REGULAR MEETING OF THE MADERA CITY COUNCIL

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Wednesday, April 20, 2022 **Council Chambers**
6:00 p.m. **City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 894 8004 5873#. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL: Mayor Santos Garcia
Mayor Pro Tem Anita Evans, District 4
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Elsa Mejia, District 5
Councilmember Artemio Villegas, District 6

INVOCATION: Pam Grewal, Madera Sikh Temple

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

PUBLIC COMMENT:
The first 15 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, but are not required, to identify themselves and state the subject of their comments. 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.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. American Red Cross: Sound the Alarm Campaign
2. Certificate of Recognition – Matilda Torres High School and Madera South High School HOSA Club
3. Certificate of Recognition - Madera Coalition for Community Justice recognized as the 2022 Nonprofit of the Year for Senate District 12

INTRODUCTIONS: None.

A. WORKSHOP: None.

B. CONSENT CALENDAR:

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

B-1 Minutes – 9/15/21, 10/6/21, 02/02/22

Recommendation: Approve the City Council Minutes of September 15, 2021, October 6, 2021, and February 2, 2022

B-2 Informational Report on Register of Audited Demands for

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-4 Airport Liability Insurance Renewal

Recommendation: Adopt a Minute Order Authorizing the City Manager to execute necessary documents to bind the City's Airport Liability Insurance renewal (Report by Wendy Silva)

B-5 Amending the Municipal Code to Remove the Superseded Section relating to the Appointment Process for Members of the Civil Service Commission

Recommendation: Waive further reading and adopt an ordinance amending §2-2.303 of Title II of the Madera Municipal Code relating to the Civil Service Commission (Report by Wendy Silva)

B-6 Professional Services Agreement with MV Cheng & Associates

Recommendation: Adopt a Resolution Approving a Consulting Services Agreement with MV Cheng & Associates for Interim Director of Financial Services Consulting Services (Report by Wendy Silva)

B-7 CalRecycle Grant and Payment Programs

Recommendation: Adopt a Resolution Authorizing the Submittal of Application(s) for all CalRecycle Grant and Payment Programs for which the City is eligible (Report by Daniel Foss)

B-8 Delegation of Authority to receive Federal Funding under the Federal Transit Act Section (FTA) 5339 (49 U.S.C. Section 5339) with the California Department of Transportation

Recommendation: Adopt a Resolution Authorizing the City Manager as the signee to execute all required documentation as it relates to the FTA and Caltrans for the 2022/23 Fiscal Year related to public transit (Report by Anthony Forestiere)

B-9 Amendment to the Management and Operations Agreement between the City and MV Public Transportation, Inc.

Recommendation: Adopt a Resolution Approving Amendment to No. 4 to the Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc. relating to Special Services, including the 4th of July Firework Display Show, Parades, Madera District Fair, and the Holiday Light Show (Report by Anthony Forestiere)

B-10 Madera Police Department Flooring Renovation

Recommendation: Adopt a Resolution Awarding Contract to Michael Flooring under IFB 202021-07 for the Madera Police Department flooring renovation project in the amount of $69,900 and approve a Contractor Services Agreement (Report by Dino Lawson)

B-11 Amendment to the City's Utility Service

Recommendation: Adopt a Resolution Amending the City's Utility Services Policy consistent with the State of California Water Resources Control Board Water Arrearages Program (Report by Anthony Forestiere)

B-12 Easement Deeds for Sidewalk Improvements for Maple, Santa Cruz, and Monterey Streets (City Project R-84)

Recommendation: Adopt a Resolution Approving Three Purchase and Sale of Real Property Agreements and Authorizing the City Clerk to prepare the Certificate of Acceptance and Record Three Easement Deeds (APN Nos. 012-093-005, 012-093-013, and 012-097-006) (Report by Keith Helmuth)

B-13 Acceptance of Improvements for La Spezia II Subdivision (Tract No. 19-S-01)

Recommendation: Adopt a Resolution

1) Accepting the Improvements for La Spezia II Subdivision (Tract No. 19-S-01); and
2) Authorizing the Filing of the Notice of Completion for Said Subdivision Improvements; and
3) Authorizing staff to record the Notice of Completion of Subdivision Improvements (Report by Keith Helmuth)

B-14 Accepting Improvements for La Spezia III Subdivision (Tract No. 19-S-02)

Recommendation: Adopt a Resolution

1) Accepting the Improvements for La Spezia III Subdivision (Tract No. 19-S-02); and
2) Authorizing the Filing of the Notice of Completion for Said Subdivision Improvements; and
3) Authorizing staff to record the Notice of Completion of Subdivision Improvements (Report by Keith Helmuth)

B-15 Second Reading and Adoption of an Ordinance to Rezone 0.27 acre at 801 South Gateway Drive

Recommendation: Waive full reading and adopt an Ordinance, rezoning approximately 0.27 acres at 801 South Gateway Drive (APN 011-111-005) to C2 - Heavy Commercial zone district (Report by Gary Conte)

C. PUBLIC HEARINGS:

C-1 Villages at Almond Grove Specific Plan: Specific Plan (SP) No. 2017-01 (Adopting the Villages at Almond Grove Specific Plan); General Plan Amendment (GPA) No. 2017-02; Pre-zone/Rezone (REZ) No. 2017-05; Zoning Ordinance/Madera Municipal Code Amendment (OTA) No. 2022-01; Environmental Impact Report (EIR) (SCH #2018081051); and Annexation (ANX) No. 2022-01

Recommendation: Hold a public hearing, and then consider the following:

1. Approve a Resolution Adopting the EIR (SCH #2018081051), that provides for the following:
    a. Adoption of the findings required by CEQA Guidelines, Section 15091;
    b. Certification the Environmental Impact Report (SCH #2018081051) for the proposed The Villages at Almond Grove Specific Plan (a 1,883-Acre Area bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east), including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (ANX 2022-01), Zoning Ordinance Text Amendment (OTA 2022-01) as well as the two related Subdivisions (TSMs 2020-02 And 2020-03);
    c. Adoption of the proposed Mitigation Monitoring and Reporting Program, and
    d. Adoption of a Statement of Overriding Considerations, pursuant to the California Environmental Quality Act (CEQA);
2. Adopt a Resolution approving General Plan Amendment (GPA) 2017-02 for the Villages at Almond Grove Specific Plan consistency with the General Plan;
3. Introduce an Ordinance of the City Council of the City of Madera adopting the proposed Villages at Almond Grove Specific Plan (Specific Plan No. 2017-01) by title only, and waive the first full reading;
4. Introduce an Ordinance of the City Council of the City of Madera amending Section 10-3.301 of Chapter 3 of Title 10 of the City Municipal Code and adding Sections 10-3.11.601 through Section 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the City Municipal Code to provide for Specific Plan Zones (SP) by title only, and waive the first full reading; and
5. Introduce an Ordinance of the City Council of the City of Madera amending the official City of Madera Zoning Map to rezone approximately 1,883 acres within the Villages at Almond Grove Specific Plan, whose location is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, from Agricultural Rural Exclusive – 40 acres (ARE-40) and Agricultural Rural Exclusive – 42 acres (ARE-20), as well as PD 4500 (Planned Development, one unit per 4,500 square feet of site area) to the Specific Plan (SP) zone district by title only, and waive the first full reading.

6. Consider a report on a Resolution initiating annexation of the Villages at Almond Grove Specific Plan area (Annexation No. 22-01), and consider its adoption at a subsequent meeting (Report by Gary Conte)

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS: None.

E. ADMINISTRATIVE REPORTS: None.

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:
This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

G. CLOSED SESSION: None.

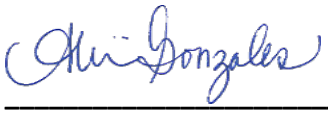
ADJOURNMENT:

UPCOMING MEETING DATES:

- Wednesday, May 4, 2022
- Wednesday, May 18, 2022

- Please silence or turn off cell phones and electronic devices while the meeting is in session.
- Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
- A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at cityclerkinfo@madera.gov .
- The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
- Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
- Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.

I, Alicia Gonzales, 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 April 20, 2022, near the front entrances of City Hall and on the City's website www.madera.gov at 11:00 a.m. on April 15, 2022.



_____
Alicia Gonzales, City Clerk

Item:	B-1
Minutes for:	09/15/2021
Adopted:	04/20/2022

Minutes of a Regular Meeting of the Madera City Council

September 15, 2021 **Council Chambers**
6:00 p.m. **City Hall**

This meeting was conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. The City Council meeting was live streamed on the City's website at www.madera.gov/live. Members of the public were able to participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: #861 9231 0224. When an agenda item you wish to comment on is discussed, press *9 on your phone to virtually raise your hand. Press *6 to un-mute yourself to speak when the last four digits of your phone number or your name is called. Comments were also accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4

Absent: Vacant, District 5

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, City Engineer Keith Helmuth, Interim Director of Financial Services Anthony Forestier, Fire Division Chief Matthew Watson, Director of Human Resources Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Commander Giachino Chiaramonte, Interim Public Work Director Dan Foss, Deputy City Engineer Ellen Bitter, Senior Civil Engineer Steve Bettencourt, Administrative Analyst (Engineering) Nicole Say, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Roger Leach, Valley West Christian Center

PLEDGE OF ALLEGIANCE: Police Commander Giachino Chiaramonte

APPROVAL OF AGENDA:
ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

PUBLIC COMMENT:
The first 15 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, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

No public comment was given. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Department of Public Health Update on COVID-19 (Report Madera County Public Health Department

2. Proclamation Recognizing Old Timers' Week

3. Proclamation Recognizing the 211th Anniversary of the Mexican Independence Day

4. Senator Anna Caballero's 2021 Young Legislators Program

INTRODUCTIONS: None

A. WORKSHOP: None

B. CONSENT CALENDAR:
Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM VILLEGAS, THE CONSENT CALENDAR WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

B-1 Minutes – 05/17/21
Recommendation: Approve the City Council Minutes of May 17, 2021

B-2 Informational Report on Register of Audited Demands for Aug. 21, 2021 to Sept. 3, 2021
Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Informational Report on Personnel Activity
Recommendation: No Action Required (Report by Wendy Silva)

B-4 Assignment of Grant Administrator Classification to the Competitive Service

Recommendation: Waive Further Reading and Adopt an Ordinance Amending Subsection E of §2-2.305 of Title II of the Madera Municipal Code relating to Civil Service and Exceptions to the Competitive Service (Report by Wendy Silva)

ORD 978 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING SUBSECTION E OF §2-2.305 OF TITLE II OF THE MADERA MUNICIPAL CODE RELATING TO CIVIL SERVICE AND EXCEPTIONS TO THE COMPETITIVE SERVICE

B-5 Agreement with Quad Knopf Inc, dba QK for Professional Engineering Services for the Planning and Design of New Automatic Meter Reading (AMR) Water Meters

Recommendation: Adopt a Resolution Approving an Agreement with Quad Knopf Inc, dba QK in the Amount of $281,862 for Professional Engineering Design Services for the Installation of New Automatic Meter Reading (AMR) Water Meters at Various Locations, City Project No. W-31, W-32, and W-33 (Report by Keith Helmuth)

RES 21-125 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH QUAD KNOPF, dba QK FOR PROFESSIONAL ENGINEERING SERVICES FOR CITY OF MADERA AMR WATER METER PROJECTS W-31, W- 32 AND W-33 IN THE AMOUNT OF $281,862

B-6 Ellis & D Street Subdivision – Use of County Owned Ellis Street Basin

Recommendation: Authorize City Engineer to Sign and Transmit Letter to County of Madera Regarding Use of Ellis Street Basin (Report by Keith Helmuth)

B-7 Airport Access Agreement Renewal with Stephen J. and Nadine Sagouspe

Recommendation: Adopt a Resolution Clarifying Resolution No. 21-109 Regarding Property Description for Airport Access Agreement with Stephen J. and Nadine Sagouspe (Report by Daniel Foss)

RES 21-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA CLARIFYING RESOLUTION NO. 21-109 REGARDING PROPERTY DESCRIPTION FOR AIRPORT ACCESS AGREEMENT WITH STEPHEN J. AND V. NADINE SAGOUSPE

B-8 Appointment of Patricia Carreon to the Transit Advisory Board

Recommendation: Adopt a Resolution Appointing Patricia Carreon to Serve as a Member of the City of Madera Transit Board (TAB) (Report by Anthony Forestiere)

RES 21-127 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPOINTING MS. PATRICIA CARREON AS A MEMBER OF THE CITY OF MADERA TRANSIT ADVISORY BOARD AS DISTRICT FOUR NOMINEE

B-9 Transfer of Community Development Block Grant (CDBG) Funds form the City's Engineering to the Public Works Department and Approve Amendment to CDBG Subrecipient Agreement with City's Public Works Department

Recommendation: Adopt a Resolution Approving an Amendment to CDBG Subrecipient Agreement with City's Public Works Department, Rescinding Resolution No. 21-14 Approving Subrecipient Agreement for $36,755 with City Engineering Department, and Approving a Transfer of $36,755 in CDBG funds from the Engineering Department to Public Works(Report by Anthony Forestiere)

RES 21-128 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AMENDMENT TO CDBG SUBRECIPIENT AGREEMENT WITH CITY PUBLIC WORKS DEPARTMENT, RESCINDING RESOLUTION NO. 21-14, APPROVING SUBRECIPIENTAGREEMENT FOR $36,755 WITH CITY ENGINEERING DEPARTMENT, AND APPROVING A TRANSFER OF $36,755 IN CDBG FUNDS FROM THE ENGINEERING DEPARTMENT TOPUBLIC WORKS DEPARTMENT

C. PUBLIC HEARINGS:

C-1 Measure T Annual Expenditure Plan (AEP) for Fiscal Year 2021/22

Recommendation: Adopt a Resolution Approving the Expenditure Budget for the Various Funding Programs in the Measure T AEP for FY 2021/22 and Authorizing

Submission of Projects to Madera County Transportation Commission (MCTA) for Adoption (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM C-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

RES 21-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE MEASURE T ANNUAL EXPENDITURE PLAN (AEP) FOR FISCAL YEAR (FY) 2020/21 AND AUTHORIZING THE CITY ENGINEER TO SUBMIT THE PLAN TO THE MADERA COUNTY TRANSPORATION AUTHORITY (MCTA) FOR ADOPTION

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

D-1 Second Reading and Adoption of Ordinance Amending the City's Municipal Code Relating to Cannabis and Adoption of Negative Declaration

Recommendation:

1) Waive full reading and Adopt an Ordinance of the City of Madera, California Amending Section 6-5.33 (D) Of Title VI, Chapter 5 of the Madera Municipal Code Relating to Location and Design of Cannabis Businesses [Relative to Lions Town & Country Community Park]

2) Adopt the Negative Declaration the determined that the Proposed Project will not have Significant Adverse Effects on the Environment (Report by Arnoldo Rodriguez)

Item was tabled for further discussion and review.

D-2 Initiation of Proceedings for the Annexation of the Omni Subdivision into Community Facilities District 2005-01

Recommendation:

1) Adopt a Resolution Adopting a Boundary Map Showing the Territory Proposed for Annexation to City of Madera Community Facilities District No. 2005-01; and

2) Adopt a Resolution Declaring the City's Intention to Authorize the Annexation of Territory into City of Madera Community Facilities District No. 2005-01 (Report by Gary Conte)

Haley Gonzalez expressed her concern at having a dispensary centrally located in the City of Madera and close to a park.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM D-2 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

The first resolution mentioned above was not included in the staff report; no resolution number was assigned to it.

RES 21-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY (OMNI SUBDIVISION) TO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01 (PUBLIC SERVICES) ANNEXATION NO. 10

E. ADMINISTRATIVE REPORTS: None

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:
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Councilmember Gallegos announced that the Madera Arts Council has an exhibit dedicated to agriculture and encouraged everyone to stop by and support the event.

Councilmember Rodriguez mentioned the City Council's participation in the Highway 99 widening project ribbon cutting ceremony and recognized his colleagues for their time and effort to ensure the completion of the project.

Councilmember Montes mentioned the successful Highway 99 widening project ribbon cutting ceremony. He asked staff to agendize altering the Cannabis Ad Hoc Committee.

Councilmember Evans mentioned the successful Highway 99 widening project and ceremony.

Mayor Pro Tem Villegas had nothing to report.

Mayor Garcia mentioned the Highway 99 widening project and the enjoyable and positive spirit of the ceremony.

G. CLOSED SESSION:

G-1 Public Employee Performance Evaluation – Pursuant to Government Code Section §54957(b)(1)
Title: City Clerk

G-2 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation - Pursuant to Government Code §54956.9(d)(2)
1) Workers Compensation: Lynn Hollier – Two (2) Claims

G-3 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Arnoldo Rodriguez
Unrepresented Employee: Director of Parks & Community Services

G-4 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Arnoldo Rodriguez and Wendy Silva
Employee Groups: Mid Management Employee Group and Law Enforcement Mid Management Group

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 7:22 p.m.

Council returned from Closed Session at 8:37 p.m. with all Council present.

City Manager Arnoldo Rodriguez stated that was no reportable action.

ADJOURNMENT: The meeting was adjourned at 8:37 p.m. Next regular meeting on October 6, 2021.

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.

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk

Item:	B-1
Minutes for:	10/06/2021
Adopted:	04/20/2022

Minutes of a Regular Meeting of the Madera City Council

October 6, 2021 **Council Chambers**
6:00 p.m. **City Hall**

The City Council meeting was available for public viewing and participation. The meeting was live streamed on the City's website at www.madera.gov/live. Members of the public were able to participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: #899 4207 5037. When an agenda item you wish to comment on is discussed, press *9 on your phone to virtually raise your hand. Press *6 to un-mute yourself to speak when the last four digits of your phone number or your name is called. Comments were also accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4

Absent: Vacant, District 5

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Chief Building Official Steven Woodworth, City Engineer Keith Helmuth, Interim Financial Services Director Anthony Forestiere, Fire Division Chief Matthew Watson, Fire Captain Vance Killion, Director of Human Resources Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Ellen Bitter, and Communication Specialist Joseph Carrello.

INVOCATION: Rabbi Paul Gordon

PLEDGE OF ALLEGIANCE: Councilmember Montes

APPROVAL OF AGENDA:
ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

City Attorney Hilda Cantu Montoy mentioned the following:

1. Now that they are all physically present, it is not a requirement that they have a roll call after each vote. They can still have roll call at the request of a Councilmember but it is not required since they are meeting physically.

2. Prior to the meeting, she had a request from a Councilmember to remind the Council that they are not to text each other regarding City business during the meeting.

Mayor Garcia wanted clarification on the voting. Ms. Montoy stated he could say, "All those in favor. All those against."

PUBLIC COMMENT:
The first 15 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, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

No public comment was presented. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Department of Public Health Update on COVID-19 (Report Madera County Public Health Dept.)

2. Proclamation Recognizing Domestic Violence Awareness Month

3. Proclamation Recognizing Disability Awareness Month

INTRODUCTIONS: None

A. WORKSHOP: None

B. CONSENT CALENDAR:

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE CONSENT CALENDAR WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

B-1 Minutes – 6/30/21

Recommendation: Approve the City Council Minutes of June 30, 2021

B-2 Informational Report on Register of Audited Demands for Sept. 4, 2021 to Sept. 24, 2021

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Amendment to the City's Transit Advisory Board (TAB) Bylaws

Recommendation: Adopt a Resolution Approving Amendment No. 3 to the Transit Advisory Board Bylaws (Report by Anthony Forestiere)

RES 21-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 3 TO THE CITY OF MADERA TRANSIT ADVISORY BOARD BYLAWS

B-4 Ratification of COVID-19 Emergency Policy Revisions

Recommendation: Adopt a Minute Order Ratifying Issuance of Revised COVID-19 Emergency Policy No. 4 Vaccine Incentive Pay by the City Manager in his role as Director of Emergency Services (Report by Wendy Silva)

B-5 Pipeline Protection and Inspection Agreement with SFPP, L.P. (SFPP) for Inspection Services Related to the Olive Avenue Widening and Reconstruction Project

Recommendation: Adopt a Resolution Approving a Pipeline Protection and Inspection Services Agreement for $17,000 with SFPP for Inspection Services Related to the Olive Avenue Widening and Reconstruction Project (Report by Keith Helmuth)

RES 21-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A PIPELINE AND INSPECTION SERVICES AGREEMENT WITH SFPP, L.P. FOR INSPECTION SERVICES RELATED TO THE OLIVE AVENUE WIDENING AND RECONSTRUCTION PROJECT

B-6 Request for Connection to the City's Water System

Recommendation: Adopt a Resolution Approving Agreement for Outside of City Water Service for Property Located at 27682 Pina Street (Report by Keith Helmuth)

RES 21-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH BLANCA HOLGUIN FOR OUTSIDE OF CITY WATER SERVICE FOR 27682 PINA STREET, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT

B-7 Master Agreement between the Madera County Transportation Commission and the City's 2020/2021 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding

Recommendation: Adopt a Resolution Approving the Master Agreement between the Madera County Transportation Commission (MCTC) and the City for the Fiscal Year 2020/2021 Allocation of RSTP Exchange Funding (Report by Keith Helmuth)

RES 21-135 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION (MCTC) AND THE CITY OF MADERA FOR THE FISCAL VEAR 2020/2021 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) EXCHANGE FUNDING

B-8 Amendment to Existing Consultant Contract between the City and NBS Relating to Utility Rate Studies

Recommendation: Adopt a Resolution Approving First Amendment to Agreement for Professional Services between the City and NBS Relating to Rate Studies for Additional Services at a Cost of $17,800 (Report by Anthony Forestiere)

RES 21-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND NBS RELATING TO RATE STUDIES FOR ADDITIONAL SERVICES AND INCREASE OF FEES

B-9 Amendment to Agreements between the City and MV Public Transportation, Inc.

Recommendation:

1) Adopt a Resolution Approving Amendment to No. 2 to Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc.; and

2) Adopt a Resolution Approving Amendment No. 2 to the Lease Agreement between the City and MV Public Transportation, Inc. (Report by Anthony Forestiere)

RES 21-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

RES 21-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

B-10 Acceptance of a Grant Award from the State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP)

Recommendation:

1) Adopt a Resolution to Accept the Grant Award in the Amount of $95,000 on behalf of the City; and

2) Adopt a Resolution Amending the City's 2021/22 Budget to Reflect Revenues and Expenditures Related to the Grant (Report by Dino Lawson)

RES 21-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING GRANT AWARD FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE AMOUNT OF $95,000 AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZING OFFICIAL TO ACCEPT THEGRANT AWARD

RES 21-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2021/2022 BUDGET

B-11 Insurance Claim for Replacement of Four Police Units

Recommendation: Adopt a Minute Order Authorizing the City Manager to Execute a Master Partial Proof of Loss in the Amount of $140,000 towards Replacement of Four Police Units and to Submit and Execute any further Related Documents to Finalize the Insurance Claim (Report by Wendy Silva)

B-12 Informational Report on $100,000 Water Conservation Grant from the City to Madera Unified School District for Martin Luther King Middle School

Recommendation: This report is submitted for informational purposes only and there is no action requested from Council (Report by Anthony Forestiere)

B-13 Informational Report on Community Facilities District 2005-001

Recommendation: This report is submitted for informational purposes only and there is no action requested from Council (Report by Anthony Forestiere)

C. PUBLIC HEARINGS: None

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

D-1 Remote City Council Meetings Under New Brown Act Requirements (AB361)

Recommendation:

1) Council to Review the New Brown Act Requirements Under AB 361 for Remote Meetings, and

2) Council to Decide whether to Adopt a Resolution Authorizing Remote Teleconference Public Meetings by the City Council and all Boards, Commissions, and Standing Committees of the City in Accordance with Assembly Bill 361 for a Period of Thirty Days (Report by Hilda Cantu Montoy)

DJ Becker stated that as the Chair for Block Grant Commission and the ADA Advisory Council she had concerns about any requirements for returning to in-person meetings. Attending via Zoom has been working well.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ AGAINST ITEM D-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBER EVANS, MAYOR PRO TEM VILLEGAS AND MAYOR GARCIA. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

YES: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES

NO: 3 - COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

ON MOTION BY MAYOR GARCIA AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBERS GALLEGOS, MONTES AND RODRIGUEZ. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

YES: 3 - COUNCILMEMBER EVANS

MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

NO: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES

E. ADMINISTRATIVE REPORTS:

E-1 Cannabis Ad Hoc Committee Composition

Recommendation: Council Consider the Cannabis Ad Hoc Committee Composition and Determine Membership (Report by Arnoldo Rodriguez)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS TO NOMINATE NEW AD-HOC MEMBERS AND BE COMPRISED OF HIMSELF AND COUNCILMEMBER EVANS. 00COUNCILMEMBER EVANS WITHDREW HER NAME FROM THE NOMINATION.

Rico Saldivar stated he would like the Ad Hoc Committee to stay the same so that the process isn't set back.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ TO REMOVE THE CURRENT AD-HOC COMMITTEE MEMBERS AND APPOINT COUNCILMEMBERS GALLEGOS AND MONTES AS THE NEW CANNIBAS AD-HOC MEMBERS, ITEM E-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBER EVANS, MAYOR PRO TEM VILLEGAS AND MAYOR GARCIA. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

YES: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES

NO: 3 - COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES NOMINATING COUNCILMEMBERS MONTES AND RODRIGUEZ AS THE NEW CANNABIS AD-HOC MEMBER, ITEM E-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBERS GALLEGOS, MONTES AND RODRIGUEZ. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

YES: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ

COUNCILMEMBER MONTES

NO: 3 - COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

Councilmember Gallegos asked staff to agendize having the Cannabis Ad-Hoc Committee dissolved at the next Council meeting. There was Councilmember consensus to put that item on the agenda for formal dissolution.

Councilmember Montes thanked staff for the implementation of pedestrian safety measures in District 3 and District 4. He thanked staff for assisting Council participation in the Old Timers' Day Parade and stated it was good to see the community out there.

Councilmember Evans stated she enjoyed the Old Timers' Parade. She stated she also enjoyed the League of California Cities Conference and seeing a different side to the Councilmembers. Councilmember Evans stated it was an interesting learning experience. She asked staff to agendize consideration of cannabis cultivation to a future meeting once the City Manager, City Attorney and Consultant had time to review and work on the item. There was Councilmember consensus to put that item on a future agenda.

Mayor Pro Tem Villegas stated he enjoyed participating in the Old Timers' Day Parade . He stated he was excited about all he learned at the League of California Cities Conference.

Mayor Garcia asked everyone to say a prayer for the City Manager's family as they contend with COVID-19.

Councilmember Gallegos acknowledged Nick Salinas for his effort to ensure the Old Timers' Day Parade was possible. She commended Chief of Police Dino Lawson and his staff for reaching out to the community to cancel National Night Out in the interest of safety.

Councilmember Rodriguez stated that attending the League of California Cities Conference was a great experience. He thanked City Clerk Alicia Gonzales for coordinating the trip and participating at the conference.

G. CLOSED SESSION:

G-1 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Arnoldo Rodriguez and Wendy Silva
Employee Groups: General Bargaining Group

G-2 Conference with Real Property Negotiators - Pursuant to Government Code Section §54956.8
Property: 1 Parcel
City of Madera APN: 035-080-026
Agency Negotiators: Keith Helmuth
Negotiating Party: Jason Sanders
Under Negotiations: Price and Terms

G-3 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Mayor Santos Garcia
Unrepresented Employee: City Clerk

G-4 Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section §54956.9(d)(4)
One Case: City of Madera v. High Speed Rail Authority

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 7:48 p.m.

Council returned from Closed Session at 9:26 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

City Attorney Hilda Cantu Montoy stated that was no reportable action.

ADJOURNMENT: The meeting was adjourned at 9:27 p.m. Next regular meeting on October 20, 2021.

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.

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk

Item:	B-1
Minutes for:	02/02/2022
Adopted:	04/20/2022

Minutes of a Regular Meeting of the Madera City Council

Wednesday, February 2, 2022 **Council Chambers**
6:00 p.m. **City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 899 3003 0860#. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

The City will observe the Madera County Public Health Department recommendations. This may limit seating in the Council Chamber; however, the City will have seating available in the foyer. All persons visiting City facilities shall observe health and safety protocols.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

All Present: Mayor Santos Garcia
Mayor Pro Tem Anita Evans, District 4
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Elsa Mejia, District 5
Councilmember Artemio Villegas, District 6

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Chief Building Official Steven Woodworth, City Engineer Keith Helmuth, Fire Chief Matt Watson, Interim Parks Director Joseph Hebert, Interim Director of Financial Services Anthony Forestiere, Information Services Manager Mark Souders, Police Chief Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Ellen Bitter, Deputy City Engineer Randy Bell, Senior Civil Engineer Steve Bettencourt, Assistant Engineer Alexis Raymundo, Administrative Analyst (Engineering) Nicole Say, Administrative Analyst (Public Works) Adam Gonzales, Police Lieutenant Josiah Arnold, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor John Pursell, Believer's Church

PLEDGE OF ALLEGIANCE: Hilda Cantu Montoy, City Attorney

APPROVAL OF AGENDA:

ON MOTION BY MAYOR PRO TEM EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, THE AGENDA WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

PUBLIC COMMENT:
The first 15 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, but are not required, to identify themselves and state the subject of their comments. 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.

Ms. Alisha Brown addressed the Council and shared information regarding the non-profit Project Run and the upcoming fundraising event. She also handed out invitations to the Gala including sponsorship information.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Department of Public Health Update on COVID-19 (Report by Madera County Public Health Department)

   Public Health Director Sara Bosse provided a COVID-19 report update.

2. Proclamation Recognizing February as Black History Month

   Mayor Santos Garcia presented the Proclamation Recognizing February as Black History Month.

INTRODUCTIONS:

A. WORKSHOP:

A-1 Workshop on a Planned Caltrans Project on State Route 145 (SR 145)

Recommendation: Consider Workshop Presentation and Provide Direction to Staff (Report by Keith Helmuth)

City Engineer Keith Helmuth and Caltrans staff presented the report.

City Manager comments were heard.

City Council comments were heard.

City Attorney comments were heard.

Mayor called for a five-minute break at 7:07 p.m.

The meeting was reconvened at 7:13 p.m. with all Councilmembers present. Item C-1 was heard at this time.

The Caltrans workshop was continued at 8:15 p.m. following the Redistricting Public Hearing.

B. CONSENT CALENDAR:

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

ITEM B-7 WAS PULLED FOR DISCUSSION.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, THE CONSENT CALENDAR WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

B-1 Minutes – May 20, 2021

Recommendation: Approve the City Council Minutes of May 20, 2021

B-2 Informational Report on Register of Audited Demands for January 8, 2022 to January 21, 2022

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Ratification of COVID-19 Emergency Policy Revisions

Recommendation: Adopt a Minute Order Ratifying Revisions to the following COVID-19 Emergency Policies issued by the City Manager in his role as Director of Emergency Services:

1) COVID-19 Emergency Policy No. 3: COVID-19 Prevention Program; and
2) COVID-19 Emergency Policy No. 4: COVID-19 Vaccine Incentive Pay (Report by Wendy Silva)

B-4 Bid Package 1 - Water Main Replacement at Dunham and Lewis Street, City Project No. W-40

Recommendation: Approve a Minute Order Approving:

1) Acceptance of Bid Package 1 – Water Main Replacement at Dunham and Lewis Street, City Project No. W-40

2) The Recording of Notice of Completion

3) The Release of Retention 35 days after Recording of the Notice of Completion (Report by Keith Helmuth)

B-5 Second Reading and Adoption of an Ordinance for Organic Waste Disposal Reduction, Recycling, and Solid Waste Collection per Senate Bill (SB) 1383

Recommendation: Waive the full reading and adopt an Ordinance Amending Title V "Sanitation and Health" of the Madera Municipal Code by Adding New Chapter 3A Relating to Organic Waste Disposal Reduction, Recycling, and Solid Waste Collection and Confirming a CEQA Categorical Exemption (Report by Arnoldo Rodriguez)

ORD 983 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING TITLE V "SANITATION AND HEALTH" OF THE MADERA MUNICIPAL CODE BY ADDING NEW CHAPTER 3A RELATING TO ORGANIC WASTE DISPOSAL REDUCTION, RECYCLING, AND SOLID WASTE COLLECTION

B-6 Letter of Support for Senate Bill 843, Renters Tax Credit

Recommendation: Approve a Minute Order Approving a Letter of Support for Senate Bill 843, Renter's Tax Credit (Report by Arnoldo Rodriguez)

B-7 Appointments to the Civil Service Commission

Recommendation: Adopt a resolution appointing the following individuals to the Civil Service Commission:

1. Summer Gonzales
2. Celeste Voyles
3. Julius Washington
4. Nick Salinas
5. Muhammad Latif
6. Saim Mohammad

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM B-7 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 22-13 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPOINTING SUMMER GONZALES, CELESTE VOYLES, JULIUS WASHINGTON, NICK SALINAS, MUHAMMAD LATIF, AND SAIM MOHAMMAD TO THE CITY OF MADERA CIVIL SERVICE COMMISSION

C. PUBLIC HEARINGS:

C-1 7:00 p.m. - Redrawing of Council Member District Boundaries (Redistricting)

Recommendation:

1) Receive a report on the redistricting process, initial draft maps, and permissible criteria to be considered to redraw district boundaries; and
2) Conduct Public Hearing #3 on redistricting and receive public input; and
3) Provide feedback on preferred map or maps, and/or desired changes to draft maps (Report by Alicia Gonzales)

Joanna Gin Associate with BB&K provided a presentation and report.

Mayor Garcia opened the Public Hearing at 7:48 p.m.

Spoke:
Parksdale Community Member

Written Communication Received by:
Wallace Nishimoto

City Manager comments were heard.

City Council comments were heard.

City Attorney comments were heard.

COUNCILMEMBER RODRIGUEZ MOTIONED TO CONSIDER MAP OPTIONS 1 AND 2 AND WITH ANY MODIFICATIONS FROM THE WORKSHOP SCHEDULED ON SUNDAY, FEBRUARY 6, 2022, AND RETURN TO COUNCIL WITH A FINALIZED MAP. MOTION SECONDED BY COUNCILMEMBER GALLEGOS.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 4 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER MEJIA

NO: 3 - MAYOR PRO TEM EVANS
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

D-1 Claims Settlement Authority Delegated to the City Manager

Recommendation: Waive Full Reading and Introduce an Ordinance of the City of Madera Amending Section 1-6.18 of Title I Chapter 6 of the Madera Municipal Code relating to City Manager Authority on Claims Against the City (Report by Wendy Silva)

Wendy Silva Human Resources Director provided a presentation and report.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-1 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE. THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

D-2 Landscape and Lighting Assessment District Zones of Benefit: Engineer's Report and Intention to Levy and Collect Annual Assessment for City Wide Landscape and Lighting Assessment District Zones of Benefit for Fiscal Year 2022/2023

Recommendation:

1) Adopt a Resolution Confirming the Diagram and Assessments for Annual Levy for Fiscal Year 2022-2023 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 For Fiscal Year (FY) 2022/23; and

2) Adopt A Resolution of Intention To Levy And Collect Annual 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 For FY 2022/23 and Setting Date for Public Hearing (Report by Keith Helmuth)

Nicole Say Administrative Analyst provided a presentation and report.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-2 (1) & (2) WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ

COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 22-14 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE ENGINEERS REPORT FOR FISCAL VEAR 2022-2023 FOR CITYWIDE LANDSCAPE AND LIGHTING DISTRICT ZONES OF BENEFIT 1, 2, 3, 4, 6-A, 6-8, 7, 8, 9, 10-A, 10-8, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H,10-I, 12, 13, 14, 15, 15-8, 15-C, 16, 17-A, 17-8, 17-C, 17-D, 18, 20-A, 20-8, 20-C, 21-A, 21-B, 21-C, 21-0, 23, 24, 25-C, 25-D, 26, 26-8, 26-C,26-D, 27, 27-8, 28, 28-8, 29, 29-8, 29-C, 29-D, 29-E, 30, 31-A, 31-8, 32-A, 32-8, 33, 34, 34-8, 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

RES 22-15 A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF MADERA TO LEVY AND COLLECT ASSESSMENTS AND SET PUBLIC HEARING DATE, TIME, AND PLACE FOR LANDSCAPE MAINTENANCE 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,10-1, 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 FOR FISCAL YEAR 2022/23

D-3 Contract Award for the Sidewalk Improvements Maple Street – Santa Cruz Street – Monterey Street, CDBG Project No. B19MC060053, City Project No. R-84

Recommendation: Adopt a Resolution Approving the Contract Award for Sidewalk Improvements Maple Street – Santa Cruz Street – Monterey Street, CDBG Project No. B19MC060053, City Project No. R-84, in the amount of $254,678 to Witbro, Inc. DBA Seal Rite Paving & Grading (Report by Keith Helmuth)

Alexis Raymundo Assistant Engineer provided a presentation and report.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MEJIA, ITEM D-3 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 22-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR THE SIDEWALK IMPROVEMENTS

MAPLE STREET- SANTA CRUZ STREET- MONTEREY STREET, CDBG PROJECT NO. B19MC060053, CITY PROJECT NO. R-84, IN THE AMOUNT OF $254,678 TO WITBRO, INC. DBA SEAL RITE PAVING & GRADING AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

D-4 Contract Award for the Sidewalk Improvements Lilly Street – Vineyard Avenue, CDBG Project No. B19MC060053, City Project No. R-85

Recommendation: Adopt a Resolution Approving the Contract Award for the Sidewalk Improvements Lilly Street – Vineyard Avenue, CDBG Project No. B19MC060053, City Project No. R-85, in the amount of $183,092 to Witbro, Inc. DBA Seal Rite Paving & Grading (Report by Keith Helmuth)

Alexis Raymundo Assistant Engineer provided a presentation and report.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MEJIA, ITEM D-4 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 22-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR THE SIDEWALK IMPROVEMENTS LILLY STREET-VINEYARD AVENUE, CDBG PROJECT NO. B19MC060053, CITY PROJECT NO. R-85, IN THE AMOUNT OF $183,092 TO WITBRO, INC. DBA SEAL RITE PAVING & GRADING AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

E. ADMINISTRATIVE REPORTS:

E-1 City Contribution toward the Madera County Economic Development Commission for FY 2022/2023 in the amount of $179,428.99

Recommendation: The EDC recommends the City Council Adopt a Minute Order Approving the 2022/2023 Basic Service Level Budget as Submitted (Report by Bobby Kahn)

Bobby Kahn EDC Executive Director provided a presentation and report.

City Council comments were heard.

ON MOTION BY COUNCILMEMBER VILLEGAS AND SECONDED BY COUNCILMEMBER MEJIA, ITEM E-1 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS

COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

Councilmember Villegas stated he noticed a lot of gang graffiti since the Christmas season and asked the Police Chief for additional patrol of the areas.

Councilwoman Gallegos thanked staff for being in attendance and showing up in the community during this COVID variant and cold temperatures.

Councilmember Rodriguez requested that staff share with the current Council the State Route 145 workshop that was previously presented by Mark Thomas. He also thanked Chief Lawson for his service and great work. Councilmember Rodriguez also thanked the attendees in the Council Chamber for their attendance at the meeting.

Mayor Pro Tem Evans thanked staff for their hard work and stated to please stay safe.

G. CLOSED SESSION:

G-1 Public Employee Performance Evaluation
Pursuant to Government Code Section 54957(b)(1)
Title: City Manager

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 9:46 p.m.

Council returned from closed session at 10:52 p.m. with seven (7) Councilmembers present.

City Manager Arnoldo Rodriguez stated there was no reportable action.

ADJOURNMENT: The meeting was adjourned at 10:53 p.m. Next regular meeting on February 16, 2022.

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.

MINUTES PREPARED BY
ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

REPORT TO CITY COUNCIL

Approved by:

Department Director

City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-2

SUBJECT:

Informational Report on Register of Audited Demands

RECOMMENDATION:

Review Register of Audited Demands Report for March 26, 2022 to April 8, 2022

SUMMARY:

The Register of Audited Demands for the City covering obligations paid during the period of March 26, 2022 to April 8, 2022 is contained in the attachment and summarized in the following tables.

Table 1: *Warrant Distribution Summary*		
Description	*Check #'s*	*Amount*
General Warrants	32436 – 32554	$2,103,229.75

Table 2: *Wire Transfer Summary*		
Description	*Vendor*	*Amount*
Payroll and Taxes	Union Bank	$580,821.48
SDI	EDD	$2,533.09
CalPERS Payment	CalPERS	$122,296.05

DISCUSSION:

Warrant requests are processed weekly based on the adopted Fiscal Year 2021/2022 budget and released for payment every Monday. Each demand has been audited and the Finance Director hereby certifies as to their accuracy and that there were sufficient funds for their payment. Per the request of City Council, we have included the departments from which each of the respective warrants were requested as well as the fund/division description from which they were paid.

FINANCIAL IMPACT:

Demands for payments are made within the constraints of the approved 2021/2022 budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

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

ALTERNATIVES:

Informational only.

ATTACHMENTS:

Register of Audited Demands

CITY OF MADERA

REGISTER OF AUDITED DEMANDS FOR BANK #1 - UNION BANK GENERAL ACCOUNT

April 20, 2022

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32436	03/28/2022	FINANCE	FINANCE	ACRO SERVICE CORPORATION	TEMP SERVICES - FINANCIAL SERVICES MANAGER	$ 1,912.00
32436	03/28/2022	FINANCE	FINANCE	ACRO SERVICE CORPORATION	TEMP SERVICES - PAYROLL SPECIALIST	$ 1,286.22
32436	03/28/2022	PLANNING	PLANNING	ACRO SERVICE CORPORATION	TEMP SERVICES - PLANNER - ROBERT SMITH	$ 2,972.80
32437	03/28/2022	FLEET	FLEET ACQUISITION	PIONEER FARM EQUIPMENT CO.	NEW KUBOTA ZD1211 ZERO TURN MOWER	$ 16,081.85
32438	03/28/2022	PD OPS	PD OPS	HARRY D. WILSON INC.	SERVICED 2014 HONDA #6603	$ 817.63
32439	03/28/2022	PW ADMIN	WWTP	SEQUOIA PUMPING, INC.	WWTP SEED SLUDGE-PS PUMPING SERVICES	$ 6,000.00
32439	03/28/2022	PW ADMIN	WWTP	SEQUOIA PUMPING, INC.	WWTP SEED SLUDGE-SP4500 PUMPING SERVICES	$ 3,000.00
32440	03/28/2022	PD OPS	PD OPS	TIM J LAW	EMPLOYMENT BACKGROUND	$ 3,500.00
32441	03/28/2022	PD OPS	CODE ENF	PACIFIC STORAGE COMPANY	SHREDDING SERVICES	$ 594.80
32441	03/28/2022	PD OPS	PD OPS	PACIFIC STORAGE COMPANY	SHREDDING SERVICES	$ 291.00
32442	03/28/2022	GRANTS	CDBG PUBLIC SVC	HABITAT FOR HUMANITY FRESNO INC.	CDBG 21-22 PAINT PROGRAM	$ 24,338.38
32443	03/28/2022	CITY ADMIN	CITY ATTORNEY	COLANTUONO, HIGHSMITH & WHATLEY, PC	SPECIALIZED LEGAL SERVICES FOR PROP 218	$ 294.60
32444	03/28/2022	FINANCE	CITY MANAGER	HINDERLITER, DE LLAMAS AND ASSOCIATES	QTR 3 2021 TRANSACTIONS TAX	$ 600.00
32445	03/28/2022	FINANCE	DRAINAGE	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	$ 6,953.75
32445	03/28/2022	FINANCE	SOLID WASTE	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	$ 6,397.45
32445	03/28/2022	FINANCE	UB - SEWER	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	$ 6,119.30
32445	03/28/2022	FINANCE	UB - WATER	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	$ 8,344.50
32446	03/28/2022	PURCHASING	AIRPORT OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 145.77
32446	03/28/2022	PURCHASING	ANIMAL CONTROL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 305.60
32446	03/28/2022	PURCHASING	BUILDING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 175.74
32446	03/28/2022	PURCHASING	CODE ENF	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 227.84
32446	03/28/2022	PURCHASING	DRAINAGE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 270.20
32446	03/28/2022	PURCHASING	ENGINEERING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 219.76
32446	03/28/2022	PURCHASING	FACILITIES MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 327.01
32446	03/28/2022	PURCHASING	FLEET MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 243.91
32446	03/28/2022	PURCHASING	FLEET MOTOR POOL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 606.33
32446	03/28/2022	PURCHASING	GRAFFITI ABATE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 881.73
32446	03/28/2022	PURCHASING	PARKS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 2,451.87
32446	03/28/2022	PURCHASING	STREETS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 2,748.97
32446	03/28/2022	PURCHASING	SEWER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 925.06
32446	03/28/2022	PURCHASING	STREET CLEANING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 2,313.76
32446	03/28/2022	PURCHASING	TRANS - FIXED	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 2,443.26
32446	03/28/2022	PURCHASING	TRANS - DAR	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 2,223.00
32446	03/28/2022	PURCHASING	WATER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 3,122.69

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32446	03/28/2022	PURCHASING	WATER QUALITY	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 404.47
32446	03/28/2022	PURCHASING	WWTP	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 165.04
32446	03/28/2022	PURCHASING	PD OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 03/01/22 - 03/15/22	$ 7,322.99
32447	03/28/2022	GRANTS	CALTRANS - TRANSIT	WSP USA INC.	MADERA TRANSIT PLAN CONSULTANT	$ 4,327.71
32448	03/28/2022	ENGINEERING	ENGINEERING	SIJ HOLDINGS LLC	RECRUITMENT AD - CONSTRUCTION INSPECTOR	$ 848.70
32449	03/28/2022	GRANTS	PARKS	NISH-KO INC	IFB - LTC BALLFIELD RENOVATIONS	$ 65,216.00
32450	03/28/2022	WATER	WATER QUALITY	DELLAVALLE LABORATORY,INC.	WEEKLY SAMPLING	$ 1,110.00
32450	03/28/2022	WATER	WATER QUALITY	DELLAVALLE LABORATORY,INC.	QUARTERLY SAMPLING	$ 2,675.00
32451	03/28/2022	FINANCE	AIRPORT OPS	AT&T	02/22 SERVICE 831-000-6408-576	$ 589.42
32451	03/28/2022	FINANCE	BUILDING	AT&T	02/22 SERVICE 831-000-6408-576	$ 119.94
32451	03/28/2022	FINANCE	CITY ATTORNEY	AT&T	02/22 SERVICE 831-000-6408-576	$ 39.07
32451	03/28/2022	FINANCE	CITY CLERK	AT&T	02/22 SERVICE 831-000-6408-576	$ 32.90
32451	03/28/2022	FINANCE	CODE ENF	AT&T	02/22 SERVICE 831-000-6408-576	$ 657.27
32451	03/28/2022	FINANCE	COMM & REC	AT&T	02/22 SERVICE 831-000-6408-576	$ 1,836.11
32451	03/28/2022	FINANCE	COMPUTER MAINT	AT&T	02/22 SERVICE 831-000-6408-576	$ 124.05
32451	03/28/2022	FINANCE	ENGINEERING	AT&T	02/22 SERVICE 831-000-6408-576	$ 275.52
32451	03/28/2022	FINANCE	FINANCE	AT&T	02/22 SERVICE 831-000-6408-576	$ 93.90
32451	03/28/2022	FINANCE	FIRE	AT&T	02/22 SERVICE 831-000-6408-576	$ 1,179.52
32451	03/28/2022	FINANCE	GRANT OVERSIGHT	AT&T	02/22 SERVICE 831-000-6408-576	$ 115.14
32451	03/28/2022	FINANCE	HR/RISK MGT	AT&T	02/22 SERVICE 831-000-6408-576	$ 78.13
32451	03/28/2022	FINANCE	PLANNING	AT&T	02/22 SERVICE 831-000-6408-576	$ 100.75
32451	03/28/2022	FINANCE	UB - GARBAGE	AT&T	02/22 SERVICE 831-000-6408-576	$ 228.90
32451	03/28/2022	FINANCE	UB - SEWER	AT&T	02/22 SERVICE 831-000-6408-576	$ 228.91
32451	03/28/2022	FINANCE	UB - WATER	AT&T	02/22 SERVICE 831-000-6408-576	$ 457.83
32451	03/28/2022	FINANCE	CITY MANAGER	AT&T	02/22 SERVICE 831-000-6408-576	$ 39.07
32451	03/28/2022	FINANCE	PD OPS	AT&T	02/22 SERVICE 831-000-6408-576	$ 657.27
32452	03/28/2022	FINANCE	COMM & REC	AT&T	02/22 CALNET 3 SERVICE 9391026396	$ 237.89
32452	03/28/2022	FINANCE	MEAS K - FIRE	AT&T	03/22 CALNET 3 SERVICE 9391068734	$ 45.93
32452	03/28/2022	FINANCE	SR CITIZEN COMM	AT&T	02/22 CALNET 3 SERVICE 9391026403	$ 25.51
32452	03/28/2022	FINANCE	SR CITIZEN COMM	AT&T	02/22 CALNET 3 SERVICE 9391026398	$ 22.57
32452	03/28/2022	FINANCE	PD OPS	AT&T	02/22 CALNET 3 SERVICE 9391026401	$ 22.56
32452	03/28/2022	FINANCE	PD OPS	AT&T	02/22 CALNET 3 SERVICE 9391059143	$ 1,082.18
32453	03/28/2022	PW ADMIN	WATER OPS	BOTWRIGHT JR., JOHN D.	PER DIEM - CRWA EXPO 2022	$ 181.50
32454	03/28/2022	PW ADMIN	WATER OPS	BROOKS, ERIC	PER DIEM - CRWA EXPO 2022	$ 150.50
32455	03/28/2022	PURCHASING	AIRPORT OPS	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 26.67
32455	03/28/2022	PURCHASING	BUILDING	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 8.21
32455	03/28/2022	PURCHASING	CITY ATTORNEY	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 0.92

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32455	03/28/2022	PURCHASING	CITY CLERK	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 102.34
32455	03/28/2022	PURCHASING	CODE ENF	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 111.75
32455	03/28/2022	PURCHASING	COMPUTER MAINT	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 15.15
32455	03/28/2022	PURCHASING	ENGINEERING	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 491.02
32455	03/28/2022	PURCHASING	FINANCE	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 238.91
32455	03/28/2022	PURCHASING	GRANT OVERSIGHT	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 38.84
32455	03/28/2022	PURCHASING	HR/RISK MGT	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 127.02
32455	03/28/2022	PURCHASING	PARKS ADMIN	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 469.71
32455	03/28/2022	PURCHASING	PLANNING	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 161.89
32455	03/28/2022	PURCHASING	SEWER OPS	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 37.89
32455	03/28/2022	PURCHASING	SOLID WASTE	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 37.89
32455	03/28/2022	PURCHASING	TRANS - FIXED	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 61.16
32455	03/28/2022	PURCHASING	TRANS - DAR	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 61.16
32455	03/28/2022	PURCHASING	UB - WATER	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 226.31
32455	03/28/2022	PURCHASING	WATER OPS	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 181.26
32455	03/28/2022	PURCHASING	WATER QUALITY	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 122.32
32455	03/28/2022	PURCHASING	WWTP	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 173.78
32455	03/28/2022	PURCHASING	PURCHASING	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 134.18
32455	03/28/2022	PURCHASING	PD OPS	CANON FINANCIAL SERVICES	MPD COPIER 02/22	$ 166.85
32455	03/28/2022	PURCHASING	PD OPS	CANON FINANCIAL SERVICES	COPIER LEASE 02/22	$ 751.47
32456	03/28/2022	IS	COMPUTER MAINT	DELL COMPUTER CORPORATION	NETWORK ATTACHED STORAGE SERVERS	$ 32,064.89
32457	03/28/2022	BUILDING	BUILDING	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION SVS 03/01/22-03/15/22	$ 13,500.00
32458	03/28/2022	PD OPS	PD OPS	FRESNO CITY COLLEGE	ACADEMY INSTRUCTOR CERTIFICATION COURSE	$ 236.00
32459	03/28/2022	PD OPS	SUPP LAW ENF	J'S COMMUNICATIONS	RADIO ACCESSORIES	$ 856.19
32460	03/28/2022	PD OPS	PD OPS	KAISER FOUNDATION HEALTH PLAN	PRE-EMPLOYMENT EXAMS	$ 834.00
32461	03/28/2022	PW ADMIN	WATER OPS	LARA, RENE	PER DIEM - CRWA EXPO 2022	$ 181.50
32462	03/28/2022	PD OPS	MEAS K - PD	LEHR AUTO ELECTRIC	FIXED CAMERA SYSTEM	$ 48,408.51
32463	03/28/2022	PW ADMIN	AIRPORT OPS	CITY OF MADERA	SIGN PERMIT - APN 013-010-040	$ 182.37
32464	03/28/2022	GRANTS	CDBG PUBLIC SVC	MADERA CHAMBER OF COMMERCE	CDBG CV 02/22 APPLICATION	$ 5,000.00
32465	03/28/2022	FINANCE	PD OPS	MADERA COUNTY TREASURER	02/22 CO PORTION OF PARKING PENALTIES PAID	$ 703.00
32466	03/28/2022	CITY CLERK	CITY CLERK	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 40.00
32466	03/28/2022	CITY CLERK	CITY COUNCIL	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 120.00
32466	03/28/2022	CITY CLERK	ENGINEERING	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 40.00
32466	03/28/2022	CITY CLERK	FINANCE	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 40.00
32466	03/28/2022	CITY CLERK	FIRE	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 40.00
32466	03/28/2022	CITY CLERK	PLANNING	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 40.00
32466	03/28/2022	CITY CLERK	SUPP LAW ENF	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 80.00

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32466	03/28/2022	CITY CLERK	CITY MANAGER	MADERA COUNTY E D C	EDC STATE OF THE CO LUNCHEON - 2022	$ 40.00
32467	03/28/2022	PW ADMIN	AIRPORT OPS	STREETER, JEFF	STREETER RELOCATION - PMT 3, 4, AND 5 OF 5	$ 15,000.00
32468	03/28/2022	PLANNING	PLANNING	MADERA TRIBUNE	PUBLIC HEARING NOTICE	$ 325.00
32468	03/28/2022	PLANNING	PLANNING	MADERA TRIBUNE	RECRUITMENT AD - ASSOCIATE PLANNER	$ 72.20
32469	03/28/2022	PW ADMIN	SEWER OPS	MATHIES, MICHAEL	PER DIEM - CRWA EXPO 2022	$ 150.50
32470	03/28/2022	FINANCE	SOLID WASTE	MID VALLEY DISPOSAL INC.	WASTE DISPOSAL SVS 07/21-02/22 REVISED	$ 213,776.05
32470	03/28/2022	FINANCE	SOLID WASTE	MID VALLEY DISPOSAL INC.	WASTE DISPOSAL SVS 03/22	$ 393,798.37
32471	03/28/2022	FINANCE	ZONE 34B	PACIFIC GAS & ELECTRIC	02/22 SERVICE 0443905948-8	$ 10.52
32472	03/28/2022	FINANCE	FINANCE	PHOENIX GROUP INFO SYS	02/22 CITATIONS	$ 235.89
32472	03/28/2022	FINANCE	PARKING DIST OPS	PHOENIX GROUP INFO SYS	02/22 CITATIONS	$ 101.09
32473	03/28/2022	PW ADMIN	SEWER OPS	STATE WATER RESOURCES CONTROL BOARD	EXAMINATION FEE T1 - BARKER JEFF	$ 50.00
32474	03/28/2022	FINANCE	AIRPORT OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 64.88
32474	03/28/2022	FINANCE	BUILDING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 152.91
32474	03/28/2022	FINANCE	CITY COUNCIL	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 76.02
32474	03/28/2022	FINANCE	ENGINEERING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 50.97
32474	03/28/2022	FINANCE	FACILITIES MAINT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 51.44
32474	03/28/2022	FINANCE	FIRE	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 152.04
32474	03/28/2022	FINANCE	FLEET MAINT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 4.58
32474	03/28/2022	FINANCE	GRANT OVERSIGHT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 50.97
32474	03/28/2022	FINANCE	HR/RISK MGT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 38.01
32474	03/28/2022	FINANCE	PARKS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 0.54
32474	03/28/2022	FINANCE	PLANNING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 101.94
32474	03/28/2022	FINANCE	STREETS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 13.59
32474	03/28/2022	FINANCE	SEWER OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 3.74
32474	03/28/2022	FINANCE	STREET CLEANING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 0.47
32474	03/28/2022	FINANCE	UB - WATER	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 5.72
32474	03/28/2022	FINANCE	WATER OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 142.74
32474	03/28/2022	FINANCE	WATER QUALITY	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 38.01
32474	03/28/2022	FINANCE	WWTP	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 114.11
32474	03/28/2022	FINANCE	MEAS K - PD	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 81.62
32474	03/28/2022	FINANCE	CITY MANAGER	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 45.81
32474	03/28/2022	FINANCE	PD OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 02/11/22-03/10/22	$ 685.12
32475	03/28/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 1,360.00
32476	03/28/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 3,000.00
32477	03/28/2022	FINANCE	WATER FUND	AR REFUNDS	METER 10 DEPOSIT REFUND	$ 1,700.00
32478	03/28/2022	FINANCE	WATER FUND	AR REFUNDS	METER 25 DEPOSIT REFUND	$ 1,700.00
32479	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 146.18

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32479	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32480	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 153.50
32480	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32481	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 146.18
32481	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32482	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 234.08
32482	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32483	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 146.18
32483	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32484	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 146.18
32484	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32485	03/28/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 182.80
32485	03/28/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
32486	03/28/2022	ENGINEERING	WESTBERRY DIF	BOND ENCROACH	MELANIE MEADOWS REIMBURSMENT	$ 7,521.04
32487	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 325 STINSON	$ 172.67
32488	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 924 E LINCOLN	$ 20.28
32489	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 124 SUSAN	$ 117.52
32490	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 968 SAN CARLOS	$ 49.53
32491	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 901 PAINTBRUSH	$ 145.38
32492	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 705 S D	$ 55.48
32493	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 612 ADELAIDE	$ 58.26
32494	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1110 SENECA	$ 32.94
32495	03/28/2022	FINANCE	WATER FUND	OTP- UB REFUNDS	DEPOSIT FROM MAIS TO MUNIS	$ 153.04
32496	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 513 E CLARK	$ 52.72
32497	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1709 CAMINO	$ 27.22
32498	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 18 BREEZE	$ 246.53
32499	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2805 FALCON	$ 87.62
32500	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 313 E 9TH	$ 222.25
32501	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UBTERM REFUND 1053 CYPRESS	$ 24.48
32502	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 722 E 6TH	$ 251.45
32503	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 909 CUTTING	$ 176.46
32504	03/28/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 3404 AVALON	$ 30.77
32505	04/04/2022	FINANCE	FINANCE	ACRO SERVICE CORPORATION	TEMP SERVICES - FINANCIAL SERVICES MANAGER	$ 2,210.75
32505	04/04/2022	FINANCE	FINANCE	ACRO SERVICE CORPORATION	TEMP SERVICES - PAYROLL SPECIALIST	$ 1,319.20
32506	04/04/2022	PD OPS	PD OPS	RAUL R. HERRERA JR.	POLYGRAPHS	$ 1,600.00
32507	04/04/2022	CITY ADMIN	CITY ATTORNEY	MONTOY LAW CORPORATION	CITY ATTORNEY CONTRACTED LEGAL SERVICES	$ 25,276.50
32508	04/04/2022	GRANTS	TRANS - FIXED	MV TRANSPORTATION, INC.	01/22 TRANSIT OPERATOR	$ 79,087.59

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32508	04/04/2022	GRANTS	TRANS - FIXED	MV TRANSPORTATION, INC.	02/22 TRANSIT OPERATOR	$ 62,228.89
32508	04/04/2022	GRANTS	TRANS - DAR	MV TRANSPORTATION, INC.	01/22 TRANSIT OPERATOR	$ 37,776.89
32508	04/04/2022	GRANTS	TRANS - DAR	MV TRANSPORTATION, INC.	02/22 TRANSIT OPERATOR	$ 38,306.11
32509	04/04/2022	PD OPS	PD OPS	CRISCOM PUBLIC RELATIONS, INC.	GRANT RESEARCH & WRITING SERVICES 04/22	$ 4,000.00
32510	04/04/2022	FINANCE	CENTRAL ADMIN	THE PUN GROUP	PROFESSIONAL AUDITING SERVICES FY 20/21	$ 18,045.00
32511	04/04/2022	CITY CLERK	CITY CLERK	GENERAL LOGISTICS SYSTEMS US INC	OVERNIGHT MAIL TO CITY ATTORNEY	$ 15.77
32512	04/04/2022	ENGINEERING	RSTP - FED EX	MID CAL PIPELINE & UTILITIES, INC.	R-10 PHASE 2, OLIVE AVE WIDENING/RECONST	$ 253,006.28
32513	04/04/2022	FLEET	FLEET ACQUISITION	RCA INVESTMENTS	2021 BMW R1250 RT-P #6606	$ 29,294.86
32513	04/04/2022	FLEET	FLEET ACQUISITION	RCA INVESTMENTS	2021 BMW R1250 RT-P #6608	$ 29,294.86
32513	04/04/2022	FLEET	FLEET ACQUISITION	RCA INVESTMENTS	2021 BMW R1250 RT-P #6607	$ 29,294.86
32514	04/04/2022	PW ADMIN	STREETS	O&E TRANSPORTATION LLC	RIVER CLEAN UP	$ 23,470.00
32515	04/04/2022	HR	INS/RISK MGT	VIDEGAIN, ALICIA	REIMBURSEMENT - LIONS 5K 2022	$ 48.50
32516	04/04/2022	FINANCE	AIRPORT OPS	AT&T	03/22 CALNET 3 SERVICE 9391026409	$ 22.99
32516	04/04/2022	FINANCE	CENTRAL ADMIN	AT&T	03/22 CALNET 3 SERVICE 9391026406	$ 20.88
32516	04/04/2022	FINANCE	FINANCE	AT&T	03/22 CALNET 3 SERVICE 9391026406	$ 20.89
32516	04/04/2022	FINANCE	HR/RISK MGT	AT&T	03/22 CALNET 3 SERVICE 9391026400	$ 22.56
32516	04/04/2022	FINANCE	PARKS	AT&T	03/22 CALNET 3 SERVICE 9391026412	$ 167.47
32516	04/04/2022	FINANCE	PARKS ADMIN	AT&T	03/22 CALNET 3 SERVICE 9391031580	$ 241.33
32516	04/04/2022	FINANCE	SEWER OPS	AT&T	03/22 CALNET 3 SERVICE 9391031570	$ 211.65
32516	04/04/2022	FINANCE	SEWER OPS	AT&T	03/22 CALNET 3 SERVICE 9391026410	$ 43.44
32516	04/04/2022	FINANCE	SR CITIZEN COMM	AT&T	03/22 CALNET 3 SERVICE 9391026415	$ 61.99
32516	04/04/2022	FINANCE	WWTP	AT&T	03/22 CALNET 3 SERVICE 9391026405	$ 23.68
32516	04/04/2022	FINANCE	WWTP	AT&T	03/22 CALNET 3 SERVICE 9391026417	$ 32.35
32516	04/04/2022	FINANCE	PD OPS	AT&T	03/22 CALNET 3 SERVICE 9391020514	$ 167.08
32516	04/04/2022	FINANCE	PD OPS	AT&T	03/22 CALNET 3 SERVICE 9391026414	$ 324.23
32517	04/04/2022	HR	INS/RISK MGT	ARNOLD, JOSIAH	REIMBURSEMENT - LIONS 5K 2022	$ 48.50
32518	04/04/2022	PD OPS	PD OPS	CA DEPARTMENT OF JUSTICE	02/22 BLOOD ALCOHOL ANALYSIS	$ 2,030.00
32518	04/04/2022	PD OPS	PD OPS	CA DEPARTMENT OF JUSTICE	MISCELLANEOUS SERVICES - 10/21-12/21	$ 1,876.98
32519	04/04/2022	HR	INS/RISK MGT	CHIARAMONTE, GIACHINO	REIMBURSEMENT - LIONS 5K 2022	$ 48.50
32520	04/04/2022	FINANCE	COMPUTER MAINT	COMCAST	03/22/22 SERVICE 8155500320322006	$ 92.88
32521	04/04/2022	HR	FLEET MAINT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL/ DOT DRUG TESTS	$ 69.00
32521	04/04/2022	HR	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	$ 623.00
32521	04/04/2022	HR	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL/ DOT DRUG TESTS	$ 151.00
32521	04/04/2022	HR	WWTP	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL/ DOT DRUG TESTS	$ 37.00
32522	04/04/2022	PW ADMIN	SEWER OPS	DIAMOND COMMUNICATIONS	04/22 TELEPHONE ANSWERING SERVICE	$ 115.00
32523	04/04/2022	FACILITIES	FACILITIES MAINT	FASTENAL COMPANY	TOOL DEALS FOR FACILITIES	$ 1,033.93
32523	04/04/2022	FACILITIES	FACILITIES MAINT	FASTENAL COMPANY	SAWZALL BLADES	$ 278.03

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32524	04/04/2022	PD OPS	PD OPS	GAONA, JUAN	TUITION REIMBURSEMENT	$ 484.50
32525	04/04/2022	FACILITIES	DRAINAGE	INDUSTRIAL ELECTRICAL CO.	REBUILD MOTOR	$ 4,588.75
32526	04/04/2022	FINANCE	WATER CONSERV	CITY OF MADERA	TOILET REPLACEMENT REBATE - 9890379	$ 200.00
32527	04/04/2022	WATER OPS	WATER OPS	MADERA PUMPS, INC.	WELL 34 - MOTOR PULLED	$ 185.00
32528	04/04/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	03/22 SERVICE 8126770647-1	$ 245.44
32528	04/04/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	03/22 SERVICE 3819620697-3	$ 28.07
32528	04/04/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	03/22 SERVICE 8307681856-2	$ 1,185.14
32528	04/04/2022	FINANCE	ENGINEERING	PACIFIC GAS & ELECTRIC	03/22 SERVICE 2000655655-7	$ 1,216.74
32528	04/04/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	03/22 SERVICE 3352588453-3	$ 115.24
32528	04/04/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	03/22 SERVICE 3499945233-6	$ 87.82
32528	04/04/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	03/22 SERVICE 7949615676-5	$ 17.54
32528	04/04/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	03/22 SERVICE 6690755760-8	$ 80.42
32528	04/04/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	03/22 SERVICE 1619119913-8	$ 97.82
32528	04/04/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	03/22 SERVICE 9172110863-6	$ 14,819.01
32529	04/04/2022	ENGINEERING	MEAS T - RTP	AVISON CONSTRUCTION INC	CONSTRUCTION OF THE TRAFFIC SIGNAL	$ 26,466.67
32530	04/04/2022	ENGINEERING	WATER CAPITAL	QUAD-KNOPF ENGINEERING	PROFESSIONAL ENGINEERING SERVICES	$ 18,182.71
32531	04/04/2022	STREETS	STREETS	SEAL RITE PAVING	ASPHALT PATCHING	$ 25,568.00
32532	04/04/2022	PW ADMIN	WWTP	STANTEC CONSULTING SERVICES INC.	PROFESSIONAL ENGINEERING SERVICES	$ 2,359.50
32533	04/04/2022	PW ADMIN	WATER OPS	UNDERGROUND SERVICE ALERT	CA STATE FEE FOR REGULATORY COSTS	$ 495.83
32534	04/04/2022	PARKS	PARKS	VILLA GARDENING SERVICE INC	12/21 LAWN SERVICE - ACCORNERO	$ 330.00
32534	04/04/2022	PARKS	PARKS	VILLA GARDENING SERVICE INC	02/22 LAWN SERVICE - ACCORNERO	$ 330.00
32534	04/04/2022	PARKS	PARKS	VILLA GARDENING SERVICE INC	03/22 LAWN SERVICE - ACCORNERO	$ 330.00
32535	04/04/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	REFUND DOUBLE PAYMENT	$ 87.90
32536	04/04/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1,662.00
32536	04/04/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 43.18
32537	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 711 VINEYARD	$ 94.62
32538	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 716 PEAR	$ 8.40
32539	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 216 ASILOMAR	$ 156.80
32540	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 983 LAS CASAS	$ 174.89
32541	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2448 TREVOR	$ 119.88
32542	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 133 S WOLFTRAP	$ 241.66
32543	04/04/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	UB TERM REFUND - 10000409	$ 24.29
32544	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 832 KIWI	$ 177.94
32545	04/04/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	UB TERM REFUND - 992629	$ 150.00
32546	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2320 ALDERWOOD	$ 141.94
32547	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 920 W YOSEMITE	$ 246.29
32548	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 3603 ROCKY BOTTOM	$ 26.66

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32549	04/04/2022	FINANCE	WATER FUND	OTP- UB REFUNDS	DEPOSIT FROM MAIS TO MUNIS	$ 150.98
32550	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 327 S K	$ 125.37
32551	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 344 W CLEVELAND	$ 200.33
32552	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1108 NEBRASKA	$ 159.53
32553	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1474 ARDILLA	$ 144.72
32554	04/04/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1017 JOY	$ 18.08
56	03/30/2022	HR	CITY CLERK	EMPLOYEE BENEFIT SPECIALISTS, INC.	FEBRUARY BENEFIT PREMIUMS	$ 848.00
56	03/30/2022	HR	PAYROLL TRUST	EMPLOYEE BENEFIT SPECIALISTS, INC.	FEBRUARY BENEFIT PREMIUMS	$ 334,650.05
56	03/30/2022	HR	PD OPS	EMPLOYEE BENEFIT SPECIALISTS, INC.	FEBRUARY BENEFIT PREMIUMS	$ 848.00
57	03/30/2022	FINANCE	WWTP BOND ADMN	BBVA USA	2021 WASTEWATER REV REF BOND PMT	$ 73,505.00
58	03/29/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 03/29/22	$ 20.34

BANK #1 - UNION BANK GENERAL ACCOUNT TOTAL **$ 2,103,229.75**

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-3

SUBJECT:

Informational Report on Personnel Activity

RECOMMENDATION:

This report is submitted for informational purposes only and there is no action requested from the City Council (Council).

