

## REGULAR MEETING OF THE MADERA CITY COUNCIL

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

### NOTICE AND AGENDA

Wednesday, March 2, 2022  
6:00 p.m.

Council Chambers  
City Hall

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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](http://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: 832 4470 2891#. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto: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.

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#### **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:** Rabbi Paul Gordon, Congregation Beth Jacob

**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. Department of Public Health Update on COVID-19 (Report by Madera County Public Health Department)
2. Madera District Fair Award Recognition

**INTRODUCTIONS:**

**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 – 07/21/21**

**Recommendation:** Approve the City Council Minutes of July 21, 2021

**B-2 Informational Report on Register of Audited Demands for February 5, 2022 to February 18, 2022**

**Recommendation:** No Action Required (Report by Anthony Forestiere)

**B-3 Second Reading and Adoption of an Ordinance for a Rezone related to the development of the Sunset Apartment Project**

**Recommendation:** Waive full reading and Adopt an Ordinance, rezoning the approximately 0.2 northern acres of Assessor's Parcel Number 006-182-007 to the R3 (*One unit per 1,800 square feet of site area*) zone district (Report by Arnoldo Rodriguez)

**B-4 Second Reading and Adoption of an Ordinance Amending the City's Municipal Code Relating to the Appointment Process for City Boards, Committees, and Commissions**

**Recommendation:** Waive full reading and Adopt an Ordinance Amending §2-3.101 OF TITLE II, CHAPTER 3 of the Madera Municipal Code relating to the appointments process for City Boards, Committees, and Commissions (Report by Arnoldo Rodriguez)

**B-5 2020-21 City St. 3R & ADA Project, State Project No. LPP SB1-LLPL 5157 (120), City Project No. R-71**

**Recommendation:** Adopt a Minute Order Approving

- 1) Acceptance of 2020-21 City St. 3R & ADA Project, State Project No. LPP SB1- 5157 (120), City Project No. R-71; and
- 2) The Recording of Notice of Completion; and,
- 3) The release of retention 35 days after recording of the Notice of Completion (Report by Keith Helmuth)

**B-6 Amendment to the Application for Transportation Development Act (TDA) – Local Transportation Funds (LTF) and State Transit Assistance (STA) Funds for Fiscal Year (FY) 2021/22 and Rescinding Resolution No. 22-05**

**Recommendation:**

- 1) Adopt a Resolution Rescinding Resolution No. 22-05 and approving the amended application for TDA, LTF for FY 2021/22 with FY 2020/21 carryover balances; and
- 2) Authorizing the City Engineer to execute the amended application and submit it to the MCTC for approval and adoption (Report by Keith Helmuth)

**B-7 Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2021 funding allocation**

**Recommendation:** Adopt a Resolution Authorizing a Budget Amendment to the JAG FY 2021 Program budget as a result of accepting Grant in the amount of \$27,829 (Report by Anthony Forestiere)

**B-8 Amendment to Lease Agreements at the Madera Intermodal Transit Center**

**Recommendation:** Adopt a Resolution Approving Amendment No. 1 to the Lease Agreement between the City and Greyhound for the use of the Intermodal Transit Center and Rescinding Resolution No. 22-03 (Report by Anthony Forestiere)

**B-9 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 \$30,000 (Report by Anthony Forestiere)

**C. PUBLIC HEARINGS:**

**C-1 7:00PM – Redrawing of Council Member District Boundaries (Redistricting)**

**Recommendation:**

- 1) Receive a report on the redistricting process, feedback from the February 6, 2022, second redistricting workshop draft maps, and permissible criteria to be considered to redraw district boundaries;
- 2) Conduct Public Hearing #4 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)

**C-2 Updating Prima Facie Speed Limits on Designated City Streets in Compliance with Vehicle Code Regarding Speed Surveys on City Streets**

**Recommendation:** Introduce an Ordinance Amending Section 3-5.08 of Chapter 5 of Title 3 of the Madera Municipal Code (MMC) to Update Prima Facie Speed Limits on City Streets (Report by Keith Helmuth)

**C-3 Public Hearing Relating to Annexation of Certain Properties into Zone of Benefit 40 and Zone of Benefit 51 to the Citywide Landscape and Lighting Assessment Districts (LMD) Zone for Fiscal Year 2022/23**

**Recommendation:** Adopt Resolutions Approving Annexation of Certain Properties to Citywide Lighting and Landscaping Assessment Districts:

- 1) Resolution Approving Annexation No. 2022 -01 for Annexation of APN 012-253-002, 012- 270-001, and APN 012-270-002 (Rai Apartments) Into Zone of Benefit 40; Confirming the Diagram and Assessment for Citywide Landscape and Lighting Assessment District Zone of Benefit 40 for Fiscal Year (FY) 2022/23; and Authorizing the City Clerk to File the Diagram and Assessment with the Madera County Auditor; and
- 2) Resolution Approving Annexation No. 2022-02 for annexation of APN 010-193-010 (Caliber); APN 012-133-039 (ARCO); APN 003-194-012 (Starbucks Country Club Drive) Into Zone of Benefit 51; Confirming the Diagram and Assessment for Citywide Landscape and Lighting Assessment District Zone of Benefit 51 for Fiscal Year (FY) 2022/23; and Authorizing the City Clerk to File the Diagram and Assessment with the Madera County Auditor (Report by Keith Helmuth)

**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 agendaized and which meet other requirements for action.*

**G. CLOSED SESSION:**

**G-1 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation - Pursuant to Government Code §54956.9(d)(2)**

Workers' Compensation: John Cortes – One (1) claim

**G-2 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code §54956.9(d)(1)**

Workers' Compensation: Brian Hutchison EAMS No. ADJ12672547  
Mark Manzo EAMS No. ADJ12491801

**ADJOURNMENT:**

**UPCOMING MEETING DATES:**

- Wednesday, March 16, 2022
- Wednesday, April 6, 2022
- Wednesday, April 20, 2022
- Wednesday, May 4, 2022

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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - 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](mailto:cityclerkinfo@madera.gov) .

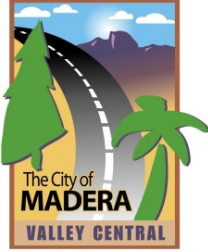
- The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least 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.
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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 March 2, 2022, near the front entrances of City Hall and on the City's website [www.madera.gov](http://www.madera.gov) at 7:00 p.m. on February 24, 2022.



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Alicia Gonzales, City Clerk



Item:	B-1
Minutes for:	07/21/2021
Adopted:	03/02/2022

**Minutes of a Regular Meeting of the Madera City Council, Special Meeting of the Madera Public Financing Authority Board, and Special Meeting of the Madera City Council as Successor Agency to the Former Madera Redevelopment Agency**

**Wednesday, July 21, 2021  
6:00 p.m.**

**Council Chambers  
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](http://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 entering ID: 968 0247 3470 # followed by \*9 on their phone to speak. Comments were also accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4<sup>th</sup> 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 Steve Montes, District 3

**Absent:** Councilmember Jose Rodriguez, District 2  
Councilmember Anita Evans, District 4  
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, Financial Services Director Roger Sanchez, Fire Division Chief Matt Watson, Grants Administrator Ivette Iraheta, Human Resources Director Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Commander Giachino Chiaramonte, Interim Public Work Director Dan Foss, Senior Civil Engineer Victor Aldama, Administrative Analyst (Eng. Dept) Nicole Say, Financial Services Manager Anthony Forestiere, Program Manager Grants Alex Estrada, Planner (Consultant) Steve Bettencourt, and Communication Specialist Joseph Carrello.

**INVOCATION:** Mayor Pro Tem Villegas

**PLEDGE OF ALLEGIANCE:** Interim Public Works Director Daniel Foss

**APPROVAL OF AGENDA:**

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE AGENDA AS AMENDED TO MOVE ITEM D-1 INTO SECTION C AS ITEM C-2 AND TO PULL ITEMS B-9 AND B-10 FROM AGENDA WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBERS RODRIGUEZ AND EVANS. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
MAYOR PRO TEM VILLEGAS  
MAYOR GARCIA**

**ABSENT: 2 - COUNCILMEMBER RODRIGUEZ  
COUNCILMEMBER EVANS**

**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.*

Speaker (no name mentioned) spoke on reopening City Council meetings to the public. She mentioned that at the previous meeting Mayor Garcia, Mayor Pro Tem Villegas and Councilmember Evans stated they did not want in-person meetings because they were afraid of Covid, however they are seen at political and public events which are sometimes held indoors before and after these Council meetings. She mentioned that she noticed that Mayor Garcia is texting during discussion and Councilmember Evans and Mayor Pro Tem Villegas seem to then vote however the Mayor votes.

Rafaela Ruiz commented on the grant funds received in 2020 that were to be used to revitalize downtown Madera. She had questions on what the funds were used for and stated that Madera needs action now with a developed downtown so that we can begin to rebuild the heart of the city. She asked that action be taken now before the project is forgotten.

Marilyn Deleja commented on the cannabis square footage requirement for vertical integration and asked for more equity licenses.

Kirk Atamian stated there is a Facebook group that Council should look at to see how the people of Madera feel about live or Zoom meetings. He also stated that the Council does not work well together. As a city, they are not moving forward because the Council needs to work together.

Gabriel Hernandez commented on not being able to attend live meetings and mentioned that Mayor Garcia Councilmember Evans and Mayor Pro Tem Villegas have not let that be an option. He mentioned

several events that Mayor Garcia and/or Councilmember Evans attended in person and stated they are showing hypocrisy and hopes the people remember this when they are up for re-election. He stated it is a shame they are stuck with leaders like them for the next few years.

No further public comment was submitted.

**WRITTEN COMMUNICATIONS:** None

**PRESENTATIONS:**

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

**PUBLIC COMMENT:**

After Public Health Department Director Sara Bosse finished her presentation, Mayor Garcia gave a caller a chance to speak on public comment not related to this item.

Rico Salvador on behalf of Mainstream Medicinal spoke on cannabis, vertical integration and square footage.

No further public comment was presented.

**INTRODUCTIONS:**

1. **Joseph Hebert, Grants Program Manager** (Introduction by Ivette Iraheta)

**A. WORKSHOP:**

**A-1 Federal American Rescue Plan Act (ARPA) of 2021**

**Recommendation:** Consider Workshop Presentation and Provide Direction to Staff (Report by Roger Sanchez)

**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 MAYOR PRO TEM VILLEGAS, THE CONSENT CALENDAR WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBERS RODRIGUEZ AND EVANS. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
MAYOR PRO TEM VILLEGAS**

**MAYOR GARCIA**  
**ABSENT: 2 - COUNCILMEMBER RODRIGUEZ**  
**COUNCILMEMBER EVANS**

**B-1 Minutes – 03/03/21**

**Recommendation:** Approve the City Council Minutes of March 3, 2021

**B-2 Informational Report on Register of Audited Demands for June 26, 2021 to July 9, 2021**

**Recommendation:** No Action Required (Report by Roger Sanchez)

**B-3 Informational Report on Personnel Activity**

**Recommendation:** No Action Required (Report by Wendy Silva)

**B-4 Agreement for Continued Participation in the Central Valley Employment Relations Consortium (CVERC)**

**Recommendation:** Adopt a Minute Order Approving the Agreement for Special Services with Liebert Cassidy Whitmore in the amount of \$2,548 and authorize the City Manager to execute the Agreement (Report by Wendy Silva)

**B-5 Consideration of a Request by Maria I. Garcia de Molina for Connection to the City's Water System**

**Recommendation:** Adopt a Resolution Approving an Agreement for Outside City Water Service for Property located at 13633 Road 28, Approving Covenant to Annex, and Directing Staff to Record the Agreement and Covenant (Report by Keith Helmuth)

**RES 21-88**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH MARIA I. GARCIA DE MOLINA FOR OUTSIDE OF CITY WATER SERVICE FOR 13633 ROAD 28, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND COVENANT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT

**B-6 Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2021/2022 Local Solicitation**

**Recommendation:** Adopt a Resolution Authorizing Submission of an Application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Programming in the Amount of \$27,829 (Report by Ivette Iraheta)

**RES 21-89**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO MAKE AN APPLICATION FOR AWARD TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

**B-7 Appropriations Limit (Gann Limit) for Fiscal Year 2021/2022**

**Recommendation:** Adopt a Resolution Establishing an Appropriations Limit for Fiscal Year 2021/2022 in the amount of \$49,444,246 (Report by Roger Sanchez)

**RES 21-90** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA ADOPTING THE APPROPRIATIONS LIMIT FOR THE 2021/2022 FISCAL YEAR

**B-8 Consideration of California Conservation Corps (CCC) Sponsor Agreement**

**Recommendation:** Adopt a Resolution Approving a Sponsor Agreement with California Conservation Corps (CCC) for Performance of Work Projects (Report by Daniel Foss)

**RES 21-91** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A SPONSOR AGREEMENT WITH CALIFORNIA CONSERVATION CORPS FOR PERFORMANCE OF WORK PROJECTS

**B-9 Agreement with Hawkins, Delafield & Wood for the Preparation of Bond Debt Arbitrage Analysis Reports for the City, Madera Public Financing Authority, and Madera Successor Agency for Five Bonds**

**Recommendation:** Adopt a Joint Resolution Approving an Agreement with Hawkins, Delafield & Wood to Prepare the Arbitrage Analysis Rebate Reports for the Fiscal Years 2021/22 through 2023/24 for the City of Madera, Madera Public Financing Authority, and the Successor Agency (Report by Roger Sanchez)

This item was pulled off the agenda.

**B-10 Agreement with Thales Consulting, Inc. to Prepare and File the City Financial Transaction Report, the Financing Authority Special District Report, and the Annual Transit Report**

**Recommendation:** Adopt a Joint Resolution Approving a Special Services Agreement between the City of Madera, Madera Public Financing Authority, and Successor Agency and Thales Consulting, Inc. for Three Fiscal Years Totaling \$13,500 (Report by Roger Sanchez)

This item was pulled off the agenda.

