

# REGULAR MEETING OF THE MADERA CITY COUNCIL

205 W. 4<sup>th</sup> Street, Madera, California 93637

## NOTICE AND AGENDA

Wednesday, January 6, 2016  
6:00 p.m.

Council Chambers  
City Hall

### CALL TO ORDER

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

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

### PLEDGE OF ALLEGIANCE:

### PUBLIC COMMENT:

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

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

### A. WORKSHOP

There are no items for this section.

### B. CONSENT CALENDAR

B-1 Minutes – 7/1/15

B-2 Information Only – Warrant Disbursement Report

- B-3 Consideration of a Resolution Approving a Memorandum of Understanding for the General Bargaining Unit between the City of Madera and Operating Engineers Local Union No. 3 and Authorizing the City Administrator to Sign the Memorandum (Report by Wendy Silva)
- B-4 Consideration of a Resolution Approving Compensation Ranges for Part Time Positions of the City of Madera Due to a Change in the California Minimum Wage (Report by Wendy Silva)

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

- C-1 Public Hearing and Consideration of Introduction of an Ordinance Amending Title IV: Chapter 15: Medical Marijuana, of the Madera Municipal Code to Provide Compliance with the Medical Marijuana Regulation and Safety Act (Report by Chris Boyle)
- C-2 Public Hearing and Consideration of Adoption of a Resolution Approving an Amendment of the Land Use Element of the General Plan to Provide Specific Changes to the Land Use Map Necessary to Provide Consistency with the Zoning Ordinance as Required by Law (Report by Chris Boyle)
- C-3 Public Hearing and Consideration of Adoption of a Resolution Approving an Amendment of the Land Use Element of the General Plan to Provide Compliance with SB 244, Requiring the City to Identify Disadvantaged Unincorporated Communities Located within the City's Sphere of Influence and Analyze Infrastructure Deficits (Report by Chris Boyle)

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

- E-1 Weekly Water Conservation Reports (Report by Dave Randall)
- E-2 Administrative Report Requesting Council Direction Regarding Housing Authority Police Officer (Report by Steve Frazier)
- E-3 Consideration of a Request to Schedule Public Hearing for Appeal of a Planning Commission Decision Denying Entitlements Necessary for the Establishment of a Convenience Store (Report by Chris Boyle)
- E-4 Update on the Proposal Submitted by Triton Flight for Heroes, Inc. to Conduct an Air Show at the Madera Municipal Airport

And

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

**F. COUNCIL REPORTS**

**G. CLOSED SESSION**

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

**ADJOURNMENT** – Next regular meeting January 20, 2016

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

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

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

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I, Sonia Alvarez, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the regular meeting of the Madera City Council for January 6, 2016, near the front entrances of City Hall at 3:00 p.m. on December 31, 2015.

  
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Sonia Alvarez, City Clerk

# Office of the Mayor

City of Madera  
State of California  
January 2016

## Proclamation

**Fresno Madera Continuum of Care  
Homeless Point in Time Count  
January 26, 2016 – January 28, 2016**

**WHEREAS**, the Department of Veterans Affairs, the Department of Housing and Urban Development, 25 Cities, Zero:2016 campaign, and local agencies have supported the Fresno Madera Continuum of Care (FMCoC) in their commitment to end chronic and Veteran homelessness; and

**WHEREAS**, to adequately provide a coordinated homeless housing and services delivery system, the FMCoC must understand the regions homeless population. During the last ten days of January, the FMCoC conducts a Point-in-Time Count to get a statistically reliable, unduplicated count of sheltered and unsheltered homeless individuals and families in the U.S. within Fresno and Madera Counties; and

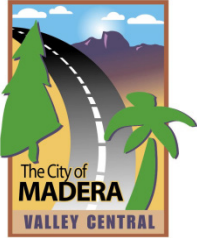
**WHEREAS**, in order for the Point-in-Time Count to be successful, it will take an effort to recruit and train volunteers to canvas Fresno and Madera County streets and shelters to survey the county's most vulnerable homeless individuals and families. Volunteers will be asked to participate in a training session, assist with the tally and survey of homeless, provide donated items and supplies or make cash donations to support the purchase of supplies for hygiene kits and food for volunteers.

**NOW, THEREFORE, BE IT RESOLVED**, the Madera City Council hereby supports the Fresno Madera Continuum of Care in their efforts to conduct the annual Point-in-Time Count in Madera County January 26-28, 2016. The Council encourages Madera City residents to volunteer and assist with the annual count of our most vulnerable homeless individuals and their families to help end chronic and Veteran homelessness by 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Madera to be affixed this 6<sup>th</sup> day of January 2016.

\_\_\_\_\_  
Mayor





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

**July 1, 2015  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

The regular meeting for 7/1/15 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 Andrew J. Medellin  
Council Member Donald E. Holley  
Council Member Derek O. Robinson Sr.

**Absent:** Council Member Bompreszi

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, 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, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Procurement Services Manager Becky McCurdy, Planning Manager Chris Boyle, Parks Planning Manager John Scarborough, and Recording Secretary Claudia Mendoza.

**INVOCATION:** Pastor John Pursell, Believer's Church

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

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

Marcus Savage stated he represents Ygrene Energy Fund. He noted that their name Ygrene is the word energy spelled backwards. He advised that Ygrene Energy Fund is the nation's largest commercial PACE provider. He stated that if anyone is unfamiliar with the acronym PACE, it stands for Property Assessed Clean Energy. He noted that PACE financing has no credit score or debt ratio criteria; it is equity based financing for renewable energy, energy savings, and water conservation projects. He commented that as

they know, Governor Brown's water conservation mandates started June 1<sup>st</sup>. He added that by July 15<sup>th</sup> all jurisdictions must submit water usage statistics for June. He commented that Ygrene's funding of gray water recycling systems, low flow irrigation, and drought tolerant landscaping has been a valuable asset to many communities. He added that gray water recycling systems have significant potential to assist their water conservation efforts. He explained that gray water is gently used water from sinks, showers, bathtubs, and washing machines. He asked that they think about how much water is wasted just waiting for a sink or shower water to warm up. He asked that they now imagine reusing all the water that goes through their kitchen sink, their bathroom sink, all the water that goes through their shower and their bathtubs, and all the water that goes through their washing machines. He noted that this is a significant amount of water. If there is no concern for local groundwater reservoirs, gray water recycling systems are a powerful solution to their water conservation needs. Energy efficient roofing, energy efficient windows, energy efficient heating ventilation, air condition units, solar systems, gray water recycling systems are simply a few of the thousands of potential projects funded by Ygrene Energy Fund. He noted that there is no demographic that is unsuitable for Ygrene's PACE financing. He commented that with their full payment tax deductibility, many customers who would normally pay cash use Ygrene's 100% financing and reduce their overall net project costs. He added that commercial property owners place tremendous value on Ygrene's financing model for the essentially off ledger nature. He advised that there is no lien recorded against the business or personal credit ports and there is no bulk assessment lien recorded against the property. He added that Ygrene's financing model provides significant benefits to all property owners in every jurisdiction. He noted that since refinancing of PACE financing is made through property taxes, Ygrene needs the City's approval to conduct business and assist the property owners within the City of Madera. He advised that the City has no cost, no liability and there is no ongoing staff time required. He commented that the City of Madera benefits from significant economic stimulus in the form of job creation, revenues from lien recordation, permits, and property tax assessment. He noted that in this region, the City of Clovis has already approved Ygrene. He added that the City of Fresno, the County of Fresno, the County of Madera have all committed in their scheduling agenda dates. They ask for Council's consideration in approving Ygrene Energy Fund for their property owners and for the City of Madera. Mr. Savage offered to answer any questions.

Mayor Poythress responded not at this time but suggested that Mr. Savage feel free to contact staff to discuss this further.

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

#### **PRESENTATIONS**      Low Carbon Transit Operation Grant

Mayor Poythress announced that this evening they have something that is called the LCTOP Grant which stands for the Low Carbon Transit Operations Program. Mayor Poythress invited the Director of Financial Services Tim Przybyla to join him at the podium to talk a little bit about what this is all about.

Director of Financial Services Tim Przybyla stated the California Department of Transportation (Caltrans) has awarded the City with this grant for \$50,146. He commented that Caltrans awards these grants to fund proposals with potentials to reduce both air pollution and carbon emissions. He added that this award will fund enhancements to the City's bus stops such as new shelters and concrete pads to encourage more residents to use public transportation. He noted that these enhancements should not only encourage Maderans to ride the bus but also assist the City to address some of the concerns raised at the latest Transit Unmet Needs Hearing. He noted that staff appreciates the assistance provided by the LCTOP program and looks forward to its continued support.

Mayor Poythress asked if the source of these funds is potentially from CAP and Trade funds noting that it is all about reducing carbon so possibly it is.

Mr. Przybyla replied possibly. He stated that he does know that it comes from the California Department of Transportation. He is not sure if Caltrans gets additional monies for that or if it is just the regular funding that they are using for these purposes.

Mr. Przybyla presented the ceremonial check to Mayor Poythress.

Late distribution announcement – Recording Secretary Claudia Mendoza 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. She advised that it is Item B-7 in regards to approving a subordination agreement for Isaias G. Angeles.

**A. WORKSHOP**

There are no items for this section.

**B. CONSENT CALENDAR**

- B-1 Minutes – 4/01/15
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution Approving a Food Services Agreement with Fresno Economic Opportunities Commission to Provide Senior Meals for the City of Madera Adult Day Care (ADC) Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Etheridge)
- B-4 Consideration of a Resolution Appointing Lawrence J. “Jeff” Dal Cerro to the City of Madera Planning Commission (Report by Chris Boyle)
- B-5 Consideration of a Resolution Approving the Authorization of Submission of Grant Application to the California Department of Resources Recycling and Recovery for a Used Oil Payment Program Grant and Authorizing the City Administrator to Execute all Grant Related Documents (Report by Dave Randall)
- B-6 Consideration of a Resolution Approving a Host Agency Agreement Between the SER Senior Community Service Employment Program (SER SCSEP) and the City of Madera for Senior Employment Services, and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Etheridge)
- B-7 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Agreement for Isaias G. Angeles for a HOME First Time Home Buyer Loan and Authorizing the City Administrator to Sign the Subordination Agreement on Behalf of the City of Madera (Report by Daniel Abdella)
- B-8 Declaration of Surplus Property (Report by Becky McCurdy)
- B-9 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Agreement for Eustorgio and Flaviana Ramirez for a CALHOME and HOME First Time Home Buyer Loan and Authorizing the City Administrator to Sign the Subordination Agreement on Behalf of the City of Madera and Rescinding Resolution No. 2015-92 (Report by Daniel Abdella)
- B-10 Consideration of a Resolution Considering an Addendum to a Previously Adopted Mitigated Negative Declaration for a New Water Well and Request for Authorization to Initiate Site Selection and Preliminary Engineering as Necessary (Report by Dave Randall)

- B-11 Consideration of a Resolution Approving a Memorandum of Understanding between the City of Madera and the Mid Management Employee Group and Authorizing the City Administrator to Sign the Memorandum (Report by Wendy Silva)
- B-12 Consideration of a Resolution Approving a Memorandum of Understanding between the City of Madera and the Law Enforcement Mid Management Group and Authorizing the City Administrator to Sign the Memorandum (Report by Wendy Silva)
- B-13 Consideration of a Resolution Approving an Agreement with Pitney Bowes for Lease of Mail Processing Equipment and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Dave Randall)
- B-14 Consideration of a Resolution Approving the Award of Contract for Laurel Street Bike Path Sunset Avenue to Fresno River Trail Federal Project No. CML 5157 (097), SJVAPCD Project No. C-28159-A, City of Madera Project No. PK 12, in the Amount of \$575,766.00 to F. Loduca Co., Authorizing Construction Contingencies of Up to 5% and Construction Inspection and Management of Up to 5%, and Authorizing the Mayor to Execute the Contract on Behalf of the City

And

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2014/15 Budget for the Laurel Street Bike Path Sunset Avenue to Fresno River Trail Federal Project No. CML 5157 (097), SJVAPCD Project No. C-28159-A, City of Madera Project No. PK 12 (Report by Keith Helmuth)

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

**ON MOTION BY MAYOR PRO TEM OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

**RES. NO. 15-134      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A FOOD SERVICES AGREEMENT WITH FRESNO ECONOMIC OPPORTUNITIES COMMISSION TO PROVIDE SENIOR MEALS FOR THE CITY OF MADERA ADULT DAY CARE (ADC) PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**RES. NO. 15-135      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CALIFORNIA APPOINTING LAWRENCE J. "JEFF" DAL CERRO TO THE CITY OF MADERA PLANNING COMMISSION**

**RES. NO. 15-136      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING SUBMISSION OF A GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY FOR A USED OIL PAYMENT PROGRAM GRANT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL GRANT DOCUMENTS**

**RES. NO. 15-137      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A HOST AGENCY AGREEMENT BETWEEN THE**

SER SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SER SCSEP) AND THE CITY OF MADERA FOR SENIOR EMPLOYMENT SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

- RES. NO. 15-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A SUBORDINATE AGREEMENT FOR ISAIAS G. ANGELES FOR A HOME FIRST TIME HOME BUYER LOAN AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE SUBORDINATION AGREEMENT ON BEHALF OF THE CITY OF MADERA
- RES. NO. 15-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A SUBORDINATION AGREEMENT FOR EUSTORGIO AND FLAVIANA RAMIREZ FOR A CALHOME AND HOME FIRST TIME HOME BUYER LOAN AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN ON BEHALF OF THE CITY OF MADERA AND RESCINDING RESOLUTION NO. 2015-92
- RES. NO. 15-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA CONSIDERING AN ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR A NEW WATER WELL AND AUTHORIZING STAFF TO INITIATE SITE SELECTION AND PRELIMINARY ENGINEERING AS NECESSARY
- RES. NO. 15-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MADERA AND THE MID-MANAGEMENT EMPLOYEE GROUP AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE MEMORANDUM
- RES. NO. 15-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MADERA AND THE LAW ENFORCEMENT MID MANAGEMENT GROUP AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE MEMORANDUM
- RES. NO. 15-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH PITNEY BOWES FOR LEASE OF MAIL PROCESSING EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY
- RES. NO. 15-144 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR THE LAUREL STREET BIKE PATH SUNSET AVENUE TO FRESNO RIVER TRAIL FEDERAL PROJECT NO. CML 5157 (097), SJVAPCD PROJECT NO. C-28159-A, CITY OF MADERA PROJECT NO. PK 12, IN THE AMOUNT OF \$575,766.00 TO F. LODUCA CO., AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 5% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 5%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY
- RES. NO. 15-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2014/15 BUDGET FOR THE LAUREL STREET BIKE PATH SUNSET AVENUE TO FRESNO RIVER TRAIL

Mayor Poythress referred to item B-4 which was consideration of a resolution appointing a new Madera Planning Commission Member. He recognized Jeff Dal Cerro who is in the audience. He asked Mr. Dal Cerro to come up. He thinks it is always important for the Council to know who their Planning Commissioners are. He noted it is such a great commission and a very important function of the City so he thought it would be wonderful if Mr. Dal Cerro had a chance to say a few words.

Mr. Dal Cerro thanked Mayor Poythress. He is looking forward to the opportunity to serve on the Planning Commission. He has had an opportunity to meet the Planning Manager. He thinks they will work together. He noted that perhaps some of them know that he is born and raised in Madera. He returned here after his career in the Bay Area and he is looking forward to reintegrating in a formal sense with the community. He thanked Mayor Poythress for his vote of confidence in proposing him and he looks forward to serving.

Mayor Poythress pointed out that Mr. Dal Cerro is a member of the distinguished Madera High School of '74 as well as John Rigby also in attendance.

Mr. Dal Cerro added and the Mayor too.

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

#### **C-1 Public Hearing & Consideration of a Resolution Confirming the Assessments for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 and Authorizing the City Engineer to File the Diagram and Assessment with the Auditor of Madera County**

City Engineer Keith Helmuth stated that on an annual basis the Engineering Department prepares a Landscape Maintenance District Engineer's Report. He advised that this report addresses the City's landscape and lighting assessment districts within the City. He noted that the report does several things as part of the management of the district and the various zones. He commented that those things include adding additional zones to the Engineering Report that did not exist in the Engineer's Report from the last year noting that no zones were added this year by the way. It also includes updates exhibits and assessments to reflect parcels that may have been divided or merged in the previous year of which there were about four. Updating the assessment amounts for any changes in costs. He advised that there are a series of changes discussed in the staff report that primarily serve to increase some assessments. He added that this year the majority of adjustments to assessments represent increases. He noted that there are two zones however, that are experiencing a decrease. He commented that some adjustments are in accordance with the existing covenants. 40 of the zones, 23 of which were voted down last year, either do not have a covenant or are outside the terms of their existing covenant. He stated that these zones are subject to the Proposition 218 election and hearing tonight. Mr. Helmuth added that as indicated in the staff report, staff is proposing the removal of 3 zones. He advised that those zones are 10I, 18, and 31A. He restated that he is looking to remove those from the election process.

Mr. Helmuth commented that for those zones subject to a Proposition 218 hearing, the Council will consider the testimony in conjunction with the results of the ballot procedure. He advised that where the weighted number of ballots received is in favor of the proposed assessment Council may in combination with the testimony received determine that the assessments are appropriate. Where the ballots indicate more opposed to the assessment, the increase will be abandoned for this year and the rates will revert to the previous year's assessment amount or that allowed per the applicable covenant whichever is greater. Mr. Helmuth commented, as he noted previously, the ballots received will be weighted. He explained that means that where all parcels within the zone have the same assessment, each parcel will receive one vote. Where assessments are different from parcel to parcel however, each dollar value of assessment receives one vote so it is possible within a given zone that they might see thousands of votes dependent upon the

size of the assessments. He added that a tie represents a passing vote and if there are no ballots received for a zone that also represents a passing vote.

Mr. Helmuth stated that with that he would ask the Council to consider the proposal to remove Zones 10I, 18, and 31A and to begin the public hearing portion of this item. He offered to answer any questions.

Mayor Poythress asked if there are any questions of Mr. Helmuth. No questions were asked.

Mayor Poythress announced that at this time he will consider a proposal to remove Zones 10I, 18, and 31A from the Proposition 218 elections process.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY, THE MOTION TO REMOVE ZONES 10I, 18, AND 31A FROM THE PROPOSITION 218 ELECTION WAS UNANIMOUSLY ADOPTED. ABSENT: COUNCIL MEMBER BOMPRESZI.**

Mayor Poythress announced that he would like to open up the public hearing. He opened the hearing to any members of the public who would like to give oral comments in favor of the annual assessments for the zones of benefit. He asked that they come up to the microphone and give their name and address.

City Attorney Brent Richardson stated if the Mayor is setting a time limit on comments he asked that he establish that at the get go.

Mayor Poythress announced that is three minutes or less. He restated anyone in favor of the annual assessments this would be the time to do it. No one came forward.

Mayor Poythress announced they would move on to those who would like to make oral comments that are against the annual assessments for the zone of benefit, this would be the time to do it. He added that also has the three minute time limit.

Rosa Cervantes, residing in Madera, California, stated they are here a little concerned about the landscaping raise for this year since it has been \$35. She stated they have a very small area with probably four trees and a few bushes that the lady in that corner takes care of. She thinks, to them, it is the wrong time of landscaping and green areas. If they have driven by Cleveland, Country Club, everything is turning yellow. For them, she thinks it is the wrong time to make any raise talking money wise especially with this drought that they are experiencing. She stated that it is a huge amount. It is \$120 per house per year. That is why they are here tonight.

Mayor Poythress asked if there are any other members of the public who would like to make comments that are against the annual assessments.

William Colston stated he is a resident of Zone 4. He stated he has practiced this presentation and it is six minutes but he has another gentleman here who will come and read the last three minutes although, he thinks he can get through it faster. Mr. Colston stated he has two major topics and one recommendation for presentation for the Council's consideration and deliberations.

Mr. Colston stated that first, as they know, state law permits government entities to form landscape districts for the purposes of financing the cost of maintenance of maintaining public landscape areas. He noted that these laws which are both burdensome and cumbersome specify strict guidelines that must be followed. He advised that one includes the requirement that participating agencies create a benefit formula and each parcel in the service area be assessed according to the specific benefit it receives. He noted that this is not a statement of opinion but a statement of fact from Section 22573 of the Streets and Highway Code. He commented that that section states in part that an assessment distribution, the net amount of all proceeds in proportion to the estimated benefits to be received by each lot or parcel. Mr. Colston added, to affirm his reading and understanding of that statute, he consulted a respected firm that provides services to both the private and public sector on matters pertaining to taxes on property. He stated that their position

on this topic not only confirmed that individual assessments of benefits are required but interestingly state that the benefits must relate to an increase in property values. He noted that in Zone 4 and apparently throughout all zones, his research indicates that the City generally assigns all parcels within each zone the identical assessment regardless of benefits. He stated, by way of example in Zone 4, let's take some homes that abut the landscape in the public right-of-way and let's assume for the sake of argument there are two wonderful big trees growing in their backyard just on the other side of the fence. He stated those trees provide shade on hot summer days and that homeowner doesn't pay to water those trees, clip them, trim them or maintain them so they most certainly derive a benefit from the presence of that landscape without question. He asked that they now take a parcel on the far side of Zone 4, not anywhere near any public landscape. He commented that it would take the most liberal of interpretations to apply any benefit at all to that particular property therefore, he doesn't believe they should be assessed, certainly at the same rate, as the first property that he mentioned. Mr. Colston stated these are but two examples of dozens that he believes exist throughout the community. He noted that the City is simply not in compliance with state law.

Mr. Colston stated that topic number 2 relates to the issue of cost allocations and projected expenditures for Zone 4. He advised that there is no groundcover and the lawns are all but dead. He stated that ground maintenance would be minimal. He commented that what remains are a few dozen bushes and 28 trees to be trimmed annually. He added that nine of those trees are in the median on Westberry and cost would be shared with Zone, he believes, 12. He commented that if the voters approve, the City has established a budget of \$19,000 to provide landscape maintenance for Zone 4. He noted that is trimming bushes and trimming trees, \$19,000. Mr. Colston stated that in the interest of brevity he won't go into the details but based upon his own experience, calculations and a minimal amount of research he believes this budget is at least double what it should be. He does not believe that this budget was deliberately inflated but rather a product of applying faulty information and conclusions from the past. He added if the Council desires, he would be happy to explain how he arrived at this information at the conclusion of his remarks. Mr. Colston stated, with the Mayor's concurrence, he will continue with his recommendations.

Mr. Colston stated he had more issues like using the total square footage of the landscape as a method to compute water usage, the 30% administrative cost, obviously determined by some formula rather than an actuarial study, the exclusion of large parcels with an abundance of adjoining landscape and others that time does not permit him to discuss. He commented that along with the two major issues and topics of concern however, these latter items contributed to his recommendation that he believes it is time for the Council to seriously consider abandoning this program. He noted that the public vote has been 60% to 70% against any increase and literally hundreds of unproductive management and administrative hours are being devoured annually to manage the program to comply with statutory requirements. He stated that the 30% administrative costs total more than \$3,700 per year for Zone 4 alone which is one of 80 zones. He added that apparently, even at that, it is insufficient to fund all of the administrative costs because the City is budgeting an additional \$120,000 from the general fund for this fiscal year. He stated that this program has a shaky legal foundation and horribly expensive maintenance costs. He added that \$120,000 and simply apply it directly to landscape maintenance. Mr. Colston suggested that if they need more information or confirmation, they may deem it appropriate to consider employing a firm to audit, assess, and make recommendations concerning a continuation of this program. His last recommendation, if they are to continue this program, it is requested that the public hearing be conducted after the public vote. He stated that the public vote was due in a 5:00 o'clock tonight so people that are voting don't have an opportunity to hear this. Mr. Colston thanked the Council for their time and attention. He added that he would be pleased to answer any questions.

Mayor Poythress thanked Mr. Colston. He asked if there are any other members of the public who would like to make comments who are against the annual assessment. No other requests were made.

Mayor Poythress requested that any ballots that have not been turned in be given to the City Clerk for counting. Ballots were given to the City Clerk. Mayor Poythress asked if there are any others. No other ballots were given to the City Clerk.

Mayor Poythress announced that the public hearing is now closed and the item on the zones of benefit will be recessed, this particular item, while the City Clerk tabulates the ballots.

City Clerk Sonia Alvarez excused herself from the Council Chambers.

Mr. Richardson stated he thinks it is worth mentioning that the ballots are being counted in full view of the public as they are required to be in the lobby. He added that there is closed circuit t.v. of the proceedings going on in the Council Chambers should anybody wish to go watch those.

Mayor Poythress thanked Mr. Richardson for mentioning that.

The hearing was recessed at 6:27 p.m. Discussion on item C-1 was resumed at 8:37 p.m.

Mayor Poythress called item C-1 back to order and announced that they would now have a staff presentation on the totals for each zone.

City Engineer Keith Helmuth stated that as part of the process they have discovered discrepancies in one zone and that is 10G. Staff is requesting that that be pulled from consideration by motion.

Mayor Poythress asked the City Attorney if they can take care of that right now.

Mr. Richardson responded yes.

Mayor Poythress announced that he would accept a motion for action in regards to that request.

**ON MOTION BY COUNCIL MEMBER HOLLEY AND SECONDED BY COUNCIL MEMBER ROBINSON, THE MOTION TO REMOVE ITEM ZONE 10G FROM THE LMD PROPOSITION 218 VOTE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

City Clerk Sonia Alvarez announced that they would now read the results into the record. She advised that she will name the zone, indicate the number of yes votes, number of no votes, and whether it is a pass or fail.

<u>Zone</u>	<u>YES (Weighted)</u>	<u>NO (Weighted)</u>	<u>PASS</u>	<u>FAIL</u>
ZONE 1	533	1081		X
ZONE 2	6488	1495	X	
ZONE 3	2615	3982		X
ZONE 4	51	38	X	
ZONE 6A	43	11	X	
ZONE 7	21	26		X
ZONE 8	820	826		X

ZONE 9	3	8	X
ZONE 10A	647	970	X
ZONE 10B	97	97	X
ZONE 10C	1	7	X
ZONE 10D	43	206	X
ZONE 10E	3	4	X
ZONE 10F	8	7	X
ZONE 10G			
ZONE 10H	3	10	X
ZONE 10I			
ZONE 12	22	18	X
ZONE 13	1	9	X
ZONE 14	10	18	X
ZONE 15	0	3	X
ZONE 16	1	3	X
ZONE 17A	12	9	X
ZONE 17B	4	2	X
ZONE 17C	0	0	X
ZONE 18			
ZONE 20B	2	6	X
ZONE 21A	2	7	X

ZONE 21B	775	604	X	
ZONE 23	0	4		X
ZONE 24	2	4		X
ZONE 25C	6	7		X
ZONE 25D	0	0	X	
ZONE 26	2	4		X
ZONE 26B	7	8		X
ZONE 26C	2	8		X
ZONE 26D	0	1		X
ZONE 27B	6	6	X	
ZONE 31A				
ZONE 45A	79	2	X	
TOTAL:	12309	9491	13	23

Mayor Poythress thanked everybody who was involved in not only the counting effort but all of the outreach that was performed, his colleagues on Council, staff. He thinks they did everything they could as far getting the word out on the street. He commented that looking at these results, to him it is disappointing. He is not crushed or anything like that but he is frankly surprised that there are so many districts that didn't pass.

Council Member Medellin noted that it wasn't due to lack of effort. He commented that the Mayor challenged all of them up there a couple of months ago. They had so many outreach meetings. Disappointedly there were some meetings where nobody showed up or one or two people showed up and some where over 40 people showed up but it certainly wasn't because of the lack of outreach and education that they did. He appreciates the Mayor's challenge. He thinks all of them up there took it head on and they did everything they could. He agreed that it is disappointing that only a third of the people passed but again it wasn't for lack of effort.

Mayor Poythress thanked everyone.

Mayor Poythress stated that they have a resolution that they need to consider to approve the annual assessments for the zones of benefit for the FY 15/16 and announced that he would accept a motion for action.

**ON MOTION BY MAYOR PRO TEM OLIVER, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-1, RES. NO. 15-146 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPREZZI.**

**RES. NO. 15-146      A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA CONFIRMING THE DIAGRAM AND ASSESSMENT FOR BENEFIT ZONES 1, 2, 3, 4, 6A, 6B, 7, 8, 9, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 12, 13, 14, 15, 15B, 15C, 16, 17A, 17B, 17C, 17D, 18, 20A, 20B, 20C, 21A, 21B, 21C, 21D 23, 24, 25C, 25D, 26, 26B, 2BC, 26D, 27, 27B, 28, 28B, 29, 29B, 29C, 29D, 29E, 30, 31A, 31B, 32A, 33, 34, 34B, 34C, 35, 36A, 36B, 36C, 37, 39, 40, 41, 43A, 43C, 43D, 43E, 44, 45A, 46, 50 & 51 LANDSCAPE AND LIGHTING FOR FISCAL YEAR 2015/2016 AND AUTHORIZING THE CITY ENGINEER TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR**

**C-2      Public Hearing to Consider a Resolution Adopting the City of Madera Fiscal Year 2015/ 2016 Budget and Updating the City's Master Fee Schedule and the Master Penalty Schedule**

Director of Financial Services Tim Przybyla stated this will be the final budget presentation for the City of Madera's 2015/2016 budget along with the other things that the Mayor has mentioned that will take place during this agenda item. He advised that he would hit the budget highlights rather than go page by page through the 500 page document. Mr. Przybyla commented that the total appropriations being approved tonight are \$85.7 million in total citywide. He noted that of that, the general fund appropriations are \$33.6 million, the enterprise fund appropriations are \$32.2 million, internal service funds appropriations at \$4.4 million and the special revenue funds appropriations are \$15.6 million. He advised that is what makes up the \$85.7 million of total appropriations in this budget.

Mr. Przybyla referred to the graph displayed where they can see that the general fund is 39%, enterprise 38%, special revenues 18%, and internal service funds 5% just to give them a little graphic presentation of that. He referred to the general fund and noted that it is projecting \$312,000 deficit at this point for FY 15/16. He noted that for 14/15 they had a budget that showed a greater deficit but they are estimating that they are going to finish the year off with a slight surplus. He commented that seems to be the trend for the City of Madera. He stated that on average, at least 3% savings from the expenditures has been what they have been realizing.

Mr. Przybyla announced that he wants to go over what changes have been made to the general fund budget since their budget workshop. He stated that the general fund revenue has increased by about \$1.3 million since the budget workshop due to a transfer to the insurance revenue fund, the IRF, that was budgeted for in 15/16. He added that they have discussed this in the past but for the two years following the next fiscal year there are about \$750,000 of retrospective adjustments that they are expecting to pay related to worker's compensation and liability claims. In the 15/16 budget they are setting funds aside for that in the insurance reserve fund which is also one of the components of the general fund. He commented that it is taking it from one pocket and putting it in the other basically.

Mr. Przybyla stated that the expenditures have increased by \$1.25 million due primarily to a \$920,000 transfer to the insurance reserve fund and about \$284,000 of salary corrections that were identified and corrected related to the Police Department (PD) budget. He stated he came across a discrepancy as he was reviewing the information about position changes, staffing level changes, and questioned it. They determined that some wrong assumptions were made about positions being left vacant. They corrected those and that caused the \$284,000 change in the Police Department's salary budgets. He noted that the result is the general fund deficit of \$312,000 which he believes is less than what they had anticipated at the time of the budget workshop. He added that even with the \$312,000 projected deficit they are expecting a 3% savings based on their past experience. He commented that if they look one more time at the revenues and expenditures of budget compared to estimated, they can see that that \$312,000 will be close to a million

dollar savings if they save 3% off of the budgeted expenditures and would leave them with approximately \$700,000 surplus all other things remaining constant. He asked if there are any questions on that.

Mr. Przybyla displayed a graph that shows how the general fund expenditures are broken up by department. They can see that public safety has 44.3% noting that it includes police and fire. Public Works and Community Development have 8.3% of the budget. Parks and Recreation are at 12.3% and so on and so forth. He noted that Administrative Services is at 10.6%. He pointed out that includes the City Manager's office, the City Clerk, and the City Attorney. He advised those have been combined for presentation purposes. He noted that covers the general fund budgets.

Mr. Przybyla moved to the enterprise funds. He stated that the revenue projections have increased by about \$2.8 million since the budget workshop due to the addition of a rate stabilization fund for water and sewer. He commented that this rate stabilization fund was created so that they can have a budget mechanism. They say ok we have these funds in reserves, we are going to put them into the rate stabilization fund. That rate stabilization fund then gives it back to the enterprise fund, water or sewer, and it is recognized as income to provide sufficient coverage for the bond covenants related debt coverage. He noted that it basically bulks up revenues and expenditures because they consider that rate stabilization part of the water and sewer funds anyway so it is an increase on both sides. He added that the rate stabilization funds are necessary to satisfy bond covenants as he mentioned. If new rates are approved, the rate stabilization funds won't be necessary for 15/16, but because the rates have not been approved yet, they need to budget accordingly not knowing how the next City Council meeting is going to end up and set aside funds so that they can cover the debt coverage ratios as required by the debt covenants. He added that there is an estimated surplus now in the enterprise funds rather than the deficit that was shown at the budget workshop. He noted that the shift from the deficit that was demonstrated before to the current surplus is due primarily to a \$700,000 transfer from the wastewater stabilization fund and a \$138,000 increase in estimated solid waste revenues since the budget workshop. He commented that there was also a formula error in one of their summaries so that summary was what they used to come up with the figures but on the good side, they are now at \$170,000 estimated surplus for the enterprise funds in total for FY 14/15.

Mr. Przybyla referred to the example displayed of the rate stabilization fund that they created. He stated this is the sewer rate stabilization fund. As they were looking into this they found out that there was actually \$700,000 that had been designated in the past and there is actually a little bit of activity back in past fiscal years. He advised that they are going to move that \$700,000 from the fund 20400 which is the sewer fund and they are creating a separate fund, 20401 fund, so they can account for this separately and do the transfers. This should help them with budgeting. He restated that they are moving the entire \$700,000 into the fund 20401 in this fiscal year with expenditures of \$210,000 where they are transferring in that amount necessary to meet bond covenant requirements. Next year, without any rate changes, if they need to, they will be transferring in the \$741,000 from reserves again and expending the \$1.2 million to help provide the funds necessary for debt coverage. He commented that the water rate stabilization is a lot easier than that. They have not found any funds that were set aside for that in the past so if necessary they will take \$1.47 million out of reserves in the water fund next year, move it into the rate stabilization fund, turn around and move it right back into the water fund so that they can recognize that as the funding to provide coverage. He stated this is maybe a little more information than they need on that but he kind of wanted to give them the picture of that.

Mr. Przybyla moved to discussion on the internal service funds. He stated the projected deficit has increased from \$102,000 to \$159,000 since the budget workshop. He noted that the \$57,000 swing, which is a rather small amount compared to the budget overall, is related to the insurance reserve fund which they have mentioned a couple times already. There is also overhead allocation charges and facilities maintenance charge increases.

Mr. Przybyla moved to discussion on special revenue funds. He stated there are no measurable changes that have been made to the special revenue fund budgets since the budget workshop. He advised that the budgets are primarily capital projects within the special revenue funds with \$15.6 million of appropriations

in this budget. He added that the expenses exceed revenues by \$2 million in FY 15/16. He noted that is not a problem because of the nature of capital project funds, you build up the funds until you have it and then you spend it when you have the projects ready to go.

Mr. Przybyla referred to other budget changes. He stated that some corrections have been made to certain summaries within the budget which doesn't impact the budget numbers, the budget resolution, or any of those other items related to the approval of this budget. He commented that those corrections did not impact the budget resolution figures. He advised that additional schedules and information have been added. As they will have noticed there are staffing level reports, further information, summaries about the citywide expenditures, citywide revenues. He added that more information and images will be added to the budget document over the next month or two. He stated again, they are not going to change the budget numbers. He noted that the budget pages themselves and the Exhibit A of the resolution will not change but they will add some dressing to the budget so that they can submit it for the Excellence in Budgeting Award with the California Society of Municipal Finance Officers. He advised that the final version of the budget will be made available and then presented with the award application.

Mr. Przybyla commented on the actions to be taken by Council. He advised this is a public hearing to consider a resolution adopting the City of Madera 2015/2016 budget, the 5-year CIP, Master Fee Schedule, and Master Penalty Schedule. He added that minor changes were made to the fee schedule compared to last year but no penalty schedule changes were included. They are just adopting the penalty schedule that was approved last year as well. He noted that the 5-year CIP is attached to the budget and identifies over \$93 million of projects that may be expended over the next 5-year period.

Mr. Przybyla stated staff's recommendation is to conduct the public hearing and consider adoption of the resolution. He offered to answer any questions the Council may have at this time.