SUMMARY:

The purpose of this report is to provide the Council a monthly informational update on employment matters, including new hires, transfers, and terminations.

DISCUSSION:

The Civil Service Commission met April 5, 2022, and approved eligibility lists for the following classifications:

- Police Officer Trainee
- Animal Control Officer
- Public Safety Dispatcher
- Records Clerk

The following employees began employment with the City since our last report.

Table 1: New Hires and Re-hires

Name	*Position*	*Department*	*Status**	*Effective Date*
Orlando Perez	Park Aide	Parks & Community Services	PT	3/10/22
Azeema Prakash	Administrative Analyst	Administration	FT	3/28/22

Table 1: New Hires and Re-hires, continued				
Name	*Position*	*Department*	*Status**	*Effective Date*
Richard Seaton	Combination Building Inspector	Building	PT	4/4/22
Sonia Haro	Park Aide	Parks & Community Services	PT	4/4/22
Kassandra Garcia	Program Leader I	Parks & Community Services	PT	4/4/22
Brian Daniel Rosas	Police Officer Trainee	Police	FT	4/9/22
Marco Martinez	Police Officer Trainee	Police	FT	4/9/22
Daisy Hernandez	Records Clerk	Police	FT	4/9/22
Eli Nunez	Public Works Maintenance Worker I	Public Works – Water Division	FT	4/11/22
Brian Zamora	Public Works Maintenance Worker I	Public Works – Streets Division	PT	4/12/22
Seth Ervin	Head Lifeguard	Parks & Community Services	PT	4/13/22

*Status: PT = Part Time, FT = Full Time

The following promotions, transfers, or assignment changes occurred since our last report.

Table 2: Promotions, Transfers, or Assignment Changes			
Name	*Old Position*	*New Position*	*Effective Date*
Miguel Palacios	Parks Worker I	Parks Worker II	3/5/22
Olga Saucedo Garcia	Planning Department Assistant	Recreation/Community Programs Coordinator	3/14/22
Jaime Holt	Park Aide	Part Time Office Assistant I	3/14/22

The following employees separated from employment since our last report.

Table 3: Separations				
Name	*Position*	*Department*	*Status**	*Effective Date*
Steven Woodworth	Chief Building Official	Building	FT	3/11/22
Lorraine Hoppe	Administrative Assistant	Engineering	PT	3/11/22

Table 3: Separations, continued				
Name	*Position*	*Department*	*Status**	*Effective Date*
David Herspring	Police Officer II	Police	FT	3/29/22
Adam Klier	Assistant Planner	Planning	FT	4/1/22
Anthony Sanchez	Public Works Maintenance Worker II	Public Works – Streets Division	FT	4/8/22
Jefferson Holcomb	Combination Building Inspector	Building	FT	4/8/22

*Status: PT = Part Time, FT = Full Time

FINANCIAL IMPACT:

Funding for positions and employees to fill those positions is contemplated annually by the Council in the budget process. During the course of any given fiscal year, individual employees filling specific positions may change due to a number of various circumstances. All hiring and termination decisions are subject to the approval of the City Manager.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

This report is for informational purposes only.

ATTACHMENTS:

None

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-4

SUBJECT:

Airport Liability Insurance Renewal

RECOMMENDATION:

Adopt a minute order authorizing the City Manager to execute necessary documents to bind the City's Airport Liability Insurance renewal

SUMMARY:

The City of Madera owns and operates a municipal airport. Most of the City's insurance coverage for liability and property damage is obtained through the Central San Joaquin Valley Risk Management Authority (CSJVRMA), a Joint Powers Authority of municipalities that pool risk. However, airport liability coverage is excluded from the CSJVRMA pooled coverage. For this reason, staff works with Seabury, Copland & Anderson Insurance Agency of Madera to identify and obtain airport liability coverage. The coverage is typically on a three (3) year cycle and is due for renewal May 1, 2022. The requested action is to authorize the City Manager to execute necessary documents to bind coverage.

DISCUSSION:

The Madera Municipal Airport is a general aviation airport owned and operated by the City of Madera. The airport is situated on approximately 524 acres on the northwest edge of the City and is supervised by the Public Works Department. The Madera Municipal Airport is a non-towered airport. As a result, instead of logging flight plans with the airport or receiving instructions from a tower controller, pilots follow FAA recommended procedures. The airport includes fixed base operators that provide various services related to aviation, hanger leases for City-owned hangars, and land leases for those who desire to build their own hangar and improvements on the site. The airport also hosts special events such as the Porsche Club of America and Gathering of Warbirds Reunion & Classic Car Show, as well as community events.

The City purchases airport liability insurance to provide coverage for risks associated with owning and operating an airport. Most of the City's insurance needs are met through the CSJVRMA, however the CSJVRMA excludes coverage for airport liability as not all member cities have airports. For this reason, staff works with Seabury, Copland & Anderson Insurance Agency of Madera to identify and obtain appropriate coverage. The coverage is typically on a three (3) year cycle and is due for renewal May 1, 2022. The City typically purchases a policy with limits of $5 million. The requested action is to authorize the City Manager to execute necessary documents to bind coverage once the quotes are received and staff at Seabury, Copland & Anderson recommend binding coverage.

FINANCIAL IMPACT:

The policy premium is included in the annual operating budget for the airport. The airport is self-supporting and does not receive any subsidies from the City's general fund. Revenues from the airport fund the cost of operations and maintenance, with the surplus going into the enterprise Airport Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council could direct staff to obtain different policy limits or decline coverage.

ATTACHMENTS:

None.

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-5

SUBJECT:

Amending the Municipal Code to remove the superseded section relating to the appointment process for members of the Civil Service Commission

RECOMMENDATION:

Waive further reading and adopt an ordinance amending §2-2.303 of Title II of the Madera Municipal Code relating to the Civil Service Commission

SUMMARY:

The City Council recently adopted an ordinance amending §2-3.101 of Title II, Chapter 3 of the Madera Municipal Code relating to the appointment process for all City Boards, Committees, and Commissions. This new code section supersedes any existing processes set by code, resolution, and/or minute order. Section 2-2.303 of the Municipal Code provides an appointment process for Civil Service Commissioners and sets the term for Commissioner appointments, which now refers to a section of the code that was replaced by the aforementioned update.

The City Council took action to introduce the proposed ordinance at its April 6, 2022, meeting. Following that introduction, a summary of the ordinance was published in the *Madera Tribune* on Saturday, April 9, 2022. The requested action is to adopt the ordinance amending the Municipal Code as proposed.

DISCUSSION:

The Civil Service Commission (Commission) is established in Chapter 2 of the City's Municipal Code. The Commission reviews recruitments and certifies the list of eligible candidates for full time employment with the City. The Commission also is the hearing body for appeals related to employment practices, including employee discipline, application of the City's Personnel Rules, and hiring practices.

Currently, §2-2.303 of the Municipal Code provides an appointment process for Civil Service Commissioners and sets the term for Commissioner appointments. This appointment process and term designation are no longer applicable as the recently approved modifications to §2-3.101 provide for the appointment process to be followed for all City boards, Committees, and Commissions as well as the term of appointees. The proposed ordinance would update the code section regarding the Civil Service Commission to reference §2-3.101 as the appointment process and term of appointees. The proposed ordinance is a clean-up item to ensure there is no confusion created by having a code section published that is no longer applicable.

The City Council took action to introduce the proposed ordinance at its April 6, 2022, meeting. Following that introduction, a summary of the ordinance was published in the *Madera Tribune* on Saturday, April 9, 2022, with a link to view the proposed ordinance online. The requested action is to adopt the ordinance amending the Municipal Code as proposed.

FINANCIAL IMPACT:

There is no anticipated financial impact beyond nominal costs associated with publication of the ordinance in the local newspaper. Adequate funds have been budgeted to cover publication fees.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council may direct staff to draft further revisions to the code regarding the Civil Service Commission.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. 22-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION 2-2.303 OF TITLE II, CHAPTER 2 OF THE MADERA MUNICIPAL CODE RELATING TO THE CIVIL SERVICE COMMISSION

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

SECTION 1. Section 2-2.303 of the Madera Municipal Code is amended to read as follows:

§2-2.303 CIVIL SERVICE COMMISSION.

(A) There is created a Civil Service Commission (Commission) to consist of seven members to be appointed as provided in §2-3.101.

(B) Chairperson.

Annually, the Commission shall, by majority vote, designate one of its members as the chair of the Commission in a manner consistent with the Civil Service Commission Rules of Procedure.

(C) Qualifications.

Members of the Civil Service Commission shall be residents of the city. No person shall be appointed to the Commission who holds any employment with the city. Nor shall any member be employed by or under the direct supervision of any current member of the City Council.

SECTION 2. **SEVERANCE**. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. **CEQA**. The City Council finds this ordinance is not a project under the California Environmental Quality Act because it can be seen with certainty that it will not have a significant effect or physical change to the environment. See Title 14, California Code of Regulations, Section 15061 (b) (3).

SECTION 4. **PUBLICATION**. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

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REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-6

SUBJECT:

Professional Services Agreement with MV Cheng & Associates

RECOMMENDATION:

Adopt a resolution approving a Consulting Services Agreement with MV Cheng & Associates for Interim Director of Financial Services consulting services

SUMMARY:

The City currently has a critical vacancy for the position of Director of Financial Services. The City is in need of securing services to help bridge the gap until full time staff is hired through the normal recruitment and selection processes required in the City's Administrative Policies for at-will employees. The City has conducted two (2) open recruitments, however has not yet identified a candidate of choice. The City has been operating with an interim Director through an internal out-of-class assignment while backfilling with other temporary staff, however the City will not be able to continue this assignment without financial penalty under California Public Employees Retirement System (CalPERS) rules. Working collaboratively, the City Manager and Human Resources Department explored several options for filling the immediate needs, including:

- Contacting consulting firms;
- Contacting temporary staffing alternatives through a cooperative purchasing agreement;
- Direct contact with individuals who may be interested in part time employment; and
- Advertisement with the League of California Cities *Western City* magazine for direct, part time employment.

After reviewing candidates proposed under all four scenarios, the City was able to identify a highly qualified candidate for Interim Director of Financial Services through MV Cheng & Associates. The City Manager is recommending the City enter into an agreement with MV Cheng

& Associates to provide consulting services in the Director of Financial Services role, which is the action contemplated by this report.

DISCUSSION:

The City's Director of Financial Services position became vacant in September 2021. While the City has conducted two (2) open recruitments, a candidate of choice has not been identified for the position, necessitating a new recruitment. The City's Financial Services Manager has been serving as the City's Interim Director of Financial Services, however this interim assignment will run into conflict with CalPERS rules and result in financial penalty to the City should the assignment continue once the recruitment is re-opened. The City Manager and Human Resources Department have made contacts with financial consulting firms, temporary staffing firms, and individuals who may be interested in part time employment with the City in an effort to identify a qualified candidate to act as the City's Interim Director of Financial Services so that the recruitment efforts may continue. Many candidates were reviewed through a paper screening process and one candidate offered through MV Cheng & Associates was identified as the individual to best meet the City's current needs.

Based on the outcome of this process, the City Manager is recommending the City engage MV Cheng & Associates to provide services to fill the Director of Financial Services role. MV Cheng & Associates will provide a consultant to work on site providing needed guidance and assistance to finalize the close of the Fiscal Year 2020/21 books, assist in developing the 2022/23 operating budget, and begin the Fiscal Year 2021/22 audit. Per the proposed agreement, the individual consultant assigned is subject to the approval of the City Manager. A Professional Services Agreement has been prepared to engage the services of MV Cheng & Associates. The agreement is provided as Exhibit 1 to the proposed resolution.

The City has previously utilized MV Cheng & Associates for assistance in filling positions within the City's Finance Department and was pleased with the specific candidates provided based on their professional experience and work product, specifically in the roles of Financial Services Manager and Procurement Services Manager.

FINANCIAL IMPACT:

The bill rate for the proposed services is $160 per hour. The City anticipates utilizing these services for a period of several months while the recruitment and hiring process for a full time Director are completed. There may be a need for a brief overlap to allow for knowledge transfer, however the agreement and services are intended as a stop gap measure on an interim basis only. Because of vacancies in full time budgeted positions, salary savings exist to pay for the temporary staffing services within the adopted Fiscal Year budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council could direct staff to solicit additional proposals or applications for employment.

ATTACHMENTS:

1. Resolution
    a. Exhibit 1 to Resolution: Professional Services Agreement with MV Cheng & Associates

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MADERA AND MV CHENG & ASSOCIATES

WHEREAS, the City of Madera has a need to secure immediate expert financial consulting services due to a vacancy in the Director of Financial Services position during the critical processes of closing the Fiscal Year 2020/21 books, preparing the 2022/23 operating budget, and beginning the Fiscal Year 2021/22 audit; and

WHEREAS, the City sought candidates available immediately through consulting firms and temporary staffing agencies, as well as considered direct-hire part time employees; and

WHEREAS, due to the urgent nature of the City's need to secure competent financial consulting services in this capacity, it is not in the best interest of the City to conduct a formal bidding process; and

WHEREAS, after reviewing multiple options, the City Manager has determined that MV Cheng & Associates has the staffing and expertise to provide necessary immediate consulting services in the role of Director of Financial Services; and

WHEREAS, an agreement has been prepared between the City of Madera and MV Cheng & Associates for professional consulting services that is in the best interests of both parties.

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

1. The above recitals are true and correct.

2. The Agreement for Professional Services between the City and MV Cheng & Associates, a copy of which is attached hereto as Exhibit 1 and incorporated herein, is approved.

3. This resolution is effective immediately upon adoption.

* *

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement") is made and entered into the 20th day of April, 2022, by and between MV Cheng and Associates ("Firm") and the City of Madera ("City").

RECITALS

A. The City has an immediate need for professional finance and accounting services due to an ongoing vacancy in the City's Finance Department for the position of Director of Financial Services.

B. Firm has the professional competence, experience, and qualifications to provide professional finance and accounting services required by City.

C. City desires to retain Firm to provide said services.

AGREEMENT

1. Incorporation of Recitals. The recitals set forth above are incorporated herein by this reference.

2. Services. The City hereby contracts with Firm to provide services herein set forth at the compensation and upon the terms and conditions herein expressed, and Firm hereby agrees to perform such services for said compensation, and upon said terms and conditions. City hereby authorizes Firm to commence work immediately upon approval of this agreement by the City Council at a scheduled meeting of said governing body.

3. Obligations, duties and responsibilities of Firm. It shall be the duty, obligation and responsibility of the Firm, in a skilled and professional manner, to perform the services in accordance with the Scope of Work identified in Exhibit A. Exhibit A is attached and incorporated by reference.

4. Compensation. City shall compensate Firm for professional services at the rate of $160 per hour for consulting services.

5. Assignment of Personnel. MV Cheng & Associates will provide a qualified individual to serve as Director of Financial Services Consultant to the City. Personnel assigned are subject to the approval of the City Manager.

6. Billings and Payments.

6.1 Firm shall submit a billing statement which will include services by Firm provided monthly in arrears, no later than the tenth of the month following the month service was rendered. The billing statement shall be submitted to the City's designee.

6.2 Billings are to be made directly to the following address:

City of Madera
Attn: Wendy Silva
205 W. 4th Street
Madera, CA 93637
wsilva@madera.gov

6.3 The billing statements shall be prepared and organized in a manner that facilitates an efficient review of the services performed.

6.4 City shall make payments monthly based on a monthly itemized billing statement for the previous month. City shall make its best effort to process payments promptly and not later than 30 days after receiving Firm's monthly billing statement.

7. Term and Termination.

7.1 This Agreement shall be effective on April 20, 2022, after approval by the City Council at a duly scheduled meeting thereof and shall continue in full force and effect unless otherwise terminated earlier by one of the parties. Firm may be contacted following termination of the Agreement for clarification and consultation on matters covered during performance of the scope of services. Any such contact will be billed in accordance with Section 4 of this Agreement.

7.2 City reserves the right to discharge Firm and terminate this Agreement at any time. In the event of such discharge or termination, the City shall compensate Firm for services rendered up to and including the date of termination. City shall terminate services and/or the Agreement by delivering to Firm a written notice specifying the extent to which services and/or the Agreement are terminated and the effective date of the termination. Notice of termination shall be emailed as follows:

MV Cheng & Associates
Misty Cheng, President & CEO
mcheng@mvchengassociates.com

7.3 Firm may terminate this Agreement at any time by giving the City not less than fifteen (15) days prior written notice. Notices required under this section shall be emailed as follows:

City of Madera
Wendy Silva, Director of Human Resources
wsilva@madera.gov

8. Insurance and Indemnification.

8.1 During the term of this Agreement, Firm shall maintain, keep in force, and pay all premiums required to maintain and keep in force the policies and limits of such

policies as required in Exhibit B of this Agreement. Exhibit B is attached and incorporated by reference.

8.2 To the furthest extent allowed by law, Firm shall indemnify, hold harmless, and defend City and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage), and from any and all claims, demands, and actions in law or equity (including reasonable attorney's fees and litigation expense) that arise out of, pertain to, or related to the negligence, recklessness, or willful misconduct of Firm, its principals, officers, employees, agents, or volunteers in the performance of this Agreement. The obligations under this paragraph are in addition to, and are not limited by any insurance which Firm is otherwise required to maintain under this Agreement.

9. Independent Contractor. In performance of the work, duties and obligations assumed by Firm under this Agreement, it is mutually understood and agreed that Firm, including any and all of Firm's officers, agents, and employees, will at all times be acting and performing as an independent contractor, and shall act in an independent capacity and not as servant, employee, agent, partner, or associate of City. Because of its status as an independent contractor, Firm and its employees shall have absolutely no right to employment rights and benefits available to City employees. Firm shall be solely liable and responsible for providing to, or on behalf of, its employees all legally-required employee benefits. In addition, Firm shall be solely responsible and hold City harmless from all matters related to payment of Firm's employees, including compliance with social security, withholding, and all other regulations governing such matters.

10. Hiring of Consultant's Associates and/or Subcontractors. City agrees that each of Consultant's associates and/or subcontractors will only be able to obtain a direct contract or professional services agreement with the City, only after the expiration of the contract or professional services agreement with Consultant AND only after 2 years from the expiration date of the contract or professional services agreement with Consultant. City agrees to hire one of Consultant's associates and/or subcontractors as a full time, permanent, fully benefited employee of the City, only after City has performed a recruitment AND the associate and/or subcontractor has billed 960 hours to the City. If City employs Consultant's associates and/or subcontractors through another temporary service or staffing agency, City agrees to pay a fee of 10% of the associate and/or subcontractor's annualized wages based on the hourly rate charged, to Consultant.

11. Compliance with Law. Firm shall comply with all applicable Federal, State and local laws, rules, regulations, ordinances, and directives, and all provisions required to be included are incorporated by reference.

12. Miscellaneous.

12.1 Consent. Whenever in this Agreement the approval or consent of a party is required, such approval or consent shall be in writing and shall be executed by a person having the express authority to grant such approval or consent.

12.2 Governing Law. The parties agree that this Agreement shall be governed and constructed by and in accordance with the Laws of the State of California.

12.3 Required License and Professional Credentials. Firm and personnel providing services shall maintain all licenses and professional credentials necessary for the provision of such services. Firm shall promptly notify City of changes of status or events that might impact the provision of professional services to City.

12.4 Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement, which directly results from an Act of God or an act of a superior governmental authority.

12.5 Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.

12.6 Incorporation of Documents. All documents constituting the Agreement documents described in Section 3 hereof and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated in the Agreement and shall be deemed to be part of this Agreement.

12.7 Integration. This Agreement and any amendments hereto between the parties constitute the entire Agreement between the parties. There are no other prior oral or written agreements between the parties that are not incorporated in this Agreement.

12.8 Modification of Agreement. This Agreement shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.

12.9 Provision. Any agreement, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Agreement shall define or otherwise control, establish or limit the performance required or permitted or to be required of or permitted by either party. All provisions, whether covenants or conditions, shall be deemed to be both covenants and conditions.

12.10 Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the provisions of this Agreement not so affected shall remain in full force and effect.

12.11 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.

12.12 Venue. In the event that suit is brought by either party hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Madera or in the United States District Court for the Eastern District of California.

12.13 Recovery of Costs. The prevailing party in any action brought to enforce the terms of this Agreement or arising out of this Agreement may recover its reasonable costs, including reasonable attorney's fees, incurred or expended in connection with such action against the non-prevailing party.

13. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Firm and the City.

MV CHENG & ASSOCIATES

Misty Cheng
President & CEO

Date: 4-12, 2022

CITY OF MADERA

Santos Garcia, Mayor

Date: _____, 2022

ATTEST

Alicia Gonzales, City Clerk

Date: _____, 2022

APPROVED AS TO FORM

Hilda Cantú Montoy, City Attorney

Date: _____, 2022

EXHIBIT A

SCOPE OF SERVICES

Firm will provide professional accounting and finance services to include:

1. Oversee and direct the operations and services of the Financial Services Department, which includes utility billing, business licensing, payroll, general accounting, expenditure control, purchasing, and grants administration.

2. Provide complex staff support to the City Manager and City Council.

3. Hold supervisory responsibility for originating, carrying out, reviewing, interpreting, and coordinating policies in the administration of a diversified accounting operation.

4. Assist in the preparation, implementation, and control of the City's annual operating and capital improvement budgets through the preparation of budget detail; forecast revenues, expenditures, and year-end balances. This includes the City acting as the Successor Agency to the former Redevelopment Agency.

5. Monitor and approve expenditures, advise appropriate department personnel on budget matters; make adjustments to the budget as necessary through appropriate action based on authority provided in the annual Budget Resolution.

6. Prepare and present financial and administrative reports and resolutions to the City Council.

7. Oversee internal and external audits of municipal funds and procedures; supervise inventory of City property.

8. Assist the City Manager in overseeing and managing the City's investment portfolio.

9. Serve as a resource for Finance department staff, City staff, and other organizations; coordinate pertinent information, resources, and work teams as necessary to support a positive and productive work environment.

EXHIBIT B

INSURANCE REQUIREMENTS

Insurance Requirements.

Without limiting Firm's indemnification of City, and prior to commencement of Work, Firm shall obtain, provide, and continuously maintain at its own expense during the term of the Agreement, and shall require any and all Subcontractors and Sub-consultants of every Tier to obtain and maintain, policies of insurance of the type and amounts described below and in form satisfactory to the City.

Minimum Scope and Limits of Insurance:

Firm shall maintain limits no less than:

- $2,000,000 **General Liability** (including operations, products, and completed operations) per occurrence, $4,000,000 general aggregate, for bodily injury, personal injury and property damage, including without limitation, blanket contractual liability. Coverage should be at least as broad as Insurance Services Office (ISO) Commercial General Liability coverage form CG 00 01. General liability policies shall be endorsed using ISO form CG 20 10 that the City and its officers, officials, employees and agents shall be additional insureds under such policies.

- $1,000,000 **Automobile Liability** combined single limit per accident for bodily injury or property damage at least as broad as ISO Form CA 00 01 for all activities of Firm arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles. Automobile Liability policies shall be endorsed to provide that the City and its officers, officials, employees and agents shall be additional insureds under such policies.

- **Workers' Compensation** as required by the State of California and $1,000,000 **Employer's Liability** per accident for bodily injury or disease. Firm shall submit to the City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of the City, its officers, agents, employees, and volunteers.

- **$1,000,000 Professional Liability (Errors & Omissions)** per claim in the aggregate. Firm shall maintain professional liability insurance that insures against professional errors and omission that may be made in performing the Services to be rendered in connection with this Agreement. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Firm agrees to maintain continuous coverage through a period of no less than three years after completion of services required by this Agreement.

Maintenance of Coverage.

Firm shall procure and maintain, for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Work hereunder by Firm, its agents, representatives, employees, subcontractors, or sub-consultants as specified in this Agreement.

Proof of Insurance.

Firm shall provide to the City certificates of insurance and endorsements, as required, as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by the City prior to commencement of performance. Current evidence of insurance shall be kept on file with the City at all times during the term of this Agreement. Agency reserves the right to require complete, certified copies of all required insurance policies, at any time.

Acceptable Insurers.

All insurance policies shall be issued by an insurance company currently authorized by the insurance commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and a Financial Size Category Class VII (or larger), in accordance with the latest edition of Best's Key Rating Guide.

Waiver of Subrogation.

All insurance coverage maintained or procured pursuant to this Agreement shall be endorsed too waive subrogation against the City, its elected or appointed officers, agents, officials, employees, and volunteers, or shall specifically allow Firm, or others providing insurance evidence in compliance with these specifications, to waive their right to recovery prior to a loss. Firm hereby waives its own right of recovery against the City and shall require similar written express waivers and insurance clauses from each of its sub-consultants or subcontractors.

Enforcement of Contract Provisions (non estoppel).

Firm acknowledges and agrees that any actual or alleged failure on the part of the Agency to inform Firm of non-compliance with any requirement imposes no additional obligations on the City, nor does it waive any rights hereunder.

Specifications not Limiting.

Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If Firm maintains

higher limits than the minimums required above, the entity shall be entitled to coverage at the higher limits maintained by Firm.

Notice of Cancellation.

Firm agrees to oblige its insurance agent or broker and insurers to provide to the City with thirty (30) calendar days' notice of cancellation (except for nonpayment for which ten (10) calendar days' notice is required) or nonrenewal of coverage for each required coverage.

Self-insured Retentions.

Any self-insured retentions must be declared to and approved by City. The City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered co comply with these specifications unless approved by the City's Risk Manager.

Timely Notice of Claims.

Firm shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Firm's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

Additional Insurance.

Firm shall also procure and maintain, at its own cost an expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the Work.

REPORT TO CITY COUNCIL

Approved by:

_____
Dan Foss, Interim Public Works Director

_____
Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-7

SUBJECT:

CalRecycle Grant and Payment Programs

RECOMMENDATION:

Adopt a resolution authorizing the submittal of application(s) for all CalRecycle Grant and Payment Programs for which the City is eligible

SUMMARY:

The California Department of Resources Recycling and Recovery (CalRecycle) offers funding opportunities authorized by legislation to assist public and private entities in the safe and effective management of the waste stream.

Annually, the City applies for multiple grants with CalRecycle such as the City County Beverage Container Program, Senate Bill (SB) 1383 Local Assistance Grant, and Local Government Waste Tire Cleanup Grant Programs.

The City County Beverage Container Program provides annual funding for efforts dedicated to addressing recycling challenges, aid in increasing beverage container collection, and reducing beverage container litter in the waste stream. These efforts can come in the form of purchasing beverage recycling containers or in the form of informational media services such as video and radio commercials. An example of the media services would be a video or radio commercial educating citizens and business owners on how to properly recycle in blue container recycling, so they do not include contaminated materials in their recycling bins. The City, on average, is awarded $16,300 annually via this grant.

The SB1383 Local Grant Assistance Program is a new grant available to the City in the amount of $87,811. This is a one-time grant program meant to provide aid in the implementation of SB 1383

regulations. SB 1383 establishes methane reduction targets for California, with the goal of reducing greenhouse gas emissions and address food insecurity. The grant provides funding for implementation of regulation requirements such as but not limited to capacity planning, collection, education and outreach, and procurement requirements.

The Local Waste Tire Clean Up Grant Program administers funds to pay for the cleanup of illegally dumped waste tires. The funds are budgeted so the City receives funding for personnel time dedicated to these waste tire abatement duties and for equipment or any materials needed. In 2021, the City was granted $249,991. Whereas, in 2022, the City is being offered a grant amount of $98,990. The difference between these two amounts is because the City was receiving more funding given that the City and Madera County were applying jointly. However, the County recently notified City staff that they will be applying on their own this year.

The list of the eligible funds for the current and past year are listed below in Table 1.

Table 1: *2021 & 2022 Awarded Funds*

Grant	*Year*	
	2021	*2022*
City County Beverage Container Program	$16,543	$16,662
Local Government Waste Tire Cleanup Grant	$248,991	$98,990
SB1383 Local Assistance Grant	N/A	$87,811
Total	**$265,534**	**$203,463**

DISCUSSION:

CalRecycle requires a resolution be included with the submission of the annual grant applications. The resolution authorizes the submittal for any and all grant programs provided by CalRecycle in addition to recognizing the authorized signature authorities, which will be the City Manager and Public Works Director. In addition, CalRecycle requires the resolution be updated every five years.

The City last adopted a resolution on February 17, 2016 meeting CalRecycle requirements. Given the five-year expiration period, the resolution expired February 17, 2021. A new resolution would allow the acceptance of the $203,463 in grant funding. Renewal of a resolution would occur again on April 20, 2027.

FINANCIAL IMPACT:

If approved, the City would be eligible to receive in excess of $200k. Funding for future years are unknown; however, it is likely that funding is likely based on previous allocations. Said funds are much needed to continue to provide quality service that the community has come to expect.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Approval of this Resolution is addressed in the Vision Plan for a Quality Environment within Strategy #437 – Promote recycling through multiple programs.

ALTERNATIVES:

If Council chooses not to adopt this resolution, the City will not be able to acquire the grant funding and will have to find other means of funding to pay for the services that these grant funds assist with, which may result in the termination of specific services provided if additional funding is not secured

ATTACHMENTS:

1. Resolution

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF MADERA AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANT AND PAYMENT PROGRAMS FOR WHICH THE CITY IS ELIGIBLE

WHEREAS, Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant and payment programs in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and administration of the application, awarding, and management of the grant programs; and

WHEREAS, CalRecycle's procedures for administering payment and grant programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment and grant program.

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

1. The above recitals are true and correct.
2. The City of Madera is authorized to submit an application to CalRecycle for any and all grant and payment programs offered.
3. The Public Works Director or City Manager, or their designee is hereby authorized and empowered to execute in the name of the City of Madera all documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure funds and implement the approved grant or payment project.
4. These authorizations are effective from the date of adoption through April 20, 2027 (maximum of five (5) years).
5. This resolution is effective immediately upon adoption.

* * * * * * * * * *

REPORT TO CITY COUNCIL

Approved by:

Anthony R. Forestiere

Department Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-8

SUBJECT:

Delegation of authority to receive Federal funding under the Federal Transit Act Section (FTA) 5339 (49 U.S.C. Section 5339) with the California Department of Transportation (Caltrans)

RECOMMENDATION:

Approve resolution authorizing the City Manager as the signee to execute all required documentation as it relates to the FTA and Caltrans for the 2022/23 Fiscal Year related to public transit.

SUMMARY:

The City is identified as a Direct Recipient in receiving Urbanized Area (UZA) Program Funds through the FTA to support capital and operating assistance projects for non-urbanized public transportation system under Section 5339 of the FTA C 5100.1. This resolution, from the Caltrans, would authorize the City Manager as the signee to execute all required documentation as it relates to the FTA and the DOT for the 22/23 Fiscal Year.

The City Manager is also authorized to provide additional information as the Caltrans may require in connection with all FTA and Caltrans grant applications and reimbursement of funds relating to Section 5339 projects.

DISCUSSION:

FTA requires a signee on all documentation relative to applying for and receiving funds. It is up to the discretion of Council who the authorized signee is. At present, all FTA grant reporting documentation is signed by the City Manager. Consequently, staff is requesting approval of appointing the City Manager as the authorized signee to execute required documentation. This proposed resolution is limited to applying for and receiving FTA funds. All expenditure proposals must be approved by Council.

FINANCIAL IMPACT:

This resolution has no impact to the City's General Fund, rather transit services and personnel time is expended through Local Transportation Funds and other Transit related budgets which are grant funded. Consequently, there is no direct impact to the City's General Fund.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The Management and Operations Agreement supports the Vision Madera 2025 Plan as follows:

- Strategy 407:
  - Promote and expand existing services, supportive services, case management, and self-sufficiency for Madera residents to maintain independent lifestyles.
- Strategy 431.1:
  - Continue and expand use of low emission or alternative energy source vehicles for all public jurisdictions.

ALTERNATIVES:

As an alternative, Council may:

1. Direct staff to authorize personnel other than City Manager.

ATTACHMENTS:

1. Attachment A – Resolution

RESOLUTION NO. 22-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) and/or 5339 (49 U.S.C. SECTION 5339) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital/operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (**FTA C 9040.**1G), and Section 5339 of the Federal Transit Act (**FTA C 5100.1)**; and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 and Section 5339 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, the City of Madera desires to apply for said financial assistance to permit operation of service/purchase of capital equipment in County of Madera; and

WHEREAS, the City of Madera has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City of Madera Council does hereby Authorize the City Manager to file and execute applications on behalf of with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (**FTA C 9040.1G)**, as amended, and pursuant to Section 5339 of the Federal Transit Act (**FTA C 5100.1**), as amended.

That City Manager is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That City Manager is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 and/or Section 5339 projects.

That City Manager is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 and or Section 5339 project(s).

PASSED AND ADOPTED by the City *Council* of the *City of Madera,* State of California, at a regular meeting held on the _____ date of _____, 2022, by the following vote:

AYES:
NOES:
ABSENT:

CITY OF MADERA

By: _____
Santos Garcia, Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
Hilda Cantú Montoy, City Attorney

ATTEST:

By: _____
Alicia Gonzales, City Clerk

REPORT TO CITY COUNCIL

Approved by:

Anthony R. Forestiere

Department Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-9

SUBJECT:

Amendment to the Management and Operations Agreement between the City and MV Public Transportation, Inc.

RECOMMENDATION:

Adopt a Resolution Approving Amendment No. 4 to the Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc. Relating to Special Services, including the 4th of July, Parades, the Fair, and the Holiday Light Show

SUMMARY:

Amendment No. 4 to the Management and Operations Agreement (Agreement) updates the required Scope of Work for MV Public Transportation, Inc (MVPT Inc.) to include shuttle services using Madera Metro Transit Vehicles. The Greater Madera Kiwanis Club has partnered with the City and County to assist in the preparation for the 4th of July "Fireworks Extravaganza". In addition, the City has several other community events that necessitate special services. This item covers said events.

DISCUSSION:

The City proposed the idea of providing shuttle services to the community for the coming 4th of July "Firework Extravaganza" event with the use of City transit vehicles. Shuttle services will encourage community participation and ease traffic congestion for the event. Similar requests have been made by the City and provided by MVPT Inc. for previous events such as the Annual Jolley Lights Tour. Additionally, MVPT Inc. participated in the Evening Lions Club and Downtown Association Christmas Parade. The purpose of this Agreement amendment request is to update MVPT Inc.'s Scope of Work with annual events where their participation will be required. Table 1 identifies the events and type of service to be provided by MVPT Inc.

Table 1: *Annual Special Events Requiring Special Bus Service*			
Event	*Service to Be Provide*	*Day*	*Time*
4th of July Fireworks Display show	Shuttling	July 4th	Varies
Madera District Fair	Shuttling	Varies	Varies
Evening Lions Club and Downtown Association Christmas Parade	Shuttling and Participation	Varies	Varies
Jolly Trolley Lights Tour	Shuttling	Varies	Varies

FINANCIAL IMPACT:

Transit services and personnel time is expended through Local Transportation Funds and other Transit related budgets which are grant funded.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The Management and Operations Agreement supports the Vision Madera 2025 Plan as follows:

- Strategy 407:
  - Promote and expand existing services, supportive services, case management, and self-sufficiency for Madera residents to maintain independent lifestyles.
- Strategy 431.1:
  - Continue and expand use of low emission or alternative energy source vehicles for all public jurisdictions.

ALTERNATIVES:

As an alternative, Council may:

1. Direct staff to retain the current language or direct other terms to the Agreement.

ATTACHMENTS:

1. Attachment A – Resolution Approving Amendment No. 4
2. Exhibit A – Management & Operation Agreement, Amendment No. 4

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 4 TO THE AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

WHEREAS, the City of Madera (City) and MV Public Transportation, Inc. (MVPTI) entered an agreement for the Management and Operation of Madera Transit Services (Agreement) on November 7, 2018; and

WHEREAS, the Parties entered Amendment No. 1 on July 1, 2021 extending the Agreement to June 30, 2022; and

WHEREAS, the Parties entered Amendment No. 2 to the Agreement on October 6, 2021, to extend the Agreement to June 30, 2023; to meet required FTA provisions and language for the Agreement between the City and Contractor; and

WHEREAS, the Parties entered Amendment No. 3 to the Agreement on December 1, 2021, to modify the Driver Certification requirements and Holiday Schedule; and

WHEREAS, a further Amendment to the Agreement is needed to Amend the Scope of Work.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY the City Council of the City of Madera finds, determines, resolves and orders as follows:

1. The above recitals are true and correct.
2. The City Council approves Amendment No. 4 to the Agreement for Management and Operations with MV Public Transportation, Inc. which is attached as Exhibit A and incorporated by reference.
3. This resolution is effective immediately upon adoption.

***

AMENDMENT NO.4 TO AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

This Amendment No. 4 to the Agreement for Management and Operation of Madera Transit Services between the City of Madera (City) and MV Public Transportation, Inc. (Contractor) is entered into effective April 6, 2022.

RECITALS

WHEREAS, the City and Contractor entered into an Agreement for the Management and Operations of Madera Metro Transit Services (Agreement) on November 7, 2018; and

WHEREAS, the Parties entered Amendment No. 1 to the Agreement on July 1, 2021, to extend the Agreement to June 30, 2022; and

WHEREAS, the Parties entered Amendment No. 2 to the Agreement on October 6, 2021, to extend the Agreement to June 30, 2023, to meet required FTA provisions and language for the Agreement between the City and Contractor; and

WHEREAS, the Parties entered Amendment No. 3 to the Agreement on December 1, 2021, to modify the Driver Certification requirements and Holiday Schedule; and

WHEREAS, the Parties wish to enter Amendment No. 4 to as set forth herein.

AMENDMENT

SECTION 1. Section 3.a.1 – "Scope of Work – Key Personnel/Management" of the Agreement is amended to now read as follows:

1) Key Personnel/ Management: During the term of this Agreement, CONTRACTOR shall provide sufficient executive and administrative personnel specializing in transportation services as shall be necessary and required to perform its duties and obligations under the terms hereof. The CONTRACTOR shall provide general and specific management of day-to-day operations for the CITY's fixed-route, demand-response, ADA/Paratransit, and ***shuttling service for predetermined special events***. The CONTRACTOR shall oversee the operation of the service using a full-time, on-site General Manager. The CONTRACTOR shall always provide appropriate management coverage. There shall be no periods when managers are all assigned to non-MTD work (e.g., for corporate level meetings, responding to other non-MTD problems, etc.). This includes corporate management led meetings on MTD property.

* Shuttling Service for Predetermined Special Events are defined as:

- City's Annual 4th of July Event
- Annual Madera District Fair
- Madera Evening Lions Club and Madera Downtown Association Christmas Parade
- City's Annual Jolly Trolley Lights Tour

Specifics such as Day(s), Time and Duration, Number of Buses and Drivers are to be coordinated between the Transit Program Manager and the Transit Operator General Manager

SECTION 2. Except as amended by this Amendment No. 4, all terms and conditions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed or caused this Amendment No. 4 to Agreement to be executed as of the date and year written above.

CITY OF MADERA

By: _____
Santos Garcia, Mayor

Date: _____

MV PUBLIC TRANSPORTATION, INC.

By: _____

Print Name: _____

Title: _____

Date: _____

_____
Taxpayer ID Number

APPROVED AS TO FORM:

By: _____
Hilda Cantú Montoy, City Attorney

ATTEST:

By: _____
Alicia Gonzales, City Clerk

REPORT TO CITY COUNCIL

Council Meeting of: April 20, 2022

Agenda Number: B-10

Dino Lawson, Police Chief

Arnoldo Rodriguez, City Manager

SUBJECT:

Madera Police Department Flooring Renovation

RECOMMENDATION:

Adopt a resolution awarding contract to Michael Flooring under IFB 202021-07 for the Madera Police Department flooring renovation project in the amount of $69,900 and approve a Contractor Services Agreement.

SUMMARY:

The City of Madera Community Police Facility was built in 2007 and operates on a ceaseless basis to serve and protect all residents of the City. The laminate and carpet flooring in certain areas of the building have experienced heavy use over the last fourteen (14) years from constant foot traffic.

Staff prepared an Invitation for Bid (IFB) No. 202021-07 outlining the required services necessary to renovate designated areas of the facility from laminate and carpet surfaces to polished concrete flooring. The planned work will consist of the removal of existing carpet and laminate tile, the sanding of the concrete underlayer, and the polishing and restoration of said concrete. The project will also include installation of sound deafening panels in certain areas of the building anticipated to offset the amplification and bouncing of noise created by the polished concrete flooring. The project was delayed while we considered various flooring surface options. It is recommended the project be awarded to the lowest responsive and responsible bidder, Michael Flooring.

DISCUSSION:

The City of Madera Community Police Facility is a 17,249 ft^2 building that was put into service

fourteen (14) years ago. As the facility operates on a twenty-four (24) hour basis, high-traffic areas are exposed to heavy use and therefore wear and tear. Approximately 5400 ft^2 of flooring surface is proposed to be renovated to polished concrete, and an additional 200 ft^2 will be renovated to bare concrete.

The advertisement for the IFB was duly noticed in the *Madera Tribune* newspaper on May 19, 2021. The IFB was distributed to Builders Exchanges in Fresno, Modesto, and Visalia. The bid documents were also made available to the Kern-Minority Contractors Association in Bakersfield; posted on EBidBoard.com, an online listing service for contractors accessible from the City's website as well as to other contractors that regularly access EBidBoard's website directly; and posted on the Purchasing page of the City's website.

On June 10, 2021, the City received three responses. All bids were checked for accuracy against bidding requirements of the bid documents and responsive bids were evaluated.

The bids received are listed in Table 1.

Table 1*:* Ranking of Bids Received

Rank	*Contractor*	*Bid Amount*
1	Michael Flooring	$69,900.00
2	Ro's Precise Painting, Inc.	$76,679.00
3	47th Place Carpet One	$82,439.25

Michael Flooring submitted the lowest responsive, and responsible bid that meets the requirements set forth in the IFB. This project was initially delayed because of concerns with the flooring surface. After conducting additional research, staff is recommending proceeding with the project. The proposed renovation to polished concrete surfaces is anticipated to provide a better look and feel compared to existing surfaces while enduring the heavy foot-traffic associated with the police department's operations. Bidders agreed to hold pricing. If approved the project is expected to commence within 30 days of the project award. The project is expected to take 45 days to complete.

FINANCIAL IMPACT:

The project cost based on bids received will be $69,900. Adequate funds were appropriated in the current fiscal year budget. The costs associated with the proposed work shall be solely funded by revenues collected through Measure K.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council may elect to reject all bids received and request staff publish a new IFB. Furthermore, Council may decide to award the contract to the next bidder at a higher cost.

ATTACHMENTS:

1. Contract Award Resolution
    a. Exhibit 1 Agreement

ATTACHMENT 1

Contract Award Resolution

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR RENOVATION OF EXISTING FLOORING TO POLISHED CONCRETE FLOORING AT THE MADERA POLICE DEPARTMENT, IFB 202021-07, IN THE AMOUNT OF $69,900 TO MICHAEL FLOORING AND AUTHORIZE CONSTRUCTION CONTINGENCIES RELATED TO THE CONTRACT

WHEREAS, on May 19, 2021, the City of Madera (City) Purchasing Division advertised Invitation for Bids 202021-07 for the renovation of existing flooring surfaces at the Madera Police Department to polished concrete flooring, hereinafter referred to as "the Project";and

WHEREAS, three sealed bids were received on June 10, 2021, and opened by the Procurement Services Manager; and

WHEREAS, Michael Flooring was the lowest responsive and responsible bidder; and

WHEREAS, funding for the Project is appropriated in the Measure K Police Budget for Fiscal Year 2021/22.

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

1. The above recitals are true and correct.

2. The contract for the Madera Police Department Flooring Renovation Project in the amount of $69,900.00 with Michael Flooring, a copy of which is attached hereto as Exhibit 1 and referred to for particulars, is approved.

3. Council authorized Construction Contingencies of up to five percent as approved by the City Manager.

4. This Resolution is effective immediately upon adoption.

****

EXHIBIT 1

Agreement

THIS AGREEMENT made this 20th day of April 2022, between the City of Madera, hereinafter called "**OWNER",** and Michael Flooring doing business as (an individual), or (a partnership), or (a corporation), hereinafter called **"CONTRACTOR"**.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The **CONTRACTOR** shall commence and complete all **WORK** required for the following CONTRACT DOCUMENTS, attached hereto as Exhibit A:
   a) IFB 202121-07 Polished Concrete Flooring; Madera Police Department
   b) Addenda No. 1, dated 05/26/2021
   c) Addenda No. 2, dated 06/01/2021
   d) Addenda No. 3, dated 06/03/2021
   e) Michael Flooring Bid Proposal

2. The **CONTRACTOR** shall furnish all of the material, supplies, tools, equipment, labor, and other services necessary for the construction and completion of the **WORK** described herein.

3. The **CONTRACTOR** shall commence the **WORK** required by the **CONTRACT DOCUMENTS** within 10 calendar days after the date of the **NOTICE TO PROCEED** and will complete the same within the time period set forth in the **CONTRACT DOCUMENTS**. The **CONTRACTOR** shall submit a Payment Bond and Performance Bond in the amount of **$69,900.00**, each, and Insurance Certificates as specified in the "IFB 20021-07 Polished Concrete Flooring; Madera Police Department" attached hereto as **Exhibit A** prior to commencing any WORK.

4. The **CONTRACTOR** shall perform, to the satisfaction of City in accordance with this Agreement, the **WORK** described in the "IFB 20021-07 Polished Concrete Flooring; Madera Police Department" attached hereto as **Exhibit A** and incorporated by herein by this reference. Contractor shall at all times faithfully, competently and to the best of its ability, experience, and talent, perform all services described herein.

5. In the event the **CONTRACTOR** does not complete the **WORK** within the time limit specified herein or within such further time as authorized, the **CONTRACTOR** shall pay to the **OWNER** liquidated damages in the amount **of Eight Hundred Seventy Dollars ($870.00)** per day for each and every calendar day delay in finishing the **WORK** beyond the completion date so specified.

6. The **OWNER** will pay to the **CONTRACTOR** in the manner and at such times as set forth in the General Conditions such amounts as required by the **CONTRACT DOCUMENTS**. For any moneys earned by the **CONTRACTOR** and withheld by the **OWNER** to ensure the performance of the Contract, the **CONTRACTOR** may, at his request and expense, substitute securities equivalent to the amount withheld in the form and manner and subject to the conditions provided in Division 2, Part 5, Section 22300 of the

Public Contract Code of the State of California.

7. In the event of a dispute between the **OWNER** and the **CONTRACTOR** as to an interpretation of any of the specifications or as to the quality or sufficiency of material or workmanship, the decision of the **OWNER** shall for the time being prevail and the **CONTRACTOR**, without delaying the job, shall proceed as directed by the **OWNER** without prejudice to a final determination by negotiation, arbitration by mutual consent or litigation, and should the **CONTRACTOR** be finally determined to be either wholly or partially correct, the **OWNER** shall reimburse him for any added costs he may have incurred by reason of work done or material supplied beyond the terms of the contract as a result of complying with the **OWNER'S** directions as aforesaid. In the event the **CONTRACTOR** shall neglect to prosecute the work properly or fail to perform any provisions of the **CONTRACT**, the **OWNER**, after three days written notice to the **CONTRACTOR**, may, without prejudice to any other remedy it may have, make good such deficiencies and may deduct the cost thereof from the payment then or thereafter due to the **CONTRACTOR**, subject to final settlement between the parties as in this paragraph herein above provided.

8A. CLAIMS RESOLUTION PROCESS FOR DISPUTES.

It is the intent of this Contract that disputes regarding the Contract be resolved promptly and fairly between the Contractor and the Owner. However, it is recognized that some disputes will require detailed investigation and review by one or both parties before a determination and resolution can be reached. For the protection of the rights of both the Contractor and the Owner, the following provisions are provided for the resolution of disputes which cannot be resolved by the Owner and the Contractor within three business days after either party gives verbal notice of dispute or potential dispute to the other's attention and prior to the commencement of such work.

The following provisions are intended by Contractor and Owner to comply with Public Contract Code Sections 9204 and 20104 *et. seq*.

A. Claims:

The term "claim" refers to a separate demand by Contractor sent by registered mail or certified mail with return receipt requested, for one or more of the following:

(1) A time extension, including, without limitation, for relief from damages or penalties for delay assessed by Owner under this Contract.

(2) Payment by the Owner of money or damages arising from work done by, or on behalf of, the Contractor pursuant to the Contract and payment for which is not otherwise expressly provided or to which the Contractor is not otherwise entitled.

(3) Payment of an amount that is disputed by the Owner.

B. The Claim Must Be Timely and in Writing:

For all claims the claim must be in writing and include the documents necessary to substantiate the claim. A notice of potential claim must be filed within five (5) business days of

Contractor's completion of work that is a potential claim. Notice of an actual claim must be filed on or before the date of final payment.

C. Receipt of Claim by Owner:

Upon receipt of a claim pursuant to this section, the Owner will conduct a reasonable review of the claim and, within a period not to exceed 45 days from the date of receipt, will provide the Contractor with a written statement identifying what portion of the claim is disputed and what portion is undisputed. Upon receipt of a claim, Owner and Contractor may, by mutual agreement, extend the time period provided in this section.

The Contractor shall furnish reasonable documentation to support the claim. If additional information is thereafter required, it shall be requested and provided upon mutual agreement by the Owner and the Contractor. The District's written response to the claim, as further documented, shall be submitted to the claimant within 30 days after receipt of the further documentation, or within a period of time no greater than that taken by the Contractor in producing the additional information or requested documentation.

D. City Council Approval:

If the Owner needs approval from the City Council to provide the Contractor a written statement identifying the disputed portion and the undisputed portion of the claim, and the City Council does not meet within the 45 days or within the mutually agreed to extension of time following receipt of a claim sent by registered mail or certified mail, return receipt requested, the Owner shall have up to three days following the next duly publicly noticed regular meeting of the City Council after the 45-day period or extension expires to provide the Contractor a written statement identifying the disputed portion and the undisputed portion.

E. Payment of Claim:

Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the Owner issues its written statement. If the Owner fails to issue a written statement, paragraph F below shall apply.

F. Meet and Confer:

If the Contractor disputes the Owner's written response, or if the Owner fails to respond to a claim issued pursuant to this section within the time prescribed, the Contractor may demand in writing an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of a demand in writing sent by registered mail or certified mail, return receipt requested, the Owner shall schedule a meet and confer conference within 30 days for settlement of the dispute.

Within 10 business days following the conclusion of the meet and confer conference, if the claim or any portion of the claim remains in dispute, the Owner shall provide the Contractor

a written statement identifying the portion of the claim that remains in dispute and the portion that is undisputed. Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the Owner issues its written statement. Any disputed portion of the claim, as identified by the contractor in writing, shall be submitted to nonbinding mediation, with the Owner and the Contractor sharing the associated costs equally. The Owner and Contractor shall mutually agree to a mediator within 10 business days after the disputed portion of the claim has been identified in writing. If the parties cannot agree upon a mediator, each party shall select a mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. Each party shall bear the fees and costs charged by its respective mediator in connection with the selection of the neutral mediator. If mediation is unsuccessful, the parts of the claim remaining in dispute shall be subject to applicable procedures outside this section.

Under this Contract, mediation includes any nonbinding process, including, but not limited to, neutral evaluation or a dispute review board, in which an independent third party or board assists the parties in dispute resolution through negotiation or by issuance of an evaluation. Any mediation utilized shall conform to the timeframes in this section.

Unless otherwise agreed to by the Owner and the Contractor in writing, the mediation conducted pursuant to this section shall excuse any further obligation under Public Contract Code Section 20104.4 to mediate after litigation has been commenced.

If mediation as set forth above does not resolve the parties' dispute, the parties will proceed to arbitration of disputes under private arbitration or the Public Works Contract Arbitration Program.

G. Filing a Government Code Written Claim Notice:

Following the meet and confer conference, if the claim or any portion remains in dispute, the Contractor may file a claim under the Torts Claims Act as provided in Chapter 1 (commencing with Section 900) and Chapter 2 commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code Section 900.

H. Owner's Failure to Respond to Claim:

Failure by the Owner to respond to a claim from Contractor within the time periods described above or to otherwise meet the time requirements set forth above shall result in the claim being deemed rejected in its entirety. A claim that is denied by reason of the Owner's failure to have responded to a claim, or its failure to otherwise meet the time requirements of this section, shall not constitute an adverse finding with regard to the merits of the claim or the responsibility or qualifications of the Contractor.

I. Interest:

Amounts not paid in a timely manner as required by this section shall bear interest at 7 percent per annum.

J. Subcontractor Claims:

If a subcontractor or a lower tier subcontractor lacks legal standing to assert a claim against Owner because privity of contract does not exist, the Contractor may present to the Owner a claim on behalf of a subcontractor or lower tier subcontractor. For purposes of this paragraph, the term "subcontractor' means any type of subcontractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who either is in direct contract with the Contractor or is a lower tier subcontractor. A subcontractor may request in writing, either on his or her own behalf or on behalf of a lower tier subcontractor, that the Contractor present a claim for work which was performed by the subcontractor or by a lower tier subcontractor on behalf of the subcontractor. The subcontractor requesting that the claim be presented to the Owner shall furnish reasonable documentation to support the claim. Within 45 days of receipt of this written request, the Contractor shall notify the subcontractor in writing as to whether the contractor presented the claim to the Owner and, if the original contractor did not present the claim, provide the subcontractor with a statement of the reasons for not having done so.

K. Filing of Action on Unresolved Claims:

The parties shall follow the procedures set forth in Public Contracts Code Section 20104.4 if an action is filed to resolve claims under the foregoing provisions. Any action shall be filed in Madera County.

9. Attention is directed to Section 1735 of the Labor Code, which reads as follows:

"No discrimination shall be made in the employment of persons upon public works because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical conditions, marital status, or sex of such persons except as provided in Section 12940 of the Government Code, and every contractor for public works violating this section is subject to all the penalties imposed for by violation of this chapter".

10. In accordance with the provisions of Article 5, Chapter l, Part 7, Division 2 (commencing with Section 1860) and Chapter 4, Part l, Division 4 (commencing with Section 3700) of the Labor Code of the State of California, the **CONTRACTOR** is required to secure the payment of compensation to his employees and shall for that purpose obtain and keep in effect adequate Worker's Compensation Insurance.

The undersigned **CONTRACTOR** is aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against Liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions before commencing the performance of the **WORK** of this Agreement.