**C. PUBLIC HEARINGS:**

**C-1 Public Hearing to Approve the Community Development Block Grant (CDBG) 2021/2022 Action Plan Final Funding Allocations, including Reprogrammed Funds (\$1,312,192) and Approve Subrecipient Agreements**

**Recommendation:** Conduct a Public Hearing to Receive Final Public Input on the 2021/2022 Action Plan, and Adopt the Following Resolutions:

- 1) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$5,000) with Big Brothers Big Sisters of Central California; and
- 2) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$5,000) with Doors of Hope Pregnancy Care Center; and
- 3) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$5,000) with Madera Coalition for Community Justice; and
- 4) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$17,856) with Madera Rescue Mission; and
- 5) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$36,500) with O.L.I.V.E. Charitable Organization; and
- 6) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$5,000) with Pequeños Empresarios; and
- 7) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$35,500) with Madera Coalition for Community Justice; and
- 8) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$32,500) with City of Madera, Parks & Community Services; and
- 9) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$20,000) with Community Action Partnership of Madera County, Inc.; and
- 10) Adopt a Resolution Approving a Regulatory Agreement and Declaration of Restrictive Covenants (\$60,000) with James Mekalian DBA La Madera Accessible Living Studios; and
- 11) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$345,027) with Community Action Partnership of Madera County, Inc.; and
- 12) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$75,000) with Habitat for Humanity Greater Fresno Area; and
- 13) Adopt a Resolution Approving a 2021/22 CDBG Subrecipient Agreement for Services (\$500,000) with City of Madera Public Works Department

Public Comment was opened.

Baldwin Moy asked that the award be increased for the Madera Youth Street Art Project.

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM C-1 (1-13) WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT:**

**COUNCILMEMBERS RODRIGUEZ AND EVANS. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN:  
NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
MAYOR PRO TEM VILLEGAS  
MAYOR GARCIA**

**ABSENT: 2 - COUNCILMEMBER RODRIGUEZ  
COUNCILMEMBER EVANS**

**RES 21-92** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$5,000) WITH BIG BROTHERS BIG SISTERS OF CENTRAL CALIFORNIA

**RES 21-93** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$5,000) WITH DOORS OF HOPE PREGNANCY CARE CENTER

**RES 21-94** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$5,000) WITH MADERA COALITION FOR COMMUNITY JUSTICE

**RES 21-95** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$17,856) WITH MADERA RESCUE MISSION

**RES 21-96** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$36,500) WITH O.L.I.V.E. CHARITABLE ORGANIZATION

**RES 21-97** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$5,000) WITH PEQUENOS EMPRESARIOS

**RES 21-98** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$35,500) WITH MADERA COALITION FOR COMMUNITY JUSTICE

**RES 21-99** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT

BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$32,500)  
WITH THE CITY OF MADERA, PARKS & COMMUNITY SERVICES

**RES 21-100** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$20,000) WITH COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY, INC.

**RES 21-101** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT (\$60,000) AND RELATED GRANT REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS WITH JAMES MEKALIAN DBA LA MADERA ACCESSIBLE LIVING STUDIOS

**RES 21-102** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$345,027) WITH COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY, INC.

**RES 21-103** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$75,000) WITH HABITAT FOR HUMANITY GREATER FRESNO AREA

**RES 21-104** A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2021/22 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$500,000) WITH THE CITY OF MADERA, PUBLIC WORKS DEPARTMENT

**C-2 Confirm Diagram and Assessments for Citywide Landscape and Lighting Assessment District Zones of Benefit for Annual Levy for Fiscal Year 2021/2022**

This item was moved from Section D to this section at agenda approval.

**Recommendation:**

- 1) Conduct the Public Hearing and Receive Any Public Comments
- 2) If there are unresolved public comments in any zone that require changes to the Engineer's Report, address the public comments at the meeting prior to approving a resolution adopting the Engineer's Report as may be revised by council.
- 3) Adopt Resolution confirming the diagram and assessments for annual levy for Fiscal Year 2021-2022 for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E,

44, 45-A, 46, 50 & 51 and authorizing the City Clerk to file the diagram and assessments with the Madera County Auditor (Report by Keith Helmuth)

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR GARCIA, ITEM D-1 (1-13) WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBERS RODRIGUEZ AND EVANS. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
MAYOR PRO TEM VILLEGAS  
MAYOR GARCIA**

**ABSENT: 2 - COUNCILMEMBER RODRIGUEZ  
COUNCILMEMBER EVANS**

**RES 21-105** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR THE ANNUAL LEVY FOR FISCAL YEAR 2021-2022 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, 10-1, 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, 21-8, 21-C, 21-D, 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, 36-8, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 AND AUTHORIZING THE CITY CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR

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

Item D-1 was moved to Section C as Item C-2 at agenda approval.

**D-2 Award of Street Project Contract: 2020-21 City St. 3R & ADA Project, State Project No. SB1-LLPL 5157 (120), City Project No. R-71**

**Recommendation:** Adopt a Resolution Approving the Contract Award for the 2020-21 3R & ADA Project, State Project No. SB1-LLPL 5157 (120), City Project No. R-71, in the Amount of \$543,891 to Avison Construction Inc. (Report by Keith Helmuth)

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-1 WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBERS RODRIGUEZ AND EVANS. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
MAYOR PRO TEM VILLEGAS**

**MAYOR GARCIA**

**ABSENT: 2 - COUNCILMEMBER RODRIGUEZ  
COUNCILMEMBER EVANS**

**RES 21-106** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR 2020-21 CITY ST. 3R & ADA PROJECT, STATE PROJECT NO. SBI-LLPL 5157 (120), CITY PROJECT NO. R-71 IN THE AMOUNT OF \$543,891.00 TO AVISON CONSTRUCTION, INC. AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

**D-3 Memorandum of Understanding with the General Bargaining Unit (GBU), represented by the Madera Affiliated City Employees' Association**

**Recommendation:** Adopt a Minute Order

- 1) Approving the MOU between the City of Madera and GBU effective July 21, 2021 through June 30, 2025;
- 2) Authorizing the City Manager to sign the MOU; and
- 3) Authorizing the Director of Financial Services to designate and classify reserves from the general fund unassigned fund balance into the assigned classification for the portion of the health insurance increase and the one-time annual employee payouts related to the four-year MOU (Report by Wendy Silva)

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-2 WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBERS RODRIGUEZ AND EVANS. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
MAYOR PRO TEM VILLEGAS  
MAYOR GARCIA**

**ABSENT: 2 - COUNCILMEMBER RODRIGUEZ  
COUNCILMEMBER EVANS**

**E. ADMINISTRATIVE REPORTS:**

**E-1 Retail Sales Tax Update**

**Recommendation:** Informational Only (Report by Roger Sanchez)

**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 thanked Councilmember Montes for joining her in in-person participation at Council meetings and encouraged other Councilmembers to do the same. She also thanked Communication Specialist Joseph Carrello and Information Systems Manager Mark Souders for prototype of in-person meetings.

Councilmember Montes thanked staff for making their request possible.

Mayor Garcia stated he was honored to present the Police Department staff with retirement and promotion recognition certificates at the July 17, 2021 event.

Mayor Pro Tem Villegas had nothing to report.

**G. CLOSED SESSION:**

**G-1 Conference with Legal Counsel – Anticipated Litigation**

Consideration of the Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)

**One Case:** City of Madera v. California Public Employees’ Retirement System

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 7:40 p.m.

Council returned from closed session at 8:08 p.m. with four (4) Councilmembers present as Councilmembers Rodriguez and Evans are absent, and District 5 is currently vacant.

City Attorney Hilda Cantu Montoy stated Council had decided not to pursue litigation at this time.

**ADJOURNMENT:** The meeting was adjourned at 8:08 p.m. Next regular meeting on August 4, 2021.

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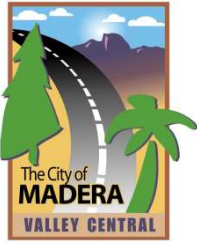
ALICIA GONZALES, City Clerk

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SANTOS GARCIA, Mayor

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MINUTES PREPARED BY  
ZELDA LEON, Deputy City Clerk



## REPORT TO CITY COUNCIL

**Approved by:**

*Anthony R. Forestiere*

Department Director

*Luis Rodriguez*

City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** B-2

**SUBJECT:**

Informational Report on Register of Audited Demands

**RECOMMENDATION:**

Review Register of Audited Demands Report for February 5, 2022 to February 18, 2022

**SUMMARY:**

The Register of Audited Demands for the City covering obligations paid during the period of February 5, 2022 to February 18, 2022 is contained in the attachment and summarized in the following tables.

<i>Table 1: Warrant Distribution Summary</i>		
<i>Description</i>	<i>Check #'s</i>	<i>Amount</i>
<i>General Warrants</i>	31969– 32083	\$2,067,184.77

<i>Table 2: Wire Transfer Summary</i>		
<i>Description</i>	<i>Vendor</i>	<i>Amount</i>
<i>Payroll and Taxes</i>	Union Bank	\$584,328.53
<i>SDI</i>	EDD	\$2,628.47
<i>CalPERS Payment</i>	CalPERS	\$122,513.36

**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**  
**March 2, 2022**

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
31969	02/07/2022	PD OPS	MEAS K - PD	KER'S GAS & LUBE, INC.	DEC 2021 PD CAR WASHES	\$ 234.50
31969	02/07/2022	PD OPS	PD OPS	KER'S GAS & LUBE, INC.	NOV 2021 PD CAR WASHES	\$ 239.00
31970	02/07/2022	FINANCE	FINANCE	ACRO SERVICE CORPORATION	TEMP SERVICES - FINANCIAL SERVICES MANAGER	\$ 2,106.19
31971	02/07/2022	FINANCE	PAYROLL TRUST	COURT ORDERED DEBT COLLECTIONS	COURT ORDERED DEBT COLLECTION	\$ 90.54
31972	02/07/2022	FINANCE	PAYROLL TRUST	CA DEPARTMENT OF CHILD SUPPORT	CHILD SUPPORT DEDUCTIONS	\$ 1,161.65
31973	02/07/2022	PD OPS	PD OPS	HARRY D. WILSON INC.	HONDA 2011 - BASIC SERVICE	\$ 117.85
31973	02/07/2022	PD OPS	PD OPS	HARRY D. WILSON INC.	HONDA 6605 - BASIC SERVICE	\$ 521.02
31973	02/07/2022	PD OPS	PD OPS	HARRY D. WILSON INC.	HONDA 6602 - OIL CHANGE	\$ 101.58
31973	02/07/2022	PD OPS	PD OPS	HARRY D. WILSON INC.	HONDA 6602 - TIRE MOUNT REAR	\$ 548.83
31974	02/07/2022	PD OPS	PD OPS	RAUL R. HERRERA JR.	POLYGRAPHS	\$ 800.00
31975	02/07/2022	PD OPS	PD OPS	DIEBERTS CREATIVE COPY INC	BUSINESS CARDS	\$ 75.78
31976	02/07/2022	PD OPS	PD OPS	TIM J LAW	EMPLOYMENT BACKGROUND	\$ 1,900.00
31977	02/07/2022	PD OPS	PD OPS	CRISCOM PUBLIC RELATIONS, INC.	GRANT RESEARCH & WRITING SERVICES DEC 2021	\$ 4,000.00
31977	02/07/2022	PD OPS	PD OPS	CRISCOM PUBLIC RELATIONS, INC.	GRANT RESEARCH & WRITING SERVICES 02/22	\$ 4,000.00
31978	02/07/2022	PD OPS	PD OPS	PACIFIC STORAGE COMPANY	SHREDDING SERVICES	\$ 265.65
31979	02/07/2022	PD OPS	PD OPS	TRILOGY MEDWASTE WEST LLC	STOP FEE - NO WASTE	\$ 117.00
31980	02/07/2022	FINANCE	PAYROLL TRUST	MADERA CO SHERIFF-CIVIL DIVISION	SHERIFF GARNISHMENT ORDER	\$ 823.60
31982	02/07/2022	PD OPS	STREETS	JEILA ENTERPRISES, LLC	RIVER CLEAN UP HAULER	\$ 1,794.00
31983	02/07/2022	FACILITIES	FLEET MAINT	CENTRAL COATING COMPANY, INC.	FLEET ROOF REPAIR	\$ 2,205.00
31984	02/07/2022	GRANTS	FLEET MAINT	OLIVE CHARITABLE ORGANIZATION	CDBG 21/22 INV 227	\$ 3,575.08
31984	02/07/2022	GRANTS	FLEET MAINT	OLIVE CHARITABLE ORGANIZATION	CDBG 21-22 INV 229	\$ 3,429.39
31984	02/07/2022	GRANTS	FLEET MAINT	OLIVE CHARITABLE ORGANIZATION	CDBG 21-22 INV 230	\$ 3,429.39
31985	02/07/2022	PD OPS	CODE ENF	RODRIGUEZ REUBEN	REIMBURSEMENT - PC 832 LAWS OF ARREST	\$ 62.18
31986	02/07/2022	WWTP	WWTP	DELLAVALLE LABORATORY, INC.	PERMIT COMPLIANCE LAB	\$ 1,000.00
31987	02/07/2022	FINANCE	AIRPORT OPS	AT&T	01/22 CALNET 3 SERVICE 9391026409	\$ 22.77
31987	02/07/2022	FINANCE	CENTRAL ADMIN	AT&T	01/22 CALNET 3 SERVICE 9391026406	\$ 20.67
31987	02/07/2022	FINANCE	FINANCE	AT&T	01/22 CALNET 3 SERVICE 9391026406	\$ 20.67
31987	02/07/2022	FINANCE	HR/RISK MGT	AT&T	01/22 CALNET 3 SERVICE 9391026400	\$ 22.34
31987	02/07/2022	FINANCE	PARKS	AT&T	01/22 CALNET 3 SERVICE 9391026412	\$ 164.50
31987	02/07/2022	FINANCE	PARKS ADMIN	AT&T	01/22 CALNET 3 SERVICE 9391031580	\$ 240.63
31987	02/07/2022	FINANCE	SEWER OPS	AT&T	01/22 CALNET 3 SERVICE 9391026410	\$ 42.99
31987	02/07/2022	FINANCE	SR CITIZEN COMM	AT&T	01/22 CALNET 3 SERVICE 9391026415	\$ 61.70
31987	02/07/2022	FINANCE	WWTP	AT&T	01/22 CALNET 3 SERVICE 9391026405	\$ 21.29
31987	02/07/2022	FINANCE	WWTP	AT&T	01/22 CALNET 3 SERVICE 9391026417	\$ 32.22