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

Mayor Poythress announced that this is a public hearing and opened it to the public for comments regarding the budget. No comments were offered and Mayor Poythress closed the public hearing.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-2, RES. NO. 15-147 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

**RES. NO. 15-147      RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA ADOPTING THE BUDGET OF THE CITY OF MADERA FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016 IN THE AMOUNT OF \$85,704,642 AND ADOPTING THE CITY OF MADERA 2015/2016 MASTER PENALTY SCHEDULE AND MASTER FEE SCHEDULE**

Mayor Poythress commented that they approved \$86 million and nobody is complaining or anything like that.

Mr. Przybyla stated he thinks they have covered it well enough that there are no questions.

Mayor Poythress added that a lot of background went into this; it wasn't taken lightly.

Council Member Medellin stated he was going to mention that the series of workshops that they did were broken down into small sections. They laid it out easy for them to read, to understand and then it all accumulates here at the very end. Council Member Medellin thanked Mr. Przybyla and added that he did a fantastic job.

Mr. Przybyla thanked his staff and all the departments that also did a lot of work on this budget and he appreciates everybody's participation and the Council's guidance on this.

The Mayor and Council thanked everybody and stated their appreciation.

**C-3 Public Hearing and Consideration of Introduction of an Ordinance Rezoning an 8.25-acre Parcel Located at 2832 North Golden State Boulevard from the IP (Industrial Park) Zone District to the I (Industrial) Zone District**

Planning Director Chris Boyle stated this is a noticed public hearing to consider introduction of an ordinance rezoning a property. He advised that the property is located at 2832 North Golden State Boulevard and that property is along the Highway 99 corridor just north of the Ellis overcrossing. He stated, for many, this would be remembered as the former auto auction property. He added that currently, the general plan for this property is I (Industrial) and the current zoning on the property is IP (Industrial Park). He stated the proposed rezoning would rezone the property to the I (Industrial) Zone District and this I (Industrial) Zone District request is consistent with the general plan as was the IP Zone, and is consistent with the land use called out in Specific Plan No. 1 which is generally most of the lands north of the river to include the Airport Industrial Park. Mr. Boyle advised that the Planning Commission actions of June 9<sup>th</sup> included this resolution recommending a rezone approval by the City Council but it also included approval of two use permits for currently active businesses. He noted that currently there is a truck storage yard in operation as well as a diesel filter service site on this site. He commented that those uses would not be allowed for in the IP Zone and staff's recommendation was to rezone into the I Zone and secure the required use permits to allow for those uses to continue on in operation. He added that there is an approved site plan on the site which includes specific improvements that allow for general plan conformance for both of those activities. He stated that the cumulative result would be the repurposing of the former auto auction site into two separate businesses that cumulatively operate as one. Mr. Boyle advised that staff and the Planning Commission would recommend an introduction of the ordinance rezoning the 8.25 acre parcel located at 2832 North Golden State Boulevard from the IP Zone District to the I (Industrial) Zone District. Mr. Boyle noted that completes his presentation and offered to answer any questions.

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

Mayor Poythress announced that he would bring the item back to Council for consideration of the ordinance.

Mayor Poythress called for title on the introduction of an ordinance.

Recording Secretary Claudia Mendoza read by title the introduction of the ordinance.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED AND ITEM C-3, INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

**INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 8.25 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF NORTH GOLDEN STATE BOULEVARD APPROXIMATELY 800 FEET NORTH OF THE ELLIS STREET OVERPASS FROM THE IP (INDUSTRIAL PARK) ZONE DISTRICT TO THE I (INDUSTRIAL) ZONE DISTRICT**

**C-4 Consideration of an Urgency Ordinance Amending Portions of Chapter 5, of Title V of the City of Madera Municipal Code Relating to Water Restrictions**

**And**

**Consideration of Introduction and First Reading of an Ordinance Amending Portions of Chapter 5, of Title V of the City of Madera Municipal Code Relating to Water Restrictions**

**And**

**Consideration of a Resolution Enacting Drought Water Restriction for Non-Commercial Carwashes**

Public Works Operations Director Dave Randall stated that they are obviously coming back to revisit this issue one more time. At the last Council meeting they took action to change the watering days from 1 to 2 days and that was done by resolution. He added that there was a desire to do some additional things which couldn't be done that night so they brought them back for Council's consideration. Council gave direction to look at hours of watering, going from maybe two periods to one period, and then also the charity carwashes or the organized non-commercial. They also brought one other item. It is a small clarification and it has to do with clarifying the provisions on gardens that are being used to grow food. He stated there is an exclusion that allows you to water daily if you are using a drip system and the garden is used for your own food consumption. He commented that a few people are trained to gain that little bit, so staff thought they would add a little language to try to make the legislative intent and the application a little more clear.

Mr. Randall stated that in terms of the current watering times, currently as it has been in the past, you can water from midnight until 10:00 a.m. in the morning and then again in the evening from 7:00 p.m. to midnight. He advised that what was suggested is that they look at one period of time. He commented that there was some discussion about whether that be in the evening or in the morning. Staff looked at those issues and they are suggesting that if they are going to do that, that they look at proposing the time in the morning from 5:00 a.m. to 10:00 a.m. He advised that would give people time to water in the morning. It would not conflict with their peak demand which is normally in the evening when everyone is home taking showers doing all the things they do. He added that there is some belief, he is not sure it is totally substantiated, that water sitting overnight can cause some mildew and fungus potential so that would eliminate most of that, and then also it makes water enforcement easier for their people because they can tell, if they drive by at 4:00 in the morning and there is water, it wasn't from earlier in the night, it is a violation so it is just a little easier way. He commented that however, overall, they still could do the other times if the Council so desires. They have the capacity to be able to maintain minimum pressures, etc. He noted that while they may find this most optimal, the Council may have different considerations in terms of the public interest. He restated that if the Council so desires they would be glad to take different direction or they can remain with the existing hours.

Mayor Poythress asked if earlier watering reduces evaporation. He asked if there isn't a more efficient use of water like if it was done at 1:00 a.m. versus 5:00 or 6:00.

Mr. Randall replied that anytime they start getting sun they are going to increase evaporation. He agreed that ideally if they do it before sunup that is the best time. He noted there are pros and cons and obviously it is the ability of people to get to it. Other than that they can see sunup, a time clock is real easy but if you are dragging hoses and sprinklers it is hard to do in the dark.

Mr. Randall stated that the other item was the carwashes. He advised that the current provision prohibits the carwashes at Level C but since they are now at Level B that sort of changed the game a little bit and that thought was maybe they could make that a little different. What they are proposing is rather than being set at a level that it be based on adoption of a resolution by the council when they determine it is necessitated in order to make water conservation goals. Mr. Randall advised that they have prepared a resolution as mentioned for Council's consideration tonight that could be looked at assuming they also adopt the urgency ordinance which would put that into place.

Mr. Randall stated that the last thing is the issue of gardens for personal consumption. Currently, as he mentioned, you can water, if your garden is on a drip system, any day of the week. He stated that the issue

here is that some people want to plant a tomato plant in front of every bush and call it a garden or all sorts of other little schemes. He noted that the purpose here is to make the legislative intent clear and provide a little more instruction. What they said is again that the legislative intent was for significant food production, gardens for households that utilize them as a major element of their personal food supply, not intended to alter landscaping planting to edible selections. They are not saying just put sweet basil and rosemary as your new landscaping design but if you need that for your household or you desire to have that as your dietary issue that is fine. He sees that as an important opportunity for people to have. He noted that to that they have added the restriction: it must be in a concentrated area exclusively for growing food rather than serving an ornamental purpose, not in the front yard or street side yard.

Mr. Randall stated that tonight there are three recommended actions. This includes the adoption of the urgency ordinance which would put these things into place immediately. They always parallel that with the same ordinance but done under the standard process which tonight would be the introduction of the ordinance. Third would be the adoption of the resolution prohibiting the organized carwashes not conducted in a licensed carwash. He offered to answer any questions the Council might have.

Council Member Robinson commented that it is only one watering time, 5:00 a.m. to 10:00 a.m.

Mr. Randall responded if they so desire, that was proposed.

Council Member Robinson stated so it is not twice; it is one time so they have to notify everybody.

Mr. Randall agreed that they would have to go notify everybody. It would be another round of mail outs, etc.

Mayor Poythress stated that his only issue with that is again what he brought up earlier, they are looking at maximizing the use of what water they have and he is thinking that evaporation thing going on. He runs his at 1:00 in the morning. That is when he has his timer going and it is for that very purpose of maximizing the amount of water he has so it doesn't evaporate.

Council Member Medellin stated he had brought it up at the last meeting and it was one of those half and half things. He really thought that it would be easier on enforcement if they had a certain period of time. He thinks they talked about 6 hours and 12 hours. He noted that Danny Martin was here and he was actually going to ask him if they did 10 minutes at a time, once in the morning, once in the evening versus just that 6 or 12 hour period. Again they are talking about human behavior. If they allow them one time are they going to water for 30 or 40 minutes straight or an hour straight so that was really his reasoning to help enforcement on. If there is a certain period of time it would be an easier day for Mr. Randall and his department to enforce that.

Mr. Randall stated he appreciates that concept but the problem becomes that irrigation systems vary so much now, particularly with some of the rebates they are suggesting. If you are using efficient irrigation heads now that use a much slower rate or rotary head, your times have to be considerably longer so specifying a particular time makes it difficult. He stated that in a publication that they hand out to the public, they recommend a limited time but they acknowledge the fact that it may vary. He noted that becomes a true problem. If you are on a micro-spray it is gallons per hour versus gallons per minute. He noted that coming up with one period of time of maximum irrigation is sort of difficult. He stated that it is hard to tell if they have 20 stations or 2 stations that they are watering.

Council Member Medellin stated that if it becomes that difficult and they have to go back again and notify and kind of start all over, without having to sound too wishy washy and that they keep changing their minds up here, then the two times that they have now may suffice; the two recommended times.

Mr. Randall stated it is not a problem in terms of their infrastructure being able to handle that. They can continue to do that.

Mayor Pro Tem Oliver stated he knows they had a very extensive conversation two weeks ago about everything water related and he is pleased to see the level of outreach and engagement both from staff and Council to their community whether it be over social networks or among word of mouth. He is glad to see that there is a lot of good information being shared. He noted that in the spirit of lessening confusion as they already have done, he would suggest maybe sticking with what they are at today. He understands, in the staff report, if they were to stay with today's schedule, they would suggest changing the language a little bit from, to include is prohibited during the hours of 10:00 a.m. to 7:00 p.m. and asked if that is correct.

Mr. Randall agreed that the language is a little more intuitive when you express it that way. People understand that more clearly.

City Administrator David Tooley stated they need some direction. Staff has given them a recommendation on hours of watering. He noted there seems to be a consensus growing among Council to keep the same hours that they have now but to express that differently and then Mr. Randall has also made some recommendations to them with regards to some additional elements. He advised that maybe they could start by settling up on hours of watering and then give staff direction on the remainder of the items.

Mayor Poythress stated that it sounds like they want to keep the current hours that are allowed for watering. Council concurred.

Mr. Tooley stated and they are fine with expressing it differently. Council concurred.

Mr. Tooley stated that with regard to the other elements, do they want staff to briefly summarize those or would Council like to just provide direction.

Mayor Poythress stated on the other elements that would be in terms of the...

Mr. Tooley responded carwash, the gardening.

Mayor Poythress asked if that is covered in the resolution already.

Mr. Tooley responded that it is.

Mayor Poythress asked if they can go ahead and move forward with the resolution.

Mr. Richardson stated that the resolution would still work as they have it currently.

Council Member Medellin stated that in Level B the carwashes are still prohibited and as far as the garden they are a little more specific on backyard only, a substantial amount that actually serves a purpose for the family to grow food then he thinks they are there as far as he is concerned.

Mr. Tooley responded that they are ready.

Mayor Poythress referred to the emergency ordinance and asked if that requires a title.

Mr. Richardson asked if they are actually going to take action on those or are they going to bring back something with different language.

Mayor Poythress asked if that item needs to be brought back.

Mr. Randall responded that if they are comfortable with defining that change in language they would have to do that here similar to what they did last time.

Mr. Richardson stated his question is...because they need to come up with that language at this reading, if it doesn't change anything other than makes the language a little smoother, they could just bring it back at the next meeting for an intro.

Mr. Tooley noted that he thinks time is of the essence for the Council.

Council Member Rigby stated that in the meantime, there is still no time.

Mr. Richardson stated but they were changing times though.

Mr. Randall asked if they want to continue the item. He can go next door and redline and bring it back.

Council Member Medellin asked if they could take a little time out. Maybe Mr. Randall can write something up as they move on. They can come back before the meeting is over and finalize that.

Mayor Poythress asked if that is possible.

Mr. Richardson responded it is fine with him. He doesn't really care. He just wants to make sure that they have it nailed down if they are going to adopt the urgency one and intro the regular ordinance, they need to have that language nailed down.

Mayor Poythress stated let's do it.

Mr. Randall agreed.

Mayor Poythress stated they would continue item C-4 and move on to E-3.

Item C-4 was recessed.

The Council heard items E-3, E-4, and E-5. *See respective sections for discussion held.*

Mayor Poythress called item C-4 back for discussion.

City Attorney Brent Richardson stated that Mr. Randall handed him copies. The Council has a revised copy of the urgency ordinance and a revised copy of the regular ordinance. He believes there are extra copies if anybody is interested.

Mr. Richardson advised that it looks like the only change that essentially he made was indicating the dual time slots, in other words, 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 a.m. (*time corrected to 12:00 a.m. See Council Member Robinson's comment below.*) He noted that Mr. Randall made the correction so that it accurately reflects what the Council's desire was.

Council Member Robinson stated 12:00 a.m. to 10:00 a.m., one period, and then 7:00 p.m. to 12:00 a.m., second period.

Mr. Randall responded correct.

Council Member Robinson stated he thought they only meant one time.

Mr. Randall responded it is two times.

Mayor Poythress referred to the urgency ordinance and asked if title needs to be read on that.

Mr. Richardson replied they would want title on both of these.

Mayor Poythress called for title on the urgency ordinance.

The urgency ordinance was read by title by the Recording Secretary.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED AND, ITEM C-4, ORD. NO. 923U C.S., WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

**ORD. NO. 923U C.S. ADOPTION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING PORTIONS OF CHAPTER 5, OF TITLE V OF THE MADERA MUNICIPAL CODE RELATING TO WATER RESTRICTIONS**

Mayor Poythress asked for title on the introduction of an ordinance.

The introduction of an ordinance was read by title by the Recording Secretary.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED AND, ITEM C-4, THE INTRODUCTION OF AN ORDINANCE, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

**INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING PORTIONS OF CHAPTER 5, OF TITLE V OF THE MADERA MUNICIPAL CODE RELATING TO WATER RESTRICTIONS**

Mayor Poythress called for a motion on the resolution.

**ON MOTION BY MAYOR PRO TEM OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM C-4, RES. NO. 15-148, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.**

**RES. NO. 15-148 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA ENACTING PROVISIONS PROHIBITING ORGANIZED CARWASHES NOT PART OF A LICENSED CAR WASH BUSINESS**

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

**E-1 Weekly Water Conservation Reports**

Public Works Operations Director Dave Randall stated what they have in their Council package is the inaugural version of a weekly conservation report just to try to keep everybody on the same page of how they are doing. He advised it is pretty good news to begin with. He stated that because it is weekly and their meetings are twice a month they will get updates sort of handed at the last minute. This evening they have distributed the additional last week's information. He announced that he has additional copies for anybody else that wants the latest greatest. Mr. Randall referred to the slide before them which shows sort of a summary of what mainly is said in there and that is that they are exceeding the state guidelines. He is pleased to say that is sort of consistent throughout the state. He noted that the state just recently did a press release and statewide they are at 28% reductions. They may recall that the Governor's goal was 25%. He commented on how much of that is due to weather, how much of that is due to the massive media attention that the issue has received, and the diligent efforts of everybody else. He stated it is uncertain but to where they are today is quite encouraging. They can see here what they have graphed out is the

2013, 2015 numbers and the goals. They see that it is not always exactly the same. It changes but overall they are being successful.

Mr. Randall stated that the report also tells them a little bit about what is happening in terms of calls they are receiving and leaks that they are repairing. They are glad to advise that in terms of leaks normally their goal is to try to repair leaks as quick as possible. He noted that usually that is complicated by the fact that they have to request underground clearance, a USA. He commented that in some cases they don't. For example, if it is in a meter box or something then they can do them that day. This week they had 9 calls. They repaired 6 of those immediately. He added that they were the same day repairs because they didn't require any excavation. He noted that the 3 other repairs that they did receive this week were all cleared within 3 days so no extended time periods. He stated that leaks run in weird patterns. He advised that there will be times when they will get 12 leaks in a week and then there will be a light week like this. He noted that sometimes they think it has to do with weather change. He thinks it is just luck of the draw but they are keeping up. They have committed to, if necessary, to move resources to make sure that they are right on top of that because they are concerned about the public's perception. He stated those are the leaks for those two weeks just to let them know that they are moving. They can see in one case it did take longer than 4 days. It was a leak that was reported but when they went out there they couldn't find the leak. He advised that it happens sometimes. Water pressure changes. They are not sure what. It did finally leak again and they found it and were able to make that repair.

Mr. Randall advised that this is just an informational item. It will come to them on a continual basis. He added that there is no action required. Mr. Randall offered to answer any questions.

Council Member Holley stated he thinks it is a good report. It is letting them know that they are paying attention to what the Governor said. This kind of input lets them know that somebody is on it so that is good.

Mayor Poythress announced that they would move on to item E-2.

## **E-2 Consideration of Potential Water Conservation Rebate Programs and Projects and Direction on Further Implementation**

Public Works Operations Director Dave Randall stated that as they may recall they selected, in preparing the rates, to include an element that would generate \$1 million annually in revenue that they could put towards water conservation. What they have done is that they have prepared a list of 10 different rebate programs. He noted that obviously, not every program that could be done, but the 10 that they thought were the most obvious and was prudent to do. He advised that tonight the purpose is simply to get Council's buy in to have them select, if there are any programs that they feel shouldn't be pursued or any additional programs, or anything they see about the general description that they feel is not within the scope. He noted that the intention is to bring back the item to Council at the next meeting for resolution to start implementing those. They may not have all 10 of them. Some of them are a little more detailed than the others but they hope to have 8 or so of them back to the Council and immediately begin spending money.

Mayor Poythress noted that what staff has done is put together this list of those items, those ways that they can save water and so forth, and the best way, most efficient possible way.

Mr. Randall agreed. He commented that everybody is doing it. He advised that it is not really that hard to find. They are not going to reinvent the wheel here. They borrowed from a lot of people and they looked at what their opportunities were and they came up with this list. He commented that they realize this is not the all. There will be other things that occur. They did not expend or budget the entire \$1 million. What they have projected in the budget is an educated guess. How many people will actually participate is going to be a learning curve for them. They may find as they move on that some items are very popular and others aren't and staff can come back and ask Council to adjust the allocation of monies so maybe they will spend it in better places but they did intentionally leave some money on the table in case additional desires

and thoughts and programs come up. They already had a gentleman contact them about one potential idea and they agreed that it had some merit.

Mr. Randall referred to the display which shows the 10 items staff has put together that is shown in their report. What they have done for the Council is that they have summarized the items and in their report they are described a little more fully both in their purpose and the process and then in the analysis of what the results are. He will have to say that the analyses are always a guess. He doesn't know if somebody is really going to use their gray water system every day or if they are really going to remember to use something that we purchased but they hope. He added that these are the best guesstimates and they try to be consistent.

Mr. Randall stated he would like to really thank John Scarborough with Parks who did a great job of helping them try to make sure they were going apples to apples and standardized, agreed on, on a consistent number for certain things. He commented that Mr. Scarborough is a great help.

Mr. Randall referred to that table and commented on what it tells them. He advised that the first column tells them how many gallons they anticipate they will save for each dollar they have invested. He noted that obviously it is not always going to be the same. For example, \$44 versus \$1,320 is a bit of a range but they realize that not everything is going to be in the same ballpark. He advised that the second column is the maximum amount of the rebate followed by an estimate of the possible participants and then the projected budget that would be generated based upon those two numbers, and then the thousands of gallons saved per year. He noted that some of these things actually will have residual value and they could have ongoing, and there is a little more economy. Mr. Randall stated they might notice that the last one is actually not a rebate. It is actually a free program. He advised that it is something that they currently do and that is that they, at various educational events, whatever, they will give away showerheads, aerators, toilet leak detection kits and little diverters for the flush mechanism on the tank. He noted that it is probably a pretty saturated market but they are going to continue to do that so that they can see there is a small amount kept in there.

Council Member Holley referred to the chart where it says 1,000 gallons a year served, low flow toilet rebates, and noted that it shows \$13,000.

Mr. Randall advised that shouldn't be dollars; it is a typo. Mr. Randall continued with his presentation by stating that what they are asking tonight again, is that the Council look at these things and tell staff if they want all these programs or if there are only certain ones they want staff to pursue. He added that obviously they could also look at the scope or the amounts of the rebates and give staff direction on that. He noted that will give staff the ability to go back and try to work out those details and be able to put the nuts and bolts together. They would also most certainly like to hear any additional comments or direction they have on additional program concepts which staff would be glad to flush out with them.

Mr. Randall stated the current slide is sort of a blowup of the prior slide so they and the public can see. He doesn't think the Council wants him to take the time to discuss each one of these. He would be glad to if the Council so desires he can talk ad nauseam if they really want to but if not, he would be glad to take Council direction and move from there.

Mayor Poythress stated it is a great list and thanked Mr. Randall. He stated his appreciation for all the work that has been done to bring this back. First of all he has some ideas, noting that staff has really been engaged and really jumped in, but wondered what would be the staff's recommendations in terms of which items they should approve.

Mr. Randall responded he would say all of them. The only one that is a little questionable in terms of staff has to do with the polymers. He noted that staff experience is that it doesn't seem to produce the results promised. That is why the emphasis on that program is on education to make sure that they are utilized effectively. Their only guess is that it may be very intolerant type of application issue and maybe if they are a little more diligent in educating people that might work. He advised that would be the only one that he

would be less enthused to support but they wouldn't have brought it to Council if they didn't think it had some merit. He commented that it has been a topic addressed by the public to staff so they didn't want to dismiss it. He added that these issues, they reviewed with staff and with a landscape architect, and he had a similar concern on the polymers so that is sort of his purpose. They did try to look at it as a spread. He commented that there have been some people that are concerned that rebates are only for those who have a lot of income. They tried to make sure that it was for everybody. He stated that putting a drip system in should be something that just about anybody could do whether it is your grandmother or somebody on a very fixed income and can have a significant increase. That is why they actually projected it at the largest participation level.

City Administrator David Tooley commented that what staff is going to recommend to the Council is that they implement this core program. He had a conversation with Mayor Pro Tem Oliver and he really raised a good point, they need to engage the public. He added that the public may have ideas that staff hasn't thought of. They may have applications that the City hasn't seen so they should expect to make adjustments in the program over time. They should expect to add items over time and certainly off of this list there may be things that they drop over time but they need to be proactive as a City. They need to put something out there so people have an opportunity and that is the intent of the presentation.

Mayor Poythress stated that it is a starting point.

Mr. Tooley agreed.

Mayor Pro Tem Oliver stated he wanted to make two quick comments. First of all he has heard from a lot of different residents about ideas and ways to save water at home and apply certain products and savings devices. He thinks, if possible, it would be good to maybe carve out an option that is kind of an open category. Maybe on a case by case basis staff can entertain certain ideas. Maybe they have certain benchmark based on cost per dollar, savings per dollar. He thinks that might be something they look at. For example, last week at a Rotary event he was approached by a constituent who had an idea about a hot water recirculating device and he had recently applied it to his home. He saw some good savings and he thought it would be good for the City to incorporate. Instead of adding it to a list that will probably increase over time, maybe they could set up a formula so you can come in, speak with staff, get some concurrence, on a case by case basis. That is just an initial thought. Second of all, he saw the rebate amount for \$40 for gray water. He stated this is something that a lot of folks have discussed with him about. What is gray water? Who can I go out and find to install a gray water system? How much does it cost? He knows the answer is very ambiguous. It could vary in size and scope and price. Just yesterday, he believes, in the Fresno Bee they had an article about a family who did a fairly elaborate gray water system. He thinks it cost them \$600 in supplies where they linked to their kitchen sink or their bathroom sink, their shower, and their washer and use that water to water their lawn and flowerbeds. He added that the thing is that that individual was a plumber and a carpenter so he doesn't think that they can expect people to MacGyver a gray water system especially if there isn't a do it yourself kit on the shelf at Home Depot or GBS. His initial thought was let's take an opportunity to look at ways that they can engage local industry; maybe in the spirit of a competition to say you know, we have a tremendous need for gray water systems. Maybe there is some type of financial benefit that says here is \$2,500 or \$5,000, come up with a gray water system that has to meet certain criteria, certain gallons of capacity of water conservation, it has to meet Chapter 16 of the State Building Code. They could create certain benchmarks but let's maybe give local industry the opportunity to come up with some creative applications that the City could then take to the public and maybe even increase that incentive from \$40 to something more so it is more of a motivator to the public. He restated that it was just initial thoughts and maybe look at ways to engage through the spirit of competition and with private industry.

Council Member Medellin stated he is going to echo Mr. Tooley's comments. That is kind of what was on his mind. He thinks this list is a great list to start. It is not set in stone. If they find that gray water seems to be something that is number one on the list and the polymers are just something that people are not taking advantage of, they can make adjustments. He thinks this list is great. As long as they can make

those adjustments as they go to see what is being taken advantage of, that would be great. He agreed that the number one issue is engaging the public, getting their input and seeing what they will need.

Council Member Robinson stated he was wondering on the restriction on health concern for gray water. He asked if there are any restrictions for use.

Mr. Randall asked if it is in terms of what is gray water and what is not.

Council Member Robinson stated for code.

Mr. Randall replied that the Building Official is here. He added that there are provisions and there are actually some state exemptions as well but the building code and the green building code is being amended he thinks as they speak. He stated that generally it is fairly permissive when it gets to gray water. He noted that the problem becomes when you start cutting into your existing plumbing system, well know you have triggered a plumbing permit. If you are just doing something like if I am simply going to take the discharge hose from my washing machine and hook it up to something else that is a non-issue for a building permit.

Council Member Robinson referred to new development for housing and asked if they can make it mandatory for them to put in water saving devices and also the use of gray water in the plumbing system.

Mr. Randall replied that currently the codes have restrictions on the efficiencies of all the fixtures, etc. He stated that the new code, as it is being amended, has some other provisions about outdoor landscaping that he won't pretend to really understand but it is significant. He will leave that to the Chief Building Official to have to deal with. Mr. Randall stated that as far as mandating a gray water, that would be something he would defer to the City Attorney on.

Mr. Tooley stated that they are seeing a migration towards a different set of requirements in the building industry. He suspects that change process is going to accelerate if anything. He advised that yesterday he read an article from the City of Palo Alto and there are requirements that the city is going to require prewiring for solar installation. Today, Council Member Oliver sent him an article that had a fascinating discussion of gray water in three levels of gray water. To go to Council Member Robinson's point, he thinks there is going to be a movement in that direction. He thinks it is going to show up in the building code. If it is something they wanted staff to pursue individually as a City they could but candidly there is enough movement that he doesn't think that they gain a lot by being a lead implementer. He stated that again, business decision for the Council to make.

Council Member Rigby commented, not to echo too much of what has already been said, that he agrees all are worth pursuing in the time being. He just wanted to make sure, directing his comment to Mr. Randall, that when it is brought back to Council, he wants them to seriously consider how they will educate the public as to what is available to them. He couldn't agree more with Councilman Oliver that it is great to take in what they are thinking but if this is available, he wants to make sure that the City is doing the best they can to let them know this is what is available; not just take their input but here, let's give them our solutions for the time being. He doesn't know what that looks like. He is not sure how successful the meetings were around local schools or what have you but, he thinks maybe making a staff member available to their neighborhood watch parties especially with the National Night Out coming up fairly soon, that might be a great place to see the distribution of shower heads and tank diverters, and what not.

Council Member Robinson stated that some cities like Long Beach and Orange County, they are using recycled waste water. They are putting back into the aquifer. He asked if that could be another...

Mr. Randall responded that they actually do that now. Their wastewater treatment plant processes about 5.6 million gallons a day. They pump on average 11 million gallons a day so about half of the water goes back through the plant. The plant processes it. That goes into legumes that percolate that back into the soil. He advised that other plants will do other things like they will use spray fields where it is taken up through evapotranspiration; it goes up into the air. Some plants, they do tertiary treatment and they treat it

to a standard to where they can apply it to other things such as crops, landscaping, etc. The City doesn't do that for a number of reasons, which he won't elaborate right now, but currently a majority of the water that they pump ends up going back into the aquifer so roughly half.

Mayor Poythress stated that is very good; it is just too bad it is not going out this side.

Mr. Randall stated it is good for the farmers.

Mayor Poythress stated if there are no other comments he thinks staff has direction. He thanked Mr. Randall for a great presentation.

Mayor Poythress announced that they would move on to Council reports. *Items E-3, E-4, and E-5 were heard earlier in the meeting.*

### **E-3 Informational Report and Request for Direction Regarding Citizen Engagement Software**

Item E-3 was heard out of order while item C-3 was recessed.

Information Services Manager Ted Uyesaka stated that tonight he wanted to bring to the Council a short report regarding citizen engagement through Citizen Relationship Management Software. He advised that they are bringing this to the Council per the comments they made at the June 17<sup>th</sup> Council meeting regarding ways to improve two-way communication between their citizens and staff, as well as Council. He thought they would bring this to the Council to give them some information on what they found.

Mr. Uyesaka advised that they would be referring to the Citizen Relationship Management Software as the CRM System. He noted that it is a relatively inexpensive and yet powerful tool. They found them ranging from about \$4,500 to \$10,000 for one-time implementation fees and then those annual costs to support and maintain anywhere from \$4,500 to \$20,000 annually. He stated that it really is a very powerful tool to assist in that two way communication where they can send information out. Citizens can send information to us. They can interact through online tools. He noted that they have to keep in mind the following, and they highlighted this early in their report to the Council, that the use of the software can create significant citizen expectations for timely responses. He commented that a lot of times with online communication, and in this digital age it is instant gratification, they have to understand that they still have processes to go through. Staff still has to be able to vet through all of these to make sure it is not something that they are already working on; something that may already be scheduled to be done. He stated that they do have to take that into consideration. He added that they do have limitations on what they have the ability to do and depending on costs and staffing. He stated those are things that they have to consider as they allow issues to be reported online. The other thing that they have to remember is that if they do something like this they would probably do it on a limited basis to start; probably start with what the Council's recommendation was, something where they could do type of water reporting for either leaks or breaks or things of that nature and see how it affects staff time and staff response. As they get a better feel for that they can open it up to other types of issues.

Mr. Uyesaka explained that what CRM software allows the public to do is work on multiple types of platforms, laptops, desktops, any of the mobile devices out there whether they be tablets or smartphones. It has a web-based interface for desktops and laptops and a mobile app that you would download and install for the other types of mobile devices. He commented that the nice thing about that is that they can skin this to look similar to what their new website may look like and their citizens would have many options that they could report on. They have things from potholes and graffiti and streetlights and things of that nature. He added that somewhere down the line they could use this for non-emergency reporting to the Police Department. They could use this for Parks and Recreation to do some things. He commented that there are many, many ways that they can use this as well as putting local news and events out there. They can have the ability to connect staff and government officials to the citizens if they want to do it that way also. They can go directly to the City's website from a portal like this as well as for those that have signed up,

who have downloaded this or given them an email address, they have ways to that they can push information out to the citizens.

Mr. Uyesaka commented that one of the things they can do is create a knowledge base so citizens can have a self-help portal. They can put frequently asked questions. They could do things of that nature where citizens can go out and find information for themselves whether it is through the app or through the website. He referred to the display noting that it says how do I obtain a dog license or how can I get a pass. He stated this is just a sample from another City that has done something like this already. He added that through the mobile app they would log in and they would have ways to be able to put their information in quickly. They could type in what it is. They could use location based technology on the smart phone so that they can tell where they are and they could very easily say this is where the graffiti is occurring or this is where the pothole is or this is where the leak is in the landscaping. If they were to move toward something where they would do some things for the PD, they would separate some of that out and they could make that anonymous that way. They could get anonymous tips if they wished to do so.

Mr. Uyesaka stated that internally staff can take phone calls, they can take emails, they could take text messages and they could put in requests themselves. He commented that it is a nice feature. It is almost like a help desk. If they have worked on computer help desk before, same type of thing, where they can add all the information they need into here so they begin to track and put in information about resolution as they are active in this issue. He stated that again, requests can be automatically routed to the proper staff members. Staff can search for this related issue or history on an issue like this. He noted that sometimes they are already in the system and they could find out quickly if they are or they could find out if it is something that is regularly recurring and they can begin to track that also. He noted that they can upload attachments related to this including photos or any emails so as the citizens come in on their side they can see all of the activity that has been going on and they can reroute it as needed so if there is something that he can't complete but somebody else has to do it, they can reroute that to the proper person also so it has workflow built into it. He stated again that it automatically notifies the citizen who entered that ticket in when things have been changed or activity has happened on this issue. He added that they can also run reports, analyze trends, do some powerful analytics so they can find for example, if there are potholes occurring in certain areas of the City more often, street lights going out, graffiti happening, they can begin to look at some of these trends. They can report on it. They can not only use those internally but they can also create a dash board externally for citizens to look at also so they can see what the City is working on.

Mr. Uyesaka restated that this is a very powerful tool that can be used in many different ways to create that two way communication between the City and the citizens. Staff is looking for direction. They can continue to engage with the vendors that they have looked at. They can get some proposals and bring something back to Council if that is what they wish or they can just table it for now and move forward with other projects. Mr. Uyesaka asked if the Council has any questions or comments.

Council Member Medellin referred to the \$4,500 to \$20,000 and asked if that is based on the more they want to put out there, the more it is going to cost. That is his assumption.

Mr. Uyesaka replied it is based on complexity. Some of it yes and some of it is based on, he thinks, the size of the corporation that is actually producing that product. He noted that it seems like the ones that are larger, noting that they are eating each other up right now, some of the smaller companies that offer more competitive rates are being bought out by the larger companies.

Council Member Medellin stated he thinks it is a wonderful, powerful tool when they engage the community, and let's face it, right now everything is app based, everything is on his tablet or his smartphone. To be able to go immediately 24/7 to an app or the City's website and report or gain information he thinks is key. He noted that one of the biggest things, he is assuming that the time saved for staff, more specific reporting to a direct department or a staff person versus the who do I call and have those questions answered, he thinks they will actually save money in that case. In his opinion, he would like to see, not the bare bones kind of get by with the minimum. He thinks that might be a waste. People might be turned off that they are

only limited to what they can do. He would really like to see what they can do on completely engaging the community and doing something that would really, really help.

City Administrator David Tooley asked to briefly address some of those remarks. First he wants to acknowledge the tremendous power of the tool and he agrees that there will be some time savings but as they begin this journey, they need to be very clear, they are going to add additional resources to get the full benefit of this tool. They are going to add staff in order to make this work. He advised that staff's recommendation is to begin small and go with the learning curve, acknowledging the Council Members interest, if they want them to go faster then, he thinks part of their direction back to staff would be to come back with a full implementation plan including additional staffing.

Council Member Medellin agreed.

Mr. Uyesaka commented that one of the things they did circulate to the Council a few weeks ago was an overall type of high level plan. He noted that a CRM like this was a cornerstone of their communications office that they had talked about needing as they move forward and as they grow. They want to continue to engage the public and continue that engagement and increase that. He noted that part of that was public information type officer / communications officer in an office where all of their online tools would come together underneath that umbrella and that is what Mr. Tooley is speaking to.

Council Member Rigby stated that Mr. Tooley already alluded a little bit to what his question was. His question is what would be staff's plan to respond the citizen's request and obviously it would be to increase staff so this wouldn't be something that would fall under their department heads. He noted this would include possibly even another department all together that would work as some type of third party to branch out this information to the leading heads of different departments, he is assuming.

Mr. Tooley responded, by way of a brief example, one conversation he had with Ms. Seay, in this regard, is that they do a lot of social media work now for Parks and Recreation. They don't have a specific staff person assigned to that activity so Ms. Seay checks that several times a day herself including weekends to ensure that people get a timely response. He suggested they multiply that thought process by the number of departments and the number of complaints they have noting that obviously they are going to have to put together a management plan. He advised that the worst thing they can do is roll the tool out and fall flat on their face with people who are looking for service.

Mayor Poythress commented overpromise, under deliver.