11. The **CONTRACTOR** shall comply with Part 7, Chapter l, Article 2, Section 1775 of the Labor Code of the State of California. The **CONTRACTOR** shall, as a penalty to the **OWNER**, forfeit fifty dollars ($50.00) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates for such work or craft in which such worker is employed for any public work done under the Contract by him or by any **SUBCONTRACTOR** under him. The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less

than a prevailing wage rate, shall be paid to each worker by the **CONTRACTOR**.

12. The **CONTRACTOR** shall comply with Part 7, Chapter l, Article 2, Section 1776 of the Labor Code of the State of California. The **CONTRACTOR** shall keep and require that all **SUBCONTRACTORS** keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice worker or other employee employed by him in connection with public work. Such payroll records shall be certified and shall be available for inspection at all reasonable hours at the principal office of the **CONTRACTOR** by the **OWNER**, its officers, and agents and to the representatives of the Division of Labor Law Enforcement of the State Department of Industrial Relations. In the event of non-compliance with the requirements of Section 1776, the **CONTRACTOR** shall have 10 days in which to comply subsequent to receipt of written notice specifying in what respects the **CONTRACTOR** must comply. Should non-compliance still be evident after the ten (10) day period, the **CONTRACTOR** shall, as a penalty to the **OWNER** forfeit twenty-five dollars ($25.00) for each calendar day, or portion thereof, for each worker until strict compliance is effectuated. Upon the request of the Division of Apprenticeship Standards or the Division of Labor Standards Enforcement, these penalties shall be withheld from progress payments then due.

13. Attention is directed to the provisions in Sections 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the **CONTRACTOR** or any **SUBCONTRACTOR** under him. It is the **CONTRACTOR'S** responsibility to ensure compliance by both itself and all **SUBCONTRACTORS**.

Section 1777.5 provides, in part, as follows:

The **CONTRACTOR** or **SUBCONTRACTOR**, if he is covered by this section, upon the issuance of the approval certificate, or if he has been previously approved in the craft or trade, shall employ the number of apprentices or the ratio of apprentices to journeyman stipulated in the apprenticeship standards. Upon proper showing by the **CONTRACTOR** that he employs apprentices in the craft or trade in the State on all of his/her contracts on an annual average of not less than one hour of apprentice work for every five hours of labor performed by a journeyman, or in the land surveyor classification, one apprentice for each five journeyman, the Division of Apprenticeship Standards may grant a certification exempting the **CONTRACTOR** from the one (1) to five (5) hourly ratio as set forth in this section. This section shall not apply to contracts of general **CONTRACTORS** or to contracts of specialty contractors not bidding for work through a general or prime **CONTRACTOR**, when the contracts of general **CONTRACTORS**, or those specialty **CONTRACTORS** involve less than thirty thousand dollars ($30,000). Any work performed by a journeyman in excess of eight hours per day or forty (40) hours per week shall not be used to calculate the hourly ratio required by this section.

Apprenticeable craft or trade, as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have the discretion to grant a certificate, which shall be subject to the approval of the Administrator of Apprenticeship, exempting a **CONTRACTOR** from the 1 to 5 ratio set forth in this section when it finds that any one of the following conditions is met:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis, or

(d) If assignment of an apprentice to any work performed under a public works contract would create a condition which should jeopardize his life or the life, safety, or property of fellow employees, or the public at large or if the specific task to which the apprentice is to be assigned is of a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents **CONTRACTORS** in a specific trade from the 1 to 5 ratio on a local or statewide basis the member **CONTRACTORS** will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

The **CONTRACTOR** is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in apprenticeable trade on such contracts and if other **CONTRACTORS** on the public work site are making such contributions. The **CONTRACTOR**, and any **SUBCONTRACTOR** under him, shall comply with the requirements of Sections 1777.5 and 1777.6 of the Labor Code in the employment of apprentices. Information relative to number of apprentices, identifications, wages, hours of employment and standards of working conditions shall be obtained from the Division of Apprenticeship Standards. Consult the white pages of your telephone directory under California, State of, Industrial Relations, Apprenticeship Standards, for the telephone number and address of the nearest office. Willful failure by the **CONTRACTOR** to comply with the provisions of Sections 1777.5 will subject the **CONTRACTOR** to the penalties set forth in Section 1777.7 of the Labor Code.

14. Pursuant to California Labor Code Section 1813, eight hours in any one calendar day and forty (40) hours in any calendar week shall be the maximum hours any worker is required or permitted to work, except in cases of extraordinary emergency caused by fires, flood, or danger to life and property. The **CONTRACTOR** doing the work, or his duly authorized agent, shall file with **OWNER** a report, verified by his oath, setting forth the nature of the said emergency, which report shall contain the name of said worker and the hours worked by him on the said day, and the **CONTRACTOR** and each **SUBCONTRACTOR** shall also keep an accurate record showing the names and actual hours worked of all workers employed by him in connection with the work contemplated by this Agreement, which record shall be open at all reasonable hours to the inspection of the **OWNER**, or its officer or agents and to the Chief of all Division of Labor Statistics and Law Enforcement of the Department of Industrial Relations, his deputies or agents; and it is hereby further agreed that said **CONTRACTOR** shall forfeit as a penalty to the **OWNER** the sum of Twenty-Five Dollars ($25.00) for each laborer, workman or any **SUBCONTRACTOR** under him for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight (8) hours in violation of this stipulation.

Overtime and shift work may be established as a regular procedure by the **CONTRACTOR** with reasonable notice and written permission of the **OWNER.** No work other than overtime and shift work established as a regular procedure shall be performed between the hours of 6:00 P.M. and 7:00 A.M. nor on Saturdays, Sundays or holidays except such work as is necessary for the proper care and protection of the work already performed or in case of an emergency.

CONTRACTOR agrees to pay the costs of overtime inspection except those occurring as a result of overtime and shift work established as a regular procedure. Overtime inspection shall include inspection required during holidays, Saturdays, Sundays, and weekdays. Costs of overtime inspection will cover engineering, inspection, general supervision, and overhead expenses which are directly chargeable to the overtime work. **CONTRACTOR** agrees that **OWNER** shall deduct such charges from payments due the **CONTRACTOR.**

15. The **CONTRACTOR** shall comply with Division 2, Chapter 4, Part 1 of the Public Contract Code relating to subletting and subcontracting, specifically included but not limited to Sections 4104, 4106, and 4110, which by this reference are incorporated into this Agreement as though fully set forth herein.

16. The **CONTRACTOR** and the **OWNER** agree that changes in this Agreement or in the work to be done under this Agreement shall become effective only when written in the form of a supplemental agreement or change order and approved and signed by the **OWNER** and the **CONTRACTOR**. It is specifically agreed that the **OWNER** shall have the right to request any alterations, deviations, reductions or additions to the contract or the plans and specifications or any of them, and the amount of the cost thereof shall be added to or deducted from the amount of the contract price aforesaid by fair and reasonable valuations thereof.

This contract shall be held to be completed when the work is finished in accordance with the original plans and specifications as amended by such changes. No such change or modification shall release or exonerate any surety upon any guaranty or bond given in connection with this contract.

17. **Contractor** shall indemnify, defend with legal counsel approved by City, and hold harmless City, its officers, officials, employees, and volunteers from and against all liability, loss, damage, expense, and cost (including without limitation reasonable legal counsel fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with **Contractor's** negligence, recklessness, or willful misconduct in the performance of work hereunder, or its failure to comply with any of its obligations contained in this AGREEMENT, except such loss or damage caused by the sole active negligence or willful misconduct of the City. Should conflict of interest principles preclude a single legal counsel from representing both City and **Contractor,** or should City otherwise find **Contractor's** legal counsel unacceptable, then **Contractor** shall reimburse the City its costs of defense, including without limitation, reasonable legal counsel fees, expert fees, and all other costs and fees of litigation. The **Contractor** shall promptly pay any final judgment rendered against the City (and its officers, officials, employees, and volunteers) with respect to claims determined by a trier of fact to have been the result of the **Contractor'**s negligent, reckless, or wrongful performance. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

Contractor obligations under this section apply regardless of whether or not such claim, charge, damage, demand, action, proceeding, loss, stop notice, cost, expense, judgment, civil fine or penalty, or liability was caused in part or contributed to by an Indemnitee. However, without affecting the rights of City under any provision of this agreement, **Contractor** shall not be required to indemnify and hold harmless City for liability attributable to the active negligence of City, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In instances where City is shown to have been actively negligent and where City's active negligence accounts for only a percentage of the liability involved, the obligation of **Contractor** will be for that entire portion

or percentage of liability not attributable to the active negligence of City.

Contractor agrees to obtain or cause to be obtained executed defense and indemnity agreements with provisions identical to those set forth in this Section from each and every Subcontractor and Subconsultant, of every Tier. In the event the **Contractor** fails to do so, **Contractor** agrees to be fully responsible to provide such defense and indemnification according to the terms of this Section.

18. Contractor must comply with the insurance requirements as described in the section "INSURANCE REQUIREMENTS" of the Contract Documents.

19. Amendments. Any changes to this Agreement requested by either City or **Michael Flooring** may only be effected if mutually agreed upon in writing by duly authorized representatives of the parties hereto. This Agreement shall not be modified or amended or any rights of a party to it waived except by such writing.

20. Termination.

A. This Agreement may be terminated at any time by either party upon fifteen (15) calendar days written notice. In the event the Agreement is terminated by either party, **Michael Flooring** shall be compensated for services performed to the date of termination based upon the compensation rates and subject to the maximum amounts payable agreed to together with such additional services performed after termination which are authorized in writing by the City representative to wind up the work performed to date of termination.

B. City may immediately suspend or terminate this Agreement in whole or in part by written notice where, if in the determination of City, there is:

1. An illegal use of funds by **Michael Flooring**;
2. A failure by **Michael Flooring** to comply with any material term of this Agreement;
3. A substantially incorrect or incomplete report submitted by **Michael Flooring** to City.

In no event shall any payment by City or acceptance by **Michael Flooring** constitute a waiver by such party of any breach of this Agreement or any default which may then exist on the part of either party. Neither shall such payment impair or prejudice any remedy available to either party with respect to such breach or default. City shall have the right to demand of **Michael Flooring** the repayment to City of any funds disbursed to **Michael Flooring** under this Agreement which, as determined by the appropriate court or arbitrator, were not expended in accordance with the terms of this Agreement.

Notice of termination shall be mailed to the City:

City of Madera Police Department
330 South C Street
Madera, Ca 93638

Notice of Termination shall be mailed to the Contractor:

Michael Flooring
6500 District Blvd.
Bakersfield, Ca 93313

All notices and communications from **Michael Flooring** shall be to City's designated Project Manager or Principal-In-Charge. Verbal communications shall be confirmed in writing. All written notices shall be provided and addressed as soon as possible, but not later than thirty (30) days after termination.

21. Compliance with Laws. City shall comply with all Federal, State, and local laws, ordinances, regulations, and provisions applicable in the performance of City's services.

Wherever reference is made in this Agreement to standards or codes in accordance with which work is to be performed or tested, the edition or revision of the standards or codes current on the effective date of this Agreement shall apply, unless otherwise expressly stated.

22. Attorneys' Fees/Venue. In the event that any action is brought to enforce the terms of this Agreement, the party found by the court to be in default agrees to pay reasonable attorneys' fees to the successful party in an amount to be fixed by the Court. The venue for any claim being brought for breach of this Agreement shall be in Madera County or as appropriate in the U.S. District Court for the Eastern District of California, located in the City of Madera.

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

24. City's Authority. Each individual executing or attesting to this Agreement on behalf of the City hereby covenants and represents: (i) that he or she is duly authorized to execute or attest and deliver this Agreement on behalf of such corporation in accordance with a duly adopted resolution of the corporation's articles of incorporation or charter and bylaws; (ii) that this Agreement is binding upon such corporation; and (iii) that Contractor is a duly organized and legally existing municipal corporation in good standing in the State of California.

25. Contractor's Legal Authority. Each individual executing or attesting this Agreement on behalf of **Michael Flooring** hereby covenants and represents: (i) that he or she is duly authorized to execute or attest and deliver this Agreement on behalf of such corporation in accordance with such corporation's articles of incorporation or charter and by-laws; (ii) that this Agreement is binding upon such corporation; and (iii) that **Michael Flooring** is a duly organized and legally existing corporation in good standing in the State of California.

26. Remedies for Default. Failure by a party to perform any term, condition or covenant required of the party under this Agreement shall constitute a "default" of the offending party under this Agreement. In the event that a default remains uncured for more than ten (10) days following receipt of written notice of default from the other party, a "breach" shall be deemed to have occurred. Any failure or delay by a party in asserting any of its rights and remedies as to any default shall not operate as a waiver of any default or of any rights or remedies associated with a default.

27. Independent Contractor. In performance of the work, duties, and obligations assumed by the Contractor under this Agreement, it is mutually understood and agreed that the City, including any and all of City's officers, agents and employees will, at all times, be acting and performing as an independent contractor, and shall act in an independent capacity and not as an officer, agent, servant, employee, joint venturer, partner, or associate of **City.** Furthermore, **City** shall have no right to control or supervise or direct the manner or method by which City shall perform its work and functions. The City shall comply with all applicable provisions of law and the rules and regulations, if any, of governmental authorities having jurisdiction over the subject matter hereof.

Because of its status as an independent contractor, City shall have absolutely no right to employment rights and benefits available to **City** employees. City shall be solely liable and responsible for providing to, or on behalf of, its employees all legally required employee benefits. In addition, City shall be solely responsible and hold **City** harmless from all matters relating to payment of City's employees, including compliance with Social Security, withholding and all other regulations governing such matters. It is acknowledged that during the term of this Agreement, City may be providing services to others unrelated to **City** or to this Agreement.

28 Sole Agreement. This instrument constitutes the sole and only Agreement between City and **Michael Flooring** in connection to the Project and correctly sets forth the obligations of the City and **Michael Flooring** to each other as of its date. Any Agreements or representations in connection with the Project, not expressly set forth in this instrument are null and void.

27. Assignment-Neither the **Michael Flooring** nor City will assign its interest in this Agreement without the written consent of the other.

28. Caltrans is required by 23 code of Federal Regulations (CFR), part 200, Section 200.9 (b)(7) to conduct reviews of sub-recipients (Local Agencies) of federal-aid to ensure compliance with Title VI of the Civil Rights Act of 1964 and the relates statues (Title VI) through the requirements under the Federal Highway Administration (FHWA), the U.S. Department of Transportation (USDOT), and the U.S. Department of Justice (USDOJ) regulations and guidance materials related to the implementation of Title VI.

The scope of the process reviews conducted by Caltrans focuses on the Local Agency's adherence to the FHWA's Title VI Program (Race, Color and National Origin) and the related statues protecting additional classes as required under

- Federal-Aid Highway Act of 1973 (Sex)
- The Age Discrimination Act of 1975 (Age), and
- The Americans with Disabilities Act of 1990 (ADA)(Disability) and Section 504 of the Rehabilitation Act of 1973 (Disability).

29 Binding Agreement. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in THREE copies, each of which shall be deemed an original on the date first above written.

City of Madera
Herein Called OWNER

By: _____
Santos Garcia, Mayor

APPROVE AS TO FORM:

_____
Hilda Cantú Montoy, City Attorney

ATTEST:

_____
Alicia Gonzales, City Clerk

Michael Flooring
Herein Called CONTRACTOR

BY: _____
Signed

BY: _____
Printed Name and Title

_____
Federal Tax I.D. No.

_____
Contractor License Number

_____
DIR Registration Number

NOTE: This Notary Acknowledgment on the following page is required for verification of Contractor's signature.

Acknowledgment

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

State of California)

County of _____)

On _____, 2022 before me, _____
(insert name and title of officer)

Personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____ (Seal)

REPORT TO CITY COUNCIL

Approved by:
Anthony R. Forestiere
_____
Anthony R. Forestiere, Interim Director Financial Services
Arnoldo Rodriguez
_____
Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022
Agenda Number: B-11

SUBJECT:

Amendment to the City's Utility Services Policy

RECOMMENDATION:

Adopt a resolution amending the City's Utility Services Policy consistent with the State of California Water Resources Control Board Water Arrearages Program

SUMMARY:

Requirements by the State Water Resources Control Board necessitate changes to the City's policy relative to water shut-offs for delinquent customers. The amendments to the Utility Services Policy relate to how payment arrangements for delinquent customers are processed.

DISCUSSION:

The City's current policy conflicts with recent changes at the State level. Today, delinquent customers are required to provide a down payment of one half (1/2) of the total past due amount at the time of the execution of the Payment Arrangement plan. The balance is then amortized over a period not to exceed 12 months. Understandably, many customers are not in a position to pay half of the past due balance let alone have no more than 12 months for the balance to be amortized. While emphatic, staff's ability to arrange payment plans is often limited to adopted policies while significant outstanding balances can also pose challenges to the City in terms of meeting its financial obligations.

It is noted that during the COVID-19 pandemic, there was an influx of outstanding accounts. Fortunately, the City received $371,625.87 from the State Water Resources Control Board Arrearages Program to offset the past due balances customers accrued during the pandemic. The funds were applied to 1,083 delinquent accounts at an average of $343.14 per account. Unfortunately, the Water Arrearages Program provided strict guidelines and not all of the

outstanding balances were paid. As a result, 1,080 accounts remain delinquent. Said accounts currently total $590,769.84.

Table 1 below provides a summary of outstanding balances for customers that received a credit per the Water Arrearages Program whereas Table 2 provides an overview of the number of existing delinquent accounts.

Table 1: *Outstanding balances that received a credit per the Water Arrearages Program*

Outstanding balance	*# of accounts*	*% of total accounts*
$0-$1,000	*162*	*15%*
$1,001-$1,500	425	*39%*
$1,501-$2,000	273	*25%*
$2,001-and above	223	*21%*
Totals	**1,083**	**100%**

Table 2: *Range of outstanding balances*

Outstanding balance	*# of accounts*	*% of total accounts*
$0-$1,000	*159*	*14%*
$1,001-$1,500	433	*40%*
$1,501-$2,000	325	*31%*
$2,001-and above	163	*15%*
Totals	**1,080**	**100%**

To address the current situation, and to meet State guidelines, an updated policy is required. As such, the proposed policy would require a down payment of $150 or 10 percent of the total past due amount, whichever is greater, to be paid at the time of the execution of the Payment Arrangement. The balance would then be amortized over an extended timeframe up to 36 months, if necessary, to avoid undue hardship to the customer based upon the circumstances of the individual case. To remain in good standing, customers would need to comply with the Payment Arrangement Plan and remain current as charges accrue in each subsequent billing period. If an account is 30 days past due, a 10 percent penalty is assessed and an ongoing interest of 1.5 percent per month is charged after 30 calendar days. Service to a delinquent account may be discontinued for nonpayment when a customer has been delinquent for at least 60 calendar days subject to the Notice and other requirements. A shut-off fee of $50 will be assessed if service is discontinued.

Table 3 provides a summary of the current policy versus the proposed.

Table 3: *Comparison of existing vs. proposed policy amendments*		
Issue	*Existing*	*Proposed*
Minimum down payment for past due accounts	50% of outstanding balance	$150 or 10% of outstanding balance, whichever is greater
Amortization of remaining balance	12 months	12-36 months
Timely payments required on remaining balance to remain in good standing	Yes	Yes
Late charges	10% penalty on accounts 30 days past due plus 1.5% interest per month on balance due (*no change to existing policy*)	Same as existing

FINANCIAL IMPACT:

With the new arrangements, this policy would allow the City to provide more customers the opportunity to make payments over an extended period of time which will positively impact the water fund. In addition, approval of this resolution will result in meeting the standards set by the State Water Resources Control Board for participating in the Water Arrearages Program.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Effective government is demonstrated through responsible stewardship of resources; improving communication, internally and with community stakeholders; dedication to improvement; and creation of new programs, services, and internal systems in response to collected data and community needs.

ALTERNATIVES:

Council may elect to not approve this policy change. If that occurs, the City will be out of compliance with the requirements set forth by the State Water Resources Board for participating in the Water Arrearages Program and may be required to send back the allotted funds.

ATTACHMENTS**:**

1. Resolution
2. Revised City Policy

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE CITY'S UTILITY SERVICES POLICY CONSISTENT WITH THE STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD WATER ARREARAGES PROGRAM

WHEREAS, the City has participated in the California Water and Wastewater Arrearage Payment Program offered by the California Water Board; and

WHEREAS, the program is intended to help residential water users who have outstanding and have accrued a balance during the COVID-19 pandemic bill relief period; and

WHEREAS, the criteria include requirements associated with establishing payment plans for customers, and prohibitions on discontinuation of service for water systems participating in the Program; and

WHEREAS, the City is required to comply with the guidelines; and

WHEREAS, to comply with program guidelines it is necessary to update the City's current utility policy relating to delinquencies; and

WHEREAS, staff has presented a new policy that will ensure compliance with the California Water and Wastewater Arrearage Payment Program.

NOW THEREFORE, THE COUNCIL OF THE CITY OF MADERA does hereby resolve, find and order as follows:

1. The above recitals are true and correct.

2. The City Council revises the City of Madera Utility Service Policy to be consistent with the State of California Water Resources Control Board Water Arrearages Program which is attached to this resolution as Exhibit A and incorporated by reference.

3. The Finance Director is hereby authorized to implement the Policy as required by the program guidelines.

4. The resolution is effective immediately upon adoption.

******

CITY OF MADERA

UTILITY SERVICE POLICY

FOR DELINQUENT SINGLE AND MULTI-FAMILY RESIDENTIAL CUSTOMERS

APPLICATION OF POLICY AND TELEPHONE NUMBER

This policy enumerates the City of Madera's administrative procedures and actions for the collection of delinquent accounts, including notifications, fee assignments and discontinuation of service. This policy together with Title 8, Chapter 7 of the Madera Municipal Code serves to comply with Water Shut Off Protection Act set forth in SB 998 (Health and Safety Code Sections 116900 to 116926). This policy will be made available to the public on the City Finance (Utility Billing) Department's website at www.madera.gov\SB-998. The City Finance Utility Billing can be contacted by telephone at (559) 661-5459 to discuss options for averting discontinuation (also referenced "shut off") of water service for nonpayment under the terms of this policy.

I. Definition of Delinquent Account

An account becomes delinquent upon the dates specified in the City of Madera Municipal Code. Any revision to such dates in the Municipal Code will be reflected in this policy. The current date established in the Municipal Code is the 26th day of the billing month unless the due date falls on a weekend or holiday then the due date will be the next business day.

II. Delinquent Account – Fees and Notification

A. **Fees.** If an account is past due for over 30 days, a 10% penalty is assessed and an ongoing interest of 1.5% per month is charged after 30 calendar days. Service to a delinquent account may be discontinued for nonpayment when a customer has been delinquent for at least sixty (60) calendar days subject to the Notice and other requirements under this policy. A shut-off fee of $50 will be assessed if service is discontinued.

B. **Notices.** A Notice of Vacancy or Notice of Delinquency is mailed to the account holder ten (10) calendar days before the account becomes delinquent and/or the customer is contacted by telephone. The Notice will indicate that the water will be shut off if the delinquent balance is not paid in full by the required payment date, as established In the City of Madera Municipal Code. The Notice is required for those accounts that are delinquent and are not already on a Payment Arrangement. The written Notice will be mailed to the mailing address designated on the account. The Notice will include:

- Customer's name and address
- Amount past due

- Date by which payment or Payment Arrangements are required to avoid termination of service
- Description of the process to apply for Payment Arrangements
- Description of the process to dispute or appeal a bill
- City Finance Department's telephone number and a web link to the City Finance Utility Billing Department's written delinquent account policy

The City shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least sixty (60) days.

Ten (10) calendar days prior to termination of service, a Notice that water service will be discontinued is mailed to the customer. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant". If unable to reach customer by telephone or the mailed Notification has been returned undeliverable, the City will make every effort to hand deliver or post a Notice in a conspicuous place prior to the shut off process. City will terminate services if the account holder has made no response to the Notification.

The notices under this section shall be made available in English, Spanish, Chinese, Filipino (Tagalog), Vietnamese, Korean, and any other language spoken by ten (10) percent or more of the customers in City's service area.

III. Payment Arrangements

Any customer who is unable to pay for water service within the normal payment period may request an alternative Payment Arrangement to avoid disruption of service. A down payment of one hundred and fifty dollars ($150) or ten (10%) percent of the total past due amount whichever is greater is to be paid at the time of the execution of the Payment Arrangement. The balance will then be amortized over an extended timeframe necessary to avoid undue hardship to the customer based upon the circumstances of the individual case. In addition to the current payment, the delinquent payment is to be made timely over the agreed upon period. The customer must comply with the Payment Arrangement Plan and remain current as charges accrue in each subsequent billing period.

Only one additional extension is allowed over the 12-month period for repayment. If account holder can show good cause for an additional extension, the Finance Director or his/her designee may agree to a second extension. Each account will be allowed only one Payment Arrangement per year. A Payment Arrangement may not be approved until one year after the commencement of the last agreement.

A Payment Arrangement cannot be executed once service has been terminated without express authorization of the Finance Director or his/her designee.

If customer fails to comply with the Payment Arrangement for at least sixty (60) calendar days or more, service may be discontinued no sooner than five (5) business days after posting Notification of Broken Payment Arrangement. The Notification will be posted in a conspicuous place at the service address. City will terminate services if there has been no contact from the account holder to make a payment on the current Payment Arrangement.

IV. Conditions Prohibiting Discontinuation

The City shall not discontinue residential water service if all the following conditions are met:

A. Health Conditions - The customer or tenant of the customer submits certification of a primary care provider that discontinuation of water service would (i) be life threatening, or (ii) pose a serious threat to the health and safety of a person residing at the property.

B. Financial Inability - The customer demonstrates he or she is financially unable to pay for water service within the water system's normal billing cycle. The customer is deemed "financially unable to pay" if any member of the customer's household is: (i) a current recipient of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the customer declares the household's annual income is less than 200% of the federal poverty_ level; and

C. Alternative Payment Arrangements -The customer is willing to enter an alternative Payment Arrangement consistent with the provisions of Section III above.

V. Process for Determination of Conditions Prohibiting Discontinuation of Service

The burden of proving compliance with the conditions described in Section IV, above, is on the customer. In order to allow the City sufficient time to process any request for assistance by a customer, the customer is encouraged to provide the City with the necessary documentation demonstrating the medical issues, financial inability under Subdivision and willingness to enter any payment alternative arrangement under Section IV above as far in advance of any proposed date for discontinuation of service as possible.

Upon receipt of such documentation, the Finance Director, or his or her designee, shall review that documentation and respond to the customer within three (3) calendar days or to notify the customer that additional information is necessary or to notify customer of the payment option.

Customers who fail to meet the conditions described in Section IV above, must pay the delinquent amount, including any penalties and other charges-, owing to the City within the latter to occur of: (i) two (2) business days after the date of notification from the City of the

City's determination the customer failed to meet those conditions; or (ii) the date of the impending service discontinuation, as specified in the Overdue Notice.

VI. Special Rules for Low Income Customers

Customers are deemed to have a household income below 200% of the federal poverty line if: (i) any member of the customer's household is a current recipient of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program *or* California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the customer declares the household's annual income is less than 200% of the federal poverty level. If a customer demonstrates either of those circumstances, then the following apply:

A. Reconnection Fees: If service has been discontinued and is to be reconnected, then any reconnection fees during the City's normal operating hours cannot exceed $50.00. Those fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps. Those caps may be adjusted annually for changes in the Customer Price Index for [add applicable CPI used by Madera] beginning January 1, 2021.

B. Interest waiver: The City shall not impose any interest charges on delinquent bills.

VII. Shut Off Procedure

Payment files should be updated prior to sending the Field Representative out to terminate service. As a courtesy, the Field Representative will attempt to contact the adult individual(s) residing at the service address prior to termination of service. Regardless of whether contact has been made, the Field Representative will proceed to terminate services and confiscate the refuse containers.

Service will not be restarted until the entire account balance, penalties, and fines are paid in full and a deposit will be required to re-activate service if there is no deposit on file. A check will not be accepted as payment to restart service.

Service will not be terminated at any time the Finance Department is not open: Saturdays, Sundays, holidays, after hours, or while an appeal is pending, or unless a payment extension is granted.

Tampering with City property (shut off valves, valve locks etc.) shall constitute a misdemeanor. The Finance Director or his/her designee will notify the Madera Police Department, and the cost of replacement and monitoring will be charged to the account.

VIII. Delinquent Account: Landlord-Tenant Accounts

A Notification of Vacancy/Delinquency is mailed to the account holder ten (10) calendar days before the account becomes delinquent and/or the customer is contacted by telephone. The Notification will indicate that the water will be shut off if the delinquent balance is not paid in full by the required payment date, as established in the City of Madera Municipal Code. The Notification is required for those accounts that are delinquent and are not already on a Payment Arrangement. The written Notification will be mailed to the mailing address designated on the account.

Ten (10) calendar days prior to termination of service, a Notification that water service will be discontinued is mailed to the customer. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant". If unable to reach customer by telephone or the mailed Notification has been returned undeliverable, the City will make every effort to hand deliver or post a Notice in a conspicuous place to the shut off process. City will terminate services if the account holder has made no response to the Notification.

The Notice will advise tenant/occupant that they have the right to become customers of the City without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at the address(es) served by the master meter. Tenants must have the opportunity to transfer the account into their name. Services will be terminated if all monies, including penalty and interest have not been paid within the required time frame.

IX. Payment Arrangements: Landlord-Tenant Accounts

Any customer who is unable to pay for water service within the normal payment period may request an alternative Payment Arrangement to avoid disruption of service. A down payment of one hundred and fifty dollars ($150) or ten (10%) percent of the total past due amount whichever is greater is to be paid at the time of the execution of the Payment Arrangement. The balance will then be amortized over an extended timeframe necessary to avoid undue hardship to the customer based upon the circumstances of the individual case. In addition to the current payment, the delinquent payment is to be made timely over the agreed upon period.

Only one additional extension is allowed over the 12-month period for repayment. If account holder can show good cause for an additional extension, the Finance Director or his/her designee may agree to a second extension. Each account will be allowed only one Payment Arrangement per year. A Payment Arrangement may not be approved until one year after the commencement of the last agreement.

A Payment Arrangement cannot be executed once service has been terminated without express authorization of the Finance Director or his/her designee.

If customer fails to comply with the Payment Arrangement for at least sixty (60) calendar days or more, service may be discontinued no sooner than five (5) business days after posting Notification of Broken Payment Arrangement. The Notification will be posted in a conspicuous place at the service address. City will terminate services if there has been no contact from the account holder or occupant.

Account holders that have not complied with the Payment Arrangement are sent a Notification that services will terminated ten (10) calendar days prior to service termination.

X. Shut off Procedure – Landlord-Tenant Accounts

Payment files should be updated prior to sending the Field Representative out to terminate service. As a courtesy, the Field Representative will attempt to contact the adult individual(s) residing at the service address prior to termination of service. Regardless of whether contact has been made, the Field Representative will proceed to terminate services and confiscate the refuse containers.

Service will not be restarted until the entire account balance, penalties, and fines are paid in full and a deposit will be required to re-activate service if there is no deposit on file. A check will not be accepted as payment to restart service.

Service will not be terminated at any time the Finance Department is not open: Saturdays, Sundays, holidays, after hours, or while an appeal is pending, or unless a payment extension is granted.

Tampering with City property (shut off valves, valve locks etc.) shall constitute a misdemeanor. The Finance Director or his/her designee will notify the Madera Police Department, and the cost of replacement and monitoring will be charged to the account.

XI. Service Termination by Account Holders

Account holders wanting to terminate their service must do so in writing by specifying the date service is to be discontinued. If a request for termination has not been made in writing, the account holder will be held responsible for utility services provided to the service location.

Temporary service termination by the account holder must also be in writing.

If the account holder is deceased, a family member may submit a written request for service termination with a copy of the death certificate.

XII. Appeals

The Account holder has the right to appeal the bill giving rise to delinquency. To do so, he/she must do the following:

The account holder shall complete a City of Madera Appeal form addressing his or her concern and, if there is a dispute with a Finance Department Policy, the account holder or complaining party should indicate where possible, the policy with which they disagree. The completed appeal form shall be date stamped upon receipt by the City of Madera Finance Department.

A review committee, consisting of the Finance Director and an additional person who does not have a direct involvement with the utility billing and collection process shall hear the appeal. A hearing with this committee will be granted upon request. A written notice of the date and time of the hearing shall be sent to the complaining party within five (5) business days of the hearing date.

The Hearing will be held within ten (10) working days of the receipt of the completed appeal form. The City Attorney may be consulted for his/her advice relating to the committee's findings.

The review committee will provide a written notice to the account holder concerning the outcome of the hearing. If the account holder disagrees with the decision of the committee, a request to appeal to the City Council can be made.

This request for appeal to the City Council must be made within fifteen (15) calendar days from the date of the decision of the appeal committee. The written response will notify the complainant of his or her right to appeal the decision and the procedures for doing so.

XIII. Notice in Other Languages

This policy and notices required under SB 998 shall be made available in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten (10) percent or more of the customers in the City’s service area.

REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, Department Director

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-12

SUBJECT:

Easement Deeds for Sidewalk Improvements for Maple, Santa Cruz, and Monterey Streets (City Project R-84)

RECOMMENDATION:

Adopt a Resolution Approving Three Purchase and Sale of Real Property Agreements and Authorizing the City Clerk to prepare the Certificate of Acceptance and Record Three Easement Deeds (APN Nos. 012-093-005, 012-093-013, and 012-097-006)

SUMMARY:

Right-of-Way (ROW) acquisition from three parcels of land are necessary for the new sidewalk improvement on Maple, Santa Cruz, and Monterey Streets. The agreements and easement deeds have been executed by the property owners and they are recommended for approval. The value of the land for the acquisition from the three parcels is $2,846.00. Funds for the ROW acquisition are included in the City's Fiscal Year (FY) 2021/22 Budget.

DISCUSSION:

The scope of the project consists of installation of sidewalk improvements along three local primarily residential streets. the project also includes installation of American with Disabilities (ADA) compliant curb access ramps at the corners. Although, ROW acquisition was necessary from owners of 7 parcels, 3 were executed by the property owners. All 7 parcels required a partial land acquisition to construct City standard curb access ramps; however, this report is only for 3. The seven parcels are located on the:

- Northwest corner of Maple Street and Santa Cruz Street
- Northeast corner of Maple Street and Santa Clara Street
- Southeast corner of Maple Street and Santa Cruz
- Southwest and southeast corners of Maple and Santa Bonita

- Northwest corner of Maple and Monterey

The land acquisition and improvements from the subject parcels are listed in Table 1.

Table 1: *Necessary land acquisition*

APN	*Area (Square Feet)*	*Cost*
012-093-005	157	$942.00
012-093-013	156	$936.00
012-097-006	78	$968.00

The City follows Caltrans guidelines for minor acquisition takes. Caltrans Local Assistance Procedures Manual says that when the City determines that the valuation is uncomplicated and the market value is estimated at $10,000 or less, based on a review of available data, a formal appraisal report is not required. This is consistent with City Administrative Policy No. AP-48 for waiver of formal appraisals on certain real property and to acquire said parcels by sale or donation where such parcels or portions thereof to be acquired do not have fair market value in excess of $2,500. Valuations were prepared by City staff, based on a review of available data and recent appraisals of residential property for other City projects.

The formal offer and acquisition information, Purchase and Sale of Real Property Agreement and easement Deeds with a description of the interest in land to be acquired have been presented to all of the property owners. The subject agreements have been accepted and approved by

ENVIRONMENTAL REVIEW:

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Minor alternation to existing facilities).

FINANCIAL IMPACT:

There will be no impact to the City's General Fund for the right-of-way and construction costs for this project. Community Development Block Grant and Measure T Funds were used for the ROW acquisition. These funds are included in the City's FY 2021/22 Budget, Account No: 41540000-7050.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

- *Strategy 121* – Develop a city-wide multi-modal transportation plan to ensure safe, affordable, and convenient transportation modes for residents and businesses within Madera

- *Strategy 138* **–** This project supports this strategy to establish and enforce ADA standards throughout the community.

ALTERNATIVES:

Council may elect to reject the ROW acquisition. The rejection of ROW acquisition would result in the inability to install City Standard curb access ramps at the identified corners.

ATTACHMENTS:

1. Resolution
   - Exhibit A – Agreement (214 Santa Cruz Street Madera, CA 93637)
     - Exhibit A – Right-of-Way Exhibit
     - Exhibit B – Legal Description
     - Exhibit C – Deed with Legal Description
   - Exhibit B – Agreement (613 Maple Street Madera, CA 93637)
     - Exhibit A – Right-of-Way Exhibit
     - Exhibit B – Legal Description
     - Exhibit C – Deed with Legal Description
   - Exhibit C – Agreement (220 Monterey Street Madera, CA 93637)
     - Exhibit A – Right-of-Way Exhibit
     - Exhibit B – Legal Description
     - Exhibit C – Deed with Legal Description
   - Exhibit 2 - Property Owner List
2. Map

ATTACHMENT 1

Resolution

RESOLUTION NO. 22-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THREE AGREEMENTS FOR PURCHASE AND SALE OF REAL PROPERTY WITH THE PROPERTY OWNERS AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CERTIFICATE OF ACCEPTANCE AND RECORD THE EASEMENT DEEDS FOR THE SIDEWALK IMPROVEMENTS ON MAPLE STREET, SANTA CRUZ STREET AND MONTEREY STREET NEW, CITY PROJECT NO. R-84 (APN NO. 012-093-005, 012-093-013, AND 012-097-006)

WHEREAS, the City Council of the City of Madera (City) has approved the Sidewalk Improvement for Maple, Santa Cruz, and Monterey Streets, City Project No. R-84 (the Project); and

WHEREAS, the Project requires the acquisition of right of way from three parcels of land to construct sidewalks and curb access ramps in the Project area; and

WHEREAS, the three property owners of record, listed in Exhibit 2 attached hereto, have offered for sale to the City the interest in real property necessary for the Project; and

WHEREAS, the property to be acquired is more specifically described in the legal description included in each Agreement for Purchase and Sale of Real Property (Agreement) and attached to each Easement Deed; and

WHEREAS, the purchase price offered for the properties has been established per square foot in accordance with the City's recent acquisitions for commercial and residential properties; and

WHEREAS, on July 28, 2021, the City determined that the Project is Categorically Exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301(a-e) of the CEQA Guidelines; and

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

1. The above recitals are true and correct.

2. The City Council of the City of Madera approves the three Agreements for Purchase and Sale of Real Property and accepts the three Easement Deeds,

3. The three Agreements, copies of which are attached hereto as Exhibit 1 and referred to for particulars, are approved.

4. The City Clerk is authorized to prepare the Certificate of Acceptance for the Easement Deeds.

5. The Finance Director is authorized to make the payment for the land acquisition in the amounts shown in the attached Exhibit 2.

6. The City Engineer, with the agreement of the City Manager and City Attorney, is authorized to make non-material or technical corrections to documents required for implementation of the agreements.

7. This resolution is effective immediately upon adoption.

* * * * * * * *

EXHIBIT 1

Agreements and Deeds

Exhibit A – Agreement (214 Santa Cruz Street Madera, CA 93637)
Exhibit 1 – Deed with One Exhibit
Exhibit B – Agreement (613 Maple Street Madera, CA 93637)
Exhibit 1 – Deed with One Exhibit
Exhibit C – Agreement (220 Monterey Street Madera, CA 93637)
Exhibit "A" – ROW Exhibit
Exhibit "B" – Deed with One Exhibit

EXHIBIT A

Agreement

(214 Santa Cruz Street Madera, CA 93637)

OWNER: Ana B. Cervantes

PROJECT: Maple Street Sidewalk and ADA Ramp Improvements

ADDRESS: 214 Santa Cruz Street
Madera, CA 93637

APN: 012-093-005

SITUS: NW Corner of Maple Street & Santa Cruz Street

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS

ANA B, CERVANTES, hereinafter referred to collectively as the "Sellers", hereby offers to sell to the CITY OF MADERA, a municipal corporation, hereinafter referred to as the "CITY", the hereinafter described real property on the following terms and conditions:

1. The real property which is the subject of this Agreement is all rights, title and interest in and to that certain real property situated in the City of Madera, County of Madera, State of California, more particularly described in Exhibit "A" Right of Way Acquisition and in Exhibit "B" Legal Description attached hereto (the "Offered Property").

2. The purchase price for the Offered Property shall be the sum of Nine Hundred and Forty-Two Dollars and No Cents ($942.00) as just compensation for land and improvements.

3. Seller warrants that the Offered Property is being acquired under threat of condemnation.

4. Sellers represent and warrant that they have the authority to take the offer herein made, that they are willing to sell Offered Property, and that they hold fee title to the Offered Property.

5. The sale shall be completed by and through this Agreement upon the following terms and conditions, and Sellers and City by their signature to this Agreement make this paragraph their purchase instructions:

a. City shall pay to Sellers the sums specified in Paragraph 2 of this Agreement upon receipt and recording of the Easement Deed.

b. There shall be no proration of taxes and insurance.

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

d. Sellers shall deliver to the City a signed and notarized Easement Deed in the form as prepared by the City and presented to Sellers with this Agreement.

6. Seller warrants that tenants on the Offered Property pursuant to any lease agreement will not be adversely affected by this acquisition.

7. It is agreed and confirmed by the parties hereto that, notwithstanding other provisions in this contract, the right of possession and use of the Offered Property by the City (including, but not limited to, the right to construct and install new improvements and to replace, repair, restore, remove, and/or dispose of existing improvements) shall commence upon execution of this Agreement, and that the amount shown in Clause 2 herein includes, but is not limited to, full payment for such possession and use, including damages if any, from said date.

8. Grantor Sellers hereby grant to the City, its permittees, contractors, agents or assigns, a license to enter upon, over, across, and under all of Seller's property during the period of construction for the purpose of removal and replacement of existing owner improvements on the Offered Property and for the purpose of facilitating the construction of public improvements and accomplishing all necessary incidence thereto, including, but not limited to, the repair, replacement, restoration, removal, and/or disposal of existing improvements. Any actual damage or substantial interference with the possession of use of the adjacent land caused by City, its permittees, contractors, agents, or assigns shall be cured by the same.

9. The obligation of the City to purchase the Offered Property is contingent upon the finding by City that there is no evidence that there may be hazardous or toxic materials located on the Offered Property. The cost of this determination is the sole expense of the City.

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

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

12. No addition to or modification of any term or provision of this Agreement shall be effective unless set forth in writing and signed by both parties. If any legal action is necessary to enforce or interpret this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

13. This Agreement is executed by the City of Madera, by and through Mayor of the City of Madera pursuant to authority granted by the Council of the City of Madera on _____.

CITY OF MADERA,
A municipal corporation

By: _____
Santos Garcia, Mayor

APPROVED AS TO FORM:
By: _____
Hilda Montoya, City Attorney

ATTEST:
By: _____
Alicia Gonzales, City Clerk

SELLER

Ana B Cervantes

Ana B. Cervantes

606 10 5924

Tax I.D. (Soc. Sec. #)

EXHIBIT "A"
RIGHT-OF-WAY ACQUISITION

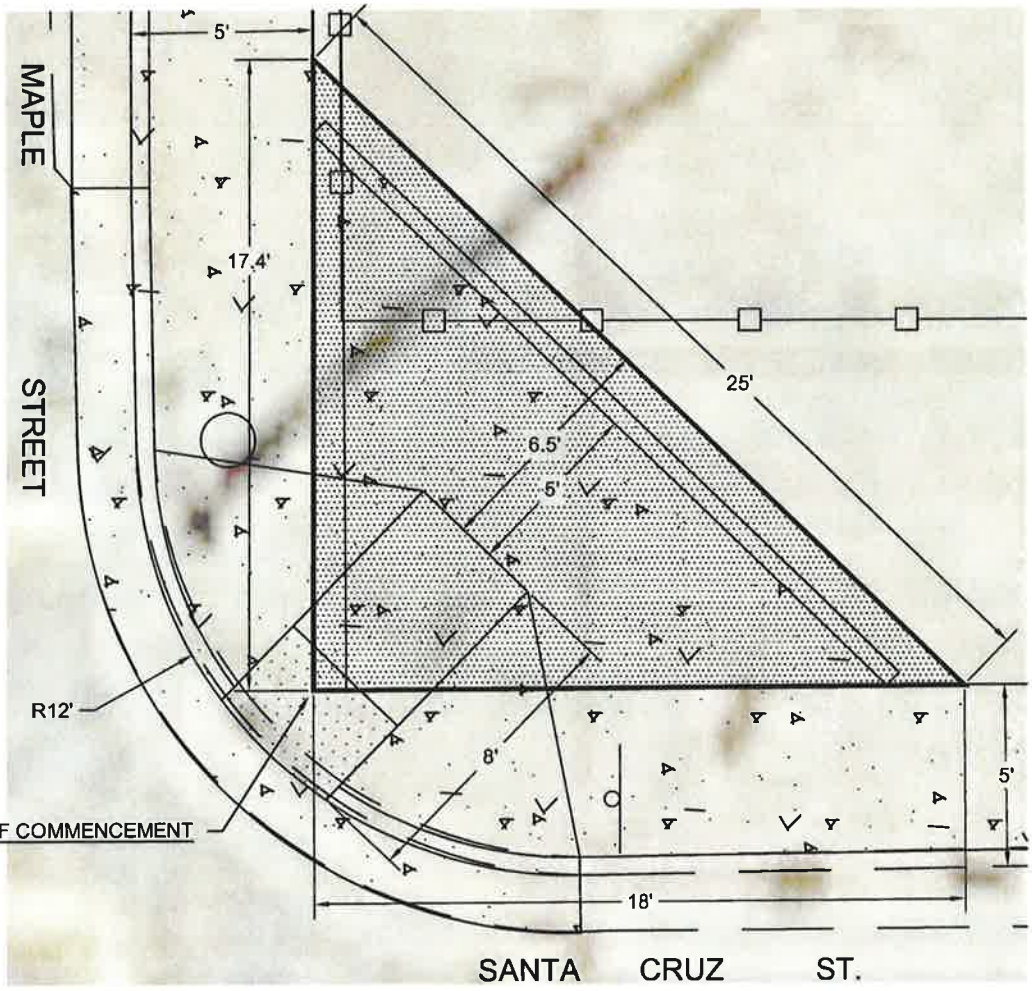
APN:
012-093-005

LEGAL DESCRIPTION:

LOTS 13 & 14
OF BLOCK 3
STOCKTON ADDITION

OWNER:
ANA B. CERVANTES

ADDRESS: (SITE)
214 SANTA CRUZ STREET
MADERA, CA 93637



INDICATES EASEMENT AREA TO BE GRANTED TO THE CITY OF MADERA CONTAINING 156.6± SQ. FT.

SCALE: 1"=5'

CITY OF MADERA - ENGINEERING DEPARTMENT

CITY: CITY OF MADERA ADDRESS: 205 W. 4TH STREET MADERA, CA 93637	REAL PROPERTY TO BE GRANTED TO THE CITY OF MADERA BEING A PORTION OF APN 012-093-005	F.B. NO _____ Dr. By: SR Ch. By: _____ Date: _____ SCALE 1" = 5' SHEET 1 OF 1

EXHIBIT "B"

LEGAL DESCRIPTION

EASEMENT DEED FOR RIGHT OF WAY

ASSESSOR PARCEL NUMBER 012-093-005

A permanent right of way easement for street improvements located on and in the real property in the City of Madera, County of Madera, State of California, described as follows:

A portion of Lot 13, Block 3, Stockton Addition in the County of Madera, described as follows:

Beginning at a Point of Commencement known as the point of intersection of the East property line with the South property line as recorded in County of Madera, Assessor Parcel Number 012-093-005, thence 18.00 feet, Northerly along the East property line, thence 25.00 feet in a South Westerly direction to a point on the South property line, thence 17.40 feet Easterly along the South property line to the Point of Commencement.

Containing an area of 157 square feet, more or less.

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

Fee waived per Section 27383 of the Government Code — No Fee Due
APN: 012-093-005 — No Doc Tax Due R&T 11922

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **ANA B. CERVANTES** DOES HEREBY GRANT TO **THE CITY OF MADERA**, A MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA

A permanent easement for street improvements and any and all other municipal purposes over, under, through and across, on and in the following described real property in the City of Madera, County of Madera, State of California, being more particularly described in EXHIBIT "A", **LEGAL DESCRIPTION,** attached hereto and made a part hereof.

By: Ana B Cervantes Date: 11.17.2021
Ana B. Cervantes

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT CIVIL CODE #1189

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

State of California)
County of Madera)
On 11/17/2021 before me, Diana Rosas, Notary Public,
personally appeared Ana B. Cervantes

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS MY HAND AND OFFICIAL SEAL
Signature: Diana Rosas (Seal)

DIANA ROSAS
Notary Public - California
Madera County
Commission # 2264387
My Comm. Expires Oct 30, 2022

EXHIBIT "A"

LEGAL DESCRIPTION

EASEMENT DEED FOR RIGHT OF WAY

ASSESSOR PARCEL NUMBER 012-093-005

A permanent right of way easement for street improvements located on and in the real property in the City of Madera, County of Madera, State of California, described as follows:

A portion of Lot 13, Block 3, Stockton Addition in the County of Madera, described as follows:

Beginning at a Point of Commencement known as the point of intersection of the East property line with the South property line as recorded in County of Madera, Assessor Parcel Number 012-093-005, thence 18 feet, Northerly along the East property line, thence 25 feet in a South Westerly direction to a point on the South property line, thence 17.4 feet Easterly along the South property line to the Point of Commencement.

Containing an area of 157 square feet, more or less.



EXHIBIT B

Agreement

(613 Maple Street Madera, CA 93637)

OWNER: Joe L. Martinez and Rosa Lee Martinez

PROJECT: Maple Street Sidewalk and ADA Ramp Improvements

ADDRESS: 613 Maple Street
Madera, CA 93637

APN: 012-093-013

SITUS: NE Corner of Maple Street & Santa Clara Street

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS

JOE L. MARTINEZ AND ROSA LEE MARTINEZ, hereinafter referred to collectively the "Sellers", hereby offers to sell to the CITY OF MADERA, a municipal corporation, hereinafter referred to as the "CITY", the hereinafter described real property on the following terms and conditions:

1. The real property which is the subject of this Agreement is all rights, title and interest in and to that certain real property situated in the City of Madera, County of Madera, State of California, more particularly described in Exhibit "A" Right of Way Acquisition and in Exhibit "B" Legal Description attached hereto (the "Offered Property")

2. The purchase price for the Offered Property shall be the sum of Nine Hundred and Thirty-Six Dollars and No Cents ($936.00) as just compensation for land and improvements.

3. Sellers warrant that the Offered Property is being acquired under threat of condemnation.

4. Sellers represent and warrant that they have the authority to take the offer herein made, that they are willing to sell the Offered Property, and that they hold fee title to the Offered Property.

5. The sale shall be completed by and through this Agreement upon the following terms and conditions, and Seller and City by their signature to this Agreement make this paragraph their purchase instructions:

a. City shall pay to Sellers the sums specified in Paragraph 2 of this Agreement upon receipt and recording of the Easement Deed.

b. There shall be no proration of taxes and insurance.

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

d. Sellers shall deliver to the City a signed and notarized Easement Deed in the form as prepared by the City and presented to Sellers with this Agreement.

6. Seller warrants that tenants on the Offered Property pursuant to any lease agreement will not be adversely affected by this acquisition.

7. It is agreed and confirmed by the parties hereto that, notwithstanding other provisions in this contract, the right of possession and use of the Offered Property by the City (including, but not limited to, the right to construct and install new improvements and to replace, repair, restore, remove, and/or dispose of existing improvements) shall commence upon execution of this Agreement, and that the amount shown in Clause 2 herein includes, but is not limited to, full payment for such possession and use, including damages if any, from said date.

8. Grantor Sellers hereby grants to the City, its permittees, contractors, agents or assigns, a right to enter upon, over, across, and under all of Seller's property during the period of construction for the purpose of removal and replacement of existing owner improvements on the Offered Property and for the purpose of facilitating the construction of the public improvement and accomplishing all necessary incidence thereto, including, but not limited to, the repair, replacement, restoration, removal, and/or disposal of existing improvements. Any actual damage or substantial interference with the possession of use of the adjacent land caused by City, its permittees, contractors, agents, or assigns shall be cured by the same.

9. The obligation of the City to purchase the Offered Property is contingent upon the finding by City that there is no evidence that there may be hazardous or toxic materials located on the Offered Property. The cost of this determination is the sole expense of the City.

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

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

12. No addition to or modification of any term or provision of this Agreement shall be effective unless set forth in writing and signed by both parties. If any legal action is necessary to enforce or interpret this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs.

13. This Agreement is executed by the City of Madera, by and through Mayor of the City of Madera pursuant to authority granted by the Council of the City of Madera on _____.

CITY OF MADERA,
A municipal corporation

By: _____
Santos Garcia, Mayor

APPROVED AS TO FORM:
By: _____
Hilda Cantu Montoy, City Attorney

ATTEST:
By: _____
Alicia Gonzales, City Clerk

SELLER

_____
Joe L. Martinez

546 64 9195
_____
Tax I.D. (Soc. Sec. #)

Rosa Lee Martinez
_____
Rosa Lee Martinez

551-66-2787
_____
Tax I.D. (Soc. Sec. #)

EXHIBIT "A"
RIGHT-OF-WAY
ACQUISITION

APN:
012-093-013

LEGAL DESCRIPTION:

LOT 11, 12 & PORTION OF 10 BLOCK 3 STOCKTON ADDITION

OWNER:

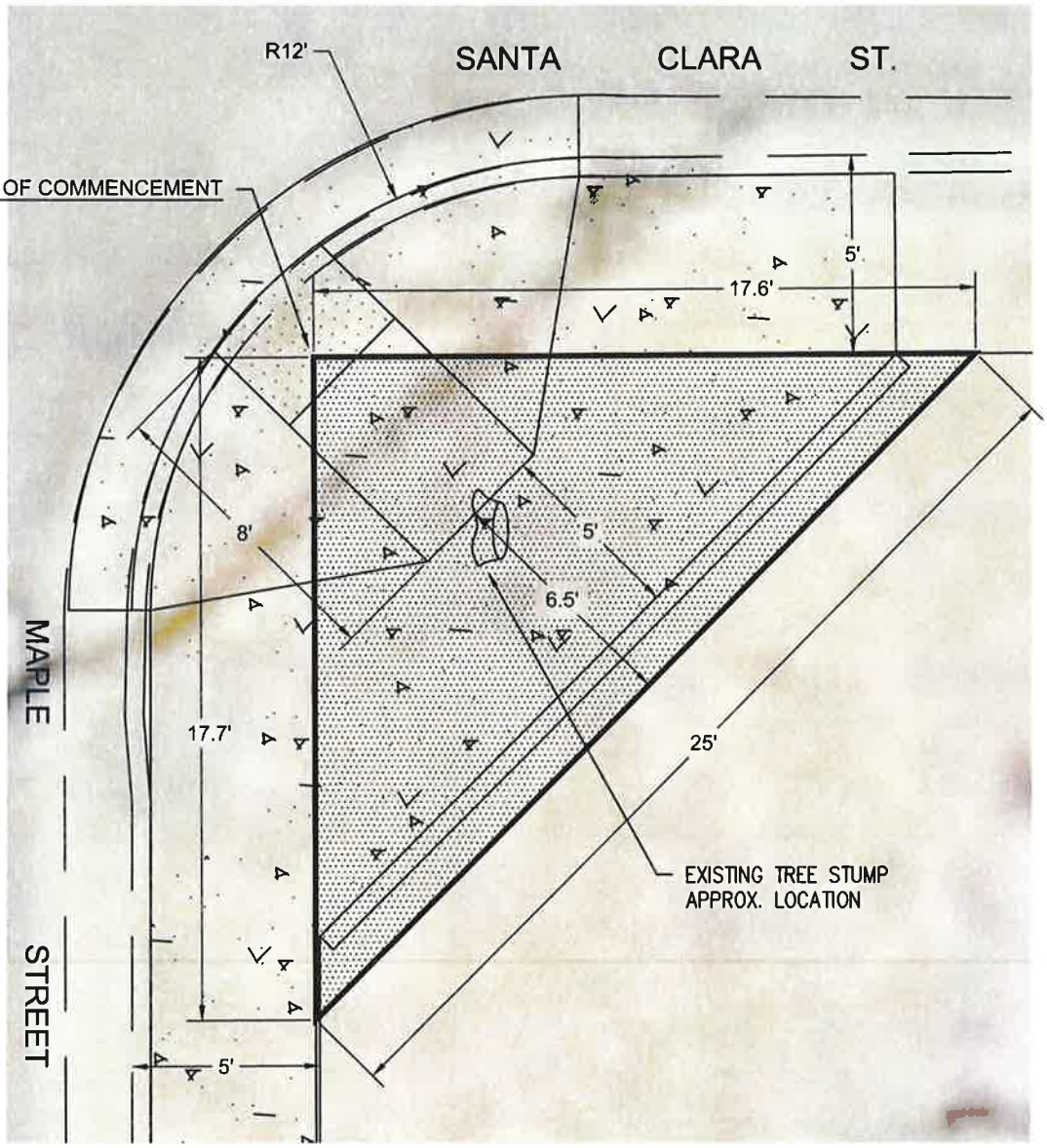
JOE L. MARTINEZ and ROSA LEE MARTINEZ

ADDRESS: (MAIL)

2516 PLUMWWOD WAY MADERA, CA 93637

ADDRESS: (SITE)

613 MAPLE STREET



INDICATES EASEMENT AREA TO BE GRANTED TO THE CITY OF MADERA CONTAINING 155.8± SQ. FT.

SCALE: 1"=5'

CITY OF MADERA - ENGINEERING DEPARTMENT

CITY: CITY OF MADERA ADDRESS: 205 W. 4TH STREET MADERA, CA 93637	REAL PROPERTY TO BE GRANTED TO THE CITY OF MADERA BEING A PORTION OF APN 012-093-013	F.B. NO _____ Dr. By: SR Ch. By: _____ Date: _____ SCALE 1" = 5' SHEET 1 OF 1

EXHIBIT "B"

LEGAL DESCRIPTION

EASEMENT DEED FOR RIGHT OF WAY

ASSESSOR PARCEL NUMBER 012-093-013

A permanent right of way easement for street improvements located on and in the real property in the City of Madera, County of Madera, State of California, described as follows:

A portion of Lot 12, Block 3, Stockton Addition in the County of Madera, described as follows:

Beginning at a Point of Commencement known as the point of intersection of the West property line with the South property line as recorded in County of Madera, Assessor Parcel Number 012-093-013, thence 17.7 feet, easterly along the South property line, thence 25 feet in a North Westerly direction to a point on the West property line, thence 17.6 feet Southerly along the West property line to the Point of Commencement.

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

Fee waived per Section 27383 of the Government Code — No Fee Due
APN: 012-093-013 — No Doc Tax Due R&T 11922

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **JOE L. MARTINEZ AND ROSA LEE MARTINEZ,** DOES HEREBY GRANT TO **THE CITY OF MADERA**, A MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA
A permanent easement for street improvements and any and all other municipal purposes over, under, through and across, on and in the following described real property in the City of Madera, County of Madera, State of California, being more particularly described in EXHIBIT "A", **LEGAL DESCRIPTION,** attached hereto and made a part hereof:

Date: _____

By: _____
Joe L. Martinez

Date: _____

By: Rosa Lee Martinez
Rosa Lee Martinez

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT CIVIL CODE #1189

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

State of California)
County of Madera)

On 11/5/2021 before me, CLAUDIA MENDOZA, Notary Public, personally appeared JOE L. MARTINEZ AND ROSA LEE MARTINEZ

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS MY HAND AND OFFICIAL SEAL
Signature: Claudia Mendoza (Seal)

CLAUDIA MENDOZA
Notary Public - California
Madera County
Commission # 2350241
My Comm. Expires Mar 29, 2025

EXHIBIT "A"

LEGAL DESCRIPTION

EASEMENT DEED FOR RIGHT OF WAY

ASSESSOR PARCEL NUMBER 012-093-013

A permanent right of way easement for street improvements located on and in the real property in the City of Madera, County of Madera, State of California, described as follows:

A portion of Lot 12, Block 3, Stockton Addition in the County of Madera, described as follows:

Beginning at a Point of Commencement known as the point of intersection of the West property line with the South property line as recorded in County of Madera, Assessor Parcel Number 012-093-013, thence 17.7 feet, easterly along the South property line, thence 25 feet in a North Westerly direction to a point on the West property line, thence 17.6 feet Southerly along the West property line to the Point of Commencement.

Containing an area of 156 square feet, more or less.



EXHIBIT C

Agreement

(220 Monterey Street Madera, CA 93637)

OWNER: Pedro Arenas Tapia

PROJECT: Maple Street Sidewalk and ADA Ramp Improvements

ADDRESS: 220 Monterey Street
Madera, CA 93637

APN: 012-097-006

SITUS: NW Corner of Maple Street & Monterey Street

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property is effective this _____ day of _____, 2022.

PEDRO ARENAS TAPIA, hereinafter referred to as the "Seller", hereby offers to sell to the CITY OF MADERA, a municipal corporation, hereinafter referred to as the "City", the hereinafter described real property on the following terms and conditions:

1. The real property which is the subject of this Agreement is all rights, title and interest in and to that certain real property situated in the City of Madera, County of Madera, State of California, more particularly described in **Exhibit "A"** Right of Way Acquisition . The Easement Deed is attached as **Exhibit "B"** to this Agreement and includes the Legal Description as Exhibit "A" thereto.

2. The purchase price for the Offered Property shall be the sum of Nine Hundred and Sixty-Eight Dollars and No Cents ($968.00) as just compensation for land and improvements.

3. Seller warrants that the Offered Property is being acquired under threat of condemnation.

4. Seller represents and warrants that he has the authority to take the offer herein made, and that he holds fee title to the Offered Property.

5. The sale shall be completed by and through this Agreement upon the following terms and conditions, and Seller and City by their signature to this Agreement make this paragraph their purchase instructions:

a. City shall pay to Seller the sums specified in Paragraph 2 of this Agreement upon receipt and recording of the Easement Deed.

b. There shall be no proration of taxes and insurance.