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
31987	02/07/2022	FINANCE	PD OPS	AT&T	12/21 CALNET 3 SERVICE 9391026414	\$ 323.64
31987	02/07/2022	PD OPS	PD OPS	AT&T	12/21 CALNET 3 SERVICE 9391064552	\$ 301.86
31987	02/07/2022	PD OPS	PD OPS	AT&T	12/21 CALNET 3 SERVICE 9391031578	\$ 174.18
31987	02/07/2022	PD OPS	PD OPS	AT&T	12/21 CALNET 3 SERVICE 9391031566	\$ 166.16
31987	02/07/2022	PD OPS	PD OPS	AT&T	01/22 CALNET 3 SERVICE 9391064552	\$ 301.86
31988	02/07/2022	FINANCE	PD OPS	ARAMARK UNIFORM SERVICES	MATS - PD	\$ 625.02
31989	02/07/2022	FINANCE	CFD DEBT FUND	BANK OF NEW YORK MELLON	CFD 2006-1 SPECIAL TAX BONDS SERIES 2018	\$ 1,600.00
31990	02/07/2022	PD OPS	PD OPS	CA DEPARTMENT OF JUSTICE	12/21 BLOOD ALCOHOL ANALYSIS	\$ 1,155.00
31990	02/07/2022	PD OPS	PD OPS	CA DEPARTMENT OF JUSTICE	12/21 MISCELLANEOUS SERVICES	\$ 319.00
31991	02/07/2022	FINANCE	GENERAL FUND	DIVISION OF THE STATE ARCHITECT	SB DSA 796 QTR 1 FY 21/22	\$ 867.20
31991	02/07/2022	FINANCE	GENERAL FUND	DIVISION OF THE STATE ARCHITECT	SB DSA 796 QTR 2 FY 21/22	\$ 103.60
31992	02/07/2022	PD OPS	PD OPS	CALIFORNIA FORENSIC INSTITUTE	PRE-EMPLOYMENT EXAM	\$ 1,800.00
31993	02/07/2022	FINANCE	BUILDING	DEPARTMENT OF CONSERVATION	2ND QTR 21/22 SMIP FEE REPORTING	\$ (123.74)
31993	02/07/2022	FINANCE	GENERAL FUND	DEPARTMENT OF CONSERVATION	2ND QTR 21/22 SMIP FEE REPORTING	\$ 2,474.73
31994	02/07/2022	FINANCE	PAYROLL TRUST	COLONIAL LIFE & ACCIDENT INSURANCE CO	EE LIFE INSURANCE	\$ 859.22
31995	02/07/2022	PD OPS	PD OPS	COMCAST	01/22 SVS 8155500320092096	\$ 160.91
31996	02/07/2022	HR	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	\$ 130.00
31997	02/07/2022	PD OPS	CODE ENF	CORELOGIC INFORMATION SOLUTIONS INC	REALQUEST SERVICES 01/22	\$ 333.50
31998	02/07/2022	PARKS	COMM & REC	DIAMOND COMMUNICATIONS	ALARM MONITORING - PAC 03/22	\$ 36.00
31999	02/07/2022	BUILDING	BUILDING	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION SVS 01/16/22-01/31/22	\$ 12,900.00
32000	02/07/2022	PD OPS	PD OPS	J'S COMMUNICATIONS	ANNUAL SERVICE AGREEMENT	\$ 5,025.60
32001	02/07/2022	CITY ADMIN	CENTRAL ADMIN	LEAGUE OF CALIFORNIA CITIES	2022 MEMBERSHIP FEES	\$ 10,429.50
32001	02/07/2022	CITY ADMIN	GENERAL FUND	LEAGUE OF CALIFORNIA CITIES	2022 MEMBERSHIP FEES	\$ 10,429.50
32002	02/07/2022	FINANCE	DOWNTOWN BID	MADERA DOWNTOWN ASSOC.	FY 21/22 QTR # 1 ASSESSMENTS	\$ 774.81
32002	02/07/2022	FINANCE	DOWNTOWN BID	MADERA DOWNTOWN ASSOC.	FY 21/22 QTR # 2 ASSESSMENTS	\$ 5,446.28
32002	02/07/2022	FINANCE	DOWNTOWN BID	MADERA DOWNTOWN ASSOC.	FY 21/22 QTR # 4 ASSESSMENTS	\$ 3,165.20
32003	02/07/2022	PD OPS	PD OPS	MADERA UNIFORM & ACCESSORIES	UNIFORM ACCESSORIES	\$ 3,258.22
32004	02/07/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	\$ 8,582.60
32005	02/07/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	\$ 1,949.24
32006	02/07/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 8126770647-1	\$ 230.69
32006	02/07/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 389620697-3	\$ 51.97
32006	02/07/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 1,332.72
32006	02/07/2022	FINANCE	CENTRAL ADMIN	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 1,160.56
32006	02/07/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	01/22 SERVICE 8307681856-2	\$ 1,505.71
32006	02/07/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 1,874.55
32006	02/07/2022	FINANCE	DRAINAGE	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 2,474.06
32006	02/07/2022	FINANCE	ENGINEERING	PACIFIC GAS & ELECTRIC	01/22 SERVICE 2000655655-7	\$ 1,387.95

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32006	02/07/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3352588453-3	\$ 120.58
32006	02/07/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3499945233-6	\$ 92.76
32006	02/07/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3642526071-2	\$ 60.02
32006	02/07/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 7949615676-5	\$ 18.75
32006	02/07/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 8178280304-3	\$ 91.01
32006	02/07/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 24,712.43
32006	02/07/2022	FINANCE	FIRE	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 1,124.92
32006	02/07/2022	FINANCE	INTERMODAL BLDG	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 1,109.88
32006	02/07/2022	FINANCE	PARKING DIST OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 219.38
32006	02/07/2022	FINANCE	PARKS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 1,404.19
32006	02/07/2022	FINANCE	SEWER OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 2,179.71
32006	02/07/2022	FINANCE	SOLID WASTE	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 197.09
32006	02/07/2022	FINANCE	SR CITIZEN COMM	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 40.51
32006	02/07/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 9651992016-7	\$ 155.34
32006	02/07/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 9172110863-6	\$ 17,196.47
32006	02/07/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 56,765.67
32006	02/07/2022	FINANCE	WWTP	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 99.89
32006	02/07/2022	FINANCE	ZONE 24	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 10.26
32006	02/07/2022	FINANCE	ZONE 31A	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 28.92
32006	02/07/2022	FINANCE	ZONE 20B	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 9.53
32006	02/07/2022	FINANCE	ZONE 27B	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 10.37
32006	02/07/2022	FINANCE	ZONE 2	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 50.68
32006	02/07/2022	FINANCE	ZONE 3	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 38.88
32006	02/07/2022	FINANCE	ZONE 31B	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 28.92
32006	02/07/2022	FINANCE	ZONE 4	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 10.43
32006	02/07/2022	FINANCE	ZONE 6A	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 59.61
32006	02/07/2022	FINANCE	ZONE 29C	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 10.48
32006	02/07/2022	FINANCE	ZONE 8	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 61.23
32006	02/07/2022	FINANCE	ZONE 16	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 21.47
32006	02/07/2022	FINANCE	ZONE 13	PACIFIC GAS & ELECTRIC	01/22 SERVICE 3533032414-2	\$ 102.88
32007	02/07/2022	PD OPS	CODE ENF	PECK'S PRINTERY	ENVELOPES/ENVELOPES	\$ 125.57
32007	02/07/2022	PD OPS	PD OPS	PECK'S PRINTERY	EPO-002 GUN VIOLENCE FORM	\$ 47.63
32008	02/07/2022	PD OPS	PD OPS	PROFORCE	STINGER FLASH LIGHT - 4	\$ 492.36
32009	02/07/2022	PD OPS	GENERAL FUND	CENTER FOR EDUCATION & EMPLOYMENT LAW	SUBSCRIPTION RENEWAL - 2022	\$ 59.50
32009	02/07/2022	PD OPS	PD OPS	CENTER FOR EDUCATION & EMPLOYMENT LAW	SUBSCRIPTION RENEWAL - 2022	\$ 59.50
32010	02/07/2022	STREETS	STREETS	SEAL RITE PAVING	ASPHALT PATCHING	\$ 81,950.00
32011	02/07/2022	FINANCE	PAYROLL TRUST	STATE OF CALIFORNIA	FRANCHISE TAX DEDUCTIONS	\$ 694.59

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32012	02/07/2022	WWTP	WWTP	TESEI PETROLEUM INC.	PROPANE - WWTP	\$ 3,376.83
32013	02/07/2022	PARKS	COMM & REC	TK ELEVATOR CORPORATION	YC ELEVATOR MAINTENANCE	\$ 294.84
32014	02/07/2022	FINANCE	PAYROLL TRUST	VANTAGEPOINT TRANSFER AGENTS-457	EE DEFERRED COMP CONTRIBUTIONS	\$ 25,917.92
32015	02/07/2022	PARKS	AQUATICS PROGRM	WECO WELDING, PAINT, SUPPLIES & EQUIP	CO2 FOR POOL	\$ 111.60
32016	02/07/2022	PD OPS	PD OPS	ZEE MEDICAL SERVICE CO.	MEDICAL SUPPLIES	\$ 56.34
32017	02/07/2022	PLANNING	PLANNING	BLDING/PLAN REFND	REIMBURSE FEES, PER DEPT	\$ 700.00
32018	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 945 PARKWOOD	\$ 209.00
32019	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 231 MADRID	\$ 139.90
32020	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 813 ASHLAN	\$ 63.55
32021	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 3745 ISLA VISTA	\$ 138.74
32022	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 117 DE SANTI	\$ 210.55
32023	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 200 N O	\$ 161.67
32024	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 317 STINSON	\$ 108.22
32025	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 429 WILLIS	\$ 14.27
32026	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 3209 REN	\$ 140.98
32027	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 516 MAINBERRY	\$ 131.76
32028	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 936 GEORGIA	\$ 403.45
32029	02/07/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 2632 KIMBERLY	\$ 68.29
32030	02/14/2022	FINANCE	FINANCE	ACRO SERVICE CORPORATION	TEMP SERVICES - FINANCIAL SERVICES MANAGER	\$ 1,897.06
32030	02/14/2022	PLANNING	PLANNING	ACRO SERVICE CORPORATION	TEMP SERVICES - PLANNING	\$ 11,148.00
32031	02/14/2022	PD OPS	PD OPS	RAUL R. HERRERA JR.	POLYGRAPHS	\$ 200.00
32032	02/14/2022	PD OPS	PD OPS	TIM J LAW	EMPLOYMENT BACKGROUND	\$ 700.00
32033	02/14/2022	PD OPS	PD OPS	MAHONEY, ROBERT	PER DIEM - BASIC SWAT ACADEMY CLASS WEEK 1	\$ 425.50
32033	02/14/2022	PD OPS	PD OPS	MAHONEY, ROBERT	PER DIEM - BASIC SWAT ACADEMY CLASS WEEK 2	\$ 425.50
32034	02/14/2022	PD OPS	PD OPS	PACIFIC STORAGE COMPANY	SHREDDING SERVICES	\$ 245.00
32035	02/14/2022	HR	HR/RISK MGT	JENAVIE A. MARTIN	PER DIEM - PARMA ANNUAL CONFERENCE	\$ 148.00
32036	02/14/2022	ENGINEERING	WATER OPS	DAVIDS ENGINEERING, INC.	PROFESSIONAL SERVICES	\$ 615.00
32037	02/14/2022	FINANCE	DRAINAGE	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	\$ 521.25
32037	02/14/2022	FINANCE	SOLID WASTE	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	\$ 479.55
32037	02/14/2022	FINANCE	UB - SEWER	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	\$ 458.70
32037	02/14/2022	FINANCE	UB - WATER	NBS GOVERNMENT FINANCE GROUP	RATE STUDY/ANALYSIS	\$ 625.50
32038	02/14/2022	PD OPS	PD OPS	CENTRALSQUARE TECHNOLOGIES, LLC	ANNUAL CRYWOLF LICENSE & MAINTENANCE	\$ 7,854.48
32039	02/14/2022	FINANCE	AIRPORT OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 86.02
32039	02/14/2022	FINANCE	ANIMAL CONTROL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 273.10
32039	02/14/2022	FINANCE	BUILDING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 255.54
32039	02/14/2022	FINANCE	CODE ENF	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 203.15
32039	02/14/2022	FINANCE	COMPUTER MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 49.69