Council Member Rigby stated that the \$20,000 annual support costs could potentially be up. He would like to see a possible ballpark number for that if they could before staff brings that back. If they are going to bring back different vendors and different prices along for the software itself, he would like to see the overall costs that might involve the response. He commented that he is curious and asked if they would legally be able to build some type of email database using this program. He asked if that is something that they would be able to do. He noted that having the email database they would be able to more sufficiently send out information quicker.

City Attorney Brent Richardson asked if he is saying by people voluntarily giving them their email.

Council Member Rigby stated that if he saw the slide correctly, the dashboard was asking for name, and he doesn't know if this was just a placeholder or example of.

Mr. Uyesaka replied that when a citizen signs up they have the option of giving the City ways to contact them so it is all voluntary. They can't require them to do that.

Mr. Richardson responded that if they are providing it voluntary that is fine. They couldn't be mining things out of utility billing information or something like that and using that.

Council Member Rigby stated he is just looking for another way to communicate with the citizen besides having to snail mail something, knock on their door or would it be used as a tool to also communicate with the general public.

Mr. Uyesaka stated the idea behind this is whoever signs up and voluntarily gives the City information, ways to contact them, then through this application the City can then push information to them but they can't require them to do that.

Council Member Rigby agreed that obviously it would be voluntary. He stated that he agrees with Council Member Medellin. He would like to see a little bit more done on this. He would be curious as to what other proposals look like again, including what it would look like on the end including more staff members, what those numbers might lead to. He thinks having that dashboard option leads not only to more information available to their departments as well as transparency to the general public. He thinks that is something that is going to be really important to their voters and to citizens. He would also be curious as to how the Police Department has kind of handled their new texting options. If staff wants to look at that, the amount of people that have enrolled in their program and have been receiving texts for what he believes has been over two years now that they have been involved in that program. He commented that if Madera is not ready for it then he would hate to make the investment in such an amazing tool and just have it sit in the garage as so many of them have, really shiny air compressors or what not that just don't get used. He just wants to make sure that they are being smart with this investment.

Council Member Holley stated he noticed that they have a very interesting tool and asked if it would give them a chance to have meetings that they have here in the evenings on the internet, on your laptop like the County has across the street in the morning. Their meetings are all videoed.

Mr. Uyesaka replied that those are two separate technologies or applications. If they wanted to, at some point in time, put those on closed circuit t.v. type of thing, video, that would be something separate.

Council Member Holley commented he thinks that would be a very interesting tool as well. If they are going to spend money, he thinks they should look for something that is going to benefit the City because a lot of folks don't get to come to meetings. He thinks if they are going to talk about technology to be lifted, that would be something that would help people to be inspired about what is going on in the City. They can sit at home and go on, like tonight's meeting. They can video what is going on here tonight about what decisions are being made and then with this other tool they can call in or text in or email and get the right answers. He noted this is a lot of money they are looking at to spend. He thinks they need to look down the line to make sure that it is going to benefit the whole City as well.

Mr. Tooley stated, to Council Member Holley's point, one of the conversations they constantly have when they talk about technology is they need to have a planned approach. They can take certain kinds of actions that limit what they do in the future so certainly whatever they do in terms of one technology, they are going to be very sensitive to growth into other applications. He noted that Council Member Holley's point is well taken and they will certainly wrap that into their thought process. He added that certainly what they are looking for tonight is that the Council wants more information before they make a decision. Mr. Tooley noted staff has wetted the Council's appetite and they have indicated that they are interested. Staff will bring them back something that is a little broader and a little more detailed so that they can react to it.

Mayor Pro Tem Oliver stated he thinks this is a great foundation, a great start to being a smart city. He thinks the need is there. One, just comment/suggestion, is he thinks that as they go through the creative process for a new website overhaul, he would like to see this effort paired with their new website and see how they can kind of consolidate that effort and leverage both.

Mr. Uyesaka commented that as they have gone through their interviews regarding their website with staff and with public, they have gotten parts of a CRM type of information. That is the kind of thing they would like to add to that but they would definitely integrate something like this in with that.

Council Member Robinson stated he would like to see them do the research and compare other City use of this social media; the pros and cons before they step into it.

Mr. Uyesaka replied, just as a note, Bakersfield just recently deployed theirs publicly and the City of Fresno also. He added that Clovis has been online for a couple of years so it is a very well used tool out there currently. He advised that he can check that information for them.

Mayor Poythress stated he thinks staff has received input and direction. He thanked Mr. Uyesaka.

Mr. Tooley suggested they move to item E-5 and perhaps closed session depending on the Council's pleasure as they wait.

Mayor Poythress suggested they move to E-4.

**E-4 Update on Status of Water Meter Installations in the City and Request for Direction Regarding the Implementation of Section 3 of Chapter 5 of Title V of the Madera Municipal Code Pertaining to Water Meter Services**

City Engineer Keith Helmuth stated this item provides a status update of single family residential water meters and requests direction regarding implementation of the City Municipal Code relative to the water meters. He advised that there have been approximately 12,000 single family residential meters installed in the last few years. He noted that includes about 360 in the most recent project within gated communities. He added that within those gated communities there were about 110 non-responsive parcels. He commented on how are they going to deal with those non-responsive property owners and advised that he would give a little history on that. He noted that back in December of 2013 Council directed that they adopt a cooperation first method to go ahead and work with them. What that meant is that they would install as many meters as possible while working cooperatively with the property owners. He stated that process has pretty much gotten to an end. They have installed all the meters that they can do at this point in time. They have moved on to the next stage of that which is enforced per triggers as allowed in the amended Municipal Code. What that says is that they can go ahead and require the meters be installed by the property owners if they come and they look for say a change in the water service account, a building permit, or any other entitlement action against that property. He commented that the City would say no to that unless they installed the water meter at their cost. He advised that is in effect right now unless Council chooses to change that.

Mr. Helmuth stated that they would also pursue administrative enforcement and that is not in effect right now. He commented that Council was very specific in December of 2013 that they would only move into that if so directed. He noted that just about every code within their Municipal Code allows enforcement but this one is held in abeyance until they receive that direction.

Mr. Helmuth advised that there are other alternatives out there that they can look at. He commented on why they would consider alternatives. He noted that when that was first approved, the drought wasn't worsening and they didn't have associated conservation measures along with that. They also weren't looking at tiered water rates coming up. He advised that things have changed a little bit and Council may want to go ahead and reconsider. Mr. Helmuth stated that the alternatives include that they can consider with the status quo which is enforce triggers as amended in the code. They can move into an administrative enforcement. He advised this is different than code enforcement. Regarding administrative enforcement, the Engineering Department would take the lead on that and follow the same protocols as the Code Enforcement Department would. He stated that enforcement can occur with or without fines though without fines there wouldn't be much to nudge the property owners into installing the meters. Something he thought about following the report is that they do have a commercial meter project that is going to be coming up in the next fiscal year. He commented that it could be that the administrative enforcement could nudge those property owners into getting into that particular installation. He advised that they would pay a little more for those meters going in under that because they've got six different gated communities and they range from probably 5 or 6 meters in each to 10 or something like that. He noted there would be special trips for the

contractor so the cost would be a little bit more but more than likely it won't be dramatically more. He advised that these basically represent the options as they have been able to derive. He stated they can kind of pick and choose on the administrative enforcement on how they would like to look at that.

Mr. Helmuth stated staff would be looking for direction on how they proceed. He offered to answer any questions.

Mayor Poythress stated he has some ideas for direction but he would be interested in hearing staff's recommendation.

Mr. Helmuth replied, as he indicated, without fines probably not going to be much of a nudge. It could be that administrative enforcement with fines. He stated that perhaps the fines are delayed a little bit. He hasn't put much thought into how that would proceed but they can come back with a more defined recommendation on how that might go. He noted that they probably do need a nudge. If they are not able to nudge them what will happen is many of those houses will remain unmetered for years and years potentially as the drought continues.

Mayor Poythress commented that back in 2013 they talked about these triggers and it looks like it is about time that they trip those triggers.

Council Member Medellin agreed with Mayor Poythress. In 2013 when they adopted the cooperation first they thought they might have gotten a little more cooperation. They had 326 people agree over a certain period of time. He thinks there were 34 additional while they were putting meters in. He stated that obviously they didn't reply over three separate notices without any return call or anything. He commented that any kind of threat without fines at this point he doesn't think they are going to budge. He would recommend that they use administrative enforcement with some sort of fine.

Mayor Poythress asked for any other comments/input from his colleagues.

Council Member Robinson stated that if farmers with 100 year old water rights, they were made to stop taking water, and the City is in a serious drought, he presumes that fines would be the best.

Mayor Poythress stated he thinks staff has direction.

Mr. Helmuth stated administrative with fines.

Mayor Poythress responded yes.

Mayor Poythress announced they would go on to item E-5.

**E-5 Request for Appointment by Mayor of Ad Hoc Committee for Negotiating Compensation and Terms and Conditions of Employment with Council's Direct Reports**

City Administrator David Tooley stated this is fairly self-explanatory. He advised that the Council has provided direction with regard to all of the collective bargaining units. He commented that the Council has certain direct reports with whom they need to complete that loop as well. Their normal operating practice has been to appoint two Council Members to meet with their direct reports and bring back a recommendation to the Council as a whole. Mr. Tooley offered to answer any questions.

Mayor Poythress stated there are no questions at this time. He appreciates that explanation. He noted that this is an appointment that he would make.

Mr. Tooley replied that is correct.

Mayor Poythress stated he would like to make it a two person ad-hoc committee. He would like to be on that. He asked Council Member Rigby if he would like to join him on this ad-hoc committee.

Council Member Rigby accepted and thanked Mayor Poythress for that opportunity.

Mayor Poythress stated they will now reconvene item C-4. *See continued discussion under item C-4.*

## **F. COUNCIL REPORTS**

Council Member Robinson reported that last week he went to the 2015 Mayor and Council Members Advanced Leadership Workshop in Monterey along with Councilman Holley. He commented that it was a good conference. His class was on city finance, what you need to know.

Council Member Rigby reported that he had a great time at their neighborhood watch meeting, the first one on Elm Street. He commented that over 50 were in attendance so he thought that was very well attended and they got some great dialogue as well some really great leadership in that neighborhood. He was really excited about that.

Council Member Rigby reported that he recently got to ride along with their Madera PD. He took a night shift on a Friday night and he was glad to say that it was not as eventful so that is good. They had some fun but he is again so proud of what they do. He commented that those men and women every day take their lives and put them out there for their public safety. He was just well impressed. He got to see how they interacted with not only their Fire Department but as well as their paramedics. It is just a great team, great team effort all around. He looks forward to celebrating the 4<sup>th</sup> of July at the Golf Course Fireworks Extravaganza being put on by their Parks and Recreation this weekend.

Council Member Holley commented that Council Member Robinson already said that they went to the League of Cities retreat. He stated it was a treat. He learned a lot. They gave good workshops on everything.

Council Member Holley stated that Camarena put on one of the best extravaganza, gallery of banquets he has ever seen. They stepped up to the plate after 35 years. They did something that is going to be well talked about. The Mayor was there plus Mayor Pro Tem Oliver. He stated it was awesome and his hat goes off to them because he knows they did a wonderful job. They didn't spare no expense. He hasn't seen anything like that in 30 years or better. He thought they did a great job.

Mayor Poythress agreed.

Council Member Medellin stated that lately the theme up here, he has been hearing a lot of words like engagement of the community, and educate, and outreach for the community. He knows they have a website that they are working on. He referred to Mr. Uyesaka's report today with the CRM. They had talked about that a little bit but it is very, very important because of the public perception. He has had a couple of calls himself about leaks and the perception is why don't you fix it immediately, we are in a drought, so the outreach is, we can't just dig without calling folks like PG&E and AT&T and doing the USA. He thinks that is going to be very, very important with this study that Mr. Uyesaka shows them and how they can continue to engage the public, to educate the public, and outreach whether it is leaks or neighborhood watch or LMZ's (landscape maintenance zones), watering schedules and times. They all go to neighborhood watch meetings and Lacy Burleson does a fantastic job for PD (Police Department) with Nextdoor and Nixle and it is talked about at every single meeting on how, if you just take advantage of what we have to offer you it makes your community and your neighborhood that much better. He thinks they are heading that way. They are already there but he thinks it is just a huge component to continue to engage the community, have their input and let them know what they are doing prior to some of the meetings where they actually make the decision. He would like to continue to stay on that path and take advantage of technology and continue to keep the community informed on what they are doing and get their input.

Mayor Poythress stated taking the City to the streets.

Mayor Pro Tem Oliver reported that he had an opportunity on Saturday morning to volunteer with members of celebration church and their Parks staff. They are going to open up church this spring in Madera so they reached out to John Scarborough and Mary Anne Seay (Parks and Community Services) to look for opportunities to give back to their City. They spent the morning installing drip irrigation lines in 15 medians along the Westberry corridor. It was very rewarding. They did it very efficiently. They had over 40 people in attendance so their enthusiasm, energy, and commitment to the City was really a strong showing even before opening up here in Madera and most importantly, they are also going to bring several people to their community who are moving from Fresno and will be moving to our City. He stated that it was a fantastic day of service so kudos to Ms. Seay and Mr. Scarborough and their staff. Most importantly, he was really impressed by the hard work ethic and dedication from some of their Park's employees especially those that have logged a lot of hours in this blistering summer heat in providing maintenance and improvements to their landscaped areas so their work is certainly very appreciated.

Mayor Poythress thanked them and added great job.

Mayor Poythress stated the reason he reads the Fresno Bee is because it makes him appreciate the Tribune so much more. They had an article about, he thinks it was CHP division that includes Fresno and Kings and Tulare County, but it was south of here and they developed this volunteer corps and this program where people can call in and they have four specific areas where people can work. A few things he recalls out of the article, of course, there was some office work. He thinks that there was some help that some of the volunteers could help out on some of the scenes and working with the public, public information type situation. They had requirements that people work at least four hours a week, that they are in good health and so forth. He stated they have baby boomers retiring at, he doesn't know how many thousands per day, and a lot of these folks that are extremely healthy, they are very vital, they are retiring at the top of their game and they need something to do. He knows other cities, Carlsbad and some other cities have received awards for developing volunteer programs. In fact, several years ago he talked to the person who coordinated volunteer services at Carlsbad and she said the biggest problem that they had was finding enough for these people to do. He was just going whoa then he hears tonight about their CRM project and the need to add staff and so forth. To him when you look at all these initiatives, community outreach, and taking the City to the streets, there is some kind of connection there. He doesn't know exactly what that looks like but he knows that there are resources out there with people who need something to do who want something to do. He thinks at the City they need some of those people and they have ways that they can utilize them so it just seems like a real win, win. He stated that again, he doesn't have any grand plans, great solutions and so forth but after looking at these things, he thinks, they should consider some of it. He thinks the immediate thing is hey great idea when do I have time to train volunteers but he thinks that once something like this is developed and put into play...that individual he was talking to from Carlsbad for instance, that was not even a paid position. She was like the unpaid lead of the volunteers. He stated this is something to think about and he just wanted to throw that out there, in light of everything, they have been talking about.

Chief of Police Steve Frazier advised that Madera PD has 15 volunteers and they have had them for 15 years.

Mayor Poythress stated that is a perfect example. He noted that others would probably jump in if they knew about it.

Mr. Tooley added that they are greeted by volunteers when they arrive at City Hall.

Council Member Rigby stated he would like to hear Chief Frazier give a quick announcement in regards to their Citizens Academy that will be opening up again soon.

Chief of Police Steve Frazier stated they will be starting their fourth Citizens Academy class August 12<sup>th</sup>. They haven't really started pushing for that. They have already got a list of probably about 10 to 15 folks

that have signed up for the last one. If they know of anybody that would benefit from that, he asked that they send them in their direction.

Council Member Holley asked what age they are.

Chief Frazier responded anybody above 18. They ask that they live or work in the City of Madera and they would love to have them come out.

Council Member Rigby asked what exactly are they covering in the six weeks.

Chief Frazier responded that they cover a little bit of everything, everything that they do. He noted that the idea again is to engage the community, let them know who they are, establish that relationship with them and hopefully when they graduate the Citizen Academy they have, however many people graduated, that are advocates for the PD that can spread the news on who they are, what they do and why they do it. He thinks that is the biggest benefit that they get is, and there are a lot of people that really don't understand what they do, and in light of everything that occurs on the national stage, people have a preconceived idea on who and what the Police Department does and is and they want to make sure that the citizens of Madera understand who they are, what they do, and why they do it.

Council Member Holley asked Mr. Tooley if he is doing the Citizens Academy again.

Mr. Tooley responded that they are looking at doing both a Citizens Academy and how to start a new business. They would like to do that before the end of the year. As they all know there are a couple of things stacked up that they are focused on right now but the intent is still to get those done.

Council Member Holley announced that Mayor Poythress just had a new grandbaby so they need to congratulate him on being a grandfather.

Mayor Poythress thanked him.

Mayor Poythress announced they can now move on to closed session even though C-1 has been continued. They can come back and complete that. *See item C-1 above for full discussion and action.*

## **G. CLOSED SESSION**

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

City Attorney Brent Richardson announced that the Council will adjourn to closed session pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-2.

The Council adjourned to closed session at 8:07 p.m. Absent: Council Member Bompreszi.

### **G-2 CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to California Government Code Section 54957.6**

Agency Designated Representatives: David Tooley

Employee Group: Management Employees

### **G-3 Closed Session Report – City Attorney**

The Council returned from closed session at 8:13 p.m. with all members present. Absent: Council Member Bompreszi.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-2 and reported that no reportable action was taken.

Mayor Poythress called a recess at 8:14 p.m. until they pick up with item C-1 again.

Mayor Poythress called the meeting back to order at 8:37 p.m. and announced that they would continue on item C-1. *See full discussion and action taken under item C-1 above.*

**ADJOURNMENT**

The meeting was adjourned by Mayor Poythress at 8:45 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 January 6th, 2016  
Agenda Item No. B-2

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

From: Office of the Director of Finance

Subject: Listing of Warrants Issued

Date: 01/06/2016

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

December 5th, 2015 to December 21st, 2015

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

General Warrant:	202219- 202425	\$ 1,461,005.86
Wire Transfer	Union Bank Payroll and Taxes	\$ 559,946.82
Wire Transfer	SDI	\$ 1,577.38
Wire Transfer	Cal Pers	\$ 144,912.84

Respectfully submitted,



Tim Przybyla  
Financial Services Director

CITY OF MADERA  
REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT  
December 21st, 2015

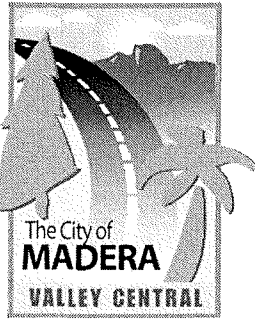
CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
202219	12/10/2015	LEYJA, BIIANY	FACILITY DEPOSIT REFUND	100.00
202220	12/10/2015	YBARRA, PATRICIA	PARKS DEPOSIT REFUND	50.00
202221	12/10/2015	AT&T	PD PRIVATE LINE SVS 11/19 - 12/18	378.26
202222	12/10/2015	AT&T	11/15 CALNET 3 SVS 9391026398	768.56
202223	12/10/2015	AT&T	11/15 CALNET 3 SVS 9391031575	1,801.58
202224	12/10/2015	AKEL ENGINEERING GROUP, INC.	ENG SVS - PARKWOOD/PARKSDALE	61,765.00
202225	12/10/2015	AMERICAN MOBILE SHREDDING	SHREDDING SVS	280.00
202226	12/10/2015	THE ARC FRESNO	CITY CAN ORDERS NOVEMBER 2015	1,399.36
202227	12/10/2015	BSK ASSOCIATES	WATER SAMPLES	2,950.00
202228	12/10/2015	BUGGY SHOWER CAR WASH	PD CAR WASHES	227.50
202229	12/10/2015	CALACT	2016 MEMBERSHIP: SONIA HALL	510.00
202230	12/10/2015	CALIFORNIA DEPARTMENT OF JUSTICE	FINGERPRINT APPS NOV 2015	1,035.00
202231	12/10/2015	CALIFORNIA SURVEYING AND DRAFTING SUPPLY	WIDE FORMAT PAPER	63.32
202232	12/10/2015	CWEA	CERT RNWAL-COLL SYST MAINT GRD 1-GLASER	81.00
202233	12/10/2015	CEDAR VETERINARY HOSPITAL, INC	VETERINARY SVS - MEDS FOR GUNS	120.60
202234	12/10/2015	CEDAR VETERINARY HOSPITAL, INC	VETERINARY SVS-EXAMS FOR GUNS	23.60
202235	12/10/2015	COMCAST	11/22-12/21 SVS 8155500320322006	83.94
202236	12/10/2015	COMCAST	12/14-01/13 SVS 8155500320092096	133.25
202237	12/10/2015	CREATIVE COPY	TRANSIT TICKETS	814.55
202238	12/10/2015	CULLINS, DELTON	PER DIEM 2016 CCSA PAVEMENT PRESERVATION	80.00
202239	12/10/2015	DEPARTMENT OF FORESTRY AND FIRE	1ST QTR ACTUAL AO17s FY 15/16	681,101.06
202240	12/10/2015	DIAMOND COMMUNICATIONS	PAN AM ALARM MONITORING	26.00
202241	12/10/2015	ESTRADA PHYLLIS R	Utility Billing Deposit Refund	17.64
202242	12/10/2015	PRUDENTE IGNACIO AND BELLA	Utility Billing Credit Refund	138.05
202243	12/10/2015	JESTER WALLACE	Utility Billing Credit Refund	135.72
202244	12/10/2015	OCEGUEDA IRENE	Utility Billing Credit Refund	159.48
202245	12/10/2015	SMITH MELISSA OR CITY OF MADERA	Utility Billing Deposit Refund	90.00
202246	12/10/2015	MONTOYA RONALD JR OR CITY OF MADERA	Utility Billing Deposit Refund	170.00
202247	12/10/2015	GRAY VICTORIA	Utility Billing Credit Refund	127.66
202248	12/10/2015	TARIN JAIME	Utility Billing Credit Refund	142.20
202249	12/10/2015	DEWALL STACY	Utility Billing Deposit Refund	106.64
202250	12/10/2015	REYES PATTY	Utility Billing Credit Refund	47.99
202251	12/10/2015	JIMENEZ AUDELIA	Utility Billing Credit Refund	163.16
202252	12/10/2015	ROSEL NICOLE	Utility Billing Deposit Refund	203.02
202253	12/10/2015	SOHI SINGH BARJINDER	Utility Billing Deposit Refund	73.61
202254	12/10/2015	CLARK WALTER	Utility Billing Credit Refund	245.40
202255	12/10/2015	LUNA MANUEL	Utility Billing Credit Refund	10.72
202256	12/10/2015	PRADO ERICA	Utility Billing Credit Refund	38.98
202257	12/10/2015	VASQUEZ RICARDO	Utility Billing Credit Refund	131.25
202258	12/10/2015	TERAN ROXANN	Utility Billing Credit Refund	105.07
202259	12/10/2015	REJDA CHRISTINA	Utility Billing Credit Refund	94.76
202260	12/10/2015	RAMIREZ-PEREZ FELIPE OR CITY OF MADERA	Utility Billing Credit Refund	201.83
202261	12/10/2015	VALLE-MARTINEZ OR CITY OF MADERA FLORENCIA	Utility Billing Credit Refund	150.69
202262	12/10/2015	OLVERA PATRICIA M OR CITY OF MADERA	Utility Billing Credit Refund	58.78
202263	12/10/2015	PAOLINELLI KIRK	Utility Billing Deposit Refund	56.00
202264	12/10/2015	GOMEZ GERARDO OR CITY OF MADERA	Utility Billing Credit Refund	138.67
202265	12/10/2015	NEVAREZ KENDRA D OR CITY OF MADERA	Utility Billing Credit Refund	12.06
202266	12/10/2015	VILLEGAS ERICA	Utility Billing Credit Refund	55.36
202267	12/10/2015	PITTS CATHERINE A OR CITY OF MADERA	Utility Billing Credit Refund	150.43
202268	12/10/2015	MESA SUSANA	Utility Billing Credit Refund	30.44
202269	12/10/2015	CORTEZ VANESSA	Utility Billing Credit Refund	53.20
202270	12/10/2015	MARTIN YASMANI	Utility Billing Credit Refund	149.61
202271	12/10/2015	SINGH DILBAG	Utility Billing Deposit Refund	27.66
202272	12/10/2015	RAMIREZ PETE AND DIANE	Utility Billing Credit Refund	223.53
202273	12/10/2015	SQUIRES ROBIN	Utility Billing Credit Refund	146.26
202274	12/10/2015	HIGGINBOTHAM KAREN	Utility Billing Deposit Refund	6.53
202275	12/10/2015	PESTORICH HOLDINGS LLC	Utility Billing Deposit Refund	27.97
202276	12/10/2015	CORTES DE CASTRO SONIA	Utility Billing Credit Refund	263.47
202277	12/10/2015	MARTINEZ MARIA	Utility Billing Credit Refund	129.71
202278	12/10/2015	ELEMECH, INC	REPLACEMENT HMI	812.95

202279	12/10/2015	FRESNO BEE, THE	HELP WANTED ADS	689.50
202280	12/10/2015	FRESNO MADERA AREA AGENCY ON AGING	10/15 UNSERVED SR MEALS	105.60
202281	12/10/2015	GOLDEN STATE OVERNIGHT	OVERNIGHT SHIPPING	93.80
202282	12/10/2015	HERNANDEZ, JOANN	REIMB-PLASTIC BAGS/WATER CONS GIVEAWAY	18.80
202283	12/10/2015	J'S COMMUNICATIONS	BENCH TESTED RADIO CHECKED SVS	25.00
202284	12/10/2015	J.P. COOKE CO.	ANIMAL LICENSES-TAGS	230.85
202285	12/10/2015	JORGENSEN COMPANY	FIRE EXT AMX 20LB BC	145.81
202286	12/10/2015	LEAGUE OF CALIF. CITIES	STREET NEEDS ASSESSMENT	400.00
202287	12/10/2015	LEXISNEXIS	NOVEMBER CHARGES	274.00
202288	12/10/2015	LEXIPOL LLC	DTB SUBSCRIPTION SVS 12/01/15-06/30/16	2,520.00
202289	12/10/2015	CITY OF MADERA	INTERMODEL METER WATER/SEWER DEC 2015	65.62
202290	12/10/2015	CITY OF MADERA	INTERMODEL METER WATER/SEWER DEC 2015	57.83
202291	12/10/2015	CITY OF MADERA	INTERMODEL METER WATER/SEWER DEC 2015	129.71
202292	12/10/2015	MADERA HONDA SUZUKI	20K SVS INSTALL REAR BRAKE PD-2014 HONDA	241.00
202293	12/10/2015	MADERA HONDA SUZUKI	CHECK ENG LIGHT FOR 2014 HONDA ST1300P	153.00
202294	12/10/2015	MADERA PRIVATE SECURITY PATROL	SECURITY SERVICES	3,235.10
202295	12/10/2015	MADERA RADIO DISPATCH, INC.	TOWER RENT	200.00
202296	12/10/2015	MADERA SAFE & LOCK SERVICE	PAC SAFE REPAIR	75.00
202297	12/10/2015	MADERA UNIFORM & ACCESSORIES	UNIFORM ACCESSORIES	107.32
202298	12/10/2015	MADERA VETERINARY CENTER	VETERINARY SVS DEC 2015	658.56
202299	12/10/2015	PACIFIC GAS & ELECTRIC	11/15 SVS 3533032414-2	132,479.74
202300	12/10/2015	P G AND E	11/15 SVS 8307681856-2	718.13
202301	12/10/2015	YBARRA, DANIEL	SWIM CLASS REFUND	42.50
202302	12/10/2015	PEREZ, SOILA	PARKS DEPOSIT REFUND	50.00
202303	12/10/2015	BATT, WILLIAM	FACILITY DEPOSIT REFUND	100.00
202304	12/10/2015	CARR-MARTINEZ, SAMANTHA	FACILITY DEPOSIT REFUND	100.00
202305	12/10/2015	UNITED DOMESTIC WORKERS OF AMERICA	PARKS DEPOSIT REFUND	50.00
202306	12/10/2015	GONZALEZ, IGNACIO	FACILITY DEPOSIT REFUNDS	250.00
202307	12/10/2015	SIERRA, PATRICIA	PARKS DEPOSIT REFUND	50.00
202308	12/10/2015	MENDEZ, GERARDO	PARKS DEPOSIT REFUND	50.00
202309	12/10/2015	NAVARRO, ROBERT	FACILITY DEPOSIT REFUND	115.00
202310	12/10/2015	PLASCENCIA, CASSANDRA	PARKS DEPOSIT REFUND	50.00
202311	12/10/2015	PRESORT CENTER OF FRESNO	10/15 UB STATEMENTS	7,034.71
202312	12/10/2015	ROBINSON, DEREK	PER DIEM LOCC DIVISION MTG	247.14
202313	12/10/2015	SACRAMENTO REGIONAL PUBLIC SAFETY	IMPACT WEAPONS INSTRUCTOR UPDATE TRAININ	50.00
202314	12/10/2015	SCHAEFFER MFG. CO.	EQUIPMENT MAINTENANCE	432.65
202315	12/10/2015	SEBASTIAN	BUILDING SUPPLIES, KEYS, REPAIRS	2,050.00
202316	12/10/2015	SPARKLETTES	LAB & DRINKING WATER	130.65
202317	12/10/2015	SILVA AUTO GROUP	2016 FORD F250 P/UP-1FTBF2A66GFB54733	44,383.90
202318	12/10/2015	T&T PAVEMENT MARKINGS AND PRODUCTS	HSIP PROJECT	2,385.00
202319	12/10/2015	TESEI PETROLEUM INC.	FUEL CHARGES 11/11/15-11/20/15	11,033.91
202320	12/10/2015	TRANSUNION RISK & ALTERNATIVE DATA SOL.	DATABASE ACCESS NOVEMBER 2015	110.25
202321	12/10/2015	TRI-SIGNAL INTEGRATION, INC.	FIRE REPLACEMENT PANEL	2,306.00
202322	12/10/2015	TUBE CREATIONS, LLC	MOTORCYCLE PARTS, POSTAGE & DELIVERY	1,141.99
202323	12/10/2015	US BANK CORPORATE PAYMENT SYSTEMS	11/15 CAL-CARD CHARGES	162,243.59
202324	12/10/2015	VERIZON WIRELESS	PD AIRCARDS OCT 11 - NOV 10	228.06
202325	12/10/2015	WINNER CHEVROLET, INC.	2016 CHEVY IMPALA LIM 2G1WA5E33G1129896	19,335.55
202326	12/17/2015	A-C ELECTRIC COMPANY	**VOID**	VOID
202327	12/17/2015	AMERICAN BUSINESS MACHINES	**VOID**	VOID
202328	12/17/2015	AXCES INDUSTRIAL SUPPLY	**VOID**	VOID
202329	12/17/2015	CALIFORNIA DEPARTMENT OF JUSTICE	**VOID**	VOID
202330	12/17/2015	CALIFORNIA DEPARTMENT OF TRANSPORTATION	**VOID**	VOID
202331	12/17/2015	CENTRISYS CORP.	**VOID**	VOID
202332	12/17/2015	COMCAST	**VOID**	VOID
202333	12/17/2015	CONCENTRA MEDICAL CENTERS	**VOID**	VOID
202334	12/17/2015	CPS HR CONSULTING	**VOID**	VOID
202335	12/17/2015	CREATIVE COPY	**VOID**	VOID
202336	12/17/2015	ADMINISTRATIVE SOLUTIONS INC.	**VOID**	VOID
202337	12/17/2015	UB Deposits Refunds @ 12/16/15	**VOID**	VOID
202338	12/17/2015	UB Deposits Refunds @ 12/16/15	**VOID**	VOID
202339	12/17/2015	UB Deposits Refunds @ 12/16/15	**VOID**	VOID
202340	12/17/2015	UB Deposits Refunds @ 12/16/15	**VOID**	VOID
202341	12/17/2015	SOTELO CLIFTON AND NENA	Utility Billing Credit Refund	217.32
202342	12/17/2015	ROMERO ERNEST G OR CITY OF MADERA	Utility Billing Credit Refund	31.16
202343	12/17/2015	ANDERSON IMOGENE	Utility Billing Credit Refund	202.44

202344	12/17/2015	TORRES ELPIDIO	Utility Billing Deposit Refund	69.04
202345	12/17/2015	NORIEGA MENDOZA MARIA D	Utility Billing Credit Refund	184.26
202346	12/17/2015	ROBINSON MONESHAY AND PLATT JOEL	Utility Billing Credit Refund	258.06
202347	12/17/2015	BORCHARDT DAVID	Utility Billing Deposit Refund	54.86
202348	12/17/2015	HURTADO FERNANDO	Utility Billing Credit Refund	148.40
202349	12/17/2015	OLIVARES JOSE	Utility Billing Credit Refund	260.09
202350	12/17/2015	GAONA EUGENIA	Utility Billing Credit Refund	255.68
202351	12/17/2015	MELIKIAN DOUG AND LUANA	Utility Billing Credit Refund	120.01
202352	12/17/2015	PAVIA DEISI	Utility Billing Credit Refund	93.12
202353	12/17/2015	RODRIGUEZ JENNIFER	Utility Billing Credit Refund	67.62
202354	12/17/2015	GARNICA YELIZMAR	Utility Billing Credit Refund	142.90
202355	12/17/2015	BERRY RICHARD	Utility Billing Credit Refund	158.39
202356	12/17/2015	ORTEGA MARGARITA	Utility Billing Deposit Refund	22.87
202357	12/17/2015	VELASCO JOSE	Utility Billing Credit Refund	72.95
202358	12/17/2015	SIMMS NICOLE AND HALL KEVIN	Utility Billing Credit Refund	103.06
202359	12/17/2015	MONTEMEYOR ROSEMARY	Utility Billing Credit Refund	132.05
202360	12/17/2015	SINGH SATVIR	Utility Billing Deposit Refund	7.43
202361	12/17/2015	SALAS ROBERT OR CITY OF MADERA	Utility Billing Credit Refund	184.40
202362	12/17/2015	NELDER ASHLEY	Utility Billing Credit Refund	25.70
202363	12/17/2015	PARKER WENDY OR CITY OF MADERA	Utility Billing Credit Refund	150.34
202364	12/17/2015	TORRES MARIA LUISA	Utility Billing Credit Refund	64.61
202365	12/17/2015	MEELO CORPORATION OR CITY OF MADERA	Utility Billing Credit Refund	199.60
202366	12/17/2015	CARTWRIGHT JOAN	Utility Billing Deposit Refund	18.11
202367	12/17/2015	VASQUEZ-MARTINEZ MAGDALENA	Utility Billing Credit Refund	198.20
202368	12/17/2015	BRAR HOLDINGS INC	Utility Billing Deposit Refund	67.50
202369	12/17/2015	LEWIS RON	Utility Billing Credit Refund	191.57
202370	12/17/2015	ORTIZ SELENA	Utility Billing Credit Refund	38.21
202371	12/17/2015	ESPINOZA SEWER SERVICE	TOILET SERVICE	50.00
202372	12/17/2015	F. LODUCA CO.	PROJECT PK-12 PROGRESS PMT #4	70,391.11
202373	12/17/2015	FBINAA CALIFORNIA CHAPTER	CALEEDS REGISTRATION FOR CHIEF FRAZIER	450.00
202374	12/17/2015	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 12/01- 12/15/15	9,018.75
202375	12/17/2015	FRESNO COUNTY TREASURER	WATER SAMPLES	1,998.00
202376	12/17/2015	FRESNO COUNTY ECONOMIC OPPTY. COMMISSION	NOVEMBER SR SITE SUPPLIES	482.05
202377	12/17/2015	GUARDIAN WESTERN SWEEPING INC.	MONTHLY POWER SWEEPING	521.00
202378	12/17/2015	HARBISON INTERNATIONAL INC.	PROJECT ST 14-05 PROGRESS PMT #12	1,650.00
202379	12/17/2015	MUNISERVICES, LLC	SUTA SERVICES FOR QTR ENDING 06/30/15	2,769.33
202380	12/17/2015	CITY OF MADERA	DECEMBER ADC WATER/TRASH 322 W 6TH ST	135.24
202381	12/17/2015	CITY OF MADERA	DECEMBER UTILITIES 703 SHERWOOD WAY	151.13
202382	12/17/2015	CITY OF MADERA	CLOTHES WASHER REBATE	50.00
202383	12/17/2015	CITY OF MADERA	DISHWASHER REBATE	35.00
202384	12/17/2015	CITY OF MADERA	MULCH REBATE	50.00
202385	12/17/2015	CITY OF MADERA	SMART IRRIGATION CONTROLLER REBATE	100.00
202386	12/17/2015	MADERA CLEANERS & LAUNDRY	YOUTH CENTER FLOOR MAT SVS	64.60
202387	12/17/2015	MADERA CLUBHOUSE REST.	DEPT HEAD TEAM BUILDING EVENT	354.52
202388	12/17/2015	MADERA IRRIGATION DISTRICT	2016 ASSESSMENT PARCEL #013-010-039	10,678.96
202389	12/17/2015	MONDRAGON, JUAN	MILEAGE REIMBURSEMENT 11/27, 12/4, 12/5	88.32
202390	12/17/2015	MOORE-TWINING ASSOCIATES, INC.	PROJECT S 10-01 PROGRESS PMT #1	3,248.70
202391	12/17/2015	WILLDAN FINANCIAL SERVICES	ANNUAL DISTRICT ADMIN SVS DECEMBER 2015	807.42
202392	12/17/2015	ONTRAC	OVERNIGHT SHIPPING	19.51
202393	12/17/2015	ORR SAFETY	BAL AIR CYLINDER	233.46
202394	12/17/2015	P G AND E	11/15 SVS 5225647713-5	167.32
202395	12/17/2015	SANCHEZ, MARTHA	BOND REFUND FOR ENCROACHMENT PERMIT 4861	1,000.00
202396	12/17/2015	PURL'S SHEET METAL & AIR CONDITIONING	PROPANE SYSTEM MAINTENANCE	1,039.00
202397	12/17/2015	RBC CAPITAL MARKETS	REMARKETING AGREEMENT 08/03- 11/01/15	835.91
202398	12/17/2015	SCRAP TIRE CO.	TRAILER SERVICE	1,200.00
202399	12/17/2015	SPARKLETT'S	LAB & DRINKING WATER	130.62
202400	12/17/2015	SITE ONE LANDSCAPE SUPPLY LLC	FERTILIZER	932.49
202401	12/17/2015	STATE WATER RESOURCES CONTROL BOARD	ANNUAL PERMIT	11,195.00
202402	12/17/2015	STATE WATER RESOURCES CONTROL BOARD	ANNUAL PERMIT	34,833.00
202403	12/17/2015	TAG/AMS, INC.	DOT TESTING	360.00
202404	12/17/2015	TAMARACK PEST CONTROL	DECEMBER PEST CONTROL SVS	510.00
202405	12/17/2015	TESEI PETROLEUM, INC.	FUEL	623.51
202406	12/17/2015	TESEI PETROLEUM INC.	FUEL CHARGES 12/01/15- 12/10/15	18,053.41
202407	12/17/2015	THYSSENKRUPP ELEVATOR CORPORATION	MONTHLY ELEVATOR SVS	241.98
202408	12/17/2015	TRI-SIGNAL INTEGRATION, INC.	PAN AM FIRE EXTINGUISHER SVS	620.03