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

d. Seller shall deliver to the City a signed and notarized Easement Deed in the form as prepared by the City and presented to Seller with this Agreement.

6. Seller warrants that tenants on the Offered Property pursuant to any lease agreement will not be adversely affected by this acquisition.

7. It is agreed and confirmed by the parties hereto that, notwithstanding other provisions in this contract, the right of possession and use of the Offered Property by the City (including, but not limited to, the right to construct and install new improvements and to replace, repair, restore, remove, and/or dispose of existing improvements) shall commence upon execution of this Agreement, and that the amount shown in Clause 2 herein includes, but is not limited to, full payment for such possession and use, including damages if any, from said date.

8. Grantor Seller hereby grants to the City, its permittees, contractors, agents or assigns, a right to enter upon, over, across, and under all Seller's property during the period of construction for the purpose of removal and replacement of existing owner improvements on the Offered Property and for the purpose of facilitating the construction of the public improvement and accomplishing all necessary incidence thereto, including, but not limited to, the repair, replacement, restoration, removal, and/or disposal of existing improvements. Any actual damage or substantial interference with the possession of use of the adjacent land caused by City, its permittees, contractors, agents, or assigns shall be cured by the same.

9. The obligation of the City to purchase the Offered Property is contingent upon the finding by City that there is no evidence that there may be hazardous or toxic materials located on the Offered Property. The cost of this determination is the sole expense of the City.

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

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

12. No addition to or modification of any term or provision of this Agreement shall be effective unless set forth in writing and signed by both parties. If any legal action in necessary to enforce or interpret this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs.

///
///
///

IN WITNESS WHEREOF, the parties hereto executed this Agreement for Purchase and Sale of Real Property as of the date provided below.

CITY OF MADERA,
A municipal corporation

By: _____
Santos Garcia, Mayor

Date: _____

SELLER

By: Pedro Arenas T
Pedro Arenas Tapia

Date: 4-13-22

APPROVED AS TO FORM:

By: _____
Hilda Cantu Montoy, City Attorney

ATTEST:

By: _____
Alicia Gonzales, City Clerk

EXHIBIT "A"
RIGHT-OF-WAY
ACQUISITION

APN:
012-097-006

LEGAL DESCRIPTION:

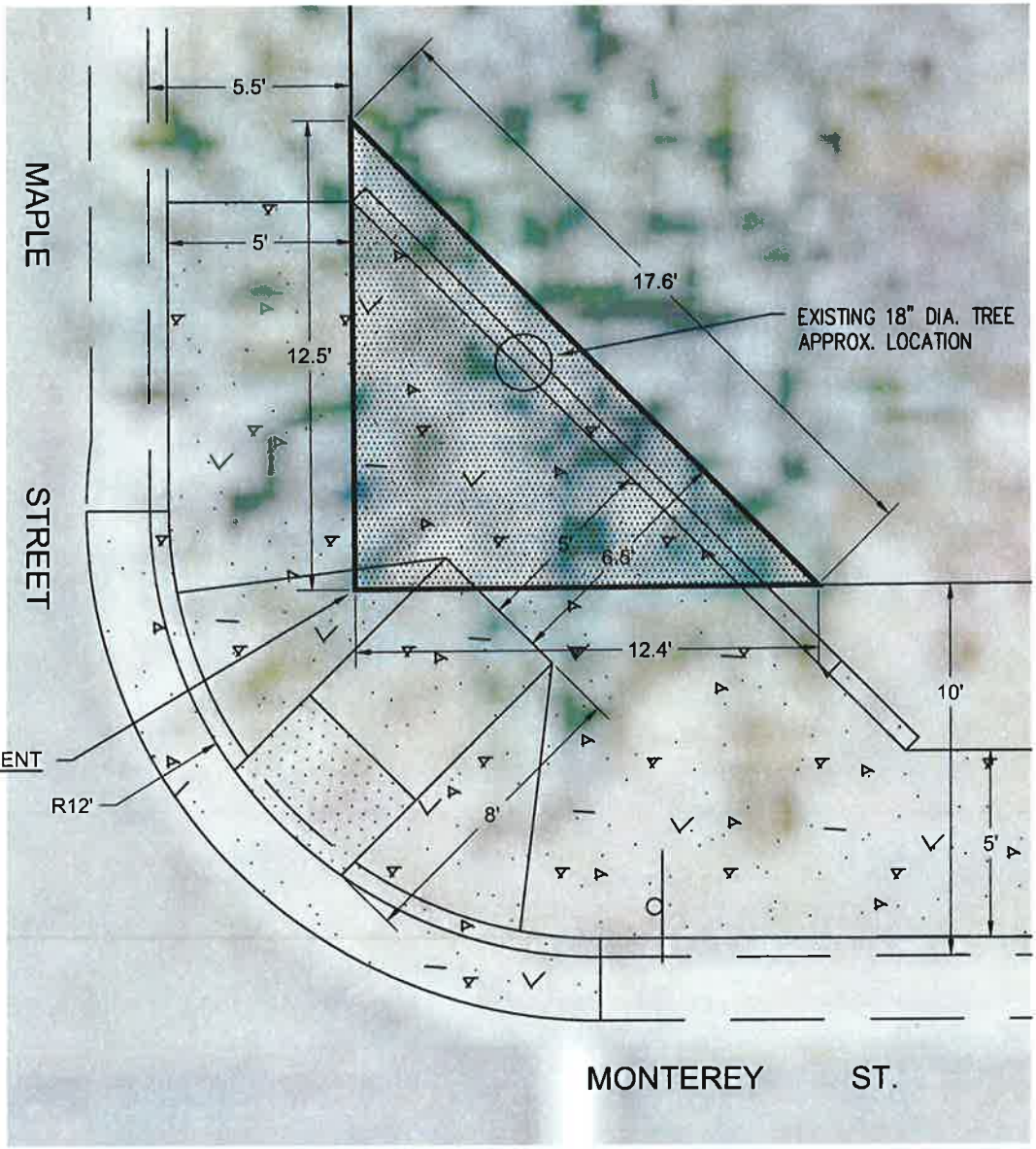
LOTS 13 AND 14
OF BLOCK 1
STOCKTON ADDITION

OWNER:

PEDRO ARENAS TAPIA

ADDRESS: (SITE)

220 MONTEREY STREET
MADERA, CA 93637



INDICATES EASEMENT AREA TO BE GRANTED TO THE CITY OF MADERA CONTAINING 77.5± SQ. FT.

SCALE: 1"=5"

CITY OF MADERA - ENGINEERING DEPARTMENT

CITY: CITY OF MADERA ADDRESS: 205 W. 4TH STREET MADERA, CA 93637	REAL PROPERTY TO BE GRANTED TO THE CITY OF MADERA BEING A PORTION OF APN 012-097-006	F.B. NO _____ Dr. By: SR Ch. By: _____ Date: _____ SCALE 1" = 5' SHEET 1 OF 1

EXHIBIT "A"

LEGAL DESCRIPTION

EASEMENT DEED FOR RIGHT OF WAY

ASSESSOR PARCEL NUMBER 012-097-006

A permanent right of way easement for street improvements located on and in the real property in the City of Madera, County of Madera, State of California, described as follows:

A portion of Lot 13, Block 1, Stockton Addition in the County of Madera, described as follows:

Beginning at a Point of Commencement known as the point of intersection of the East property line with the South property line as recorded in County of Madera, Assessor Parcel Number 012-097-006, thence 12.4 feet, Northerly along the East property line, thence 17.6 feet in a South Westerly direction to a point on the South property line, thence 12.5 feet Easterly along the South property line to the Point of Commencement.

Containing an area of 78 square feet, more or less



EXHIBIT "B"

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

Fee waived per Section 27383 of the Government Code — No Fee Due
APN: 012-097-006 — No Doc Tax Due R&T 11922

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **PEDRO ARENAS TAPIA,** DOES HEREBY GRANT TO **THE CITY OF MADERA**, A MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA
A permanent easement for street improvements and any and all other municipal purposes over, under, through and across, on and in the following described real property in the City of Madera, County of Madera, State of California, being more particularly described in EXHIBIT "A", **LEGAL DESCRIPTION,** attached hereto and made a part hereof:

Date: 4-13-22

By: Pedro Arenas T
Pedro Arenas Tapia

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT CIVIL CODE #1189

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

State of California)
County of Madera)

On 4/13/22 before me, ~~[illegible]~~ Nicole Say, Notary Public, personally appeared Pedro Arenas Tapia

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

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

WITNESS MY HAND AND OFFICIAL SEAL
Signature: _____ (Seal)

NICOLE QUINN SAY
Commission No. 2389891
NOTARY PUBLIC - CALIFORNIA
MADERA COUNTY
Commission Expires January 8, 2026

EXHIBIT "A"

LEGAL DESCRIPTION

EASEMENT DEED FOR RIGHT OF WAY

ASSESSOR PARCEL NUMBER 012-097-006

A permanent right of way easement for street improvements located on and in the real property in the City of Madera, County of Madera, State of California, described as follows:

A portion of Lot 13, Block 1, Stockton Addition in the County of Madera, described as follows:

Beginning at a Point of Commencement known as the point of intersection of the East property line with the South property line as recorded in County of Madera, Assessor Parcel Number 012-097-006, thence 12.4 feet, Northerly along the East property line, thence 17.6 feet in a South Westerly direction to a point on the South property line, thence 12.5 feet Easterly along the South property line to the Point of Commencement.

Containing an area of 78 square feet, more or less



EXHIBIT 2

Property Owners List

PROPERTY OWNER LIST

RIGHT OF WAY ACQUISITION

For

SIDEWALK IMPROVEMENTS ON MAPLE STREET, SANTA CRUZ STREET, MONTEREY STREET, CITY PROJECT NO. R-84

APN	PROPERTY OWNER/ADDRESS	AMOUNT
012-093-005	Ana B. Cervantes 214 Santa Cruz Street Madera, CA 93637	$942.00
012-093-013	Joe L. Martinez Rosa Lee Martinez 613 Maple Street Madera, CA 93637	$936.00
012-097-006	Pedro Arenas Tapia 220 Monterey Street Madera, CA 93637	$968.00

ATTACHMENT 2

Location Map

LOCATION MAP

SIDEWALK IMPROVEMENTS - MAPLE STREET - SANTA CRUZ STREET - MONTEREY STREET



REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, P.E., Department Director

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-13

SUBJECT:

Acceptance of Improvements for La Spezia II Subdivision (Tract No. 19-S-01)

RECOMMENDATION:

Staff recommends that the City Council (Council) adopt a Resolution:

1. Accepting the Improvements for La Spezia II Subdivision (Tract No. 19-S-01).
2. Authorizing the Filing of the Notice of Completion for Said Subdivision Improvements.
3. Authorizing staff to record the Notice of Completion of Subdivision Improvements.

SUMMARY:

The La Spezia II Subdivision is an 87-lot residential development located on the southwest corner of Almond Avenue and Stadium Road. The Council approved the Final Map on October 16, 2019.

The Subdivider, Joseph Crown Construction and Development Inc., a California Corporation, has completed the off-site public improvements in accordance with the approved Improvement Agreement and improvement plans associated with the Subdivision, which was approved by Council on October 16, 2019. The Subdivider has paid all required fees and submitted a Warranty Bond. It is recommended that the Council accept the improvements for the La Spezia II Subdivision.

DISCUSSION:

The Subdivider, Joseph Crown Construction and Development Inc., a California Corporation, has completed the off-site public improvements in accordance with the approved Improvement Agreement and improvement plans.

All required public improvements for this subdivision have been completed including the pocket park which was constructed on parkland dedicated by the Subdivider in conjunction with recordation of the Final Map.

FINANCIAL IMPACT:

Acceptance of this subdivision will result in the transfer of maintenance and resulting costs from Subdivider to City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Acceptance of the improvements for La Spezia II Subdivision is not directly addressed in the vision or action plans; however, the requested action could address the following specific task in the action plan:

Action 126: Clean, attractive streets: Expand or develop programs to create clean, safe and aesthetically pleasing streets – Current landscape design standards have been adhered to which aid in the establishment of Well-Planned Neighborhoods and Housing.

ALTERNATIVES:

If Council does not accept the completed improvements, the City will not provide regular maintenance that includes street sweeping, pavement maintenance, street light maintenance, etc.

ATTACHMENTS:

1. Resolution
   Exhibit A – Notice of Completion
2. Project Location Map

Attachment 1

Resolution

RESOLUTION NO. 22-___

A RESOLUTION ACCEPTING IMPROVEMENTS FOR LA SPEZIA II SUBDIVISION (TRACT NO. 19-S-01), AUTHORIZING THE FILING OF THE NOTICE OF COMPLETION FOR SAID SUBDIVISION IMPROVEMENTS AND AUTHORIZING STAFF TO RECORD THE NOTICE OF COMPLETION

WHEREAS, the Subdivider, Joseph Crown Construction and Development Inc., A California Corporation, has requested final acceptance of the required improvements for the La Spezia II Subdivision; and

WHEREAS, the City Engineer has certified to this Council that the required improvements for La Spezia II Subdivision have been completed.

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

1. The above recitals are true and correct.

2. The improvements for the La Spezia II Subdivision (Tract No. 19-S-01) are accepted.

3. The City Clerk is hereby authorized and directed to record a Notice of Completion as required by Section 10-2.712.2 of the Madera Municipal Code.

4. This resolution is effective immediately upon adoption.

* * * * * * * * * *

Exhibit A

Notice of Completion

RECORDING REQUESTED BY:

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

Fee Waived Per Section 27383 & 27388.1(a)(2)(D) of the Government Code

NOTICE OF COMPLETION
OF SUBDIVISION IMPROVEMENTS

NOTICE IS HEREBY GIVEN that on April 20, 2022, the City Council of the City of Madera confirmed the satisfactory completion of the improvements as shown on the plans for the La Spezia II Subdivision (Tract No. 19-S-01).

Dated: _____

By: _____
Alicia Gonzales
City Clerk

Attachment 2

Location Map

LOCATION MAP



CITY OF MADERA **ENGINEERING DEPARTMENT** **428 E. YOSEMITE AVE** **MADERA, CA 93638**	*CROWN HOMES* LA SPEZIA II SUBDIVISION	DR BY: **RR** CH BY: DATE: **3/30/22** SCALE: **NTS** SHT **1** OF **1**

REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, P.E., Department Director

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-14

SUBJECT:

Acceptance of Improvements for La Spezia III Subdivision (Tract No. 19-S-02)

RECOMMENDATION:

Staff recommends that the City Council (Council) adopt a Resolution:

1. Accepting the Improvements for La Spezia III Subdivision (Tract No. 19-S-02).
2. Authorizing the Filing of the Notice of Completion for Said Subdivision Improvements.
3. Authorizing staff to record the Notice of Completion of Subdivision Improvements.

SUMMARY:

The La Spezia III Subdivision is a 28-lot residential development located on the southeast corner of Almond Avenue and Stadium Road. The Council approved the Final Map on October 16, 2019.

The Subdivider, Joseph Crown Construction and Development Inc., a California Corporation, has completed the off-site public improvements in accordance with the approved Improvement Agreement and improvement plans associated with the Subdivision, which was approved by Council on October 16, 2019. The Subdivider has paid all required fees and submitted a Warranty Bond. It is recommended that the Council accept the improvements for the La Spezia III Subdivision.

DISCUSSION:

The Subdivider, Joseph Crown Construction and Development Inc., a California Corporation, has completed the off-site public improvements in accordance with the approved Improvement Agreement and improvement plans.

All required public improvements for this subdivision have been completed including the construction of interior sidewalks.

FINANCIAL IMPACT:

Acceptance of this subdivision will result in the transfer of maintenance and resulting costs from Subdivider to City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Acceptance of the improvements for La Spezia III Subdivision is not directly addressed in the vision or action plans; however, the requested action could address the following specific task in the action plan:

Action 126: Clean, attractive streets: Expand or develop programs to create clean, safe and aesthetically pleasing streets – Current landscape design standards have been adhered to which aid in the establishment of Well-Planned Neighborhoods and Housing.

ALTERNATIVES:

If Council does not accept the completed improvements, the City will not provide regular maintenance that includes street sweeping, pavement maintenance, street light maintenance, etc.

ATTACHMENTS:

1. Resolution
   Exhibit A – Notice of Completion
2. Project Location Map

Attachment 1

Resolution

RESOLUTION NO. 22-___

A RESOLUTION ACCEPTING IMPROVEMENTS FOR LA SPEZIA III SUBDIVISION (TRACT NO. 19-S-02), AUTHORIZING THE FILING OF THE NOTICE OF COMPLETION FOR SAID SUBDIVISION IMPROVEMENTS AND AUTHORIZING STAFF TO RECORD THE NOTICE OF COMPLETION

WHEREAS, the Subdivider, Joseph Crown Construction and Development Inc., A California Corporation, has requested final acceptance of all the required improvements for the La Spezia III Subdivision; and

WHEREAS, the City Engineer has certified to this Council that the required improvements for La Spezia III Subdivision have been completed.

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

1. The above recitals are true and correct.

2. The improvements for the La Spezia III Subdivision (Tract No. 19-S-02) are accepted.

3. The City Clerk is hereby authorized and directed to record a Notice of Completion as required by Section 10-2.712.2 of the Madera Municipal Code.

4. This resolution is effective immediately upon adoption.

* * * * * * * * * *

Exhibit A

Notice of Completion

RECORDING REQUESTED BY:

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

Fee Waived Per Section 27383 & 27388.1(a)(2)(D) of the Government Code

NOTICE OF COMPLETION
OF SUBDIVISION IMPROVEMENTS

NOTICE IS HEREBY GIVEN that on April 20, 2022, the City Council of the City of Madera confirmed the satisfactory completion of the improvements as shown on the plans for the La Spezia III Subdivision (Tract No. 19-S-02).

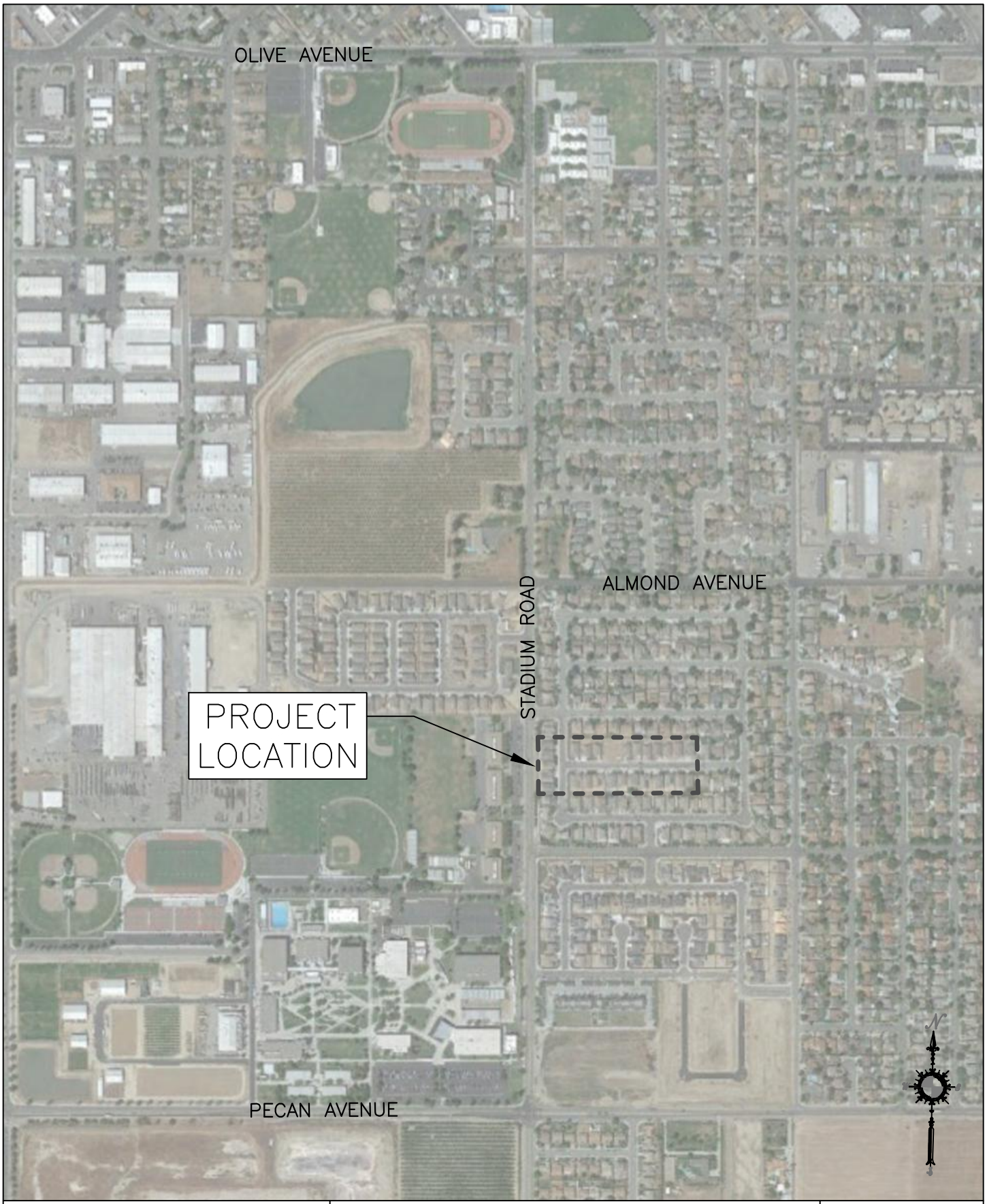
Dated: _____

By: _____
Alicia Gonzales
City Clerk

Attachment 2

Project Location Map

LOCATION MAP



CITY OF MADERA **ENGINEERING DEPARTMENT** **428 E. YOSEMITE AVE** **MADERA, CA 93638**	*CROWN HOMES* LA SPEZIA III SUBDIVISION	DR BY: **RR** CH BY: DATE: **3/30/22** SCALE: **NTS** SHT **1** OF **1**

REPORT TO CITY COUNCIL

Approved by:

Gary Conte, Planning Manager

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: B-15

SUBJECT:

Second reading and adoption of Ordinance to Rezone 0.27 acres at 801 South Gateway Drive

RECOMMENDATION:

Waive full reading and adopt an Ordinance, rezoning approximately 0.27 acres at 801 South Gateway Drive (Assessor's Parcel Number 011-111-005) to the C2 – Heavy Commercial zone district.

SUMMARY:

Amendment of a zoning regulation must be done via ordinance and requires two actions by the City Council: introduction and adoption.

Following a public hearing at its April 6, 2022 regular meeting, the Council introduced and waived the first reading of the Ordinance, which would amend the City's Official Zoning Map to rezone the approximately 0.27 acres at 801 South Gateway Drive (Assessor's Parcel No. 011-111-005) to the C2 – Heavy Commercial zone district. This procedure is being undertaken at the request of Hardev Singh addressing the property's current zoning district's inconsistency with the City's General Plan Land Use designation. At the same meeting, Council adopted the proposal's environmental determination under CEQA guidelines, Section 15301 (Existing Facilities).

It is noted that the Planning Commission at its March 8, 2022 meeting recommended approval of a Categorical Exemption pursuant to the California Environmental Quality Act for the subject application. The Commission also approved a parking variance (VAR 2022-02), Conditional Use Permit (CUP 2021-15), and Site Plan Review (SPR 2021-32) for the subject property.

ATTACHMENTS:

1. Ordinance
    a. Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 0.27 ACRES OF PROPERTY LOCATED AT 801 SOUTH GATEWAY DRIVE (APN: 011-111-005) FROM THE I – INDUSTRIAL TO THE C2 – HEAVY COMMERCIAL ZONE DISTRICT

WHEREAS, Hardev Singh ("Owner") owns the property at 801 South Gateway Drive (APN: 011-111-005) in Madera, California ("site"); and

WHEREAS, the Owner has submitted application REZ 2021-02 to the City of Madera (City) to rezone approximately 0.27 acres at 801 South Gateway Drive; and

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

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities); and

WHEREAS, the proposed rezone will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the Planning Commission received and reviewed application REZ 2021-02 at a duly noticed meeting on March 8, 2022, wherein the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after its hearing, the Planning Commission adopted Resolution No. 1909 recommending to the City Council of the City of Madera the approval of REZ 2021-02 as conditioned; and

WHEREAS, concurrently with the consideration of REZ 2021-02, the Planning Commission approved Conditional Use Permit 2021-15 (CUP 2021-15), Variance 2022-01 (VAR 2022-01) and Site Plan Review 2021-23 (SPR 2021-23) and submitted said approvals to City Council; and

WHEREAS, conditional approval of CUP 2021-15, VAR 2022-01 and SPR 2021-23 by the Planning Commission are contingent to City Council approval of REZ 2021-02; and

WHEREAS, under the City's Municipal Code, the City Council is authorized to review and approve rezones on behalf of the City; and

WHEREAS, the City provided notice of the City Council hearing as required by law; and

NOW **THEREFORE,** THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Public Hearing. The City Council received the submittals from the Planning Commission and held a duly noticed public hearing on April 6, 2021 on the rezoning of the Site as shown in Exhibit "A."

SECTION 3. Findings. Based upon the record before it at the public hearing, the City Council determines the adoption of the proposed rezoning ordinance as recommended by the Planning Commission is in the best interest of the City of Madera. The City Council finds REZ 2021-02 is consistent with the City's Zoning Ordinance to promote the growth of the City in an orderly and sustainable manner and to ensure consistency with the City General Plan. The City Council hereby makes the following findings:

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

2. THE REZONE IS NOT EXPECTED TO BE DETERMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.

SECTION 4. Approval of Rezone. The City Council hereby approves REZ 2021-02 and hereby amends the City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended.

SECTION 5. Effective Date of Rezone. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the

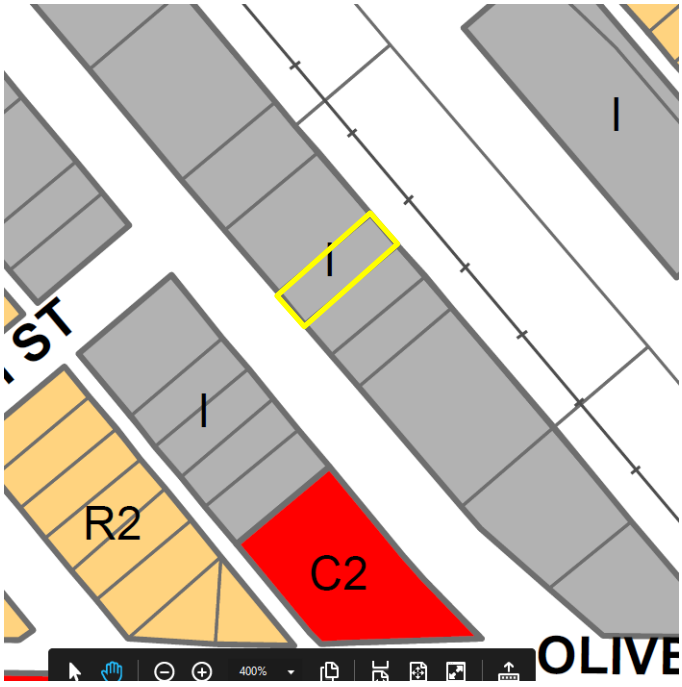
Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

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

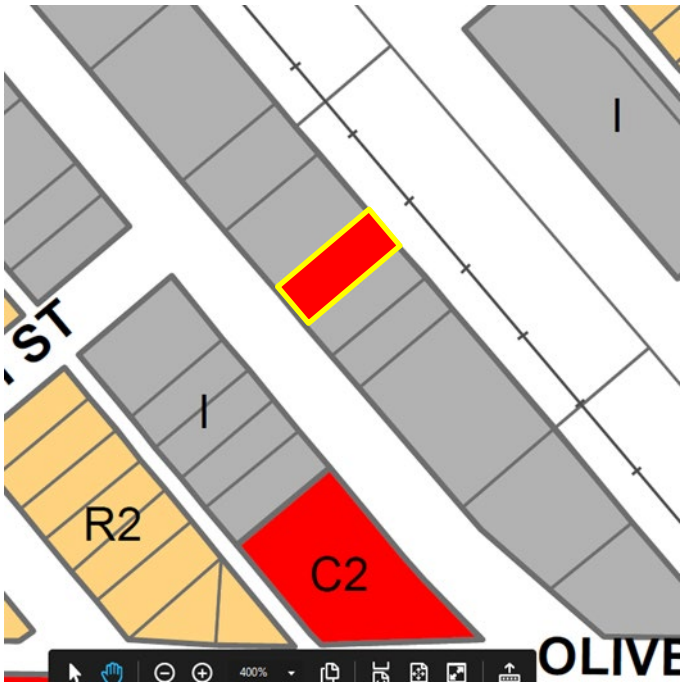
SECTION 7. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this Ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

Exhibit A: Existing and Proposed Zoning

Existing Zoning (below)



Proposed Zoning (Below)



REPORT TO THE CITY COUNCIL

Approved by:

Gary Conte, Planning Manager

Arnoldo Rodriguez, City Manager

Council Meeting of: April 20, 2022

Agenda Number: C-1

SUBJECT:

Villages at Almond Grove Specific Plan: Specific Plan (SP) No. 2017-01 (Adopting the Villages at Almond Grove Specific Plan); General Plan Amendment (GPA) No. 2017-02; Pre-Zone/Rezone (REZ) No. 2017-05; Zoning Ordinance/Madera Municipal Code Amendment (OTA) No. 2022-01; Environmental Impact Report (EIR) (SCH #2018081051); and Annexation (ANX) No. 2022-01

RECOMMENDATION:

Hold a public hearing, and then consider the following:

1. Approve a Resolution Adopting the EIR (SCH #2018081051), that provides for the following:
    a. Adoption of the findings required by CEQA Guidelines, Section 15091;
    b. Certification the Environmental Impact Report (SCH #2018081051) for the proposed The Villages at Almond Grove Specific Plan (a 1,883-Acre Area bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east), including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (2022-01), Zoning Ordinance Text Amendment (OTA 2022-01) as well as the two related Subdivisions (TSMs 2020-02 And 2020-03);
    c. Adoption of the proposed Mitigation Monitoring and Reporting Program, and
    d. Adoption of a Statement of Overriding Considerations, pursuant to the California Environmental Quality Act (CEQA);

2. Adopt a Resolution approving General Plan Amendment (GPA) 2017-02 for the Villages at Almond Grove Specific Plan consistency with the General Plan;

3. Introduce an Ordinance of the City Council of the City of Madera adopting the proposed Villages at Almond Grove Specific Plan (Specific Plan No. 2017-01) by title only, and waive the first full reading;

4. Introduce an Ordinance of the City Council of the City of Madera amending Section 10-3.301 of Chapter 3 of Title 10 of the City Municipal Code, and adding Sections 10-3.11.601 through Section 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the City Municipal Code to provide for Specific Plan Zones (SP) by title only, and waive the first full reading; and

5. Introduce an Ordinance of the City Council of the City of Madera amending the official City of Madera Zoning Map to rezone approximately 1,883 acres within the Villages at Almond Grove Specific Plan, whose location is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, from Agricultural Rural Exclusive – 40 acres (ARE-40) and Agricultural Rural Exclusive – 42 acres (ARE-20), as well as PD 4500 (Planned Development, one unit per 4,500 square feet of site area) to the Specific Plan (SP) zone district by title only, and waive the first full reading.

6. Consider a report on a Resolution initiating annexation of the Villages at Almond Grove Specific Plan area (Annexation No. 22-01), and consider its adoption at a subsequent meeting.

PROPOSAL:

The proposed project includes the Villages at Almond Grove Specific Plan ("Specific Plan") and related items to allow for adoption of the Specific Plan as well as development in the Southeast, Northwest and Southwest Neighborhoods of the Specific Plan Area, also known as "Village D" in the City's General Plan. The proposed Specific Plan establishes a walkable community in west Madera and contains a full range of land uses including housing types, commercial uses, potential school sites, and open space uses including implementation of the Vern McCullough Fresno River trail.

Table 1: *Project Overview*	
Project Numbers:	SP No. 2017-01; GPA No. 2017-02; REZ No. 2017-05; OTA No. 2022-01; ANX No. 2022-01
Applicant:	Fagundes, Fagundes, Fagundes
Property Owner:	Various
Location:	The Specific Plan Area is bound by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east (**Attachment 1**).
Project Area:	1,883 acres, consisting of the following APNs: 033-070-005, 033-070-004, 033-070-002, 033-070-003, 033-170-001, 033-170-002, 033-170-009, 033-170-005, 033-170-010, 033-170-011, 033-180-002, 033-180-003 (**Attachment 2**)
Plan Land Use:	A majority of the Project site is currently planned Village Reserve. Other portions of the site are currently planned for residential and open space land uses. The City's General Plan is proposed to be amended to create a Specific Plan land use category that would be applied to the proposed Specific Plan Area.
Zoning District:	The majority of the plan area is within the County of Madera and is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The smaller area of approximately 40 acres is within City limits and is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area). The entire plan area would be either pre-zoned or rezoned by the City to the Specific Plan Zone District.

Site Characteristics	The Specific Plan Area is predominately characterized by active agriculture operations, with a mix of irrigated crops (**Attachment 3**). Three parcels are currently subject to land conservation contacts (Williamson Act Contract), but they are within the Southwest Neighborhood and are not currently proposed to be subdivided. The Plan Area has a few existing residential and agricultural support structures. The Fresno River abuts the southern portion of the Plan Area and multiple irrigation canals traverse the Plan Area. The terrain is relatively flat, with few inclines aside from the Fresno River and irrigation canals.

SUMMARY:

The proposed Project would adopt the Villages at Almond Grove Specific Plan (**Attachment 4**). The purpose of the Specific Plan is to provide guidance for an orderly and cohesive planned community consistent with the intent of the City's General Plan, zoning ordinance and the Madera Countywide Airport Land Use Compatibility Plan. The Specific Plan Area is 1,883 acres and is proposing approximately:

- 10,800 residential units
- 2.1 million square feet of commercial and office space
- 164 acres of parks and recreational area
- 55 acres of schools and other public facilities, including implementation of the Vern McCullough Fresno River trail

The proposed Specific Plan provides a development framework for land use, mobility including roadways, utilities and services, resource protection, and implementation to promote the systematic and orderly development of the Specific Plan Area. The project also includes several amendments to the General Plan, a pre-zone/rezone, annexation, zoning ordinance/municipal code text amendment in order to facilitate the approval and implementation of the Specific Plan.

SURROUNDING LAND USES:

Table 2: *Bordering Site Information*

Direction	*Existing Use*	*General Plan Designation*	*Zone District*
North	Agriculture	RC – Resource Conservation/Agriculture	ARE-20 Agricultural Rural Exclusive – 20 Acres (County of Madera), ARE- 40 Agricultural Rural Exclusive – 40 Acres (County of Madera)
East	Municipal Golf Course, Municipal Airport, developing residential	OS – Open Space, P&SP – Other Public and Semi-Public Uses, I – Industrial, LD – Low Density Residential	RCO – Resource Conservation and Open Space, I – Industrial, PD 4500, PD 6000, PD 8000, PD 12000, R1, U – Unclassified
South	Agriculture	RC – Resource Conservation/Agriculture; VLD – Very Low Density Residential	ARE-40 Agricultural Rural Exclusive – 40 Acres (County of Madera)

West	Agriculture	RC – Resource Conservation/Agriculture	ARE-20 Agricultural Rural Exclusive – 20 Acres (County of Madera), ARE-40Agricultural Rural Exclusive – 40 Acres (County of Madera)

ANALYSIS:

Project proposal

The purpose of The Villages at Almond Grove Specific Plan is to implement the goals and policies of the City's and Madera Countywide Airport Land Use Compatibility Plan (ALUCP) to provide guidance to ensure orderly growth and provisions for adequate infrastructure, and public facilities and services to support a diversity of homes and businesses. The Specific Plan was crafted based on the Principles below.

- *Extending the City's Fabric:* Create a plan that extends the existing urban fabric of the City and enhances livability through added amenities.
- *Compact Mixed-Use:* Integrate housing, business, employment, and civic uses crucial to the strength and economic viability of the plan. Create compact centers with a human-scaled mix of uses fronting walkable streets, further enhance its pedestrian-friendly access.
- *Diversity of Housing Building Types:* Provide a variety of housing options allowing for a diverse mix of household sizes, lifestyles, and incomes key to a well-balanced community.
- *Walkable, Bikeable Streets*: Establish a variety of interconnected streets providing multiple access routes to civic and commercial uses, ensuring low-traffic walking and on-street bicycling. Streets featuring sidewalks, planting strips, on-street parking, and homes with front porches inviting walkability.
- *Open Space Integration*: Provide a network of parks, open spaces, and trails to serve as focal points, gathering places, recreational uses, and green connectivity. The Fresno River serves as the main open space amenity with a riverfront park, urban gardens and a trail system connection for residents and visitors to enjoy.
- *Sustainability*: Utilize smart growth principles advocating thoughtful and sustainable development patterns to conserve resources, reduce impacts on the environment, promote active lifestyle, support livability, offer social engagement opportunities and achieve fiscal sustainability. Protection of the Fresno River area is a vital component of the health and well-being of the community and the environment.

In addition to the proposed Specific Plan, additional project components are being requested by the project applicant. These include:

- Several amendments to the General Plan to allow for implementation of the Specific Plan,
- A pre-zone/rezone,
- An annexation, and a zoning ordinance/municipal code text amendment.

The applications have been submitted to facilitate the approval and implementation of the Specific Plan and are described as follows. A portion of the Specific Plan area is proposed to be subdivided through two proposed tentative maps, which were contingently approved by the Planning Commission on April 5, 2022.

Specific Plan Amendment (SP No. 2017-01)

The proposed ordinance would adopt the Villages at Almond Grove Specific Plan (SPL 2017-01). The Specific Plan Area is 1,883-acres, consisting of approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, approximately 55 acres of schools and other public facilities.

The proposed Specific Plan provides a development framework for land use, mobility including roadways, utilities and services, resource projection, and implementation to promote the systematic and orderly development of the Specific Plan Area (**Attachment 1**). The Specific Plan Area is bound by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The Plan Area consists of three (3) neighborhoods: Northwest Neighborhood (650 gross acres); Southwest Neighborhood (589 gross acres); and the Southeast Neighborhood (645 gross acres) (**Attachment 3**). The Plan establishes the review and approval process of subsequent development proposals such as subdivision maps, site plans, and improvement plans. Findings for the Specific Plan are detailed in **Attachment 11**.

General Plan Amendments (GPA No. 2017-02)

The proposed resolution provides amendments to the General Plan to modify policies in the Land Use Element related to "Village D: Northwest Madera" to allow for consistency between the General Plan and the proposed Specific Plan (Page 8-49 of the General Plan). The amendments would also modify and add policies the General Plan to incorporate a new land use category, "Specific Plan Area" (Page 8-74 of the General Plan). The amendment would also change the General Plan Land Use Designation of the Specific Plan Area to "Specific Plan Area – Villages at Almond Grove" (Page 8-11 of the General Plan, Figure LU-2). In addition, the General Plan would be amended to remove the requirement that residential development shall conform to the "Target Density" requirement for each land use category (density requirements will be governed by given density range) (Page 8-14 of the General Plan). Removal of the requirement would give flexibility within the entire General Plan Area. The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area (Page 8-49 of the General Plan). Findings for the General Plan Amendment are detailed in **Attachment 8**.

Prezone/Rezone (REZ No. 2017-02)

The portion of the plan area within the County of Madera is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20). This area would be pre-zoned by ordinance to the new SP Zone proposed under OTA 2022-01 to facilitate the proposed annexation to the City. The smaller area of approximately 40 acres is within City limits and is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area) and would be rezoned to the new SP Zone for consistency with the new Specific Plan land use designation proposed under the GPA. Findings for the Prezone/Rezone are detailed in **Attachment 9**.

Zoning Ordinance Text Amendment (OTA No. 2022-01)

The City's Municipal Code would be amended by ordinance to establish a new Specific Plan Zone District (SP Zone) to provide a framework for the establishment of standards and permitted uses in the zone, and to facilitate implementation of the Specific Plan. Standards and permitted uses would be as established through adoption of a Specific Plan. The text amendment will add Section 10-3.11.601 through 10-3.11-605 in order to create the "Specific Plan Zones (SP)" zone district, as well as modifications to integrate the new sections. The purpose of this text amendment is to establish a general zoning classification that can be utilized when specific plans at this and other locations are adopted so that unique standards and special districts can be created without creating new zone districts in the Municipal Code. The intent is to

streamline development so that this general zoning classification will be placed on parcels within a specific plan area and the detailed development requirements will be provided in a corresponding specific plan. Findings for the Zoning Ordinance Text Amendment are detailed in **Attachment 10**.

Annexation (ANNX No. 2022-01)

The proposed project includes annexation of approximately 1,883 acres to the City, all of which are located within the City's Sphere of Influence and Urban Growth Boundary. The Madera Local Agency Formation Commission (LAFCo) is the responsible agency for the annexation request. However, the City Council must first authorize an application to Madera LAFCo to initiate the annexation process. It is anticipated that the Madera LAFCo will use the EIR in its decision-making process as required under CEQA. Findings for the Annexation are detailed in **Attachment 12**.

General Plan Consistency

A continuation of the City's planned growth for residential, commercial, and public institutional land uses, as proposed by the Specific Plan, supports the General Plan vision for a Well-Planned City. This principle recognizes that the provision of housing and commercial opportunities is a key component in the implementation of the City's General Plan and vision for the community. This principle is furthered by Land Use Goal LU-1, which states that Madera is a well-planned city prepared for growth through comprehensive planning which balances growth demands with resources and infrastructure, to facilitate high quality development. The Villages at Almond Grove Specific Plan implements the goals and policies of the City's General Plan and provides guidance to ensure orderly growth and provisions for adequate infrastructure, and public facilities and services to support a diversity of homes and businesses. Overall, implementation of the Specific Plan would be consistent with the City's General Plan.

Specifically, the Villages at Almond Grove Specific Plan complies with several City's General Plan policies, including Policy LU-14 which requires the preparation of a Public Facilities Financing Plan (PFFP) for new developments in annexed areas, and Village D Specific Policies that guides development in the Plan Area. The Specific Plan shows compliance to Policy LU-14 in Chapter 7 of the Specific Plan Infrastructure Master Plan, which identifies funding mechanisms and sources as well as financing strategy and feasibility. Village D policies include mixing of uses in the core area, conformance with the Building Blocks principles, etc. These guidelines are addressed in the circulation, land use, development standards, and design guidelines of the Specific Plan. Additional findings for the Specific Plan are detailed in **Attachment 11**. As such, the Specific Plan is consistent with the City's General Plan.

The Plan Area is within the Airport Influence Area of the Madera Municipal Airport. The Madera Countywide ALUCP identifies compatibility factors in which compatibility zones for the Madera Municipal Airport were derived and provides land use compatibility criteria for land near the airport to avoid potential safety problems and to ensure airport operations are not constrained by surrounding development. The Specific Plan is consistent with the Madera County ALUCP.

Streets and Access Points

The Circulation Plan for The Villages at Almond Grove reinforces the principal of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the Plan Area. Access to the Plan Area will be provided via Avenue 17, Avenue 16, Cleveland Avenue, Road 23, and Road 24.

The Circulation Plan establishes the hierarchy and general location of roadways within the Specific Plan area (**Attachment 5**); conceptual sections of these roadways are provided in the Specific Plan.

A traffic study prepared as part of the Specific Plan's EIR identifies the need for additional rights-of-way at critical intersections to accommodate lanes for left and right turn movement. Phasing and construction of the improvements shall be implemented as required by the City Engineer and pursuant to the mitigation measures identified in the EIR and as identified in the Specific Plan.

A pedestrian circulation system utilizing sidewalks and paseos will be provided. Sidewalks will be provided along all streets in the Plan Area and will vary between 5 feet and 12 feet in width. Sidewalks shall be constructed of concrete as part of the roadway improvements. Paseos are incorporated as part of the open space and lead to a connection throughout the Plan Area.

Bicycle lanes and off-street trails are an integral element in creating accessibility and mobility within the Plan Area. The Plan includes a multi-purpose pedestrian and bicycle trail along the Fresno River including implementation of the Vern McCullough Fresno River trail. The Plan proposes trail connections to link the multi-purpose trail along the river with the larger on-street bicycle network for the Plan. These bike paths will provide linkages to the City's master planned bike path system, including the Vern McCullough Fresno River trail.

Existing public transit in Madera consists of Madera Metro and Dial-A-Ride. Madera Metro's Route 2 is the closest public transit to the Plan Area. While there is currently no public transit in the Plan Area there is the opportunity to expand service as needed as determined by the City.

Utilities and Services

The Project is subject to an Infrastructure Master Plan that was prepared in accordance with state law to ensure provision of utilities and service systems, described as follows.

The Villages water supplies are met by the use of ground water obtained from wells that are to be newly constructed in conformance with the Madera Subbasin Groundwater Sustainability Plan (GSP). In order to reduce groundwater demand, the Plan Area will be utilizing groundwater only for indoor water supply, while using reclaimed water for outdoor irrigation.

The City's Sanitary Sewer System Master Plan (SSSMP) identified the need for an additional sewer trunk line running down Road 23 to connect to the existing Wastewater Treatment Plant (WWTP).

To conserve water the Plan Area intends to utilize reclaimed wastewater by constructing a non-potable water distribution (purple pipe) system for all outdoor use, including all open spaces and parks. Doing so allows for efficient disposal of treated water from the local wastewater treatment plant as well as reducing the potable water demand; thus minimizing the impacts to the groundwater aquifer. In addition to meeting outdoor watering demands, reclaimed water shall also be used for groundwater recharge. The non-potable water system, irrigation system, and surface sprayer shall be constructed to be in compliance with Title 22 requirements.

The proposed storm water collection system will be comprised of roadway curb and gutter, inlets, pipelines, and retention basins. Grading shall be per the City standards. Storm water runoff will be stored in retention basins on-site and percolated into the ground.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

The proposed project has been reviewed for compliance with CEQA. The City prepared an Environmental Impact Report ("EIR") (SCH #2018081051) to evaluate the environmental effects of the project (**Attachment 6**).

Key Components of Requested Action

Environmental Impact Report (EIR): An EIR is the highest level of environmental review under the California Environmental Quality Act (CEQA), which describes and analyzes the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term "EIR" may mean either a draft or a final EIR depending on the context. As further described in **Attachment 7**, the Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments received and propose changes to the Draft EIR if needed.

Response to Comments (RTC): This document provides responses to comments received on the Draft EIR and revises the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project. Seven comment letters were received, and the letters and responses are contained in the RTC, which is provided in the Final EIR (**Attachment 5**).

Mitigation Monitoring and Reporting Program (MMRP): This document contains a table with the required mitigation measures, the responsible party or parties for implementing the measure, and the timing of implementation. The MMRP is contained as Exhibit C of **Attachment 7**.

Findings of Fact and Statement of Overriding Considerations: When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact. The Findings of Fact and Statement of Overriding Considerations are attached as Exhibit B of **Attachment 7**.

Certification of the EIR: The City Council will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and will make a determination regarding certifying the EIR and adopting the necessary Findings of Fact and Statement of Overriding Considerations. The City Council will make a separate resolution (**Attachment 7**) regarding its determination of the proposed project.

EIR Process/Public Input and Noticing: The City, as the lead agency under CEQA, has engaged in extensive public input and noticing including:

1. *Notice of Preparation (NOP) and Scoping Meeting:* Upon the City's determination that an EIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on August 17, 2018, and the 30-day comment period on the NOP closed on September 17, 2018. The NOP was re-issued on December 3, 2018, and the 30-day comment period of the re-issued NOP closed on January 2, 2019. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from public agencies and were incorporated into the Draft EIR (DEIR). A Scoping Meeting was also announced and two were held on September 12, 2018, and December 18, 2018. Three (3) members of the public attended the first scoping meeting and zero (0) members of the public attended the second scoping meeting. Outreach was as follows:

- NOP and Scoping Meeting notice were circulated to relevant agencies and other interested parties.
- NOP was mailed to the Office of Planning and Research State Clearinghouse.
- NOP and Scoping Meeting notice were published in the Madera Tribune.
- NOP was posted by the County Clerk for 30 days.
- NOP was posted by the City Clerk for 30 days, including the website.

2. *Draft Environmental Impact Report:* Upon completion of the Draft EIR, the City issued a Notice of Availability (NOA) announcing the release of the document for a 45-day public comment period beginning December 23, 2021. Due to the closures of public facilities in response to COVID-19, the Draft EIR was available for viewing via the following methods:

   - Via web link on the City's webpage
   - Copies of the Draft EIR were made available for check-out at City Hall

   Seven comment letters were received. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

3. *Final EIR/Response to Comments:* The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and possibly propose changes to the Draft EIR, if needed. After the close of the public review period for the Draft EIR described above, the City prepared formal responses to the written comments received. CEQA Guidelines, Section 15088(b), requires the City's responses to comments to be provided to commenting public agencies 10 days prior to final certification of the FEIR. As noted above, seven comment letters were received, and the letters are contained in the Response to Comments, which are provided in the FEIR.

As detailed in the EIR, there are some significant and unavoidable impacts associated with this project related to certain components of aesthetics, agricultural resources, air quality, noise, public services and recreation, transportation, and utility and service systems. In this regard, CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations," which is Exhibit B to **Attachment 8** and would be recommended as part of the approval of the Resolution.

PLANNING COMMISSION REVIEW:

The Planning Commission held a public hearing to consider the project at their regular meeting on April 5, 2022. No members of the public other than applicant and owner representatives addressed the Commission on this item. On a 5-0 vote, the Planning Commission adopted Resolution No. 1912, recommending that the City Council: (1) adopt the Findings required by CEQA Guidelines Section 15091; (2) certify the EIR for The Villages at Almond Grove Specific Plan (SPL 2017-01, GPA 2017-02, REZ 2017-05, OTA 2022-01 and ANX 2022-01), as well as for two related subdivisions (TSMs 2020-02 and 2020-03); (3) adopt the proposed Mitigation Monitoring and Reporting Program; and (4) adopt a Statement of Overriding Considerations pursuant to CEQA.

In addition, the Commission, on a 5-0 vote, adopted Resolution No. 1913, recommending that the City Council adopt a resolution amending the General Plan (GPA 2017-02) and Municipal Code (REZ 2017-05 and OTA 2022-01) in order to approve the The Villages at Almond Grove Specific Plan (SPL 2017-01). And finally, the Commission on a 5-0 vote, also adopted Resolution No. 1911 recommending the City Council initiate annexation for The Villages at Almond Grove Specific Plan Area (ANX 2022-01). The Planning Commission resolution recommending approval of the project is included in **Attachment 14**.

PUBLIC NOTICE:

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within at least a 300-foot radius of the subject property.

FISCAL IMPACT:

The applicant paid various Planning Department entitlement fees to offset the cost associated with processing the project applications and environmental review. Additional fees will be required from the Planning, Engineering and Building Departments in conjunction with on-site development, civil improvement plans and building plan check and permitting.

ALTERNATIVES:

The Council could consider alternatives other than the Planning Commission and staff's recommendation for approval of the project. Those include:

- Denial of the requests. Should the requests be denied, the subject site would remain subject to the current General Plan Land Use designation.
- Continue the item with direction to staff to provide additional information so as to allow the Council time to digest that information in advance of a decision.
- Provide staff with other alternative directives.

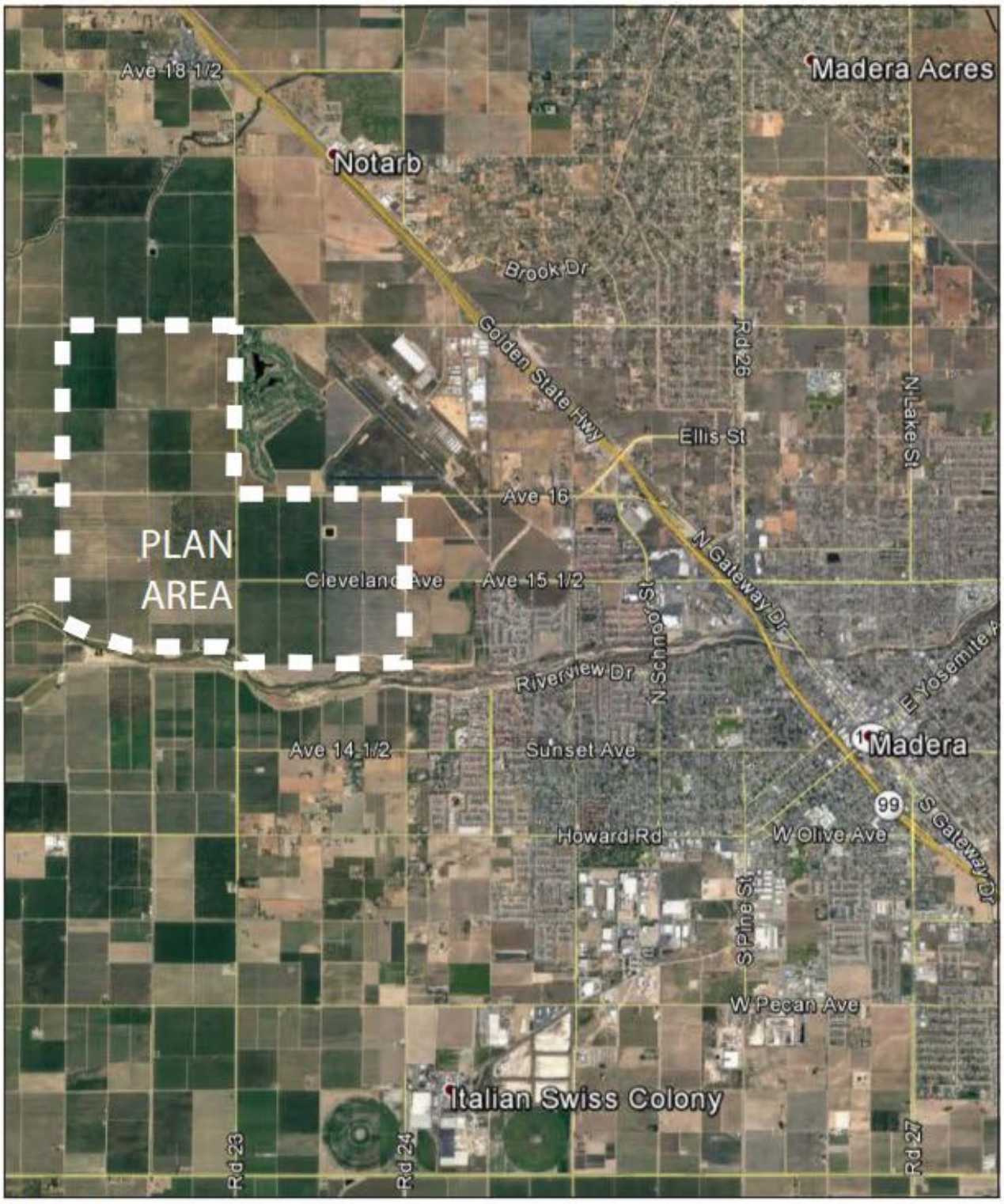
ATTACHMENTS:

1. Attachment 1: Vicinity Map.
2. Attachment 2: Current Assessor Parcels.
3. Attachment 3: Aerial Photograph and Physical Setting.
4. Attachment 4: Specific Plan: The Villages at Almond Grove Specific Plan.
5. Attachment 5: Circulation Plan.
6. Attachment 6: EIR - Environmental Impact Report (SCH #2018081051) For The Proposed Villages At Almond Grove Specific Plan.
7. Attachment 7: CEQA Resolution: A Resolution Of The City Council of the City Of The City Of Madera to (1) Adopt The Findings Required By CEQA Guidelines, Section 15091; (2) Certify The Environmental Impact Report (SCH #2018081051) For The Proposed The Villages At Almond Grove Specific Plan (A 1,883-Acre Area Bounded By Avenue 17 On The North, Road 22 On The West, The Fresno River On The South, And Road 23 And Road 24 On The East), Including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (2022-01), Zoning Ordinance Text Amendment (Ota 2022-01) As Well As The Two Related Subdivisions (TSMs 2020-02 And 2020-03); (3) Adopt The Proposed Mitigation Monitoring And Reporting

Program, And (4) Adopt A Statement Of Overriding Considerations, Pursuant To The California Environmental Quality Act.

8. Attachment 8: General Plan Amendment Resolution: A Resolution of the City Council of the City of Madera Approving General Plan Amendment (GPA) 2017-02 for the Villages at Almond Grove Specific Plan consistency with the General Plan.
9. Attachment 9: Rezone Ordinance: An Ordinance of the City Council of the City of Madera amending the official City of Madera Zoning Map to rezone approximately 1,883 acres within the Villages at Almond Grove Specific Plan, whose location is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, from Agricultural Rural Exclusive – 40 acres (ARE-40) and Agricultural Rural Exclusive – 42 acres (ARE-20), as well as PD 4500 (Planned Development, one unit per 4,500 square feet of site area) to the Specific Plan (SP) zone district.
10. Attachment 10: An Ordinance of the City Council of the City of Madera amending Section 10-3.301 of Chapter 3 of Title 10 of the City Municipal Code, and adding Sections 10-3.11.601 through Section 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the City Municipal Code to provide for Specific Plan Zones (SP).
11. Attachment 11: Specific Plan Ordinance: an Ordinance of the City Council of the City of Madera adopting the proposed Villages at Almond Grove Specific Plan (Specific Plan No. 2017-01).
12. Attachment 12: Annexation Resolution: A Resolution of the City Council of the City of Madera Initiating Annexation of the Villages at Almond Grove Specific Plan Area (Annexation No. 22-01).
13. Attachment 13: Madera County: Correspondence dated March 23, 2022, regarding Airport Land Use Consistency Review.
14. Attachment 14: Planning Commission Resolutions.

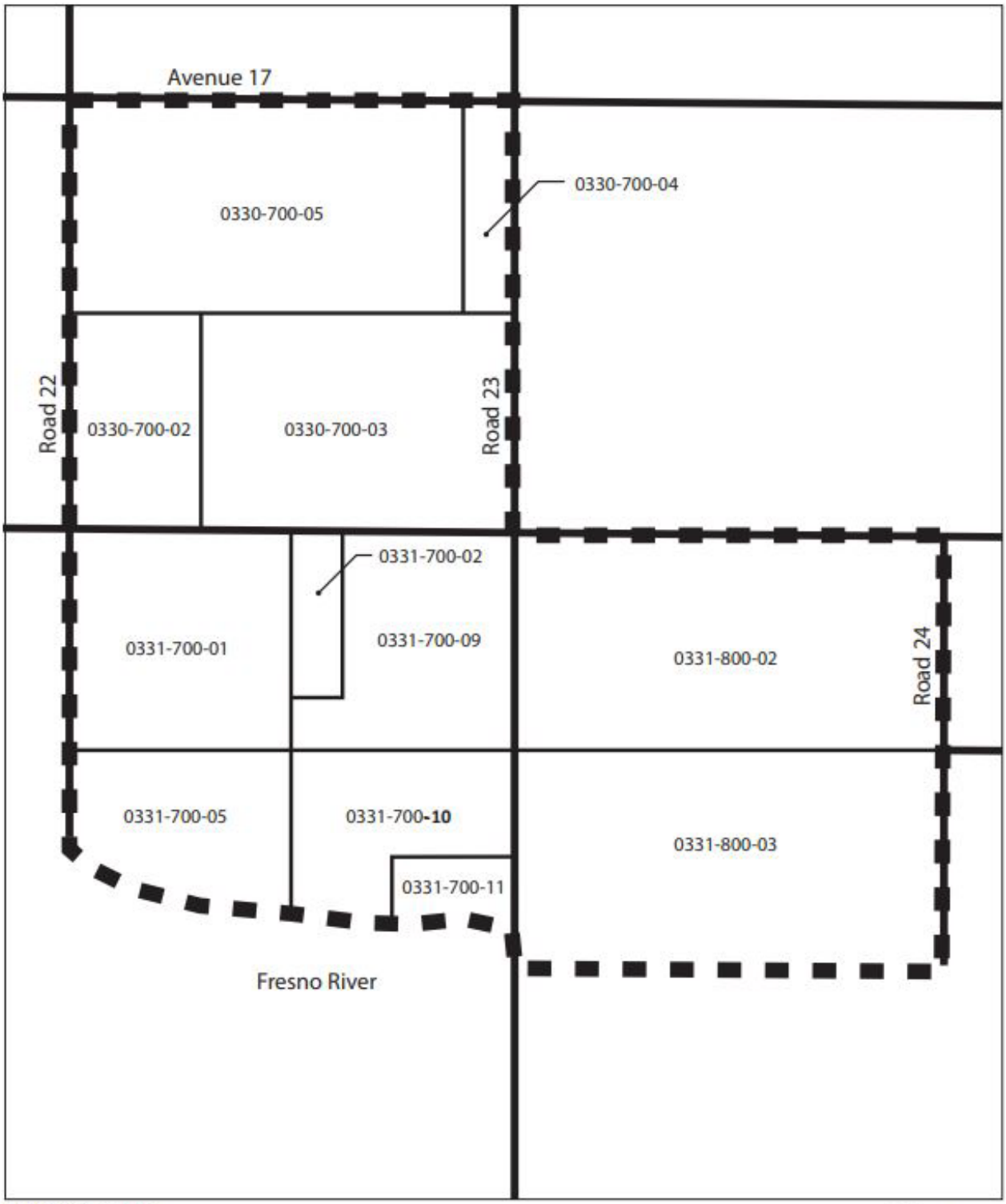
ATTACHMENT 1: VICINITY MAP



Source: Google Maps

N. T. S.

ATTACHMENT 2: CURRENT ASSESSOR PARCELS



Source: KTGY Group

N. T. S.

ATTACHMENT 3: AERIAL PHOTOGRAPH AND PHYSICAL SETTING



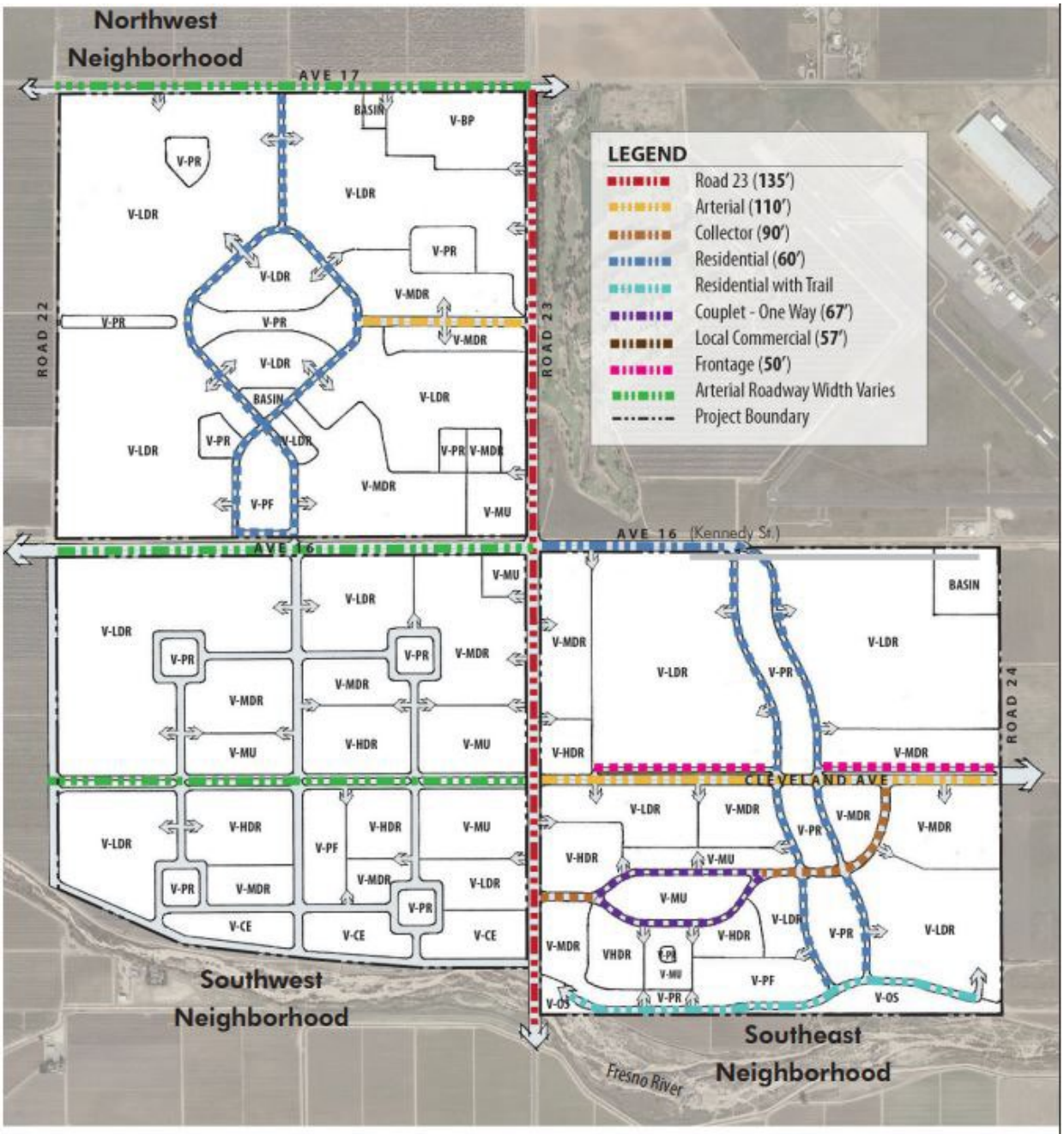
Source: Google Maps

N. T. S.

ATTACHMENT 4: THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN

The Villages at Almond Grove Specific Plan is distributed as a separately bound document and is also posted on the City's Website on the Planning Division page under Current Projects and Environmental Review at the following website address: https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011.

