249,000.00	247,829.70	12/20/2016	720
1st Priority 0.8 12/27/2016	33612JFA2	0.44	Negotiable Certificate Of Deposit	6/25/2014	0.800	249,000.00	249,000.00	247,767.45	12/27/2016	727
Bank Baroda NY 1.1 12/27/2016	06062ACV9	0.44	Negotiable Certificate Of Deposit	12/24/2013	1.100	248,000.00	248,000.00	247,883.44	12/27/2016	727
Mauch Chunck Tr Co 0.9 1/10/2017	577234BX4	0.44	Negotiable Certificate Of Deposit	10/10/2014	0.900	249,000.00	249,000.00	247,461.18	1/10/2017	741
Ally Bank 1 3/20/2017	02006LDL4	0.44	Negotiable Certificate Of Deposit	3/19/2014	1.000	248,000.00	248,000.00	247,047.68	3/20/2017	810
Marlin Business Bank 1.05 4/17/2017	57116AHV3	0.44	Negotiable Certificate Of Deposit	10/14/2014	1.050	249,000.00	249,000.00	247,112.58	4/17/2017	838
First Kentucky 1 5/25/2017	32065TAH4	0.44	Negotiable Certificate Of Deposit	7/25/2014	1.000	249,000.00	249,000.00	246,958.20	5/25/2017	876
Merrick Bank 1 6/20/2017	59013JAG4	0.44	Negotiable Certificate Of Deposit	6/20/2014	1.000	249,000.00	249,000.00	247,090.17	6/20/2017	902
State Bank of India, NY 2 6/22/2017	856284F58	0.44	Negotiable Certificate Of Deposit	6/22/2012	2.000	245,000.00	245,000.00	248,003.70	6/22/2017	904
Flushing Bank NY 1 6/30/2017	34387AAA7	0.44	Negotiable Certificate Of Deposit	12/30/2013	1.000	249,000.00	249,000.00	249,067.23	6/30/2017	912
American Exp 1.05 7/10/2017	02587CAA8	0.44	Negotiable Certificate Of Deposit	7/10/2014	1.050	248,000.00	248,000.00	245,852.32	7/10/2017	922
Third Federal 1.05 7/24/2017	88413QAQ1	0.44	Negotiable Certificate Of Deposit	5/23/2014	1.050	248,000.00	248,000.00	246,383.04	7/24/2017	936
Customers Bank 1 8/18/2017	23204HBJ6	0.44	Negotiable Certificate Of Deposit	6/18/2014	1.000	248,000.00	248,000.00	246,122.64	8/18/2017	961
Discover Greenwood 1.4 9/25/2017	254672AA6	0.44	Negotiable Certificate Of Deposit	9/24/2014	1.400	248,000.00	248,000.00	245,334.00	9/25/2017	999
Goldman Sachs, NY 1.6 9/26/2017	38143AG66	0.45	Negotiable Certificate Of Deposit	9/26/2012	1.600	250,000.00	250,000.00	250,885.00	9/26/2017	1000
PrivateBank 1.3 1/19/2018	74267GUM7	0.44	Negotiable Certificate Of Deposit	5/21/2014	1.300	248,000.00	248,000.00	245,944.08	1/19/2018	1115
Smartbank 1.2 2/23/2018	83172HCQ1	0.44	Negotiable Certificate Of Deposit	4/23/2014	1.200	249,000.00	249,000.00	247,177.32	2/23/2018	1150
Peapack Gladstone Bank 1.4 4/17/2018	704692AH5	0.44	Negotiable Certificate Of Deposit	4/17/2014	1.400	249,000.00	249,000.00	247,192.26	4/17/2018	1203
Homebanc 1.35 4/17/2018	43738AEX0	0.44	Negotiable Certificate Of Deposit	4/17/2014	1.350	249,000.00	249,000.00	247,189.77	4/17/2018	1203

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
Medallion Bank 1.35 6/13/2018	58403BP34	0.44	Negotiable Certificate Of Deposit	6/13/2014	1.350	249,000.00	249,000.00	246,589.68	6/13/2018	1260