202409	12/17/2015 VERIZON WIRELESS	COUNCIL IPAD DATA PLAN OCT 11- NOV 10	304.08
202410	12/17/2015 WILDLIFE CONTROL TECHNOLOGY, INC.	NOVEMBER 2015 RODENT CONTROL SVS	1,035.00
202411	12/17/2015 A-C ELECTRIC COMPANY	PROJECT ST 14-09 PROGRESS PMT #1	59,904.90
202412	12/17/2015 AMERICAN BUSINESS MACHINES	PRINTER MAINT AGREEMENT NOVEMBER 2015	3,619.24
202413	12/17/2015 AXCES INDUSTRIAL SUPPLY	WASP SPRAY	145.13
202414	12/17/2015 CALIFORNIA DEPARTMENT OF JUSTICE	NOVEMBER FINGERPRINTING	64.00
202415	12/17/2015 CALIFORNIA DEPARTMENT OF TRANSPORTATION	SHARED MAINTENANCE COSTS	63.18
202416	12/17/2015 CENTRISYS CORP.	EQUIPMENT MAINTENANCE	514.40
202417	12/17/2015 COMCAST	12/05- 01/04 SVS 8155500320340479	98.74
202418	12/17/2015 CONCENTRA MEDICAL CENTERS	DOT TESTING	37.00
202419	12/17/2015 CPS HR CONSULTING	ANNUAL BILINGUAL EXAMS	324.50
202420	12/17/2015 CREATIVE COPY	DIAL-A-RIDE TICKETS	470.02
202421	12/17/2015 ADMINISTRATIVE SOLUTIONS INC.	FUNDS ON DEPOSIT FOR MEDICAL CLAIMS	60,000.00
202422	12/17/2015 SEYBOLD JOHN	Utility Billing Deposit Refund	69.16
202423	12/17/2015 RAVISCIONI EDDIE	Utility Billing Deposit Refund	93.59
202424	12/17/2015 FOSTER JAMES F	Utility Billing Credit Refund	136.76
202425	12/17/2015 BRAVO RAFAEL AND JORGE	Utility Billing Deposit Refund	12.49
		Bank # 1 - Union Bank General Account Total	1,461,005.86

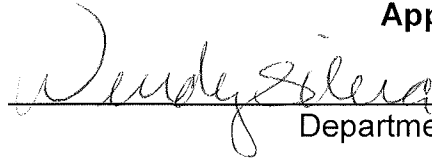
REPORT TO CITY COUNCIL




Council Meeting of January 6, 2016

Agenda Item Number B-3

Approved by:

  
Department Director

  
City Administrator

**Consideration of a Resolution Approving a Memorandum of Understanding for the General Bargaining Unit between the City of Madera and Operating Engineers Local Union No. 3 and Authorizing the City Administrator to Sign the Memorandum**

**RECOMMENDATION**

It is recommended Council approve the Memorandum of Understanding (MOU) for the General Bargaining Unit between the City of Madera (City) and Operating Engineers Local Union No. 3 (OE3) and authorize the City Administrator to sign the memorandum.

**HISTORY**

The existing MOU between the City and OE3 will expired June 30, 2015. Representatives of the City and OE3 met and conferred in good faith over the last several months and have reached agreement on the terms of a new MOU.

**SITUATION**

The proposed MOU provides for the following:

- An agreement effective upon adoption by the City Council through June 30, 2018.
- Effective 1/9/2016, base pay will be adjusted to market median if not already at market median. After the market adjustment, if applicable, all employees represented by this unit will receive a 5% cost of living adjustment (COLA).
- Effective 7/1/2016 and 7/1/2017, all employees represented by this unit will receive a 3% COLA.
- The City's contribution toward medical, dental and vision insurance will be equal to the total premium for said plan based on enrollment level (employee only, employee + 1, or employee + family)

- Openers were included for negotiation of health and retirement contributions in 2016 and 2017.
- Family Sick Leave provisions were updated to provide for compliance with AB1522.
- Past practice related to paid holidays when an employee is on unpaid leave was captured. Specifically, an employee must be in a paid status the scheduled work day immediately preceding or following the designated holiday to receive the paid holiday.
- The safety boot list was updated to include the position of Facilities Maintenance Technician and delete the Craftworker series, which were additions/deletions to the classification plan since the execution of the last MOU.
- The City and OE3 agreed on the specific number of employees OE3 would designate as shop stewards.
- Employees may request a voluntary cash-out of their Compensatory Time Off (CTO) twice per year.
- Language was included to capture the City's and employees' responsibilities when an employee is utilizing State Disability Insurance (SDI), and the interaction between receipt of SDI and required use of paid leave in compliance with State and Federal laws.

A revised MOU reflecting these changes is on file with the office of the City Clerk and referred to for further particulars.

### **FISCAL IMPACT**

Positions represented by OE3 are budgeted in the City's general fund as well as many other funds within the City's budget. The estimated cost of the agreement in Fiscal Year 2015-16 is \$236,704 for the months of January through June 2016, with \$119,070 being general fund.

### **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 MEMORANDUM OF UNDERSTANDING FOR THE  
GENERAL BARGAINING UNIT  
BETWEEN THE CITY OF MADERA AND  
OPERATING ENGINEERS LOCAL UNION No. 3 AND  
AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE MEMORANDUM

WHEREAS, the City of Madera (City) wishes to establish reasonable rules, regulations and compensation for its staff within the financial limits of the organization; and

WHEREAS, a Memorandum of Understanding (MOU) between the City and Operating Engineers Local Union No. 3 (OE3) expired June 30, 2015; and

WHEREAS, in accordance with the Meyers Miliias Brown Act, the City of Madera has met and conferred in good faith with OE3 representatives to negotiate a successor MOU; and

WHEREAS, an MOU has been prepared, and such MOU is acceptable to both parties.

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

1. The Memorandum of Understanding for the General Bargaining Unit between the City of Madera and Operating Engineers Local Union No. 3 for January 6, 2016-June 30, 2018, on file with the Office of the City Clerk and referred to for further particulars, is approved.
2. The City Administrator is authorized to sign the Memorandum of Understanding on behalf of the City of Madera.
3. This resolution is effective immediately upon adoption.

\* \* \* \* \*

GENERAL BARGAINING UNIT  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
OPERATING ENGINEERS LOCAL UNION NO. 3  
AND  
THE CITY OF MADERA

Effective January 6, 2016 to June 30, 2018

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## **Article I – Introduction**

The duly authorized representatives of the City of Madera, hereinafter referred to as the “City”, and the Operating Engineers Local Union No. 3, hereinafter referred to as the “Union”, having met and conferred in good faith, do hereby jointly prepare and execute this Memorandum of Understanding (MOU).

It is the purpose of this MOU to affirm, promote and provide for harmonious relations, cooperation and understanding between the City and the employees covered by the agreement. It is also intended to provide an equitable means of resolving any misunderstanding or differences, which may arise regarding wages, hours and other terms and conditions of employment.

## **Article 2 – Full Understanding**

This MOU sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other existing understanding or agreement by the parties whether formal or informal, regarding any such matters are hereby terminated.

This MOU shall govern in case of conflict with provisions of existing City and Department rules, regulations, and ordinances pertaining to wages, hours, and other terms and conditions of employment. Otherwise, existing City and Department rules, regulations and ordinances shall be effective and the City Council retains its power to legislate or take other appropriate actions not in conflict with the MOU.

Except for emergencies, the Union if affected shall be given reasonable advance written notice, not less than two weeks, of the proposed modification or adoption of any rule, regulation, or ordinance directly related to matters within the scope of representation and shall be given the opportunity to meet and confer with the City prior to adoption.

## **Article 3 – Recognition**

Pursuant to Section 3500-3510 of the Government Code of the State of California, the Union is hereby recognized as the Certified Employee Organization having exclusive representation for all employees whose classifications are in the representation units designated as General. The classes and negotiated salaries in this unit are listed in the Exhibit A, attached hereto.

The Union and the City recognize and acknowledge their mutual obligation and responsibility to effectuate the purpose set forth in, and to adhere to the conditions and clauses set forth in this MOU.

No lock-out of employees shall be instituted by the City during the term of this Agreement. No strike of City employees shall be caused or encouraged by the Union during the term of this Agreement.

#### **Article 4 – Non-Discrimination**

No employee covered by the Agreement shall be discriminated against by the City, or by the Union by reason of race, color, religion, sex, age, national origin, disability, political affiliation or sexual orientation. The City will not interfere or discriminate in any way against any employee by reason of membership in the Union.

#### **Article 5 – Management Rights**

It is understood and agreed that the City retains all its powers and authority to manage municipal services and the workforce performing those services. It is agreed that during the term hereof the City shall not be required to meet and confer on matters which are solely a function of management, including but not strictly limited to:

- Determine and modify the organization of City government and its constituent work unit.
- Determine the nature, standards, levels and mode of delivery of services to be offered to the public.
- Determine the budget, organization, merits, necessity, methods, means, numbers, classification and kinds of personnel by which services are to be provided.
- Determine what types of goods or services shall be made or provided by the City.
- Supervise and direct the work of employees.
- Discharge, suspend, demote, reduce in pay, reprimand, withhold salary increase and benefits, or otherwise discipline employees, subject to just cause and the requirements of applicable law.
- Relieve employees from duty because of lack of work or lack of funds or other legitimate reasons.
- Implement rules, regulations, and directives consistent with law and the specific provisions of this MOU.
- Take all necessary actions to protect the public and carry out its mission in emergencies.
- All City rights formerly or presently claimed or vested in the City on the effective date of this MOU, even though not specifically set forth above, are retained by the City unless clearly and explicitly modified or restricted in this MOU.

## **Article 6 – Union Security**

The Union recognizes its obligation to cooperate with the City to assure maximum service of the highest quality and efficiency to the citizens of the City of Madera, consistent with its responsibilities to the employees it represents and as the Certified Employee Organization.

The Union recognizes its responsibility as the designated representative and agrees to represent all employees in the Unit without discrimination of any type, interference, restraint or coercion, subject to the right of such employees to represent themselves individually in their employment relations with the City.

The City, will, on the first 2 paydays of each month, deduct the applicable union dues or agency fee for all employees and such dues and fees shall be remitted to the Union regularly with an itemized statement.

The Union shall keep the City currently informed as to the amount of dues to be deducted and such notification shall be certified to the City initially in writing over the signature of authorized Officers or Representatives of the Union.

Changes in the Union membership dues or agency fee shall be certified to the City at least one (1) month in advance of the effective date of such changes. The City shall have no responsibility for the collection of fees, assessments, or other deductions unless such deductions are certified to the City as prescribed at least thirty (30) days in advance of the payday upon which such deduction is to be made.

The Union shall indemnify, defend and hold harmless against all claims, demands, expenses, judgments, or other liabilities on account of dues or fees collected by the City and paid over to the Union.

The Union agrees to refund to the City any amounts paid to it in error upon presentation of proper evidence thereof.

The City shall notify each new employee on the date of hire about the Employees' Union by providing a pamphlet and membership application to be prepared and provided by the Union.

The Union agrees to follow City Resolution No. 4775, Article 111, Section 3.1, which requires the Union to submit any changes of information regarding the Union filed with the City by the exclusive representative, to be submitted to the Employee Relations Officer within fourteen (14) days of such change.

The Union recognizes the City Administrator for the City of Madera, or such other person as may be designated, as the designated representative of the City pursuant to Resolution No. 4775 established by the City, and agrees to meet and confer in good faith promptly

upon request by the City and continue for a reasonable period of time in order to exchange freely information, opinions and proposals.

"Scope of Representation" shall include all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment except, however, that the scope of representation shall not include consideration of merits, necessity or organization of any service or activity provided by law or executive order.

The Union is the exclusive representative of all employees holding a permanent position within these classes described in this Memorandum of Understanding. However, it is understood that individuals may select to represent themselves.

### **Article 7 – Union Rights**

The Union may designate different official representatives for the purpose of meeting and conferring regarding departmental issues and at the City level. The Union may also designate alternates to such official representatives for the purpose of specific meetings by advance notice to the City Administrator or designee.

The City shall provide release time for up to six (6) General Bargaining Unit (GBU) Stewards upon request for the following purposes:

- Investigation of grievances and potential grievances;
- Attendance at meetings of disciplinary nature when presence is requested by an employee;
- Attendance at meetings with management;
- Meet and confer sessions;
- Attendance at open meetings of Boards and Commissions that effect wages, hours and working conditions of employees in the unit.

The GBU Stewards as a group shall be allowed not more than a total of 40 hours of paid leave per year for the conduct of Union business relating specifically to the City of Madera, exclusive of the Meet and Confer process. Said release time must be approved by the employee's supervisor or department head, and such leave shall not be unreasonably denied. Leave taken under this section shall be reported to the Human Resources Department for purpose of accounting for the hours taken. For accounting purposes, clerical functions shall be included in the 40 hours. Such time is not for the purpose of Union organizing or solicitation of members.

It is agreed that efforts shall be made to minimize such release time in scheduling meetings.

The processing of a grievance shall be considered official business and the employee, along with his/her representative, shall have reasonable time and meeting facilities allocated to them.

Business Representatives of the Union shall have reasonable access to employees during normal working hours to observe the application of this Memorandum of Understanding. Department heads and first line supervisors will be notified by the City of the provisions of this section and solicitation for Union membership shall not be conducted during normal working hours.

Business Representatives of the Union or designee may have access to any employee presenting a grievance. The Business representative or designee may be present upon any employee request during questioning regarding disciplinary action.

The City shall provide bulletin board space for the Union for the purpose of communication between the Union and its membership. The Union shall also have access to City mailboxes for the purpose of distributing mail to the Union members.

The City shall furnish suitable bulletin boards for use by the City for posting announcements. Announcements for all personnel examinations, Council and Civil Service Agendas, and other matters relating to the Union/GBU and the City's concerns shall be posted on these boards. At a minimum one such board shall be in City Hall, and one in the common area at the Public Works/Parks & Community Services building.

### **Article 8 – Employee Rights**

The rights of employees, except as expressly modified herein are set forth in City ordinance and the Personnel Rules and Regulations. Execution of this MOU by the Union shall not be deemed a waiver of any Union or employee right unless the right is clearly or explicitly modified or restricted herein. In the event the City wishes to modify any adopted rules and regulations previously enjoyed by the Union or employees prior to the execution of this MOU, the City shall meet and confer with the Union prior to such modification.

Employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters of employer-employee relations regarding wages, hours and conditions of employment.

The parties hereto recognize their membership in the Union is not compulsory, that employees have the right to join or pay the agency fee, and that neither party shall exert any pressure on or discriminate against an employee regarding such matters. Employees shall have the right to represent themselves, individually, in their employment relations with the City.

No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by an employee or any employee organization because of his exercise of any of these rights.

Representation Rights and Responsibilities - All employees in the General Unit shall be allowed, subject to lawful limitations as may be prescribed in the Union by-laws, full voice, vote and influence on positions and proposals of the Union.

The City shall consider the positions and proposals of the Union as meet and confer positions and proposals of all employees, individually and collectively in the General Unit.

Personnel Files - An official personnel file is maintained for each employee in the Human Resources Department under the direction of the Human Resources Director. All official documents pertinent to an individual's employment relationship with the City such as applications, performance evaluations, commendations, and corrective actions are maintained in the file. Personnel files are considered confidential and access is limited.

Each employee shall have the right to review his/her personnel file or authorize its review by a designated representative during normal working hours in the presence of a designee of the Human Resources Department. Employees shall have the right to have hard copies or electronic scans of the content of their personnel file made.

All documents relating to work performance, employment status and evaluations to be placed in the personnel file must be signed and dated by the submitting authority and the following will occur within five (5) working days:

- a. Employee is given notice;
- b. Employee is given a copy of the document; and
- c. Employee is given an opportunity to review and comment thereon, orally or in writing, within 20 days of notice.

If an employee disagrees with the content of a document placed in his/her personnel file, it shall be the right of the employee to submit a written response to the Human Resources Director to be attached to the document in question and included in the file.

In the event materials containing negative comments or derogatory charges against an employee are proven to be without substance through agreement or the grievance process, the material shall be destroyed or sealed as agreed. Materials previously sealed, as provided in a prior MOU, may be destroyed upon request. (Derogatory charges on performance evaluations do not apply to this process.)

Vacation, compensating time off and overtime selection by department, division, or shift shall be based upon class seniority except in cases where there are several employees, each of different classifications, then divisional seniority shall prevail. Where seniority by class is equal, the determination shall be made based upon department seniority.

Representation of Employees - the City recognizes the right of employees in the General Unit to be represented by the Union in their employer-employee relationship with the City. The City recognizes the right of an employee to request the presence of a union representative during an investigatory interview, also known as Weingarten Rights.

Rest Periods - employees of the General unit shall be allowed a rest period not to exceed fifteen (15) minutes, once before the lunch break and once after the lunch break, without

loss of compensation. Rest periods may be scheduled by the City, consistent with the workload and in accordance with the requirements of the department. The City shall not disrupt the employee's rest period with the exception of extreme circumstances. Such rest periods shall be taken at the work site unless otherwise authorized by the Department Head. Employees working at the Public Works Yard or City Hall and other office locations shall not leave the building area to take work breaks without the approval of the supervisor.

Employees assigned to crews working in the field, are to take breaks at the worksite, or as provided by the supervisor. If necessary, one employee from the work crew may leave the work site to purchase refreshments for himself/herself and other crew members

The City agrees to provide employees with a rest period, not to exceed fifteen (15) minutes, at the end of any scheduled shift, if an employee is scheduled to work two (2) or more hours of overtime, and to provide an additional rest period of the same duration between each two (2) hours of overtime worked.

### **Article 9 – Grievance Procedures**

The purpose of the grievance and discipline appeal procedures are to establish a more harmonious and cooperative relationship between the City and its employees. It is also the policy of the City to assure employees the right to full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of adjustment of their grievances, free from interference, restraint, coercion or reprisal.

A grievance is a complaint or claim by an employee, a group of employees or the Union of a violation of a right as to wages, hours, or other terms or conditions of employment. It may involve such things as work assignments, physical facilities, defective equipment, a claimed violation of established rules, well accepted and well established City-wide or department practices, alleged unfair treatment as relates to the above, and safety or health hazards.

Issues specifically excluded from appeal or having other defined methods of appeal, such as discipline appeal, complaints of discrimination or harassment in violation of State or Federal law, or an unfair labor practice, may not be grieved.

#### **Grievance Procedure**

Step 1. Informal. An aggrieved employee shall normally attempt to solve any grievance at the beginning of a problem. For this reason, to have standing, a grievance must be raised as a grievance to the supervisor within ten (10) working days of knowledge or the employee should have reasonably known of the situation giving rise to the grievance. At this step of the grievance process, it is informal, and there is no written grievance. Should the employee request Association/Union representation at this step in the process the Human Resources Director shall be advised prior to any meeting on the grievance. If the employee is not satisfied by the supervisor's verbal response, he/she has five (5) working

days from the meeting with the supervisor to request a written response. The supervisor has five (5) working days from when a written response is requested by the employee to prepare the written response.

Step 2. If the employee is not satisfied by the written response, the employee has five (5) working days to file a formal grievance by submitting a written appeal to the department head or designee. Attached is a two-sided copy of the Grievance Form marked Exhibit B for membership use. The written grievance shall be in sufficient detail to enable the department head to know what right(s), as to wages, hours or other terms and conditions of employment have been violated. An employee shall have the right to be accompanied and assisted by a representative of his/her choosing during the formal steps of the grievance procedure. The department head, shall hear the grievance within ten (10) working days of receipt of the formal grievance, and within five (5) working days of hearing the grievance will provide the employee with a written explanation stating the decision or proposed action to be taken.

Step 3. If the employee is not satisfied with the department head's written decision, he/she may file a written request for review by the City Administrator or designee. The employee must submit this written request within five (5) working days of the department head's decision. In scheduling the time and place of such grievance hearing, the City Administrator or designee shall consider the possible disruption of the workforce and work flow and shall therefore schedule times and places which minimize disruptions. Such scheduling shall be set in a timely and reasonable manner. The decision of the City Administrator or designee, is final and not subject to further appeal.

If the employee fails to respond within the periods provided the grievance is withdrawn, and not a subject for further grievance. If management fails to respond within the prescribed period, the employee has the right to move the grievance to the next step in the process. The City and the employee may mutually agree to extend time periods needed for the grievance to have standing, and/or waive Steps 1 and 2 and proceed directly to Step 3 when an issue is not within the supervisor or department jurisdiction to resolve.

### **Article 10 – Corrective/Disciplinary Action**

Corrective/Disciplinary Action may be taken against any regular employee of the City up to and including termination of employment when employee performance or behavior is determined to be below expectations desired or outside the standards of the work environment. The City will administer a just cause progressive discipline approach up to and including termination of employment. However, the City reserves the right to determine the form of discipline to be imposed based on several factors, including but not limited to, the severity and frequency of the cause of action as well as the employment history of the employee.

## Grounds for Corrective Disciplinary Action

Poor performance or any violation of a City rule, regulation, policy, procedure or ordinance may require Corrective/Disciplinary Action. The poor performance or violation may involve a single incident or a series of infractions. In this regard, acts which may be the basis for action up to and including termination of employment include, but are not limited to, the following:

- Fraud in securing employment
- Incompetence
- Inefficiency
- Inexcusable neglect of duty
- Insubordination
- Dishonesty
- Unauthorized absence without leave
- Conviction of a felony or conviction of a misdemeanor involving moral turpitude
- Continued or flagrantly discourteous treatment of the public or another employee
- Improper political activity
- Misuse or theft of City property
- Violation of City rules, regulations, policies, procedures or ordinances
- Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the City or an employee's employment or creates a conflict of interest
- Falsifying and/or unauthorized removal or destruction of City records
- Unauthorized possession of firearms or explosives
- Harassment (sexual or otherwise) of another employee or member of the public
- Gambling on duty or while on City property

- Either (a) the sale, purchase, transfer, possession, or consumption of alcoholic beverages or illegal drugs or (b) the use of drugs which impair the senses or the ability to perform the job during normal working hours or on City premises
- Excessive tardiness
- Failure to properly report absence

#### Types of Corrective/Disciplinary Action

Corrective/Disciplinary Action normally progresses from the least to the most severe action. However, some available actions may be bypassed depending upon the severity of the infraction. Nothing in this section shall be interpreted as restricting the City's right to take Corrective/Disciplinary Action, including the immediate placement of an employee on Administrative Leave with pay, if in the sole discretion of the City, doing so would prevent the disruption of City services or potential harm to others.

It is recognized that many problems not directly associated with an employee's job can have an effect on job performance. In such situations, the City may believe that an employee may benefit from professional assistance outside the work place and may require an employee to consult with the Employee Assistance Program as part of the Corrective/Disciplinary Action process.

The following actions may be taken in an effort to achieve improved job performance or modify inappropriate work-related behavior.

**Counseling:** An informal discussion with an employee designed to clarify and remedy unacceptable behavior or performance. This discussion may include the clarification of standards and a review of performance or behavior that is determined to be below standard. Repeated instances may lead to a written counseling memo or electronic communication between the supervisor and employee reinforcing the verbal counseling already provided. Verbal or written counseling is documented by the immediate supervisor for future reference and is not subject to appeal.

**Retraining:** A documented effort to achieve appropriate performance or conduct when an employee's lack of skill or knowledge is determined to be the cause of the problem. This action is documented by the immediate supervisor for future reference and is not subject to appeal.

**Oral Reprimand:** A formal discussion with an employee about performance or conduct problems and City expectations and requirements. This action is documented by the immediate supervisor for future reference and is not subject to appeal.

**Written Reprimand:** A written document presented to an employee regarding performance or conduct problems and expectations and requirements. This document is maintained in the official personnel file and is not subject to appeal.

**Disciplinary Suspension:** An involuntary absence without pay for a period up to 30 calendar days. Suspension may be caused by one grave offense, but it more often occurs due to an accumulation of various offenses. (Note:

Disciplinary suspensions from paid status for periods of less than one week are not applicable to employees classified as exempt for the purposes of the Fair Labor Standards Act unless they are imposed for infractions of safety rules of great significance.)

**Disciplinary Salary Reduction:** A reduction in pay from the employee's current step within the assigned salary range to any lower step within the same salary range.

**Disciplinary Demotion:** A change in status from a position in one classification to a position in a classification with a lower maximum salary.

**Termination:** Removal from City service. Removal may be caused by one grave offense, but it more often occurs due to an accumulation of various offenses. Termination is seldom used for a first offense unless the violation is so serious that no other response is appropriate.

Prior to the imposition of Corrective/Disciplinary action in the form of suspension, disciplinary salary reduction, demotion or termination, a written notice of the intended disciplinary action will be served on the employee. Such notice shall be served upon the employee personally or by mail and shall include a statement of the nature of the intended disciplinary action, a statement of the causes, a statement of the acts or omissions upon which the causes are based, a copy of the documents or material upon which the actions are based, a statement advising the employee of rights to respond to the notice before disciplinary action is taken, a statement advising the employee that if Corrective/Disciplinary Action is imposed, they may appeal to Civil Service Commission.

Employees wishing to respond to the notice of intended disciplinary action must make a request to the City Administrator within 5 normal business days of the notice being served.

The employee may respond either orally or in writing. The employee may be represented by another person in presenting his/her response. The individual representing the employee may not be someone directly involved with the employee's immediate working environment unless this individual is an official representative of the employee group. The City Administrator may amend, modify or revoke any or all of the pending charges including the recommended disciplinary action if there are mitigating circumstances.

If the employee wishes to appeal any action imposed by the City Administrator, the employee may file a written notice of appeal in response to the imposed action. A written notice to appeal must be filed with the Director of Human Resources within 10 working days from the effective date of the disciplinary action. The notice of appeal shall contain statements of fact, which would support the rescission or amendment of the imposed disciplinary action. Failure to file a written notice of appeal within this specified time period shall be deemed a waiver of any right to appeal the action taken. No exceptions to this failure to file time period shall be permitted.

## **Article 11 – Compliance with Memorandum of Understanding**

In the event of any violation of the terms of this MOU, responsible and authorized representatives of the Union or the City, or any individual department head, as the case may be, shall promptly take such affirmative action as is within their power to correct and terminate such violation for the purpose of bringing such unauthorized persons into compliance with the terms of this MOU. Individuals acting or conducting themselves in violation of the terms of this MOU may be subject to discipline up to and including discharge. The City shall enforce the terms of the MOU on the part of the supervisory personnel, the Union shall enforce the terms of this MOU on the part of its members. The City Administrator is the only representative of the City who may take disciplinary action against an employee.

The City will provide copies of the MOU to all negotiating committee members and department subdivisions with unit members. The City will also provide copies of the Personnel Rules and Regulations to all employees covered by this MOU.

## **Article 12 – Salary Plan**

The salary schedule attached as Exhibit A reflects the salary plan to be effective the first whole pay period following formal adoption of this agreement by the City Council. This salary plan reflects an adjustment to market median for any position not currently at market median based on the results of the completed compensation study results dated May 24, 2015. Additionally, this salary plan reflects a 5% cost of living adjustment for all positions after the market adjustments.

Effective the first paycheck on or after 7/1/2016 all employees represented by this bargaining unit will receive a 3% cost of living adjustment.

Effective the first paycheck on or after 7/1/2017 all employees represented by this bargaining unit will receive a 3% cost of living adjustment.

Water Distribution Certification Compensation: Employees in the Water Quality Division who possess a Department of Health Services Water Distribution Operator D-2 Certificate shall receive a 5% incentive for the duration of their assignment requiring the certification. Those WDO's obtaining a D-3 certification shall receive another 5% incentive. When and if the WDO obtains another position in which certification is not needed, the additional compensation will no longer be provided.

## **Article 13 – Bilingual Pay**

The bilingual incentive pay system provides a three tier system with compensation levels and proficiency testing. To be eligible for the language incentive program employee proficiency will be based on the following:

Tier #1. Successful passing of the Cooperative Personnel Services (CPS) "Spanish Bilingual Proficiency Test, Social Services" with a proficiency rating of no less than a level three. \$100 per month

Tier #2. Successful passing of the CPS "Spanish Bilingual Proficiency Test, Social Services" with a proficiency rating of either level four or five. \$150 per month

Tier #3. Successful passing of the CPS "Spanish Bilingual Proficiency Test, Social Services" with a proficiency rating of no less than six. \$200 per month

For represented employee's taking the Cooperative Personnel Services (CPS) "Spanish Bilingual Proficiency Test, Social Services" in or after December 2010, bilingual incentive pay shall be determined as follows:

Tier #1. Successfully passing with a proficiency rating of no less than a level three. \$100 per month

Tier #2. Successfully passing with a proficiency rating of no less than four. \$150 per month

Tier #3. Successfully passing with a proficiency rating of no less than five. \$200 per month

The City Administrator shall determine the number of bilingual positions and tier levels needed for each department.

## **Article 14 – Education Reimbursement**

Employees are eligible for job related educational reimbursement for courses with prior approval of their respective Department Head and a minimum passing grade of "C" as follows:

- Books: 100%
- Tuition: 100%

The 100% reimbursement is limited to a total of \$1800 per fiscal year.

Scheduled time off for classes not offered during off work time must use compensatory time off or vacation not to exceed 6 hours per week.

Upon successful completion of required examination and certifications, Waste Water Treatment Plant employees and other employees will be reimbursed for the following:

- i. Application fees;
- ii. Examination fees;
- iii. Certification fees; and
- iv. Certification renewal fees.

All of the above must be approved by the Department Head and the Human Resources Department and must be job related.

### **Article 15 – Mechanics’ Tool Allowance**

Mechanics are required to supply their own tools and shall be given \$300.00 a year for tool replacement and/or purchase. The tool allowance will be paid annually in July. Mechanics will receive the tool allowance at the time of hire and annually thereafter. Mechanics who receive their initial allowance between July and December will be eligible for the allowance again the following July. Mechanics who receive their initial allowance between January and June will not be eligible to receive a subsequent allowance until the following July. City property insurance will insure equipment shop employee's tools per guidelines established by the City with input from employees and the Union.

### **Article 16 – Notary Public Services**

Employee(s) so assigned will be required to comply with City requirements in providing such services. Employee(s) required to provide this service shall either have the City pay for all costs associated with maintenance Business or for of certification, and not use the service for other than City Business or for City employees. Alternatively, employee(s) may be paid five dollars (\$5.00) a month for maintaining their notary services at their cost and use the service for all requests.

### **Article 17 – Workday & Work Week**

The normal work day and work week for permanent employees shall be a five (5) day, forty (40) hour week or its equivalent. The normal hours of work for permanent employees are Monday through Friday, from 8:00 A.M. until 5:00 P.M. Lunch periods shall be scheduled for all employees and are typically one (1) hour, but may be modified by mutual consent. Employees shall not be paid for lunch periods. Regularly scheduled meal periods may be counted as time worked when the nature of the work prevents relief from all duties; i.e. emergency repairs or emergency response. Application of this rule only applies to field maintenance crews and must be approved by the crew members’ supervisor.

The City, may, with two weeks' notice, adjust work hours by one hour at the beginning and end of the work day without mutual consent. Therefore, the work day may begin at 7:00 a.m. and end at 4:00 p.m. or begin at 9:00 a.m. and end at 6:00 p.m. for certain groups and/or individuals. The work week may include Saturday.

This provision does not apply to classes previously in the Maintenance Bargaining Unit as noted on Exhibit A with an asterisk. The following shift schedules shall apply to such former Maintenance Bargaining Unit employees:

They shall not be scheduled to work a shift in which the regular starting and ending times deviate more than two (2) hours during the same work week. Park crews will be shifted on a seasonal basis with notice. All personnel working at the Waste Water Treatment Plant are assigned to work four (4), ten (10) hour shifts per week as assigned by the Waste Water Treatment Plant Supervisor. There are three shifts, as follows:

- Shift #1 will begin Thursday and run through Sunday.
- Shift #2 will begin Tuesday and run through Friday.
- Shift #3 will begin Monday and run through Thursday.

An additional exception are employees in the class of Recreation/Community Programs Coordinator who work as scheduled by the Parks and Community Services Department to meet recreation program needs, Neighborhood Outreach Coordinator and Neighborhood Outreach Assistant who work as scheduled by the Neighborhood Revitalization Department to meet neighborhood outreach needs, and Animal Control Officer and Fire Prevention Officer, who's shift shall vary depending upon need. Except in the case of an emergency, or as mutually agreed, changes in the designated work schedule shall be provided to such employees at least ten work days in advance of a change.

Flex (alternate) schedule for this negotiating group is acceptable per department head approval. This schedule pertains only to any earlier/later starting time (a.m.), a shorter lunch break, and an earlier/later departure time (p.m.).

Clean Up Time - Employees whose duties require that they become soiled shall be allowed a reasonable amount of time for a personal clean-up period prior to the end of each work shift and prior to the lunch break. The decision on what is reasonable will be the supervisor's.

There shall not be established for a position in this unit, a regularly scheduled work day of more than eight (8) hours or a regularly scheduled work week of more than five (5) days, except at the WWTP, where the work day may be 10 hours with a regularly scheduled work week of 40 hours. Parks Department may have a seven (7) day work schedule. One (1) or more parks worker(s) may be assigned each weekend with a group of community service workers to maintain, repair and clean up City property.

Members of this unit may work a 9/80 work schedule upon recommendation of the applicable Department Head and approval of the City Administrator. 9/80 work schedules may not be available to all employees and/or may only be available seasonally. No 9/80 work schedule will be approved that causes a decrease in the City's customer service or increases the City's exposure to overtime costs. Normal work schedules as defined in this section of the MOU will not apply to individuals working a 9/80 work schedule. The work schedule will be agreed upon in writing between the employee and the City upon approval of the 9/80 work schedule.

### **Article 18 – Overtime**

Except as provided below, employees shall be paid or compensatory time provided at a rate of one and one half times the straight time hourly rate for all work performed in excess of normally scheduled work shifts such as eight, nine, ten or twelve hours in any shift or work day, or in excess of forty (40) hours worked within the work week.

Employees shall be paid at a rate of two (2) times the straight hourly rate for all work performed in excess of twelve (12) hours in any shift or work day or on the seventh consecutive work day.