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32039	02/14/2022	FINANCE	DRAINAGE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 331.03
32039	02/14/2022	FINANCE	ENGINEERING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 160.54
32039	02/14/2022	FINANCE	FACILITIES MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 334.36
32039	02/14/2022	FINANCE	FLEET MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 142.18
32039	02/14/2022	FINANCE	FLEET MOTOR POOL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 181.28
32039	02/14/2022	FINANCE	GRAFFITI ABATE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 725.55
32039	02/14/2022	FINANCE	PARKS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 2,015.78
32039	02/14/2022	FINANCE	STREETS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 2,296.74
32039	02/14/2022	FINANCE	SEWER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 466.03
32039	02/14/2022	FINANCE	STREET CLEANING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 1,423.23
32039	02/14/2022	FINANCE	TRANS - FIXED	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 1,844.53
32039	02/14/2022	FINANCE	TRANS - DAR	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 1,678.25
32039	02/14/2022	FINANCE	WATER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 1,765.21
32039	02/14/2022	FINANCE	WATER QUALITY	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 345.98
32039	02/14/2022	FINANCE	WWTP	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 120.31
32039	02/14/2022	FINANCE	PD OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 01/16/21-01/31/21	\$ 6,031.58
32039	02/14/2022	FIRE	MEAS K - FIRE	VAN DE POL ENTERPRISES, INC.	FUEL CDF - BULK DIESEL	\$ 2,602.31
32040	02/14/2022	HR	HR/RISK MGT	ALLIANT INSURANCE SERVICES, INC.	CONSULTING SVC - HEALTH & WELFARE BENEFITS	\$ 3,750.00
32041	02/14/2022	PD OPS	PD OPS	LAW DOG K9	K9 VENDOR TRAINING	\$ 600.00
32042	02/14/2022	PW ADMIN	AIRPORT OPS	LINDE GAS & EQUIPMENT INC	CYLINDER DEMURRAGE	\$ 59.83
32042	02/14/2022	PW ADMIN	DRAINAGE	LINDE GAS & EQUIPMENT INC	CYLINDER DEMURRAGE	\$ 179.50
32042	02/14/2022	PW ADMIN	FLEET MAINT	LINDE GAS & EQUIPMENT INC	CYLINDER DEMURRAGE	\$ 89.75
32042	02/14/2022	PW ADMIN	SEWER OPS	LINDE GAS & EQUIPMENT INC	CYLINDER DEMURRAGE	\$ 89.75
32042	02/14/2022	PW ADMIN	WATER OPS	LINDE GAS & EQUIPMENT INC	CYLINDER DEMURRAGE	\$ 179.50
32042	02/14/2022	PW ADMIN	WWTP	LINDE GAS & EQUIPMENT INC	CYLINDER DEMURRAGE	\$ 89.75
32043	02/14/2022	PW ADMIN	WATER OPS	GONZALES, ADAM	TUITION REIMBURSEMENT	\$ 2,400.00
32044	02/14/2022	HR	HR/RISK MGT	GOMEZ, PATSY	PER DIEM - PARMA ANNUAL CONFERENCE 2022	\$ 460.39
32045	02/14/2022	ENGINEERING	ENGINEERING	ERIGIO, RAUL	REIMBURSEMENT - FUEL	\$ 10.05
32046	02/14/2022	WATER	WATER QUALITY	DELLAVALLE LABORATORY, INC.	WEEKLY SAMPLING	\$ 2,220.00
32046	02/14/2022	WATER	WATER QUALITY	DELLAVALLE LABORATORY, INC.	MONTHLY SAMPLING	\$ 204.00
32046	02/14/2022	WATER	WATER QUALITY	DELLAVALLE LABORATORY, INC.	QUARTERLY SAMPLING	\$ 1,512.00
32047	02/14/2022	FINANCE	BUILDING	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 24.76
32047	02/14/2022	FINANCE	BUILDING	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 61.31
32047	02/14/2022	FINANCE	BUILDING	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 19.94
32047	02/14/2022	FINANCE	CITY ATTORNEY	AT&T	01/22 CALNET 3 SERVICE 9391026388	\$ 68.22
32047	02/14/2022	FINANCE	CITY ATTORNEY	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 7.06
32047	02/14/2022	FINANCE	CITY ATTORNEY	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 17.48

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32047	02/14/2022	FINANCE	CITY ATTORNEY	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 7.48
32047	02/14/2022	FINANCE	CITY CLERK	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 7.06
32047	02/14/2022	FINANCE	CITY CLERK	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 17.48
32047	02/14/2022	FINANCE	CITY CLERK	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 4.98
32047	02/14/2022	FINANCE	CODE ENF	AT&T	01/22 CALNET 3 SERVICE 9391026413	\$ 43.88
32047	02/14/2022	FINANCE	COMM & REC	AT&T	01/22 CALNET 3 SERVICE 9391026391	\$ 254.37
32047	02/14/2022	FINANCE	COMPUTER MAINT	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 14.15
32047	02/14/2022	FINANCE	COMPUTER MAINT	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 35.03
32047	02/14/2022	FINANCE	COMPUTER MAINT	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 2.49
32047	02/14/2022	FINANCE	ENGINEERING	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 49.52
32047	02/14/2022	FINANCE	ENGINEERING	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 122.62
32047	02/14/2022	FINANCE	ENGINEERING	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 37.39
32047	02/14/2022	FINANCE	FACILITIES MAINT	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 14.66
32047	02/14/2022	FINANCE	FACILITIES MAINT	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 23.32
32047	02/14/2022	FINANCE	FINANCE	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 38.91
32047	02/14/2022	FINANCE	FINANCE	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 96.33
32047	02/14/2022	FINANCE	FINANCE	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 24.92
32047	02/14/2022	FINANCE	FLEET MAINT	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 9.77
32047	02/14/2022	FINANCE	FLEET MAINT	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 15.57
32047	02/14/2022	FINANCE	GRANT OVERSIGHT	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 14.15
32047	02/14/2022	FINANCE	GRANT OVERSIGHT	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 35.03
32047	02/14/2022	FINANCE	GRANT OVERSIGHT	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 12.46
32047	02/14/2022	FINANCE	HR/RISK MGT	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 10.59
32047	02/14/2022	FINANCE	HR/RISK MGT	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 26.23
32047	02/14/2022	FINANCE	HR/RISK MGT	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 7.48
32047	02/14/2022	FINANCE	PLANNING	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 17.68
32047	02/14/2022	FINANCE	PLANNING	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 43.77
32047	02/14/2022	FINANCE	PLANNING	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 12.46
32047	02/14/2022	FINANCE	STREETS	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 24.44
32047	02/14/2022	FINANCE	STREETS	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 38.90
32047	02/14/2022	FINANCE	SEWER OPS	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 17.10
32047	02/14/2022	FINANCE	SEWER OPS	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 27.21
32047	02/14/2022	FINANCE	SOLID WASTE	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 19.55
32047	02/14/2022	FINANCE	SOLID WASTE	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 31.12
32047	02/14/2022	FINANCE	SR CITIZEN COMM	AT&T	01/22 CALNET 3 SERVICE 9391026389	\$ 22.28
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 4.89
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391026393	\$ 10.71

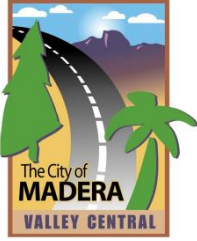
CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391026392	\$ 5.63
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 7.77
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 11.49
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 28.45
32047	02/14/2022	FINANCE	UB - GARBAGE	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 6.65
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 4.89
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391026393	\$ 10.72
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391026392	\$ 5.64
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 7.77
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 11.49
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 28.45
32047	02/14/2022	FINANCE	UB - SEWER	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 6.65
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 9.79
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391026393	\$ 21.44
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391026392	\$ 11.27
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 15.57
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 23.03
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 57.03
32047	02/14/2022	FINANCE	UB - WATER	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 13.29
32047	02/14/2022	FINANCE	WATER OPS	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 21.98
32047	02/14/2022	FINANCE	WATER OPS	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 34.98
32047	02/14/2022	FINANCE	WATER QUALITY	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 9.77
32047	02/14/2022	FINANCE	WATER QUALITY	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 15.57
32047	02/14/2022	FINANCE	WWTP	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 14.66
32047	02/14/2022	FINANCE	WWTP	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 23.32
32047	02/14/2022	FINANCE	CITY MANAGER	AT&T	01/22 CALNET 3 SERVICE 9391031577	\$ 7.06
32047	02/14/2022	FINANCE	CITY MANAGER	AT&T	01/22 CALNET 3 SERVICE 9391026390	\$ 17.48
32047	02/14/2022	FINANCE	CITY MANAGER	AT&T	01/22 CALNET 3 SERVICE 9391031559	\$ 9.97
32047	02/14/2022	FINANCE	PURCHASING	AT&T	01/22 CALNET 3 SERVICE 9391031564	\$ 14.66
32047	02/14/2022	FINANCE	PURCHASING	AT&T	01/22 CALNET 3 SERVICE 9391026394	\$ 23.32
32047	02/14/2022	FINANCE	PD OPS	AT&T	01/22 CALNET 3 SERVICE 9391031561	\$ 166.16
32047	02/14/2022	FINANCE	PD OPS	AT&T	01/22 CALNET 3 SERVICE 9391026411	\$ 166.05
32047	02/14/2022	FINANCE	PD OPS	AT&T	01/22 CALNET 3 SERVICE 9391031579	\$ 235.28
32048	02/14/2022	FINANCE	AQUATICS PROGRM	AT&T	01/22 CALNET 3 SERVICE 9391026397	\$ 20.62
32048	02/14/2022	FINANCE	BUILDING	AT&T	01/22 CALNET 3 SERVICE 9391026407	\$ 22.24
32048	02/14/2022	FINANCE	FIRE	AT&T	01/22 CALNET 3 SERVICE 9391026402	\$ 22.24
32048	02/14/2022	FINANCE	SR CITIZEN COMM	AT&T	01/22 CALNET 3 SERVICE 9391026395	\$ 22.28

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32049	02/14/2022	FINANCE	AIRPORT OPS	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 21.05
32049	02/14/2022	FINANCE	CENTRAL ADMIN	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 118.20
32049	02/14/2022	FINANCE	ENGINEERING	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 33.12
32049	02/14/2022	FINANCE	FACILITIES MAINT	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 523.05
32049	02/14/2022	FINANCE	FLEET MAINT	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 186.15
32049	02/14/2022	FINANCE	PARKS	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 430.20
32049	02/14/2022	FINANCE	STREETS	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 1,375.76
32049	02/14/2022	FINANCE	SEWER OPS	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 276.93
32049	02/14/2022	FINANCE	UB - WATER	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 7.90
32049	02/14/2022	FINANCE	WATER OPS	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 243.12
32049	02/14/2022	FINANCE	WATER QUALITY	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 107.30
32049	02/14/2022	FINANCE	WWTP	ARAMARK UNIFORM SERVICES	01/22 UNIFORM SERVICES	\$ 692.58
32050	02/14/2022	ENGINEERING	ENGINEERING	CA SURVEYING AND DRAFTING SUPPLY	CONSTRUCTION PAINT SUPPLIES	\$ 119.25
32051	02/14/2022	PW ADMIN	STREETS	CONCENTRA MEDICAL CENTERS	DOT PHYSICAL RECERTIFICATION	\$ 138.00
32051	02/14/2022	PW ADMIN	SEWER OPS	CONCENTRA MEDICAL CENTERS	DOT PHYSICAL RECERTIFICATION	\$ 69.00
32051	02/14/2022	PW ADMIN	WWTP	CONCENTRA MEDICAL CENTERS	DOT PHYSICAL RECERTIFICATION	\$ 69.00
32052	02/14/2022	UB - WATER	UB - GARBAGE	CORELOGIC INFORMATION SOLUTIONS INC	METRO SCAN SERVICES 01/22	\$ 37.50
32052	02/14/2022	UB - WATER	UB - SEWER	CORELOGIC INFORMATION SOLUTIONS INC	METRO SCAN SERVICES 01/22	\$ 37.50
32052	02/14/2022	UB - WATER	UB - WATER	CORELOGIC INFORMATION SOLUTIONS INC	METRO SCAN SERVICES 01/22	\$ 75.00
32053	02/14/2022	FIRE	FIRE	DEPARTMENT OF FORESTRY AND FIRE	1ST QTR ACTUAL BILLING FOR CITY CONTRACT	\$ 1,154,635.11
32054	02/14/2022	FIRE	MEAS K - FIRE	DIAMOND COMMUNICATIONS	ALARM MONITORING - FS CONDOR 03/22	\$ 35.00
32054	02/14/2022	HR	PARKING DIST OPS	DIAMOND COMMUNICATIONS	ALARM MONITORING - TRANSIT 03/22	\$ 80.00
32054	02/14/2022	PW ADMIN	COMPUTER MAINT	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 25.00
32054	02/14/2022	PW ADMIN	FACILITIES MAINT	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 47.50
32054	02/14/2022	PW ADMIN	FLEET MAINT	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 47.50
32054	02/14/2022	PW ADMIN	STREETS	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 50.00
32054	02/14/2022	PW ADMIN	SEWER OPS	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 56.67
32054	02/14/2022	PW ADMIN	SEWER OPS	DIAMOND COMMUNICATIONS	TELEPHONE ANSWERING - 02/22	\$ 115.00
32054	02/14/2022	PW ADMIN	SOLID WASTE	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 56.66
32054	02/14/2022	PW ADMIN	TRANS - FIXED	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 20.00
32054	02/14/2022	PW ADMIN	TRANS - DAR	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 20.00
32054	02/14/2022	PW ADMIN	WATER OPS	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 56.67
32054	02/14/2022	PW ADMIN	PURCHASING	DIAMOND COMMUNICATIONS	ALARM MONITORING - PW 03-05/22	\$ 25.00
32055	02/14/2022	PD OPS	PD OPS	EVERBRIDGE,INC.	NIXLE ENGAGE - EVERBRIDGE	\$ 3,978.67
32056	02/14/2022	FINANCE	WATER CONSERV	CITY OF MADERA	TOILET REPLACEMENT REBATE - 9898734	\$ 100.00
32057	02/14/2022	FINANCE	PD OPS	MADERA COUNTY TREASURER	11/21 COUNTY'S PORTION OF PARKING PENALTIES	\$ 264.00
32057	02/14/2022	FINANCE	PD OPS	MADERA COUNTY TREASURER	12/21 COUNTY'S PORTION OF PARKING PENALTIES	\$ 911.50