Belmont Savings Bank 1.4 6/26/2018	080515AU3	0.44	Negotiable Certificate Of Deposit	6/26/2014	1.400	248,000.00	248,000.00	245,388.56	6/26/2018	1273
First Merchants Bank 1.5 10/30/2018	32082BDF3	0.44	Negotiable Certificate Of Deposit	4/30/2014	1.500	248,000.00	248,000.00	246,038.32	10/30/2018	1399
First Premier Bank 1.55 12/24/2018	33610RPL1	0.44	Negotiable Certificate Of Deposit	6/25/2014	1.550	248,000.00	248,000.00	245,165.36	12/24/2018	1454
Comenity Bank Utah 1.75 1/2/2019	20033AEC6	0.44	Negotiable Certificate Of Deposit	1/2/2014	1.750	247,000.00	247,000.00	245,564.93	1/2/2019	1463
Barclays Bank 1.9 4/15/2019	06740KGG6	0.44	Negotiable Certificate Of Deposit	4/15/2014	1.900	247,000.00	247,000.00	245,271.00	4/15/2019	1566
Mercantil Commerce Bank 1.9 4/17/2019	58733AAU3	0.44	Negotiable Certificate Of Deposit	4/17/2014	1.900	247,000.00	247,000.00	245,253.71	4/17/2019	1568
Webster Bank 1.8 6/11/2019	94768NJS4	0.43	Negotiable Certificate Of Deposit	6/11/2014	1.800	247,000.00	247,000.00	244,697.96	6/11/2019	1623
Capital One Bank 2.1 10/1/2019	140420PN4	0.43	Negotiable Certificate Of Deposit	10/1/2014	2.100	248,000.00	248,000.00	244,714.00	10/1/2019	1735
American Express Centurion Bank 2.2 11/29/2019	02587DWK0	0.43	Negotiable Certificate Of Deposit	12/1/2014	2.200	247,000.00	247,000.00	244,416.38	11/29/2019	1794
Sub Total / Average		20.23			1.227	11,421,000.00	11,420,516.40	11,378,566.15		932
Obligation of the US Government										
T-Note 1 10/31/2016	912828RM4	1.79	Treasury Note	6/27/2013	0.886	1,000,000.00	1,003,750.00	1,007,190.00	10/31/2016	670
T-Note 0.875 11/30/2016	912828RU6	1.79	Treasury Note	6/13/2013	0.708	1,000,000.00	1,005,703.12	1,004,380.00	11/30/2016	700
T-Note 0.625 9/30/2017	912828TS9	1.76	Treasury Note	6/27/2013	1.222	1,000,000.00	975,312.50	989,300.00	9/30/2017	1004
T-Note 0.625 11/30/2017	912828UA6	1.75	Treasury Note	6/12/2013	1.016	1,000,000.00	982,968.75	987,190.00	11/30/2017	1065
T-Note 0.75 2/28/2018	912828UR9	1.75	Treasury Note	6/27/2013	1.352	1,000,000.00	972,812.50	986,250.00	2/28/2018	1155
T-Note 1 5/31/2018	912828VE7	1.76	Treasury Note	6/6/2013	1.010	1,000,000.00	999,500.00	990,310.00	5/31/2018	1247
Sub Total / Average		10.60			1.031	6,000,000.00	5,940,046.87	5,964,620.00		972
State Municipal Bonds										
Santa Rosa, CA 5.26 10/1/2015-13	802595CF3	1.56	Municipal Bond	5/23/2011	4.083	870,000.00	910,455.00	875,620.20	10/1/2015	274
California State GO 3.95 11/1/2015	130638HZ8	1.70	Municipal Bond	3/4/2011	3.552	930,000.00	945,735.60	955,909.80	11/1/2015	305
Sub Total / Average		3.26			3.806	1,800,000.00	1,856,190.60	1,831,530.00		290
Total / Average		100			1.141	56,046,581.55	56,504,605.57	56,258,979.06		620