Overtime hours shall be offered in order of seniority per the discretion of the Department Head. In the event that the more senior employees decline to accept such an assignment, the City will assign such work to the next most senior qualified employee(s). The City will use its best efforts to rotate such assignments on an equitable basis. When overtime work is required and no volunteer is available, the most junior qualified employee shall be assigned the work except for work performed on a standby basis.

The exception to this section shall be that an employee with specific, specialty job assignments with less seniority may be assigned to work overtime. It is understood that an employee does not have the authority to claim overtime without the prior authorization of a Supervisor and/or Department Head.

All employees in the Group may elect to accrue equivalent compensatory time off (CTO) in lieu of cash payment for overtime hours worked. Use of available CTO shall be requested and approved in the same manner as vacation leave. Fair Labor Standards Act (FLSA) shall apply.

Call-back Compensation - Any time an employee is called back to work after normal scheduled work hours, he/she will be compensated a minimum of two (2) hours at a rate of one and one half (1-1/2) times the straight hourly rate for each time he/she is called back to work in any given twenty-four (24) hour period. The minimum guarantee of two (2) hours does not apply to a stand-by employee. Regarding the classes of Mechanic, Electrician and Craftworker, these employees called back to work have a minimum guarantee of four (4) hours of call back work.

Special Circumstances Standby Compensation - When the City requires an employee to remain available for call back at any time for less than a week's period, the employee shall receive standby pay at 20% of the hourly rate of pay for his/her classification for a minimum of two (2) hours. Employees on standby will be responsible for responding to call outs. Designation of who is on standby is the sole discretion of the supervisor. With each call out, employees on special circumstances standby for less than one week shall be compensated under regular overtime rules for all hours actually worked.

Employees shall be available at all times when on standby and within 20 minutes of the employee's assigned work station. An employee who cannot be reached, or does not report to the work site, is subject to the same disciplinary action as an unexcused absence from work. In addition, standby pay for the entire day will be deducted. Other further disciplinary action also may be taken. The standby individual must be available by phone, radio, pager or by assigned vehicle two-way radio. The two hour minimum call back time shall not apply to standby.

The number of employees assigned to standby shall be determined by the City Administrator and the affected department head or designee. Standby hours are normally between 3:30 p.m. and 7:00 a.m. each day except for weekends and holidays when standby hours are the entire 24 hour day. Standby hours may be seasonally adjusted to coincide with the work schedule. (i.e. 2:30 p.m. to 6:00 a.m.) Standby hours for a one week period are compensated, notwithstanding the employee's normal rate of pay, at the following weekly rates:

Regular Week:	\$200.00
Holiday Week (one day)	\$220.00
Holiday Week (two days)	\$240.00

This only applies to holidays recognized and observed by the City. The above weekly standby pay applies to all classes within this group except for employees of the WWTP.

Standby hours for WWTP personnel shall be between 5:30 P.M. and 7:00 A.M. each day of the week, including holidays. Weekly standby rate shall be \$133.00.

Sunday Differential - The City agrees to pay those employees working any hours on Sunday a differential of \$10.00 per shift above the regular rate of pay for the actual hours worked. This is not in addition to double time pay or time and one-half pay if the individual is called back to work and not regularly assigned. If an employee is called in on Sunday, other than his regular work schedule, double time pay or double time compensation will be granted at the employee's option. This does not apply to employees on stand-by or call-back.

Holiday Pay - If an employee is called in on a regularly scheduled City holiday, other than his normal regular work schedule, double time and one-half pay or double time and one-half compensation will be granted at employee's option. This does not apply

to personnel on stand-by or callback. In other words, the employee receives one times the regular rate of pay plus time and one half for all hours worked.

Night Differential - Except when overtime work, stand by, call back or Sunday differential is involved, the City agrees to pay those employees working a shift at such "start" times between 4 p.m. and 5 a.m. an additional \$10.00 per shift. The \$10.00 per shift additional pay is applicable between those hours. Night differential shall not apply on the Sunday shift; hence, the \$10.00 Sunday differential pay is the only differential paid on Sunday.

In lieu of the above, employees in the class of Recreation Program Coordinator shall receive a \$10.00 per shift differential for four (4) or more hours worked after 5:00 P.M.

Saturday Differential - \$5.00 above normal rate of pay for actual normal hours worked. Not applicable to overtime, call back etc., and not in addition to any other special pay for stand by, call back, Sunday differential, Holiday pay or Night differential above.

Weekend Crew Assignment (Parks) - A differential of \$5.00 per shift above normal rate of pay for actual normal hours worked. Not applicable to overtime, call back etc., and not in addition to any other special pay items above.

#### **Article 19 – Cash out of Compensatory Time Off**

Employees in this Group who have elected to accrue equivalent compensatory time off (CTO) in lieu of cash payment for overtime hours worked are eligible to request a CTO cash out under the following conditions:

1. An employee may request an emergency cash out due to a life-altering event. For purposes of this Side Letter, a life-altering event is defined as the death of the employee's immediate family; divorce; serious medical condition of the employee, or immediate family; or drug or alcohol rehabilitation for the employee, or immediate family. The immediate family is defined as current spouse, child, parent, brother, sister, mother in law, father in law, brother in law, sister in law and grandparents. An emergency cash out will be made the next payroll occurring no sooner than 10 days after a written request is received by the Human Resources Department . All emergency requests are subject to the approval of the Human Resources Director.

-OR-

2. An employee may request two annual cash outs of CTO. All requests must be received in writing by the payroll department no later than May 1 and November 1 of each year, and will be paid the second payroll of that month.

## **Article 20 – Probationary Period**

An employee appointed to a permanent or permanent part-time position shall serve a probationary period not less than twelve months with the following exceptions:

The initial probationary period may be extended in the event the performance of an employee in a class is marginal or unsatisfactory at the end of the probationary period and after providing the reasons for such rating in writing to the employee, the City may, in its discretion, extend the employee's probationary period not more than ninety (90) days.

All promotions within classes shall have a six month probationary period.

Performance evaluations will be conducted every 3 months during the twelve month probationary period. More frequent evaluations are advisable in those cases where the performance is marginal or unsatisfactory. The employee should be advised of needed corrections or improvements in as specific terms as possible. The City may release the employee during his/her probationary period, in accord with the Personnel Rules and Regulations, without the right of appeal.

An employee is eligible to be considered for merit salary adjustment after one year of service in a position.

## **Article 21 – Temporary Assignment to Perform Duties of a Higher Classification**

Permanent employees of the General Unit, assigned in writing to perform duties of a higher classification shall receive a five percent (5%) increase, or to the first step of the higher level class, whichever is greater, after working fifteen (15) consecutive days, or 120 hours, in such higher paid class. To be eligible for such pay the employee must assume a majority of the duties and responsibilities of the higher level class, and the assignment be approved by the City Administrator.

## **Article 22 – Drivers License Fees**

California Drivers License

- Class "C" – Employee is responsible for all costs associated with this class
- Class "B" – City will reimburse Department of Motor Vehicle (DMV) costs one time for City required License upgrade and/or endorsements. Thereafter, the City will pay the difference between a "B" and "C" class for DMV renewal fees

## **Article 23 – Personal Property and Vehicle Usage**

When an employee uses his/her personal vehicle in the performance of his/her work duties for the City, the City shall compensate the employee for the use of said vehicle at the current IRS rate. It is the responsibility of the employee to carry all necessary insurance as specified by the City and to have a copy of such on file with the City.

## **Article 24 – Safety**

The City and the Union undertake to promote in every way possible the realization and the responsibilities of the individual employee with regard to preventing accidents to themselves or to their fellow employee.

The City shall comply with all applicable laws and regulations pertaining to occupational safety and health.

The City agrees to make all reasonable provisions for safety and health of its employees. In the event any safety or health hazard is detected, it shall promptly be reported to the appropriate supervisor. The City shall remedy the problem as soon as possible and no employee shall be exposed to any unsafe condition pending its correction.

No employee shall be discharged or otherwise disciplined for bringing to the attention of his/her supervisor any unsafe condition that may exist.

**Safety Boots** - A safety boot allowance of \$250.00 shall be provided annually by the end of July of each year for positions shown on Exhibit B. Listed employees who are hired before December 31<sup>st</sup> shall be paid \$250.00 allowance and provided another \$250.00 allowance the next July. After January 1<sup>st</sup>, all newly hired employees shall also receive \$250.00 safety boot allowance, but shall not receive another boot allowance until the end of July of the next full year. Safety boots are to be worn at all times while performing City duties, except as authorized by the employee's supervisor. Safety boots are classified by the Internal Revenue Service as supplemental wages and subject to income tax withholding in accordance with Circular E, Employer's Tax Guide.

**Protective Clothing** - If any employee is required to wear any protective clothing or device, it shall be provided by the City. In cases which the employee is frequently exposed to chemically toxic materials, a yearly medical examination shall be provided by the City.

The City shall provide rain gear for use by Public Works and Park employees. Rain gear that wears out, or is damaged on the job, will be replaced by the City. The employee to whom rain gear has been checked out shall be responsible for replacement of any rain gear that is lost through negligence on the part of the employee. If the employee misplaces or loses such items, the employee shall replace the item.

The City will provide appropriate safety equipment as determined by the Department Head.

## **Article 25 – Uniforms**

Except as provided below, if employees are required to wear uniforms, they shall be provided by the City. Replacement of worn uniforms shall also be the City's responsibility.

Any employee issued a uniform shall be responsible for replacement of such if it becomes lost or damaged through negligence on the part of the employee. Uniform allowance will be 5 shirts and 5 pants weekly. WWTP employees will be provided with on-site laundry equipment. At the City's discretion, other means for laundering may be selected for which the City will be responsible.

Employees in the class of Animal Control Officer shall receive a Uniform Allowance of \$530 per year, paid per pay period.

Employees in the class of Fire Prevention Officer shall receive a Uniform Allowance of \$333 per year, paid monthly at a rate of \$27.75. For new hires, six months of allowances will be paid by the first pay period of employment totaling \$166.50. With the seventh (7th) month of employment, the monthly allowance will begin. Should Officers employment terminate prior to the end of the sixth month, employee will reimburse City in the amount of \$27.75 for each month short of the six-month period.

**Article 26 – Health and Welfare**

The City shall provide a monthly benefit dollar amount for each employee to purchase at a minimum, employee only medical, dental, and vision coverage. The pay period equivalent of the benefit dollars will be paid each pay period an employee is in a paid status 50% or more of the period when eligible to participate in the health insurance plan. All employees receiving the benefit dollars will be required to participate in the premium conversion component of the IRS Section 125 plan at no cost to the employee.

The number of people the employee elects to enroll in the medical plan determines the amount of benefit dollars provided. If the cost of the employee benefit elections are less than the benefit dollars provided the remainder will be added to the employee check. If the cost of the employee benefit elections is greater than the benefit dollars provided, then the remainder will be deducted from the employee check. Employees can waive participation in health insurance benefits provided they provide evidence of other coverage. Employees who waive coverage will receive \$300 per month.

Effective July 1, 2015, the schedule of monthly benefit dollars will be:

<u>Level of Coverage</u>	<u>Schedule of Monthly Benefit Dollars</u>
Employee Only	\$743.25
Employee + 1 Dependent	\$1,352.05
Employee +2 or More Dependents	\$1,970.04

The cost above the monthly benefit dollars noted above will be solely borne by the employees.

The City reserves the right to determine the carriers and will seek input from the bargaining units regarding plan design of the standard benefits and possible voluntary

optional benefits. Optional benefits include, but are not limited to, dependent coverage and participation in flexible spending accounts.

The City provides term life insurance for employees in the Group in the amount of \$15,000 coverage which includes accidental death and dismemberment (AD & D) coverage. Life insurance and AD&D coverage amounts are subject to age-based reductions as defined in the policy documents. The City also provides dependent life in the amount of \$5,000 and Long Term Disability Insurance, which provides salary replacement benefits.

Retiree Health Coverage: The City will allow retirees to continue to participate in the City health plan offerings (medical, dental, and vision) at the retirees expense till age 65 or when eligible for Medicare, whichever comes first. Retirees who exercise this option will pay a 2% administrative fee per month. Both retiree and dependent coverage are available under this program.

### **Article 27 – State Disability Insurance/Paid Family Leave**

The General Bargaining Unit elects to participate in the State run State Disability Insurance (SDI) program for short term disability insurance with all costs associated with the program borne solely by the employee. SDI is administered by the State of California Employment Department and information about the program or applications for benefits can be obtained on their website at [www.edd.ca.gov/disability](http://www.edd.ca.gov/disability).

Consistent with Article 72 – Leave Without Pay of this memorandum of understanding, employees represented by this unit must use paid leave prior to utilizing unpaid leave. Use of paid leave may include sick leave, vacation, floating holiday, or compensatory time off depending on the reason for leave and other qualifying factors for the use of the particular leave type.

Consistent with California Law, for leave that qualifies for and is designated as being covered by the California Family Rights Act (CFRA), receipt of SDI or Paid Family Leave (PFL) benefits will be considered being in a paid status. An employee may elect to request to supplement the SDI or PFL benefits with paid leave from the City, not to exceed the employee's regular bi-weekly gross (less mandatory reductions/deductions) pay. Within one (1) week of being disabled from work, the employee or his/her representative must contact the Payroll division in the Finance Department to provide the following information:

1. The date the leave commenced;
2. The estimated duration of the leave;
3. A current phone number where the employee can be reached;
4. Whether or not the employee desires to supplement his/her SDI or PFL benefits with leave credits;
5. The election of the order in which leave credits will be used (i.e. sick before vacation, CTO before vacation then floating holiday, etc.).

Once the SDI or PFL benefit amount has been determined by the State, the employee must provide a copy of the SDI or PFL award letter and provide ongoing copies of the SDI or PFL check stubs to the Payroll division in the Finance Department to ensure proper supplementation of benefits and payments. Failure to provide this information timely will prevent the City from providing supplementation of leave credits. Timely submission is defined as submission by the last day of the applicable pay period so that the information may be utilized for calculation of the pay check for that pay period.

SDI does not cover the first seven (7) days of any disability, therefore an employee must use accrued leave credits that are available prior to utilizing unpaid leave consistent with the provisions of the memorandum of understanding. Employees utilizing PFL will be required to use two (2) weeks of accrued leave credits, if available, prior to PFL benefits beginning.

### **Article 28 – Vacation**

Eligible employees shall earn vacation credits at the following rate dependent upon the number of years of service with the City, for each pay period an employee is in a paid status at least 50% or more of the period.

COMPLETED YEARS = NUMBER OF HOURS RECEIVED PER PAY PERIOD		
0 through 4 yrs.	=	3.69 hrs. per pay period
5 through 9 yrs.	=	4.61 hrs. per pay period
10 through 14 yrs.	=	5.53 hrs. per pay period
15 through 19 yrs.	=	6.15 hrs. per pay period
20 or more yrs.	=	6.46 hrs. per pay period

Vacation may be used after completing six months of continuous service. Maximum vacation time allowed on books is 280 hrs. If the employee has reached the maximum (280 hrs.) accumulation, the vacation hours will cease to accumulate, or the employee must take the time as it is earned.

Vacations will be scheduled in advance with prime consideration that the functions of the Department will be adequately maintained. Whenever two or more employees choose the same vacation period, the matter will be settled on the basis of seniority. Requests for Vacations of more than five working days will be granted on consecutive work days, unless previously agreed to in writing by the employee.

Short notice vacation leave of less than five working days may be granted if the employee gives as much prior notice as is reasonably possible and the Department workload permits.

### **Article 29 – Retirement**

The City of Madera is a member of the California Public Employees' Retirement System (CalPERS). The specific retirement benefits each employee receives are governed by

the contract between the City and CalPERS as well as the Government Code. Any employee contributions for the plans outlined below will be made as a pre-tax deduction in accordance with applicable tax law. Employees shall pay for the employee's contribution to the 1959 Survivor Benefit.

### **Miscellaneous Employees**

Classic Formula: 2.5% @ 55 with the retirement calculation based on single highest year for all employees who first worked for the City of Madera prior to October 20, 2012. The City will pay the Employer Contribution. Employees will pay 2.375% towards the Employee Contribution, with the City paying the remaining 5.625% of the Employee Contribution as Employer Paid Member Contributions (EPMC).

Tier I Formula: 2% @ 60 with the retirement calculation based on average 3 year final compensation for all employees who first worked for the City of Madera on or after October 20, 2012 and before January 1, 2013 OR employees employed on or after January 1, 2013 who have been members of CalPERS or a CalPERS reciprocal agency within 6 months of the date of hire. The City will pay the Employer Contribution. Employees will pay 2.375% towards the Employee Contribution, with the City paying the remaining 4.625% of the Employee Contribution as Employer Paid Member Contributions (EPMC).

PEPRA Formula: 2% @ 62 with the retirement calculation based on average 3 year final compensation for all employees who first worked for the City of Madera on or after January 1, 2013 who were not previously CalPERS members or were CalPERS or CalPERS reciprocal system members but experienced a break in service of at least 6 months. The City will pay the Employer Contribution. Employees will pay the Employee Contribution as determined by CalPERS, currently 6.25%.

### **Article 30 – Sick Leave**

Each employee shall be entitled to sick leave, which will be accrued at a rate of 3.6923 hours per pay period an employee is in a paid status at least 50% or more of the period.

Bereavement Leave - When a death occurs in the immediate family of an employee, the employee shall be granted up to three (3) days leave for the death of a family member residing within the State of California or five (5) days leave for the death of a family member residing outside the State of California. Such time will be charged to sick leave or vacation leave at the employee's discretion. The immediate family is defined as current spouse, child, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law and grandparents.

Sick leave cash-out upon termination will be as follows:

Employee's hired before 7/1/83 may cash out sick leave per the following:

Years of Service	% of Leave	Years of Service	% of Leave
5 (min)	10	13	28
6	13	14	29
7	16	15	30
8	19	16	34
9	22	17	38
Years of Service	% of Leave	Years of Service	% of Leave
10	25	18	42
11	26	19	46
12	27	20 (max)	50

Employee's hired 7/1/83 and later may cash out sick leave at the rate of 1 % a year for each year of service up to a maximum of 30% for 30 years of service. To be eligible employees must be employed with the City on a full time basis for a minimum of five years.

In lieu of the above, employees in classes from the former Maintenance Bargaining Unit, as listed in Exhibit A, shall have the following Sick Leave cash-out benefit: Employees with a minimum of five years of service may cash-out at the rate of 1.5% per year up to a maximum of 30% for 20 or more years of service.

The cash-out conversion pertains only to retirements and positive terminations. Negative terminations (discharge) are not eligible.

In both cash-out provisions above, the percentage is the percentage of salary at date of separation, which will be paid for Sick Leave balances to be cashed out. An example is an employee with 100 hours of sick leave on the books at the date of separation. For this example, the employee is paid \$15.00 per hour, the employee's class was not formerly in the Maintenance Bargaining Unit, the hire date was prior to 7/1/83 and the employee has fifteen (15) years of service.

The cash-out would be: 100 hours X \$15 per hour X 30% = \$450.00

All employees in this unit have the option to convert 100% of the remaining sick leave upon retirement to PERS time-in-service.

PERS Sick Leave Credit - Members with unused sick leave at retirement (after any cash out) may receive additional service credit at the rate of 0.004 years for each day of sick leave, if desired.

### **Article 31 – Family Sick Leave**

Sick leave may be used up to the limit of forty eight hours each calendar year:

1. For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
  - 1.1. Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)
  - 1.2. Spouse or Registered Domestic Partner
  - 1.3. Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.)
  - 1.4. Grandparent
  - 1.5. Grandchild.
  - 1.6. Sibling.
2. To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
  - 2.1. A temporary restraining order or restraining order.
  - 2.2. Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.
  - 2.3. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
  - 2.4. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
  - 2.5. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
  - 2.6. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

Such a leave is a part of Sick Leave accrual, not in addition to the annual accrual of Sick Leave. All conditions and restrictions placed by the City upon the use by an employee of sick leave for himself or herself shall apply to the use by an employee of sick leave to attend to an illness of his or her identified family member.

All other provisions for use of Sick Leave by the employee also apply to Family Sick Leave use. This includes, but is not limited to, the Sick Leave section of the Personnel Rules and Regulations.

### **Article 32 – Workers' Compensation**

For employees in classes from the former Maintenance Bargaining Unit as noted in Exhibit A, when an injury or illness is caused by a direct on-the-job accident or condition, the following shall apply:

If a physician certifies an absence as a result of an injury/illness, the first three (3) days shall be covered as described by Labor Code, Article 3, Disability Payment, Section 4650.

If the disability exceeds three (3) days, the City shall maintain the affected employee on full pay status for a period not to exceed ten (10) working days (per attending physician's recommendation).

This benefit shall not apply to a reoccurrence of a pre-existing problem or condition, nor to an injury which is determined to have been caused by negligence or non-observance of safety procedures on the part of the affected employee. In such incidents, minimum coverage by law will apply.

If applicable, sick leave may be charged after these ten (10) working days to maintain full pay status at the discretion of the employee.

This section shall be reviewed on an annual basis at the termination of each agreement and evaluation based upon, cost to the City, bargaining unit's accident record and general safety practices observed by the covered employees.

Employees represented by this group who have suffered an industrial injury that has been accepted as such by the City and are not able to return to duty are not eligible to receive monthly benefit allowance once they have been declared permanent and stationary by either their treating physician or the Workers' Compensation Appeals Board and they have exhausted all of their accruals, leaving them on unpaid status. At such time, the City will also no longer be required to provide life insurance, dependent life insurance, and long term disability insurance.

If an employee is on leave due to an industrial injury that has been accepted as such by the City and is cleared to return to full or part time work by his/her treating physician, the employee will use sick leave in accordance with the City of Madera Personnel Rules and Regulations or any other leave the employee may have accrued to attend to any additional medical or therapy appointments scheduled during a work shift.

When an employee is on leave due to an industrial injury that has been accepted as such by the City, the City is not obligated to pay any more temporary disability than that which is provided for in the California Labor Code or in this Memorandum of Understanding.

Employees will use accrued sick, vacation, holiday, or compensating time off to supplement temporary disability pay to provide a full regular paycheck.

### **Article 33 – Deferred Compensation**

The City pays an amount equal to 4.2% of the Non-Safety employees' gross salary into a deferred compensation plan (the 4.2% may be rounded up or down).

### **Article 34 – Holidays**

The employer agrees the following eight (8) hour days are established as holidays with pay:

New Year's Day, Martin Luther King's Birthday or Civil Rights Day , Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

The employer agrees the following half (½) days (4 hours) are established as partial holidays with pay:

Good Friday and last day prior to either Christmas Day or New Year's Day. Except for employee at the Waste Water treatment Plant, when said listed holidays fall on a Sunday, the following Monday shall be deemed the holiday in lieu of the actual day observed, and when a holiday falls on Saturday, the preceding Friday shall be deemed the holiday in lieu of the actual day observed. For employees working at the Waste Water Treatment Plant, all holidays will be observed on the actual calendar day.

In addition to the above holiday policy, should a holiday fall on an employee's regular day off, the employee shall be scheduled to observe the holiday on either the last work day prior to the holiday or the first work day following the holiday. Should this not be possible, with the written permission of the City Administrator, this time may be added (placed on the books) as holiday time, which may be used at some time in the future on the same basis as vacation leave or the employee may be paid for the holiday in addition to all other hours worked and leave taken in the pay period.

The parties agree that to be eligible to receive a paid holiday, the employee must be in a paid status on the scheduled work day either immediately preceding the identified holiday or on the scheduled work day immediately following the identified holiday. Consistent with Personnel Rule IX Section 12, a new employee is not entitled to receive a paid holiday until he/she has actually worked for the City of Madera in a full time capacity for at least 1 scheduled work day.

In addition to the City observed holidays outlined above, employees in this unit will receive floating holiday leave hours. Said leave hours shall be credited to the employee on July 1 of each fiscal year, may not be carried over or cashed out, and shall be taken under the same conditions as vacation leave.

Employees with 5-9 years of full time continuous service with the City of Madera as of July 1 of each year shall be credited with 20 hours of floating holiday leave. Employees with 10 or more years of full time continuous service with the City of Madera as of July 1 of each year shall be credited with 40 hours of floating holiday leave.

Other than as provided in Article 17, when an employee is scheduled, as opposed to called in, to work on any of the aforementioned holidays, employee shall be paid at the rate of one and one half (1-1 /2) times their normal rate of pay for the hours worked.

In addition, each employee shall receive the date known as the "employee anniversary date" (month and day hired as a regular employee) as a holiday. This holiday shall be added to vacation time at a straight time rate. Credit will not be given until the employee's anniversary date has passed.

In those instances where an employee is scheduled to work 10 hour shifts, compensation shall be computed based on the following scenarios:

Scenario #1.

Employee is scheduled to work, or called back to work, on a holiday for a 10 hour shift.

Compensation Computation for Scenario #1.

Compensation is based on 8 hours holiday pay at straight time and 10 hours of actual work performed at the rate of one and one half (1 ½) employee's normal rate of pay for the hours worked. (This equates to 23 hours of work paid at straight time.)

Scenario #2.

Employee is not scheduled to work a 10 hour shift on a holiday.

Compensation Computation for Scenario #2.

Employee can exercise one of two payment alternatives as shown below:

Payment Alternative #1

Employee may choose to be paid 2 hours from their accrued vacation bank or be paid 2 hours from their accrued CTO bank.

Payment Alternative #2

Employee can chose not to be paid for 2 hours.

Scenario #3.

Employee is scheduled to work 10 hours on a 4 hour holiday. (Good Friday or Winter Holiday).

Compensation Computation for Scenario #3

Compensation is based on 4 hours holiday pay at straight time and 6 hours of work at straight time, and 4 hours of time paid at one and one half (1 ½) for the 4 holiday hours worked. (This equates to 16 hours of work at straight time.)

Scenario #4.

Employee is not scheduled to work 10 hours on a 4 hour holiday (Good Friday or Winter Holiday).

Compensation Computation for Scenario #4.

Compensation is based on 4 hours holiday pay added to the normal paycheck.

### **Article 35 – Reclassification – Employee Initiated**

#### Position Reclassification

An employee who believes his/her position is wrongly classified may submit a written request to the Human Resources Department for reclassification. Requests shall state the reason the employee believes the present class is not appropriate and which class the employee believes is appropriate, based on the employee's present duties. Requests must be made to the Human Resources Department in January or February so that changes may be included in the next fiscal year budget.

#### Classification Analysis

The supervisor shall forward the request to the department head. The department head shall then request that the Human Resources Director conduct a classification analysis. When the classification analysis is completed, a written response will be sent to the employee and the department head. The city shall endeavor to complete the analysis as soon as practicable.

#### Appeals

If the employee disagrees with the response of the Human Resources Director, he/she may appeal to the City Administrator in writing. The written appeal must state the reasons why he/she feels that the Human Resources Director's findings were incorrect. The City Administrator may review the appeal, assign it to his designee or establish an advisory committee to review the matter. The decision of the City Administrator shall be final.

### **Article 36 – Military Leave**

An employee requesting Military Leave must furnish a copy of their official orders to the immediate supervisor and the Human Resources Department as far in advance as possible.

For the purposes of this MOU, active and inactive duty will be defined based on the Military and Veteran's Code as follows:

**Active Duty:** Active military training, encampment, naval cruises, special exercises, or similar activity as a member of the reserve corps or force of the armed forces of the United States, or the National Guard, or the Naval Militia.

**Inactive Duty:** Weekend drills as a member of an inactive unit of the National Guard or Reserves, or a similar activity.

Consistent with its statutory obligation the City continues an employee's pay for the first 30 days of active duty on a given fiscal year. For the purposes of administering paid military leave, 180 hours of paid military leave is equivalent to 30 days. Employees requesting military leave for active duty beyond 180 hours may request a leave without pay or the use of vacation, compensatory time off or holiday time. Per Opinion No. 395.05 of the California Attorney General in regards to sections 395.03 and 395.05 of the Military and Veterans Code, the City is obligated to maintain 30 days of pay only one time per activation.

When requesting leave for inactive duty an employee may request leave without pay or use of vacation, compensatory time off, or holiday pay.

However, when an employee is called to active duty as a result of a Presidential declaration of war or military action the City will pay the employee the difference between their City and military pay after verification of military pay has been received by the City. Such salary continuation will be provided after an employee has exhausted 180 hours of paid military leave in the fiscal year as noted above. The salary continuation will cease when the employee is discharged from active duty or twelve (12) months after the date of active duty commences, whichever comes first.

Employees called to active duty will remain eligible to accrue vacation (up to the maximum accrual noted in the MOU), sick leave and benefit allowance (dollars) for each period in which the salary continuation benefits are paid. Uniform and /or Boot allowance for the fiscal year will also be prorated in recognition of the limited use during active military duty.

If an employee has already received the Uniform and/or Boot allowance for the fiscal year, the employee will reimburse the City on a prorated basis in recognition of the limited use during the active military duty.

An employee on Military Leave is to be reinstated to the position (or a position of similar seniority, status and pay) held prior to being called to active duty if: 1) the employee has given advance notice of military service, 2) the cumulative length of the absence including all previous absences from the position of employment by reason of military service does not exceed five years, and 3) the returning veteran reports or seeks to return to work within the time required by statute.

### **Article 37 – Leave Without Pay**

The City Administrator or designee may grant an employee a leave of absence without pay for a period not to exceed six months. However, under extraordinary circumstances the employee may request one extension not to exceed another six months for a total amount of leave without pay not to exceed one year.

A leave without pay may be granted only after all paid leave has been exhausted except when a person is receiving long term disability benefits, is unable to use their vacation due to the short duration of employment with the City or due to military leave.

### **Article 38 – Openers**

During the term of this agreement there shall be openers as follows:

- To meet and confer each year of this agreement to negotiate employer and employee contributions toward health benefits and retirement.

During the life of this MOU, should either party desire to modify its terms or to meet and confer as to matters within the scope of representation not addressed in this Memorandum, such party shall request, in writing, to meet and confer on the item which item shall be specified in writing. Except as provided above, meet and confer on items requested using this provision, requires mutual agreement.

### **Article 39 – Savings Clause**

The provisions of this MOU are declared to be severable and if any section, subsection, sentence, clause, or phrase of this agreement shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this MOU, but they shall remain in effect, it being the intent of the parties that this agreement shall stand notwithstanding the invalidity of any part. Should any portion of this agreement be found invalid or unconstitutional, and the parties will meet and confer to arrive at a mutually satisfactory replacement for the portion found to be invalid or unconstitutional.

### **Article 40 – Ratification**


Nothing contained in this MOU shall be deemed binding on either the City or the Union following signing of this Memorandum by the respective parties until it has been ratified by the Union membership and approved by the City Council.

### **Article 41 – Term**

Except as otherwise provided herein, this MOU shall be effective January 6, 2016 upon adoption by the City Council and remain in effect until midnight, the 30th day of June, 2018.

**Signatures**


REPRESENTATIVES OF THE GENERAL BARGAINING UNIT AND OPERATING ENGINEERS LOCAL UNION NO. 3

  
\_\_\_\_\_  
Fred Klinge, OE3 Business Representative

12-21-2015  
Date

  
\_\_\_\_\_  
Steven Montes, Employee Representative

12/22/15  
Date

  
\_\_\_\_\_  
David Zunino, Employee Representative

12/22/15  
Date

  
\_\_\_\_\_  
Patrick Kemble, Employee Representative


12/24/15  
Date

  
\_\_\_\_\_  
Brian Hutchison, Employee Representative

12-23-15  
Date

  
\_\_\_\_\_  
Juan Montemayor, Employee Representative

12-22-15  
Date

  
\_\_\_\_\_  
John Botwright, Employee Representative

12/23/15  
Date

MANAGEMENT REPRESENTATIVE OF THE CITY OF MADERA

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

\_\_\_\_\_  
Date

General Bargaining Unit  
Salary Schedule Effective 1/9/2016

Exhibit A

Job Title	Monthly						
	Range	A	B	C	D	E	F
Accountant (Junior)	282	\$2,738	\$2,875	\$3,019	\$3,170	\$3,328	\$3,495
Accountant I	322	\$3,343	\$3,510	\$3,685	\$3,869	\$4,063	\$4,266
Accounting Technician I	240	\$2,221	\$2,332	\$2,448	\$2,571	\$2,699	\$2,834
Accounting Technician II	260	\$2,454	\$2,576	\$2,705	\$2,840	\$2,982	\$3,131
Accounting Technician III	280	\$2,711	\$2,846	\$2,989	\$3,138	\$3,295	\$3,460
Administrative Assistant	299	\$2,980	\$3,129	\$3,286	\$3,450	\$3,623	\$3,804
Administrative Secretary	275	\$2,644	\$2,776	\$2,915	\$3,061	\$3,214	\$3,375
Airport Maintenance Worker I	254	\$2,381	\$2,500	\$2,625	\$2,757	\$2,894	\$3,039
Airport Maintenance Worker II	274	\$2,631	\$2,763	\$2,901	\$3,046	\$3,198	\$3,358
Airport Maintenance Worker III	281	\$2,724	\$2,861	\$3,004	\$3,154	\$3,312	\$3,477
Animal Control Officer	290	\$2,850	\$2,992	\$3,142	\$3,299	\$3,464	\$3,637
Assistant Planner	352	\$3,882	\$4,076	\$4,280	\$4,494	\$4,719	\$4,955
Building Permit Technician	288	\$2,821	\$2,962	\$3,110	\$3,266	\$3,429	\$3,601
Combination Building Inspector	348	\$3,805	\$3,996	\$4,195	\$4,405	\$4,626	\$4,857
Computer Technician	344	\$3,730	\$3,917	\$4,113	\$4,318	\$4,534	\$4,761
Construction Inspector I	322	\$3,343	\$3,510	\$3,685	\$3,869	\$4,063	\$4,266
Construction Inspector II	342	\$3,693	\$3,878	\$4,072	\$4,275	\$4,489	\$4,714
Deputy City Clerk	311	\$3,164	\$3,322	\$3,488	\$3,663	\$3,846	\$4,038
Electrician II	361	\$4,060	\$4,263	\$4,477	\$4,700	\$4,935	\$5,182
Electrician III	381	\$4,486	\$4,711	\$4,946	\$5,193	\$5,453	\$5,726
Electronic/Instrumentation Technician	381	\$4,486	\$4,711	\$4,946	\$5,193	\$5,453	\$5,726
Engineering Technician I	302	\$3,025	\$3,177	\$3,335	\$3,502	\$3,677	\$3,861
Engineering Technician II	322	\$3,343	\$3,510	\$3,685	\$3,869	\$4,063	\$4,266
Engineering Technician III	350	\$3,844	\$4,036	\$4,238	\$4,449	\$4,672	\$4,905
Facilities Maintenance Technician	289	\$2,835	\$2,977	\$3,126	\$3,282	\$3,446	\$3,619
Facility Aide	201	\$1,828	\$1,919	\$2,015	\$2,116	\$2,222	\$2,333
Field Representative	260	\$2,454	\$2,576	\$2,705	\$2,840	\$2,982	\$3,131
Grants Specialist	299	\$2,980	\$3,129	\$3,286	\$3,450	\$3,623	\$3,804
Maintenance Technician	283	\$2,752	\$2,889	\$3,034	\$3,186	\$3,345	\$3,512
Mechanic I	286	\$2,793	\$2,933	\$3,080	\$3,234	\$3,395	\$3,565
Mechanic II	301	\$3,010	\$3,161	\$3,319	\$3,485	\$3,659	\$3,842