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
32058	02/14/2022	CITY ADMIN	CITY MANAGER	MADERA TRIBUNE	PUBLICATION OF ORDINANCE SB 1383	\$ 461.50
32058	02/14/2022	CITY CLERK	CITY CLERK	MADERA TRIBUNE	PUBLIC NOTICE - REDISTRICTING	\$ 227.50
32058	02/14/2022	PLANNING	PLANNING	MADERA TRIBUNE	PUBLIC HEARING NOTICE	\$ 1,222.00
32059	02/14/2022	FINANCE	SOLID WASTE	MID VALLEY DISPOSAL INC.	WASTE DISPOSAL SVS 02/22	\$ 383,866.44
32060	02/14/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 1619119913-8	\$ 109.79
32060	02/14/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 6690755760-8	\$ 78.93
32060	02/14/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 4318089701-9	\$ 19.54
32060	02/14/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	01/22 SERVICE 5237156686-1	\$ 3.92
32060	02/14/2022	FINANCE	FIRE	PACIFIC GAS & ELECTRIC	01/22 SERVICE 2173157566-4	\$ 1,583.33
32061	02/14/2022	ENGINEERING	MEAS T - RTP	AVISON CONSTRUCTION INC	20/21 3R & ADA STATE PROJECT LLPSB1 5157(120)	\$ 16,310.10
32061	02/14/2022	ENGINEERING	SB1-LPP	AVISON CONSTRUCTION INC	20/21 3R & ADA STATE PROJECT LLPSB1 5157(120)	\$ 16,310.09
32062	02/14/2022	FINANCE	FINANCE	PHOENIX GROUP INFO SYS	NOV 2021 CITATIONS	\$ 336.71
32062	02/14/2022	FINANCE	FINANCE	PHOENIX GROUP INFO SYS	DEC 2021 CITATIONS	\$ 512.14
32063	02/14/2022	FINANCE	SEWER OPS	PITNEY BOWES, INC.	POSTAGE REFILL	\$ 512.44
32064	02/14/2022	PLANNING	PLANNING	PROVOST & PRITCHARD CONSULTING	PROFESSIONAL ENGINEERING SERVICES	\$ 6,206.60
32064	02/14/2022	PW ADMIN	WATER OPS	PROVOST & PRITCHARD CONSULTING	PROFESSIONAL ENGINEERING SERVICES	\$ 6,226.62
32065	02/14/2022	ENGINEERING	WATER CAPITAL	QUAD-KNOPF ENGINEERING	PROFESSIONAL ENGINEERING SERVICES	\$ 54,300.38
32066	02/14/2022	FINANCE	SA ADMIN	SHRED-IT USA-FRESNO	SHREDDING SERVICES - RDA	\$ 145.01
32067	02/14/2022	WWTP	WWTP	SPARKLETTS	LAB & DRINKING WATER	\$ 615.42
32068	02/14/2022	PW ADMIN	SEWER OPS	STATE WATER RESOURCES CONTROL BOARD	ANNUAL PERMIT FEE - FAC ID: 4DW0302	\$ 3,146.00
32069	02/14/2022	PARKS	PARKS	TECH. MASTER PEST MANAGEMENT	SQUIRREL CONTROL - MILLVIEW	\$ 800.00
32069	02/14/2022	PARKS	PARKS	TECH. MASTER PEST MANAGEMENT	GOPHER CONTROL - LTC	\$ 300.00
32070	02/14/2022	PD OPS	PD OPS	TRANSUNION RISK & ALTERNATIVE DATA SOL.	DATABASE ACCESS 01/22	\$ 202.40
32071	02/14/2022	PARKS	PARKS	WEST COAST ARBORISTS, INC.	TREE TRIMMING	\$ 3,400.00
32072	02/14/2022	FINANCE	PARKING DIST OPS	OVERPAYMENTS	OVERPAYMENT ON PK 40932	\$ 999.00
32074	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 604 N GRANADA	\$ 218.61
32075	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 2521 DRIFTWOOD	\$ 21.39
32076	02/14/2022	FINANCE	WATER FUND	OTP- UB REFUNDS	DEPOSIT FROM MAIS TO MUNIS	\$ 187.06
32078	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 1343 LOMA LINDA	\$ 100.37
32079	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 2446 N SCHNOOR	\$ 1,337.29
32080	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 915 SONORA	\$ 101.76
32081	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 917 CUTTING	\$ 103.17
32082	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 113 S A	\$ 36.64
32083	02/14/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERMINATION REFUND 1631 UNIVERSITY	\$ 103.24

**BANK #1 - UNION BANK GENERAL ACCOUNT TOTAL**

**\$ 2,067,184.77**

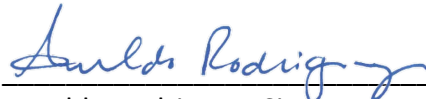


## REPORT TO CITY COUNCIL

Approved by:



Department Director



Arnoldo Rodriguez, City Manager

Council Meeting of: March 2, 2022

Agenda Number: B-3

### SUBJECT:

Second reading and adoption of Ordinance for a Rezone related to the development of the Sunset Apartment Project

### RECOMMENDATION:

Waive the second reading of and adopts the Ordinance, rezoning the approximately 0.2 northern acres of Assessor's Parcel Number 006-182-007 to the R3 (*One unit per 1,800 square feet of site area*) zone district

### SUMMARY:

Adoption or 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 February 16, 2022 regular meeting, the City Council introduced and waived the first reading of the Ordinance, which would amend the City's Official Zoning Map to rezone the approximately 0.2 northern acres of Assessor's Parcel No. 006-182-007 to the R3 (*One unit per 1,800 square feet of site area*) zone district. This procedure is being undertaken at the request of Gary Rogers, on behalf of Aftab Naz, who intends to develop the parcel into a 15-unit apartment complex.

At the same meeting, Council adopted a resolution amending the General Plan Land Use Map for Property (Approximately 0.875 Acres), amending the Commercial General Plan Land Use Designation to High Density Residential and a Negative Declaration.

It is noted that the Planning Commission at its November 9, 2021 meeting recommended approval of the Negative Declaration, General Plan Amendment, and Rezone for the subject development applications. The Planning Commission also approved SPR 2020-01.

**ATTACHMENTS:**

1. Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE THE APPROXIMATELY 0.2 NORTHERN ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SUNSET AND ORCHARD AVENUES (APN: 006-182-007) FROM THE R1 TO THE R3 ZONE DISTRICT.**

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this City Council (Council) have held duly noticed public hearings for the rezoning of the approximately 0.2 northern acres of property located at the northeast corner of Sunset and Orchard Avenues (APN: 006-182-007) from the R1 to the R3 Zone District.

SECTION 2. Based on the testimony and information presented at its public hearing, the Council has determined that the proposed rezoning is consistent with the General Plan, as amended, and subsequent development will be in conformance with all standards and regulations of the Municipal Code. The Council has further determined that the adoption of the proposed rezoning is in the best interest of the City of Madera. Such determination is based on the following findings:

FINDINGS:

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

SECTION 3. The Council hereby approves the rezoning of the above-described property by rezoning it from the R1 Zone District in the manner required by Chapter 3 of Title X of the Madera Municipal Code. The Council hereby amends the City of Madera Zoning Map. The amendment is illustrated in the hereto attached Exhibit "A" and "B" which indicates the segment of the City of Madera Zoning Map to be amended.

SECTION 4. 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 5. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

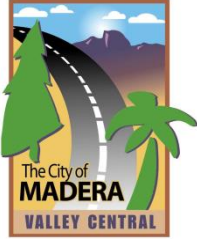
\* \* \* \* \*

# EXHIBIT A – Current Zoning



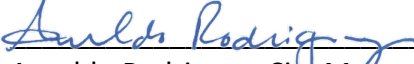
# EXHIBIT B – Proposed Zoning





## REPORT TO CITY COUNCIL

**Approved by:**

  
Arnoldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** B-4

**SUBJECT:**

Second Reading and Adoption of an Ordinance Amending the City's Municipal Code Relating to the Appointment Process for City Boards, Committees, and Commissions

**RECOMMENDATION:**

Waive full reading and Adopt an Ordinance Amending §2-3.101 OF TITLE II, CHAPTER 3 of the Madera Municipal Code relating to the appointments process for City Boards, Committees, and Commissions

**SUMMARY:**

The City has a total of nine boards, committees, and/or commissions comprised of volunteer citizens who serve in various capacities to advise the City Council on pertinent matters and act relating to authority delegated to the board, committee, and/or commission. During the October 20, 2021 meeting, staff informed Council of an inconsistency between the City's current appointment processes and California Government Code §40605 (Government Code).

The proposed ordinance is patterned after the ordinance adopted in December regarding appointments to the Civil Service Commission. The Government Code provides that when a general law City has an elected Mayor, appointments to boards, commissions, and committees, are to be made by the elected Mayor, subject to the approval of the full City Council. There are various City ordinances and resolutions regarding appointments. Rather than continuing to make amendments on a case by case basis, the proposed ordinance addresses all City committees, boards, and commissions other than those governed by state statute or joint powers agreement. The proposed ordinance amends the Municipal Code to provide for a uniform process for the City to make appointments to committees, boards, and commissions.

During the February 16, 2021 meeting, Council introduced an ordinance amending the Madera Municipal Code as it relates to the appointment process of City Boards, Committees, and Commissions. Ordinances generally require two readings before adoption. This item represents the second reading and adoption of the ordinance if Council should elect to do so.

**DISCUSSION:**

The City of Madera has nine regular and ongoing boards, commissions, and committees, as listed below in alphabetical order.

1. Americans with Disabilities Act (ADA) Advisory Council
2. Airport Advisory Commission
3. Beautification Committee
4. Civil Service Commission
5. Community Development Block Grant Commission
6. Loan Review Committee
7. Planning Commission
8. Transit Advisory Board
9. Youth Commission

At the October 20, 2021, Council meeting, staff reviewed with Council the provisions of California Government Code §40605, which states:

In general law cities where the office of mayor is an elective office pursuant to Article 5 (commencing with Section 34900) of Chapter 7 of Part 1 of Division 2 of Title 4, the mayor, with the approval of the city council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

As previously advised by the City Attorney the process in Government Code Section 40605 is intended as system of checks and balances by placing the appointment authority in the hands of the elected mayor, while giving the city council the right to reject mayoral appointments. The ordinance includes exceptions for appointments made pursuant to state statute or in a joint powers agreement that addresses the appointments for particular entities. Such exceptions would prevail over the Government Code.

Based on the foregoing and to ensure that committees, boards, and commissions have their full complement, the proposed ordinance address the appointment of all committees, boards, and commissions and clarifies appointees terms consistent therewith.

In short, the proposed Ordinance would establish one process for appointment to be used for all boards, committees, and commissions, as well as set the term of office for such appointments.

**FINANCIAL IMPACT:**

Staff does not anticipate any financial impact.

**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:**

Rather than adopting a single Ordinance to standardize the process for all boards, committees, and commissions, the City can modify each board, committee, and commission separately.

**ATTACHMENTS:**

1. Proposed Ordinance amending §2-3.101 of Title II, Chapter 3 of the Madera Municipal Code relating to appointments and terms of all City boards, committees, and commissions

**ORDINANCE NO. 22-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA AMENDING SECTION § 2-3.101 OF TITLE II, CHAPTER 3 OF  
THE MADERA MUNICIPAL CODE RELATING TO APPOINTMENTS AND  
TERMS TO CITY BOARDS, COMMITTEES, AND COMMISSIONS**

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

**SECTION 1.** Section 2-3.101 of the Madera Municipal Code is amended to read as follows:

**§2-3.101**

Unless otherwise specifically provided by statute or a joint powers agreement, the members of all city boards, committees, and commissions shall be appointed and serve as provided herein notwithstanding any other provision of this code, City resolution, or City minute order.

(A) Appointment.

(1) The Mayor is authorized to make appointments to City boards, committees, and commissions subject to approval by the City Council.

(2) For new boards, committees, and commissions comprised of seven members, the Mayor will seek nominations for appointments from each Council Member and the Mayor may make a direct appointment for the at-large seat for consideration by the Council.

(3) For existing boards, committees, and commissions comprised of seven members and as vacancies occur, the Mayor will seek a nomination to fill the vacancy from the Council Member for the Council District who originally nominated the person. The Mayor may also make one direct appointment for the seventh seat for consideration by the City Council.

(4) For boards, committees, and commissions comprised of less or more than seven members and as vacancies occur, a numerical rotation system based on district numbers will be utilized and the Mayor will seek a nomination to fill such vacancy from a Council Member who has not yet made or waived their opportunity to nominate a person to serve on the particular board, committee, or commission. In other words, if the last nomination was from the Council Member for District 3, the Mayor will seek a nomination from the Council Member for District 4.

(5) The Mayor is not required to appoint persons nominated by Council Members.

- (6) The Mayor will submit appointees to the City Council for consideration.
- (7) The City Council is authorized to approve or reject any appointment made by the Mayor.
- (8) Council approval of any appointment shall be made by resolution adopted by four votes of the City Council. The appointment shall be for the remainder of an unexpired term or for a new term.
- (9) Upon the City Council's determination not to approve a Mayor's appointee, the Mayor shall proceed to seek another nominee, make another appointment, and submit the appointee to the City Council for consideration and approval as set forth in this section.

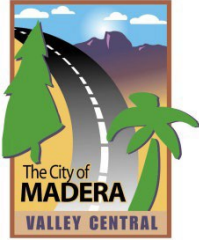
(B) Term.

Each board, committee, or commission member appointed as set forth in Section (A) above shall serve a term of four years unless a different term is otherwise provided by law, or until the Council member who nominated such board, committee or commission member is no longer serving as a Council member, whichever period is less. Each appointed member shall serve until his or her successor is appointed and qualified.

**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.



## REPORT TO CITY COUNCIL

**Council Meeting of:** March 2, 2022

**Agenda Number:** B-5

  
\_\_\_\_\_  
Keith Helmuth, Department Director

  
\_\_\_\_\_  
Arnaldo Rodriguez, City Manager

### **SUBJECT:**

2020-21 City St. 3R & ADA Project, State Project No. LPP SB1 – 5157 (120), City Project No. R-71

### **RECOMMENDATION:**

Adopt a Minute Order Approving:

1. Acceptance of 2020-21 City St. 3R & ADA Project, State Project No. LPP SB1 – 5157 (120), City Project No. R-71 (Project)
2. The Recording of Notice of Completion
3. The release of retention 35 days after recording of the Notice of Completion

### **SUMMARY:**

The City Council (Council), at its July 21, 2021, meeting, awarded a contract to Avison Construction, Inc. for the Project in the amount of \$543,891.00. The project included overlays and seals on Central Avenue, Almond Avenue, and Pine Street. The Contractor has completed the project in accordance with the plans and specifications and as modified by approved Change Orders.