ATTACHMENT 5: CIRCULATION PLAN



Source: Precision Civil Engineering

N. T. S.

ATTACHMENT 6: ENVIRONMENTAL IMPACT REPORT

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report ("EIR") to evaluate the environmental effects of the Project. The EIR (SCH #2018081051) is distributed as a separately bound document and is also posted on the City's Website on the Planning Division page under Current Projects and Environmental Review at the following website address: https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011.

ATTACHMENT 7: CEQA Resolution

A Resolution Of The City Council of the City Of The City Of Madera to (1) Adopt The Findings Required By CEQA Guidelines, Section 15091; (2) Certify The Environmental Impact Report (SCH #2018081051) For The Proposed The Villages At Almond Grove Specific Plan (A 1,883-Acre Area Bounded By Avenue 17 On The North, Road 22 On The West, The Fresno River On The South, And Road 23 And Road 24 On The East), Including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (2022-01), Zoning Ordinance Text Amendment (Ota 2022-01) As Well As The Two Related Subdivisions (TSMs 2020-02 And 2020-03); (3) Adopt The Proposed Mitigation Monitoring And Reporting Program, And (4) Adopt A Statement Of Overriding Considerations, Pursuant To The California Environmental Quality Act

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA TO (1) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (2) CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH #2018081051) FOR THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (A 1,883-ACRE AREA BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST), INCLUDING GENERAL PLAN AMENDMENT (GPA 2017-02), PRE-ZONING/ REZONING (REZ 2017-05), ANNEXATION (2022-01), ZONING ORDINANCE TEXT AMENDMENT (OTA 2022-01) AS WELL AS THE TWO RELATED SUBDIVISIONS (TSMs 2020-02 and 2020-03); (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM, AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the project known as the "The Villages at Almond Grove Specific Plan" (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Vesting Tentative Subdivision Map 2020-02 on approximately 645 acres and Vesting Tentative Subdivision Map 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities; and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment 2017-02, Specific Plan No. 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Annexation No. 2022-01, and Zoning Ordinance Text Amendment No. OTA 2022-01; and

WHEREAS, Precision Civil Engineering, Inc., has submitted the related Tentative Subdivision Map 2020-02 on behalf of the property owners, Fagundes, Fagundes, Fagundes, for private development within the Southeast Neighborhood portion of the Specific Plan area that will create a 2,390-lot residential subdivision and 29 outlets, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site. The site is broken up into 27 blocks and will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses; and

WHEREAS, Precision Civil Engineering, Inc., has submitted the related Tentative Subdivision Map 2020-03, also on behalf of the property owners, Fagundes, Fagundes, Fagundes, for private development within the Northwest Neighborhood portion of the Specific Plan area that will create a 2,815-lot residential subdivision and 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed- use developments, and 1 for a future school site. The site is broken up into 36 blocks and will be primarily a mix of Low-Density and Medium-Density residential uses; and

WHEREAS, as a result the following entitlements are being considered for approval by the City Council:

- Specific Plan No. 2017-01 (Adopting the Villages at Almond Grove Specific Plan)
- Environmental Impact Report (SCH #2018081051)
- General Plan Amendment (GPA) No. 2017-02
- Pre-Zone/Rezone (REZ) No. 2017-05
- Annexation (ANX) No. 2022-01; and
- Zoning Ordinance/ Madera Municipal Code Text Amendment (OTA) No. 2022-01 (Southeast Neighborhood)

And the following have been contingently approved by the Planning Commission:

- Tentative Subdivision Map (TSM) No. 2020-02 (Southeast Neighborhood)
- Tentative Subdivision Map (TSM) No. 2020-03 (Northwest Neighborhood)

(collectively "Project"); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Environmental Impact Report (SCH #2018081051) (as further defined below, the "EIR") in order to evaluate the proposed Project; and

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Preparation ("NOP") was prepared by the City and distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties for a 30-day public review and comment period commencing on August 17, 2018 (re-issued on December 3, 2019), after which a public scoping meeting was held during the NOP review period on September 12, 2018, and December 18, 2018; and,

WHEREAS, the draft EIR ("DEIR") was circulated for a 45-day public review and comment period commencing on December 23, 2021, a copy of the Draft EIR (DEIR) was circulated through the State Clearinghouse (SCH #2018081051), posted on the City's website, and was available at the Madera City Hall; and

WHEREAS, the public review period for the DEIR ended on February 7, 2022; and

WHEREAS, a Final EIR (FEIR) was prepared on the proposed Project consistent with CEQA Guidelines Section 15088(b), which addressed comments received on the DEIR, responses to those comments, as well as any appropriate revisions and clarifications to the DEIR; and

WHEREAS, the City of Madera on March 16, 2022, published a legal notice in compliance with State law concerning Planning Commission consideration of the EIR in the Madera Tribune, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the EIR. In addition, on or prior to March 18, 2022, a public hearing notice was mailed to each property owner within at least 300 feet of the Project site, as well as to all property owners within the Specific Plan area, indicating the date and

time of the public hearing regarding the proposed Project (including the EIR) in accordance with State law; and

WHEREAS, on April 5, 2022, the Planning Commission recommended approval of the EIR and related project after it conducted a duly noticed public hearing on the EIR as defined below; and

WHEREAS, on April 20, 2022, the City Council conducted a duly noticed public hearing on the EIR as defined below, at which time it received input from City Staff, the City Attorney's office, and the developers; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council of the City of Madera, after which public testimony was closed; and

WHEREAS, the City Council has reviewed the EIR and all associated documents prepared for the project, the staff reports pertaining to the EIR, and all of the evidence received by the City Council; and

WHEREAS, Section 21000 of the Public Resources Code and Section 15000 *et. seq*. of Title 14 of the California Code of Regulations ("CEQA Guidelines") which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment caused by the Specific Plan and the associated tentative Subdivision maps; and

WHEREAS, the City Council declares that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, technical, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve a project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (CEQA Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (CEQA Guidelines Section 15093).

WHEREAS, after deliberation and consideration of all relevant items, the City Council desires to (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the EIR; (3) adopt the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Madera resolves as follows:

1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. EIR Contents. The EIR consists of the following:

   a. The FEIR including any attached appendices;
   b. The DEIR including attached appendices;
   c. The Notice of Preparation and comments received in response to the Notice of Preparation;
   d. The Mitigation Monitoring and Reporting Plan ("MMRP");
   e. Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
   f. Comments received on the DEIR with responses to each of the comments made;
   g. The Notice of Completion and Availability of the DEIR for public review; and
   h. Any other information added by the Lead Agency.

(All hereafter collectively referred to as the "EIR").

3. Accompanying Documents To EIR. Documents that shall accompany and be part of the EIR are:

   a. Mitigation Monitoring and Reporting Program; and
   b. Findings of Fact and Statement of Overriding Considerations.

4. Certification Of Compliance With California Environmental Quality Act. The City Council does hereby find that the EIR (Exhibit "A" to this Resolution, a copy which is on file with the City's Planning Department), the Findings of Fact and the Statement of Overriding Considerations (Exhibit "B" to this Resolution), and the Mitigation Monitoring and Reporting Program (Exhibit "C" to this Resolution) have been prepared in accordance with requirements of the California Environmental Quality Act, and the CEQA Guidelines.

5. CEQA Findings of Fact, Mitigation Monitoring And Reporting Program and Statement of Overriding Considerations.

   a. *Adopt Findings of Fact*. The City Council approve, accepts as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, Exhibit "B" of this Resolution.

   b. *Certify Environmental Impact Report*. The City Council certify that (1) the EIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the EIR prior to approving the project; and (3) that the EIR reflects the City Council's independent judgment and analysis.

   c. *Feasible and Binding Effect of Mitigation Monitoring and Reporting Program*. As more fully identified and set forth in EIR and in the Findings of Fact for this Project, which is Exhibit "B" to this Resolution, the City Council finds that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

   d. *Adopt Statement of Overriding Considerations*. Even after the adoption of all feasible mitigation measures and, certain significant or potentially significant environmental effects caused by the proposed modified Project directly, or cumulatively, will remain. The

proposed Project has been carefully reviewed and the policies included in the proposed Project along with the mitigation measures identified in the EIR have avoided or substantially lessen several environmental impacts, to the extent feasible. Nonetheless, the proposed Project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. Therefore, the City Council issues and approves a Statement of Overriding Considerations in the form set forth in Exhibit "B," which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable.

e. *Adopt Mitigation Monitoring and Reporting Program*. As required by applicable State law, the City Council adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit "C" of this Resolution. The City Council finds that the Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

6. Custodian of Records. The City Clerk is the custodian of records for documents comprising the record of the proceedings upon which its decision is based. These documents are maintained at City Hall, located at 205 West 4th Street, Madera, CA 93637.

7. Effective Date of Resolution. This Resolution shall become effective immediately.

* * * * *

Exhibit A: Environmental Impact Report (provided as a separate document).

Exhibit B: Findings of Fact and the Statement of Overriding Considerations.

Exhibit C: Mitigation Monitoring and Reporting Program.

EXHIBIT “A”

Environmental Impact Report

Provided as a separate document located at:

https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011

EXHIBIT “B”

Findings of Fact and
Statement of Overriding Considerations

DRAFT

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

MADERA, CALIFORNIA



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March 2022

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DRAFT

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

MADERA, CALIFORNIA

Submitted to:

City of Madera
Community Development Department
205 West 4th Street
Madera, California 93637

Prepared by:

LSA
2565 Alluvial Avenue, Suite 172
Clovis, California 93611

Project No. CMD1801

LSA

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March 2022

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TABLE OF CONTENTS

EXECUTIVE SUMMARY i
Table of Contents iii
1.0 INTRODUCTION 1
2.0 PROJECT DESCRIPTION 3
2.1 Project Location and Setting 3
2.2 Project 3
Project Objectives 4
2.3 Project Alternatives 5
3.0 PROCEDURAL FINDINGS 7
4.0 RECORD OF PROCEDINGS 9
5.0 FINDINGS REQUIRED UNDER CEQA 12
5.1 Summary of Findings 13
Findings Regarding EIR Recirculation 14
Findings Regarding Less Than Significant Impacts (No Mitigation Required) 15
Findings Regarding Impacts Mitigated to a Level of Less than Significant 19
Findings Regarding Cumulative Impacts Mitigated to Less-than-Significant Levels 33
Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels 35
Findings Regarding Cumulative Impacts not Mitigated to Less-than-Significant Levels 49
5.2 Mitigation Monitoring 52
5.3 Significant Irreversible Environment Effects 53
5.4 Growth Inducement 54
6.0 PROJECT ALTERNATIVES 56
Alternatives Considered in the EIR 56
Alternative 1: No Project Alternative 57
Alternative 2: Low Density Residential Alternative 57
Alternative 3: Reduced Project Alternative 57
Findings Regarding Alternatives 57
7.0 STATEMENT OF OVERRIDING CONSIDERATIONS 59

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1.0 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of The Villages at Almond Grove Specific Plan and related entitlements (project) and certification of the Environmental Impact Report (EIR) for the project.

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

a. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project.

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2.0 PROJECT DESCRIPTION

The following provides a summary of the Project Description.

2.1 PROJECT LOCATION AND SETTING

The City of Madera is located in Madera County, west of the Sierra Nevada. The City is located along California State Route (SR) 99, 13 miles southeast of Chowchilla and 15 miles northwest of Fresno.

The project area (Specific Plan Area) is 1,883 acres in size and is located on the western edge of the City of Madera. In October 2018, the Madera County Local Agency Formation Commission (LAFCO) approved the expansion of the City's Sphere of Influence to include the Specific Plan Area. The proposed project is bounded by the Fresno River to the south, Road 24 to the east, Avenue 17 to the north, and Road 22 to the west.

The Specific Plan Area is surrounded by primarily agriculture uses on the north and western boundaries, and the Fresno River and agriculture uses to the south. The Madera Municipal Golf Course, Madera Municipal Airport, and residential uses are directly north and east of the project site.

2.2 PROJECT

The project consists of several components:

- **General Plan Amendment.** The project includes several amendments to the General Plan (General Plan Amendment 2017-02). The City's General Plan would be amended to create a Specific Plan land use category that would be applied to the Specific Plan Area. In addition, the General Plan would be amended to remove the requirement that residential development shall conform to the "Target Density" requirement for each land use category. The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area.

- **Specific Plan.** The purpose of the proposed Specific Plan (Specific Plan No. 2017-01) is to provide guidance for an orderly and cohesive planned community consistent with the City of Madera General Plan and zoning ordinance. The Specific Plan Area is 1,883-acres, consisting of approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, approximately 55 acres of schools and other public facilities. The proposed Specific Plan provides a development framework for land use, mobility including roadways, utilities and services, resource projection, and implementation to promote the systematic and orderly development of the Specific Plan Area.

- **Pre-Zoning/Zoning Amendments.** The Specific Plan Area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The entire plan area would be pre-zoned by the City of Madera consistent with City zoning as identified in the proposed Specific Plan (Pre-Zoning/ Rezoning 2017-05).

- **Annexation.** The proposed project includes annexation of 1,883 acres to the City of Madera (Annexation No. 2022-01). Annexation can only occur if and once Madera LAFCo has approved a Sphere of Influence Amendment (SOIA); however, this may happen shortly after a SOIA is approved. Madera LAFCo is the responsible agency for the annexation request. It is anticipated that the Madera LAFCo will use this EIR in its decision-making process as required under CEQA.

- **Zoning Ordinance/Madera Municipal Code Amendments.** The City's Municipal Code would be amended to include a specific plan zone district (SP Zone) to provide a framework for standards and permitted uses in the zone (Zoning Ordinance Text Amendment No. OTA 2022-01).

- **Vesting Tentative Tract Map No. 2020-02.** Vesting Tentative Tract Map No. 2020-02 pertains to the Southeast Neighborhood of the proposed Specific Plan, consisting of approximately 645 gross acres of property located east of Road 23, between Avenue 16 and the Fresno River. It proposes the creation of a 2,390-lot residential subdivision with lots ranging in size from 40 feet by 80 feet, to 55 feet by 110 feet. In addition to these residential lots, the tentative tract map proposes to create 29 outlots, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site. The site will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses. This tract map will conform to the Permitted Uses pursuant to the proposed Specific Plan; however, conditional uses will require separate land use entitlements pursuant to the proposed Specific Plan and may require future environmental analysis. Because the proposed subdivision is larger than a typical tract map, the map for Tentative Tract Map 2020-02 is currently proposed to be divided into 27 blocks.

- **Vesting Tentative Tract Map No. 2020-03.** Vesting Tentative Tract Map No. 2020-03 pertains to the Northwest Neighborhood of the proposed Specific Plan, consisting of approximately 661 gross acres of property located west of Road 23, between Avenue 16 and Avenue 17. The Map proposes the creation of a 2,815-lot residential subdivision with lots ranging in size from 40 feet by 80 feet to 55 feet by 110 feet. In addition to these residential lots, the tentative tract map proposes to create 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed- use developments, and 1 for a future school site. This tentative tract map will conform to the Permitted Uses pursuant to the proposed Specific Plan; however, conditional uses will require separate land use entitlements pursuant to the proposed Specific Plan and may require future environmental analysis. Because the proposed subdivision is larger than a typical tract map, the map for Tentative Tract Map 2020-03 is currently proposed to be divided into 36 blocks.

A number of other permits and approvals are also contemplated as part of the project, as further described in Section 3.4 of the EIR, which is incorporated by reference.

Project Objectives

The proposed Specific Plan is designed to implement a series of project-specific objectives to ensure that the proposed Specific Plan is implemented with quality residential, commercial, and light industrial development. The following is a list of project objectives:

- Address the City of Madera's current and projected housing needs for all segments of the community by providing a range of single- and multi-family homes.
- Promote high quality retail and mixed-use development to attract an array of businesses and employment opportunities.
- Establish a mix of land uses and local-serving activities that meet the General Plan's objectives concerning community character and pedestrian-friendly design.
- Implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.
- Establish a transportation network that will fulfill the policies of the Madera General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimize vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.
- Promote opportunities for water efficiency in Plan Area architecture and landscaping to promote water conservation.
- Incorporate green and sustainable practices, as practicable, in developing buildings and infrastructure.
- Undertake development of the Specific Plan Area in a manner that is economically feasible and balanced to address the City's economic interests.

2.3 PROJECT ALTERNATIVES

Below is a summary of the alternatives that were considered and evaluated. Findings for the alternatives are included in Section 6.0 of this document.

No Project Alternative

Under this alternative, no development identified in the proposed Specific Plan would occur, and the Specific Plan Area would continue to be use for agricultural production within an unincorporated area of Madera County. Although the City includes the proposed Specific Plan Area within the Urban Growth Boundary, the proposed Specific Plan Area is located outside of the City limits. Under this Alternative no construction activities or long-term operations associated with the proposed Specific Plan would occur.

Low Density Residential Alternative

Under this alternative, the proposed Specific Plan would be implemented with residential zoning and densities that would be consistent with the City's residential zoning for low density. The City's residential zoning densities for low density range from 3 units to 7 units per acre. For the purpose of

this analysis, an average of five units per acre was used to provide a reasonable estimate of development that could occur within the Specific Plan Area. In addition, the acreages identified in the proposed Specific Plan as Village Mixed Use (120 acres) and Village Business Park (30 acres), would be reallocated to low density residential, for a total of approximately 1,521 aces of low density residential acres with a total buildout of approximately 7,600 residential units. Acreages for Parks and Recreation, Natural Areas along the Fresno River, Elementary School Sites, and Major Roadways would be the same as the proposed Specific Plan.

Reduced Project Alternative

Under this alternative approximately 7,600 residential units would be constructed but the mixed-use development occurring within the Specific Plan Area would be removed to reduce potential significant and adverse environmental impacts related to air quality resulting from construction, greenhouse gas emissions, vehicle-generated noise, and conflicts with roadway policies. In addition, 500 acres of agricultural land would be preserved within the Specific Plan Area site to reduce significant and unavoidable impacts related agricultural conversion that would result from implementation of the proposed Specific Plan. This alternative would likely preserve agricultural land uses in the Southwest Neighborhood area where Williamson Act Contracts are still in place and in the Northwest Neighborhood to ensure that compatibility with the Madera County ALUCP. This alternative was selected to allow for a mix of residential densities within the Specific Plan Area, and to preserve agricultural land uses that would be developed under the propose Specific Plan.

For the purpose of the analysis in the EIR, acreages identified for the Village Mixed Use district (120 acres), Village Business Park (30 acres), Village Parks and Recreation (64 acres), Village Country Estates (36 acres), Village Low Density (145 acres), and Village High Density (105 acres) would be reallocated to agriculture land uses. This would result in a total of 500 acres of agriculture land uses and a total buildout of 7,601 residential units in the Specific Plan Area. Land uses identified as Village Medium Density, Village Open Space, Village Public Facilities, and Major Roadways would be the same as the proposed Specific Plan.

3.0 PROCEDURAL FINDINGS

Based on the nature and scope of the project, the City of Madera (City) determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR for the project. The EIR (State Clearinghouse No. 2018081051) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA, and additional noticing and opportunities for public comment were also provided, as follows:

- A Notice of Preparation (NOP) was prepared and circulated on August 17, 2018, for a 30-day public and agency comment period. The NOP was submitted to the State Clearinghouse, Madera County Clerk-Recorder, and responsible and trustee agencies.

- A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on September 12, 2018, at the Council Chambers in Madera City Hall, Madera, CA.

- A Reissued Notice of Preparation (NOP) was prepared and re-circulated on December 3, 2018, for a 30-day public and agency comment period, following changes made to the project after the original NOP. The NOP was submitted to the State Clearinghouse, Madera County Clerk-Recorder, and responsible and trustee agencies.

- A second public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on December 18, 2018, at the Council Chambers in Madera City Hall, Madera, CA.

- A Notice of Completion (NOC) and an electronic copy of the Draft EIR were distributed to the Office of Planning and Research on December 23, 2021, to those public agencies that have jurisdiction by law with respect to the project, or which exercise authority over resources that may be affected by the project, and to other interested parties and agencies as required by law.

- A Notice of Availability (NOA) of the Draft EIR was mailed on December 23, 2021, to all interested groups, organizations, and individuals who had previously requested notice in order to comply with Public Resources Code Section 21092(b)(3). The Draft EIR was also published in the Madera Tribune newspaper to comply with Section 15087(a) of the State CEQA Guidelines and was distributed to affected agencies, surrounding cities and municipalities, and all interested parties. Hard copies of the Draft EIR were made available at the City's offices and an electronic version was made available for downloading on the City's website.

- A 45-day public comment period for the Draft EIR began on December 23, 2021.

- The City provided written responses to all comments received during and after the public comment period referenced above for the Draft EIR and additional information to clarify such responses was added by the City to the Draft EIR to produce the Final EIR (FEIR).
- The FEIR was made available on March 25, 2022, and consists of the following items:
    - The Draft EIR released on December 23, 2021;
    - Responses to Comments Document including Revisions to the Draft EIR;
    - Draft EIR text revisions; and
    - Mitigation Monitoring and Reporting Program
- As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR were provided at least 10 days to review the proposed responses contained in the FEIR prior to the date for consideration of the FEIR for certification.

4.0 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the City's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- All information (including written evidence and testimony) provided by City staff, City Planning Commission, and/or City Council relating to the EIR, the approvals, and the proposed project, including City staff reports and all attachments;
- The Draft EIR and all appendices to the Draft EIR;
- The FEIR and all appendices to the FEIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment periods on the two NOPs and the Draft EIR;
- All final applications, letters, testimony and presentations presented by the project Applicant ("Applicant") and its consultants to the City in connection with the proposed project;
- All studies conducted for the project and contained or referenced in the Draft EIR and the FEIR;
- All documents cited or referenced in the Draft EIR and the FEIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the proposed project and EIR;
- All final information (including written evidence and testimony) presented to the City staff, City Planning Commission, and/or City Council by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the City Council;
- All final information (including written evidence and testimony) presented at any City public hearing or any City workshop related to the proposed project and the EIR;
- All other documents related to the project;
- For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area;

- The mitigation monitoring and reporting program (MMRP) for the project; and
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e), including any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City Planning Department located at City Hall at 205 West 4th Street, Madera, CA.

The Draft EIR and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the Draft EIR and FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

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5.0 FINDINGS REQUIRED UNDER CEQA

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 of the PRC goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR (CEQA Guidelines Section 15091[a][1]). For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level, or of the project's ability to avoid a potentially significant impact altogether. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Draft EIR and FEIR (EIR) (CEQA Guidelines Section 15091[a][(3]). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is "feasible." In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures. None of these changes result in significant new information or impacts that would require recirculation of the EIR.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, "Findings Required Under CEQA," and in Section 7, "Statement of Overriding Considerations," below.

5.1 SUMMARY OF FINDINGS

The Draft EIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, "Statement of Overriding Considerations," however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project's significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the Draft EIR and FEIR for more detail.

The following provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the FEIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and FEIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

Findings Regarding EIR Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when "significant new information" is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. "Information" may include project changes, changes to the environmental setting, or additional data or other information. The CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

CEQA Guidelines Section 15088.5 states "significant new information" requiring recirculation may include:

- A new significant environmental impact that would result from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures would be adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The City made refinements to the Draft EIR after this document was released. These refinements are described in Chapter 4, "Draft Environmental Impact Report Text Revisions" of the Response to Comments Document. Revisions were made to Mitigation Measure AIR-2.2 to reflect updated conditions requested by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

These refinements are described in greater detail in the Response to Comments Document. No impacts identified in the Draft EIR would be substantially increased because of changes to the project or mitigation measures following recirculation. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the Draft EIR that the project applicant has declined to adopt. Therefore, recirculation of the EIR is not required.

Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the Draft EIR and FEIR of all project-specific impacts identified as "less than significant" and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the Draft EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having no impact or a less-than-significant impact.

The impacts for which the project would result in either no impact or a less-than-significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the Draft EIR and FEIR for more detail.

AESTHETICS

- Impact AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

AGRICULTURAL AND FORESTRY RESOURCES

- Impact AG-3: The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

- Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.

- Impact AG-5: The proposed project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

AIR QUALITY

- Impact AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

- Impact AQ-4: The project would not result in significant odors that could adversely affect a substantial number of people.

BIOLOGICAL RESOURCES

- Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

- Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ENERGY

- Impact EN-2: The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

GEOLOGY AND SOILS

- Impact GEO-4: The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property.

- Impact GEO-5: The project does not contain soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

HAZARDS AND HAZARDOUS MATERIALS

- Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment.

- Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- Impact HAZ-4: The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

- Impact HAZ-5: The project would be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, but would not result in a safety hazard for people residing or working in the project area because the proposed Specific Plan would be consistent with the applicable airport plan and the General Plan.

- Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

HYDROLOGY AND WATER QUALITY

- Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

- Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

- Impact HYD-3: The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

- Impact HYD-4: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

- Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (SGMA).

LAND USE AND PLANNING

- Impact LU-1: The proposed project would not physically divide an established community.

MINERAL RESOURCES

- Impact MIN-1: The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

- Impact MIN-2: The proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

NOISE

- Impact NOI-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels.

POPULATION AND HOUSING

- Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

- Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

PUBLIC SERVICES AND RECREATION

- Impact PSR-3: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives;.

- Impact PSR-4: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for park services.

- Impact PSR-6: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

TRANSPORTATION

- Impact TRA-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)

- Impact TRA-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

- Impact TRA-4: The proposed project would not result in inadequate emergency access.

UTILITIES AND SERVICE SYSTEMS

- Impact UTL-3: The wastewater treatment provider which serves the project has determined that the City has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments

- Impact UTL-4: The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

- Impact UTL-5: The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

WILDFIRE

- Impact WF-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

- Impact WF-2: The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- Impact WF-3: The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

- Impact WF-4: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

CUMULATIVE IMPACTS

The project would result in either no cumulative impact or a less-than-significant cumulative impact, requiring no mitigation, for the following topics.

- Impact EN-3: Cumulative impacts related to energy.

- Impact HAZ-8: Cumulative impacts related to hazards and hazardous materials.

- Impact HYD-6: Cumulative impacts related to hydrology.

- Impact LU-3: Cumulative impacts related to land use and planning.

- Impact MIN-3: Cumulative impacts related to mineral resources.

- Impact NOI-4: Cumulative impacts related to noise.

- Impact POP-3: Cumulative impacts related to population and housing.

- Impact WF-5: Cumulative impacts related to wildfire.

Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the Draft EIR and that these mitigation measures will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

BIOLOGICAL RESOURCES

Impact BIO-1: The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Although impacts to species listed as a candidate, sensitive, or special-status species by local, State, and federal agencies should be avoided to the greatest extent feasible, it is acknowledged that future projects may not be able to avoid these species.

Mitigation Measure BIO-1.1

Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to western burrowing owls:

- Preconstruction surveys for western burrowing owls shall be conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation, or the most current guidelines.

- If burrowing owls are identified during the preconstruction survey, avoidance of occupied burrows during the breeding season shall be implemented or passive exclusion, per CDFW's 2012 Staff Report on Burrowing Owl Mitigation, or the most current guidelines (installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping) shall be implemented), .

- Following construction activities, all areas temporarily impacted during Project construction and not identified for future development, shall be restored to pre-construction contours and revegetated with native species as specified in Table 4.4.B.

Mitigation Measure BIO-1.2

Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to Swainson's hawks:

- If construction begins during the nesting season (February 1 through August 31), an early season preconstruction survey for nesting Swainson's hawks shall be conducted between January and March in the Biological Study Area (BSA) for the Specific Plan Area and immediate vicinity (an approximately 0.25 mi radius) by a qualified biologist when tree foliage is relatively sparse and nests are easy to identify. A second preconstruction survey for nesting Swainson's hawks shall be conducted in the BSA and immediate vicinity (an approximately 0.25 mile radius) by a qualified biologist no more than 14 days prior to initiation of earthmoving activities.

- If nesting Swainson's hawks are found within the survey area, a qualified biologist shall evaluate the potential for the project to disturb nesting activities. The California Department of Fish and Wildlife (CDFW) shall be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities. CDFW shall also be consulted to establish protection measures such as buffers.

- Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young have fledged, or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the project is adversely affecting nesting activities.

- Following construction, all fill slopes, temporary impact and/or otherwise disturbed areas not identified for future development shall be restored to preconstruction contours and revegetated with the native seed mix specified in Table 4.4.C**.**

Mitigation Measure BIO-1.3

Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to northern harrier, California horned lark, and other nesting birds:

- If construction begins during the nesting season (February 1 through August 31), a qualified biologist shall survey all suitable nesting habitat in the Biological Survey Area (BSA) of the Specific Plan Area for presence of nesting birds. This survey shall occur no more than 10 days prior to the start of construction. If no nesting activity is observed, work may proceed as planned. If an active nest is discovered, a qualified biologist shall evaluate the potential for the proposed project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, the line of sight between the nest and the BSA, and the feasibility of establishing no-disturbance buffers.

- If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the project is adversely affecting nesting activities. Weekly monitoring shall continue until any young have fledged or the nest fails (as determined by the qualified biologist).

  Significance after Mitigation. Implementation of Mitigation Measures BIO-1.1 through BIO-1.3 would minimize impacts to special-status species and associated habitat by requiring avoidance and minimization efforts, consultation with responsible agencies, compensatory mitigation and mitigation consistent with regulatory requirements. (Draft EIR pages 4.4-13 and 4.4-17)

  Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to special-status species and associated habitat identified in the EIR.

Impact BIO-3: The project would have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Formal delineation of aquatic features should be performed prior to issuance of grading permits in order to determine if any aquatic features within the Specific Plan Area would be considered wetlands or non-wetland waters of the U.S. under the jurisdiction of the ACOE and/or waters of the State under the jurisdiction of the RWQCB.

Mitigation Measure BIO-3

The following measures shall be implemented once specific development plans are submitted and prior to the issuance of grading permits to mitigate potential impacts to aquatic resources:

- A jurisdictional delineation shall be performed to determine if any or all of the aquatic features in the Biological Survey Area (BSA) of the Specific Plan Area should be considered jurisdictional by the Army Corps of Engineers (ACOE). The jurisdictional delineation shall be submitted to the ACOE for verification or concurrence.

- If the results of the jurisdiction delineation determine that any of the aquatic features in the BSA are jurisdictional waters, and the Project would result in permanent or temporary impacts to those waters, the project proponent shall obtain any necessary regulatory permits prior to the commencement of ground disturbing activities.

- If the project would result in the loss of wetlands and/or non-wetland waters, mitigation shall be accomplished by purchasing credits at an approved mitigation bank, payment of in-lieu fees, or a combination of these methods, as determined by the City of Madera. Mitigation ratios shall be at least 1:1.

  Significance after Mitigation. Implementation of Mitigation Measure BIO-3 would reduce impacts to state or federally protected wetlands through the preparation of wetland delineation and appropriate mitigation (if required). (Draft EIR pages 4.4-17 and 4.4-18)

  Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any state or federally protected wetlands identified in the EIR.

CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

Impact CUL-1: The project could cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.

Currently, the Specific Plan Area contains potentially significant early-settlement buildings that could qualify as historical resources under CEQA. The Specific Plan Area could also potentially contain early-settlement agricultural artifacts or features that could qualify as historical resources under CEQA. As a result, there is a possibility that the new development could result in demolition or substantial alterations of historical or potentially historical buildings and structures. In addition to land use development, infrastructure and other public works improvements could result in demolition or substantial alterations of historical resources.

Mitigation Measure CUL-1

Prior to the issuance of grading permits for development occurring within APN 030-170-009 and APN 0303-070-004, formal evaluations of the existing canal segments and buildings shall be completed by a qualified historic resources consultant for eligibility for inclusion in the California Register of Historical Resources (CRHR) to assess whether or not they qualify as historic resources

under Public Resources Code Section 21084.1. If the resources are determined to be unique historical resources, measures shall be identified by the qualified historic resources consultant monitor and recommended to the City. Appropriate measures for significant resources could include, but are not limited to, avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

Significance after Mitigation. Implementation of Mitigation Measure CUL-1 would reduce impacts to historic or cultural resources through the preparation of site-specific evaluations and mitigation measures, in accordance with Section 15064.5 of the CEQA Guidelines. (Draft EIR pages 4.5-19 through 4.5-20)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any historic resources identified in the EIR.

Impact CUL-2: The project could cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.

Based on its environmental setting, the Specific Plan Area has a high sensitivity for intact precontact-period archaeological deposits. Additionally, although not included in the record search results, background research indicates the Chauchila Tribe village site of Ch'ekayu was documented within the southeast portion of the Specific Plan Area along the Fresno River.

Mitigation Measure CUL-2.1

To identify if an archaeological resource is present and if it meets the definition of a historical resource under the California Environmental Quality Act (CEQA), or a unique archaeological resource under Public Resources Code Section 21083.2 located in the southeastern portion of the Specific Plan Area, additional investigation including a field survey and an archaeological sensitivity analysis shall be conducted prior to the initiation of ground-disturbing activities. For projects associated with the proposed Specific Plan that are located in areas with moderate or higher sensitivity for buried archaeological resources as identified by the archaeological sensitivity analysis, subsurface testing shall be conducted to minimize possible disturbance to or inadvertent discoveries of archaeological deposits. A qualified archaeologist shall develop a monitoring plan based on depth of the excavation and data from subsurface testing to be submitted to the City of Madera Community Development Director or designee. The monitoring plan shall include observation of ground disturbing activities (such as grading, trenching and boring) to be focused in areas that are most likely to contain buried resources. The archaeologist shall limit on-site monitoring to only areas where depth of excavation and information from subsurface testing suggests that sensitive resources may be encountered.

Mitigation Measure CUL-2.2

If deposits of precontact or historic-period archaeological materials are encountered during construction activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move

any archaeological materials. Archaeological materials can include flaked-stone tools (e.g., projectile points, knives, and choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, bones, and other cultural materials); and stone-milling equipment (e.g., mortars, pestles, and handstones). Precontact archaeological sites often contain human remains. Historic-period materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

If deposits of precontact or historic-period archaeological materials are encountered and cannot be avoided, they shall be evaluated in consultation with the City and a qualified archaeologist. If the discovery is precontact in nature, geographically affiliated tribal representatives shall be consulted as part of this process. If the deposit meets the definition of a historical resource, unique archaeological resource, or tribal cultural resource under the California Environmental Quality Act (CEQA), significant impacts to the deposit will need to be avoided or appropriate treatment established. If treatment is required, a plan shall be developed in consultation with applicable parties to mitigate, avoid, or minimize significant impacts to these types of resources. Treatment may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; accessioning recovered archaeological materials at an appropriate curation facility; and community outreach. All reports produced as part of the evaluation and treatment of cultural resources identified during the project shall be submitted to the City and the Southern San Joaquin Valley Information Center (SSJVIC).

> ***Significance after Mitigation.*** Implementation of Mitigation Measures CUL-2.1 and CUL-2.2 would reduce impacts to prehistoric resources through field surveys and archaeological sensitivity analyses, as well as the implementation of recommendations provide by a qualified archaeologist. (Draft EIR pages 4.5-20 through 4.5-22).
>
> ***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any archaeological resources identified in the EIR.

Impact CUL-3: The project could disturb human remains, including those interred outside of formal cemeteries.

There is a remote possibility that human remains could be present within the Specific Plan Area, and implementation of the proposed Specific Plan has the potential to disturb human remains interred outside of formal cemeteries.

Mitigation Measure CUL-3

The following procedures shall be implemented in the event that human remains are identified during project activities:

- If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the Madera County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission (NAHC) will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

- The archaeologist shall prepare a report that provides recommendations for the treatment of the human remains and any associated cultural materials as well as proposed or implemented methods and results from excavation and analysis. Treatment of the remains and associated cultural materials shall be done in coordination with the recommendations of the MLD and City. The final report shall be submitted to the Southern San Joaquin Valley Information Center (SSJVIC).

  Significance after Mitigation. Implementation of Mitigation Measure CUL-3 would reduce impacts to human remains through regulatory compliance, coordination with appropriate Native American representatives (if appropriate), as well as the implementation of recommendations provide by a qualified archaeologist. (Draft EIR pages 4.5-22 and 4.5-23)

  Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any human remains, including those interred outside of formal cemeteries, as identified in the EIR.

Impact CUL-4: The project could result in a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

Impacts resulting from future development within the Specific Plan Area could impact unknown archaeological resources including Native American artifacts and human remains. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures CUL-2.1 and CUL-2.2

Significance after Mitigation. Implementation of Mitigation Measures CUL-2.1 and CUL-2.2 would reduce impacts to tribal cultural resources through the identification of archaeological deposits during construction; the evaluation of unanticipated discoveries; and the recovery of significant archaeological data from those resources that warrant such investigation (i.e., historical or unique archaeological resources). (Draft EIR pages 4.5-23 and 4.5-24)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the

project that avoid or substantially lessen impacts to any tribal cultural resources, as identified in the EIR.

ENERGY

Impact EN-1: The project would increase energy consumption during the operational phase.

Operational energy use consumed by the projects associated with buildout of the proposed Specific Plan would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the proposed Specific Plan.

Mitigation Measure EN-1.1

Prior to approval of building permits, the Community Development Director or designee shall ensure that the energy efficiency strategies identified in the proposed Specific Plan are incorporated project construction documents. These energy efficient strategies include, but are not limited to the following:

- Provide natural lighting, where feasible, to reduce reliance on artificial lighting.
- Use Low-E or EnergyStar windows.
- Use high-efficiency lighting systems with advanced lighting controls. For nonresidential buildings, consider providing motion sensors tied to dimmable lighting controls. Task lighting may be used to reduce general overhead light levels.
- Use a properly sized and energy-efficient heat/cooling system in conjunction with a thermally efficient building shell. Consider using light colors for roofing and wall finish materials, and installing high R-value wall and ceiling insulation.
- Implement some of the strategies of the EnergyStar program.
- For retail, commercial and office uses, use light colored roofing with a high solar reflectance to reduce the heat island effect from roofs.
- In retail, commercial and office development, encourage the provision of preferred parking spaces for hybrid, fuel cell, electric and/or other fuel efficient vehicles.

Significance after Mitigation. Implementation of Mitigation Measure EN-1.1 would reduce impacts to operational energy consumption through the implementation of energy efficient strategies. (Draft EIR pages 4.6-14 through 4.6-15)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any energy resources identified in the EIR.

GEOLOGY AND SOILS

Impact GEO-1: The project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.);

b. Strong seismic ground shaking;

c. Seismic-related ground failure, including liquefaction; or

d. Landslides.

While the Specific Plan Area is not located within an Alquist-Priolo Earthquake hazard zone, some ground shaking, as well as other seismic-related hazards, may occur within the Specific Plan Area depending on the amount of energy released from the fault, or the magnitude of the earthquake.

Mitigation Measure GEO-1.1

Consistent with Section 1803 of the California Building Code and Section 10-2.402.3 of the City of Madera Municipal Code, prior to approval of a tentative subdivision map and for other types of structures, a preliminary soils report shall be reviewed and approved by the City of Madera Community Development Director and City Engineer or their designees. As a part of the geotechnical investigations, testing of samples from subsurface investigations is required, such as from borings or test pits. Investigations shall be conducted by a registered design professional and involve in situ-testing, laboratory testing, or engineering calculations. Studies shall be done as needed to evaluate slope stability, soil strength, position, and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. The geotechnical investigation shall provide recommendations to be incorporated into final plans and/or improvement plans, if required, to ensure compliance with the UBC and CBC

Significance after Mitigation. Implementation of Mitigation Measure GEO-1.1 would reduce impacts related to seismic-hazards risk through a preliminary soils report, geotechnical investigations, and other soil studies performed by a qualified professional, as applicable. (Draft EIR pages 4.7-12 and 4.5-13)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to geological hazards identified in the EIR.

Impact GEO-2: The project could result in substantial soil erosion or the loss of topsoil.

Construction activities in the Specific Plan Area could result in soil erosion or the loss of topsoil. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-1.1

Significance after Mitigation. Implementation of Mitigation Measure GEO-1.1 would reduce impacts related to soil erosion thorough preliminary soils reports and geotechnical investigations, as applicable. (Draft EIR pages 4.7-13 and 4.5-14)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to soil erosion identified in the EIR.

Impact GEO-3: The project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

The Madera County Local Hazards Mitigation Plan (LHMP) states that subsidence has a likely probability of future occurrences in Madera County. Therefore, there is potential for landslide, lateral spreading, subsidence, liquefaction, or collapse events to occur in the Specific Plan Area. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-1.1.

Significance after Mitigation. Implementation of Mitigation Measure GEO-1.1 would reduce impacts related to on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse thorough preliminary soils reports, geotechnical investigations, and other soil studies, as applicable. (Draft EIR pages 4.7-14 and 4.5-15)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to soil erosion identified in the EIR.

Impact GEO-6: The project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Unknown paleontological resources, if present within the Specific Plan Area, can potentially be damaged by ground-disturbing activities such as excavation, grading, and access road construction.

Mitigation Measure GEO-6.1

The following measures shall be implemented to reduce potential impacts to paleontological resources:

- In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures

that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the City. Appropriate mitigation measures for significant resources could include avoidance or capping or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City approves the measures to protect the identified resources.

- If unique paleontological/geological resources are found during the field survey, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

  Significance after Mitigation. Implementation of Mitigation Measure GEO-6.1 would reduce impacts to paleontological resources through the field surveys, and implementation of mitigation measures recommended by a qualified paleontologist should resources be discovered. (Draft EIR pages 4.7-16 and 4.5-18)

  Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any paleontological resources, as identified in the EIR.

GREENHOUSE GAS EMISSIONS

Impact GHG-1: The project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The City of Madera Climate Action Plan (CAP) meets the requirements for a Qualified Greenhouse Gas Reduction Strategy. Therefore, the project's GHG emissions would potentially be considered a significant impact if the project is not consistent with the City's CAP.

Mitigation Measure GHG-1.1

Prior to issuance of grading permits, applicants shall submit to the City of Madera Planning Department a Greenhouse Gas Reduction Plan, or proof of compliance with the City's Climate Action Plan (CAP), referencing construction plans details and specifications to document implementation and compliance with the following applicable CAP measures. Implementation of the following CAP measures is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Exceed Title 24 Energy Efficiency Building Standards, meet State Green Building Standards voluntary tier levels, become Leadership in Energy and Environmental Design (LEED) Greenpoint rated, or ENERGY STAR rated.
- Install solar photovoltaic (PV) systems or solar hot water heaters.
- Provide safe routes to adjacent transit stops.
- Finance and/or construct bus turnouts and shelters where transit demand warrants such improvements.
- Provide public transit vouchers to employees.
- Include alternative fueling stations or electric vehicle (EV) charging stations.
- By 2020, ensure construction contractors employ five percent of construction vehicles/equipment that utilize new technologies (i.e., repowered engines, electric drive trains), California Air Resources Board (CARB)-approved low carbon fuel, or are electrically-powered. By 2030, ensure construction contractors employ 10 percent of construction vehicles/equipment that utilize new technologies, CARB-approved low carbon fuel, or are electrically-powered.
- Include low-maintenance native landscaping or xeriscaping

Significance after Mitigation. Implementation of Mitigation Measure GHG-1.1 would reduce impacts related to the generation of greenhouse gas emissions through implementation of applicable CAP measures identified in project-specific Greenhouse Gas Reduction Pan or compliance document with the City's Climate Action Plan (CAP) (Draft EIR pages 4.8-19 and 4.8-32)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to greenhouse gas emissions, as identified in the EIR.

Impact GHG-2: The project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The proposed Specific Plan would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32, the AB 32 Scoping Plan, Executive Order B-30-15, SB 32, and AB 197 if it is consistent with the City's CAP. Therefore, potential conflicts with applicable plans, policies or regulations for the reduction of greenhouse gas emissions would be reduced to a less-than-significant levels with implementation of Mitigation Measure GHG-1.1

Significance after Mitigation. Implementation of Mitigation Measure GHG-1.1 would reduce impacts related to noncompliance with greenhouse gas reduction plans, policies and regulations through the implementation of measures included in the City's Climate Action Plan. (Draft EIR

pages 4.8-32 and 4.8-34)***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to greenhouse gas emissions, as identified in the EIR.

HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Implementation of the proposed Specific Plan could result in the demolition of existing structures that may potentially expose the public or environment to hazardous building materials.

Demolition of existing structures within the Specific Plan Area to accommodate the new development may potentially expose hazardous building materials (e.g., asbestos containing materials, lead-based paint, etc.).

Mitigation Measure HAZ-1

Prior to the issuance of demolition permits related to new development occurring under the proposed Specific Plan, asbestos and lead based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACMs) and/or LBP within existing structures to be removed. Removal by property owners and/or future developers of LBP, friable ACMs, and non-friable ACMs that have the potential to become friable during demolition, shall be outlined in an inspection report to be submitted for approval by the City of Madera Community Development Director or designee, to conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The San Joaquin Valley Air Pollution Control District (SJVAPCD) shall be notified by the property owners and/or future developers of properties (or their designee(s)) prior to any demolition and/or renovation activities.

Significance after Mitigation. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to the release of hazardous materials through asbestos and LBP surveys, building inspections and compliance with NESHAP standards (Draft EIR pages 4.9-14 and 4.9-16)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to the release of hazardous materials, as identified in the EIR.

LAND USE AND PLANNING

Impact LU-2: The project would be inconsistent with Policy LU-14 related to the preparation of a Public Facilities Financing Plan (PFFP).

A Public Facilities Financing Plan (PFFP) is required at the time of project approval to identify infrastructure and public facilities requirements to implement the proposed Specific Plan and associated costs and financing mechanisms.

Mitigation Measure LU-2.1

Prior to adoption of the proposed Specific Plan by the City, a Public Facilities Financing Plan (PFFP) shall be completed by the project applicant and approved by the Community Development Director or designee. The PFFP shall identify all infrastructure and public facilities required to support the Specific Plan Area and shall identify associated costs and financing mechanisms to fund these facilities.

Significance after Mitigation. Implementation of Mitigation Measure LU-2.1 would require completion and acceptance of a PFFP prior to approval of the proposed Specific Plan in order for the proposed Specific Plan to be consistent with the General Plan. Implementation of Mitigation Measure LU-2.1 would ensure that infrastructure and public facilities requirements, and associated costs and financing mechanisms, will be included as part of the project approval of the proposed Specific Plan. (Draft EIR pages 4.11-11 and 4.11-16)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to consistency with the requirements of the General Plan, as identified in the EIR.

NOISE

Impact NOI-2: The proposed project would generate excessive groundborne vibration or groundborne noise levels.

If construction activities would occur within 15 feet of adjacent structures, short-term construction impacts associated with groundborne vibration would be potentially significant.

Mitigation Measure NOI-2.1

Prior to the approval of any construction or building permits for new development occurring under the proposed Specific Plan, the City of Madera Community Development Director or designee shall ensure that construction plans include specifications that prohibit the use of heavy construction equipment within 15 feet of existing structures.

Significance after Mitigation. Implementation of Mitigation Measure NOI-2.1 would reduce impacts related to groundborne vibration or groundborne noise levels by restricting the uses of construction equipment within close proximity of existing structures. (Draft EIR pages 4.13-31 and 4.13-33)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to groundborne vibration and groundborne noise levels, as identified in the EIR.

UTILITIES

Impact UTL-2: The project could have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

The 2020 Groundwater Sustainability Plan concluded that the groundwater basin is capable of supplying the water required to meet the City's water demands through 2040. However, the City's existing water distribution system is not capable of supplying the water required to meet the demand of both the City and the proposed Specific Plan through 2040.

Mitigation Measure UTL-2

Prior to the issuance of each grading permit for projects within the Specific Plan Area, the City shall review water supplies available at the time and ensure that the required groundwater facilities, including replacing and increasing depth of groundwater wells, and the use of reclaimed water as identified in the City's Water Master Plan are adequate to serve the project.

Significance after Mitigation. Implementation of Mitigation Measures UTL-2 would reduce impacts related to insufficient water supplies to serve the project by reviewing water supplies and ensuring that groundwater facilities and infrastructure are sufficient to serve the Specific Plan Area. (Draft EIR pages 4.17-12 and 4.17-16)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to insufficient water supplies, as identified in the EIR.

Findings Regarding Cumulative Impacts Mitigated to Less-than-Significant Levels

The City hereby finds that feasible mitigation measures have been identified in the EIR and these mitigation measures will avoid or substantially lessen the following potentially significant cumulative impacts to a less-than-significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

Biological Resources

Impact BIO-7: The project would have a substantial adverse cumulative effect on state or federally protected wetlands.

Development within the vicinity of the Specific Plan Area would primarily focus on conversion of agricultural land to developed uses, and continued development within the urban areas of Madera. As other suitable habitat for special-status species is developed by other projects in the vicinity of the Specific Plan Area, a potentially-significant cumulative impact would occur. The conversion of agricultural land and undeveloped areas in the Specific Plan Area to cumulative development would increase effects on protected wetland habitats. If development that affects State or federally protected wetlands occurs in the vicinity of the Specific Plan Area, it is possible that a cumulatively-significant impact would occur. Since the development of the Specific Plan Area could increase impacts on special status-species and wetland habitats, the project's contribution to potential impacts on special-status species and wetland habitat is cumulatively considerable. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures BIO-1.1 through BIO-1.3, and BIO-3.

Significance after Mitigation. Implementation of Mitigation Measures BIO-1.1 through BIO-1.3, and BIO-3.would reduce impacts to biological resources by requiring pre-construction surveys, on-site monitoring during construction activities, site restoration and revegetation, as well as requiring a jurisdictional delineation be performed prior to the issuance of grading permits. (Draft EIR pages 4.4-20 through 4.4-21)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to special status-species and state or federally protected wetlands, as identified in the EIR.

CULTURAL RESOURCES

Impact CUL-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in cumulative impacts to cultural resources.

Each discretionary project within the City would be required to conduct review of potential impacts to cultural resources and implement mitigation as required. Although there is the possibility of encountering buried archaeological deposits and human remains during implementation of the proposed Specific Plan, impacts to those resources would be assessed on a case-by-case basis. The proposed project would have a significant effect on the environment if it – in combination with other projects – would contribute to a significant cumulative impact related to cultural resources. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures CUL-1, CUL-2.1, CUL-2.2, and CUL-3.

Significance after Mitigation. Implementation of Mitigation Measures CUL-1, CUL-2.1, CUL-2.2, and CUL-3 would reduce impacts to historic resources, archaeological resources, and tribal cultural resources through the preparation of site-specific evaluations, field surveys, coordination with appropriate Native American representatives, and implementation of mitigation measure recommended by a qualified archeologist. (Draft EIR pages 4.5-24 and 4.5-25)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to historic resources, archaeological resources, and tribal cultural resources, as identified in the EIR.

GEOLOGY AND SOILS

Impact GEO-7: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to paleontological resources.

Development in the Specific Plan Area could result in the discovery paleontological/geological resources during excavation and/or construction activities within previously undisturbed soils. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-6.1.

Significance after Mitigation. Implementation of Mitigation Measure GEO-6.1 would reduce impacts to paleontological resources through field surveys, and site-specific recommendations made by a qualified paleontologist (if required). (Draft EIR pages 4.7-18 through 4.7-19)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to paleontological resources, as identified in the EIR.

GREENHOUSE GAS EMISSIONS

Impact GHG-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to greenhouse gas emissions.

Greenhouse gas impacts are by their nature cumulative impacts. The City's CAP has established GHG emissions targets for the years 2020 and 2030 to support California's larger effort to reduce statewide emissions under AB 32 and Executive Orders S-3-05 and B-30-15. Buildout of the proposed Specific Plan is anticipated to occur in 2049. As such, projects associated with implementation of the proposed Specific Plan would be required to help the City do its part in reducing GHG emissions. Potential impacts related to greenhouse gas emissions would be reduced to a less-than-significant levels with implementation of Mitigation Measure GHG-1.1.

Significance after Mitigation. Implementation of Mitigation Measure GHG-1.1 would reduce cumulative impacts related to greenhouse gas emissions by requiring that development projects within the Specific Plan Area implement applicable greenhouse gas mitigation measures form the City's Climate Action Plan (CAP). (Draft EIR pages 4.8-34 through 4.8-35)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to greenhouse gas emissions, as identified in the EIR.

Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels

The City finds that the following significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impacts to less-than-significant levels. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and Section 6 of these Findings. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations at Section 7.

AESTHETICS

Impact AES-1: The project would have a substantial adverse effect on a scenic vista.

Conversion of agricultural land to urban uses would result in a change in the views within the Specific Plan Area. Implementation of the proposed Specific Plan would result in mixed-use urban

development, including single- and multi-family housing, public schools, parks, and commercial buildings, adjacent to public vantage points within the Specific Plan Area. Given the substantial change in land uses that would occur through implementation of the proposed Specific Plan, existing views from the Specific Plan Area and across the Specific Plan Area would be substantially altered. As a result, implementation of the proposed Specific Plan would substantially affect long range views and a significant impact would occur.

Significance without Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the primary objective of the proposed Specific Plan is to implement a long-term buildout plan that would convert existing agriculture land uses to mixed-use urban land uses. As a result of this change in land uses, a substantial effect on scenic vistas would occur but cannot be mitigated. (Draft EIR 4.1-8 through 4.1-9)

Finding. No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to scenic vistas are considered significant and unavoidable.

Impact AES-3: The proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point), and due to the location of the project in an urbanized area, the project would conflict with applicable zoning and other regulations governing scenic quality.

Implementation of the proposed Specific Plan would result in the conversion of approximately 1,900 acres of agricultural farmland to urban uses. This conversion would substantially change the visual character of the Specific Plan Area. Because the proposed urban uses are fundamentally different and result in a permanent change to the visual character of the Specific Plan Area, a significant impact would occur.

Significance without Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the proposed urban uses are fundamentally different from the existing agricultural farmland uses and would result in a permanent change to the visual character of the Specific Plan Area. (Draft EIR 4.1-9 through 4.1-10)

Finding. No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to visual character and public views are considered significant and unavoidable.

Impact AES-4: The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

New development within the Specific Plan Area would increase the amount of structures and buildings that could create new sources of glare both within the Specific Plan Area and directly adjacent to the Specific Plan Area.

Mitigation Measure AES-4

During Development Plan review of future discretionary projects developed under the proposed Specific Plan, the City shall ensure that proposed projects demonstrate that the lighting guidelines identified in the proposed Specific Plan are implemented through preparation of a lighting plan. The lighting plan shall be approved by the City of Madera Community Development Director or designee.

Significance after Mitigation. Cumulative development is anticipated to contribute to the conversion of agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Additionally, even with the mitigation identified above, the project's contribution of the illumination of the night sky and daytime glare would remain cumulatively significant. Therefore, the project would result in a significant cumulative impact related to the existing visual character and increases in light and glare. (Draft EIR pages 4.1-10 through 4.1-12)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from development of the Specific Plan Area would increase the amount of light and glare within the Specific Plan Area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

AGRICULTURE AND FORESTRY

Impact AG-1: The project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.

The development of the Specific Plan Area would result in the conversion of FMMP-designated farmland and other categories of farmland to non-agricultural uses. None of the proposed uses are consistent with the existing agricultural zoning. Therefore, implementation of the proposed Specific Plan would conflict with the existing zoning for agricultural use and a potentially significant impact would occur.

Significance after Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the conversion of farmland to non-farmland uses is a permanent loss of such resources and cannot likely be reversed. (Draft EIR pages 4.2-12 through 4.2-13)

Finding on Proposed Mitigation. No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to conversion of farmland are considered significant and unavoidable.

Impact AG-2: The project would conflict with existing zoning for agricultural use, or a Williamson Act contract.

Development of the Specific Plan Area could conflict with existing Williamson Act contracts because non-agricultural uses would be allowed on land under a Williamson Act contract.

Significance without Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the development of the Specific Plan Area would convert farmland under a Williamson Act contract to non-agricultural uses. (Draft EIR 4.2-12 and 4.2-13)

Finding. The City finds that the impact would remain significant and unavoidable because no feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

AIR QUALITY

Impact AIR-2: Implementation of the Specific Plan would result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standards.

Future development within the Specific Plan Area would result in increases in annual emissions that exceed SJVAPCD significance thresholds for all nonattainment pollutants. Although the growth in emissions is accounted for in SJVAPCD attainment plans, the impact, under the ton per year quantitative threshold criterion, would be potentially significant.

Mitigation Measure AIR-2.1

Consistent with San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII (Fugitive PM10 Prohibitions) and in order to reduce construction equipment emissions to the extent feasible, the following controls shall be included as specifications for the proposed Specific Plan and implemented during construction:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.

- The project contractor shall require all off-road diesel-powered construction equipment of greater than 50 horsepower used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or better.

- The project contractor shall require the use of electric air compressors, cranes, excavators, forklifts, generator sets, and welders.

Mitigation Measure AIR-2.2

Prior to issuance of a building permit, the City of Madera Community Development Director or designee shall identify project design details and specifications, where feasible, to document implementation and compliance with the following emission reduction measures. Implementation of the following measures is considered to be applicable, feasible, and effective in reducing criteria pollutant emissions generated by the project:

- All Project Applicants shall provide Class I and Class II bicycle parking/storage facilities on-site. Bicycle parking facilities should be near destination points and easy to find. At least one bicycle parking space for every 20 vehicle parking spaces.

- All employers shall provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.

- All apartment complexes or condominiums without garages shall provide Class I bicycle parking.

- All Project Applicants shall install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists.

- All Project Applicants shall provide building access and paths which are physically separated from street parking lot traffic and that eliminate physical barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles.

- All Project Applicants shall provide continuous sidewalks separated from the roadway by landscaping and on street parking.

- All Project Applicants shall provide on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks.

- All Project Applicants shall link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel.

- All Project Applicants shall provide traffic reduction modifications to project roads, such as: narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds and to encourage pedestrian and bicycle travel.
- All Project Applicants shall provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.
- All Project Applicants shall provide pedestrian access between bus service and major transportation points and to destination points within the project.
- All Project Applicants shall provide a display case or kiosk displaying transportation information in a prominent area accessible to employees, residents, or visitors.
- All Project Applicants shall display bike route maps, bus schedules, and any other transportation information such as carpooling and car sharing.
- All Project Applicants shall design projects using models by the Local Government Commission (LGC) in the "Smart Growth Guidebook," such as: street block patterns that from an interconnected grid, short block faces, numerous alleys, and narrow streets.
- All Project Applicants shall develop and implement parking pricing strategies, such as charging parking lot fees to low occupancy (single occupant vehicles) vehicles.
- All Project Applicants shall provide preferential parking spaces near the entrance of buildings for those who carpool/vanpool/rideshare and provide signage.
- All Project Applicants shall install efficient heating, and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units beyond Title 24 requirements.
- All Project Applicants shall use solar or low-emission water heaters and use central water heaters.
- All Project Applicants shall improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors.
- All Project Applicants shall orient buildings to take advantage of solar heating and natural cooling and use passive solar designs.
- All employers shall implement at least one of the following: provide a guaranteed ride home; provide a carpool support system; provide a car-sharing services support system; provide a ride share program; employ or appoint an Employee Transportation Coordinator; provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, and/or bike; participate in an employee "flash-pass" program, which provides free travel on transit buses; or provide transit pass subsidy and/or commute alternative allowance.