General Bargaining Unit  
Salary Schedule Effective 1/9/2016

Exhibit A

Job Title	Monthly						
	Range	A	B	C	D	E	F
Mechanic III	321	\$3,326	\$3,492	\$3,667	\$3,850	\$4,043	\$4,245
Neighborhood Outreach Assistant	276	\$2,657	\$2,790	\$2,930	\$3,076	\$3,230	\$3,392
Neighborhood Outreach Coordinator	306	\$3,086	\$3,241	\$3,403	\$3,573	\$3,751	\$3,939
Neighborhood Preservation Specialist I	310	\$3,148	\$3,306	\$3,471	\$3,645	\$3,827	\$4,018
Neighborhood Preservation Specialist II	330	\$3,479	\$3,653	\$3,835	\$4,027	\$4,228	\$4,440
Neighborhood Preservation Specialist III	350	\$3,844	\$4,036	\$4,238	\$4,449	\$4,672	\$4,905
Office Assistant I	213	\$1,941	\$2,038	\$2,140	\$2,247	\$2,359	\$2,477
Office Assistant II	233	\$2,144	\$2,252	\$2,364	\$2,482	\$2,607	\$2,737
Parks Leadworker	308	\$3,117	\$3,273	\$3,437	\$3,609	\$3,789	\$3,978
Parks Worker I	248	\$2,311	\$2,427	\$2,548	\$2,675	\$2,809	\$2,949
Parks Worker II	268	\$2,553	\$2,681	\$2,815	\$2,956	\$3,104	\$3,259
Parks Worker III	288	\$2,821	\$2,962	\$3,110	\$3,266	\$3,429	\$3,601
Payroll Specialist	316	\$3,244	\$3,406	\$3,577	\$3,755	\$3,943	\$4,140
Plans Examiner	360	\$4,040	\$4,242	\$4,454	\$4,677	\$4,911	\$5,156
Public Works Maintenance Lead Worker	305	\$3,071	\$3,224	\$3,386	\$3,555	\$3,733	\$3,919
Public Works Maintenance Worker I	254	\$2,381	\$2,500	\$2,625	\$2,757	\$2,894	\$3,039
Public Works Maintenance Worker II	274	\$2,631	\$2,763	\$2,901	\$3,046	\$3,198	\$3,358
Public Works Maintenance Worker III	281	\$2,724	\$2,861	\$3,004	\$3,154	\$3,312	\$3,477
Public Works Maintenance Worker IV	285	\$2,779	\$2,918	\$3,064	\$3,217	\$3,378	\$3,547
Purchasing Assistant	280	\$2,711	\$2,846	\$2,989	\$3,138	\$3,295	\$3,460
Recreation/Community Programs Coordinator	313	\$3,196	\$3,356	\$3,523	\$3,700	\$3,885	\$4,079
Secretary	253	\$2,369	\$2,488	\$2,612	\$2,743	\$2,880	\$3,024
Senior Nutrition Program Monitor	233	\$2,144	\$2,252	\$2,364	\$2,482	\$2,607	\$2,737
Solid Waste/Recycling Assistant	283	\$2,752	\$2,889	\$3,034	\$3,186	\$3,345	\$3,512
Solid Waste/Recycling Coordinator	313	\$3,196	\$3,356	\$3,523	\$3,700	\$3,885	\$4,079
Water Quality Specialist I	283	\$2,752	\$2,889	\$3,034	\$3,186	\$3,345	\$3,512
Water Quality Specialist II	305	\$3,071	\$3,224	\$3,386	\$3,555	\$3,733	\$3,919
Water Quality Specialist III	325	\$3,393	\$3,563	\$3,741	\$3,928	\$4,124	\$4,330
Water Quality Specialist In Training	262	\$2,478	\$2,602	\$2,732	\$2,869	\$3,012	\$3,163
Water System Lead Worker	335	\$3,567	\$3,745	\$3,932	\$4,129	\$4,335	\$4,552
Water System Technician	344	\$3,730	\$3,917	\$4,113	\$4,318	\$4,534	\$4,761

General Bargaining Unit  
Salary Schedule Effective 1/9/2016

Exhibit A

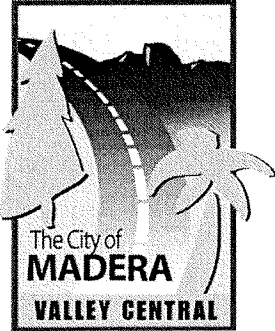
Job Title	Monthly						
	Range	A	B	C	D	E	F
Water System Worker I	272	\$2,605	\$2,735	\$2,872	\$3,015	\$3,166	\$3,325
Water System Worker II	311	\$3,164	\$3,322	\$3,488	\$3,663	\$3,846	\$4,038
Water System Worker III	315	\$3,228	\$3,389	\$3,559	\$3,737	\$3,924	\$4,120
WW Lab Analyst/Environmental Compliance Inspector I	306	\$3,086	\$3,241	\$3,403	\$3,573	\$3,751	\$3,939
WW Lab Analyst/Environmental Compliance Inspector II	326	\$3,410	\$3,580	\$3,759	\$3,947	\$4,145	\$4,352
WWTP Lead Operator	344	\$3,730	\$3,917	\$4,113	\$4,318	\$4,534	\$4,761
WWTP Mechanic	336	\$3,584	\$3,764	\$3,952	\$4,149	\$4,357	\$4,575
WWTP Operator I	283	\$2,752	\$2,889	\$3,034	\$3,186	\$3,345	\$3,512
WWTP Operator II	305	\$3,071	\$3,224	\$3,386	\$3,555	\$3,733	\$3,919
WWTP Operator III	325	\$3,393	\$3,563	\$3,741	\$3,928	\$4,124	\$4,330
WWTP Operator In Training	262	\$2,478	\$2,602	\$2,732	\$2,869	\$3,012	\$3,163

## **SAFETY BOOT ALLOWANCE**

Exhibit B

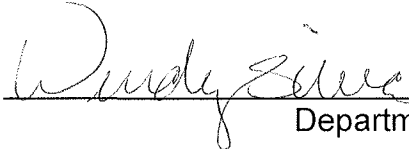
Airport Maintenance Worker I/II/III  
Combination Building Inspector  
Construction Inspector I/II  
Electrician II/III  
Electronic/Instrumentation Technician  
Engineering Technician I/II/III  
Equipment Shop Mechanic  
Facilities Maintenance Technician  
Field Representative  
Fire Prevention Officer in Training  
Fire Prevention Officer I/II  
Maintenance Technician  
Mechanic I/II/III  
Neighborhood Preservation Specialist I/II/III  
Parks Worker I/II/III  
Parks Lead Worker  
Public Works Maintenance Lead Worker  
Public Works Maintenance Worker I/II/III/IV  
Solid Waste/Recycling Assistant  
Solid Waste/Recycling Coordinator  
Water Quality Specialist in Training  
Water Quality Specialist I/II/III  
Water System Lead Worker  
Water System Technician  
Water System Worker I/II/III  
WWTP Lab Analyst/Environmental Compliance Inspector I/II  
WWTP Lead Operator  
WWTP Mechanic  
WWTP Operator I/II/III


Report to City Council



Council Meeting of January 6, 2016  
Agenda Item Number B-4

Approved by:

  
\_\_\_\_\_  
Department Director

  
\_\_\_\_\_  
City Administrator

**Consideration of a Resolution Approving Compensation Ranges for Part Time Positions of the City of Madera Due to a Change in the California Minimum Wage**

**RECOMMENDED ACTION**

It is recommended Council adopt the attached resolution fixing the assigned salary ranges for part time positions of the City of Madera on Salary Schedule 'P.'

**SITUATION**

Resolution 07-132 was adopted by the City Council in May 2007 setting the rate of compensation for part time positions of the City of Madera based on Salary Schedule 'P.' The resolution has been amended from time to time when new part time positions were added or changes were made to the California minimum wage.

Effective January 1, 2016 the California minimum wage will increase from \$9 per hour to \$10 per hour. The requested action will set rates of compensation that take into account adjustments due to the minimum wage increase and restates all part time salary schedule assignments in one resolution.

**FISCAL IMPACT**

Individual department budgets for part time salaries and benefits in the annual budget submitted for consideration and adoption by the City Council. Departments included estimates of the anticipated impacts of the minimum wage increase with the annual budget. Any departmental requests for modifications to expected expenditures will be submitted as part of the mid-year budget adjustment process.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Adoption or amendment of a part time salary resolution is not contained in the vision or action plan; the requested action is also not in conflict with the plan.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING  
COMPENSATION RANGES FOR PART TIME POSITIONS OF THE CITY OF  
MADERA**

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

**SECTION 1.** Effective January 1, 2016, compensation ranges for part time positions of the City of Madera will be assigned ranges from Salary Schedule 'P' as indicated in the table below.

Position	Range	Step A	Step B	Step C	Step D	Step E
<b>Hourly Pay Rate</b>						
Program Leader I	6	10.00	10.50	11.00	11.50	12.00
Parking Enforcement Officer	6	10.00	10.50	11.00	11.50	12.00
Lifeguard	6	10.00	10.50	11.00	11.50	12.00
Custodian	6	10.00	10.50	11.00	11.50	12.00
Parks Seasonal Part Time	6	10.00	10.50	11.00	11.50	12.00
Facility Aide	6	10.00	10.50	11.00	11.50	12.00
Water Safety Instructor	8	11.00	11.50	12.00	12.50	13.00
Marketing Assistant	8	11.00	11.50	12.00	12.50	13.00
Head Lifeguard	9	11.50	12.00	12.50	13.00	13.50
Program Leader II	10	12.00	12.50	13.00	13.50	14.00
Pool Manager	10	12.00	12.50	13.00	13.50	14.00
Assistant Graffiti Coordinator	11	12.50	13.00	13.50	14.00	14.50
Community Service Supervisor	16	15.00	15.50	16.00	16.50	17.00
Engineering Intern	16	15.00	15.50	16.00	16.50	17.00
Graffiti Coordinator	16	15.00	15.50	16.00	16.50	17.00
Neighborhood Outreach Specialist	20	17.00	17.50	18.00	18.50	19.00
Communications Specialist	26	20.00	20.50	21.00	21.50	22.00
Project Development Coordinator (Unlicensed)	56	35.00	35.50	36.00	36.50	37.00
Parks & Community Services Project Manager	66	40.00	40.50	41.00	41.50	42.00
Project Development Coordinator (Licensed)	71	42.50	43.00	43.50	44.00	44.50
Special Transportation Projects Director	88	51.00	51.50	52.00	52.50	53.00
<b>Per Game Pay Rate</b>						
Softball Umpire (one official)	26	20.00	20.50	21.00	21.50	22.00
Softball Umpire (two officials)	16	15.00	15.50	16.00	16.50	17.00
Adult Basketball Referee	26	20.00	20.50	21.00	21.50	22.00
Youth Basketball Referee	16	15.00	15.50	16.00	16.50	17.00

**Section 2.** This resolution shall supersede any and all prior resolutions setting compensation ranges for part time positions, which shall be of no further force and effect as of the effective date of this resolution.

**Section 3.** This resolution is effective immediately upon adoption.

\*\*\*\*\*

# REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF:  
January 6, 2016

AGENDA ITEM NUMBER:  
C-1

Approved By:

  
PLANNING MANAGER

  
CITY ADMINISTRATOR

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

## RECOMMENDATION:

In order to address the requirements of the recently adopted Medical Marijuana Regulation and Safety Act, staff and the Planning Commission recommend City Council introduction of the ordinance.

## BACKGROUND:

The State of California recently adopted into law three distinct pieces of legislation that impact the cultivation and use of medical marijuana. AB 266 establishes a dual licensing structure requiring both a state and local license or permit, and an overall regulatory structure that imposes health and safety and testing standards. AB 243 establishes a regulatory and licensing structure for marijuana cultivation sites. SB 643 establishes criteria for licensing of medical marijuana businesses, regulates physicians, and recognizes local authority to levy taxes and fees. Cumulatively, they make up the Medical Marijuana Regulation and Safety Act.

## ANALYSIS:

An overview of the new state legislation is as follows:

- Local prohibition or regulation: Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. Local authority remains intact under the new law.
- State licensing required: All medical marijuana businesses – dispensary sales, delivery service, cultivation, transport or distribution – must have a state license.
- State licensing not enough: A medical marijuana business in any city may only operate if it has permission from the state and permission from the city.
- Enforcement: Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing.
- State law penalties for unlicensed activity: There are civil penalties for operating without a state license.

The new law contains a provision stating that cities that do not have an ordinance regulating or prohibiting cultivation by March 1, 2016 will lose the authority to regulate or ban cultivation within their city limits. The state would become the sole licensing authority. The City's current ordinance

governing medical marijuana may not adequately address the new laws and subsequently needs to be updated. This update to current ordinance would protect the City's authority to govern itself.

In acknowledging its authority to govern itself, the new ordinance specifically prohibits the following activities:

- Commercial cannabis activities of all types in all zones within the City;
- All deliveries of medical cannabis, whether the delivery originates or terminates within the City;
- All activities for which a state license is required under the Medical Marijuana Regulation and Safety Act ; and
- All cultivation of cannabis for non-commercial purposes (even for medical purposes) in all zones of the City.

The new ordinance declares the activities above to be public nuisances to be abated by the City by all available remedies.

Even though the medical marijuana ordinance is not a chapter within Title X – Planning and Zoning, review by the Planning Commission has been integral to the process of adoption of this medical marijuana ordinance because of its inherent connection to the principles of land use planning.

**SUMMARY:**

The information presented in this report supports introduction of an ordinance amendment amending Title IV: Chapter 15: Medical Marijuana in its entirety. It is recommended that the City Council consider this information, together with testimony provided during the public hearing and make a decision regarding the ordinance amendment.

The ordinance is attached as Exhibit "A".

The Planning Commission held a public hearing on this item on December 8, 2015 at which time the Commission recommended approval of the ordinance. Planning Commission Resolution No. 1800 is attached as Exhibit "B."

**FISCAL IMPACT:**

This ordinance amendment is not expected to have any fiscal impact.

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

The ordinance amendment will further the core vision statements in the Vision Plan of "a well-planned city" by incorporating "best zoning practices."

**ATTACHED:**

- Exhibit A – Proposed Ordinance
- Exhibit B – Planning Commission Resolution No. 1800

## EXHIBIT 'A'

### DRAFT ORDINANCE

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

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

SECTION 1. Findings and Purpose. The City Council finds and declares as follows:

A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled "The Compassionate Use Act of 1996" or "CUA").

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

C. In 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code § 11362.7 et seq. and referred to as the "Medical Marijuana Program" or "MMP") to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

D. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4<sup>th</sup> 729, the California Supreme Court held that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . ." Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4<sup>th</sup> 975, the Court of Appeal held that "there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . ." The Court in Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

E. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal

Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there is recent case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed.

F. On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

G. The City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

H. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

I. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities.

J. While the City Council believes that cultivation and all commercial medical marijuana uses are prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City.

SECTION 2. Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

SECTION 3. Chapter 15 of Title IV of the Madera Municipal Code is hereby deleted in its entirety and replaced as follows:

## Chapter 15

### MEDICAL MARIJUANA AND CULTIVATION

#### §4-15.01 DEFINITIONS

“*Cannabis*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(f) as the same may be amended from time to time.

“*Caregiver*” or “*primary caregiver*” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“*Commercial cannabis activity*” shall have the same meaning as that set forth in Business & Professions Code § 19300.5(k) as the same may be amended from time to time.

“*Cooperative*” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

“*Cultivation*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(l) as the same may be amended from time to time.

“*Cultivation site*” shall have the same meaning as set forth in Business & Professions Code § 19300.5 (x) as the same may be amended from time to time.

“*Delivery*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(m) as the same may be amended from time to time.

“*Dispensary*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, “Dispensary” shall also include a cooperative. “Dispensary” shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

“*Dispensing*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(o) as the same may be amended from time to time.

“*Distribution*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(p) as the same may be amended from time to time.

“*Distributor*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(q) as the same may be amended from time to time.

“*Manufacturer*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(y) as the same may be amended from time to time.

“*Manufacturing site*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(af) as the same may be amended from time to time.

“*Medical cannabis*,” “*medical cannabis product*,” or “*cannabis product*” shall have the same meanings as set forth in Business & Professions Code § 19300.5(ag) as the same may be amended from time to time.

“*Medical Marijuana Regulation and Safety Act*” or “*MMRSA*” shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

“*Nursery*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(ah) as the same may be amended from time to time.

“*Qualifying patient*” or “*Qualified patient*” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“*Testing laboratory*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(z) as the same may be amended from time to time.

“*Transport*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(am) as the same may be amended from time to time.

“*Transporter*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(aa) as the same may be amended from time to time.

**§4-15.02 PROHIBITION.**

- A. Commercial cannabis activities of all types are expressly prohibited in all zones and all specific plan areas in the City of Madera. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.
- B. To the extent not already covered by subsection A above, all deliveries of medical cannabis are expressly prohibited within the City of Madera. No person shall conduct any deliveries that either originate or terminate within the City.
- C. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the MMRSA.
- D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City of Madera. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

**§4-15.03 PUBLIC NUISANCE.**

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter 15 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

**§4-15.04 CIVIL PENALTIES.**

In addition to any other enforcement permitted by this Chapter 15, the City Attorney may bring a civil action for injunctive relief and civil penalties pursuant to this code against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorneys fees and costs to the prevailing party.

SECTION 4. Nothing in this Ordinance shall be interpreted to mean that the City's permissive zoning scheme allows any other use not specifically listed therein.

SECTION 5. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibits all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

SECTION 6. 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 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\*\*\*\*\*

**RESOLUTION NO. 1800**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE DELETING CHAPTER 15 OF TITLE IV OF THE MADERA MUNICIPAL CODE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 15 TO TITLE IV PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER.

WHEREAS, the City of Madera has adopted the mandatory elements of the General Plan, as required by the State of California; and

WHEREAS, the City has adopted regulations and established policies toward the betterment of public welfare; and

WHEREAS, the City has adopted zoning regulations and established land use zones to further implement the General Plan; and

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

WHEREAS, the Planning Commission recommends to the City Council of the City of Madera adoption of an ordinance amendment deleting Chapter 15 of Title IV of the Madera Municipal Code in its entirety and adding a new Chapter 15 of Title IV prohibiting all commercial medical marijuana uses in the City and prohibiting cultivation for medical use by a qualified patient or primary caregiver; and

WHEREAS, the Madera Municipal Code authorizes the Planning Commission to initiate Code Amendments through adoption of a Resolution; and

WHEREAS, the Planning Commission has completed its final review and evaluated information contained in the Staff Report.

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

1. The above recitals are true and correct.

2. The proposed ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act.

3. It is recommended that the City Council of the City of Madera adopt an ordinance deleting Chapter 15 of Title IV of the Madera Municipal Code in its entirety and adding a new Chapter 15 of Title IV as set forth in the attached Exhibit 'A'.

4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

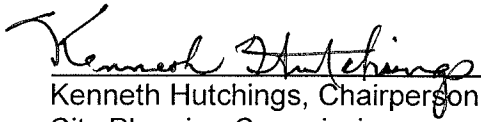
Passed and adopted by the Planning Commission of the City of Madera this 8<sup>th</sup> day of December 2015, by the following vote:

AYES: Ruben Mendoza, Pamela Tyler, Jim DaSilva, Jeff Dal Cerro,  
Robert Gran, Jr., Kenneth Hutchings

NOES: None

ABSTENTIONS: None

ABSENT: Bruce Norton

  
Kenneth Hutchings, Chairperson  
City Planning Commission

Attest:

  
\_\_\_\_\_  
Christopher Boyle  
Planning Manager

PLANNING COMMISSION RESOLUTION NO. 1800

EXHIBIT 'A'

DRAFT ORDINANCE

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

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

SECTION 1. Findings and Purpose. The City Council finds and declares as follows:

A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled "The Compassionate Use Act of 1996" or "CUA").

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

C. In 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code § 11362.7 et seq. and referred to as the "Medical Marijuana Program" or "MMP") to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

D. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4<sup>th</sup> 729, the California Supreme Court held that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . ." Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4<sup>th</sup> 975, the Court of Appeal held that "there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . ." The Court in Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

E. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high

potential for abuse, that has no currently accepted medical use in treatment in the United State, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there is recent case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed.

F. On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

G. The City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

H. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

I. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities.

J. While the City Council believes that cultivation and all commercial medical marijuana uses are prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City.

SECTION 2. Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

SECTION 3. Chapter 15 of Title IV of the Madera Municipal Code is hereby deleted in its entirety and replaced as follows:

## Chapter 15

### MEDICAL MARIJUANA AND CULTIVATION

#### §4-15.01 DEFINITIONS

“*Cannabis*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(f) as the same may be amended from time to time.

“*Caregiver*” or “*primary caregiver*” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“*Commercial cannabis activity*” shall have the same meaning as that set forth in Business & Professions Code § 19300.5(k) as the same may be amended from time to time.

“*Cooperative*” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

“*Cultivation*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(l) as the same may be amended from time to time.

“*Cultivation site*” shall have the same meaning as set forth in Business & Professions Code § 19300.5 (x) as the same may be amended from time to time.

“*Delivery*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(m) as the same may be amended from time to time.

“*Dispensary*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, “Dispensary” shall also include a cooperative. “Dispensary” shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

“*Dispensing*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(o) as the same may be amended from time to time.

“*Distribution*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(p) as the same may be amended from time to time.

“*Distributor*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(q) as the same may be amended from time to time.

“*Manufacturer*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(y) as the same may be amended from time to time.

“*Manufacturing site*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(af) as the same may be amended from time to time.

“*Medical cannabis,*” “*medical cannabis product,*” or “*cannabis product*” shall have the same meanings as set forth in Business & Professions Code § 19300.5(ag) as the same may be amended from time to time.

“*Medical Marijuana Regulation and Safety Act*” or “*MMRSA*” shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

“*Nursery*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(ah) as the same may be amended from time to time.

“*Qualifying patient*” or “*Qualified patient*” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“*Testing laboratory*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(z) as the same may be amended from time to time.

“*Transport*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(am) as the same may be amended from time to time.

“*Transporter*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(aa) as the same may be amended from time to time.

**§4-15.02 PROHIBITION.**

- A. Commercial cannabis activities of all types are expressly prohibited in all zones and all specific plan areas in the City of Madera. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.
- B. To the extent not already covered by subsection A above, all deliveries of medical cannabis are expressly prohibited within the City of Madera. No person shall conduct any deliveries that either originate or terminate within the City.
- C. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the MMRSA.
- D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City of Madera. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

**§4-15.03 PUBLIC NUISANCE.**

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter 15 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

**§4-15.04 CIVIL PENALTIES.**

In addition to any other enforcement permitted by this Chapter 15, the City Attorney may bring a civil action for injunctive relief and civil penalties pursuant to this code against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorneys fees and costs to the prevailing party.

SECTION 4. Nothing in this Ordinance shall be interpreted to mean that the City's permissive zoning scheme allows any other use not specifically listed therein.

SECTION 5. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibits all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

SECTION 6. 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 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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COUNCIL MEETING OF:  
January 6, 2016

# REPORT TO THE CITY COUNCIL

AGENDA ITEM NUMBER:  
C-2

Approved By:

  
PLANNING MANAGER

  
CITY ADMINISTRATOR

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

## RECOMMENDATION:

The proposed General Plan amendment provides compatibility between the Zoning Ordinance and the General Plan as required by law. Staff and the Planning Commission recommend approval of the General Plan amendment as the "first step" toward adoption of an updated Zoning Ordinance.

## ANALYSIS:

The Planning Department is preparing to update the Zoning Ordinance. The update will provide for consistency with and implementation of the goals and policies of the General Plan. In advance of that action, this General Plan amendment is necessary so as to provide consistency between the General Plan and the upcoming update of the Zoning Ordinance.

A total of 795 parcels are affected by this application. Although the number seems significant, the parcels under consideration represent only about five percent of all parcels in the city. After evaluating each parcel where an amendment is proposed, staff is not aware of any circumstances where the resulting change would have a substantive effect on the actual development potential of a parcel. The majority of recommended designations reflect the existing land use of parcel, where that existing land use represents the most compatible long term use. Examples of the conditions leading to the recommended changes are as follows:

- Parcels located in subdivisions where the General Plan land use designations do not align with the existing land use densities and the corresponding zoning. Approximately one-third (1/3) of the parcels in question (277 parcels) encompass five fully developed subdivisions wherein zoning does not align with the current General Plan land use designation.
- Correction of clerical errors on the current General Plan map, most notably in the downtown areas. An existing bank designated for Low Density Residential is one specific example. Other examples include existing multi-family developments designated for Low Density Residential.

- Ponding basins not being designated as RC (Resource Conservation)
- Housing Authority properties generally not possessing consistency between zoning and land use classifications
- Office developments constructed in Residential - R3 Zone Districts
- City-owned parking lots in the downtown parking district designated for development

Two areas within the City are included that will be experiencing a zoning change as a part of the upcoming Zoning Ordinance update. The neighborhood north of City Hall and east of State Route 99 is proposed to be reclassified to MD (Medium Density Residential), in keeping with the neighborhoods current character. The small neighborhood north of Olive Avenue and east of State Route 99 will be returned to the C (Commercial) land use designation. In both cases, these changes have generally been warmly received by the residents and property owners of these areas.

All of the affected property owners were noticed as to the proposed changes to their properties. As noted earlier, most property owners were pleased concerning the corrective steps the City was undertaking. There were two property owners in opposition to the proposed amendment. As a result, their properties were removed from consideration.

**SUMMARY:**

General Plan Amendment 2015-02 provides compatibility between the Zoning Ordinance and the General Plan as required by law. It is recommended that the Council consider this information, together with testimony provided at the public hearing, and adopt a Resolution approving the General Plan Amendment.

**FISCAL IMPACT:**

None.

**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 General Plan is an extension of the Vision 2025 process. The approval of this request for changes in land use designations directly assists the Vision Plan to “ensure Madera develops as an attractive, family-friendly city with great schools, good business opportunities, well-paying jobs and abundant natural resources.”

**REFERENCE MATERIALS:**

Planning Commission Resolution No. 1801  
Resolution of the City Council  
Exhibit A - Proposed Amended Land Use element of the General Plan

**RESOLUTION NO. 1801**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA APPROVAL OF AN AMENDMENT OF THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF MULTIPLE PROPERTIES IN ORDER TO PROVIDE CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE .

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 amend the General Plan land use designation for multiple properties, as shown in the attached Exhibit A; and

WHEREAS, the proposed General Plan Amendment will provide consistency between the General Plan, Zoning, and existing and future land uses; and

WHEREAS, the General Plan Amendment is compatible with the neighborhoods of the City, and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhoods or the City; and

WHEREAS, an Addendum to the 2009 General Plan Environmental Impact Report has also been prepared pursuant to CEQA Guidelines Section 15162 and 15164; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information, 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. The Planning Commission has considered an Addendum to the 2009 General Plan Environmental Impact Report, prepared pursuant to CEQA Guidelines Section 15162 and 15164; and

3. Based upon the testimony and information presented at the hearing, and all evidence in the whole record pertaining to this matter, the Planning Commission hereby recommends that the General Plan land use map be amended as specified in attached Exhibit A, amending the General Plan land use designation for multiple properties in order to provide consistency between the General Plan and Zoning Ordinance.

4. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.

5. This resolution is effective immediately.

\* \* \* \* \*

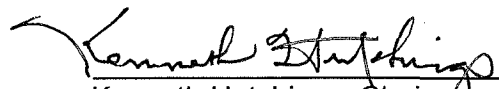
Passed and adopted by the Planning Commission of the City of Madera this 8<sup>th</sup> day of December, 2015, by the following vote:

AYES: Ruben Mendoza, Pamela Tyler, Jim DaSilva, Jeff Dal Cerro,  
Kenneth Hutchings


NOES: None

ABSTENTIONS: Robert Gran, Jr.

ABSENT: Bruce Norton

  
Kenneth Hutchings, Chairperson  
City Planning Commission

Attest:

  
\_\_\_\_\_  
Christopher F. Boyle  
Planning Manager

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT OF THE LAND USE ELEMENT OF THE GENERAL PLAN TO PROVIDE SPECIFIC CHANGES TO THE LAND USE MAP NECESSARY TO PROVIDE CONSISTENCY WITH THE ZONING ORDINANCE AS REQUIRED BY LAW.

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 amend the General Plan land use designation for multiple properties, as shown in the attached Exhibit A; and

WHEREAS, the proposed General Plan Amendment will provide consistency between the General Plan, Zoning, and existing and future land uses; and

WHEREAS, the General Plan Amendment is compatible with the neighborhoods of the City, and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhoods or the City; and

WHEREAS, an Addendum to the 2009 General Plan Environmental Impact Report has also been prepared pursuant to CEQA Guidelines Section 15162 and 15164; and

WHEREAS, the Planning Commission of the City of Madera held a public hearing on December 8, 2015 and adopted a resolution recommending to the City Council approval of the General Plan amendment; and

WHEREAS, the City Council has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information, 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. The City Council has considered an Addendum to the 2009 General Plan Environmental Impact Report, prepared pursuant to CEQA Guidelines Section 15162 and 15164;  
and
3. Based upon the testimony and information presented at the hearing, and all evidence in the whole record pertaining to this matter, the City Council hereby recommends that the General Plan land use map be amended as specified in attached Exhibit A, amending the General Plan land use designation for multiple properties in order to provide consistency between the General Plan and Zoning Ordinance.
4. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.
5. This resolution is effective immediately.

\* \* \* \* \*

# EXHIBIT A

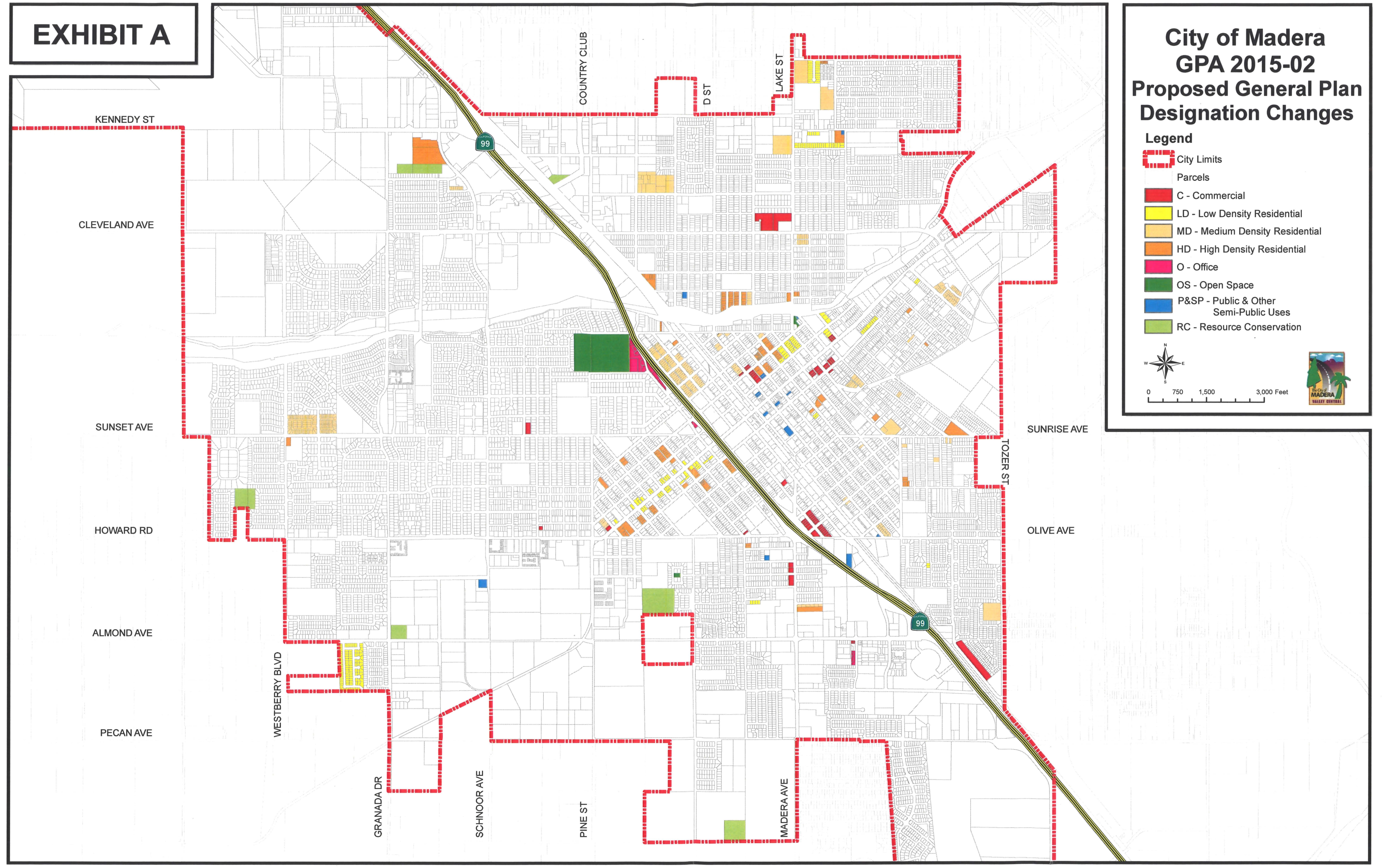
## City of Madera GPA 2015-02 Proposed General Plan Designation Changes

### Legend

- City Limits
- Parcels
- C - Commercial
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential
- O - Office
- OS - Open Space
- P&SP - Public & Other Semi-Public Uses
- RC - Resource Conservation



0 750 1,500 3,000 Feet




COUNCIL MEETING OF:  
January 6, 2016

AGENDA ITEM NUMBER:  
C-3

# REPORT TO THE CITY COUNCIL

Approved By:

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

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

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

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## RECOMMENDATION:

In order to provide compliance with the requirements of state law SB 244, staff and the Planning Commission recommend that the Council adopt the resolution approving the proposed amendment to the land use element of the General Plan.

## ANALYSIS:

In February, 2011, the state adopted law which requires cities and counties to amend the land use element of their General Plan to address and assess disadvantaged unincorporated communities. In the case of a city, the amendment is required to complete the following:

- An identification of each unincorporated island or fringe community within the city's sphere of influence.
- For each identified community, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies.
- An analysis, based on then existing available data, of benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible.

The general plan amendment is required to be completed on or before the due date for the next adoption of an update to the housing element. The City recently completed its 2016-2024 housing element update, which was due on or before January 31, 2016. Each subsequent update will require review and, if necessary, amendment of the General Plan to update the analysis required by the law.

The analysis performed in conjunction with the general plan amendment identified three (3) disadvantaged unincorporated communities within the City's sphere of influence. These are the fringe communities of Parkwood, Parksdale, and Vista Grande Acres. Consistent with the requirements of SB 244, staff completed additional analysis to assess the condition of infrastructure with the disadvantaged unincorporated communities, and completed an analysis

of financing alternatives that could resolve infrastructural shortcomings. Much of the analysis for the Parkwood and Parksdale neighborhoods is derived from a draft infrastructure study recently completed as a joint effort by the City and County. Although not in final form, the draft infrastructure study provides significant detail regarding the issues called out by SB 244.

The proposed General Plan amendment to the land use element is attached as Exhibit A.

**SUMMARY:**

General Plan Amendment 2015-03 provides for compliance with state law SB 244, requiring the City to identify disadvantaged unincorporated communities located within the City's sphere of influence and analyze infrastructure deficits. It is recommended that the City Council consider this information, together with testimony provided at the public hearing, and adopt a resolution approving of the recommended amendment of the land use element of the General Plan.

**FISCAL IMPACT:**

None.

**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 approval of the proposed changes to the land use element of the General Plan directly assists the Vision Plan to "ensure Madera develops as an attractive, family-friendly city with great schools, good business opportunities, well-paying jobs and abundant natural resources."

**REFERENCE MATERIALS:**

Planning Commission Resolution No. 1802  
Resolution of the City Council  
Exhibit A - Proposed Amended Land Use element of the General Plan

**RESOLUTION NO. 1802**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA APPROVAL OF AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN IN ORDER TO PROVIDE COMPLIANCE WITH STATE LAW SB 244, WHICH ADDRESSES DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN THE CITY'S SPHERE OF INFLUENCE.

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, state law SB 244 has been passed which requires that the Land Use Element of the General Plan be amended in order to identify, analyze and assess disadvantaged unincorporated communities in the City's sphere of influence; and

WHEREAS, the General Plan Amendment is compatible with the neighborhoods of the City, and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhoods or the City; and

WHEREAS, the proposed General Plan amendment is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA", which states that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information, 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, and all evidence in the whole record pertaining to this matter, the Planning Commission hereby recommends that the Land Use element of the General Plan be amended, as shown in the attached Exhibit A, in order to provide compliance with state law SB 244, which addresses disadvantaged unincorporated communities within the City's sphere of influence.
3. The proposed amendment to the Land Use Element is hereby found consistent with all elements of the Madera General Plan.
4. This resolution is effective immediately.

\* \* \* \* \*

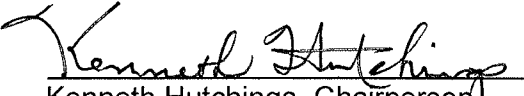
Passed and adopted by the Planning Commission of the City of Madera this 8<sup>th</sup> day of December, 2015, by the following vote:

AYES: Ruben Mendoza, Pamela Tyler, Jim DaSilva, Jeff Dal Cerro, Robert Gran, Jr., Kenneth Hutchings

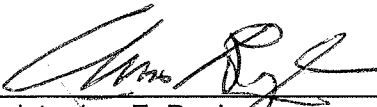
NOES: None

ABSTENTIONS: None

ABSENT: Bruce Norton

  
Kenneth Hutchings, Chairperson  
City Planning Commission

Attest:

  
\_\_\_\_\_  
Christopher F. Boyle  
Planning Manager

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN IN ORDER TO PROVIDE COMPLIANCE WITH STATE LAW SB 244, WHICH ADDRESSES DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN THE CITY'S SPHERE OF INFLUENCE.