### **BACKGROUND:**

A final project inspection was conducted by the Engineering Department. Public Works Department staff also participated in the final inspection of the project. All parties agree that the project can be recommended for acceptance by the Council and a “Notice of Completion” recorded. The Notice of Completion is provided in Attachment 1.

The work on Central Avenue between Gateway Drive and North D Street consisted of grinding asphalt concrete, removal of severely deteriorated sections of asphalt pavement, installation of

pavement reinforcing fabric, paving with new asphalt concrete overlay. Central Avenue between North D Street and North Lake Street consisted of an application of Type II Micro-surfacing, installation of ADA ramps, adjustment of existing manholes/utility covers to final grade and replacement of traffic striping/markings. Almond Avenue and Pine Street work consisted of an application of Micro-Surfacing Type III and installation of ADA ramps, drive approach and replacement of traffic striping/markings. A Location map of said improvements is provided in Attachment 2.

One contract Change Order was processed. The change order consisted of lump sum, time and material costs, and final balancing quantities based on the total worked performed versus the total quantity included in the bid item.

The final progress payment, less the retention amount of five percent, has been processed. See Table 1 for a summary of contract costs.

<b>Table 1: Project Summary</b>		
<i>Original Contract Amount</i>	<i>Total Change Orders</i>	<i>Total Construction Contract Cost</i>
\$543,891.00	\$20,567.04	\$564,458.04

The total cost of the Change Orders increased the cost of the project approximately 3.8 percent, wherein a contingency of 15 percent was included. The construction project was completed within the adjusted contract time and available budget.

**FINANCIAL IMPACT:**

There is no fiscal impact to the City’s General Fund given that funding for the project is in the Measure T and LPP funds accounts. These funds are included in the City’s CIP Budget FY 2021/22.

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

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

**ALTERNATIVES:**

As an alternative, the Council may elect to reject the Notice of Completion of the Project. Rejection of the Notice of Completion will result in staff’s inability to release retention funds and closing the Project.

**ATTACHMENTS:**

1. Notice of Completion

2. Location Map
3. Project Photos

**ATTACHMENT 1**

Notice of Completion

Recording Requested by:  
**City of Madera**

And When Recorded, Mail to:  
**City of Madera – City Clerk**  
**205 W. 4<sup>th</sup> Street**  
**Madera, CA 93637**

\_\_\_\_\_  
Space above this line for Recorder's Use  
Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code – No Document Tax Due \$ -0-

## NOTICE OF COMPLETION

\_\_\_\_\_  
**NOTICE IS HEREBY GIVEN THAT:**

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

<u>Name</u>	<u>Address</u>
_____	_____

6. A work of improvement on the property hereinafter described was completed on \_\_\_\_\_
7. The name of the original contractor, if any, for such work of improvement was:  
(If no contractor for work of improvements as a whole, insert "none".)

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

<u>Name</u>	<u>Address</u>
_____	_____

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. The street address of said property is \_\_\_\_\_  
(If no street address has been officially assigned, insert "none".)

**(Signature of Owner named in Paragraph 2)**

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Keith Brent Helmuth, P.E.  
City Engineer

**State of California**  
**County of Madera**

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

**(Signature of Officer)**

\_\_\_\_\_  
Keith Brent Helmuth, P.E.  
City Engineer

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

**State of California**  
**County of Madera**

Subscribed and sworn to (or affirmed) before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by Keith Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

\_\_\_\_\_  
Alicia Gonzales  
City Clerk

**ATTACHMENT 2**

Location Map


2020-21 CITY ST. 3R & ADA PROJECT, STATE PROJECT NO. SB1-LLPL 5157 (120)  
CITY PROJECT NO. R-71

CENTRAL AVE  
SITE 1

ALMOND AVE  
SITE 2

PINE STREET  
SITE 3

**LEGEND**

 AWARDED LOCATION



**ATTACHMENT 3**

Pictures



Figure 1 –Segment of Central Avenue between Gateway Drive and E Street (BEFORE)



Figure 2 – Segment of Central Avenue between Gateway Drive and E (AFTER)



*Figure 3 –Segment on Central Avenue between E Street and North D Street (BEFORE)*



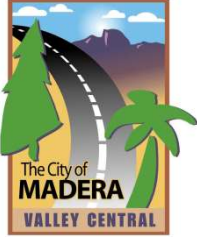
*Figure 4 – Segment on Central Avenue between E Street and North D (AFTER)*



*Figure 5 –Segment on Pine Street between Gil Avenue and West Almond Avenue  
(BEFORE)*



*Figure 6 – Segment on Pine Street between Gil Avenue and West Almond (AFTER)*



## REPORT TO CITY COUNCIL

**Approved by:**

Keith Helmuth, Department Director

Arnaldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:**         B-6        

### **SUBJECT:**

Amendment to the Application for Transportation Development Act (TDA) – Local Transportation Funds (LTF) and State Transit Assistance (STA) Funds for Fiscal Year (FY) 2021/22 and Rescinding Resolution No. 22-05

### **RECOMMENDATION:**

1. Rescinding Resolution No. 22-05 and approving the amended application for TDA, LTF for FY 2021/22 with FY 2020/21 carryover balances.
2. Authorizing the City Engineer to execute the amended application and submit it to the MCTC for approval and adoption.

### **SUMMARY:**

Annually, the local agencies are required to submit applications for LTF and STA funds for approval by the MCTC. The applications outline the intended use of available funds. On June 2, 2021, the City Council (Council) approved LTF and STA applications for the projected available funds for FY 2021/22. On January 19, 2022, the City Council approved resolution 22-05 to amend the 2021/22 TDA Application.

Upon the adoption of the state budget, the City's STA application must be amended to reflect any changes. This Fiscal Year an amended application must be filed to show an increase in STA funds and to reflect carryover balances of unexpended funds from FY 2020/21.

### **DISCUSSION:**

At the June 2, 2021, meeting, Council approved the FY 2021/22 LTF & STA Applications for the FY 2021/22 funding allocated by MCTC. LTF funds must be used for transportation related services such as transit services, street construction, program planning, and administration. Projects in

the Capital Improvement Plan (CIP) for the City have been created and approved by Council for the use of these funds. STA funds must be used for transit related programs only. Therefore, the funds are programmed for operations of the Madera Metro Transit System.

On September 22, 2021, the MCTC approved Resolution 21-08 which increased the STA funds available for FY 2021/22. This increase potentially relieves an equivalent amount from LTF funds for use on other eligible expenses, such as street projects.

The amendment to the LTF application is prepared and submitted to MCTC annually after the prior year’s final expenses and claims have been processed, and the excess prior year funds and carryover balances have been confirmed by MCTC. The carryover amounts for this year are shown below in Table 1. The carryover amounts are included in the current CIP.

This item previously came before council at the January 19<sup>th</sup> meeting; however, we were later informed by the MCTC that, due to better-than-expected tax revenues, the LTF amount received by the city would be increasing. Rather than file two separate amended returns, staff has opted to combine them into a single application.

A summary of all changes is summarized in the table below.

<b>Table 1: Changes to LTF &amp; STA Applications for FY 2021/22</b>				
<i>Application Item</i>	<i>Original Application Amount</i>	<i>Carryover</i>	<i>New FY 21/22 Allocation</i>	<i>Amended Application Amount</i>
<b>LTF</b>	1,902,849	4,440,478.25	550,330	\$6,893,657.25
<b>STA</b>	\$464,103		\$106,853	\$570,956
<b>Total Application</b>	<b>\$2,366,952</b>			<b>\$7,464,613.25</b>

**FINANCIAL IMPACT:**

For this cycle and near term, the next several cycles, there are no identified impacts to the General Fund.

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

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

Multi-modal Transportation: Strategy 121 – Develop a City-wide multi-modal transportation plan to ensure safe, affordable, and convenient transportation modes for residents and businesses within Madera.

**ALTERNATIVES:**

Council may provide staff direction on how to amend the TDA application or may refer the item back to staff for additional information.

**ATTACHMENTS:**

1. Resolution  
Exhibit A – Applications

**Attachment 1**  
Resolution

**RESOLUTION NO. 22-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA APPROVING AMENDMENTS TO THE APPLICATIONS FOR  
TRANSPORTATION DEVELOPMENT ACT (TDA) – LOCAL TRANSPORTATION  
FUNDS (LTF) AND STATE TRANSIT ASSISTANCE (STA) FUNDS FOR FISCAL  
YEAR (FY) 2021/22 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE  
AND SUBMIT THE APPLICATIONS TO MADERA COUNTY  
TRANSPORTATION COMMISSION (MCTC)**

**WHEREAS**, the TDA - LTF and STA funds are annually allocated by MCTC pursuant to the TDA; and

**WHEREAS**, the City of Madera prepares the applications outlining the intended uses for the LTF and STA funds each year and the applications may be amended as needed; and

**WHEREAS**, The Madera County Transportation Commission has increased the City allocation of State Transportation Assistance Funds by \$106,853; and

**WHEREAS**, the Madera County Transportation Commission has increased the City's allocation of LTF funds for FY 2021/22 by \$550,330; and

**WHEREAS**, the unexpended balance of LTF funds in FY 2020/2021 must be added to the FY 2021/22 amended application for proper accounting purposes; and

**WHEREAS**, the LTF and STA fund amended applications for FY 2021/22 that describe the intended uses of these funds have been submitted to Council for review and approval.

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

1. The above recitals are true and correct.
2. Resolution No. 22-05 approved on January 19, 2022, is hereby rescinded
3. The City Council of the City of Madera approves the Amended Applications for FY 2021/22, copies of which are attached hereto as Exhibit A and incorporated by reference.
4. The applications are hereby approved.
5. The City Engineer is authorized to execute the amended applications and submit to MCTC.

6. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**Exhibit A**  
Applications

# Madera County Transportation Commission

## TDA Amendment Request

Agency: \_\_\_\_\_ City of Madera \_\_\_\_\_

Date: \_\_\_\_\_ 2/22/2022 \_\_\_\_\_

Fiscal Year: **2021/22** \_\_\_\_\_

Amending:  LTF  STA

Type of Amendment:  Carryover of PY Funds  Reassign funds  Other

Project	Approved Allocation	New Proposed Allocation	Difference
1 <b>Madera Metro, Intermodal</b>	\$783,856.00	\$783,856.00	\$0.00
2 <b>Pedestrian &amp; Bicycle Projects</b>	\$38,057.00	\$124,758.77	\$75,694.77
3 <b>MCTC Planning Services</b>	\$57,085.00	\$73,595.00	\$0.00
4 <b>Local Agency Planning (match to STP Grant, Transit)</b>	\$0.00	\$11,947.00	\$11,947.00
5 <b>Street &amp; Road Projects</b>	\$1,023,851.00	\$5,899,500.48	\$4,352,836.48
6			\$0.00
7			\$0.00
8			\$0.00
9			\$0.00
10			\$0.00
<b>Total</b>	<b>\$1,902,849.00</b>	<b>\$6,893,657.25</b>	<b>\$4,440,478.25</b>

**Notes**

Amendment reallocates funds carried over from FY 2020-21. This is consisted with FY 21/22 Budget and Capital Improvement Program

These funds also include the additional apportioned funds via resolution 21-07, amendment 1

\_\_\_\_\_  
Agency Authorizing Signature Date

\_\_\_\_\_  
MCTC Authorizing Signature Date

MCTC Use:

Month \_\_\_\_\_

Amendment No. \_\_\_\_\_

# Madera County Transportation Commission

## TDA Amendment Request

Agency: \_\_\_\_\_ City of Madera \_\_\_\_\_

Date: \_\_\_\_\_ 12/21/2022 \_\_\_\_\_

Fiscal Year: **2021/22** \_\_\_\_\_

Amending:  LTF  STA

Type of Amendment:  Carryover of PY Funds  Reassign funds  Other

Project	Approved Allocation	New Proposed Allocation	Difference
1 <b>Madera Metro, Dial-A-Ride, Intermodal</b>	\$464,103.00	\$570,956.00	\$106,853.00
2			\$0.00
3			\$0.00
4			\$0.00
5			\$0.00
6			\$0.00
7			\$0.00
8			\$0.00
9			\$0.00
10			\$0.00
<b>Total</b>	<b>\$464,103.00</b>	<b>\$570,956.00</b>	<b>\$106,853.00</b>

**Notes**

New Allocation is per MCTC Resolution 21-08

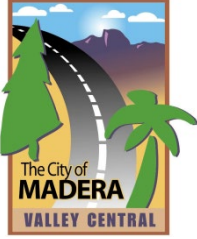
\_\_\_\_\_  
Agency Authorizing Signature Date

\_\_\_\_\_  
MCTC Authorizing Signature Date

\_\_\_\_\_  
MCTC Use:

Month \_\_\_\_\_

Amendment No. \_\_\_\_\_



## REPORT TO CITY COUNCIL

**Approved by:**

*Anthony R. Foretione*

Department Director

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** B-7

**SUBJECT:**

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2021 funding allocation

**RECOMMENDATION:**

Adopt a resolution authorizing a budget amendment to the JAG FY 2021 Program budget as a result of accepting the grant in the amount of \$27,829

**SUMMARY:**

The goal of this application is to use the city's allocation of 2021 JAG funds to continue modernizing our fleet of law enforcement patrol vehicles with in-car camera systems. The Police Department views such equipment as vital given recent national events. These technological improvements will provide the police department with modern and reliable equipment despite local budget constraints.

**DISCUSSION:**

The U.S. Department of Justice makes JAG funds available to state and local governments on a formula basis. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs. The City received notification that it has been awarded \$27,829 as part of the JAG program's FY 2021 solicitation. The project period began October 1, 2020 and concludes September 30, 2024. Table 1 provides how said funds are proposed to be utilized.

<b>Table 1: Proposed use of JAC grant funds</b>	
Public Safety Surveillance Cameras /Body Cameras	\$26,994
3% NIBRS Software costs	\$835
<b>Total</b>	<b>\$27,829</b>

The use of JAG funds for this purpose will provide the department with modern and reliable equipment.