City of Madera
MONTHLY Investment Portfolio Activity - Council
Portfolio/Report Group: Report Group: Investment Portfolio
From 10/1/2014 To 12/31/2014

Description	CUSIP/Ticker	Bullet/Callable	Trade Date	Settlement Date	Coupon Rate	YTM @ Cost	Face Amount/Shares	Principal	Interest/Dividends	Total	Maturity Date
BUY											
Parkway Bank 1.15 4/7/2017	70153RHJ0		10/1/2014	10/7/2014	1.150	1.150	248,000.00	248,000.00	0.00	248,000.00	4/7/2017
Washington TR 1.35 10/10/2017	940637GP0		10/1/2014	10/8/2014	1.350	1.350	248,000.00	248,000.00	0.00	248,000.00	10/10/2017
Mauch Chunck Tr Co 0.9 1/10/2017	577234BX4		10/6/2014	10/10/2014	0.900	0.900	249,000.00	249,000.00	0.00	249,000.00	1/10/2017
Pentagon FCU 1.3 10/14/2015	CD1234		10/14/2014	10/14/2014	1.300	1.300	249,000.00	249,000.00	0.00	249,000.00	10/14/2015
Marlin Business Bank 1.05 4/17/2017	57116AHV3		10/6/2014	10/14/2014	1.050	1.050	249,000.00	249,000.00	0.00	249,000.00	4/17/2017
Peoples United Bank 0.9 10/6/2016	71270QJA5		10/6/2014	10/15/2014	0.900	0.900	248,000.00	248,000.00	0.00	248,000.00	10/6/2016
FHLB 1.3 10/16/2017	3130A36V1		10/6/2014	10/16/2014	1.300	1.300	500,000.00	500,000.00	0.00	500,000.00	10/16/2017
Synovus Bank 0.9 10/21/2016	87164DFT2		10/6/2014	10/21/2014	0.900	0.900	248,000.00	248,000.00	0.00	248,000.00	10/21/2016
1st Merit Bank 1 10/31/2016	320844PB3		10/23/2014	10/31/2014	1.000	1.000	248,000.00	248,000.00	0.00	248,000.00	10/31/2016
American Express Centurion Bank 2.2 11/29/2019	02587DWK0		11/17/2014	12/1/2014	2.200	2.200	247,000.00	247,000.00	44.66	247,044.66	11/29/2019
FHLB Step 12/17/2019-15	3130A3JW5	Yes	11/19/2014	12/17/2014	1.000	2.319	1,000,000.00	1,000,000.00	0.00	1,000,000.00	12/17/2019
FHA Step 12/18/2019	3134G5RP2		11/19/2014	12/18/2014	1.000	1.793	500,000.00	500,000.00	0.00	500,000.00	12/18/2019
Sub Total / Average							4,234,000.00	4,234,000.00	44.66	4,234,044.66	
CALLED											
FHLB Step 4/24/2019-14	3130A1K23	Yes	10/24/2014	10/24/2014	1.000	0.000	500,000.00	500,000.00	0.00	500,000.00	4/24/2019
JPMorgan Chase Var. Corp 9/1/2015 -10	46625HCY4	Yes	10/31/2014	10/31/2014		0.000	1,000,000.00	1,000,000.00	0.00	1,000,000.00	9/1/2015
FHLB Step 6/26/2019-14	3130A2FN1	Yes	12/26/2014	12/26/2014	1.000	0.000	1,000,000.00	1,000,000.00	0.00	1,000,000.00	6/26/2019
FHLB Step 3/27/2019-14	3130A1CX4	Yes	12/29/2014	12/29/2014	1.000	0.000	2,000,000.00	2,000,000.00	5,000.00	2,005,000.00	3/27/2019
Sub Total / Average							4,500,000.00	4,500,000.00	5,000.00	4,505,000.00	
MATURED											
CISCO Inc 2.9 11/17/2014-09	17275RAG7	Yes	11/17/2014	11/17/2014	2.900	0.000	110,000.00	110,000.00	0.00	110,000.00	11/17/2014
Sub Total / Average							110,000.00	110,000.00	0.00	110,000.00	