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, state law SB 244 has been passed which requires that the Land Use Element of the General Plan be amended in order to identify, analyze and assess disadvantaged unincorporated communities in the City's sphere of influence; and

WHEREAS, the General Plan Amendment is compatible with the neighborhoods of the City, and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhoods or the City; and

WHEREAS, the proposed General Plan amendment is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA", which states that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission of the City of Madera held a public hearing on December 8, 2015 and adopted a resolution recommending to the City Council approval of the General Plan Amendment; and

WHEREAS, the City Council of the City of Madera has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information, 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, and all evidence in the whole record pertaining to this matter, the City Council finds in its independent judgement that the proposed General Plan amendment is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA" because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
3. Based upon the testimony and information presented at the hearing, and all evidence in the whole record pertaining to this matter, the City Council hereby recommends that the Land Use element of the General Plan be amended, as shown in the attached Exhibit A, in order to provide compliance with state law SB 244, which addresses disadvantaged unincorporated communities within the City's sphere of influence.
4. The proposed amendment to the Land Use Element is hereby found consistent with all elements of the Madera General Plan.
5. This resolution is effective immediately.

\* \* \* \* \*

**EXHIBIT "A"**

## DISADVANTAGED UNINCORPORATED COMMUNITIES

### KEY TERMS

**Community** – An inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.

**Disadvantaged Unincorporated Community (DUC)** – A fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income.

**Island Community** – Any inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean.

**Fringe Community** – Any inhabited and unincorporated territory that is within a city's sphere of influence.

### REQUIREMENTS FOR THE CITY

The requirements of SB 244 are as follows:

- Cities must identify and describe each “island community” or “fringe community,” as defined, that exist within that city's sphere of influence that is a disadvantaged unincorporated community.
- Cities must include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each of the identified communities in the land use element.
- Cities must include an analysis in the land use element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible.

The target area for identifying disadvantaged unincorporated communities is the area located outside the City limits but within the City's sphere of influence. This area is approximately 15,000 acres in size. Generally, it is rural in character. A map (Figure 2) displaying the target area and the identified DUCs is attached.

### IDENTIFYING DISADVANTAGED UNINCORPORATED COMMUNITIES

The process of identifying disadvantaged unincorporated communities (DUCs) involved two steps. First, the existing land use pattern within the City's sphere of influence was evaluated to determine the presence of fringe and island communities meeting the definitions included with SB 244, as noted above. Second, once fringe and island communities were identified, a determination was made as to whether the median income characteristics in these areas qualified them as being “disadvantaged”.

#### Determining Presence of Fringe and Island Communities

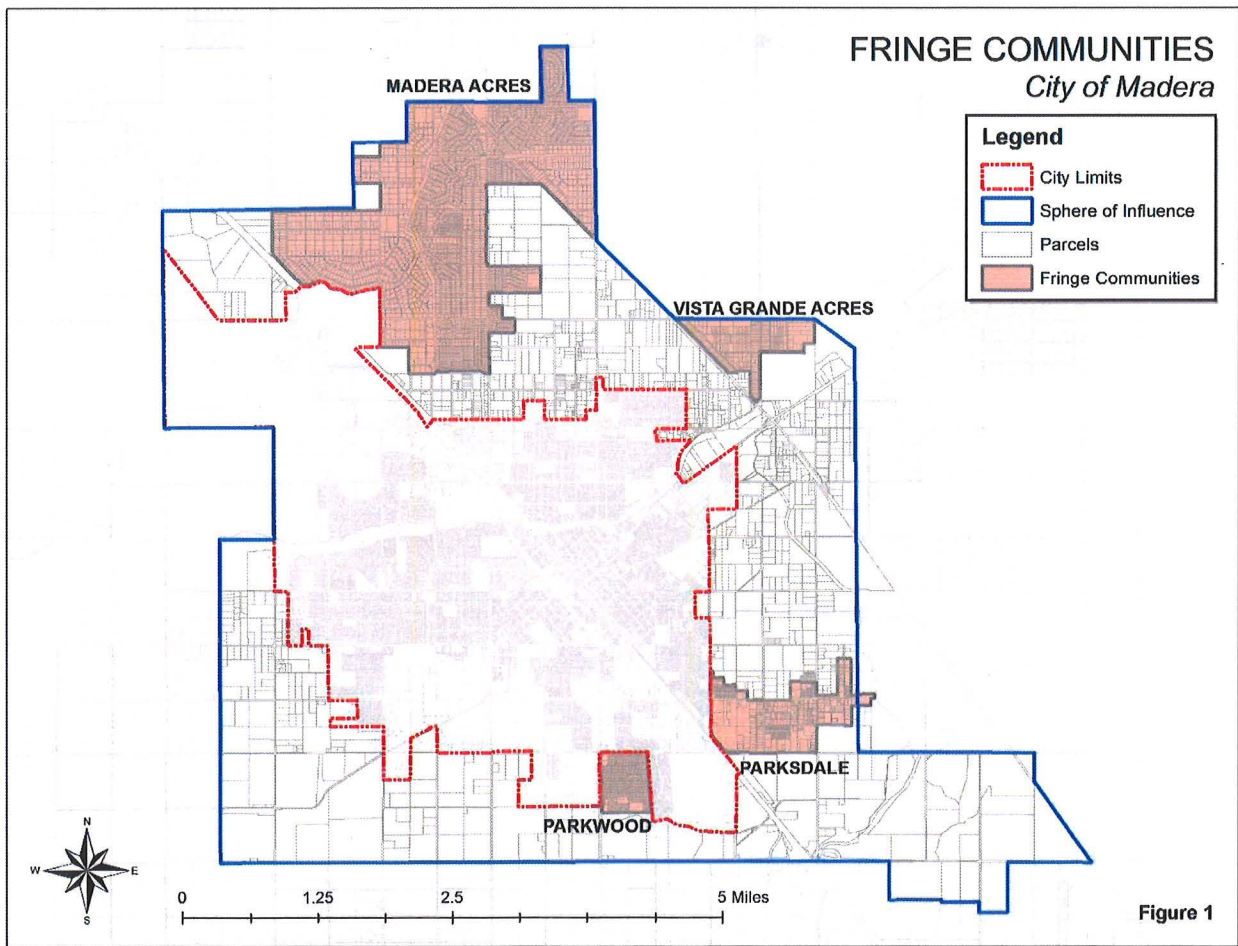
Data from the City's geographic information system was used to help evaluate the existing pattern of development within the City's sphere of influence. Google Earth and Google Maps imagery also helped locate unincorporated communities within the sphere. Fringe and island communities

may be identified according to “official” names and boundaries, including those referenced by the U.S. Geological Survey’s (USGS) Geographic Names Information System (GNIS). Alternatively, clusters of inhabited dwellings may exist within unincorporated rural residential areas to form unnamed neighborhoods or communities. Both “named” and “unnamed” communities were identified as part of this evaluation.

After reviewing all of the available information, four neighborhoods fit the criteria for a fringe community. Three of these are identified as Census Designated Places (CDP) by the U.S. Census Bureau, while the fourth is a semi-rural neighborhood which is not officially designated as a CDP (see Figure 1):

- Parkwood (CDP)
- Madera Acres (CDP)
- Parksdale (CDP)
- Vista Grande Acres

The remaining unincorporated area within the City’s sphere of influence is either heavily industrial or rural with minimal residential properties.



Evaluating Fringe Communities to Determine Qualification as Disadvantaged

In order to determine if these fringe communities can be considered a DUC, their median household income must be 80 percent or less than the statewide median household income. American FactFinder, a portal for accessing US Census and other survey data, has median household income data for the CDPs identified in this analysis. Since Vista Grande Acres is not a CDP, census data at the block group level was used to estimate its median household income. The block group boundary does cut off a small portion of Vista Grande Acres, with the larger portion covering another residential neighborhood within City limits. For the purpose of this evaluation, it is assumed that all of Vista Grande Acres qualifies as a DUC.

Two census datasets were used, one with five year estimates from 2009-2013, and one from 2000. Some CDPs had larger margin of errors with the five year estimate dataset, so the 2000 dataset was used for reliability. Below are two tables showing the median household income for each DUC from the two different datasets:

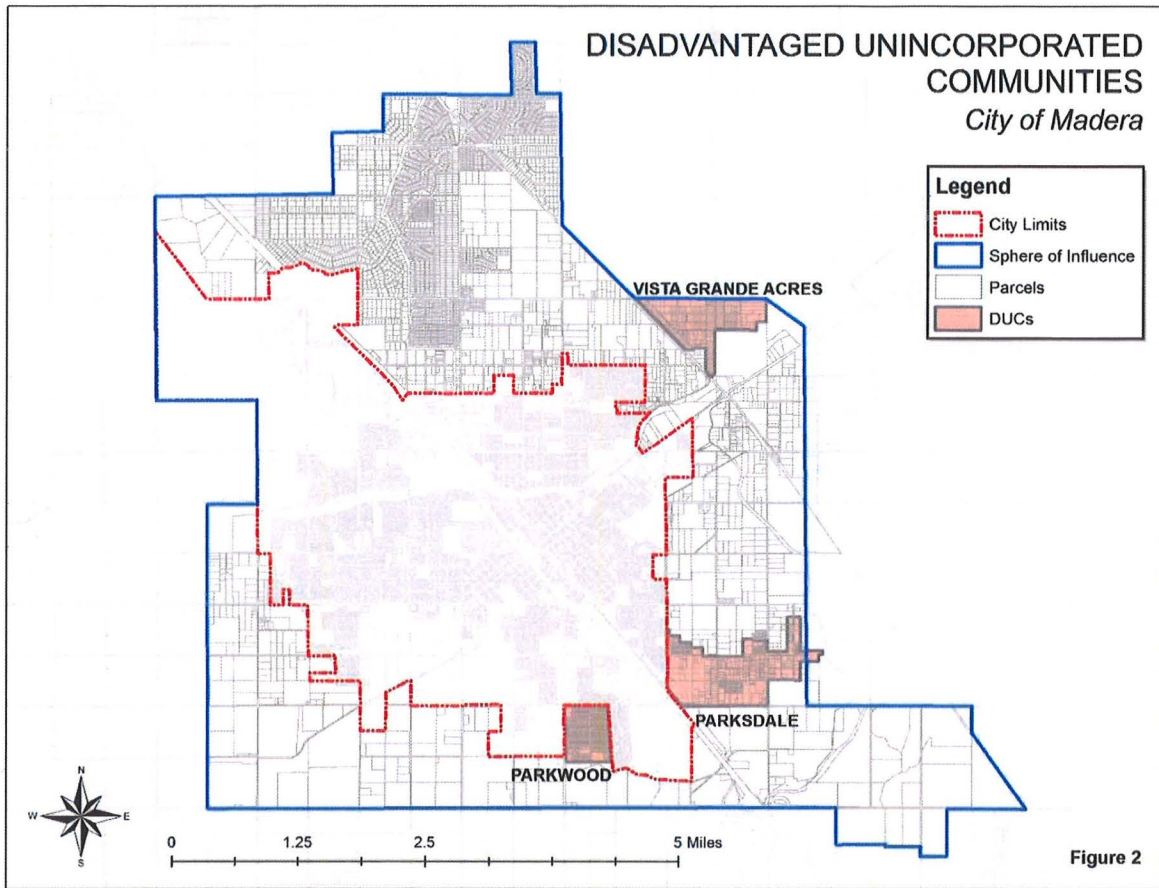
2009-2013 ACS 5-Year Estimates		
NAME	INCOME	TARGET INCOME
California*	61,094	80% = 48,875.20
Madera Acres	62,155	Not a DUC
Parkwood	39,967	Qualifies as DUC
Parksdale	33,083	Qualifies as DUC
Vista Grande Acres	45,735	Qualifies as DUC

\* Used as base target income.

2000 Census Data		
NAME	INCOME	TARGET INCOME
California*	47,493	80% = 37,994.40
Madera Acres	45,438	Not a DUC
Parkwood	33,411	Qualifies as DUC
Parksdale	29,821	Qualifies as DUC
Vista Grande Acres	31,319	Qualifies as DUC

\* Used as base target income.

The final results from the analysis include Parkwood, Parksdale and Vista Grande Acres as the City's disadvantaged unincorporated communities. Madera Acres will not be included as it is above the median household income requirement. Figure 2 below displays the DUCs located within the City's sphere of influence. No island communities were identified as part of the analysis.



### INFRASTRUCTURE ANALYSIS

This infrastructure analysis evaluates all three of the DUCs identified by the City as part of SB244 general plan amendment. Little existing information exists regarding Vista Grande Acres, reflecting its physical separation from the existing city limits. Substantially more information is available for Parkwood and Parksdale, as described below.

In the fall of 2015, when this analysis was being prepared, the City and County of Madera were considering the potential annexation of the Parkwood and Parksdale neighborhoods into the City of Madera in conjunction with the negotiation of a tax sharing agreement. The City expressed concern about the status of existing infrastructure and the potential liabilities and cost burden associated with accepting jurisdiction of the aging neighborhoods. The City and County agreed to jointly fund and prepare a study to evaluate existing infrastructure. City and County staff jointly coordinated to study the condition of existing streets. The City hired a consultant, with the costs split evenly between the two agencies, to evaluate other infrastructure and utilities serving the two neighborhoods. The following discussion regarding Parkwood and Parkdale is taken primarily from the Draft Infrastructure and Street Evaluation Reports which are attached to this evaluation and are incorporated by reference.

**PARKWOOD**

The unincorporated area of Parkwood is bound by Conrad Street to the west, Raymond Thomas Road to the east, Avenue 13 to the north, and agricultural lands to the south. The majority of the Parkwood area is currently developed as Low Density Residential land uses, with some Medium Density Residential lands in the southern most extents. The areas not currently developed are on the southern extent.

Water System

The Parkwood water system consists of mostly 6-inch and 8-inch diameter water pipelines in a looped network from Avenue 13 in the north to Georgia Avenue in the south. The piped system was primarily constructed between 1953 and 1979, and is mostly asbestos cement pipe. The system is supplied by a single well located on the eastern edge of Parkwood Park, which is capable of supplying 400 gallons per minute (gpm), and is controlled by a variable frequency drive motor. There are two other wells in the Parkwood system that have been decommissioned.

Sewer System

The Parkwood sewer system is separated into two separate systems: one flow north to the City of Madera sewer system, and one flow south to the Parkwood wastewater treatment plant. The systems are described as follows:

**North System:** This is generally bound by Stanford Avenue in the south and Avenue 13 in the north, and consists of pipes ranging in size from 6-inches to 10-inches in diameter. Pipes in this system are predominantly non-reinforced concrete and vitrified clay pipe and were constructed between 1953 and 1955. Sewer flows are generally conveyed west to Conrad Street where they are then conveyed south, first in an 8-inch, and then in a 10-inch pipeline, before discharging into the Parkwood Wastewater Treatment Plant.

**South System:** The southern system is generally bound by Georgia Avenue in the south and San Carlos Avenue in the north, and consists of pipes ranging in size from 6- inches to 12-inches in diameter. Pipes in this system are predominantly polyvinyl chloride (PVC) and were constructed between 1978 and 1979. Sewer flows are conveyed to Watt Street, before flowing north and connecting to the City of Madera sewer system on Avenue 13.

Storm Drainage

The Parkwood storm drainage system is limited, and consists of mostly curb and gutter, allowing sheet flow to the south. Sheet flow is collected by two 18-inch storm drains, which discharge into the Parkwood retention basin. The Parkwood retention basin has an approximate capacity of 23 acre-feet (AF), and is a dual use facility. The western most portion is closed via chain-link fence, and serves as an initial discharge point for storm water, with a small ditch which provides some water quality benefit. The eastern portion of the basin can be used as a park facility in the dry season.

Fire Protection

The fire flow analysis results indicate that the majority of the system is capable of meeting the maximum day demand plus fire flow conditions, with the exception of a small portion of development in the far southeast of the system. It should be noted that the analysis results assume that the well can produce the required fire flow capacity. If this is not the case, the system would require well redundancy or emergency connections to the City water system. An inventory

of the street-related improvements indicated that fire hydrant spacing is deficient in comparison to City standards on several street segments within Parkwood. A total of 16 additional hydrants are required in order to meet current standards.

#### Infrastructure Deficiencies

Improvements required to mitigate existing system deficiencies and the needs of future customers have been evaluated for Parkwood. For improved water delivery, improvements to mitigate fire flow deficiencies and to meet the needs of future development have been identified. These improvements include proposed connections to the City of Madera water system at Avenue 13 and Watt Street, and at Raymond Thomas Road and Georgia Avenue, or construction of additional wells to provide redundancy to the water system. The County recently provided notice of a potential project to add an above-ground water storage tank to the water system. It is not clear how this improvement would impact existing deficiencies or other necessary improvements called out in the infrastructure study.

Parkwood does not have any existing sewer capacity deficiencies due to existing or future users. However, an evaluation was performed in order to determine the cost to decommission the existing Parkwood wastewater treatment plant, and provide preliminary design to re-route sewer flows from the north half of Parkwood to the existing City of Madera sewer system. The decommissioning analysis and preliminary design of the sewer trunk were completed by MWH Americas.

The Parkwood subbasin has an existing retention basin with an approximate capacity of 23 acre-feet (AF). The 100-year inflow volume for existing and future development is 30 AF. The existing Parkwood retention basin is a mixed use facility, serving as a retention basin during the wet season, and a park facility in the dry season. Excavating the facility was unreasonable due to the mixed use, and therefore, it is recommended that additional conveyance be provided to divert the overflow volume west, to the City of Madera Agajanian Basin. The conveyance of this overflow volume would require the enlargement of the Agajanian retention pond by 7 AF.

In total, the approximate cost of repairing existing water and sewer deficiencies exceeds \$5,500,000. An additional, but unknown cost for the addition of 16 fire hydrants would also occur. Costs to resolve storm drainage deficiencies is currently not available.

#### **PARKSDALE**

The unincorporated area of Parksdale is generally bound by Road 28 to the west, the Madera Irrigation District (MID) Main Canal to the east, Avenue 14 to the north, and Avenue 13 to the south. Approximately half of the Parksdale area is currently developed as varying land uses, including Very Low Density Residential, Low Density Residential, and Medium Density Residential land uses.

#### Water System

The Parksdale water system consists of 6-inch, 8-inch, and 12-inch diameter water pipelines in a network from Rd 29 ¼ in the east to Rd 28 in the west. A majority of the piped system, composed of asbestos cement pipe, was constructed between 1978 and 1990, with additional periodic development taking place as recently as 2011. The system is supplied by three wells located throughout the community, which are each capable of supplying over 700 gpm. There is one other well in the Parksdale system that is currently inactive due to mechanical failure.

### Sewer System

The Parksdale sewer system consists of 6-inch to 10-inch diameter pipelines which collect flows from an area generally bound by Avenue 13 in the south, Road 28 in the west, the Madera Canal in the east, and Avenue 13 ½ in the north. There is some development just north of Avenue 13 ½ that also flows to the Parksdale sewer system. The sewer system was constructed between 1978 and 1990, with intermittent development between 1990 and 2011. The sewer system is constructed entirely of PVC pipe.

### Storm Drainage

The Parksdale storm drainage system is divided into 5 separate hydrologic subbasins. Each of the subbasins is described as follows:

- For the Ducor-Posey subbasin, sheet flow is collected by two 18-inch storm drains, which discharge into the Ducor-Posey retention basin that has a capacity of approximately 6 AF.
- The Madera Homes subbasin runoff is collected by curb and gutter and directed to a retention basin with a capacity of approximately 23 AF.
- The Parksdale subbasin runoff also is collected by curb and gutter and directed to a retention basin with a capacity of approximately 10 AF.
- For the two other subbasins, no storm drainage infrastructure exists to convey stormwater runoff to existing retention basins. Currently, the land use is mostly agricultural and rural residential, and runoff infiltrates or sheet flows onto agricultural land to the south.

### Fire Protection

The fire flow analysis results indicate several areas that are incapable of meeting the 1,500 gpm fire flow requirement. This includes the Ducor-Posey neighborhood; homes along Fern Street, Robbins Lane, and Rd 29 ¼; and the fire hydrant farthest east along Avenue 13 ½. Additionally, the 6-inch pipelines on Fern Street, Road 29 ¼, and several smaller cul-de-sac areas experience pipe velocities during fire flow exceeding 15 feet per second. Velocities this high could be potentially damaging under sustained fire flow conditions. An inventory of the street-related improvements indicated that fire hydrant spacing is deficient in comparison to City standards on several street segments within Parksdale. A total of 47 additional hydrants are required in order to meet current standards.

### Infrastructure Deficiencies

Improvements required to mitigate existing system deficiencies and the needs of future customers have evaluated for Parksdale. For improved water delivery, improvements to mitigate fire flow deficiencies and to meet the needs of future development have been identified. These improvements include proposed connections to the City of Madera water system at Lada Avenue, Avenue 13 ½, and Knox Street, each along Road 28. Additionally, to meet the fire flow requirements in the extreme eastern portion of the Parksdale area, it is recommended that a new 12-inch connection to the City system at the intersection of Road 28 ½ and Avenue 14 be constructed in lieu of replacing the entire length of 8-inch pipeline on Avenue 13 ½. This connection will greatly enhance the reliability of the Parksdale water system. Additional improvements are required to serve future development anticipated to occur in the Parksdale DUC.

The existing Parksdale sewer system has capacity deficiencies due to the sizing of the lift station. There is considerable anticipated future development, which is tributary to the existing Parksdale sewer system. Capacity improvements are necessary to service existing and future customers. Additionally, it should be noted that the existing lift station becomes deficient under future conditions. Capacity expansion of the new lift station will be required to service future development.

In terms of storm drainage deficiency, the following conditions are prevalent in the Parksdale DUC. The Ducor-Posey subbasin is an existing retention basin with an approximate capacity of 6 AF. The 100-year flow volume is 9 AF for existing and future development. Expansion of the existing retention basin is not feasible due to existing site constraints; therefore, improvements are recommended to convey overflow volume to the existing City Las Palmas retention pond. The Madera Homes subbasin has an existing retention basin with an approximate capacity of 23 AF. The 100-year inflow volume is 25 AF for existing and future development. Therefore a 2 AF expansion of the existing Madera Homes retention pond is recommended. Additionally, storm drain pipelines are recommended to convey stormwater runoff to the expanded retention pond.

Two subbasins have no existing retention basin. The first subbasin will require the construction of a retention pond with an approximate capacity of 30 AF to service existing and future development. Storm drain pipelines are recommended to convey stormwater runoff to the new retention pond. The second subbasin will require the construction of retention pond with an approximate capacity of 18 AF to accommodate existing and future development. Storm drain pipelines are recommended to convey stormwater runoff to the new retention pond.

One subbasin, the Parksdale subbasin, has an existing retention basin with an approximate capacity of 10 AF. The 100-year inflow volume is 9 AF for existing and future development. The Parksdale subbasin is nearly fully developed and no improvements are required to account for additional runoff from future development.

In total, the approximate cost of repairing existing water and sewer deficiencies exceeds \$2,600,000. An additional, but unknown cost for the addition of 47 fire hydrants would also occur. Costs to resolve storm drainage deficiencies is currently not available.

### **VISTA GRANDE ACRES**

The unincorporated areas of Vista Grande Acres is generally bound by the BNSF railroad right-of-way to the east, Road 29 to the west, Avenue 17 to the north, and Ellis Street to the south. Approximately half of the Vista Grande Acres area is currently developed in rural residential development, on parcels generally less than one acre in size.

#### Infrastructure

Water supply and distribution in Vista Grande Acres is provided by residential private wells and wastewater is provided through residential private septic systems. Storm drainage capture and transport is provided through roadside ditches and on-site private drainage ponds. The Madera County Fire Department provides fire emergency services to all of unincorporated Madera County, through a contract with CAL FIRE. Fire Station #6, located approximately two miles to the southwest in the City of Madera, is the nearest fire station to Vista Grande Acres.

### Infrastructural Deficiencies

Water, wastewater, storm drainage, and fire emergency services in Vista Grande Acres are currently considered to be sufficient. Reports of well failure are not available. Water supply demands are currently (2015) being met and there are no known water quality issues. There are no known localized flooding issues.

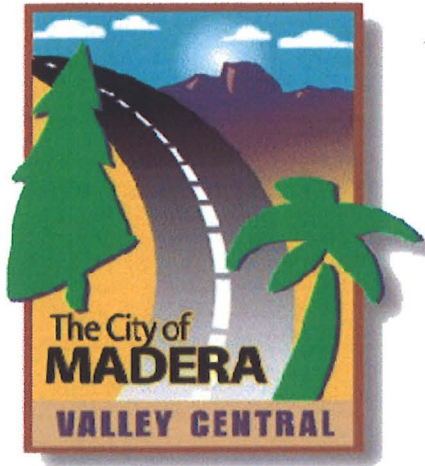
Because Vista Grande Acres is located within the sphere of influence, the City's master plans for sewer, water, and storm drainage improvements demonstrate how City infrastructure and utilities can be extended into the area. Sewer and water improvements rely on the physical extension of the respective pipe networks; new wells and an above-ground water storage tank will also be required to serve the northeast quadrant of the sphere of influence, though the specific well and above ground storage facilities required to serve Vista Grande Acres are unknown. Storm drainage can be accommodated by installing a basin and localized storm drainage collection within the neighborhood. Until utilities are extended towards this neighborhood, probably through normal growth patterns, the installation of City infrastructure to serve this area is likely cost prohibitive.

## POTENTIAL FUNDING SOURCES

One of the requirements of SB 244 is to analyze potential funding mechanisms to help remedy identified infrastructure deficiencies. As identified by the California Office of Planning and Research (OPR), some of these financing mechanisms could include bonds, development impact fees, taxes, and the formation of assessment districts which levy an assessment on affected properties to pay for infrastructure service improvements. OPR also suggests the following potential funding sources:

- California Department of Public Health Safe Drinking Water State Revolving Fund
- State Water Resources Control Board Revolving Fund Program
- State Water Resources Control Board Small Community Wastewater Grant Program
- Department of Water Resource Integrated Regional Water Management Grant Program
- Sustainable Communities Planning Grant and Incentive Program
- United States Department of Agriculture Rural Development Grants and Loans
- Community Development Block Grant Funds

Given the scale of the infrastructure deficiencies within the identified disadvantaged unincorporated communities, service charge increases may be needed within communities that already have special districts to keep up with the cost of construction, labor, power, repairs, operations, and maintenance. In 1996 the California voters passed Proposition 218, requiring local governments to have a majority vote of the affected property owners for any proposed new or increased assessment for major improvements and replacements. It also requires that local governments have a majority vote of the affected property owners for any proposed increases to the service charges for operations and maintenance. While this makes increases to service charges difficult, the City may need to consider Prop 218 elections to allow adequate funding for maintenance of infrastructure improvements. To the extent the City and County mutually agree on either annexation or provision of City services to unincorporated communities, the provisions of new tax sharing agreements can include provisions whereby existing deficiencies are addressed.



## REPORT TO CITY COUNCIL

MEETING DATE: January 6, 2016

AGENDA ITEM NUMBER: E-1

Approved By:

PUBLIC WORKS DIRECTOR

CITY ADMINISTRATOR

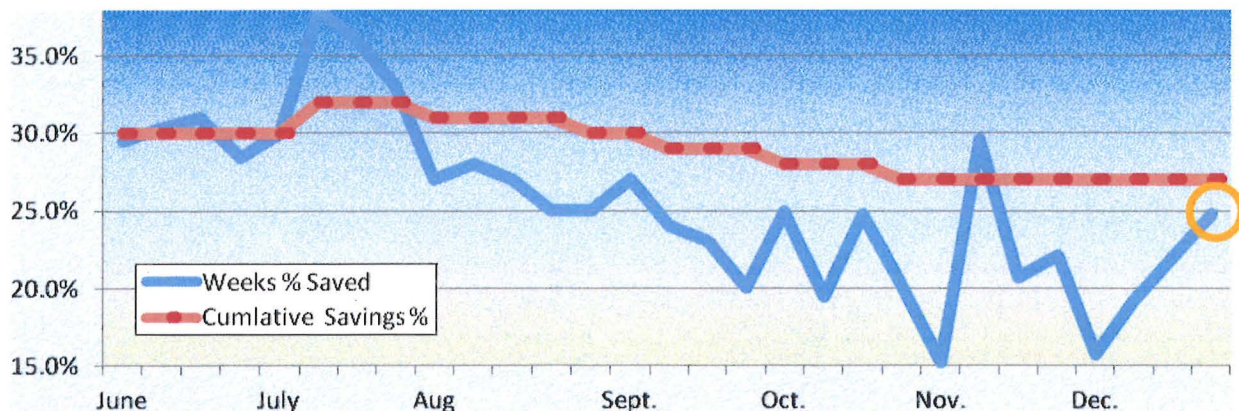
**SUBJECT:** Weekly Water Conservation Report - December 21<sup>st</sup>-27<sup>th</sup>.

**RECOMMENDATION:** Staff recommends that the Council review the attached weekly report of water conservation activities and progress in reducing residential water consumption, and that during the winter watering schedule the report be placed on the consent agenda rather than being presented verbally to the Council.

**SUMMARY/ DISCUSSION:** Below is the most current water conservation data



Below is weekly and cumulative water conservation including the latest data for December 21<sup>st</sup>-27<sup>th</sup>.



		Enforcement	
<b>43</b>	<b>Public Contacts</b>	<b>21</b>	<b>1<sup>st</sup> offenses (\$75)</b>
<b>1</b>	<b>Verbal warning</b>	<b>0</b>	<b>2<sup>nd</sup> offenses (\$250)</b>
<b>0</b>	<b>Correction Notices</b>	<b>0</b>	<b>3<sup>rd</sup> or more offense (\$500)</b>

**FINANCIAL IMPACT:**

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

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

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

# City of Madera

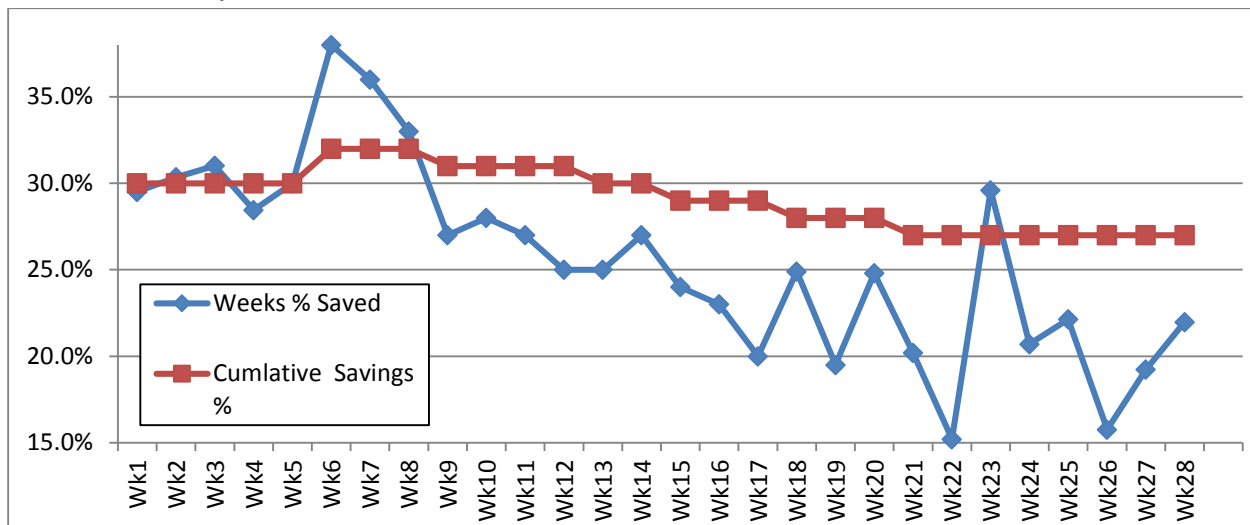
Weekly Water Conservation Report #28 December 14 – December 20, 2015



<b>Week's Conservation Avg. 22%</b>	<b>Today's High 58° 10 day forecast Avg. High 54°</b>
<b>December Conservation Avg. 20%</b>	<b>Week's Avg. High 60° from 2013</b>

**General Water Conservation News:** This past week's water conservation was up by 3% from the previous week, and 6% under the 28% water conservation goal. On a cumulative basis we have averaged 27% overall since June when the State's 28% mandate began.

**Public Service Requests:**



Approximately 79 calls were received this week reporting water wasting (not leak calls)

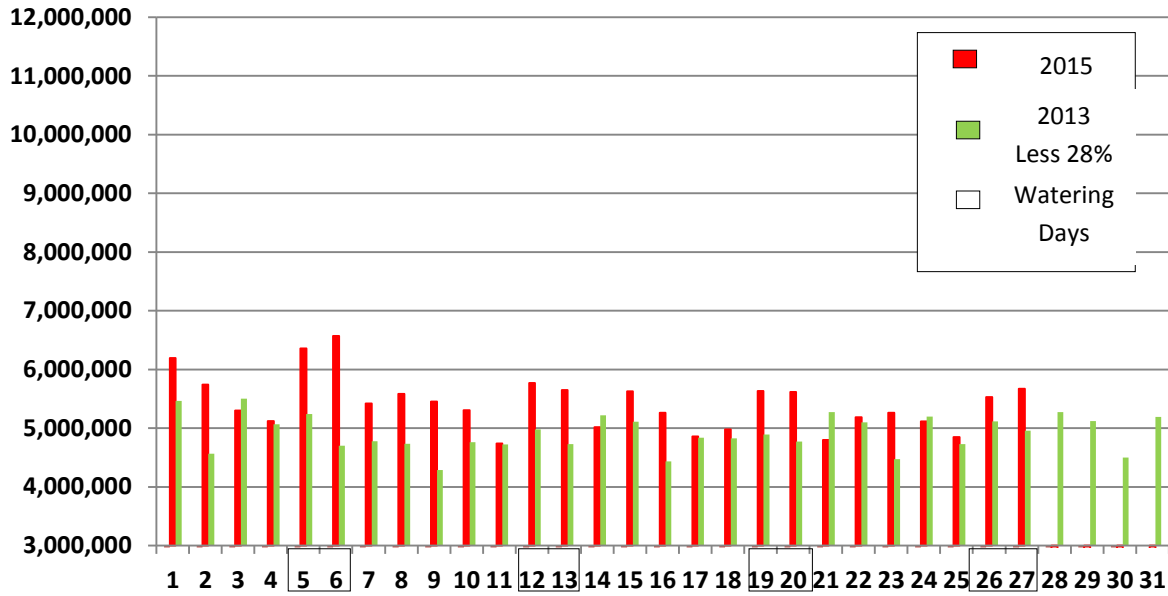
- 1 Calls were received regarding water and City facilities
- 8 Leaks were reported:
  - 6 repaired in less than 3 business days of being reported (No underground excavation)
  - 2 repaired within 3 business days of being reported
  - 0 repaired within 4 business days of being reported
  - 0 repaired within more than 4 business days of being reported

An estimated 38 calls were received this week requesting information regarding water issues. There were 2 customer inquiries regarding consumption which resulted in leak discovery at both properties. Internal evaluations resulted in repairs of meters at 5 properties.

**Water Conservation team activities:**

- 115 Contacts with the Public to educate and provide advice (4 School Presentations)
- 1 Verbal warnings issued
- 16 Citations issued:
  - 15 1<sup>st</sup> offenses (\$75)
  - 1 2<sup>nd</sup> offenses (\$250)
  - 0 3<sup>rd</sup> or more offense (\$500)

**Current Water Production in December Compared to 28% Goal**  
Shown in Gallons



*\*Adjusted to align days of week*

# City of Madera

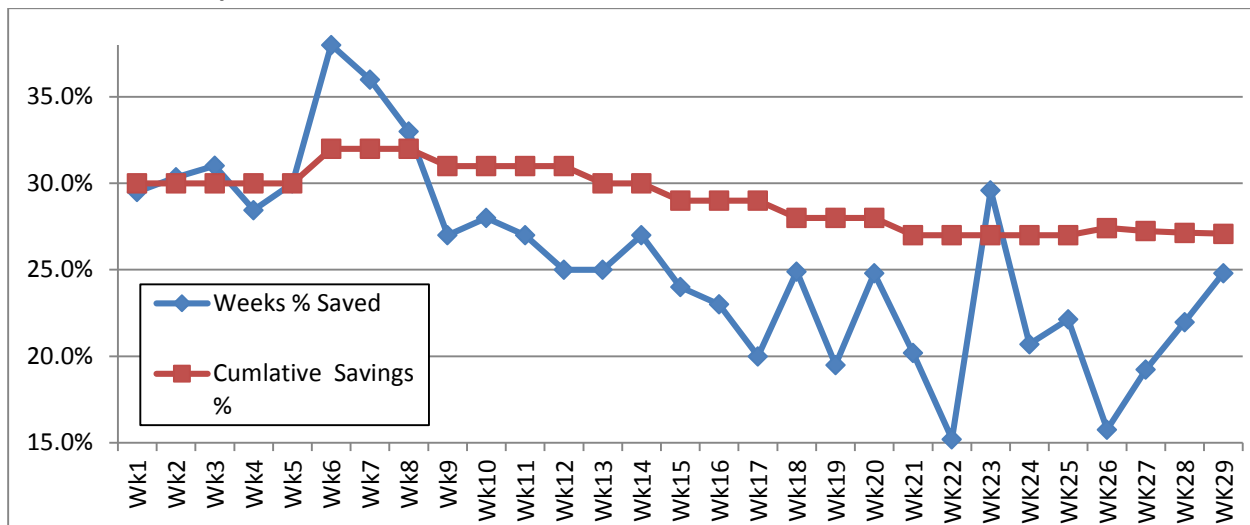
Weekly Water Conservation Report #29 December 21 – December 27, 2015



<b>Week's Conservation Avg. 25%</b>	<b>Today's High 46° 10 day forecast Avg. High 54°</b>
<b>December Conservation Avg. 20%</b>	<b>Week's Avg. High 60° from 2013</b>

**General Water Conservation News:** This past week's water conservation was up by 3% from the previous week, and 3% under the 28% water conservation goal. On a cumulative basis we have averaged 27% overall since June when the State's 28% mandate began.