**FINANCIAL IMPACT:**

Submission of a JAG application will provide the City with \$27,829 in federal grant funding to support local law enforcement. As a result, it will not adversely affect the General Fund and may benefit it by defraying costs within the Police Department.

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

Receipt of JAG funding directly supports the following Vision Plan strategies:

- Strategy 115- Economic resources provision: ensure sufficient economic resources to provide adequate City services and prepare for future growth.
- Strategy 115.3- Seek and retain grants.
- Strategy 421- First Response Emergency Services: Ensure the safety and protection of Madera and its community members through adequate first response to emergencies. Maintain sufficient resources to expand protection as the community grows.

**ALTERNATIVES:**

If Council elects to not adopt the Resolution, the grant with the Edward Byrne Memorial Justice Assistance Grant Program will not be awarded.

**ATTACHMENTS:**

1. Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,  
APPROVING A BUDGET AMENDMENT TO THE JAG GRANTS FUND  
ACCEPTING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT  
PROGRAM FY 2021 FUNDING ALLOCATION**

**WHEREAS**, the City of Madera Police Department is responsible for the safety of the citizens of the community; and

**WHEREAS**, the Madera Police Department spends considerable resources in its efforts to provide frontline law enforcement services to the community; and

**WHEREAS**, the Council of the City of Madera supports the efforts of the police department to secure resources by the most efficient means possible; and

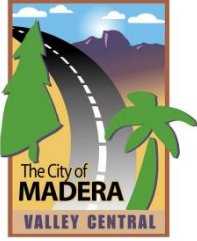
**WHEREAS**, the Congress of the United States has allocated \$27,829 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program to the City of Madera to be used for front line law enforcement services; and

**WHEREAS**, the City wishes to amend the JAG Grants Fund to increase the budget.

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

1. The above recitals are true and correct.
2. The City Manager, or his/her designee, is hereby authorized to execute all required documents.
3. This resolution shall be effective immediately upon adoption.

\*\*\*\*\*



## REPORT TO CITY COUNCIL

**Approved by:**

*Anthony R. Forestiere*

Department Director

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** B-8

**SUBJECT:**

Amendments to Lease Agreements at the Madera Intermodal Transit Center

**RECOMMENDATION:**

A Resolution Approving Amendment No. 1 to the Lease Agreement between the City and Greyhound for the use of the Intermodal Transit Center and Rescinding Resolution No. 22-03

**SUMMARY:**

The City owns the Madera Intermodal Transit Center (MITC) located on N. E St., between E. Yosemite Ave. and E. 5<sup>th</sup> Street. As outline in Attachment C, a portion of the building is leased to Greyhound, while a smaller area is leased to Madera Cab Company (MCC). Another portion of the building is currently vacant as it previously housed Madera Metro transit operator MV Public Transportation, Inc. (MVPT Inc) prior to the development of the new Madera Transit Center. The City owns the building and has no outstanding debt on said improvements.

The MITC is designed to offer multiple modes of transportation and connectivity through Greyhound, taxi, and the City's public transit system (Madera Metro). The current lease with Greyhound sunsets February 28, 2022. This agreement does not contain terms for extension or renewal, but both parties agree to the benefit of offering multiple modes of transportation at a central location; and, therefore to an extension.

This matter was previously before Council; however, though Greyhound agreed to the initial terms of the agreement, Greyhound wished to not to proceed with the previously approved lease amendment due to needed clerical changes in the termination section. Given the looming date, this item proposes to amend the original lease and rescind Council Resolution No. 22-03. Table 1 summarizes items worth highlighting in the existing lease:

- Floor space of the MITC is considered commercial retail and lease prices are marketed between- \$0.90 - \$1.10 per square foot (sf), which is comparable to other prices in Downtown Madera.
- The tenant has access to a Common Area that includes a waiting area, restrooms, foyer, and access to bus driveways, and a bus boarding area.

<b>Table 1: Summary of Existing Lease Agreement with Greyhound</b>	
Rate per square foot (sf)	\$1.10
Lease Area in (sf)	960
Lease rate per month	Year 1: \$768
	Years 2 & 3: \$806
Access to common areas	Yes
Agreement sunsets	February 28, 2022
Length of Agreement	36 Months
Utilities	Lessee
Maintenance of common areas	City

It is noted that as part of the Affordable Housing Sustainable Community (AHSC) Grant (5<sup>th</sup> and C Streets), funds were included to complete several projects, including improving the MITC. The City received approximately \$288,000 as part of the grant to improve the station, which also includes the installment of bike racks, bus signage, and security enhancements to improve safety within one mile of the new residential buildings. While renovations will cause some disruption to the tenants, efforts will be made to minimize said impacts and to avoid prolonged closures. Staff is in the process of preparing a Request for Proposals (RFP) for assistance for the renovation of the MITC and will present the item to Council at a future date.

Staff is recommending that the Council consider a three-year lease agreement with a contingency and an option to extend. The contingency to the agreement is defined as to when Greyhound resumes in-person operations (open doors to public, onsite ticket purchasing, staffing, etc.). Table 2 summarizes the proposed lease agreements.

<b>Table 2: Proposed Lease Agreement with Greyhound</b>	
Rate per square foot (sf)	\$1.10
Lease Area in (sf)	960
Lease rate per month	Year 1: \$550*
	Year 2: \$806
	Year 3: \$826
Access to common areas	Yes
Agreement sunsets	February 28, 2025
Length of Agreement	36 Months
Utilities	Lessee
Maintenance of common areas	City
*The monthly lease rate to increase to \$806 per month if Greyhound is to resume in-person operations within year one. Price will go into effect at the next billing cycle.	

Due to ongoing pandemic, Greyhound is not staffing the station and requested to reduce the monthly lease rate for the upcoming year. Greyhound indicated that passenger usage decreased during the pandemic but is optimistic that it will increase in the future. If Greyhound is no longer able to operate out of the MITC due to economic reasons, both parties have agreed to discontinue the lease while still allowing Greyhound to provide service to the MITC as a commercial drop off and pick up location for Madera residents.

In addition to the leased space, the City will continue to manage repair, maintenance and janitorial services for the building, common areas and parking. Greyhound is responsible for janitorial costs of the leased space and pay a pro-rata share based on amount of space leased towards the City's contracted janitorial service to meet this commitment.

Should the recommended terms of the agreement not be approved, staff is recommending the lease continues to operate on a month-to-month basis until a new lease is executed.

**FINANCIAL IMPACT:**

There is no impact to the General Fund as revenue and expenses related to the MITC only affects the Transit budgets. Approving the lease will offset minimal costs for maintaining the building and record approximately \$25,000 as "other revenue" thereby improving Madera Transit's farebox recovery ratio. Expenses for the facility are serviced by a combination of Federal and State Funds, summarized in Table 3.

<b>Table 3: Federal and State Funds</b>	
<i>Source</i>	<i>FY21/22 Allocation</i>
Federal Transit Authority (FTA)	CARES FUNDS (\$6.4 million awarded September 2020) Funds are available for Operation and Preventative Maintenance until fully expended

State Transit Assistance (STA)	\$570,956 (Annual Allocation Amount Varies)
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**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

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

- Strategy 121:
  - Multi-modal transportation: Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.
- Strategy 407:
  - Promote and expand existing services, supportive services, case management, and self-sufficiency for Madera residents to maintain independent lifestyles.

**ALTERNATIVES:**

As an alternative, the Council may elect to:

- Reject the lease agreement and provide direction for staff to return with renegotiated terms and conditions. The rejected lease agreement would continue to operate on a month-to-month basis until a new lease is executed or the current lease is terminated by either party.
- Reject the lease agreement and no longer provide the space for lease at the Madera Intermodal Transit Center or make the space available to new commercial tenants or available to other City staff/services.

**ATTACHMENTS:**

1. Attachment A – Resolution Approving Amendment No. 1 – Greyhound Lease Agreement
  - a. Exhibit A – Amendment No. 1, Lease Agreement between City and Greyhound
2. Attachment B – Lease Space
3. Attachment C – Parking Area

**RESOLUTION NO. 22-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE LEASE  
AGREEMENT BETWEEN THE CITY OF MADERA AND GREYHOUND LINES,  
INC. A DELAWARE CORPORATION FOR THE USE OF THE INTERMODAL  
TRANSIT CENTER AND RESCINDING RESOLUTION NO. 22-03**

**WHEREAS**, the City of Madera (City) and Greyhound Lines, Inc. a Delaware Corporation (Greyhound) entered into a Lease Agreement for the lease of space at the Madera Intermodal Transit Center located at 123 North E Street on February 20, 2019; and

**WHEREAS**, the Lease Agreement for a 3-year term beginning March 1, 2019 expired February 28, 2022; and

**WHEREAS**, the Parties wish to extend the Agreement for a three-year term to February 28, 2025; and

**WHEREAS**, Greyhound agrees to a monthly rent of \$550 with contingencies in year one; and

**WHEREAS**, if Greyhound is to resume in-person operations during year one of the extension a monthly rate of \$806 will go into effect at the next billing cycle; and

**WHEREAS**, Greyhound agrees to a monthly rent of \$806 in year two and a monthly rent of \$826 in year three.

**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. 1 to the Lease Agreement between the City and Greyhound for the use of the Intermodal Transit Center as set forth in Exhibit A attached to this resolution.
3. The Council rescinds Resolution No. 22-03.
4. This resolution is effective immediately upon adoption.

\*\*\*

Recorded at the Request of City of Madera  
When Recorded Return to:  
City of Madera  
City Clerk  
205 W. 4th Street  
Madera, CA 93637

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(Fee Waived Per Government Code Sections 27383 & 27388.1 (a)(2)(D). No fee due, no document tax due)

**AMENDMENT NO.1 TO LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND  
GREYHOUND LINES, INC. A DELAWARE CORPORATION**

This Amendment No. 1 to the Lease Agreement is entered by and between the City of Madera (Lessor) and Greyhound Lines, Inc. (Lessee).

**RECITALS**

**WHEREAS**, the City of Madera and Greyhound Lines, Inc. a Delaware Corporation entered into a 3-year Lease Agreement for the lease of space at the Madera Intermodal Transit Center located at 123 North E Street on March 1, 2019; and

**WHEREAS**, the lease agreement expired February 28, 2022; and

**WHEREAS**, the Parties desire to extend the Lease Agreement for a three-year period by amending the Lease Agreement.

**WHEREAS**, the Parties wish to enter Amendment No. 1 to the Lease Agreement as set forth herein.

**AMENDMENT**

**SECTION 1.** Section 3 entitled "Term" of the Lease Agreement is amended to read as follows:

The term of this lease shall be 36 months, commencing March 1, 2022, and concluding on February 28, 2025.

**SECTION 2.** Section 4 entitled "Rent" of the Lease Agreement is amended to read as follows:

Lessee shall pay to Lessor as rent for use of the Facility equal monthly installments as indicated below payable on or before the first day of each calendar month of the term. Rent for any period less than one month shall be a pro rata portion of the monthly installment. Rent shall be payable to

Lessor at the address stated herein or to such other person or at such other place as Lessor shall designate in writing as provided herein.

Rent for Year 1 shall be \$550 with contingency as described below; \$806 for Year 2; and \$826 for Year 3.

\* The contingency to the Agreement is defined as the date when Greyhound resumes in-person operations (open doors to public, onsite ticket purchasing, staffing, etc.). On the contingency date, the monthly rental rate will increase from \$550 per month to \$806 per month on the next billing cycle.

**SECTION 3.** Section 18 of the Lease Agreement is amended to read as follows:

**18. TERMINATION OF LEASE**

- a. In the event the Lessee determines in good faith that it is no longer practical, or operationally can do business from the Facility, Lessee shall have the right to terminate this Lease with thirty (30) days prior written notice.
- b. It is understood and agreed by the parties hereto that Lessor and its successors in interest shall and hereby do reserve the right to cancel or terminate this lease prior to expiration of the term or renewed or extended term hereof as follows:
  - i. If the Lessee is in default or breach of this lease, as specified in Section 22 of this lease or as otherwise provided by law; or
  - ii. If the Lessee assigns or sublets the Facility without the prior written consent of Lessor, as specified in Section 18 of this lease.

**SECTION 4.** Except as amended by this Amendment No. 1, all terms and conditions of the Lease Agreement shall continue in full force and effect.

**IN WITNESS WHEREOF**, the Parties hereto have executed or caused the Amendment No. 1 to the Lease Agreement to be executed as of the date and year set forth below.