- If feasible, employers shall implement alternative work schedules such as compressed workweek schedules where weekly work hours are compressed into fewer than five days.

- Employers shall advise fleets associated with project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.

- Employers shall advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.

- Employers shall advise fleets to use best practices (i.e. eliminating unnecessary idling).

Significance after Mitigation. While Mitigation Measure AIR-2.1 and Mitigation Measure AIR-2.2 would significantly reduce criteria air pollutant emissions generated during construction and operational activities associated with the development of the Specific Plan Area, the future development within the Specific Plan Area would still result in increases in annual emissions that exceed SJVAPCD significance thresholds for all nonattainment pollutants. Therefore, emissions associated with operational activities would be considered to remain significant and unavoidable. (Draft EIR pages 4.3-23 through 4.3-33)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development projects would still exceed regional significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact AIR-3: Implementation of the Specific Plan could expose sensitive receptors to substantial pollutant concentrations.

Development of the Specific Plan Area would increase pollutant concentrations. Information regarding operational characteristics of future specific development projects and the associated emissions cannot be determined at the time of this analysis; therefore, cumulative growth within the City could result in exposure of sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AIR-3.1

Prior to the approval of any construction or building permits for new development occurring under the proposed Specific Plan, the Director of the City of Madera Planning Department or designee shall ensure that when construction occurs within 500 feet of existing residences, the project contractor(s) shall utilize construction equipment rated by the United States Environmental Protection Agency (USEPA) as having Tier 4 (model year 2008 or newer) emission limits. The construction equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.

Significance after Mitigation. Implementation of Mitigation Measure AIR-3.1 would reduce potential impacts resulting from construction-related emissions, but without specific

construction information, such as grading and other site preparation information, this impact would remain significant and unavoidable. (Draft EIR pages 4.3-33 through 4.3-36)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future assessments for future projects may identify significant impacts for which feasible mitigation measures are not available. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

NOISE

Impact NOI-1: The proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

Implementation of the proposed Specific Plan would result in a mix of residential, commercial/office, business park industrial uses, public facilities and park/open space uses in the Specific Plan Area. Noise generated from roadways and stationary noise sources, such as industrial uses, as well as construction activities within the Specific Plan Area would result in substantial increases in noise within the Specific Plan Area.

Mitigation Measure NOI-1.1

The project contractor shall implement the following measures during construction of the proposed project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.
- Ensure that all general construction related activities are restricted to between the hours of 6:00 a.m. and 8:00 p.m., consistent with the City's Noise Ordinance.
- Designate a "disturbance coordinator" at the City, at the expense of the project contractor, who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Mitigation Measure NOI-1.2

In order to comply with the City's noise compatibility guidelines, prior to the issuance of grading permits, new development occurring under the proposed Specific Plan shall require an acoustic study for approval by the Community Development Director or designee for all noise-sensitive projects located within the following traffic noise contours with noise levels greater than 60 dBA CNEL:

- Within 572 feet of Road 23 between Avenue 17 and Project Driveway 3;
- Within 507 feet of Road 23 between Project Driveway 3 and Avenue 16;
- Within 517 feet of Road 23 between Avenue 16 and Cleveland Avenue;
- Within 533 feet of Road 23 between Cleveland Avenue and Project Driveway 4;
- Within 501 feet of Road 23 between Project Driveway 4 and Project Driveway 5;
- Within 504 feet of Road 23 between Project Driveway 5 and Avenue 14 ½;
- Within 84 feet of Avenue 17 between Road 22 and Project Driveway 1;
- Within 246 feet of Avenue 17 between Project Driveway 1 and Road 23;
- Within 50 feet of Avenue 16 between Road 22 and Project Driveway 2/Road 22 ½;
- Within 263 feet of Avenue 16 between Project Driveway 2/Road 22 ½ and Road 23;
- Within 449 feet of Cleveland Avenue between Road 23 and Project Driveway 6;
- Within 452 feet of Cleveland Avenue between Project Driveway 6 and Westberry Boulevard;
- Within 50 feet of Road 22 between Avenue 17 and Avenue 16;
- Within 50 feet of Road 22 between Avenue 16 and Cleveland Avenue;
- Within 50 feet of Road 22 south of Cleveland Avenue;
- Within 50 feet of Cleveland Avenue between Road 22 and between Project Driveway 2/Road 22 ½;
- Within 98 feet of Cleveland Avenue between Project Driveway 2/Road 22 ½ and Road 23;
- Within 56 feet of Project Driveway 2/Road 22 ½ between Avenue 16 and Cleveland Avenue; Within 54 feet of Project Driveway 2/Road 22 ½ between Avenue 17 and Avenue 16;
- Within 90 feet of Avenue 16 between Road 22 and Westberry Road;

- Within 50 feet of Project Driveway 5 west of Project Driveway 2/Road 22 ½;
- Within 50 feet of Project Driveway 5 east of Project Driveway 2/Road 22½;
- Within 50 feet of Project Driveway 2/Road 22 ½ north of Project Driveway 5;
- Within 119 feet of Project Driveway 4 east of Road 23;
- Within 54 feet of Project Driveway 6 south of Cleveland Avenue;
- Within 63 feet of Project Driveway 2/Road 22 ½ between Road 23 and Project Driveway 3; and
- Within 103 feet of Project Driveway 4 between Project Driveway 2/Road 22 ½ and Road 23.

The acoustic study shall demonstrate that that interior noise levels in habitable rooms shall not exceed 45 dBA CNEL. Acoustical design features shall be incorporated into the proposed project design, which may include a combination of exterior features to reduce noise, such as berms/walls and/or architectural features such as Sound Transmission Class (STC) rated windows and doors. All STC ratings shall be shown on the building plans and incorporated into the construction of the proposed project. Once final architectural plans with the exterior-wall details and window types are available, a Final Acoustic Report shall be prepared by a qualified consultant to confirm that the interior living spaces of residential dwelling units will meet the City's interior noise standard of 45 dBA CNEL (A weighted decibel Community Noise Equivalent Level) with windows and doors closed. If interior noise levels are still exceeded after the Final Acoustic Report is completed, additional design features shall be incorporated to meet the interior noise.

Mitigation Measure NOI-1.3

In order to comply with the City's General Plan non-transportation related noise standards and Municipal Code standards, prior to the issuance of grading permits, an acoustical study shall be prepared for any stationary sources of noise occurring under the proposed Specific Plan. The stationary source noise study shall demonstrate that noise levels would be consistent with the Noise Ordinance standards outlined in Title III: Public Safety, Chapter 11: Noise Control and shall be approved by the City of Madera Community Development Director or designee.

Significance without Mitigation. While Mitigation Measures NOI-1.1 through NOI-1.3 would significantly reduce noise emissions generated during construction and operational activities associated with the development of the Specific Plan Area, the future development within the Specific Plan Area would still result in increases in noise emissions from traffic and stationary sources that surpass City's noise thresholds. Therefore, operational noise emissions would be significant and unavoidable. (Draft EIR pages 4.13-14 to 4.13-31)

Finding. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development projects would still the City's noise thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

PUBLIC SERVICES AND RECREATION

Impact PSR-1: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

The proposed Specific Plan would increase the residential population within the Specific Plan Area by up to 38,280 new residents by the year 2049. This added residential population would increase the demand for fire protection services. The proposed Specific Plan would comply with all construction-related mitigation measures, including Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2. However, impacts related to air quality and noise would not be able to be reduced to a less-than-significant level.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction or alteration of fire facilities, because the extent of construction, and types of equipment used during construction of specific projects within the Specific Plan Area is currently unknown, development of fire facilities within the Specific Plan Area can't be fully mitigated, and could still result in significant impacts related to air quality and noise emissions. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-9 to 4.15-11)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development of fire protection projects could still exceed noise and air quality significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact PSR-2: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

The proposed Specific Plan would increase the residential population within the Specific Plan Area by up to 38,280 new residents by Year 2049. This added residential population would increase the demand for police protection services. The proposed Specific Plan would comply with Mitigation Measures Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2, which would address potential impacts resulting from implementation of the proposed Specific Plan . However, significant and

unavoidable impacts related to construction and operation of police facilities could still occur as a result of the proposed Specific Plan.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce construction-related emissions and noise impacts associated with construction or alteration of police facilities, because the extent of construction, and types of equipment used during construction of specific projects within the Specific Plan Area is currently unknown, development within the Specific Plan Area can't be fully mitigated, and could still result in significant impacts related to air quality and noise emissions. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-11 and 4.15-12)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development of police facility projects could still exceed noise and air quality significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact PSR-5: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered facilities for other public facilities, need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives.

The proposed Specific Plan would increase the residential population within the Specific Plan Area by up to 38,280 new residents by Year 2049. This added residential population would increase the demand for public facilities such as courts, libraries, and hospitals in order for these public facilities to continue to provide service levels comparable to existing conditions. The proposed Specific Plan would comply with Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2. However, impacts that would occur through construction and operation of public facilities associated with the proposed Specific Plan would not be able to be reduced to a less-than-significant level.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction or alteration of public facilities, because the extent of construction, and types of equipment used during construction of specific projects within the Specific Plan Area is currently unknown, development of public facilities within the Specific Plan Area can't be fully mitigated, and could still result in significant impacts related to air quality and noise emissions. Furthermore, implementation of the proposed Specific Plan would result in an overall change in existing conditions that cannot be reduced to less-than-significant levels. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-14 and 4.15-15)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development of public facilities projects could still exceed noise and air quality significance thresholds, as well as permanently change the existing conditions of the Specific Plan Area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact PSR-7: The project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The proposed Specific Plan includes approximately 164 acres of parks and recreation facilities that would be constructed through implementation of the proposed Specific Plan. The proposed Specific Plan would comply with all construction-related mitigation measures, including Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2. However, construction-related impacts related to air quality would not be able to be reduced to a less-than-significant level.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction of recreational facilities, because it is not currently known what facilities would be constructed and where they would be located, impacts related to air quality can't be fully mitigated and would not be able to be reduced to a less-than-significant level. This would be considered a significant and unavoidable impact. (Draft EIR page 4.15-16)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, construction of recreational facilities could still exceed air quality significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

TRANSPORTATION

Impact TRA-1: The project would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The Specific Plan Area would continue to be accessible via the existing roadway network in the vicinity of the Specific Plan Area. Under the full build-out (Phase III) condition, the proposed Specific Plan would generate 89,647 net daily trips, with 6,841 net trips occurring during the a.m. peak hour and 7,597 net trips occurring during the p.m. peak hour. The proposed Specific Plan would generate vehicle trips that would result in roadway facilities operating in a deficient level of service (LOS) and, as a result, would conflict with established standards. This would be a potentially significant impact.

Mitigation Measure TRA-1.1

As a condition of future project entitlements approved for projects within the Specific Plan Area, improvements identified in Table 9-A of the Traffic Impact Analysis (TIA) shall be implemented by the City.

Significance without Mitigation. Mitigation is not feasible to address the exceedance of LOS standards in some roadways within the City due to right-of-way constraints. As a result, implementation of the proposed Specific Plan would conflict with adopted policies, and a significant and unavoidable impact would occur. (Draft EIR pages 4.16-11 to 4.16-15)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because of mitigation constraints on impacted roadways.

UTILITIES

Impact UTL-1: The project would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

The proposed Specific Plan would include construction and operation of eight wells to provide potable water to the Specific Plan Area, as well as series of 12-inch, 18-inch, and 24-inch water distribution mains throughout the Specific Plan Area. Construction of new pipelines and expansion of the City's existing Water Treatment Plant (WWTP) would be require upon development of the Specific Plan Area. Furthermore, construction of stormwater, electric, natural gas, and telecommunications facilities would be required upon development of the Specific Plan Area. Although construction of the required facilities would be subject to the mitigation measures for construction- and operational impacts, such mitigation would not reduce impacts to a less than significant level.

Mitigation Measure UTL-1.1

Prior to the issuance of each grading permit for projects within the Specific Plan Area, the City shall ensure that the Infrastructure Master Plan for the proposed Specific Plan is implemented and that General Plan policies requiring capacity analyses of service systems are completed.

Mitigation Measure UTL-1.2

Prior to the issuance of each grading permit for projects within the Specific Plan Area, and consistent with policies of the General Plan, the City shall review the City's wastewater facility capacity and shall prepare environmental review, consistent with the California Environmental Quality Act, and analysis for any future off-site wastewater facility expansions and improvements required to support development of the proposed Specific Plan. The CEQA analysis shall be completed prior to approval of each development project.

Significance after Mitigation. Although Mitigation Measures UTL-1.1 and UTL-1.2 would reduce impacts associated with the construction and operational of water conveyance and other service facilities, development of such facilities in the Specific Plan Area would still result in air quality and noise impacts that would be considered significant and unavoidable. (Draft EIR 4.17-9 through 4.17-12)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because mitigation measures would not be able to reduce air quality and noise impacts to a less than significant level.

Findings Regarding Cumulative Impacts not Mitigated to Less-than-Significant Levels

The City Council finds the following significant cumulative environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the cumulative environmental impact to less-than-significant levels.

AESTHETICS

Impact AES-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to aesthetics.

New development in the Specific Plan Area, in combination with past, present, and reasonably foreseeable projects, would increase the amount of structures and development, resulting in a significant cumulative impact with respect to new sources of glare within the Specific Plan Area and directly adjacent to the Specific Plan Area. Additionally, development in and adjacent to the Specific Plan Area would convert exiting agricultural uses and result in permanent changes to scenic resources.

Significance after Mitigation. Cumulative development is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Implementation of Mitigation Measure AES-4 would reduce impacts related to light and glare. However, the project's contribution of the illumination of the night sky, as well as the permanent change of the existing rural character that would occur upon development of the Specific Plan Area would remain cumulatively significant. Therefore, the project would result in a significant cumulative impact related to aesthetics. (Draft EIR pages 4.1-12 and 4.1-13)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from the development of the Specific Plan Area would increase the amount of light and glare and change the existing visual character in the area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

AGRICULTURE AND FORESTRY

Impact AG-6: The project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to agricultural resources.

New development the Specific Plan Area, in combination with past, present, and reasonably foreseeable projects would result in the conversion of FMMP-designated farmland and other categories of farmland to non-agricultural uses.

Significance after Mitigation. Cumulative development in the City is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. No feasible mitigation measures are available to reduce the potential impacts resulting from the conversion of agricultural land in the Specific Plan Area to non-agricultural, urban uses to a less-than-significant level. Therefore, the project would result in a significant cumulative impact related to agricultural resources. (Draft EIR pages 4.2-14 through 4.2-15)

Finding on Proposed Mitigation. No feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

AIR QUALITY

Impact AQ-5: The project in combination with other projects, would contribute to a significant cumulative impact related to air quality.

Since the combination, number, and size of projects that could be under construction at any one time are unknown, even with implementation of mitigation measures, implementation of the proposed Specific Plan would result in significant cumulative construction emissions from criteria pollutants. Additionally, even with implementation of mitigation, operational impacts from criteria pollutant emissions would contribute to an ozone exceedance, which could hinder the attainment of air quality standards. Further, cumulative growth within the City could result in potential toxic air contaminant (TAC) health risks exceeding applicable standards and cumulatively contributing to elevated health risks in the San Joaquin Valley Air Basin. Therefore, air quality emissions associated with future development that may occur with implementation of the proposed Specific Plan could result in cumulatively considerable impacts, even with implementation of mitigation.

Significance after Mitigation. Although implementation of Mitigation Measures AIR-2.1 and AIR-2.2 would significantly reduce criteria air pollutant emissions generated by continued implementation of the proposed Specific Plan, there is currently not enough information to quantify emissions of specific project developments that may occur under the proposed Specific Plan. Without quantification to ensure a less than significant finding, future development projects may still exceed the SJVAPCD regional significance thresholds. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from continued implementation of the proposed Specific Plan would

increase development and emissions. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

PUBLIC SERVICES AND RECREATION

Impact PSR-8: The project, in combination with past, present, and reasonably foreseeable projects, would result in cumulative impacts with respect to fire services, police services, park facilities, and other public facilities.

Because construction of fire protection, police protection, recreational and other public facilities could occur within the Specific Plan Area, and mitigation measures identified in the EIR would not reduce all potential impacts associated with these familywise to a less-than-significant level, the proposed Specific Plan would contribute to cumulative impacts related to public service and recreation.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction and operation of public services and recreation facilities under the proposed Specific Plan, there are some impacts related to aesthetics, air quality, and noise that would not be reduced to less-than-significant levels even with implementation of the mitigation measures included. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-16 to 4.15-19)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, construction and operation of public service and recreational facilities could still result in significant impacts related to aesthetics, noise, and air quality. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

TRANSPORTATION

Impact TRA-5: The proposed project would contribute to a significant cumulative impact related to transportation.

The TIA for the proposed Specific Plan identifies roadways that would conflict with LOS standards of the City, County, and Caltrans with implementation of the proposed Specific Plan. In most cases, in combination with cumulative conditions, the roadways and segments would be improved to meet the standards of the City, County, and Caltrans. However, four intersections in Caltrans' jurisdiction cannot be improved to meet Caltrans' standards due to right-of-way constraints. As a result, a significant and unavoidable cumulative impact would occur.

Significance without Mitigation. The proposed Specific Plan would result in LOS deficiencies of roadways that would conflict with policies that establish LOS standards. Although improvements would be made to many intersections and roadway segments to reduce potential LOS deficiencies, due to the lack of available roadway right-of-way, the proposed Specific Plan would result in continued conflicts with adopted roadways. No feasible mitigation measures are

available to reduce the potential cumulative impacts resulting from implementation of the proposed Specific Plan. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.16-18 to 4.16-19)

Finding on Proposed Mitigation. No feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

UTILITIES

Impact UTL-6: The proposed project would contribute to a significant cumulative impact related to utilities and service systems.

The proposed Specific Plan would require construction of new or expanded facilities related to potable water, wastewater, stormwater and electric, natural gas, and telecommunications facilities. Although Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 are proposed to reduce impacts associated with the provision of utilities and service systems, potential impacts resulting from construction of new facilities cannot be reduced to less-than-significant levels, the proposed Specific Plan would combine with other development identified in the General Plan to result in a significant cumulative impact.

Significance after Mitigation. Implementation of Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would serve to reduce potential impacts. However, impacts related to construction of the utility and service facilities would combine with other developments identified in the City's General Plan to result in a significant cumulative impact. The impact would be considered significant and unavoidable.

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from implementation of the proposed Specific Plan and continued implementation of the City's General Plan would result in a significant cumulative impact. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

5.2 MITIGATION MONITORING

An MMRP was prepared for the project and approved by the City (PRC, Section 21081.6, subd. [a][1]; CEQA Guidelines Section 15097). The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

5.3 Significant Irreversible Environment Effects

The State CEQA Guidelines (Section 15126) requires a discussion of the significant irreversible environmental changes that would be involved in a project should it be implemented.

The CEQA Guidelines discuss three categories of significant irreversible changes that should be considered. Each is addressed below.

As mandated by the CEQA Guidelines, an EIR must address any significant irreversible environmental change that would result from project implementation. According to Section 15126.2(d) of the CEQA Guidelines, such a change would occur if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage would result from environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project would result in the wasteful use of energy).

Changes in Land Use Which Commit Future Generations

The proposed Specific Plan would guide future development in the Specific Plan Area and would also involve the development of land currently used for agricultural production. Although the proposed development would commit future generations to using the Specific Plan Area for developed uses rather than agricultural purposes, such a commitment is consistent with planned uses for proposed Specific Plan Area, as identified in the City's General Plan. The proposed Specific Plan implements and carries out the vision of the General Plan.

Irreversible Damage from Environmental Accidents

Demolition and construction activities associated with implementation of the proposed Specific Plan would involve some risk for environmental accidents. However, accidental spills and soil contamination, as discussed in Section 4.9, Hazards and Hazardous Materials, would be addressed by City, State, and federal agencies, and would follow professional industry standards for safety and construction. The risks of accidental contamination from handling or transporting of construction materials off site would be reduced to a less-than-significant level through compliance with applicable federal, State, and local regulations. Additionally, the land uses proposed by the proposed Specific Plan would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident, such as industrial-related spills or leaks. As a result, the proposed Specific Plan would not pose a substantial risk of environmental accidents.

Consumption of Non-Renewable Resources

Consumption of non-renewable resources includes issues related to increased energy consumption, conversion of agricultural lands to non-agricultural uses, and lost access to mining reserves. The proposed Specific Plan would require water, electric, and natural gas service, as well as additional resources for construction and ongoing maintenance.

The environmental effects of the proposed project are thoroughly discussed in Section 4.0, Evaluation of Environmental Impacts, and summarized in the Executive Summary. Implementation of the project would require the long-term commitment of natural resources and land, as discussed below. Materials and resources used during implementation of the proposed Specific Plan would include, but are not limited to, non-renewable and limited resources such as oil, gasoline, sand, gravel, asphalt, and steel.

The Specific Plan Area is currently being primarily farmed for almonds, and grass/pasture, and contains rural residential uses, and agricultural support structures. The proposed Specific Plan would result in the conversion of all 1,852 acres of agricultural land.

As discussed in Section 4.6, Energy, the projected electricity and natural gas demands are within the existing delivery capacity of current service providers, and the proposed Specific Plan would not result in a significant adverse impact related to the provision of electricity or natural gas. In addition, the proposed Specific Plan would comply with Title 24 of the California Code of Regulations (CCR) that requires conservation practices that would limit the amount of energy (California Energy Code Building Energy Efficiency Standards [Title 24, Part 6]) consumed through implementation of the proposed Specific Plan.

The proposed Specific Plan also includes Sustainability Guidelines that encourage sustainable building and design practices to include compact development, reduced impervious surfaces, improved water detention and conservation, preservation of habitat areas, mixing of compatible land uses, water-efficient landscaping and irrigation, and enhanced pedestrian and bicycle amenities that reduce reliance on the use of automobiles. The proposed Specific Plan also includes landscape guidelines that promote sustainability, drought-tolerant plant materials adapted to the local climate, as well as bio-swale and basins that efficiently address stormwater management.

Although the construction and ongoing operation of the proposed Specific Plan would involve the use of non-renewable resources, through the inclusion of energy-conserving features of the proposed Specific Plan, and compliance with applicable standards and regulations, the proposed Specific Plan would not represent an unjustified use of such non-renewable resources.

5.4 Growth Inducement

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment.

Implementation of the proposed Specific Plan would include a maximum of 10,783 new housing units, approximately 1.8 million square feet of mixed-use development, and approximately 260,000 square feet of business park uses over the course of a 30-year buildout with a horizon year of 2049. As a result, the proposed Specific Plan would result in an estimated population of 38,280 new residents.

The proposed Specific Plan is not expected to result in indirect growth inducement because the additional housing units and population resulting from implementation of the d Specific Plan have

been anticipated by the City and do not exceed projections of the City. Although the General Plan does not identify a specific housing allocation for the Specific Plan Area, the total buildout of the Specific Plan Area would be less than the City anticipates through implementation of the General Plan. Additional employment growth would occur incrementally over a period of approximately 30 years and would be consistent with the planning objectives of the City, and phased development of the proposed Specific Plan.

The proposed Specific Plan includes physical improvements to accommodate growth which would create an increased demand for public services and utilities within the Specific Plan Area. All future projects occurring within the Specific Plan Area requiring a discretionary action would be required to undergo project-specific environmental review to determine project-specific impacts on public services and utilities and would be required to pay applicable impact fees in effect at the time such future development applications are submitted.

Development of the proposed Specific Plan would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, and given the relatively long period of time over which all phases of the proposed Specific Plan would be constructed, it is unlikely that construction workers would relocate to Madera as a result of the proposed Specific Plan. Thus, the proposed Specific Plan would not be considered growth-inducing from an employment perspective.

6.0 PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading "Findings Required under CEQA," an alternative may be "infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

As discussed below, the Draft EIR identified three alternatives to the proposed project. The City finds that the three potentially feasible alternatives analyzed in the EIR, including a No Project Alternative meeting the requirements of CEQA, represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project.

The City certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the City's independent judgment as to alternatives. The City finds that the proposed project provides the best balance between the project objectives, the City's goals and objectives, the project's benefits as described below in the Statement of Overriding Considerations, and mitigation of environmental impacts to the extent feasible. The three CEQA alternatives proposed and evaluated in the EIR are rejected for the reasons discussed below. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

Alternatives Considered in the EIR

The following alternatives to the project are evaluated in detail, in the EIR as described below:

- Alternative 1: No Project Alternative assumes the Specific Plan Area would remain in its current state and the area would stay under the existing County zoning, but within the City's sphere of influence.

- Alternative 2: Low Density Residential Alternative would reduce the overall density of housing to be developed in the Specific Plan Area to be consistent with the City's typical low density housing ratio of five residential units per acre. This alternative would result in a total buildout of approximately 7,600 residential units.

- Alternative 3: Reduced Project Alternative would result in approximately 1,080 acres of low and medium density residential land uses and 500 acres of agricultural land. Additional land uses would include school sites, parks and recreation, natural areas, and major roadways.

Alternative 1: No Project Alternative

Under Alternative 1: No Project Alternative, no development identified in the proposed Specific Plan would occur, and the Specific Plan Area would continue to be use for agricultural production within an unincorporated area of Madera County. Although the City includes the proposed Specific Plan Area within the Urban Growth Boundary, the proposed Specific Plan Area is located outside of the City limits. Under this Alternative no construction activities or long-term operations associated with the proposed Specific Plan would occur.

Alternative 2: Low Density Residential Alternative

With Alternative 2, the proposed Specific Plan would be implemented with residential zoning and densities that would be consistent with the City's residential zoning for low density. The City's residential zoning densities for low density range from 3 units to 7 units per acre. In addition, the acreages identified in the proposed Specific Plan as Village Mixed Use (120 acres) and Village Business Park (30 acres), would be reallocated to low density residential, for a total of approximately 1,521 aces of low density residential acres with a total buildout of approximately 7,600 residential units. Acreages for Parks and Recreation, Natural Areas along the Fresno River, Elementary School Sites, and Major Roadways would be the same as the proposed Specific Plan.

Alternative 3: Reduced Project Alternative

Under Alternative 3, approximately 7,600 residential units would be constructed but the mixed-use development occurring within the Specific Plan Area would be removed to reduce potential significant and adverse environmental impacts related to air quality resulting from construction, greenhouse gas emissions, vehicle-generated noise, and conflicts with roadway policies. In addition, 500 acres of agricultural land would be preserved within the Specific Plan Area site to reduce significant and unavoidable impacts related agricultural conversion that would result from implementation of the proposed Specific Plan. This alternative would likely preserve agricultural land uses in the Southwest Neighborhood area where Williamson Act Contracts are still in place and in the Northwest Neighborhood to ensure compatibility with the Madera County ALUCP.

Findings Regarding Alternatives

Alternative 1 has the least impact to the environment because it would not result in any development or new physical impacts. While this alternative would lessen or avoid the impacts of the proposed Specific Plan, the beneficial impacts of the proposed project—including implementing sustainable planning and development, creating job growth, accommodation of strategic growth near transit, and the provision of housing units required to meet State-mandated affordable housing targets and alleviate overcrowding—would not occur. Further, none of the Project Objectives would be met, including the creation of a transportation network as identified in the General Plan, promotion of opportunities for water efficiency and incorporation of sustainable building and operating practices, incorporation of sustainable practices (as practicable) in developing buildings and infrastructure, or resulting in an economically feasible and balanced development. As such, this alternative is rejected as infeasible.

Alternative 2 is the Low Density Residential Alternative and would achieve most of the Project Objectives. However, with a limited set of land uses, this alternative would not create mixed-use

development or result in community character and pedestrian-friendly design that would be facilitated by a mix of land uses. With development of the Specific Plan Area, this alternative would help address the City's current and projected housing needs, facilitate annexation of the Specific Plan Area, and create a transportation network to meet objectives of the General Plan. This alternative would also promote opportunities for water efficiency and incorporate sustainable building and operating practices, incorporate sustainable practices, as practicable, in developing buildings and infrastructure; and result in an economically feasible and balanced development. However, overall this alternative would not achieve all of the objectives of the proposed Specific Plan to the same extent or degree because the level of residential density and mix of land uses would not allow for sustainable development that balances housing and employment, in a manner that is economically feasible and which will be able to provide the long-term financial based to support infrastructure, transportation, and other needs. Without the same level of residential development, this alternative would not address the City's current and project housing needs to the same level as the proposed Specific Plan, and will not be able to provide the range and volume of housing stock necessary to address community housing needs. As such, this alternative is rejected as infeasible.

The Environmentally Superior Alternative would be Alternative 3, Reduced Project Alternative. Overall, this alternative would lessen significant environmental impacts or result in impacts similar to those associated with the proposed project. Alternative 3 would achieve some of the Project Objectives; specifically, it would address housing needs in the City and would facilitate annexation of areas in the Specific Plan Area and would incorporate sustainable practices in developing buildings and infrastructure. The reduced number of housing units in Alternative 3 would result in fewer impacts when compared to the proposed Specific Plan. However, although Alternative 3 would incrementally reduce impacts, there would still be significant and unavoidable impacts to aesthetics, agriculture, air quality, land use, noise, public services, transportation, and utilities and service systems would still occur (Draft EIR pages 5-22 to 5-24). Additionally, this alternative would not achieve all of the objectives of the proposed Specific Plan to the same extent because the level of residential density and mix of land uses would not allow for sustainable development that balances housing and employment in a manner that is economically feasible and which will be able to provide the long-term financial based to support infrastructure, transportation, and other needs. Without the same level of residential development, this alternative would not address the City's current and project housing needs to the same level as the proposed Specific Plan, and will not be able to provide the range and volume of housing stock necessary to address community housing needs. As such, this alternative is rejected as infeasible.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City has carefully considered and balanced the benefits of the proposed project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to land use. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. The reasons set forth below are based on the EIR and other information in the record.

This Statement of Overriding Considerations is based on the City's review of the Draft EIR, Final EIR, and other information in the administrative record. Based upon said review and the substantial evidence in the administrative record, including but not limited to the EIR, the City finds that the benefits of the project outweigh its unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are acceptable. The City also finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

Implementation of the project would enable the City to achieve objectives of the City, as established in the General Plan, the proposed Specific Plan, the General Plan Amendment, and the EIR, while avoiding significant environmental effects to the extent possible. The benefits and reasons for the approval of the project despite the occurrence of significant unavoidable project impacts to aesthetics (Impact AES-5 – illumination of night sky and change of rural character), agriculture (Impact AG-6 – agricultural resources), air quality (Impact AQ-5 – air quality), public services and recreation (Impact PSR-8 – public services and recreation), transportation (Impact TRA-5 – Caltrans intersections), and utilities (Impact UTL-6 – utilities), which create or otherwise contribute to related cumulative impacts, consist of the items listed below. The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh

the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval. The alternatives which were identified in the EIR would not meet, either in part or in whole to the same extent as the project, the fundamental project objectives and goals of the project, each and all of which are deemed and considered by the City to be benefits of the project, as summarized below.

The City finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

1. The project would address the City's current and projected housing needs for all segments of the community by providing a range of single- and multi-family homes.

There is a significant housing crisis throughout the State. In 2018, California ranked 49th among the states of the U.S. in terms of housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million) as of 2017. Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing, and development needs to quadruple the current rate of housing production over the next seven years in order for prices and rents to decline.

This housing crisis is acutely felt within the City of Madera, where there is a shortage of available housing stock. As set out in the adopted City of Madera 2016-2024 Housing Element Update (Housing Element), during the 2014-2023 Regional Housing Needs Assessment (RHNA) projection period, the Department of Housing and Community Development (HCD) assigned 12,895 units (2,890 very low-income, 2,230 low-income, 2,310 moderate-income, and 5,465 above moderate-income) to all of Madera County. The City's share, as determined by HCD, is 6,099 units, including 1,352 very low-income units, 1,056 low-income units, 1,091 moderate-income units, and 2,600 above moderate-income units. Housing prices have also increased significantly since the adoption of the Housing Element due to the lack of available housing stock. In 2017, median home prices for Madera County were approximately $200,000. In a five-year period since then, median prices have increased to approximately $385,000 – or over a 90% jump in price. This increase in housing costs was not matched by a corresponding increase in personal income, which creates additional housing constraints given the limited housing supply, and further exacerbates housing shortfall.

The project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component, and addresses a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single- and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential

units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs.

As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single- and multi-family homes.

2. The project promotes high-quality retail and mixed-use development to attract an array of businesses and employment opportunities.

The mixed-use nature of the project encourages diversification and development of its economic base. As noted above and below, the project provides substantial diversification in terms of residential verses commercial uses. Additionally, within the commercial uses there is a broad diversification that provide various types of sales taxes (restaurants, entertainment, automobile sales, etc.) in conjunction with higher tax rates associated with high-quality retail. The project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs including in the commercial and entertainment industries, which are reasonably expected to result in more personal income associated with higher-quality retail, and which income will likely be spent locally, resulting in additional tax revenues and economic development. The employment opportunities are designed to also encourage the use of ridesharing (consisted with General Plan Policy CI-37), facilitate employment opportunities that minimize the need for vehicle trips (General Plan Policy CI-42) and promote jobs that reduce the need for residents to commute to work outside the City (General Plan Policy SUS-15). Implementation of the proposed Specific Plan would fulfill these policies allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimizing vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

Consequently, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the project. These economic opportunities are especially significant in light of the traditionally high unemployment levels, budgetary, and other constraints experienced by the City as noted in this Statement of Overriding Considerations, and which can be further compounded by economic downturns in budgetary situations involving less diversification.

3. The project would establish a mix of land uses and local-serving activities that meet the General Plan's objectives concerning community character and pedestrian-friendly design.

The project's mix of land uses and local-serving character build community character and promote a pedestrian-friendly design. The proposed Specific Plan and project reflect sound planning principles and location of commercial and residential units in proximity, in a sustainable way, to trails, pathways, etc. Additionally, this is carried out to project-level development, where (among others) project applicants are required to provide Class I and Class II bicycle parking/storage facilities on-site; at least one bicycle parking space for every 20 vehicle parking spaces; employers are required to provide shower and locker facilities to encourage employees to bike and/or walk to work; all apartment complexes or condominiums without garages are required to provide Class I bicycle

parking; Class I or II bike lanes are required on arterial/collector streets or where a suitable route exists, building access and paths are designed to be physically separated from street parking lot traffic and eliminate physical barriers (such as walls, berms, landscaping and slopes) that impede the use of pedestrians, bicycle facilities, or public transportation vehicles; continuous sidewalks separated from the roadway by landscaping and on street parking are required; on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks are required; cul-de-sacs and dead-end streets are linked to encourage pedestrian and bicycle travel; traffic reduction modifications are required to reduce vehicle speeds and to encourage pedestrian and bicycle travel; parking lot designs must include clearly marked and shaded pedestrian pathways between transit facilities and building entrances; and pedestrian access must be provided between bus service and major transportation points and to destination.

Implementation of the project would allow for implementation of sustainability efforts that reduce motor vehicle use and energy consumption. This is accomplished with more compact development achieved by increasing development density and by providing a land use pattern and transportation infrastructure that is more supportive of public transportation, walking, and bicycling as proposed by the project. In addition, as described in the EIR, the proposed project would result in lower VMT when compared to the regional average, and would therefore reduce vehicle use and energy consumption.

The proposed Specific Plan also contains general development standards for landscaping, signage, walls, fencings, architecture, etc., as well as development standards provided specifically for each land use district. By its very nature, the proposed Specific Plan serves as a long-term master planned development consisting of a collection of neighborhoods that will be compatible and connected with one another, and integrated with the area's natural setting and the surrounding Madera community. The overall design for the Specific Plan Area is based on enduring town building principles, which embrace compact, pedestrian oriented development that provides a variety of land uses and a wide range of housing types, all anchored by easily accessible public spaces.

Taken together, the project's architectural and design requirements, layout, and overall plan meet the General Plan's objectives concerning community character and pedestrian-friendly design.

4. The project would implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.

Implementation of the proposed Specific Plan would implement the "building blocks" policies of the City's General Plan by master-planning the Specific Plan Area. The development of the growth areas identified in the General Plan is intended to be guided by specific plans, which are used to ensure orderly growth and adequate infrastructure, facilities, and public services to support the future population of each growth area. As such, the proposed Specific Plan is intended to implement the goals and policies of the City's General Plan by allowing for development of residential, retail, potential school sites, and open space uses. In addition, the proposed Specific Plan establishes land uses and development regulations to govern permitted uses and standards to regulate development of land uses within the Specific Plan Area.

The proposed project includes annexation of 1,883 acres to the City of Madera. As further described in EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning, there are several General Plan policies regarding the facilitation of annexation, including Policies LU-13, 14, and 17. Among others, the development of the proposed Specific Plan would occur within the City's Urban Growth Boundary and after the Specific Plan Area is annexed into the City. Implementation of the proposed Specific Plan would ensure orderly growth and adequate infrastructure and public facilities and services to support the future population within the Specific Plan Area by establishing a land use plan, as shown in Figure 3-5 of the Project Description in the EIR, and establishing financing and maintenance responsibilities for long-term implementation and buildout. This land use plan, in conjunction with the requirements of the proposed Specific Plan, provides for compatibility of land uses. Additionally, the project provides for fiscal balance. A Public Facilities Financing Plan (PFFP) has been prepared for the project that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. The PFFP analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of this General Plan. Further, multiple recreational facilities are anticipated by the proposed Specific Plan, including libraries, community centers and recreation centers, cultural centers, and other facilities. Finally, natural open space areas have been identified on the southern boundary in the Southeast Neighborhood within the Specific Plan Area to allow for biological resource protection, and enhanced drainage features for flood control. Public access to the natural open space areas will be provided, to the extent permitted by regulatory agencies, to allow residents to appreciate the nature, and stroll, hike and bike along the trails.

In summary, the project would implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.

5. The project would establish a transportation network that will fulfill the policies of the Madera General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimize vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

There are applicable policies of the Community Design Element and the Circulation Element of the General Plan that relate to planning and accommodating for transit travel, including Policy CI-28, Policy CI-30, Policy CI-31, Policy CI-41, Policy CI-50, Policy H-5.3, and Policy CD-59. Implementation of the proposed Specific Plan would create a transportation network that would fulfill these policies by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimizing vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

For example, public transportation in the City includes bus and rail service. The study area is serviced by the Madera Area Express System, the JET Express System, and the Madera County Connection System. The City has an Amtrak station on Road 26, and there are plans to move the station south to Avenue 12 and to possibly add a High-Speed Rail stop in the City in the future. As the Specific Plan Area is not currently within ¼ mile of transit stops, the current population of the

Specific Plan Area does not support transit stops. However, the proposed Specific Plan would encourage the addition of new transit stops to expand service in the Specific Plan Area. As such, the project would include transit stops within the Specific Plan Area.

Additionally, as noted above the project promotes and utilizes access to a variety of other transportation opportunities, including pedestrian pathways, bikeways, etc. The proposed Specific Plan would include bicycle lanes and off-street in order to create accessibility and mobility within the Specific Plan Area. A multi-purpose pedestrian and bicycle trail would be provided along the Fresno River area. The proposed Specific Plan would also construct trail connections to link the multi-purpose trail along the river with the larger on-street bicycle network for the proposed Specific Plan. These bike paths would encourage linkages to the City's planned bike path system. Finally, the proposed Specific Plan encourages the provision of preferred parking spaces for hybrid, fuel cell, electric and/or other fuel-efficient vehicles in retail, commercial, and office development.

As such, the project would establish a transportation network that will fulfill the policies of the Madera General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimize vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

6. The project would incorporate green and sustainable practices, as practicable, in developing buildings and infrastructure.

Future development under the proposed Specific Plan would be required to be consistent with strategies included in the proposed Specific Plan that are aimed at reducing energy consumption and would also be required to meet the provisions included in the California Energy Code Building Energy Efficiency Standards (Title 24, Part 6) and the CALGreen Code (Title 24, Part 11). For example, new projects associated with the implementation of the proposed Specific Plan would be required to comply with the Building Energy Efficiency Standards for Residential and Non-Residential Buildings that are in place at the time new development is proposed. These standards are updated, with the latest update (2019) that went into effect on January 1, 2020. The project is consistent with current energy standards as further described in EIR Table 4.6.C: Proposed Specific Plan Comparison to State CEQA Guidelines Appendix F. Future discretionary projects would be required to undergo a separate CEQA review process and their compliance to existing energy standards would be assessed at that time. Additionally, CALGreen Code standards require residential and nonresidential water efficiency and conservation measures for new buildings and structures that will reduce the overall potable water use inside the building by 20 percent. Development will be required to install ultra-low flow fixtures and appliances.

Next, the project proposes a network of parks, open spaces, and trails to serve as focal points, gathering places, recreational uses, and green connectivity. The Fresno River serves as the main open space amenity with a riverfront park, urban gardens and a trail system connection for residents and visitors to enjoy. Setbacks for structures include designs to allow for paseos and green courts.

Finally, development is encouraged to incorporate sustainable building and design practices to lessen impacts of development. These practices can include compact development, reduced impervious surfaces, improved water detention and conservation, preservation of habitat areas, mixing of compatible land uses, water-efficient landscaping and irrigation, and enhanced pedestrian and bicycle amenities that reduce reliance on the use of automobiles. Because the concept of sustainability is still evolving, the proposed Specific Plan anticipates that new sustainable strategies will be continually developed during the build-out of The Villages at Almond Grove, and provides flexibility for the same. The proposed Specific Plan encourages the implementation of realistic sustainable design strategies into plan design as the community continues to evolve over time.

Given the foregoing, the project would incorporate green and sustainable practices, as practicable, in developing buildings and infrastructure.

7. The project would undertake development of the Specific Plan Area in a manner that is economically feasible and balanced to address the City's economic interests.

As described in Section 2, above, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the project, including both short-term and long-term employment opportunities. The diversity in commercial, office, and industrial uses allows for the creation of a diverse economic base with an expanded opportunity for employment for a broad range of training and skill sets. Economic interests include both diverse and affordable housing, which is provided by this project as described in Section 1, above. A PFFP has also been prepared for the project that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. The PFFP analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of the General Plan. In summary, the project is balanced to address the City's economic interests, including that related to financing infrastructure, maintaining a vigorous and diverse tax base for fiscal resiliency, and ensuring development in an economically feasible and balanced way.

Conclusion And Findings

The City finds that the project has been carefully reviewed and that the goals, objectives and policies included in the project along with the mitigation measures identified in the EIR have avoided or substantially lessen several environmental impacts, to the extent feasible. Nonetheless, the project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. The City has also carefully considered the economic, fiscal, legal, social, and technological benefits of the project, as well as other considerations. The City has balanced the benefits of the project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the project outweigh the adverse environmental effects.

Based on the foregoing, and pursuant to Public Resources Code section 21081 and State CEQA Guidelines Section 15093, the City finds that the remaining significant and unavoidable impacts of the Project are acceptable in light of its economic, fiscal, technological, and social benefits as well as

other considerations, including promote economic wellbeing, provision of short-term and long-term employment opportunities, etc., as noted above. Such benefits outweigh such significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

Finally, the City finds that, to the extent that any impacts identified in the EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level. Accordingly, when deciding to approve the project, the City is faced with the presumed unmitigated impacts which are limited in nature. When considering the significant benefits outlined in this Statement of Overriding Considerations against limited impacts, the balance of weight clearly falls in favor of the merits of the project and its benefits.

For the reasons stated herein, and each of them separately and independently of the others, the City has adopted this Statement of Overriding Considerations.

EXHIBIT “C”

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) lists mitigation measures recommended in The Villages at Almond Grove Specific Plan EIR and identifies mitigation monitoring requirements and is intended to ensure compliance during implementation of the Specific Plan.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the proposed Specific Plan.

The MMRP is organized in a matrix format. The first column identifies the mitigation measure. The second column, entitled “Mitigation Responsibility,” refers to the party responsible for implementing the mitigation measure. The third column, entitled “Monitoring/Reporting Agency,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fourth column, entitled “Monitoring Timing/Schedule,” refers to when monitoring will occur to ensure that the mitigating action is completed.

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Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
4.1: AESTHETICS			
AES-4: During Development Plan review of future discretionary projects developed under the Specific Plan, the City shall ensure that proposed projects demonstrate that the lighting guidelines identified in the Specific Plan are implemented through preparation of a lighting plan. The lighting plan shall be approved by the City of Madera Community Development Director or designee.	Project Applicant	Community Development Department	Lighting plan of discretionary projects under Specific Plan to be prepared and approved prior to approval of discretionary project.
AES-5: Refer to Mitigation Measures AES-4, above.	Project Applicant	Community Development Department	Lighting plan of discretionary projects under Specific Plan to be prepared and approved prior to approval of discretionary project.
AIR QUALITY			
AIR-2.1: Consistent with San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII (Fugitive PM10 Prohibitions) and in order to reduce construction equipment emissions to the extent feasible, the following controls shall be included as specifications for the proposed Specific Plan and implemented during construction: • All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. • When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) • Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.	Project Applicant	Community Development Department	Prior to issuance of grading permits, the City shall ensure that the listed controls are included as project specifications.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
• The project contractor shall require all off-road diesel-powered construction equipment of greater than 50 horsepower used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or better. • The project contractor shall require the use of electric air compressors, cranes, excavators, forklifts, generator sets, and welders.			
AIR-2.2: Prior to issuance of a building permit, the City of Madera Community Development Director or designee shall identify project design details and specifications, where feasible, to document implementation and compliance with the following emission reduction measures. Implementation of the following measures is considered to be applicable, feasible, and effective in reducing criteria pollutant emissions generated by the project: • All Project Applicants shall provide Class I and Class II bicycle parking/storage facilities on-site. Bicycle parking facilities should be near destination points and easy to find. At least one bicycle parking space for every 20 vehicle parking spaces. • All employers shall provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees. • All apartment complexes or condominiums without garages shall provide Class I bicycle parking. • All Project Applicants shall install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists. • All Project Applicants shall provide building access and paths which are physically separated from street parking lot traffic and that eliminate physical barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles. • All Project Applicants shall provide continuous sidewalks separated from the roadway by landscaping and on street parking. • All Project Applicants shall provide on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks. • All Project Applicants shall link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel. • All Project Applicants shall provide traffic reduction modifications to project roads, such as: narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds and to encourage pedestrian and bicycle travel. • All Project Applicants shall provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.	Project Applicant	Community Development Department	Prior to issuance of a building permit, the City of Madera Community Development Director or designee shall confirm inclusion of project design details and specifications related to the listed emission reduction measures.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
• All Project Applicants shall provide pedestrian access between bus service and major transportation points and to destination points within the project. • All Project Applicants shall provide a display case or kiosk displaying transportation information in a prominent area accessible to employees, residents, or visitors. • All Project Applicants shall display bike route maps, bus schedules, and any other transportation information such as carpooling and car sharing. • All Project Applicants shall design projects using models by the Local Government Commission (LGC) in the "Smart Growth Guidebook," such as: street block patterns that from an interconnected grid, short block faces, numerous alleys, and narrow streets. • All Project Applicants shall develop and implement parking pricing strategies, such as charging parking lot fees to low occupancy (single occupant vehicles) vehicles. • All Project Applicants shall provide preferential parking spaces near the entrance of buildings for those who carpool/vanpool/rideshare and provide signage. • All Project Applicants shall install efficient heating, and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units beyond Title 24 requirements. • All Project Applicants shall use solar or low-emission water heaters and use central water heaters. • All Project Applicants shall improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors. • All Project Applicants shall orient buildings to take advantage of solar heating and natural cooling and use passive solar designs. • All employers shall implement at least one of the following: provide a guaranteed ride home; provide a carpool support system; provide a car-sharing services support system; provide a ride share program; employ or appoint an Employee Transportation Coordinator; provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, and/or bike; participate in an employee "flash-pass" program, which provides free travel on transit buses; or provide transit pass subsidy and/or commute alternative allowance. • If feasible, employers shall implement alternative work schedules such as compressed workweek schedules where weekly work hours are compressed into fewer than five days. • Employers shall require fleets associated with project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.			

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
• Employers shall require all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible. • Employers shall require fleets to use best practices (i.e., eliminating unnecessary idling).			
AIR-3.1: Prior to the approval of any construction or building permits for new development proposed under the Specific Plan, the Director of the City of Madera Planning Department or designee shall ensure that when construction occurs within 500 feet of existing residences, the project contractor(s) shall utilize construction equipment rated by the United States Environmental Protection Agency (USEPA) as having Tier 4 (model year 2008 or newer) emission limits. The construction equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.	Project Applicant and project contractor	Community Development Department	Prior to issuance of any construction or building permits, the City of Madera Community Development Director or designee shall confirm inclusion of construction specifications related to the use of Tier 4 emission limits as specified in the measure.
AIR-5.1: Implement Mitigation Measures AIR-2.1 and AIR-2.2.	Project Applicant	Community Development Department	Prior to issuance of grading permits, the City shall ensure that the listed controls identified in Mitigation Measure AIR-2.1 are included as project specifications. Prior to issuance of a building permit, the City of Madera Community Development Director or designee shall confirm inclusion of project design details and specifications related to the listed emission reduction measures, as identified in Mitigation Measure AIR-2.2.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
BIOLOGICAL RESOURCES			
BIO-1.1: Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to western burrowing owls: • Preconstruction surveys for western burrowing owls shall be conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation, or the most current guidelines. • If burrowing owls are identified during the preconstruction survey, avoidance of occupied burrows during the breeding season shall be implemented or passive exclusion, per CDFW's 2012 Staff Report on Burrowing Owl Mitigation, or the most current guidelines (installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping) shall be implemented). • Following construction activities, all areas temporarily impacted during Project construction and not identified for future development, shall be restored to pre-construction contours and revegetated with native species as specified in Table 4.4.B.	Project Applicant and qualified biologist	Community Development Department/ California Department of Fish and Wildlife (CDFW)	Pre-construction surveys for western burrowing owls to be completed prior to issuance of any grading permits. Temporarily disturbed areas to be restored to pre-construction conditions after cease of construction activities.
BIO-1.2: Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to Swainson's hawks: • If construction begins during the nesting season (February 1 through August 31), an early season preconstruction survey for nesting Swainson's hawks shall be conducted between January and March in the Biological Study Area (BSA) for the Specific Plan Area and immediate vicinity (an approximately 0.25 mi radius) by a qualified biologist when tree foliage is relatively sparse and nests are easy to identify. A second preconstruction survey for nesting Swainson's hawks shall be conducted in the BSA and immediate vicinity (an approximately 0.25 mile radius) by a qualified biologist no more than 14 days prior to initiation of earthmoving activities. • If nesting Swainson's hawks are found within the survey area, a qualified biologist shall evaluate the potential for the project to disturb nesting activities. The California Department of Fish and Wildlife (CDFW) shall be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities. CDFW shall also be consulted to establish protection measures such as buffers. • Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young have fledged, or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity.	Project Applicant and qualified biologist	Community Development Department/California Department of Fish and Wildlife (CDFW)	Pre-construction surveys for nesting Swainson's hawks to be completed prior to issuance of any grading or construction permits. Temporarily disturbed areas to be restored to pre-construction conditions after cease of construction activities.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
The monitor shall have the authority to stop work if it is determined the project is adversely affecting nesting activities. • Following construction, all fill slopes, temporary impact and/or otherwise disturbed areas not identified for future development shall be restored to preconstruction contours and revegetated with the native seed mix specified in Table 4.4.C.			
BIO-1.3: Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to northern harrier, California horned lark, and other nesting birds: • If construction begins during the nesting season (February 1 through August 31), a qualified biologist shall survey all suitable nesting habitat in the Biological Survey Area (BSA) of the Specific Plan Area for presence of nesting birds. This survey shall occur no more than 10 days prior to the start of construction. If no nesting activity is observed, work may proceed as planned. If an active nest is discovered, a qualified biologist shall evaluate the potential for the proposed project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, the line of sight between the nest and the BSA, and the feasibility of establishing no-disturbance buffers. • If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the project is adversely affecting nesting activities. Weekly monitoring shall continue until any young have fledged or the nest fails (as determined by the qualified biologist).	Project Applicant and qualified biologist	Community Development Department/ California Department of Fish and Wildlife (CDFW)	Pre-construction surveys for northern harrier, California horned lark, and other nesting birds to be completed prior to issuance of any grading permits.
BIO-3: The following measures shall be implemented once specific development plans are submitted and prior to the issuance of grading permits to mitigate potential impacts to aquatic resources: • A jurisdictional delineation shall be performed to determine if any or all of the aquatic features in the Biological Survey Area (BSA) of the Specific Plan Area should be considered jurisdictional by the Army Corps of Engineers (ACOE). The jurisdictional delineation shall be submitted to the ACOE for verification or concurrence. • If the results of the jurisdiction delineation determine that any of the aquatic features in the BSA are jurisdictional waters, and the Project would result in permanent or temporary impacts to those waters, the project proponent shall obtain any necessary regulatory permits prior to the commencement of ground disturbing activities.	Project Applicant and qualified biologist	Planning and Development Department/ Army Corps of Engineers (ACOE)	Wetland delineation to be completed after submission of development plans and prior issuance of any grading or construction permits. The City shall ensure that project-specific mitigation is incorporated into project plans if project would result in loss of wetlands and/or non-wetland waters

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
• If the project would result in the loss of wetlands and/or non-wetland waters, mitigation shall be accomplished by purchasing credits at an approved mitigation bank, payment of in-lieu fees, or a combination of these methods, as determined by the City of Madera. Mitigation ratios shall be at least 1:1.			
BIO-7: Refer to Mitigation Measures BIO-1.1 through BIO-1.3 and Mitigation Measure BIO-3.	Project Applicant and qualified biologist	Community Development Department/ California Department of Fish and Wildlife (CDFW)	Pre-construction surveys to be completed prior to issuance of any grading permits.
CULTURAL RESOURCES			
CUL-1: Prior to the issuance of grading permits for development occurring within APN 030-170-009 and APN 0303-070-004, formal evaluations of the existing canal segments and buildings shall be completed by a qualified historic resources consultant for eligibility for inclusion in the California Register of Historical Resources (CRHR) to assess whether or not they qualify as historic resources under Public Resources Code Section 21084.1. If the resources are determined to be unique historical resources, measures shall be identified by the qualified historic resources consultant monitor and recommended to the City. Appropriate measures for significant resources could include, but are not limited to, avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.	Project Applicant and qualified historical resources specialist	Community Development Department	Evaluation by qualified historical resources specialist to be completed prior issuance of grading permits. Following discovery of previously unknown resource throughout the construction period, a qualified historical resources specialist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure.
CUL-2.1: To identify if an archaeological resource is present and if it meets the definition of a historical resource under the California Environmental Quality Act (CEQA), or a unique archaeological resource under Public Resources Code Section 21083.2 located in the southeastern portion of the Specific Plan Area, additional investigation including a field survey and an archaeological sensitivity analysis shall be conducted prior to the initiation of ground-disturbing activities. For projects associated with the Specific Plan that are located in areas with moderate or higher sensitivity for buried archaeological resources as identified by the archaeological sensitivity analysis, subsurface testing shall be conducted to minimize possible disturbance to or inadvertent discoveries of archaeological deposits.	Project Applicant and qualified archeologist	Community Development Department	Archeological resources study to be completed prior to initiation of ground-disturbing activities. Community Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measure.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
A qualified archaeologist shall develop a monitoring plan based on depth of the excavation and data from subsurface testing to be submitted to the City of Madera Community Development Director or designee. The monitoring plan shall include observation of ground disturbing activities (such as grading, trenching and boring) to be focused in areas that are most likely to contain buried resources. The archaeologist shall limit on-site monitoring to only areas where depth of excavation and information from subsurface testing suggests that sensitive resources may be encountered.			
CUL-2.2: If deposits of precontact or historic-period archaeological materials are encountered during construction activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological materials can include flaked-stone tools (e.g., projectile points, knives, and choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, bones, and other cultural materials); and stone-milling equipment (e.g., mortars, pestles, and handstones). Precontact archaeological sites often contain human remains. Historic-period materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. If deposits of precontact or historic-period archaeological materials are encountered and cannot be avoided, they shall be evaluated in consultation with the City and a qualified archaeologist. If the discovery is precontact in nature, geographically affiliated tribal representatives shall be consulted as part of this process. If the deposit meets the definition of a historical resource, unique archaeological resource, or tribal cultural resource under the California Environmental Quality Act (CEQA), significant impacts to the deposit will need to be avoided or appropriate treatment established. If treatment is required, a plan shall be developed in consultation with applicable parties to mitigate, avoid, or minimize significant impacts to these types of resources. Treatment may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; accessioning recovered archaeological materials at an appropriate curation facility; and community outreach. All reports produced as part of the evaluation and treatment of cultural resources identified during the project shall be submitted to the City and the Southern San Joaquin Valley Information Center (SSJVIC).	Project Applicant and qualified archeologist	Community Development Department	Community Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measure. Following discovery of previously unknown precontact or historic-period archaeological materials throughout the construction period, a qualified archaeologist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
CUL-3: The following procedures shall be implemented in the event that human remains are identified during project activities: • If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the Madera County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission (NAHC) will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. • The archaeologist shall prepare a report that provides recommendations for the treatment of the human remains and any associated cultural materials as well as proposed or implemented methods and results from excavation and analysis. Treatment of the remains and associated cultural materials shall be done in coordination with the recommendations of the MLD and City. The final report shall be submitted to the Southern San Joaquin Valley Information Center (SSJVIC).	Project Applicant and qualified archeologist	Community Development Department	Community Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measure. Following discovery of previously unknown human remains throughout the construction period, a qualified archaeologist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure.
CUL-4: Refer to Mitigation Measures CUL-2.1 and CUL-2.2.	Project Applicant and qualified archeologist	Community Development Department	Community Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measures. Following discovery of previously unknown resources throughout the construction period, a qualified specialist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
CUL-5: Refer to Mitigation Measures CUL-1, CUL-2.1, CUL-2.2, and CUL-3.	Project Applicant and qualified archeologist	Community Development Department	Community Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measures. Following discovery of previously unknown resources throughout the construction period, a qualified specialist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure.
ENERGY			
Mitigation Measure EN-1.1: Prior to approval of building permits, the Community Development Director or designee shall ensure that the energy efficiency strategies identified in the Specific Plan are incorporated project construction documents. These energy efficient strategies include, but are not limited to the following: • Provide natural lighting, where feasible, to reduce reliance on artificial lighting. • Use Low-E or EnergyStar windows. • Use high-efficiency lighting systems with advanced lighting controls. For nonresidential buildings, consider providing motion sensors tied to dimmable lighting controls. Task lighting may be used to reduce general overhead light levels. • Use a properly sized and energy-efficient heat/ cooling system in conjunction with a thermally efficient building shell. Consider using light colors for roofing and wall finish materials, and installing high R-value wall and ceiling insulation. • Implement some of the strategies of the EnergyStar program. • For retail, commercial and office uses, use light colored roofing with a high solar reflectance to reduce the heat island effect from roofs. • In retail, commercial and office development, encourage the provision of preferred parking spaces for hybrid, fuel cell, electric and/or other fuel efficient vehicles.	Project Applicant and project architect	Community Development Department	Energy efficiency strategies incorporated into construction plans prior to issuance of building permits. Community Development Department to confirm inclusion of energy efficiency strategies.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
GEOLOGY AND SOILS			
GEO-1.1: Consistent with Section 1803 of the California Building Code and Section 10-2.402.3 of the City of Madera Municipal Code, prior to approval of a tentative subdivision map and for other types of structures, a preliminary soils report shall be reviewed and approved by the City of Madera Community Development Director and City Engineer or their designees. As a part of the geotechnical investigations, testing of samples from subsurface investigations is required, such as from borings or test pits. Investigations shall be conducted by a registered design professional and involve in situ-testing, laboratory testing, or engineering calculations. Studies shall be done as needed to evaluate slope stability, soil strength, position, and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. The geotechnical investigation shall provide recommendations to be incorporated into final plans and/or improvement plans, if required, to ensure compliance with the UBC and CBC.	Project Applicant	Community Development Department	Community Development Department to review preliminary soils report prior to approval of tentative subdivision maps and ensure inclusion of recommendations of geotechnical investigation into construction specifications.
GEO-2: Refer to Mitigation Measures GEO-1.1	Project Applicant	Community Development Department	Community Development Department to review preliminary soils report prior to approval of tentative subdivision maps and ensure inclusion of recommendations of geotechnical investigation into construction specifications.
GEO-3: Refer to Mitigation Measures GEO-1.1	Project Applicant	Community Development Department	Community Development Department to review preliminary soils report prior to approval of tentative subdivision maps and ensure inclusion of recommendations of geotechnical investigation into construction specifications.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
Mitigation Measure GEO-6.1: The following measures shall be implemented to reduce potential impacts to paleontological resources: • In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the City. Appropriate mitigation measures for significant resources could include avoidance or capping or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City approves the measures to protect the identified resources. • If unique paleontological/geological resources are found during the field survey, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/ geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.	Community Development Department	Community Development Department	Community Development Department to ensure inclusion of provisions included in mitigation measure in construction specifications. Following discovery of previously unknown paleontological resources throughout the construction period, a qualified paleontologist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
GEO-7: Refer to Mitigation Measures GEO-6.1	Community Development Department	Community Development Department	Community Development Department to ensure inclusion of provisions included in mitigation measure in construction specifications. Following discovery of previously unknown paleontological resources throughout the construction period, a qualified paleontologist shall prepare recommendations and submit to the Community Development Department. Timing for recommendations shall be established by project-specific mitigation measure.
GREENHOUSE GAS EMISSIONS			
GHG-1.1: Prior to issuance of grading permits, applicants shall submit to the City of Madera Planning Department a Greenhouse Gas Reduction Plan, or proof of compliance with the City's Climate Action Plan (CAP), referencing construction plans details and specifications to document implementation and compliance with the following applicable CAP measures. Implementation of the following CAP measures is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project: • Exceed Title 24 Energy Efficiency Building Standards, meet State Green Building Standards voluntary tier levels, become Leadership in Energy and Environmental Design (LEED) Greenpoint rated, or ENERGY STAR rated. • Install solar photovoltaic (PV) systems or solar hot water heaters. • Provide safe routes to adjacent transit stops. • Finance and/or construct bus turnouts and shelters where transit demand warrants such improvements. • Provide public transit vouchers to employees. • Include alternative fueling stations or electric vehicle (EV) charging stations.	Project Applicant	Community Development Department	Proof of compliance with City's Climate Action Plan (CAP) to be submitted to Planning Department prior to issuance of grading permits.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
• By 2020, ensure construction contractors employ five percent of construction vehicles/ equipment that utilize new technologies (i.e., repowered engines, electric drive trains), California Air Resources Board (CARB)-approved low carbon fuel, or are electrically-powered. By 2030, ensure construction contractors employ 10 percent of construction vehicles/equipment that utilize new technologies, CARB-approved low carbon fuel, or are electrically-powered. • Include low-maintenance native landscaping or xeriscaping			
GHG-2: Refer to Mitigation Measure GHG-1.1.	Project Applicant	Community Development Department	Proof of compliance with City's Climate Action Plan (CAP) to be submitted to Planning Department prior to issuance of grading permits.
GHG-3: Refer to Mitigation Measure GHG-1.1.	Project Applicant	Community Development Department	Proof of compliance with City's Climate Action Plan (CAP) to be submitted to Planning Department prior to issuance of grading permits.
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: Prior to the issuance of demolition permits related to new development proposed under the Specific Plan, asbestos and lead based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACMs) and/or LBP within existing structures to be removed. Removal by property owners and/or future developers of LBP, friable ACMs, and non-friable ACMs that have the potential to become friable during demolition, shall be outlined in an inspection report to be submitted for approval by the City of Madera Community Development Director or designee, to conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The San Joaquin Valley Air Pollution Control District (SJVAPCD) shall be notified by the property owners and/or future developers of properties (or their designee(s)) prior to any demolition and/or renovation activities.	Project Applicant	Community Development Department, San Joaquin Valley Air Pollution Control District (SJVAPCD)	Asbestos and lead based paint (LBP) surveys to be completed prior to issuance of demolition permits.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
HYDROLOGY AND WATER QUALITY			
No mitigation is required. Regulatory Compliance Measure would be implemented: **Regulatory Compliance Measure HYD-1:** Prior to approval of each subsequent Specific Plan grading permit, grading plans must be prepared for and approved by the City of Madera Engineering Department and must be in compliance with the General Construction Permit including implementation of SWPPPs with specific BMPs to minimize pollution of stormwater. BMPs shall follow City of Madera Storm drainage BMPs and Storm Drainage Management Plan. The City shall also review and confirm compliance with Statewide National Pollutant Discharge Elimination System (NPDES) permits for construction runoff and municipal storm drain systems (MS4) provisions of water quality control measures.	N/A	N/A	N/A
LAND USE AND PLANNING			
Mitigation Measure LU-2.1: Prior to adoption of the Specific Plan by the City, a Public Facilities Financing Plan (PFFP) shall be completed by the project applicant and approved by the Community Development Director or designee. The PFFP shall identify all infrastructure and public facilities required to support the Specific Plan area and shall identify associated costs and financing mechanisms to fund these facilities.	Project Applicant	Community Development Department	Public Facilities Financing Plan (PFFP) to be completed prior to adoption of Specific Plan.
NOISE			
NOI-1.1: The project contractor shall implement the following measures during construction of the proposed project: • Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. • Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site. • Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities. • Ensure that all general construction related activities are restricted to between the hours of 6:00 a.m. and 8:00 p.m., consistent with the City's Noise Ordinance. • Designate a "disturbance coordinator" at the City, at the expense of the project contractor, who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.	Project Applicant and project contractor	Community Development Department	Noise-abatement measures to be implemented during project construction. Community Development Department shall ensure that project construction specifications comply with applicable noise standards.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
Mitigation Measure NOI-1.2: In order to comply with the City's noise compatibility guidelines, prior to the issuance of grading permits, new development proposed under the Specific Plan shall require an acoustic study for approval by the Community Development Director or designee for all noise-sensitive projects located within the following traffic noise contours with noise levels greater than 60 dBA CNEL: • Within 572 feet of Road 23 between Avenue 17 and Project Driveway 3; • Within 507 feet of Road 23 between Project Driveway 3 and Avenue 16; • Within 517 feet of Road 23 between Avenue 16 and Cleveland Avenue; • Within 533 feet of Road 23 between Cleveland Avenue and Project Driveway 4; • Within 501 feet of Road 23 between Project Driveway 4 and Project Driveway 5; • Within 504 feet of Road 23 between Project Driveway 5 and Avenue 14 ½; • Within 84 feet of Avenue 17 between Road 22 and Project Driveway 1; • Within 246 feet of Avenue 17 between Project Driveway 1 and Road 23; • Within 50 feet of Avenue 16 between Road 22 and Project Driveway 2/Road 22 ½; • Within 263 feet of Avenue 16 between Project Driveway 2/Road 22 ½ and Road 23; • Within 449 feet of Cleveland Avenue between Road 23 and Project Driveway 6; • Within 452 feet of Cleveland Avenue between Project Driveway 6 and Westberry Boulevard; • Within 50 feet of Road 22 between Avenue 17 and Avenue 16; • Within 50 feet of Road 22 between Avenue 16 and Cleveland Avenue; • Within 50 feet of Road 22 south of Cleveland Avenue; • Within 50 feet of Cleveland Avenue between Road 22 and between Project Driveway 2/Road 22 ½; • Within 98 feet of Cleveland Avenue between Project Driveway 2/Road 22 ½ and Road 23; • Within 56 feet of Project Driveway 2/Road 22 ½ between Avenue 16 and Cleveland Avenue; Within 54 feet of Project Driveway 2/Road 22 ½ between Avenue 17 and Avenue 16; • Within 90 feet of Avenue 16 between Road 22 and Westberry Road; • Within 50 feet of Project Driveway 5 west of Project Driveway 2/Road 22½; • Within 50 feet of Project Driveway 5 east of Project Driveway 2/Road 22½; • Within 50 feet of Project Driveway 2/Road 22 ½ north of Project Driveway 5; • Within 119 feet of Project Driveway 4 east of Road 23; • Within 54 feet of Project Driveway 6 south of Cleveland Avenue; • Within 63 feet of Project Driveway 2/Road 22 ½ between Road 23 and Project Driveway 3; and	Project Applicant and qualified noise consultant	Community Development Department	Acoustic study to be completed for new developments prior to issuance of grading permits. Community Development Department shall ensure that project construction specifications comply with applicable noise standards.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
• Within 103 feet of Project Driveway 4 between Project Driveway 2/Road 22 ½ and Road 23. The acoustic study shall demonstrate that that interior noise levels in habitable rooms shall not exceed 45 dBA CNEL. Acoustical design features shall be incorporated into the proposed project design, which may include a combination of exterior features to reduce noise, such as berms/walls and/or architectural features such as Sound Transmission Class (STC) rated windows and doors. All STC ratings shall be shown on the building plans and incorporated into the construction of the proposed project. Once final architectural plans with the exterior-wall details and window types are available, a Final Acoustic Report shall be prepared by a qualified consultant to confirm that the interior living spaces of residential dwelling units will meet the City's interior noise standard of 45 dBA CNEL (A weighted decibel Community Noise Equivalent Level) with windows and doors closed. If interior noise levels are still exceeded after the Final Acoustic Report is completed, additional design features shall be incorporated to meet the interior noise.			
Mitigation Measure NOI-1.3: In order to comply with the City's General Plan non-transportation related noise standards and Municipal Code standards, prior to the issuance of grading permits, an acoustical study shall be prepared for any stationary sources of noise proposed under the Specific Plan. The stationary source noise study shall demonstrate that noise levels would be consistent with the Noise Ordinance standards outlined in Title III: Public Safety, Chapter 11: Noise Control and shall be approved by the City of Madera Community Development Director or designee.	Project Applicant	Community Development Department	Acoustical study to be completed prior to issuance of grading permits.
Mitigation Measure NOI-2.1: Prior to the approval of any construction or building permits for new development proposed under the Specific Plan, the City of Madera Community Development Director or designee shall ensure that construction plans include specifications that prohibit the use of heavy construction equipment within 15 feet of existing structures.	Project Applicant, construction contractor	Community Development Department	Construction specifications to be confirmed prior to approval of construction or building permits.
PUBLIC SERVICES AND RECREATION			
PSR-1: Refer to Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2.	-	-	-
PSR-2: Refer to Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2.	-	-	-