**Public Service Requests:**



Approximately 79 calls were received this week reporting water wasting (not leak calls)

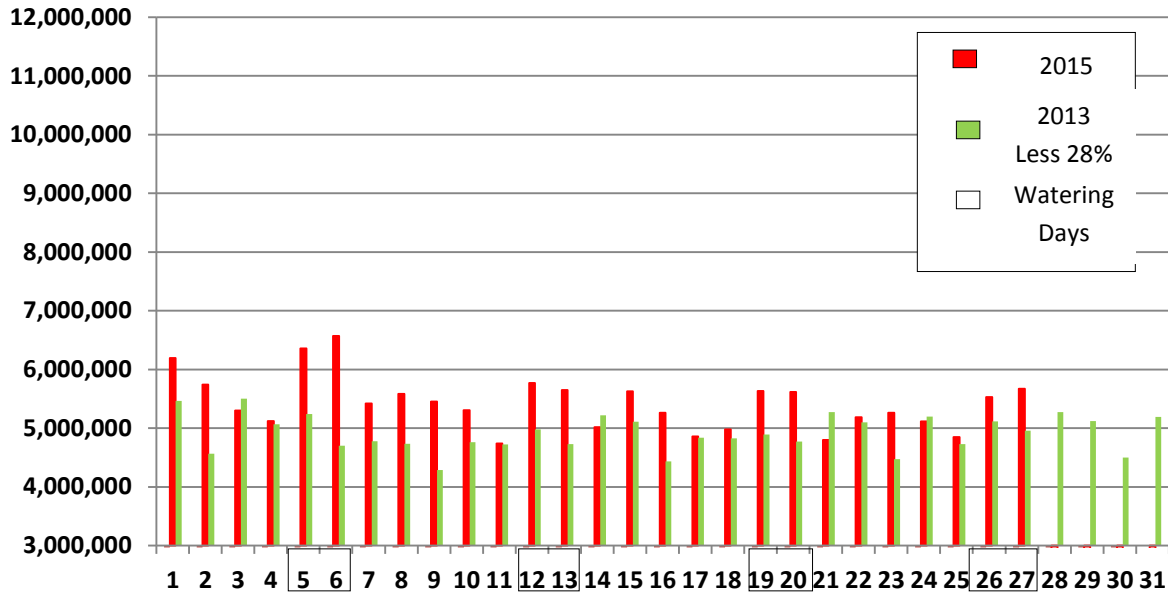
- 1 Calls were received regarding water and City facilities
- 5 Leaks were reported:
  - 3 repaired in less than 3 business days of being reported (No underground excavation)
  - 2 repaired within 3 business days of being reported
  - 0 repaired within 4 business days of being reported
  - 0 repaired within more than 4 business days of being reported

An estimated 38 calls were received this week requesting information regarding water issues. There was 1 customer inquiry regarding consumption which resulted in leak discovery at the property. Internal evaluations resulted in repairs of meters at 11 properties.

**Water Conservation team activities:**

- 125 Contacts with the Public to educate and provide advice (4 School Presentations)
- 1 Verbal warnings issued
- 20 Citations issued:
  - 17 1<sup>st</sup> offenses (\$75)
  - 1 2<sup>nd</sup> offenses (\$250)
  - 0 3<sup>rd</sup> or more offense (\$500)

**Current Water Production in December Compared to 28% Goal**  
Shown in Gallons



*\*Adjusted to align days of week*

# REPORT TO THE CITY COUNCIL Return to Agenda

COUNCIL MEETING OF January 6, 2016

AGENDA ITEM NUMBER E-2

APPROVED BY

  
DEPARTMENT DIRECTOR

  
CITY ADMINISTRATOR

**SUBJECT: ADMINISTRATIVE REPORT REQUESTING COUNCIL DIRECTION  
REGARDING HOUSING AUTHORITY POLICE OFFICER**

**RECOMMENDATION:**

Request Council provide direction for staff to pursue option 1, 2 or 3 in order to facilitate the request of assigning a Housing Authority Officer.

**SUMMARY:**

1999 marked the first partnership between the Housing Authority and the Madera Police Department. That relationship has continued off and on since that time with the latest iteration falling victim to budget issues in November of 2013. Housing Authority Director Linda Shaw is seeking to re-institute the Housing Authority Officer and is proposing a continuation of the financial, 75/25, relationship for one full time police officer. The Housing Authority has the funds to do so on a year to year basis and sees this as a long term relationship. The Department has, in the past, entered into similar agreements with the school district (although MUSD now funds 100% for two positions). While the funding is from an outside source and obligates the officer to specific tasks, the Police Department and City of Madera still derive benefit from these arrangements.

The Housing Authority officer is responsible for policing the Housing Authority units within the City of Madera to include all public housing and Section 8. Since its inception in 1999, the Housing Authority officer has been successful in improving the quality of life for Housing Authority tenants. Their perception is that crime has been reduced by this officer's actions. An additional benefit of this program has been the decrease in the workload to the Police Department with regard to responding to calls for service to the Housing Authority community. The Housing Authority Community Policing Officer has assumed these responsibilities and, therefore, has allowed the Police Department to concentrate its efforts in other geographical areas of the community.

### **CURRENT SITUATION:**

The Madera Housing Authority and Police Department are both eager to begin this new partnership. There is however some issues that needs to be brought to the Councils attention. PD staffing remains stretched and they do not have a body to assign to the Housing Authority. With our latest community recruitment we have committed four new hires to the academy process, running January through June 2016. With the four academy commitments and three long term absences there is no possibility that the PD can pull a body from patrol to work as a Housing Authority Officer. Even when we graduate our four recruits in the academy this will only re-establish our minimum patrol strength, it is therefore the recommendation to Council that they authorize the PD to hire an additional body above and beyond current staffing levels. While our recommendation is the over hire it is ultimately Councils decision on how we proceed. In past agreements with the Housing Authority utilizing the 75/25 ratio we still provided 100% of the officers time in service to the Housing Authority. Times and circumstances have changed, the policing philosophy requires more personnel time and the financial picture of the City while improved, still may not be in a position to absorb a portion of costs associated with a 75/25 split with the Housing Authority. Five options have been provided.

Option 1: Allow the Department to hire an officer and agree to the 75/25 split with the officer working 100% of the time for the Housing Authority when funded only at the 75% level.

- Option 2: Allow the Department to hire an officer, officer works 75% of the time for the Housing Authority and 25% for the PD. The following describes hours and weeks based upon the ratio of 75/25. 1560/520 Hours, 39/13 weeks.
- Option 3: Allow the Department to hire an officer, ask the Housing Authority their ability to fund an officer at the 100% level
- Option 4: The Council has no desire to over hire and asks the Department to staff the Housing Authority position within existing resources.
- Option 5: Do nothing the Housing Authority Officer provides no value

The decision reached by council will determine our next step. Choosing options, 1 through 4, will require the Housing Authority and PD to return to Council with a contract spelling out the chosen option. The only variable will be the time in which said agreement will be brought back to Council. Option 4 the most expedient but least tenable and Option 5 speaks for itself. Option 1-3 will require the hiring and training an additional officer before coming back to Council for an agreement.

#### FINANCIAL IMPACT:

The Option chosen by Council will have a range from “no impact” to a “marginal impact” to the General Fund.

- Option 1: Assigning a mid range ‘C Step’ officer with a total compensation of +/- \$125,000 will equate to \$93,750 funded by the Housing Authority and \$31,250 to the City of Madera.
- Option 2: Assigning a mid range ‘C Step’ officer with a total compensation of +/- \$125,000 will equate to \$93,750 funded by the Housing Authority and \$31,250 to the City of Madera. Benefit, the City as a whole will receive 25% of an officer.
- Option 3-5: No financial impact to the City

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

The collaborative effort of the Housing Authority and the Police Department will provide services as outlined in Strategy 421:

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

# REPORT TO THE CITY COUNCIL

COUNCIL MEETING OF:  
January 6, 2016

AGENDA ITEM NUMBER:  
E-3

Approved By:

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

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

**SUBJECT:** Request to schedule public hearing for appeal of a Planning Commission decision.

## RECOMMENDATION:

Staff recommends the City Council schedule the appeal for public hearing on January 20, 2016.

## SUMMARY:

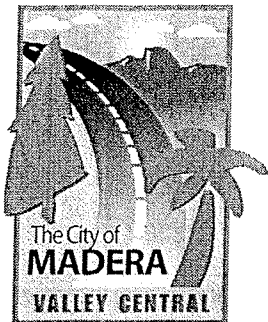
On December 8, 2015, the Planning Commission denied Conditional Use Permit 2015-28, Conditional Use Permit (CUP) 2015-29, Variance 2015-03 and Site Plan Review 2015-32 which, if approved, would have allowed for the establishment of a convenience store at 300 West Olive Avenue in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. CUP 2015-28 requested an allowance for the sale of tobacco products and CUP 2015-29 requested the allowance for the sale of beer and wine for off-site consumption. Variance 2015-03 requested a two parking stall reduction from Municipal Code requirements and Site Plan Review 2015-32 guided the required improvements necessary to repurpose the property into a convenience store.

The applicant, Mr. Junaid Lateef, filed an appeal to the conditions of approval on December 9, 2015. Ordinance requires that the Council, at its next duly held meeting, set a date and time for a public hearing on the appeal.

Per Section 10-3.1310(C), the City Council must render a decision on the appeal of a use permit within sixty days of receipt of the appeal. Similar requirements are applicable to an appeal of a variance. Staff recommends that the City Council schedule the appeal hearing to its next available meeting on January 20, 2016.

## FISCAL IMPACT:

The fee assessed for processing an appeal request assists the City in recovering the costs expended in bringing the appeal request to the City Council.



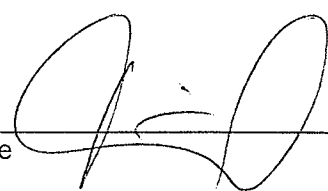
# APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

APPLICANT NAME JUNAID LATEEF  
ADDRESS 300 W. OLIVE AVE  
CITY MADERA PHONE \_\_\_\_\_

AN APPEAL CANNOT BE ACCEPTED FOR PROCESSING WITHOUT A FULL EXPLANATION OF THE CIRCUMSTANCES SURROUNDING THE ACTION, AND THE GROUNDS FOR THE APPEAL THEREOF. (USE ADDITIONAL SHEETS IF NECESSARY.)

I AM HEREBY APPEALING THE DECISION OF (NAME) Planning Commission ON (date) 12/8/2015 PERTAINING TO ACTION RELATING TO MY PROPERTY LOCATED AT 300 West Olive Avenue AND FURTHER IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 012-051-016. THIS APPEAL IS BASED ON (GIVE A FULL EXPLANATION)

Please see attached.

Signature 

THE SUBMISSION OF THIS FORM, COMPLETED AS REQUIRED, AND ACCOMPANIED BY THE APPLICATION FEE AS DETERMINED BY THE CITY COUNCIL, ENTITLES THE APPLICANT TO A HEARING BEFORE THE CITY COUNCIL OF THE CITY OF MADERA AT THE NEXT AVAILABLE PUBLIC HEARING, UNLESS DELAYED AT REQUEST OF THE APPLICANT OR DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF STAFF OR THE CITY COUNCIL OF THE CITY OF MADERA.

DATE FILED 12-9-15  
DATE ACCEPTED \_\_\_\_\_

**RECEIVED**  
DEC 09 2015  
CITY OF MADERA  
PLANNING DEPARTMENT

APPLICATION FEE:  
Administrative \$1,204.00  
Project Approvals \$ 605.00

02-245777  
12/9/15  
605.00

## Letter of Appeal to the City Council

Subject: Appeal for approval of CUP 2015-28, 2015-29, VAR 2015-03, SPR 2015-32  
& Categorical Exemption.

Business: Captain Mart & Wireless at 300 W. Olive, Ave, Madera.

My name is Junaid Lateef, requesting appeal of the 2-CUP's, VAR and SPR, listed above, for the subject property. Based on the notice an appeal letter should be submitted before the City Council meeting.

On December 8, 2015, the planning commission "Moved to deny the use permits, parking variance, site plan review due" to unspecified followings. Personal beliefs may have played a huge role in that decision.

I have agreed to all the terms and conditions listed in the staff report, yet there seemed to be a lot of uncertainty. It was felt that the commission did not grasp no properly consider the basis of staff's evaluation or recommendation. Staff was able to recommend approval for the parking variance, site plan review, conditional use permit approval for tobacco, tobacco related items. The commission failed to approve the conditional use permit for alcoholic beverage sales despite the fact that the law moratorium and exception to the moratorium were provided at the time of the scheduled hearing. Not all commission members may have observed the silhouette (s) from important vantage points.

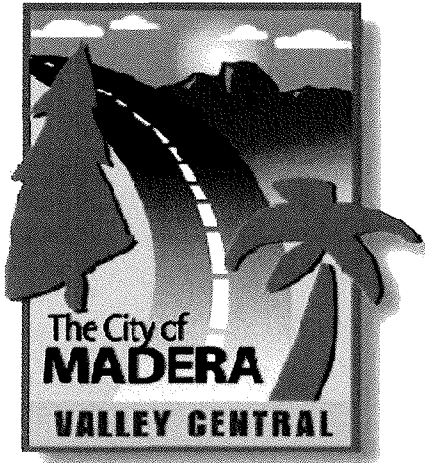
I have agreed to revitalize the building in such a way that it would be an example for any commercial property owner in the area. As an appellant I respectfully request that the City Council to overturn the decision of the Planning Commission and uphold Staff's recommendation to approve the Parking variance, Site plan review, Conditional Use Permit for tobacco sales. The Staff and Alcoholic Beverage Control, have done their due diligence to provide that the subject property is not within a concerning distance to any sensitive building(s). By the addition of Alcoholic beverages and tobacco products it will create economies of scale to the consumer. Demand may remain the same, and with a higher supply consumers will have options to purchase products at reasonable prices.

Morals and welfare of the Community and the City is always my concern and will provide the most dynamic ways to prevent any concerns, detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood of the subject site.

I look forward to working closely with staff during the appeal, and further justification letter will be provided prior to the City Council meeting.

Sincerely,  
Junaid Lateef

██████████

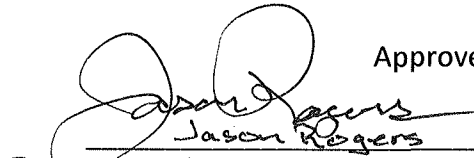


## REPORT TO CITY COUNCIL

MEETING DATE: January 6, 2016

AGENDA ITEM NUMBER: E-4

Approved By:

  
Jason Rogers for  
Paul Randall PUBLIC WORKS DIRECTOR



CITY ADMINISTRATOR

**SUBJECT:** Update on the Proposal Submitted by Triton Flight For Heroes, Inc. to Conduct an Airshow at the Madera Municipal Airport

And

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

**RECOMMENDATION:** Staff recommends Council approve the resolution for a Revocable Use Permit to Triton Flight For Heroes, Inc. for the purpose of conducting an airshow at the Madera Municipal Airport.

**SUMMARY:** On December 2, 2015, Triton Flight for Heroes, Inc. requested approval from the City Council for use of the Airport and donation of in-kind City services to bring an airshow back to the City of Madera. The proposed scheduling for the event will be May 21-22, 2016 and is designed as a fundraiser for Triton Flight For Heroes, Inc. City Council directed staff to meet with organizer Joe Conway in order to determine the amount of the requested in-kind support needed for the airshow as well as requesting a revenue projection report and business plan from Triton Flight For Heroes.

**DISCUSSION:** City Staff met with Triton Flight For Heroes, Inc. in order to try and define the type and level of services necessary to support the proposed airshow. These services, together with other logistical elements for the event, have been incorporated into a Revocable Use Permit that the Council may approve if it wishes to authorize the contribution of city services and allow the event to go forward as proposed. The Revocable Use Permit is consistent with past permits issued for previous airshows at the Madera Municipal Airport. The permit also defines the City's available in-kind contribution and the event organizer's terms and conditions to operate an airshow event at the airport. The permit requires Triton to provide a specific five million dollar liability insurance policy naming the City as an additional insured.

The runway will be closed to public air traffic during the flying portions of the Airshow (4-6 Hrs per day) and some portions of the aprons and taxi ways will be restricted during the two days of the show and a day prior. Notice to Airmen alerts will be issued in advance. As a result of the advanced notice, the restrictions caused by the airshow should not cause significance interruptions.

As requested by the City Council, Triton Flight For Heroes, Inc. has provided the City with a proposed budget and proposed revenue statement which are attached to this report for your review. However, staff is still waiting on a business plan for the event as requested by Council.

After reviewing these materials and speaking with the organizer, Staff quantified the type and level of in-kind services that the City has the capacity to provide, based on an estimated 10,000 spectators attending per day. The estimated value of each service is based on the applicable rate provided by each department.

The anticipated value for the City's in-kind services is outlined below:

Madera Police Support	10 Officers per day (2 days)	\$ 20,000
Fire Engine Standby	Engine (2 days)	\$ 10,000
Fire Engine Personnel	3 man crew (2 days)	\$ 2,500
Parking Barricades	Loan of existing City Barricades	\$ 1,500
Public Works and Parks Staff	6 PW Staff + 6 Parks Staff (2 days)	\$ 8,000
Waiver of Fees	Special Event & Encroachment Permits	\$ 600
Refuse Services	Containers and disposal	\$ 500
Street Sweeping	10 Hrs @ \$197 Hr.	\$ 1,970
Dust Control & Grading	For exterior parking area	\$ 500
<u>City Administrative Processing</u>	<u>30 Hrs</u>	<u>\$ 5,000</u>
Total Value		\$ 50,570

Madera County has agreed in principal to support the event as well. However, City staff has not received any quantitative information as to the level of support Triton is receiving from the State, County or private industry. If County forces are provided for the same services the City is providing, the level of in-kind support required from the City may be reduced.

The potential City contribution as described above includes only those services that the City can provide directly. Staff does not recommend that the City provide a cash dispersal or assumption of responsibilities that will require payments to third parties. Additional services that the event organizer requested, but the City cannot provide directly, include: Ambulance/EMS Personnel, overnight private security, traffic control/signage (Alert-o-Lite was used during previous events), and any State or County permit fee waivers. These services are not within the City's normal business plan nor does the City have the ability to provide them with existing resources.

**FINANCIAL IMPACT:** The total cost for in kind support as defined in this report is \$50,570. Much of these costs will be absorbed within existing budgets. Adjustments will be made during the midyear budget adjustment process where additional overtime or extra help expenses may require additional budget appropriations. The funding source would be a transfer from the City's unallocated/unreserved fund balance position to the affected accounts. This in-kind contribution is a request for additional General Fund allocation. There is not an identified source of budgeted funds available to fund this request.

**VISIONING:** This action is consistent with:

Action 202.2 Continue the expansion and promotion of multi-cultural and community based programs offered through Parks and Community Services.

Action 317.4 Develop and encourage gatherings, festivals and events such as the Friday Farmers Market in Courthouse Park and Downtown.

## Working Budget – Airshow 2016

May 21-22, 2016

### Aerobatic Performers Appearance Fees:

(10) Civilian Performers	\$40,000.00
(10) Civilian Warbird Performers	\$10,000.00
F/A-18 Super Hornet Tactical Jet Demonstration Team	No Charge
B-25 Bomber Experience	\$10,000.00

### Aerobatic Performers Fuel/Oil Requirements:

3200 Gallons of combined Avgas and Jet-A fuel @ \$6.00 per gallon	\$19,200.00
(6) 55 Gallon Drums of performers Smoke Oil + delivery	\$4,000.00
15 cases of Phillips 66 aviation oil x/c @ \$50.00 per case	\$750.00

### Hosted Static Display Aircraft Requirements (Warbirds):

20 different aircraft -- Courtesy Fuel (1500 gallons total @ \$6.00)	\$9,000.00
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**Air Boss Fees & Airshow Announcer Fees** \$6,500.00

**Airshow Sound System Fees** \$6,000.00

### Aerobatic Performers Hotel & Rental Car Requirements:

25 rental cars will be required	\$7,500.00
75 hotel rooms x 3 nights @ \$100 per night	\$22,500.00

**Performers Arrival Dinner** (Friday May 20<sup>th</sup> Cool Hand Luke's) \$1,500.00

### Federal Aviation Administration Requirements:

Temporary Flight Restrictions (TFR) secured for performance	
Safe Area for FAA representatives to survey all aspects of flight during the airshow	
Not required, but suggested – Temporary tower for the weekend	
Totals to host FAA at the event	\$1,500.00

**Airshow Insurance Requirements** (includes weather protection) \$4,000.00

### Airshow Ground Support (City/County of Madera):

*Actual costs and responsibilities of these requests below are to be determined by/and in cooperation with specific City/County Departments:*

- City of Madera Police Department
- Madera County Sheriff's Department
- Fire Department Engine & Personnel
- Ambulance/EMS Personnel
- Overnight Private Security at Airport (May 19-22)
- Parking Barricades/Supplies
- Public Works and Parks Staff
- Traffic Control/Signage (Alert-O-light or provided by your departments)
- City and County fees for permits & Road Closures
- Large City Trash Bins (40 footers)
- Madera Airport Rental (May 19-22)

*Estimated total for these services* \$55,000.00

**Advertising / Marketing:**

- Television Commercials
- Radio Advertisements
- Press releases (Local & Valley Wide)
- Magazine
- Website design / Hosting
- Direct Mailers / Flyers
- Promotional Aviation Art – Advertising posters & Original Painting. The image created will be utilized for the 2016 airshow poster and the program cover

*Estimated totals for services in these areas:* \$15,000.00

**Flightline Chalet & Catered VIP Experience** \$15,000.00

**Volunteer /Communications/Safety fees:**

- Safety Vests for staff & Tee shirt for volunteers
- Performer/Staff/Volunteer Laminated Badges and lanyards
- Water/soda/Food stations – relaxation area for pilots and volunteers
- Radios and chargers

*Estimated costs for these areas* \$3,500.00

**Sanitation / Port-O-Potty Rental** \$4,500.00

**Golf Cart & Gator Rental** \$1,500.00

**Hard stock Tickets/credit card scanners/ticket scanners** \$2,000.00

**Staff salaries to conduct airshow activities (6 months @1,500 per month)** \$9,000.00

**Staff expenses for airshow activities (6 months @ 1,000 per month)** \$6,000.00

**VIP/Sponsors 2016 Fundraiser Dinner (May 21<sup>st</sup> Madera Jet Center Hanger)** \$10,000.00

**Triton Flight for Heroes Completed Mission for Military Family** \$15,000.00

**Budget Requirements:** \$279,450.00

# Triton Flight for Heroes Central Valley Airshow Madera 2016

## Gate Revenue:

10,000 adult paid tickets @ \$15.00 per ticket (2-day total 5,000 per day)	\$150,000
5,000 Children paid tickets @ \$10.00 per ticket (2-day total 2,500 per day)	\$50,000

## Concession Revenue:

Food / Beverage / Beer / Wine / Water	\$20,000
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## Vendor Booth Revenue:

25 paid vendors over the weekend @ \$300.00 per booth	\$7,500
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## Airshow Merchandise Revenue:

Tee shirts / Hats / Posters / Programs	\$15,000
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**TOTAL                    \$242,500**

Additionally, various fundraisers leading up to the event will be in action. Money generated to be determined at successful conclusion of each program:

- Items donated to assist airshow and sold on Triton Flight Ebay Charity site
- Auction off rides in various airshow aircraft
- Simple cash donations made to Triton Flight for Heroes airshow efforts
- Purchase raffle tickets for special items
- Silent / Live auction at VIP Hanger Dinner

As you can see – If our team is successful in sponsors covering all costs of the event, the above referenced numbers are what Triton Flight for Heroes can realize from the airshow.

\$242,000 (excluding money generated from raffles/auctions) could fund (12) Triton Flight for Heroes missions @ \$20,000 per flight, or one years' worth of missions!!

RESOLUTION No. \_\_\_\_\_

RESOLUTION APPROVING A REVOCABLE USE PERMIT TO TRITON FLIGHT FOR HEROES, INC. TO CONDUCT AN AIRSHOW AT THE MADERA MUNICIPAL AIRPORT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, Triton Flight For Heroes, Inc. (Organizer) has requested a Revocable Use Permit and in-kind support from the City of Madera (City) in order to conduct an airshow at the Madera Municipal Airport; and

WHEREAS, the City is desirous of an airshow being conducted at the Madera Municipal Airport; and

WHEREAS, The City and Organizer have prepared a Revocable Use Permit agreement with terms satisfactory to both parties.

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

1. The above recitals are true and correct.
2. The Agreement for a Revocable Use Permit, to conduct an airshow at the Madera Municipal Airport, a copy of which is on file in the office of the City Clerk and referred to for particular, is approved.
3. The Mayor is authorized to execute the Agreement on behalf of the City of Madera
4. This resolution is effective immediately upon adoption.

CITY OF MADERA  
**MADERA MUNICIPAL AIRPORT**  
REVOCABLE USE PERMIT  
**TRITON FLIGHT FOR HEROES, INC.**  
**MAY 21-22, 2016**

Revocable permission is hereby granted to **TRITON FLIGHT FOR HEROES, INC.** (herein Permittee) to use the Madera Municipal Airport for the purpose of conducting the Madera 2016 Air Show.

1. **DATES**: May 21-22, 2016
2. **RENTAL**: The rental fee for use of the Madera Municipal Airport during the above dates shall be One Dollar (\$1.00). City of Madera will not participate in any loss incurred by Permittee as a result of the event. The fee for the use of the airport shall be deemed to include required fees for Permittee and all concessions. The fee is due and payable on or before April 22, 2016.
3. **CITY SERVICES**. City will provide the following services for the Event:
  - a) Ten Police Officers.
  - b) Fire Engine Standby and Standby Personnel.
  - c) Sweeping of the runway, taxiways, and aprons prior to the Event on May 20, 2016.
  - d) 15 trash carts, 15 recycling carts, two large trash bins and two large recycling bins.
  - e) Parking lot attendants as well as parking lot barricades.

4. **TAXES**: Permittee shall take notice that the property interest created herein may be subject to property taxation and that the party in whom the possessory interest is vested (Permittee) may be subject to the payment of property taxes on such interest. Permittee also shall be responsible for and shall pay all possessory interest tax which may be assessed or levied, if any, on the property.

5. **INSURANCE**: Permittee shall as an express condition precedent to the operative effect of this use permit, and fifteen (15) days prior to use of the Madera Municipal Airport, deposit with the Airport Operations Manager policies or proof of insurance. Permittee shall procure and maintain for the duration of the event, contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Permittee's operation and use of the rented premises. The cost of such insurance shall be borne by the Permittee.

a) Minimum Scope and Limits of Insurance: Permittee shall maintain limits no less than:

- i) \$5,000,000 General Liability per occurrence for bodily injury, personal injury and property damage at least as broad as Insurance Services Office (ISO) Commercial General Liability coverage (occurrence Form CG 00 01).
- ii) For all aircraft participants: \$5,000,000 Aircraft Liability per accident for bodily injury or property damage. Said coverage must include grounding coverage.

- iii) Worker's Compensation insurance as required by the State of California and \$1,000,000 Employer's liability (for Permittee's employees).
- iv) Property insurance against all risks of loss to any Permittee improvements or betterments. Policy should be for full replacement cost with no coinsurance penalty provision.

If Permittee maintains higher limits than the minimums required above, the entity shall be entitled to coverage at the higher limits maintained by Permittee.

- b) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by the entity.
- c) Other Insurance Provisions: Both the general liability policy and the aircraft liability policy must be endorsed to contain the following provisions:
  - i) The entity, its officers, officials, employees, and volunteers are to be covered as insureds.
  - ii) For any claims related to this event, the Permittee's insurance coverage shall be primary insurance as respects the entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the entity, its officers, officials, employees or volunteers shall be excess of the Permittee's insurance and shall not contribute with it.
  - iii) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except

after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the entity.

- d) Waiver of Subrogation: Permittee hereby agrees to waive subrogation which any insurer of Permittee may acquire from Permittee by virtue of the payment of any loss. Permittee agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.
- e) Acceptability of Insurers: Insurance is to be placed with California admitted insurers with a current AM Best's rating of no less than A:VII, unless otherwise acceptable to the entity.
- f) Verification of Coverage: Permittee shall furnish the entity with copies of original certificates and endorsements, including amendatory endorsements, effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the entity fifteen (15) days prior to use of the Madera Municipal Airport; however, failure to do so shall not operate as a waiver of these insurance requirements. The entity reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time. Five Million Dollars bodily injury and property damage for the duration of the Event. City of Madera, its elective and appointive boards, officers, agents, commissions, volunteers, and employees shall be included as additionally insured on all policies.

6. **HOLD HARMLESS**: PERMITTEE agrees to defend and does hereby hold City

of Madera, its appointive and elective boards, officers, commissions, volunteers and employees harmless from any and all liability for damages or claims for damages for personal injuries or death to any person or persons, or property damage which may arise from PERMITTEE'S occupation and use of Madera Municipal Airport, or any one or more persons directly employed by or acting as agents for PERMITTEE or as contractors for PERMITTEE. PERMITTEE agrees to and shall defend CITY, its elective and appointive boards, officers, commissions, volunteers and employees from any suits or actions at law or in equity for damages caused or alleged to have been caused by reason of the aforesaid operations, provided however, that CITY does not and shall not waive any rights against PERMITTEE which it may have by reason of this hold harmless agreement, by reason of acceptance by CITY of deposit with CITY by PERMITTEE of any insurance policy or certificates of insurance described in Paragraph 4 hereof, and provided further that this hold harmless agreement shall apply to all damages and claims for damages of every kind suffered or alleged to have been suffered by reason of PERMITTEE'S operations, whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages, and is deemed to include any damages or injuries to CITY, CITY'S property, officers or employees.

7. **In addition to meeting all requirements set forth in the FAA Condition of Waiver or Authorization, PERMITTEE SHALL:**

a) Obtain the applicable FAA Condition of Waiver or Authorization for the Event. Make safety paramount among all activities and conform to all City of Madera, Federal and State rules and regulations governing Event activities and the directions of the Airport Operations Manager.

b) Submit a proposed Event Operational Layout Plan and Daily Event Schedules to the Airport Operations Manager not later than February 26, 2016.

Submit an updated plan not later than April 29, 2016, and a finalized plan on May 6, 2016.

c) Submit a detailed flight line and aircraft parking plan (Ramp Plan). Designate specific parking areas for Event performer aircraft, Event static display aircraft and transient aircraft. Publish engine start/warmup/runup and taxi guidelines for all aircraft and ensure compliance with such guidelines by Event participants. Provide names and experience level of the “Ramp Boss” and all aircraft launch and recovery (“orange glove”) personnel. Provide all safety clothing and equipment for said personnel. Provide a training and practice schedule for those taxi directors and flight line personnel possessing limited or no experience in this critical area. Airport Operations Manager will provide reasonable time and space on the airport for this purpose.

d) Submit a detailed Air Plan to include a launch and recovery sequence for performing aircraft, aerobatic box layout, loss of communications, emergency landings and closed airport/alternate airfields. Provide a surge capacity of flight line personnel for morning arrival of transient aircraft and end-of-day exodus, and for the large end-of-event exodus of all aircraft. Provide names and experience level of the “Air Boss” and his assistants. Provide plane-side emergency cockpit opening and pilot extraction briefing to fire and rescue crews for each aerobatic aircraft type. Verify credentials and certificates of insurance for Event aeronautical performers, from sky divers to fly-bys.

e) Submit a vehicle traffic control and parking plan. Street access to the airport and airport Business Park must remain open and clear at all times. Coordinate any

necessary road/street closures with City, County and State officials and applicable law enforcement agencies. Enforce no-parking restriction along Avenue 17 from Road 23 eastward to the eastern airport boundary from 7:00 am until 5:00 pm May <sup>21st</sup> and May <sup>22nd</sup>.

f) Ambulance Standby and Standby Personnel.

g) Provide traffic directors to handle pre-event and end-of-event entry and exit. Provide name of vehicle traffic and parking coordinators who shall coordinate with the City and all other agencies. Provide traffic control signage and supplies. All other requirements and coordination of other agencies, including but not limited to Madera County Sheriffs, CALTRANS, and California Highway Patrol will be paid and coordinated by PERMITTEE

h) Provide sufficient qualified aircraft taxi and parking directors to ensure that no aircraft is allowed to taxi under its own power on any unpaved surface. Event aircraft or transient aircraft will be required to shut down the engine and be pushed or towed onto and off of any unpaved surface.

i) Provide sufficient cones, ropes and lighted barricades to close and protect the entire tie-down apron, transient parking apron, and FBO apron commencing Tuesday, May 18<sup>th</sup> in order to install Event layout markings.

j) Provide adequate trash receptacles, hourly emptying of trash receptacles in the spectator areas on Saturday and Sunday, end of day cleanup, and removal of all trash and receptacles from the airport within twenty-four hours after conclusion of the Event. Permittee shall make all necessary arrangements with refuse collection contractors.

k) Provide sufficient portable electrical power generating sources (with noise

suppressors) to support all Event electrical requirements, vendors in particular. No connection to any airport electrical power source will be allowed. Provide name of Vendor Coordinator.

l) Provide all Event communications equipment and devices (except preferred equipment provided by security contractor if used, or the FAA) and coordinate all frequency assignments for the Air Plan, Ramp Plan and security operations.

m) Provide Public Address system and provide name of Show Announcer.

n) Provide sufficient chemical toilets for the Event, including sufficient handicap accessible toilets. Coordinate the delivery and removal of toilets within twenty-four hours after conclusion of the Event.

o) Provide crowd control and security. Provide overnight security for all aircraft, vehicles and equipment associated with the Event. Provide name of security and crowd control coordinator.

p) Obtain and bear the expense of any required license for the sale of alcoholic beverages which shall be in accordance with California ABC Guidelines and the Madera Municipal Code.

q) Provide a first aid/lost child station with qualified attendants. Provide stand-by ambulance service and related personnel.

r) Make all arrangements for Event Staff operations and control areas whether it is airport tenant owned facilities or rental tents, etc. Do not drive tent stakes into any paved surface and do not drill any holes into any paved surface. The Airport administration building is not available for Event staff activities.

s) Provide an all-inclusive roster of VIP persons to the Airport Operations Manager. Include method of VIP identification (color of wrist band, name tag, etc.). Provide name of VIP coordinator.

t) Payment for Damages. Permittee agrees to reimburse City of Madera for any and all damages to Madera Municipal Airport and other related City Property which may be caused by Event Participants or by any caterer or contractor supporting the Event. If any condition of this use permit is not met to satisfaction of the Airport Operations Manager or the on-site FAA observers, Permittee agrees to suspend all air activities or all ground activities as the case may be until such activities are in compliance with the use permit.

The grant of this permission shall not constitute a deed or grant of an easement by the City of Madera, is not transferable or assignable, is revocable at any time without notice, and is subject to the express condition that the use of the property referred to in this permit may from time to time be granted to other individuals or entities, and the City reserves the right to determine which individuals or entities shall have the use of any facility on any given day or days, regardless of the time in making application thereof so that the use of such facilities shall be on an equitable basis and not monopolized by any one person, firm, corporation or entity. The decision by the City with regard to the granting of such permission and the dates of such uses shall be final and conclusive.

This permit shall not be effective until receipt by the City of Madera of required FAA Certificate of Waiver or Authorization, insurance documents and a properly executed acceptance of this permit, subject to all the terms and conditions herein set forth.

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City of Madera

Triton Flight For Heroes, Inc.

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Robert L. Poythress  
Mayor

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Joe Conway III  
Executive Director