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
PSR-5: Refer to Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2.	-	-	-
PSR-7: Refer to Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2.	-	-	-
PSR-8: Refer to Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2.	-	-	-
TRANSPORTATION			
TRA-1.1: As a condition of future project entitlements approved for projects within the Specific Plan Area, improvements identified in Table 9-A of the Traffic Impact Analysis (TIA) shall be implemented by the City.	Project Applicant, Community Planning Department	Community Planning Department	Improvements identified in Specific Plan Traffic Impact analysis to be implemented by the City prior approval of project entitlements for projects within Specific Plan Area.
UTILITIES			
UTL-1.1: Prior to the issuance of each grading permit for projects within the Specific Plan Area, the City shall ensure that the Infrastructure Master Plan for the Specific Plan is implemented and that General Plan policies requiring capacity analyses of service systems are completed.	Community Planning Department, Engineering Department	Community Planning Department	City to ensure implementation of Infrastructure Master Plan and General Plan policies related to capacity of serviced systems prior to issuance of grading permits for discretionary projects within Specific Plan Area.
UTL-1.2: Prior to the issuance of each grading permit for projects within the Specific Plan Area, and consistent with policies of the General Plan, the City shall review the City's wastewater facility capacity and shall prepare environmental review, consistent with the California Environmental Quality Act, and analysis for any future off-site wastewater facility expansions and improvements required to support development of the Specific Plan. The CEQA analysis shall be completed prior to approval of each development project.	Community Planning Department, Engineering Department	Community Planning Department	City to complete environmental analysis to ensure wastewater facility capacity prior to issuance of grading permits for discretionary projects within the Specific Plan Area.
UTL-2: Prior to issuance of each grading permit for projects within the Specific Plan Area, the City shall review water supplies available at the time and ensure that the required groundwater facilities, including replacing and increasing depth of groundwater wells, and the use of reclaimed water as identified in the City's Water Master Plan are adequate to serve the project.	Community Planning Department, Engineering Department	Community Planning Department	City to ensure water availability for projects within Specific Plan Area prior to issuance of grading permits for discretionary projects within the Specific Plan Area.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
UTL-6: Refer to Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2.	-	-	-

Source: LSA (2022).

ATTACHMENT 8: General Plan Amendment Resolution

A Resolution of the City Council of the City of Madera Approving General Plan Amendment (GPA) 2017-02 for the Villages at Almond Grove Specific Plan consistency with the General Plan.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING GENERAL PLAN AMENDMENT (GPA) 2017-02 TO UPDATE THE GENERAL PLAN TO ALLOW FOR THE VILLAGES OF ALMOND GROVE SPECIFIC PLAN CONSISTENCY

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, the City has policies encouraging preparation of specific plans or master plans in certain areas prior to the properties being developed. In this case the Specific Plan No. 2017-01 was submitted for the project area; and

WHEREAS, the project (Specific Plan No. 2017-01) known as the "The Villages at Almond Grove Specific Plan" (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Tentative Subdivision Map 2020-02 on approximately 645 acres and Tentative Subdivision Map 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities; and

WHEREAS, because the Specific Plan area currently has a Village Reserve land use designation on the majority of the site, a General Plan amendment is needed to create a Specific Plan land use category that would be applied to the entire proposed Specific Plan Area; and

WHEREAS, City services can be reasonably extended to the Specific Plan area; and

WHEREAS, approval of Specific Plan 2017-01 would require approval of General Plan Amendment 2017-02, Specific Plan 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Annexation No. 2022-01, and Zoning Ordinance Text Amendment 2022-01; and

WHEREAS, a proposal has been made requesting amendments to the Madera General Plan, as shown in the attached Exhibit A; and

WHEREAS, the requested General Plan Amendment 2017-02 consists of amendments to the City of Madera General Plan. The amendment would modify policies in the Land Use Element related to "Village D: Northwest Madera" to allow for consistency between the General Plan and the proposed Specific Plan. In addition, the City's General Plan would be amended to create a Specific Plan land use category that would be applied to the proposed Specific Plan Area (see Figure 3 in attached Exhibit A). Further, the General Plan would be amended to remove the requirement that residential development shall conform to the "target density" requirement for each land use category (density requirements will be governed by given density range). The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area; and

WHEREAS, the proposed General Plan Amendment, along with the related Text Amendment, Specific Plan, Prezone/Rezone, will provide the required consistency between the General Plan and Zoning Ordinance; and

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

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related General Plan Amendment; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the EIR, the Specific Plan, and the related General Plan Amendment, Prezone/Rezone and Text Amendment and related entitlements were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has considered this matter and has recommended that the City Council adopt General Plan Amendment 2017-02 per Resolution 1913; and

WHEREAS, the City Council has completed its review of all items before it, and considered any testimony provided during the public hearing process, and now desires to adopt General Plan Amendment 2017-02 (GPA 2017-02).

NOW THEREFORE, be it resolved by the City Council of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and incorporated herein by reference.

2. CEQA: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report ("EIR") to evaluate the environmental effects of the Project. The City Council has fully considered the EIR, and has certified it concurrently with the approval of this Resolution. The EIR identified that

implementation of the proposed Project would require certain approvals, including approval of the General Plan amendment. This General Plan amendment was included within the scope of the Project, and was environmentally assessed in the EIR. The General Plan amendment does not change the environmental assessment of the EIR. The City Council finds that the Project is consistent with, and has been fully assessed by the EIR, and that this General Plan amendment is specifically anticipated in the EIR and is consistent with the purpose and intent of the EIR. As such, no further action is required by CEQA.

3. General Plan Findings: The City Council finds that the General Plan Amendment 2017-02 is consistent with the General Plan goals, policies and objectives. The City Council further finds that General Plan Amendment 2017-02 is consistent with the General Plan goals and policies. The project does not adversely affect the implementation of the General Plan with respect to surrounding properties. The proposed amendment essentially consists of minor updates to the General Plan to allow for a Specific Plan land use category that would be applied to the Specific Plan Area, removal of the requirement that residential development shall conform to the "target density" requirement for each land use category to allow for additional flexibility, removal of the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area. These changes will assist in the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth. Ensuring viable development would also assist with the implementation of the Housing Element goals and policies in providing opportunity sites for necessary housing, including goal H-1, as well Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15 of the General Plan regarding development of commercial opportunities and businesses to sustain jobs and local economic viability. The proposed amendment would support the City's efforts to meet the Regional Housing Need Allocation (RHNA) as directed by the State of California Department of Housing and Community Development and as required by the City's Housing Element of the General Plan. All the planned uses and proposed modifications are consistent with the General Plan policies and objectives and as such the proposed amendment would continue to implement the General Plan policies. Approval of GPA 2017-02 is in the public interest.

4. Public Health, Safety, and Welfare: The City Council finds that approval of General Plan Amendment 2017-02 is in the best interest of the City, and is not detrimental to public health, safety, or welfare.

5. Approval of GPA 2017-02: Given that all of the findings can be made, the City Council approves General Plan Amendment 2017-02, as set forth in Exhibit A, which amends the General Plan text and the General Plan land use designations for the project site.

6. Effective Date: This resolution is effective upon adoption.

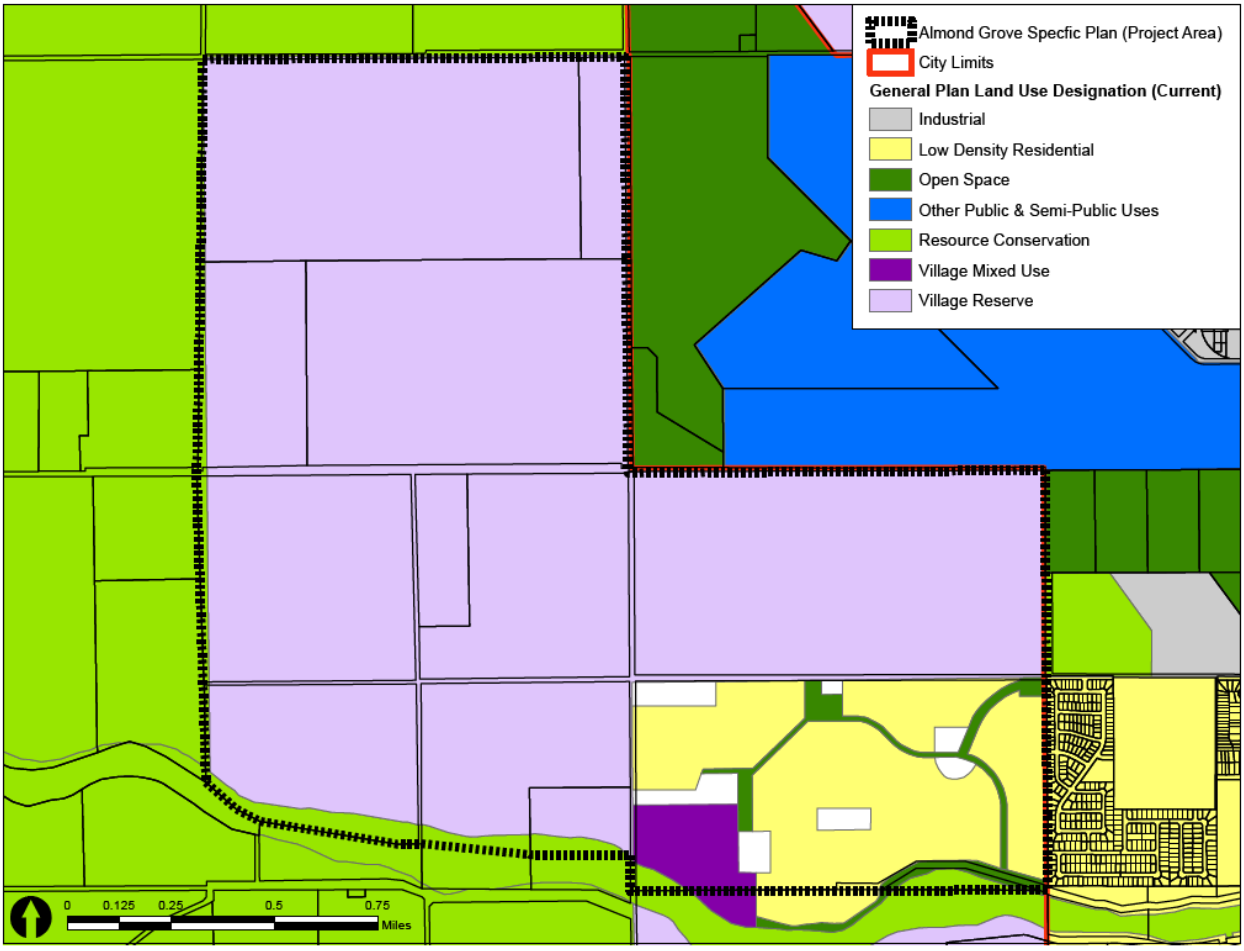
* * * * *

Exhibit A: General Plan Amendment (GPA 2017-02): Land Use Map and General Plan Amendments

EXHIBIT 'A'

General Plan Amendment 2017-02: Land Use Map and General Plan Amendments

General Plan Land Use Designation – Prior



General Plan Land Use Designation – New

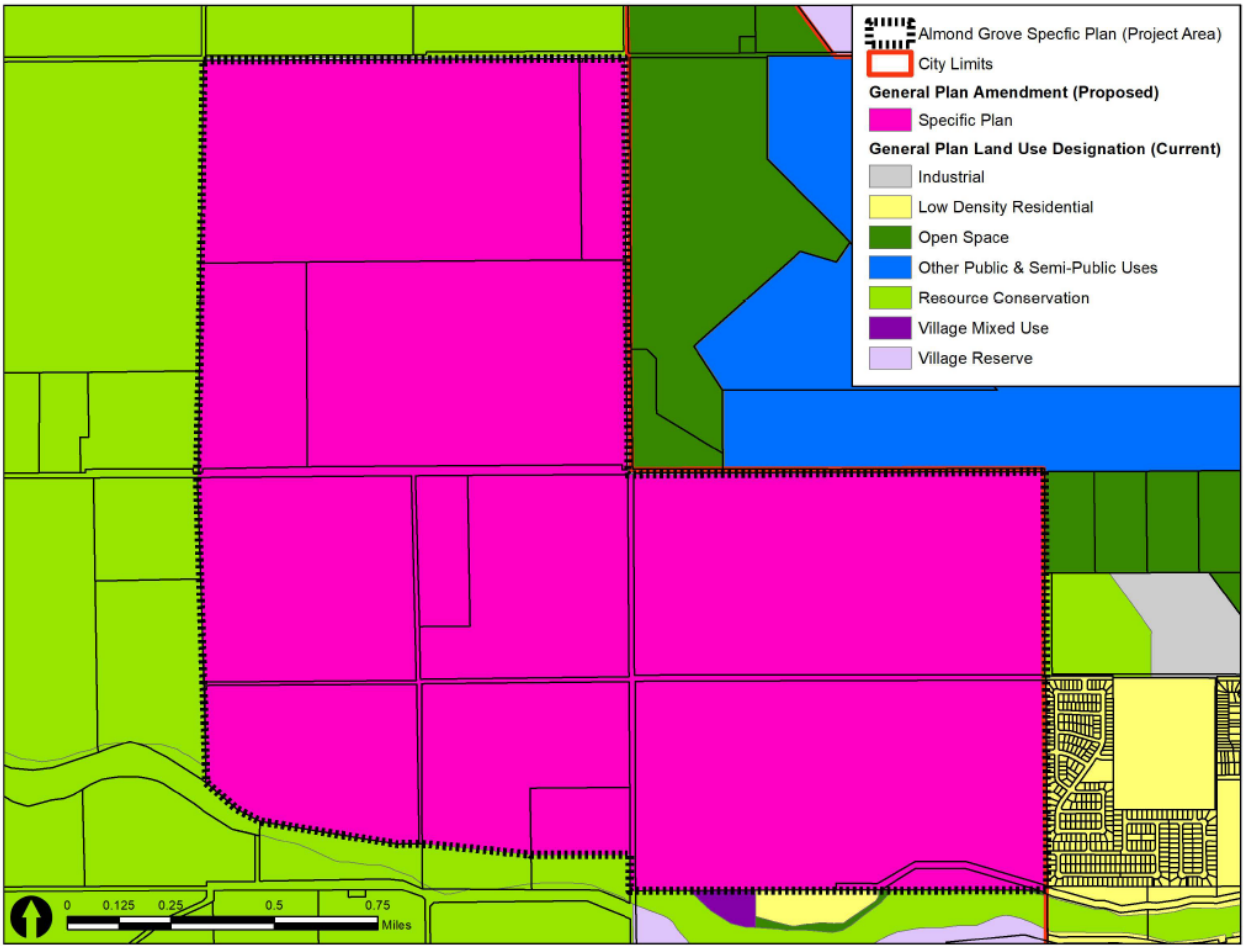
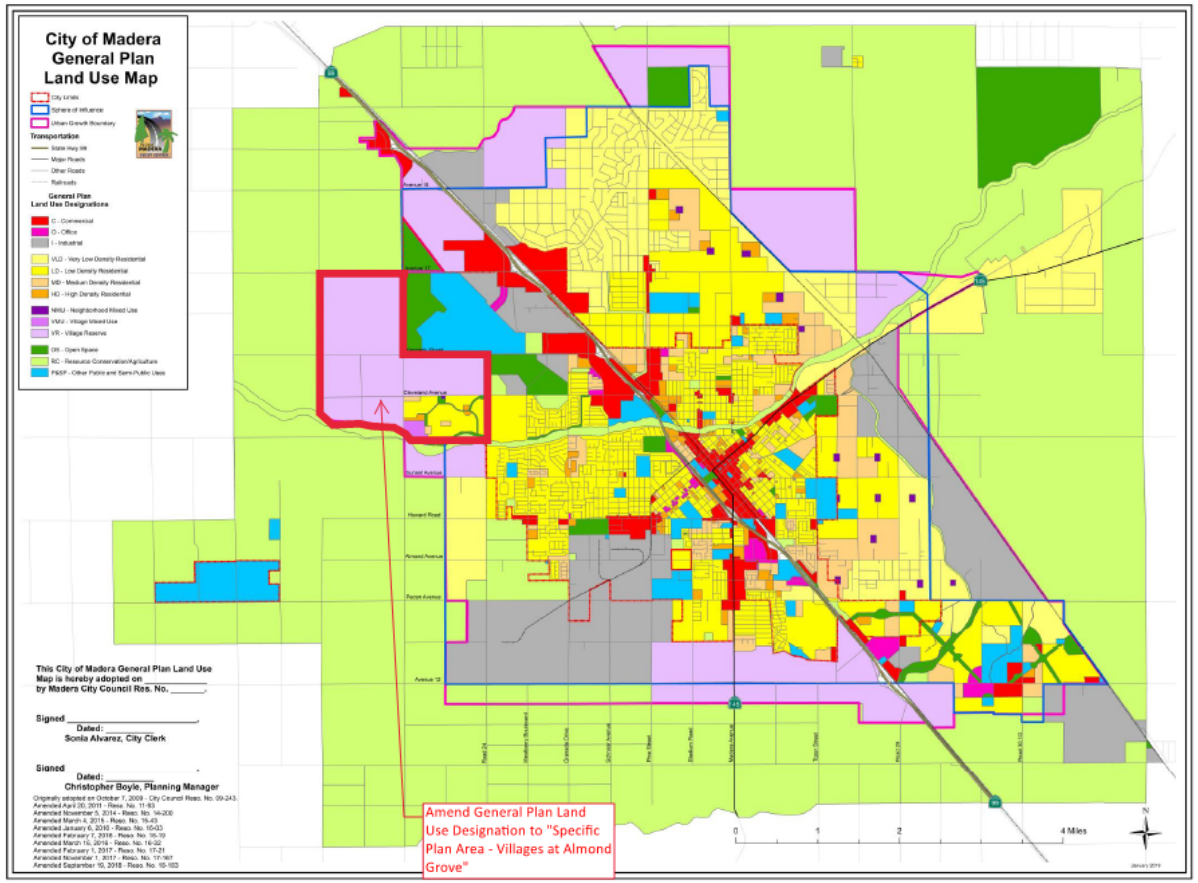


FIGURE LU-2: LAND USE MAP



Policy LU-6►

Where a density range is specified for residential development, developments shall provide at least the minimum density and shall not exceed the maximum density except as provided for in any applicable density bonus provision.

Policy LU-7►

~~Residential development shall conform to the "Target Density" requirement for each land use category. Development density (dwelling units per acre, as calculated using the same methodology as described in Policy LU-5), shall be at or above the Target Density unless one or more of the following findings can be made:~~

- ~~Specific characteristics of the site (flooding, topography, protected habitat areas, airport proximity, etc.) cannot be built on and reduce the development potential below the Target Density.~~
- ~~Development at the Target Density would result in unacceptable impacts to roadways or other infrastructure or the exceedence of any City adopted Threshold Standards.[1]~~
- ~~Development was limited by a Development Agreement, Vesting Tentative Tract Map, or other City approved plan or agreement existing before October 1, 2009.~~

~~Target Density requirements shall apply to all land which was part of a parcel of at least ten (10) acres in size on or after October 1, 2009.~~

[1] See Policy LU-13.

IMPLEMENTATION POLICIES

Policy LU-32►

Zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, **Table LU-A** shall be used to determine consistency for rezoning applications.

TABLE LU-A: GENERAL PLAN/ZONING CONSISTENCY

General Plan Land Use Category	Consistent Zoning Districts
Residential Categories	
Very Low Density Residential	UR, U
Low Density Residential	RA, R-1, PD-4500, PD-6000, PD-8000, PD-12000
Medium Density Residential	R-2, PD-4500, PD-3000
High Density Residential	R-3, PD-2000, PD-1500
Village Categories	
Village Reserve	All Districts
Village Mixed Use	C-R, C-N, C-1, C-2, C-H, PO, PD Zones
Commercial Categories	
Commercial	C-R, C-N, C-1, C-2, C-H
Office	PO
Industrial Categories	
Industrial	I, IP
Specific Plan Area	
Specific Plan Area	All Districts, SP

submitting either type of plan must include a list of all affected owners and their property(ies) and must show how their participation was sought.

- In some Village areas (as mapped and defined in this Land Use Element), the Village Reserve designation applies only to a portion of the Village. In this case, the process outlined below is required **only** for the Village Reserve areas, not to the entire Village. However, submitting plans that cover the entire Village is permitted.

In some Village Reserve areas, a Village Center is not required. See the detailed policies for the affected Village area (later in this Land Use Element) for further information.

In addition to the required plans, maps, reports, etc., the City may at its discretion require other items as needed to address issues in any particular Village. These may include additional environmental analysis, traffic studies, biological studies, noise studies, etc.

Action Item LU-34.1

Establish and make available procedural guidelines detailing the three step village reserve planning process.

Policy LU-35►

Figure LU-3 depicts the Village and District areas as defined by the City of Madera. This map shall be used to implement other policies in this General Plan which refer to villages and village centers. Although shown as defined lines, the exact boundaries of a village may be adjusted at the City's discretion to reflect conditions on the ground, ownership boundaries, or other conditions. Such a change shall not be considered an amendment to this General Plan.

Note to the Reader: The policies on the pages following Figure LU-3 address individual Villages and Districts.

Policy LU-36►

After the establishment of the Specific Plan for Village Reserve areas, the Specific Plan Area land use may be adopted in place of the existing land use designation through a General Plan Amendment. The area should be named "Specific Plan Area" with a number or the name of the project appended after (eg., Specific Plan Area - Villages at Almond Grove).

- ~~In conjunction with village and neighborhood planning, a mechanism shall be established which creates a permanent agricultural buffer where the westerly edge of the Village abuts the Growth Boundary. This buffer shall average at least 400' in depth, with a minimum depth of 250', and must run continuously along westerly edge of the Village. No habitable structures are to be located within this buffer, although passive recreational opportunities (such as trails and community gardens) may be allowed. Alternative methods and designs to establish the buffer may be proposed, and including placing the buffer on either side of the Growth Boundary. Physical maintenance of the buffer shall be provided consistent with the design and function of the space.~~

- The Village core area shall provide for an integrated mix of uses, including park and open space uses, along the river.

- Future development along the Fresno River should be designed to take advantage of the river frontage, including orienting development to front the river where not otherwise prohibited by site conditions.

- Village and neighborhood planning shall provide for the alignment of the designated ~~arterial~~collector which runs through the Village east and west ~~(Cleveland Avenue)~~, to bend to the south to provide circulation to the proposed village core located along the Fresno River.

- All development proposals within Village D shall comply with the provisions of the Airport Land Use Master Plan. The establishment of land use designations at the village and neighborhood levels, as well as the layouts of individual projects, shall reflect the allowable uses and densities in the Airport Land Use Master Plan.

Policy LU-45►

SPECIFIC PLAN AREA CATEGORIES AND POLICIES

The following is the City's specific plan area land use category:

Specific Plan Area: The Specific Plan Area (SP) may be applied to areas where a Specific Plan has been adopted by the City. A Specific Plan is a detailed plan for the development of a particular area and may contain residential, commercial, industrial, public, and/or open space uses. Detailed land use regulations are contained within each adopted Specific Plan document.

ATTACHMENT 9: Rezone Ordinance

An Ordinance of the City Council of the City of Madera amending the official City of Madera Zoning Map to rezone approximately 1,883 acres within the Villages at Almond Grove Specific Plan, whose location is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, from Agricultural Rural Exclusive – 40 acres (ARE-40) and Agricultural Rural Exclusive – 42 acres (ARE-20), as well as PD 4500 (Planned Development, one unit per 4,500 square feet of site area) to the Specific Plan (SP) zone district.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1,883 ACRES WITHIN THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN, WHOSE LOCATION IS BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST, FROM AGRICULTURAL RURAL EXCLUSIVE - 40 ACRES (ARE-40) AND AGRICULTURAL RURAL EXCLUSIVE - 20 ACRES (ARE20), AS WELL AS PD 4500 (PLANNED DEVELOPMENT, ONE UNIT PER 4,500 SQUARE FEET OF SITE AREA), TO THE SPECIFIC PLAN (SP) ZONE DISTRICT.

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. At its meeting on April 20, 2022, the City Council approved General Plan Amendment 2017-02 (General Plan Amendment), and also approved Specific Plan No. 2017-01 known as the "The Villages at Almond Grove Specific Plan" (Specific Plan) located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. As part of that meeting, the City Council also certified an Environmental Impact Report (SCH #2018081051) (EIR) and adopted a mitigation monitoring and reporting program (MMRP) for the project. The Planning Commission of the City of Madera previously held a hearing on April 5, 2022 and recommended approval of, among others, the General Plan Amendment and Specific Plan. Additionally, the Planning Commission recommended approval of Pre-Zoning/Rezoning 2017-05 (Prezone/Rezone) to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council desires to approve the Prezone/Rezone.

SECTION 2. Based on the testimony and information presented at its public hearing, the City Council finds that Pre-Zone/Rezone No. 2017-05 i) is consistent with the Specific Plan and General Plan goals, objectives, and policies, and will provide the required consistency between the General Plan, as amended, and zoning; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements; v) City services are either available or can be extended to serve the area; and vi) adoption is in the best interests of the City. The Plan area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The entire plan area would be pre-zoned by the

City of Madera consistent with City zoning as identified in the Specific Plan. Such determinations are based on the administrative record including the following:

a. General Plan and Specific Plan Consistency. The Prezone/Rezone is consistent with the goals, policies, and objectives, including the General Plan Housing Element and EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning. The Prezone/Rezone will allow for implementation of the Specific Plan, as is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

   The Prezone/Rezone is a necessary step to ensuring viable development that would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing. For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component and would provide a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

   Further, the mixed-use nature of the Specific Plan as implemented by the Prezone/Rezone encourages diversification and development of the City’s economic base. The Specific Plan provides substantial diversification in terms of residential verses commercial uses. Additionally, within the commercial uses there is a broad diversification that provide various types of sales taxes (restaurants, entertainment, automobile sales, etc.) in conjunction with higher tax rates associated with high-quality retail. The project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs including in the commercial and entertainment industries, which are reasonably expected to result in more personal income associated with higher-quality retail, and which income will likely to be spent locally, resulting in additional tax revenues and economic development. This is consistent with General Plan Goal SUS-1 (establish and maintain a diverse and sustainable local economy), as well as Policy SUS-11 (abundant commercial opportunities and development of a strong local workforce), Policy SUS-13: (support operation of local businesses that supply goods and services needed in City); and

Policy SUS-15 (promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.) The employment opportunities are designed to also encourage the use of ridesharing (consisted with General Plan Policy CI-37), facilitate employment opportunities that minimize the need for vehicle trips (General Plan Policy CI-42) and promote jobs that reduce the need for residents to commute to work outside the City (General Plan Policy SUS-15).

The implementation of the Specific Plan through this rezone also complies with General Plan Policy LU-14, in that the project has prepared a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. General Plan Policy CD-20 calls for the comprehensive planning of Villages that is consistent with overall City standards, which has been met here. Finally, the Prezone/Rezone is consistent with the Specific Plan specific policies including those related to conformity with Building Blocks principles; agricultural buffers; the provision of a Village core area providing for an integrated mix of uses, including park and open space uses, along the Fresno river; development designed to take advantage of river frontage, alighnment of arterials, and compliance with the Airports Land Use Master Plan.

b. The Prezone/Rezone will promote and protect the public's health, safety, peace, comfort, convenience and general welfare. As discussed above, the Prezone/Rezone implements the Specific Plan, which is consistent with the General Plan. All aspects of these documents, including the Specific Plan's Public Facilities Financing Plan (PFFP), work together to promote the public welfare including housing, jobs, convenience of access, aesthetic values, protection of environmental values, protection of public and private improvements, etc.

c. City Services. As extensively discussed in the EIR, City services are available or can be extended to serve the area. Additionally, the City has approved the PFFP, which i) articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of the General Plan.

SECTION 3. Given that all of the findings can be made, the City Council approves Pre-Zone/Rezone No. 2017-05, to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20) and rezones the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council hereby amends the City of Madera Zoning Map as illustrated in Attachment "A," which is attached and incorporated by reference and which indicates the segment of the City of Madera Zoning Map to be amended. To the extent not already annexed, territory annexed to the City subject to Pre-Zone/Rezone No. 2017-05 shall be automatically added to the City of Madera's official zone map. Pre-zoning shall be recorded on the official zone map in the same

manner as change of zoning district amendments, but shall be identified by the use of parentheses enclosing the district symbols. Such pre-zoning classification shall become the effective zoning of the property at the same time that the annexation becomes effective.

SECTION 4. Based on the testimony and information presented at its public hearing, the City Council finds that the City previously prepared and certified the EIR for The Villages at Almond Grove Specific Plan. The EIR identified that implementation of the proposed project would require certain approvals, including approval of pre-annexation zoning and rezoning. This pre-annexation zoning and rezoning was included within the scope of the project, and was environmentally assessed in the EIR. The pre-annexation zoning and rezoning does not change the environmental assessment of the EIR. Further, the EIR was certified on April 12, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Pre-Zoning/ Rezoning 2017-05 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

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.

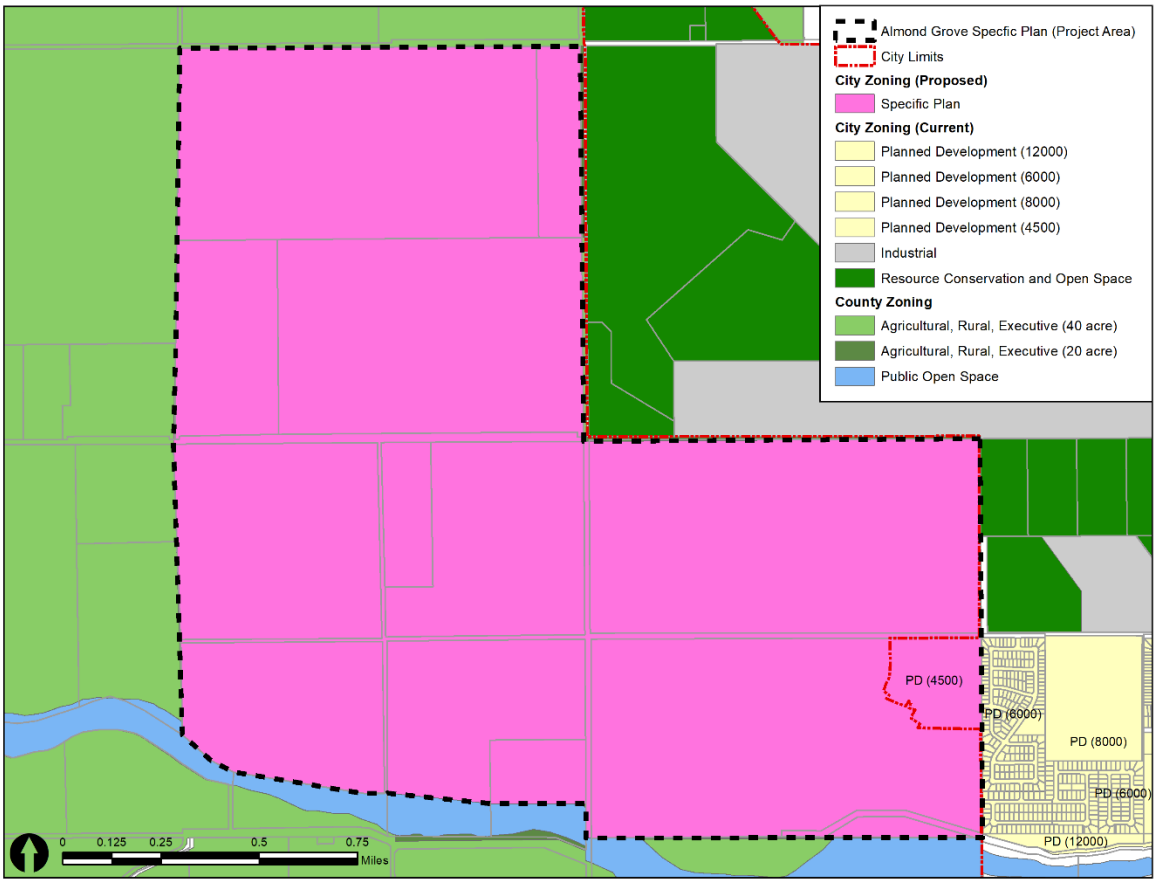
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ATTACHMENT "A"

Prior Zoning



New Zoning


Almond Grove Specfic Plan (Project Area)
City Limits
City Zoning (Proposed)
Specific Plan
City Zoning (Current)
Planned Development (12000)
Planned Development (6000)
Planned Development (8000)
Planned Development (4500)
Industrial
Resource Conservation and Open Space
County Zoning
Agricultural, Rural, Executive (40 acre)
Agricultural, Rural, Executive (20 acre)
Public Open Space
PD (4500)
PD (6000)
PD (8000)
PD (6000)
PD (12000)
0 0.125 0.25 0.5 0.75
Miles

ATTACHMENT 10: Text Amendment Ordinance

An Ordinance of the City Council of the City of Madera amending Section 10-3.301 of Chapter 3 of Title 10 of the City Municipal Code, and adding Sections 10-3.11.601 through Section 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the City Municipal Code to provide for Specific Plan Zones (SP).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING SECTION 10-3.301 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE, AND ADDING SECTIONS 10-3.11.601 THROUGH SECTION 10-3.11.604 OF SUBCHAPTER 11 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE TO PROVIDE FOR SPECIFIC PLAN ZONES (SP)

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. The City Council finds that Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 is consistent with the General Plan as amended, and that amendment is warranted by public necessity, convenience, general welfare, and good zoning practices. The City Council approves Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 as set forth below.

SECTION 2. Section 10-3.301 of the Madera Municipal Code is amended to read in its entirety as follows:

§ 10-3.301 ESTABLISHMENT.

(A) In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to promote the public health, safety, peace, comfort and general welfare, 13 classes of land use zones are established to be known as follows:

(1) **PD.** Planned Development Zones
(2) **R.** Residential Zones
(3) **RCO.** Resource Conservation and Open Space Zone
(4) **PF.** Public Facilities Zone
(5) **PO.** Public Office Zone
(6) **C-1.** Light Commercial Zone
(7) **C-2.** Heavy Commercial Zone
(8) **C-R.** Restricted Commercial Zone
(9) **WY.** West Yosemite Avenue Overlay Zone
(10) **I.** Industrial Zone
(11) **UR.** Urban Reserve Zone
(12) **U.** Unclassified Zone
(13) **IP.** Industrial Park Zone
(14) **N-C.** Neighborhood Commercial Zones
(15) **H-C.** Highway Commercial Zones
(16) **SP.** Specific Plan Zone

(B) An "S" subdesignation may be added to a zone classification applied to a parcel or parcels of land when deemed appropriate by the City Council, upon recommendation of the Planning Commission, for the purpose of setting forth special provisions for the use of such land on an

interim or transitional basis. Such use may be one that would otherwise not be permitted by the regular zoning classification. The "S" subdesignation shall be established by ordinance, after due public hearing processes, and the ordinance shall set forth the circumstances of the subdesignation, including but not limited to the purpose and time period for the special provisions. Upon the termination of the specified time period the special provisions shall automatically become null and void and the subdesignation shall be duly deleted from the zoning map of the city without further hearing.

SECTION 3. Sections 10-3.11.601 through Sections 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the Madera Municipal Code is added to read in its entirety as follows:

Specific Plan Zones (SP)

§ 10-3.11.601 PURPOSE AND APPLICATION

(A) The purpose of the SP Zone is to accomplish the following:

(1) To provide a framework for how to analyze project level development standards and permitted uses in the SP zone district; and

(2) To provide a framework and requirements for approving specific plans proposed in the City by establishing a development review framework for comprehensibly planned communities pursuant to Government Code Section 65450 to 65457 for the preparation of specific plans.

§ 10-3.11.602 APPLICABILITY

(A) For properties already zoned SP, the allowed uses, allowed density, and required property development standards shall be as outlined in the applicable specific plan. Where the regulations of a specific plan are silent or not specifically referenced, the comparable regulations of these zoning regulations and all adopted ordinances, regulations, standards, and guidelines of the city shall apply, subject to the Planning Director's discretion, unless otherwise declared by the Planning Commission.

(B) For properties proposed to be rezoned to the SP Zone, a specific plan meeting the requirements outlined below is required and must be submitted concurrently with the rezone request. The SP Zone, including all standards and processes, is available to all new development proposals within the city, except those areas within the city limits already regulated by an existing adopted specific plan and approved prior to the adoption of this ordinance. Those areas shall be exempt from this chapter, and all activities within such areas shall be subject to the existing standards and procedures of the applicable specific plan.

(C) All new SP Zones must encompass an area of no less than five (5) acres of contiguous property.

§ 10-3.11.603 SPECIFIC PLAN REQUIRED ELEMENTS

(A) A specific plan shall provide regulations and design standards governing the minimum and maximum development parameters of all real property within the proposed SP Zone District. All specific plans prepared and adopted under subchapter 11.601 et seq. shall be consistent with the requirements of Government Code Section 65450 as amended, and shall include, at a minimum, the following:

(1) Purpose. State the relationship to the goals and policies of the General Plan.

(2) Setting. State the existing and regional setting to establish the conditions and reasons for the project.

(3) Proposed Land Uses. Establish the distribution, type, definitions of, and regulations for all proposed land uses. The uses described within the specific plan shall be designed and developed in a manner consistent with the General Plan and Section 10-3.11.604 below.

(4) Development Standards. Establish all regulating policies and include all of the following for all building types:

(a) Building height, setbacks, massing, and design standards.

(b) Lot area, width, depth, and structural limitations.

(c) Maximum number of dwelling units and the maximum residential density (of the Specific Plan Area and any individual site or portion).

(d) Usable open space provisions and requirements within the development.

(e) Off-street parking and loading facilities.

(f) Design and development standards (architectural, landscape, streetscape, street furniture, utilities, fence/wall types, etc.), which may include design themes or similar architectural treatments to control future construction of buildings on parcels covered by the Specific Plan. Site planning at the perimeter of the zone boundaries shall provide for the mutual protection of the zone and the surrounding property.

(g) Signage requirements shall be addressed, either through chapter 6 of title 10 (Sign Regulations) or by a unique sign program codified in the specific plan.

(h) All areas for storage of vehicles, maintenance equipment, refuse and collection facilities, manufactured products, or other similar materials used by or in a manufacturing/fabricating process on-site shall be prohibited or shall be enclosed by a decorative, block, or brick wall and/or landscape screening in combination.

(5) Site Planning. Establish a comprehensive map of all major streets, open spaces, private and public property, and land uses for all affected property, consistent with the intent of the General Plan.

(a) Consider and preserve environmentally sensitive resources (water courses, view sheds, drainage areas, wooded areas, rough terrain [canyons, ravines, steep slopes, ridges, knolls, promontories], and other similar natural features) and make provisions to retain natural features and amenities found on-site.

(b) Provide landscape architectural concept plans and standards, including project entries, streetscapes, fencing details, lighting, signage, utility, and street furniture.

(6) Infrastructure. Identify the proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed.

(a) Include written analysis detailing plans for the construction, improvement, or extension of transportation facilities, public utilities, and all other public facilities/services required to serve the properties.

(b) Dedicate all public right-of-ways and public park spaces. within or abutting the development to applicable City specifications.

(c) Private streets and alleys shall be designed to public street standards (where applicable), or propose modifications, and be privately owned and maintained for their intended purpose without public cost or maintenance responsibility.

(d) Consideration of other forms of access, such as pedestrian ways, paseos, courts, plazas, driveways, horse trails, bike trails, or open public parking areas, may be made at the time of specific plan consideration by the city.

(7) Maintenance. Provisions assuring the continued maintenance of private property, grounds, and all common areas shall be required.

(8) Phasing. Specific plans developed in phases or neighborhoods over a period of time, not developed in a consecutive and uninterrupted manner, shall be required to process each phase or neighborhood through separate entitlement processes.

§ 10-3.11.604 ALLOWED LAND USES

(A) All use of lands within the SP Zones shall be compatible with the purpose and intent of these zoning regulations.

(B) All use of lands within the SP Zones shall be consistent or made consistent with the General Plan Land Use Map, which may include varying densities of residential, commercial, and/or industrial development.

(C) A new specific plan shall be processed using the same procedure as a General Plan amendment as well as a change of zone boundaries per Section 10-3.1501 et seq.

SECTION 4. **SEVERANCE**. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. **CEQA**. Based on the testimony and information presented at its public hearing on April 20, 2022, the City Council finds that the City previously prepared and certified an Environmental Impact Report (SCH #2018081051) (EIR) for The Villages at Almond Grove Specific Plan (Specific Plan). The EIR identified that implementation of the proposed project would

require certain approvals, including amendment of the Municipal Code to implement the Specific Plan Zones. This amendment was included within the scope of the project, and was environmentally assessed in the EIR. The amendment of the Municipal Code does not change the environmental assessment of the EIR. Further, the EIR was certified on April 20, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Zoning Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines Section 15162, and no further action or review is required under CEQA.

SECTION 6. **PUBLICATION**. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

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

* * * * *

ATTACHMENT 11: Specific Plan Ordinance

An Ordinance of the City Council of the City of Madera adopting the proposed Villages at Almond Grove Specific Plan (Specific Plan No. 2017-01).

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (SPECIFIC PLAN NO. 2017-01)

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. At its meeting on April 20, 2022, the City Council approved General Plan Amendment 2017-02 (General Plan Amendment), and also introduced this ordinance regarding Specific Plan No. 2017-01 known as the "The Villages at Almond Grove Specific Plan" (Specific Plan) located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. As part of that meeting, the City Council also certified an Environmental Impact Report (SCH #2018081051) (EIR) and adopted a mitigation monitoring and reporting program (MMRP) for the project. The Planning Commission of the City of Madera previously held a hearing on April 5, 2022 and recommended approval of, among others, the Specific Plan (Specific Plan No. 2017-01). The City Council desires to approve the Specific Plan No. 2017-01.

SECTION 2. The City Council finds that the City has policies encouraging preparation of specific plans or master plans in certain areas prior to the properties being developed. The City Council finds that Specific Plan No. 2017-01 is in the best interest of the City, and is not detrimental to public health, safety, or welfare. The City Council approves Specific Plan No. 2017-01 as set forth below.

SECTION 3. Based on the testimony and information presented at its public hearing, the City Council finds that Specific Plan No. 2017-01 is consistent with State and local requirements, including the following findings:

i) *State Law Consistency*: The Specific Plan is consistent with the requirements of Government Code section 65450 *et seq*., including the following:

- The Specific Plan includes the distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.

- The Specific Plan includes proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the Plan.

- The Specific Plan includes standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

- The Specific Plan includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the items listed above.

- The Specific Plan includes a statement of the relationship of the specific plan to the general plan.

ii) *General Plan Consistency*: The City Council finds that the Specific Plan has been prepared in conformance with the goals, policies, and objectives of the General Plan as amended. The Specific Plan is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. The Specific Plan Area land use designation will be applied to areas where a Specific Plan is adopted by the City. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

Ensuring viable development would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing, including goals to provide adequate sites to meet the 2013-2023 RHNA (Objective H-1), assist in the development of housing to meet need of lower-income housholds (Objective H-2), and adequately remove governmental constraints to housing development (Objective H-3). For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component, and addresses a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

As further described in Table 4.11.A of the EIR prepared for this project: General Plan Policies Related to Land Use and Planning, the Specific Plan is consistent with the General Plan as amended. For example, the Specific Plan's Public Facilities Financing Plan (PFFP) complies with General Plan Policy LU-14 as i) it articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) it analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of this General Plan. The Specific Plan is also consistent with other General Plan goals, policies, and objectives including Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15. The

Specific Plan also incorporates Village D Specific Policies that guides development in the Plan Area. These Village D policies include mixed of uses in the core area, river frontage design along the Fresno River, conformance with the Building Blocks principles, etc. These guidelines are addressed in the circulation, land use, development standards, and design guidelines of the Specific Plan. As such, the Specific Plan is consistent with the City of Madera General Plan

iii) *Madera Countywide Airport Land Use Compatibility Plan*: The airport land use compatability plan (ALUCP) contains individual compatibility plans for the Chowchilla Municipal Airport and the Madera Municipal Airport, the two public-use airports in Madera County. Under California Government Code Section 65302.3(a), general plans must be consistent with any airport land use plan adopted pursuant to Public Utilities Code Section 21675. The Specific Plan includes appropriate land use types and densities located within the airport zones to ensure consistency with the ALUC plan, and future development within the airport zones would be required to comply with the restrictions of the ALUC plan prior to approval both by law and per the General Plan.

iv) *Climate Action Plan*: As further described in EIR Table 4.8.F: Project Consistency with the City of Madera Climate Action Plan, the implementation of Mitigation Measure GHG-1.1 would ensure the proposed Specific Plan incorporates design features consistent with the applicable measures as included in the City's Climate Action Plan (CAP). With implementation of these measures, the Specific Plan is in compliance with the City's CAP.

SECTION 4. Given that all of the findings can be made, the City Council approves Specific Plan 2017-01 (including the associated public facilities financing plan [PFFP]), as set forth in Attachment A.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. Based on the testimony and information presented at its public hearing on April 20, 2022, the City Council finds that the City previously prepared and certified an Environmental Impact Report (SCH #2018081051) (EIR) for The Villages at Almond Grove Specific Plan (Specific Plan). Further, the EIR was certified on April 20, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which

the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Specific Plan No. 2017-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines Section 15162, and no further action or review is required under CEQA.

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.

* * * * *

ATTACHMENT "A"

Specific Plan (SPL 2017-01) (including associated Public Facilities Financing Plan (PFFP)

(Attached as a Separate Document at: https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011)

ATTACHMENT 12: Annexation Resolution

A Resolution of the City Council of the City of Madera Initiating Annexation of the Villages at Almond Grove Specific Plan Area (Annexation No. 22-01).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA INITIATIATING ANNEXATION OF THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN AREA (ANNEXATION NO. 22-01)

WHEREAS, the City of Madera desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, Government Code section 56654 provides that "[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency . . . [;]" and

WHEREAS, the specific changes of organization requested consists of annexation to the City of Madera and detachment from the County of Madera of the area known as the Villages at Almond Grove Specific Plan ("Specific Plan"); and

WHEREAS, the Specific Plan area includes three (3) active Williamson Act contracts (Parcels 033-170-001, 033-170-009, and 003-170-005) in the southwest portion of the area (all of which are not currently proposed for development);

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is within the Sphere of Influence (SOI) and the Urban Growth Boundary of the City of Madera; and

WHEREAS, the City has an agreement with the County of Madera to comply with Revenue and Tax Code Section 99 regarding property tax revenue transfer upon annexation, which MOU includes standards of annexations; and

WHEREAS, the City does not propose any specific term and conditions for the proposed reorganization; and

WHEREAS, the reasons for this proposed annexation is to allow for the implementation of City of Madera 2025 General Plan adopted October 7, 2009, which was a comprehensive update to the City's then-existing General Plan, as further implemented by the Specific Plan; and

WHEREAS, the Specific Plan area contains approximately 12 existing parcels containing approximately 1,883 acres within the City's existing Urban Growth Boundary, and is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east (see Exhibit "A"); and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment No. 2017-02, Specific Plan No. 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning No. 2017-05, Zoning Ordinance/ Madera Municipal Code Text Amendment No. 22-01, and Annexation No. 22-01; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on April 5, 2022, to consider a recommendation to the City Council regarding annexation of the Specific Plan area; and

WHEREAS, in conjunction with the public hearing on April 5, 2022, the Planning Commission considered a recommendation of prezoning and annexation for the Specific Plan area, consistent with the Specific Plan and the General Plan, as amended; and

WHEREAS, on April 20, 2022, the City Council (1) adopted the findings required by CEQA Guidelines, section 15091; (2) certified the Specific Plan Environmental Impact Report (EIR) (SCH #2018081051); (3) adopted the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopted a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission recommended the City Council initiate the annexation of the Specific Plan area; and

WHEREAS, the City Council now desires to initiate annexation by approving Annexation No. 22-01.

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

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an environmental impact report ("EIR") (SCH #2018081051) to evaluate the environmental effects of the Project, including the proposed annexation. As such, the City Council find that the annexation and related Specific Plan and project entitlements are specifically anticipated and assessed in the EIR, are consistent with the purpose and intent of the EIR, and identified annexation as being subject to streamlining under CEQA based on consistency with those documents. The impacts associated with the annexation was previously analyzed in the EIR. Further, the City Council find that there is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed as significant adverse effects in the EIR. Additionally, there is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed in the EIR, and no potentially significant adverse effects peculiar to the Project. The

City Council find that there are no previously identified significant effects, which as a result of substantial new information which was not known at the time the EIR was certified, that have a more severe adverse impact than assessed in the EIR. Furthermore, none of the mitigation measures and alternatives previously determined to be infeasible are now feasible. Finally, no new mitigation measures or alternatives that would substantially reduce one or more significant effect on the environment have been identified. Based upon these findings, the City Council determine that no further environmental documentation is required for this project.

3. General Plan Consistency. The City Council finds that the annexation is consistent with the goals, objectives, and policies of the Madera General Plan, as amended by GPA No. 2017-02.

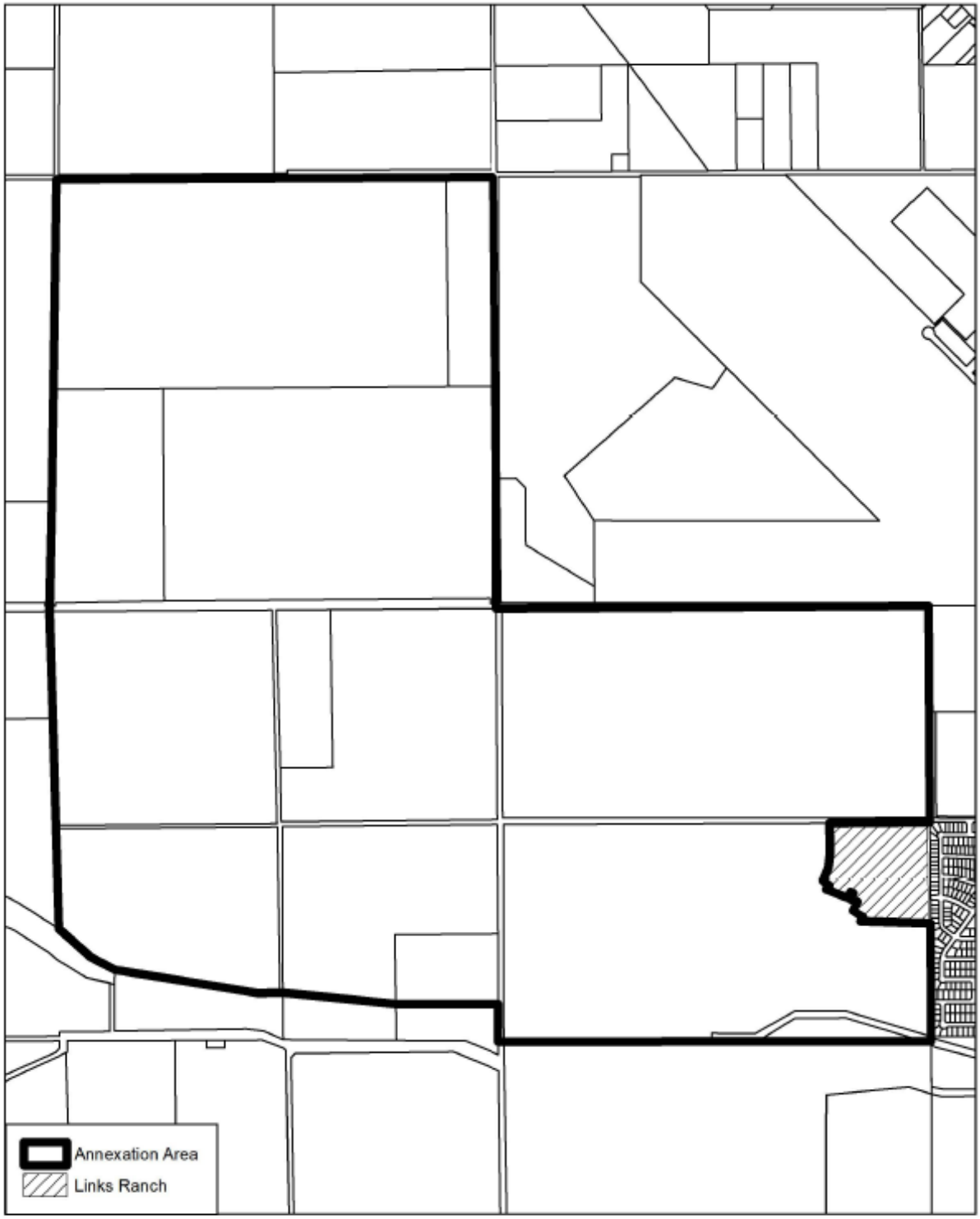
4. Recommendation for Approval. Based on the information provided above, the City Council of the City of Madera approves to initiate annexation for the entire Villages at Almond Grove Specific Plan area that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Madera County to initiate proceedings for the change of organization of territory as described in Exhibit "A", in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

5. Effective Date of Resolution. This Resolution shall become effective immediately.

* * * * *

Exhibit A: The Villages of Almond Grove Specific Plan – Proposed Area of Annexation.

EXHIBIT "A"
PROPOSED AREA OF ANNEXATION



Source: County of Madera

0 0.15 0.3 0.6 0.9
Miles

The proposed area of annexation consists of approximately 1,843 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

Current Assessor Parcel Numbers:

» 0331-700-01
» 0330-700-02
» 0330-700-03
» 0330-700-04
» 0330-700-05
» 0331-700-02
» 0331-700-05
» 0331-700-09
» 0331-700-10
» 0331-700-11
» 0331-800-02
» 0331-800-03

ATTACHMENT 13:
Madera County Correspondence dated March 23, 2022,
regarding Airport Land Use Consistency Review

March 23, 2022

Via Email: edunkel@precisioneng.net

Edward D. Dunkel, Jr.
Precision Civil Engineering, Inc
1234 O Street
Fresno CA 93721

Re: ALUC Consistency Review of the Villages at Almond Grove Specific Plan

Dear Mr. Dunkel:

This letter is issued on behalf of the Madera County Airport Land Use Commission (ALUC), in my capacity as ALUC Secretary, under the authority delegated to the ALUC Secretary by Section 2.1.1 and 2.3.3 of the ALUC Plan to make consistency determinations. We are in receipt of information regarding the Villages at Almond Grove Specific Plan which includes approximately 1,883 gross acres. The project site is within Madera County and is located north of the Fresno River, south of Avenue 17, west of Road 24, and south and west of the Madera Municipal Airport (APN: 033-070-005, 033-070-004, 033-070-002, 033-070-003, 033-170-001, 033-170-002, 033-170-009, 033-170-005, 033-170-010, 033-170-011, 033-180-002, 033-180-003).

On review of the project information provided, a full ALUC Commission Hearing is not required based on Section 2.1.1 of the Madera Countywide Airport Land Use Compatibility Plan. The property is within Compatibility Zones B2 Sideline Zone, C1 Outer Approach/Departure Zone, C2 Primary Traffic Pattern Zone, and D Other Airport Environs of the Madera Airport Area of Influence. Staff is recommending the following conditions be added to the project approvals:

- No component of operations of the facility shall create, or cause to be created, electrical interference with aircraft communications or navigation; and
- No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport; and
- Ensure intensity criteria is met; and
- Ensure airspace obstructions do not occur; and

- Ensure compliance with all aspects of the Madera Countywide Airport Land Use Compatibility Plan for the Madera Municipal Airport.

Please let me know if you have any questions or concerns.

Sincerely,

Matthew Treber

CC: Arnoldo Rodriguez, City of Madera (arodriguez@madera.gov)

ATTACHMENT 14: Planning Commission Resolutions

RESOLUTION NO. 1911

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING THE CITY COUNCIL INITIATE ANNEXATION FOR THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN AREA (ANX 2022-01)

WHEREAS, the City of Madera desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, Government Code section 56654 provides that "[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency . . . [;]" and

WHEREAS, the specific changes of organization requested consists of annexation to the City of Madera and detachment from the County of Madera of the area known as the Villages at Almond Grove Specific Plan ("Specific Plan"); and

WHEREAS, the Specific Plan area includes three (3) active Williamson Act contracts (Parcels 033-170-001, 033-170-009, and 003-170-005) in the southwest portion of the area (all of which are not currently proposed for development);

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is within the Sphere of Influence (SOI) and the Urban Growth Boundary of the City of Madera; and

WHEREAS, the City has an agreement with the County of Madera to comply with Revenue and Tax Code Section 99 regarding property tax revenue transfer upon annexation, which MOU includes standards of annexations; and

WHEREAS, the City does not propose any specific term and conditions for the proposed reorganization; and

WHEREAS, the reasons for this proposed annexation is to allow for the implementation of City of Madera 2025 General Plan adopted October 7, 2009, which was a comprehensive update to the City's then-existing General Plan, as further implemented by the Specific Plan; and

WHEREAS, the Specific Plan area contains approximately 12 existing parcels containing approximately 1,883 acres within the City's existing Urban Growth Boundary, and is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east (see Exhibit "A"); and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment 2017-02, Specific Plan 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Zoning Ordinance/ Madera Municipal Code Text Amendment 2022-01, and Annexation 2022-01; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on March 29, 2022, to consider a recommendation to the City Council regarding annexation of the Specific Plan area; and

WHEREAS, in conjunction with the public hearing on April 5, 2022, the Planning Commission considered a recommendation of prezoning and annexation for the Specific Plan area, consistent with the Specific Plan and the General Plan, as amended; and

WHEREAS, in the public hearing on April 5, 2022, the Planning Commission considered recommending to the City Council that they (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the Specific Plan Environmental Impact Report (EIR) (SCH #2018081051); (3) adopt the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution recommending to the City Council initiate the annexation of the Specific Plan area.

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

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an environmental impact report ("EIR") (SCH #2018081051) to evaluate the environmental effects of the Project, including the proposed annexation. The Planning Commission has fully considered the EIR and has concurrently recommended it for certification by the City Council, which is likely to occur at a Council meeting prior to Council consideration of a resolution initiating annexation. As such, Planning Commission finds, and recommends the Council find, that the annexation and related Specific Plan and project entitlements are specifically anticipated and assessed in the EIR, are consistent with the purpose and intent of the EIR, and identified annexation as being subject to streamlining under CEQA based on consistency with those documents. The impacts associated with both the pre-zone and annexation were previously analyzed in the EIR. The Planning Commission further recommends the City Council find that there is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed as significant adverse effects in the EIR. Additionally, there is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed in the EIR, and no potentially significant adverse effects peculiar to the Project. Next, the City Council is recommended to find that there are no previously identified significant effects, which as a result of substantial new information which was not known at the time the EIR was certified, that have a more severe adverse impact than assessed in the EIR. Furthermore, none of the mitigation measures and alternatives previously determined to be infeasible are now feasible. Finally, no new mitigation measures or alternatives that would substantially reduce one or more significant effect on the environment have been identified. Based upon

these findings, the Planning Commission recommends the City Council determine that no further environmental documentation is required for this project.

3. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the Madera General Plan, as amended by GPA 2017-02.

4. Recommendation for Approval. Based on the information provided above the Planning Commission recommends to the City Council of Madera to initiate annexation for the entire Villages at Almond Grove Specific Plan area that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Madera County to initiate proceedings for the change of organization of territory as described in Exhibit "A", in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

5. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Madera.

Passed and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES: Commissioners Robert Gran Jr., Ramon Lopez, Ryan Cerioni, Rohi Zacharia and Bobby Sheikh

NOES: None

ABSTENTIONS: None

ABSENT: Balwinder Singh

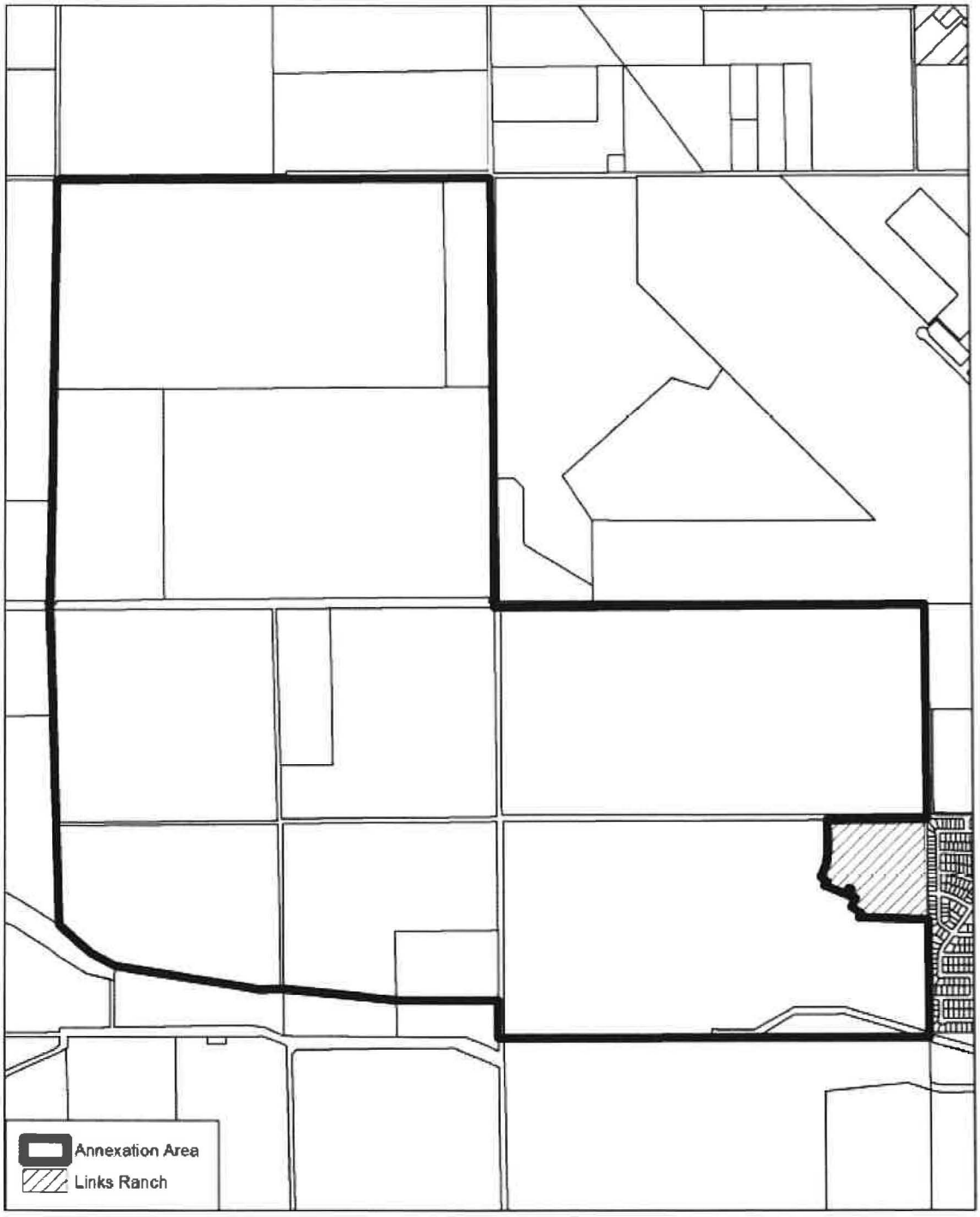
Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit A: The Villages of Almond Grove Specific Plan – Proposed Area of Annexation.

EXHIBIT "A"
PROPOSED AREA OF ANNEXATION



Source: County of Madera

0 0.15 0.3 0.6 0.9
Miles

The proposed area of annexation consists of approximately 1,883 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

Current Assessor Parcel Numbers:

» 0331-700-01
» 0330-700-02
» 0330-700-03
» 0330-700-04
» 0330-700-05
» 0331-700-02
» 0331-700-05
» 0331-700-09
» 0331-700-10
» 0331-700-11
» 0331-800-02
» 0331-800-03

RESOLUTION NO. 1912

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING THE CITY COUNCIL (1) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (2) CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH #2018081051) FOR THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (A 1,883-ACRE AREA BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST), INCLUDING GENERAL PLAN AMENDMENT (GPA 2017-02), PRE-ZONING/ REZONING (REZ 2017-05), ANNEXATION (ANX 2022-01), ZONING ORDINANCE TEXT AMENDMENT (OTA 2022-01) AS WELL AS THE TWO RELATED SUBDIVISIONS (TSM 2020-02 and 2020-03); (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM, AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the project known as the "The Villages at Almond Grove Specific Plan" (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Vesting Tentative Subdivision Map 2020-02 on approximately 645 acres and Vesting Tentative Subdivision Map 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities: and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment 2017-02, Specific Plan 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Annexation 2022-01, and Zoning Ordinance Text Amendment 2022-01; and

WHEREAS, Precision Civil Engineering, Inc., has submitted the related Vesting Tentative Subdivision Map 2020-02 on behalf of the property owners, Links Ranch LLC and Fagundes, Fagundes, Fagundes, GP, for private development within the Southeast Neighborhood portion of the Specific Plan area that will create a 2,390-lot residential subdivision and 29 outlets, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site. The site is broken up into 27 blocks and will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses: and

WHEREAS, Precision Civil Engineering, Inc., has submitted the Vesting Tentative Subdivision Map 2020-03, also on behalf of the property owners for private development within the Northwest Neighborhood portion of the Specific Plan area that will create a 2,815-lot residential subdivision and 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed- use developments, and

1 for a future school site. The site is broken up into 36 blocks and will be primarily a mix of Low-Density and Medium-Density residential uses: and

WHEREAS, as a result the following entitlements are being considered for approval:

Specific Plan:

- Specific Plan (SPL 2017-01) (Adopting the Villages at Almond Grove Specific Plan)
- Environmental Impact Report (SCH #2018081051)
- General Plan Amendment (GPA 2017-02)
- Pre-Zone/Rezone (REZ 2017-05)
- Annexation (ANX 2022-01)
- Zoning Ordinance/ Madera Municipal Code Text Amendment (OTA 2022-01) (Southeast Neighborhood)
- Vesting Tentative Subdivision Map (TSM 2020-02) (Southeast Neighborhood)
- Vesting Tentative Subdivision Map (TSM 2020-03) (Northwest Neighborhood)

(collectively "Project"); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Environmental Impact Report (SCH #2018081051) (as further defined below, the "EIR") in order to evaluate the proposed Project; and

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Preparation ("NOP") was prepared by the City and distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties for a 30-day public review and comment period commencing on August 17, 2018 (re-issued on December 3, 2019), after which a public scoping meeting was held during the NOP review period on September 12, 2018, and December 18, 2018; and,

WHEREAS, the draft EIR ("DEIR") was circulated for a 45-day public review and comment period commencing on December 23, 2021, a copy of the Draft EIR (DEIR) was circulated through the State Clearinghouse (SCH #2018081051), posted on the City's website, and was available at the Madera City Hall; and

WHEREAS, the public review period for the DEIR ended on February 7, 2022; and

WHEREAS, a Final EIR (FEIR) was prepared on the proposed Project consistent with CEQA Guidelines Section 15088(b), which addressed comments received on the DEIR, responses to those comments, as well as any appropriate revisions and clarifications to the DEIR; and

WHEREAS, the City of Madera on March 16, 2022, published a legal notice in compliance with State law concerning Planning Commission consideration of the EIR in the Madera Tribune, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the EIR. In addition, on or prior to March 18, 2022, a public hearing notice was mailed to each property owner within at least 300 feet of the Project site, as well as to all property owners within the Specific Plan area, indicating the date and time of the public hearing regarding the proposed Project (including the EIR) in accordance with State law; and

WHEREAS, on March 29, 2022, the Planning Commission conducted a duly noticed public hearing on the EIR as defined below, at which time it received input from City Staff, the City Attorney's office, and the developers; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission of the City of Madera, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed the EIR, and all associated documents prepared for the project, the staff reports pertaining to the EIR, and all of the evidence received by the Planning Commission; and

WHEREAS, Section 21000 of the Public Resources Code and Section 15000 *et. seq.* of Title 14 of the California Code of Regulations ("CEQA Guidelines") which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment caused by the Specific Plan and the associated tentative Subdivision maps; and

WHEREAS, the Planning Commission desires, in accordance with CEQA, to recommend the City Council declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, technical, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve a project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (CEQA Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (CEQA Guidelines Section 15093).

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission desires to recommend the City Council (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the EIR; (3) adopt the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Madera resolves as follows:

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. EIR Contents. The EIR consists of the following:

    a. The FEIR including any attached appendices;
    b. The DEIR including attached appendices;

c. The Notice of Preparation and comments received in response to the Notice of Preparation.
d. The Mitigation Monitoring and Reporting Plan ("MMRP");
e. Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
f. Comments received on the DEIR with responses to each of the comments made;
g. The Notice of Completion and Availability of the DEIR for public review; and
h. Any other information added by the Lead Agency.

(All hereafter collectively referred to as the "EIR").

3. Accompanying Documents To EIR. Documents that shall accompany and be part of the EIR are:

   a. Mitigation Monitoring and Reporting Program; and
   b. Findings of Fact and Statement of Overriding Considerations.

4. Certification of Compliance with California Environmental Quality Act. The Planning Commission does hereby find that the EIR (Exhibit "A" to this Resolution, a copy which is on file with the City's Planning Department), the Findings of Fact and the Statement of Overriding Considerations (Exhibit "B" to this Resolution), and the Mitigation Monitoring and Reporting Program (Exhibit "C" to this Resolution) have been prepared in accordance with requirements of the California Environmental Quality Act, and the CEQA Guidelines.

5. CEQA Findings of Fact, Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations.

   a. *Recommendation to Adopt Findings of Fact.* The Planning Commission does hereby recommend to the City Council that it approve, accepts as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, Exhibit "B" of this Resolution.

   b. *Recommendation to Certify Environmental Impact Report.* The Planning Commission hereby recommends to the City Council that it certify that (1) the EIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the EIR prior to approving the project; and (3) that the EIR reflects the City Council's independent judgment and analysis.

   c. *Recommendation Regarding Feasible and Binding Effect of Mitigation Monitoring and Reporting Program.* As more fully identified and set forth in EIR and in the Findings of Fact for this Project, which is Exhibit "B" to this Resolution, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

   d. *Recommendation to Adopt Statement of Overriding Considerations.* Even after the adoption of all feasible mitigation measures and, certain significant or potentially significant environmental effects caused by the proposed modified Project directly, or cumulatively, will remain. The proposed Project has been carefully reviewed and the

policies included in the proposed Project along with the mitigation measures identified in the EIR have avoided or substantially lessen several environmental impacts, to the extent feasible. Nonetheless, the proposed Project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. Therefore, the Planning Commission hereby recommends that the City Council issue and approve a Statement of Overriding Considerations in the form set forth in Exhibit "B," which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council.

e. *Recommendation to Adopt Mitigation Monitoring and Reporting Program*. As required by applicable State law, the Planning Commission hereby recommends to the City Council that it adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit "C" of this Resolution. The Planning Commission finds that the Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

6. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Madera.

Passed and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES: Commissioners Robert Gran Jr., Ramon Lopez, Ryan Cerioni, Rohi Zacharia and Bobby Sheikh

NOES: None

ABSTENTIONS: None

ABSENT: Balwinder Singh

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit A: Environmental Impact Report.

Exhibit B: Findings of Fact and the Statement of Overriding Considerations.

Exhibit C: Mitigation Monitoring and Reporting Program.

Exhibit "A"

Environmental Impact Report

https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011

Exhibit "B"

Findings of Fact and
Statement of Overriding Considerations

https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011

Exhibit "C"
Mitigation Monitoring and Reporting Program
(Appendix 'M' in Environmental Impact Report)

https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011

RESOLUTION NO. 1913

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION AMENDING THE GENERAL PLAN AND MADERA MUNICIPAL CODE IN ORDER TO APPROVE THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (SPL 2017-01), INCLUDING GENERAL PLAN AMENDMENT (GPA 2017-02), PRE-ZONING/REZONING (REZ 2017-05) ORDINANCE AND ZONING ORDINANCE TEXT AMENDMENT (OTA 2022-01)

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, the City has policies encouraging preparation of specific plans or master plans in certain areas prior to the properties being developed. In this case, the Specific Plan No. 2017-01 was submitted for the project area; and

WHEREAS, the project SPL 2017-01 known as the "The Villages at Almond Grove Specific Plan" (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Vesting Tentative Subdivision Map (TSM) 2020-02 on approximately 645 acres and Vesting Tentative Subdivision Map (TSM) 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities; and

WHEREAS, because the Specific Plan area currently has a Village Reserve land use designation on the majority of the site, a General Plan amendment is needed to create a Specific Plan land use category that would be applied to the entire proposed Specific Plan Area; and

WHEREAS, because the Specific Plan area, with the exception of approximately 40 acres, referred to as "Links Ranch Subdivision," is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

WHEREAS, approximately 40 acres of the Specific Plan area, referred to as "Links Ranch Subdivission is currently inside the City limits, a rezone is needed; and

WHEREAS, City services can be reasonably extended to the Specific Plan area; and

WHEREAS, approval of SPL 2017-01 would require approval of GPA 2017-02, SPL 2017-01 (adopting the Specific Plan), REZ 2017-05, ANX 2022-01, and OTA 2022-01, and

WHEREAS, a proposal has been made requesting amendments to the Madera General Plan, as shown in the attached Exhibit A; and

WHEREAS, the requested GPA 2017-02 consists of amendments to the Madera General Plan. The amendment would modify policies in the Land Use Element related to "Village D: Northwest Madera" to allow for consistency between the General Plan and the proposed Specific Plan. In addition, the City's General Plan would be amended to create a Specific Plan land use category that would be applied to the proposed Specific Plan Area (see Figure 3 in attached Exhibit A). Further, the General Plan would be amended to remove the requirement that residential development shall conform to the "target density" requirement for each land use category (density requirements will be governed by given density range). The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area; and

WHEREAS, the proposed OTA 2022-01 proposes a text amendment to add a specific plan zone district (SP Zone) to the Madera Municipal Code to provide a framework for the establishment of standards and permitted uses in the zone; and

WHEREAS, the proposed REZ 2017-05 proposes to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the the Specific Plan (SP) Zone District; and

WHEREAS, the proposed General Plan Amendment, Specific Plan, Prezone/Rezone, along with the related Text Amendment, will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the proposed General Plan Amendment, Specific Plan, Prezone/Rezone, and Text Amendment are compatible with the neighborhood and not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related General Plan Amendment, Prezone/Rezone, and Text Amendment; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the EIR, the Specific Plan, and the related General Plan Amendment, Prezone/Rezone and Text Amendment and related entitlements were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

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

WHEREAS, the Planning Commission now desires to recommend that the City Council adopt GPA 2017-02, SPL 2017-01, REZ 2017-05, and OTA 2022-01.

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and incorporated herein by reference.

2. CEQA: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report ("EIR") to evaluate the environmental effects of the Project. The Planning Commission has fully considered the EIR and has concurrently recommended it for certification by the City Council. The Planning Commission finds that the Project is consistent with, and has been fully assessed by the EIR, and that the general plan amendment, specific plan, prezone/rezone and zoning text amendments are specifically anticipated projects in the EIR and are consistent with the purpose and intent of the EIR.

3. General Plan Findings: The Planning Commission finds that the GPA 2017-02 is consistent with the General Plan goals, policies and objectives. The Planning Commission further recommends that the City Council find that GPA 2017-02 is consistent with the General Plan goals and policies. The project does not adversly affect the implementation of the General Plan with respect to surrounding properties. The proposed amendment essentially consists of minor updates to the General Plan to allow for a Specific Plan land use category that would be applied to the Specific Plan Area, removal of the requirement that residential development shall conform to the "target density" requirement for each land use category to allow for additional flexibility, removal of the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area. These changes will assist in the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth. Ensuring viable development would also assist with the implementation of the Housing Element goals and policies in providing opportunity sites for necessary housing, including goal H-1, as well Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15 of the General Plan regarding development of commercial opportunities and businesses to sustain jobs and local economic viability. The proposed amendment would support the City's efforts to meet the Regional Housing Need Allocation (RHNA) as directed by the State of California Department of Housing and Community Development and as required by the City's Housing Element of the General Plan. All the planned uses and proposed modifications are consistent with the General Plan policies and objectives and as such the proposed amendment would continue to implement the General Plan policies. Approval of GPA 2017-02 is in the public interest.

4. Specific Plan Findings: The Planning Commission finds, and recommends the City Council find, that SPL 2017-01 is consistent with State and local requirements, including as follows:

a. *State Law Consistency*: The Specific Plan is consistent with the requirements of Government Code section 65450 *et seq.*, including the following:

   i. The Specific Plan includes the distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.

   ii. The Specific Plan includes proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage,

water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the Plan.

iii. The Specific Plan includes standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

iv. The Specific Plan includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the items listed above.

v. The Specific Plan includes a statement of the relationship of the specific plan to the general plan.

b. *General Plan Consistency*: The Planning Commission finds, and recommends the City Council find, that the Specific Plan has been prepared in conformance with the goals, policies, and objectives of the General Plan as amended. The Specific Plan is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. The Specific Plan Area land use designation will be applied to areas where a Specific Plan is adopted by the City. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

Ensuring viable development would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing, including goals to provide adequate sites to meet the 2013-2023 RHNA (Objective H-1), assist in the development of housing to meet need of lower-income housholds (Objective H-2), and adequately remove governmental constraints to housing development (Objective H-3). For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component, and addresses a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

As further described in EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning, the Specific Plan is consistent with the General Plan as amended. For example, the Specific Plan's Public Facilities Financing Plan (PFFP) complies with General Plan Policy LU-14 as i) it articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) it analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use

Element of this General Plan. The Specific Plan is also consistent with other General Plan goals,policies, and objectives including Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15. The Specific Plan also incorporates Village D Specific Policies that guides development in the Plan Area. These Village D policies include mixed of uses in the core area, river frontage design along the Fresno River, conformance with the Building Blocks principles, etc. These guidelines are addressed in the circulation, land use, development standards, and design guidelines of the Specific Plan. As such, the Specific Plan is consistent with the City of Madera General Plan

c. *Madera Countywide Airport Land Use Compatibility Plan*: The airport land use compatability plan (ALUCP) contains individual compatibility plans for the Chowchilla Municipal Airport and the Madera Municipal Airport, the two public-use airports in Madera County. Under California Government Code Section 65302.3(a), general plans must be consistent with any airport land use plan adopted pursuant to Public Utilities Code Section 21675. The Specific Plan includes appropriate land use types and densities located within the airport zones to ensure consistency with the ALUC plan, and future development within the airport zones would be required to comply with the restrictions of the ALUC plan prior to approval both by law and per the General Plan.

d. *Climate Action Plan*: As further described in EIR Table 4.8.F: Project Consistency with the City of Madera Climate Action Plan, the implementation of Mitigation Measure GHG-1.1 would ensure the proposed Specific Plan incorporates design features consistent with the applicable measures as included in the City's Climate Action Plan (CAP). With implementation of these measures, the Specific Plan is in compliance with the City's CAP.

5. Pre-Zone/Rezone Findings: The Planning Commission finds that REZ 2017-05 is consistent with the Specific Plan and General Plan as amended. The Planning Commission further recommends that the City Council find that REZ 2017-05 i) is consistent with the General Plan goals, objectives, and policies and will provide the required consistency between the General Plan, as amended, and zoning; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements; v) City services are either available or can be extended to serve the area; and vi) adoption is in the best interests of the City. The Plan area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The entire plan area would be pre-zoned by the City of Madera consistent with City zoning as identified in the Specific Plan. The project is consistent with the General Plan goals, objectives, and policies, and those of the Specific Plan, including:

a. The goals, policies, and objectives as discussed above, including the General Plan Housing Element and EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning.

b. Goal SUS-1: Establish and maintain a diverse and sustainable local economy.

c. Policy SUS-11: The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature

of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

d. Policy SUS-13: The City shall support the location and continued operation of local businesses that supply goods and services needed in City.

e. Policy SUS-15: The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.

f. Policy LU-14: All proposals to annex property into the City limits for the purpose of new development shall prepare a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. The PFFP shall analyze backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of this General Plan. (The Planning Process required for Village Reserve Areas in Policy LU-34 shall be sufficient to meet this requirement.) The cost of preparing the PFFP shall be shared proportionately among property owners in each Village, with the shares of any non-participating owner collected at the time of development and reimbursed to owner(s) who prepared the PFFP through a reimbursement agreement.

g. Policy CD-20: The comprehensive planning of Villages shall include the creation of consistent design themes for each Village area that are specific to the Village but consistent with overall City standards.

h. Village D Specific Policies:

    i. All future development in this Village shall conform to the Building Blocks principles as described in this General Plan.

    ii. The Village core area shall provide for an integrated mix of uses, including park and open space uses, along the river.

    iii. Future development along the Fresno River should be designed to take advantage of the river frontage, including orienting development to front the river where not otherwise prohibited by site conditions.

    iv. Village and neighborhood planning shall provide for the alignment of the designated arterial which runs through the Village east and west (Cleveland Avenue), to bend to the south to provide circulation to the proposed village core located along the Fresno River.

    v. All development proposals within Village D shall comply with the provisions of the Airport Land Use Master Plan. The establishment of land use designations at the village and neighborhood levels, as well as the layouts of individual projects, shall reflect the allowable uses and densities in the Airport Land Use Master Plan.

6. Ordinance Text Amendment Findings: OTA 2022-01 proposes to amend the City's Municipal Code to include a specific plan zone district (SP Zone) to provide a framework for standards and permitted uses in the zone. The Planning Commission finds, and recommends the

City Council find, that OTA 2022-01 is consistent with the General Plan as amended, and that amendment is warranted by public necessity, convenience, general welfare, and good zoning practices.

7. Public Health, Safety, and Welfare: The Planning Commission finds that approval of GPA 2017-02, SPL 2017-01, REZ 2017-05, and OTA 2022-01 are in the best interest of the City, and are not detrimental to public health, safety, or welfare, and recommends that the City Council find the same.

8. Recommendations of Approval: Given that all of the findings can be made, the Planning Commission recommends the City Council adopt GPA 2017-02, SPL 2017-01 (including the associated public facilities financing plan [PFFP]), REZ 2017-05, and OTA 2022-01, as set forth in Exhibit A, Exhibit B, Exhibit C, and Exhibit D, respectively, which amends the General Plan text, the General Plan land use designations for the project site, the Zoning for the project site, and the Madera Municipal Code.

9. Effective Date: This resolution is effective immediately.

* * * * *

Passed, approved and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES: Commissioners Robert Gran Jr., Ryan Cerioni, Ramon Lopez, Rohi Zacharia and Bobby Sheikh

NOES: None

ABSTENTIONS: None

ABSENT: Balwinder Singh

Robert Gran, Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit A: GPA 2017-02: Land Use Map and General Plan Amendments

Exhibit B: SPL 2017-01 (including associated public facilities financing plan (PFFP) (attached as a separate exhibit)

Exhibit C: Draft City Council Ordinance for REZ 2017-05 (with proposed Zoned District Diagram)

Exhibit D: Draft City Council Ordinance for OTA 2022-01

Exhibit 'A'

GPA 2017-02: Land Use Map and General Plan Amendments

General Plan Land Use Designation – Current



General Plan Land Use Designation – Proposed

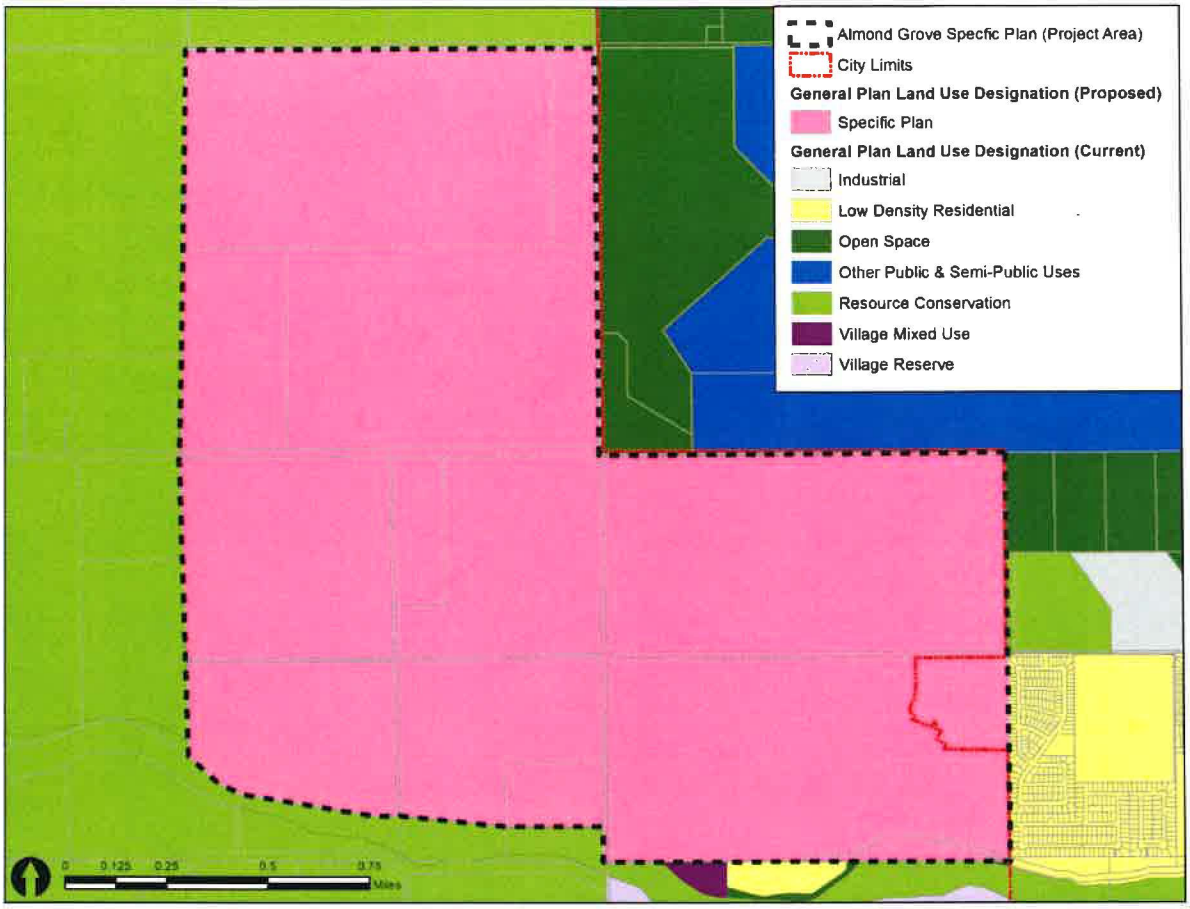
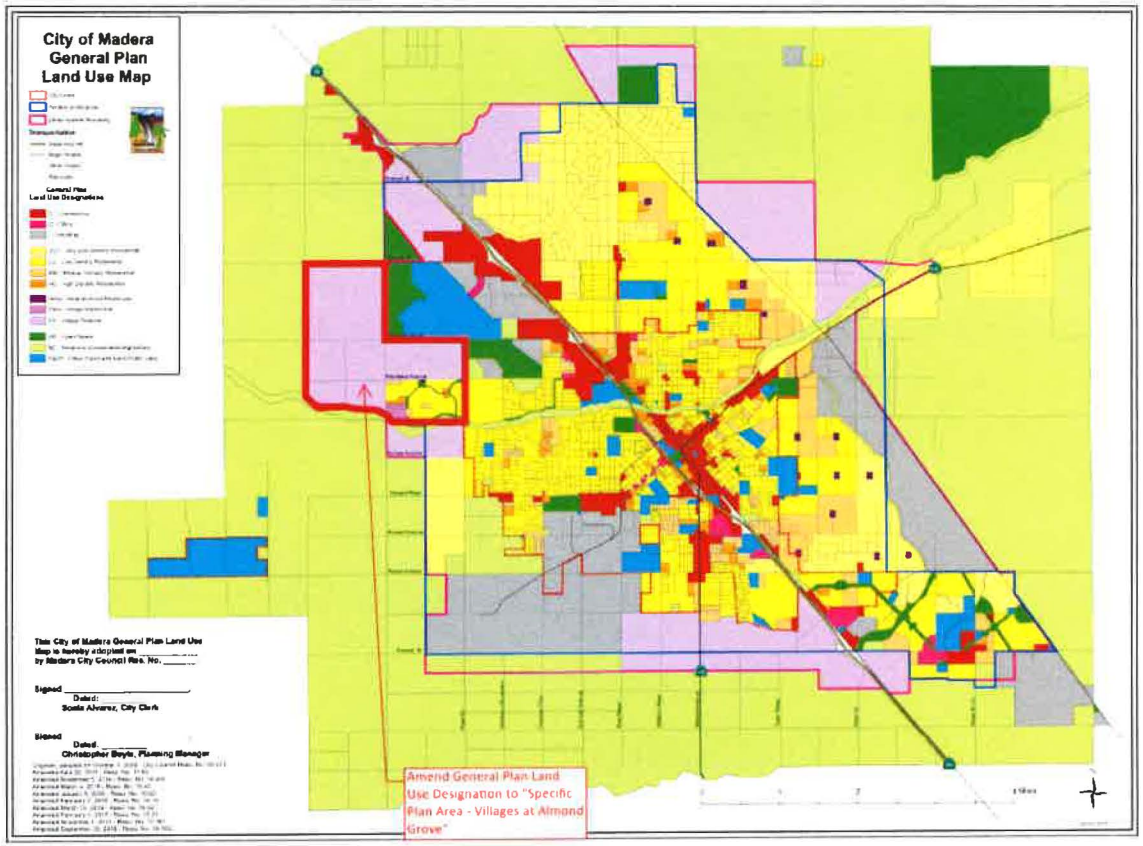


FIGURE LU-2: LAND USE MAP



Policy LU-6►

Where a density range is specified for residential development, developments shall provide at least the minimum density and shall not exceed the maximum density except as provided for in any applicable density bonus provision.

~~Policy LU-7►~~

~~Residential development shall conform to the "Target Density" requirement for each land use category. Development density (dwelling units per acre, as calculated using the same methodology as described in Policy LU-5), shall be at or above the Target Density unless one or more of the following findings can be made:~~

- ~~Specific characteristics of the site (flooding, topography, protected habitat areas, airport proximity, etc.) cannot be built on and reduce the development potential below the Target Density.~~
- ~~Development at the Target Density would result in unacceptable impacts to roadways or other infrastructure or the exceedence of any City adopted Threshold Standards.[1]~~
- ~~Development was limited by a Development Agreement, Vesting Tentative Tract Map, or other City approved plan or agreement existing before October 1, 2009.~~

~~Target Density requirements shall apply to all land which was part of a parcel of at least ten (10) acres in size on or after October 1, 2009.~~

[1] See Policy LU-13.

IMPLEMENTATION POLICIES

Policy LU-32►

Zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, **Table LU-A** shall be used to determine consistency for rezoning applications.

TABLE LU-A: GENERAL PLAN/ZONING CONSISTENCY

General Plan Land Use Category	Consistent Zoning Districts
Residential Categories	
Very Low Density Residential	UR, U
Low Density Residential	**RA, R-1, PD-4500, PD-6000, PD-8000, PD-12000**
Medium Density Residential	R-2, PD-4500, PD-3000
High Density Residential	**R-3, PD-2000, PD-1500**
Village Categories	
Village Reserve	**All Districts**
Village Mixed Use	C-R, C-N, C-1, C-2, C-H, PO, PD Zones
Commercial Categories	
Commercial	C-R, C-N, C-1, C-2, C-H
Office	**PO**
Industrial Categories	
Industrial	**I, IP**
Specific Plan Area	
Specific Plan Area	**All Districts, SP**

submitting either type of plan must include a list of all affected owners and their property(ies) and must show how their participation was sought.

- In some Village areas (as mapped and defined in this Land Use Element), the Village Reserve designation applies only to a portion of the Village. In this case, the process outlined below is required only for the Village Reserve areas, not to the entire Village. However, submitting plans that cover the entire Village is permitted.

In some Village Reserve areas, a Village Center is not required. See the detailed policies for the affected Village area (later in this Land Use Element) for further information.

In addition to the required plans, maps, reports, etc., the City may at its discretion require other items as needed to address issues in any particular Village. These may include additional environmental analysis, traffic studies, biological studies, noise studies, etc.

Action Item LU-34.1

Establish and make available procedural guidelines detailing the three step village reserve planning process.

Policy LU-35►

Figure LU-3 depicts the Village and District areas as defined by the City of Madera. This map shall be used to implement other policies in this General Plan which refer to villages and village centers. Although shown as defined lines, the exact boundaries of a village may be adjusted at the City's discretion to reflect conditions on the ground, ownership boundaries, or other conditions. Such a change shall not be considered an amendment to this General Plan.

Note to the Reader: The policies on the pages following Figure LU-3 address individual Villages and Districts.

Policy LU-36►

After the establishment of the Specific Plan for Village Reserve areas, the Specific Plan Area land use may be adopted in place of the existing land use designation through a General Plan Amendment. The area should be named "Specific Plan Area" with a number or the name of the project appended after (eg., Specific Plan Area - Villages at Almond Grove).

- ~~In conjunction with village and neighborhood planning, a mechanism shall be established which creates a permanent agricultural buffer where the westerly edge of the Village abuts the Growth Boundary. This buffer shall average at least 400' in depth, with a minimum depth of 250', and must run continuously along westerly edge of the Village. No habitable structures are to be located within this buffer, although passive recreational opportunities (such as trails and community gardens) may be allowed. Alternative methods and designs to establish the buffer may be proposed, and including placing the buffer on either side of the Growth Boundary. Physical maintenance of the buffer shall be provided consistent with the design and function of the space.~~

- The Village core area shall provide for an integrated mix of uses, including park and open space uses, along the river.

- Future development along the Fresno River should be designed to take advantage of the river frontage, including orienting development to front the river where not otherwise prohibited by site conditions.

- Village and neighborhood planning shall provide for the alignment of the designated ~~arterial~~collector which runs through the Village east and west ~~(Cleveland Avenue)~~, to bend to the south to provide circulation to the proposed village core located along the Fresno River.

- All development proposals within Village D shall comply with the provisions of the Airport Land Use Master Plan. The establishment of land use designations at the village and neighborhood levels, as well as the layouts of individual projects, shall reflect the allowable uses and densities in the Airport Land Use Master Plan.

Policy LU-45►

SPECIFIC PLAN AREA CATEGORIES AND POLICIES

The following is the City's specific plan area land use category:

Specific Plan Area: The Specific Plan Area (SP) may be applied to areas where a Specific Plan has been adopted by the City. A Specific Plan is a detailed plan for the development of a particular area and may contain residential, commercial, industrial, public, and/or open space uses. Detailed land use regulations are contained within each adopted Specific Plan document.

Exhibit 'B'

Specific Plan 2017-01 (including associated Public Facilities Financing Plan (PFFP)

https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011

Exhibit 'C'

Draft Ordinance for REZ 2017-05 (proposed Zoning Map)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1,883 ACRES WITH THE VILLAGES OF ALMOND GROVE SPECIFIC PLAN, WHOSE LOCATION IS BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST, FROM AGRICULTURAL RURAL EXCLUSIVE - 40 ACRES (ARE-40) AND AGRICULTURAL RURAL EXCLUSIVE - 20 ACRES (ARE20), AS WELL AS PD 4500 (PLANNED DEVELOPMENT, ONE UNIT PER 4,500 SQUARE FEET OF SITE AREA), TO THE SPECIFIC PLAN (SP) ZONE DISTRICT.

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. At its meeting on April 12, 2022, the City Council approved General Plan Amendment 2017-02 (General Plan Amendment), and also approved Specific Plan 2017-01 known as the "The Villages at Almond Grove Specific Plan" (Specific Plan) located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. As part of that meeting, the City Council also certified an Environmental Impact Report (SCH #2018081051) (EIR) and adopted a mitigation monitoring and reporting program (MMRP) for the project. The Planning Commission of the City of Madera previously held a hearing and recommended approval of, among others, the General Plan Amendment and Specific Plan. Additionally, the Planning Commission recommended approval of Pre-Zoning/ Rezoning 2017-05 (Prezone/Rezone) to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council desires to approve the Prezone/Rezone.

SECTION 2. Based on the testimony and information presented at its public hearing, the City Council finds that Pre-Zone/Rezone 2017-05 i) is consistent with the Specific Plan and General Plan goals, objectives, and policies, and will provide the required consistency between the General Plan, as amended, and zoning; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements; v) City services are either available or can be extended to serve the area;

and vi) adoption is in the best interests of the City. The majority of the Plan area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). Approximately 40 acres of the Plan area is currently zoned by the City of Madera as Plan Development (one unit for each 4,500 sq ft of the area (PD – 4500)). The entire plan area would be pre-zoned or rezoned by the City of Madera as applicable consistent with City zoning as identified in the Specific Plan. Such determinations are based on the administrative record including the following:

a. General Plan and Specific Plan Consistency. The Prezone/Rezone is consistent with the goals, policies, and objectives, including the General Plan Housing Element and EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning. The Prezone/Rezone will allow for implementation of the Specific Plan, as is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

   The Prezone/Rezone is a necessary step to ensuring viable development that would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing. For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component and would provide a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

   Further, the mixed-use nature of the Specific Plan as implemented by the Prezone/Rezone encourages diversification and development of the City's economic base. The Specific Plan provides substantial diversification in terms of residential verses commercial uses. Additionally, within the commercial uses there is a broad diversification that provide various types of sales taxes (restaurants, entertainment, automobile sales, etc.) in conjunction with higher tax rates associated with high-quality retail. The project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs including in the commercial and entertainment industries, which are reasonably expected to result in more personal income associated with higher-quality retail, and which income will likely to be spent locally, resulting in additional tax revenues and economic development. This is

consistent with General Plan Goal SUS-1 (establish and maintain a diverse and sustainable local economy), as well as Policy SUS-11 (abundant commercial opportunities and development of a strong local workforce), Policy SUS-13: (support operation of local businesses that supply goods and services needed in City); and Policy SUS-15 (promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.) The employment opportunities are designed to also encourage the use of ridesharing (consisted with General Plan Policy CI-37), facilitate employment opportunities that minimize the need for vehicle trips (General Plan Policy CI-42) and promote jobs that reduce the need for residents to commute to work outside the City (General Plan Policy SUS-15).

The implementation of the Specific Plan through this rezone also complies with General Plan Policy LU-14, in that the project has prepared a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. General Plan Policy CD-20 calls for the comprehensive planning of Villages that is consistent with overall City standards, which has been met here. Finally, the Prezone/Rezone is consistent with the Specific Plan specific policies including those related to conformity with Building Blocks principles; agricultural buffers; the provision of a Village core area providing for an integrated mix of uses, including park and open space uses, along the Fresno river; development designed to take advantage of river frontage, alighnment of arterials, and compliance with the Airports Land Use Master Plan.

b. The Prezone/Rezone will promote and protect the public's health, safety, peace, comfort, convenience and general welfare. As discussed above, the Prezone/Rezone implements the Specific Plan, which is consistent with the General Plan. All aspects of these documents, including the Specific Plan's Public Facilities Financing Plan (PFFP), work together to promote the public welfare including housing, jobs, convenience of access, aesthetic values, protection of environmental values, protection of public and private improvements, etc.

c. City Services. As extensively discussed in the EIR, City services are available or can be extended to serve the area. Additionally, the City has approved the PFFP, which i) articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of the General Plan.

SECTION 3. Given that all of the findings can be made, the City Council approves Pre-Zone/Rezone 2017-05, to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council hereby amends the City of Madera Zoning Map as illustrated in Attachment "A," which is attached and incorporated by reference and which indicates the segment of the City of Madera Zoning Map to be amended. To the extent not already annexed, territory annexed to

the City subject to Pre-Zone/Rezone 2017-05 shall be automatically added to the City of Madera's official zone map. Pre-zoning shall be recorded on the official zone map in the same manner as change of zoning district amendments, but shall be identified by the use of parentheses enclosing the district symbols. Such pre-zoning classification shall become the effective zoning of the property at the same time that the annexation becomes effective.

SECTION 4. Based on the testimony and information presented at its public hearing, the City Council finds that the City Council previously prepared and certified the EIR for The Villages at Almond Grove Specific Plan. The EIR identified that implementation of the proposed project would require certain approvals, including approval of pre-annexation zoning and rezoning. This pre-annexation zoning and rezoning was included within the scope of the project, and was environmentally assessed in the EIR. The pre-annexation zoning and rezoning does not change the environmental assessment of the EIR. Further, the EIR was certified on April 12, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Pre-Zoning/ Rezoning 2017-05 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

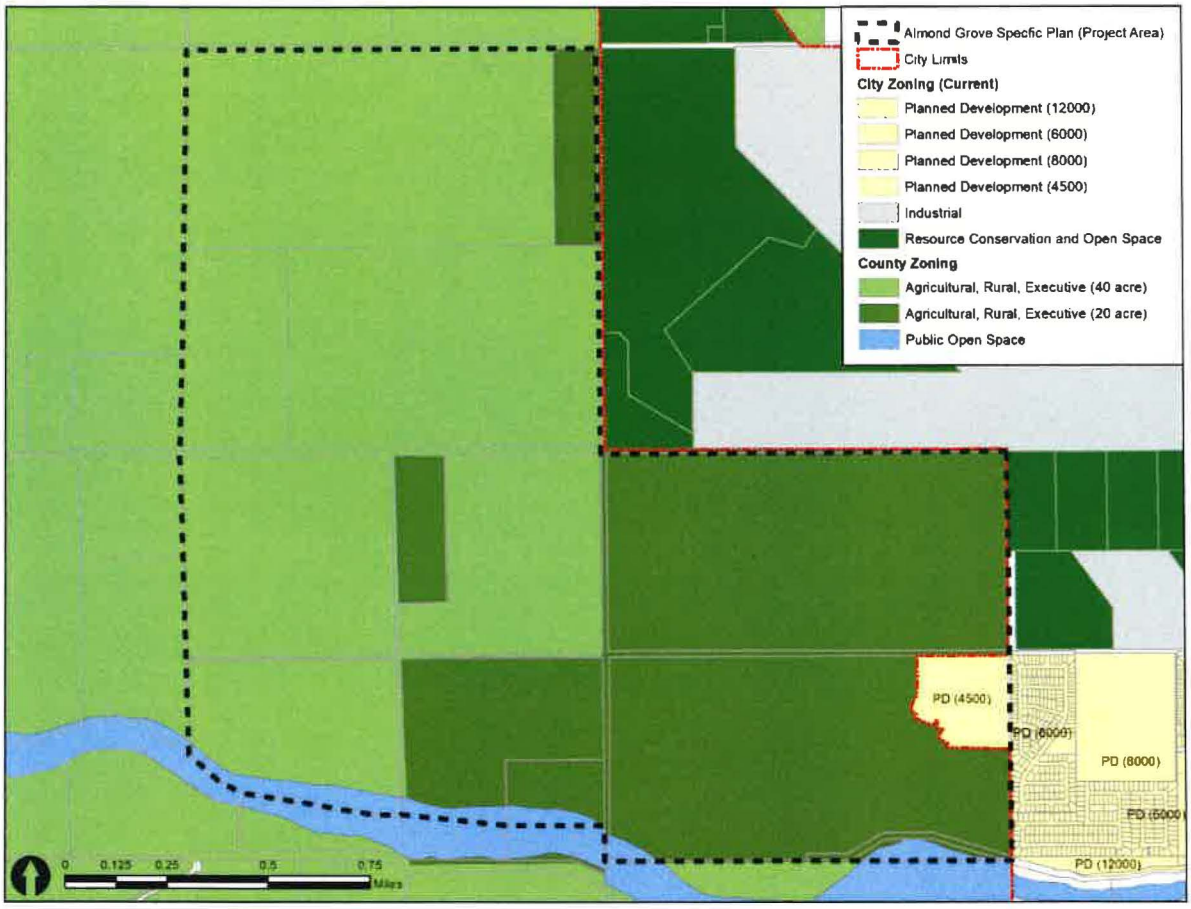
SECTION 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

ATTACHMENT "A"

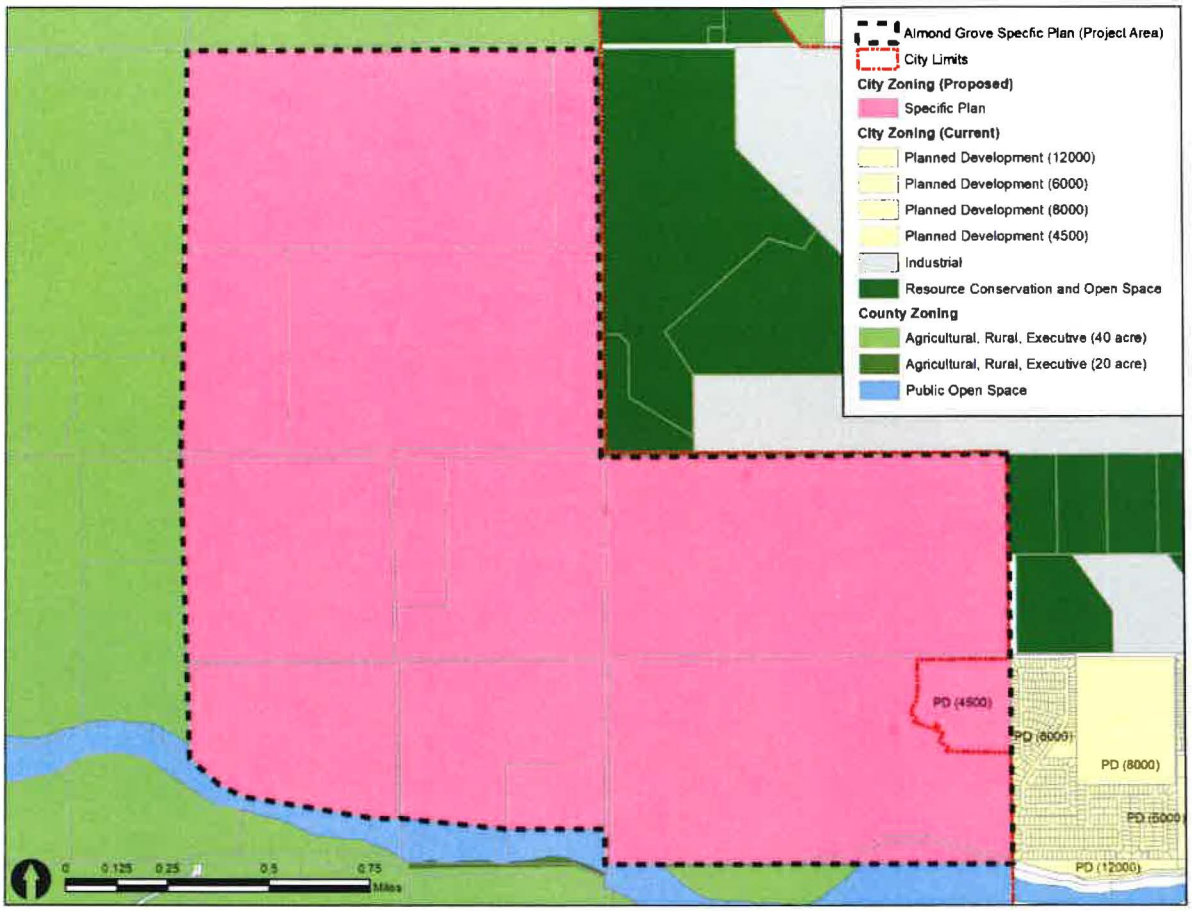
Change Of Zoned District Amendments For Pre-Annexation Zoning and Rezoning For The Villages At Almond Grove Specific Plan

Prior Zoned District



The existing zoned district consists of approximately 1,883 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

New Zoned District



Current Assessor Parcel Numbers:

» 0331-700-01
» 0330-700-02
» 0330-700-03
» 0330-700-04
» 0330-700-05
» 0331-700-02
» 0331-700-05
» 0331-700-09
» 0331-700-10
» 0331-700-11
» 0331-800-02
» 0331-800-03

Exhibit 'D'

Draft Ordinance for Municipal Code Text Amendment

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING SECTION 10-3.301 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE, AND ADDING SECTIONS 10-3.11.601 THROUGH SECTIONS 10-3.11.604 OF SUBCHAPTER 11 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE TO PROVIDE FOR SPECIFIC PLAN ZONES (SP)

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. The City Council finds that Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 is consistent with the General Plan as amended, and that amendment is warranted by public necessity, convenience, general welfare, and good zoning practices. The City Council approves Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 as set forth below.

SECTION 2. Section 10-3.301 of the Madera Municipal Code is amended to read in its entirety as follows:

§ 10-3.301 ESTABLISHMENT.

(A) In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to promote the public health, safety, peace, comfort and general welfare, 16 classes of land use zones are established to be known as follows:

(1) **PD.** Planned Development Zones
(2) **R.** Residential Zones
(3) **RCO.** Resource Conservation and Open Space Zone
(4) **PF.** Public Facilities Zone
(5) **PO.** Public Office Zone
(6) **C-1.** Light Commercial Zone
(7) **C-2.** Heavy Commercial Zone
(8) **C-R.** Restricted Commercial Zone
(9) **WY.** West Yosemite Avenue Overlay Zone
(10) **I.** Industrial Zone
(11) **UR.** Urban Reserve Zone
(12) **U.** Unclassified Zone
(13) **IP.** Industrial Park Zone
(14) **N-C.** Neighborhood Commercial Zones
(15) **H-C.** Highway Commercial Zones
(16) **SP.** Specific Plan Zone

(B) An "S" subdesignation may be added to a zone classification applied to a parcel or parcels of land when deemed appropriate by the City Council, upon recommendation of the Planning

Commission, for the purpose of setting forth special provisions for the use of such land on an interim or transitional basis. Such use may be one that would otherwise not be permitted by the regular zoning classification. The "S" subdesignation shall be established by ordinance, after due public hearing processes, and the ordinance shall set forth the circumstances of the subdesignation, including but not limited to the purpose and time period for the special provisions. Upon the termination of the specified time period the special provisions shall automatically become null and void and the subdesignation shall be duly deleted from the zoning map of the city without further hearing.

SECTION 3. Sections 10-3.11.601 through Sections 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the Madera Municipal Code is added to read in its entirety as follows:

Specific Plan Zones (SP)

§ 10-3.11.601 PURPOSE AND APPLICATION

(A) The purpose of the SP Zone is to accomplish the following:

(1) To provide a framework for how to analyze project level development standards and permitted uses in the SP zone district; and

(2) To provide a framework and requirements for approving specific plans proposed in the City by establishing a development review framework for comprehensibly planned communities pursuant to Government Code Section 65450 to 65457 for the preparation of specific plans.

§ 10-3.11.602 APPLICABILITY

(A) For properties already zoned SP, the allowed uses, allowed density, and required property development standards shall be as outlined in the applicable specific plan. Where the regulations of a specific plan are silent or not specifically referenced, the comparable regulations of these zoning regulations and all adopted ordinances, regulations, standards, and guidelines of the city shall apply.

(B) For properties proposed to be rezoned to the SP Zone, a specific plan meeting the requirements outlined below is required and must be submitted concurrently with the rezone request. The SP Zone, including all standards and processes, is available to all new development proposals within the city, except those areas within the city limits already regulated by an existing adopted specific plan and approved prior to the adoption of this ordinance. Those areas shall be exempt from this chapter, and all activities within such areas shall be subject to the existing standards and procedures of the applicable specific plan.

(C) All new SP Zones must encompass an area of no less than five (5) acres of contiguous property.

§ 10-3.11.603 SPECIFIC PLAN REQUIRED ELEMENTS

(A) A specific plan shall provide regulations and design standards governing the minimum and maximum development parameters of all real property within the proposed SP Zone District. All specific plans prepared and adopted under subchapter 11.601 et seq. shall be consistent with the requirements of Government Code Section 65450 as amended, and shall include, at a minimum, the following:

(1) Purpose. State the relationship to the goals and policies of the General Plan.

(2) Setting. State the existing and regional setting to establish the conditions and reasons for the project.

(3) Proposed Land Uses. Establish the distribution, type, definitions of, and regulations for all proposed land uses. The uses described within the specific plan shall be designed and developed in a manner consistent with the General Plan and Section 10-3.11.604 below.

(4) Development Standards. Establish all regulating policies and include all of the following for all building types:

(a) Building height, setbacks, massing, and design standards.

(b) Lot area, width, depth, and structural limitations.

(c) Maximum number of dwelling units and the maximum residential density (of the Specific Plan Area and any individual site or portion).

(d) Usable open space provisions and requirements within the development.

(e) Off-street parking and loading facilities.

(f) Design and development standards (architectural, landscape, streetscape, street furniture, utilities, fence/wall types, etc.), which may include design themes or similar architectural treatments to control future construction of buildings on parcels covered by the Specific Plan. Site planning at the perimeter of the zone boundaries shall provide for the mutual protection of the zone and the surrounding property.

(g) Signage requirements shall be addressed, either through chapter 6 of title 10 (Sign Regulations) or by a unique sign program codified in the specific plan.

(h) All areas for storage of vehicles, maintenance equipment, refuse and collection facilities, manufactured products, or other similar materials used by or in a manufacturing/fabricating process on-site shall be prohibited or shall be enclosed by a decorative, block, or brick wall and/or landscape screening in combination.

(5) Site Planning. Establish a comprehensive map of all major streets, open spaces, private and public property, and land uses for all affected property, consistent with the intent of the General Plan.

(a) Consider and preserve environmentally sensitive resources (water courses, view sheds, drainage areas, wooded areas, rough terrain [canyons, ravines, steep slopes, ridges, knolls, promontories], and other similar natural features) and make provisions to retain natural features and amenities found on-site.

(b) Provide landscape architectural concept plans and standards, including project entries, streetscapes, fencing details, lighting, signage, utility, and street furniture.

(6) Infrastructure. Identify the proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed.

(a) Include written analysis detailing plans for the construction, improvement, or extension of transportation facilities, public utilities, and all other public facilities/services required to serve the properties.

(b) Dedicate all public right-of-ways and public park spaces within or abutting the development to applicable City specifications.

(c) Private streets and alleys shall be designed to public street standards (where applicable), or propose modifications, and be privately owned and maintained for their intended purpose without public cost or maintenance responsibility.

(d) Consideration of other forms of access, such as pedestrian ways, paseos, courts, plazas, driveways, horse trails, bike trails, or open public parking areas, may be made at the time of specific plan consideration by the city.

(7) Maintenance. Provisions assuring the continued maintenance of private property, grounds, and all common areas shall be required.

(8) Phasing. Specific plans developed in phases or neighborhoods over a period of time, not developed in a consecutive and uninterrupted manner, shall be required to process each phase or neighborhood through separate entitlement processes.

§ 10-3.11.604 ALLOWED LAND USES

(A) All use of lands within the SP Zones shall be compatible with the purpose and intent of these zoning regulations.

(B) All use of lands within the SP Zones shall be consistent or made consistent with the General Plan Land Use Map, which may include varying densities of residential, commercial, and/or industrial development.

(C) A new specific plan shall be processed using the same procedure as a General Plan amendment as well as a change of zone boundaries per Section 10-3.1501 et seq.

SECTION 4. **SEVERANCE**. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. **CEQA**. Based on the testimony and information presented at its public hearing on April 12, 2022, the City Council finds that the City Council previously prepared and certified an Environmental Impact Report (SCH #2018081051) (EIR) for The Villages at Almond Grove Specific Plan (Specific Plan). The EIR identified that implementation of the proposed project would require certain approvals, including amendment of the Municipal Code to implement the Specific Plan Zones. This amendment was included within the scope of the project, and was environmentally assessed in the EIR. The amendment of the Municipal Code does not change the environmental assessment of the EIR. Further, the EIR was certified on April 12, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant

effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Zoning Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines Section 15162, and no further action or review is required under CEQA.

SECTION 6. **PUBLICATION**. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 7. **EFFECTIVE DATE.** 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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