**CITY OF MADERA**

**GREYHOUND Lines, Inc., a Delaware Corporation**

By: \_\_\_\_\_  
Santos Garcia, Mayor

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Taxpayer ID Number

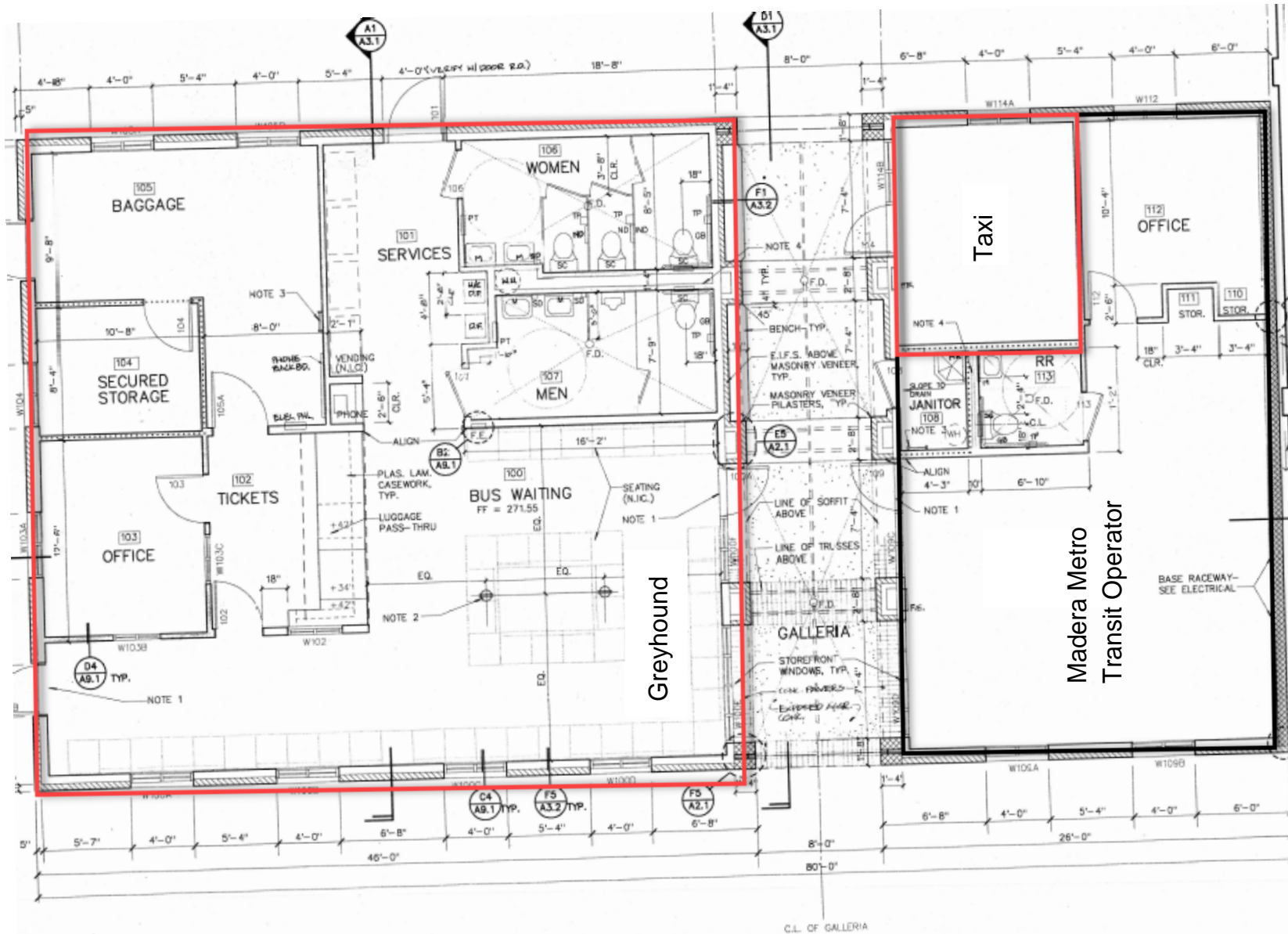
**APPROVED AS TO FORM:**

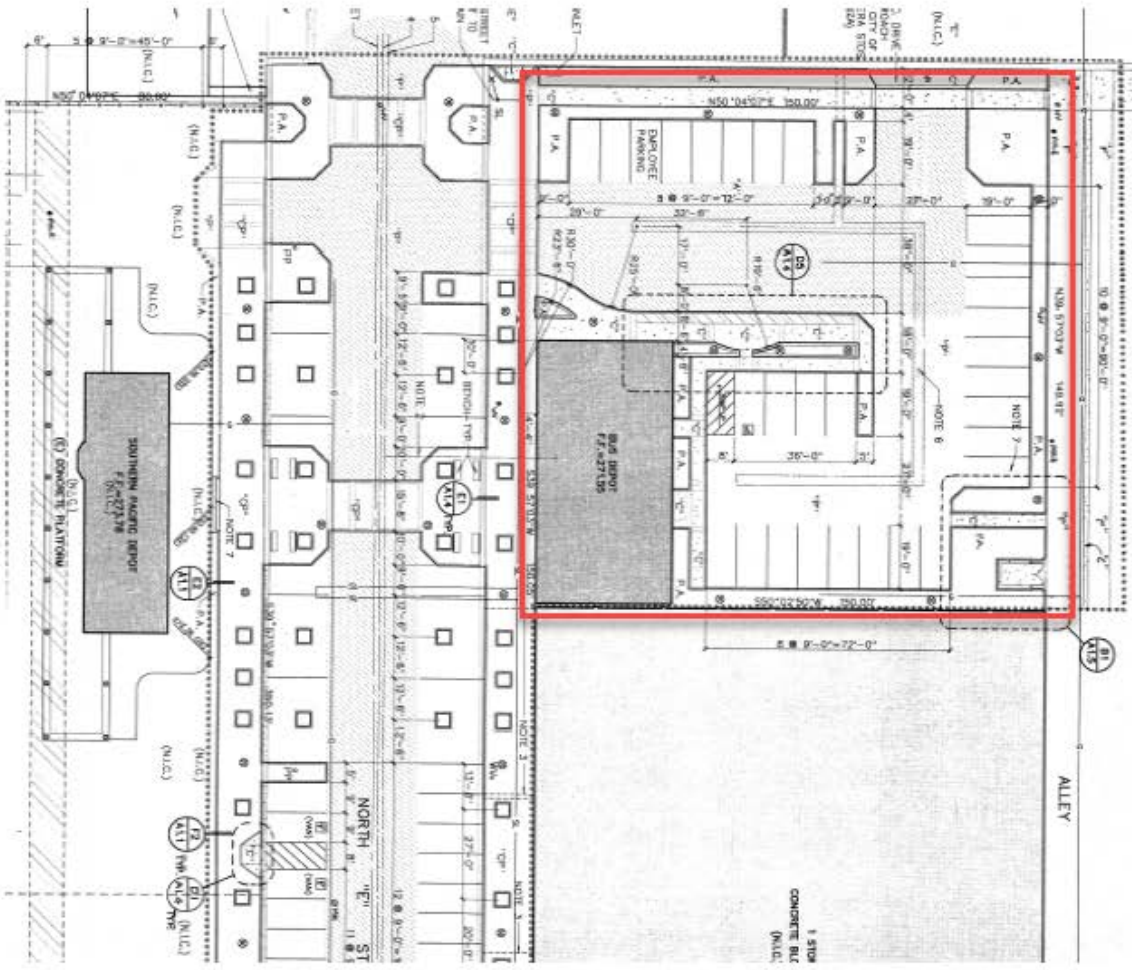
By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

**ATTEST:**

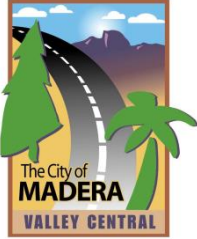
By: \_\_\_\_\_  
Alicia Gonzales, City Clerk

# ATTACHMENT B - LEASE SPACE





ATTACHMENT C -  
PARKING AREA



## REPORT TO CITY COUNCIL

**Approved by:**

*Anthony R. Forestiere*

Anthony R. Forestiere, Interim Director of Finance

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** B-9

**SUBJECT:**

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

**RECOMMENDATION:**

Adopt Resolution approving Second Amendment to the Agreement for Professional Services between the City and NBS relating to utility rate studies for additional services at a cost of \$30,000.

**SUMMARY:**

The City and NBS (Consultant) entered into a professional services agreement in October 2020 for services related to utility rate studies. The First Amendment was approved October 6, 2021 for additional services at a cost of \$17,800. Those additional services were to evaluate the impact on future utility rates should grant funds, such as those received through the American Rescue Plan Act (ARPA), be utilized for capital improvement projects that would otherwise be funded by rate payers. The City requested that additional analysis be conducted on how Senate Bill (SB) 1383 will impact the rates for solid waste services. Those additional services were provided at a cost of \$17,800, increasing the total contract for rate study consulting services from \$114,320 to \$132,120. At this time, staff is recommending a second amendment to agreement for additional services. The City has requested the Consultant perform additional analysis related to updates to Operations & Maintenance and Capital Improvement budgets resulting in multiple versions of the utility rate reports, requiring additional presentations to City Council. These additional services have extended the anticipated completion date by almost a year, increasing the cost from \$132,120 to \$162,120.

## **DISCUSSION:**

The City contracted with Consultant to conduct utility rate studies for water, sewer, solid waste, and drainage utilities on October 21, 2020. The original agreement amount for the full scope of the project as defined was \$114,320. The original estimated date of completion was April, 2021. The First Amendment extended the estimated completion date to December 2021 and increased the cost to \$132,120.

On October 6, 2021 the First Amendment was approved for additional services at a cost of \$17,800, increasing the total amount of the Agreement to \$132,120. Over the course of the studies, the customer/consumption data required some clean up, increasing the required hours. Since that time, additional analysis and presentations have been conducted by the consultant upon the request of the City. Staff have been working closely with the Consultant to gather relevant data, study the financial statements, updated budgets and draft rate study reports for all utilities. The objectives of the utility rate reports include analysis to confirm:

- Revenues are adequate to sustain services, address capital needs and system depreciation
- Appropriate fee classifications (i.e. single family, multi-family, etc.)
- Projections for facility replacement, taking into account deferred maintenance
- Revenues are adequate to meet debt service coverage
- Water rates are consistent with 2014 Sustainable Groundwater Management Act
- Compliance with all applicable laws, including provisions of Prop 218

The scope of the project has been expanded as a result of the COVID-19 pandemic, which posed challenges to the work timeline and the introduction of pandemic related grants, such as ARPA, requiring additional analysis and alternate scenarios. City staff requested additional work and graphics that show the impact on rates using grant funds for capital projects.

On August 4, 2021, the Council considered a presentation on the \$23 Million received in ARPA funds received by the City. This federal grant was provided to the City to assist in recovery from the consequences of the pandemic. ARPA's funding has multiple goals intended to mitigate the effect of the pandemic, including effects on public health, the economy, revenues, essential workers, water/sewer infrastructure, and broadband infrastructure.

Additional work was requested from the consultant related to the impact of SB 1383 on solid waste rates. SB 1383, effective January 1, 2022, will require the City to fully implement organic waste collection including collection, diversion to an appropriate processing facility, customer outreach, reporting requirements, etc. This was not anticipated in the original scope of the contract.

Since approval of the First Amendment, there were additional updates to the Operations & Maintenance and Capital Projects budgets after the initial draft reports were issued. The updates

were necessary as current budget data became available. The Consultant has prepared multiple revisions, including those to address the City attorney's questions and requested revisions, which were not anticipated in the scope of the work. There were additional workshops (pre-Prop 218) requested beyond what was included in the original agreement. The original agreement anticipated completing the studies approximately a year ago, hence the delay has required additional meetings and revision of the reports. These additional services have increased the amended Agreement by \$30,000, increasing the cost from \$132,120 to \$162,120.

**FINANCIAL IMPACT:**

The Agreement fee amount for total services will increase \$30,000, from \$132,120 to \$162,120. The fees for rate studies are paid by the Water, Sewer, Drainage and Solid Waste Enterprise Funds. The Enterprise Funds have sufficient appropriations to cover the additional consulting fees.

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

Approval of this item is consistent with Strategy 115 of the Vision Plan – Economic Resource Provision: Ensure sufficient economic resources to provide adequate City services and prepare for future growth.

**ALTERNATIVES:**

Council may direct staff to further amend the agreement for additional services and analysis.

**ATTACHMENT:**

1. Resolution approving the Second Amendment to the Agreement with NBS
  - a. Exhibit A: Amendment to Agreement with NBS

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING SECOND AMENDMENT TO PROFESSIONAL  
SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND NBS  
RELATING TO RATE STUDIES FOR ADDITIONAL SERVICES AND INCREASE  
OF FEES**

**WHEREAS**, the City of Madera (City) sought assistance from NBS to prepare a Water, Sewer, Storm Drainage and Solid Waste Rate Studies; and

**WHEREAS**, on October 21, 2020, the City Council adopted a resolution to enter into an agreement with NBS for the provision of consulting services for preparation of the rate studies; and

**WHEREAS**, on October 6, 2021, the City Council adopted a resolution to amend the agreement for additional services related to the use of American Rescue Plan Act grant funds for water and sewer infrastructure and analysis of SB 1383's effect on solid waste rates; and

**WHEREAS**, updated operations and maintenance and capital projects budget data requires additional analysis to measure the cost and effect on user rates; and

**WHEREAS**, additional public workshops are required to provide education and public outreach on the updates to the utility rate studies; and

**WHEREAS**, the parties wish to amend the agreement by revising the scope of services to include this additional analysis and work product and increasing the consultant fee by \$30,000 to an amount not to exceed \$162,120; and

**WHEREAS**, the City and NBS have drafted an Amendment to the Professional Services Agreement that is in the best interests of both parties.

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

1. The above recitals are true and correct.
2. The Second Amendment to Agreement with NBS, a copy of which is attached to this Resolution as Exhibit A, is approved.
3. The resolution is effective immediately upon adoption.

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**SECOND AMENDMENT TO PROFESSIONAL SERVICES BETWEEN THE CITY  
OF MADERA AND NBS**

This SECOND Amendment to Professional Services Agreement between the City of Madera and NBS (“Second Amendment”) is made by and between the City of Madera, a California municipal corporation (“City”), and NBS (“Consultant”).

**RECITALS**

WHEREAS, City and Consultant entered into an Agreement for Consultant services on October 21, 2020, to provide consulting services relating to the preparation of studies for consideration of adoption of new fees for water, sewer, solid waste and storm drainage services (hereinafter referred to as “rate studies”); and

WHEREAS, City and Consultant agreed to the First Amendment to the Agreement for additional work and fees on October 6, 2021; and

WHEREAS, Consultant has provided services under the Agreement and the First Amendment to the Agreement; and

WHEREAS, City has requested additional work to update utility reports with current budget data for operations and maintenance and capital projects; and

WHEREAS, City has requested additional workshops to educate public on utility rate studies; and

WHEREAS, the parties wish to amend the Agreement by amending Scope of Services, and adopting new fees applicable to the amended Scope of Services; and

WHEREAS, the parties wish to document the additional work and fees by way of this Second Amendment to Agreement.

**AGREEMENT**

In consideration of the recitals listed above and the mutual obligations of the parties herein, City and Consultant agree that the Agreement for Professional Services dated October 21, 2020, and described above shall be amended as follows:

1. Section 1.2 of the Agreement entitled “Schedule of Performance” is amended to read as follows:

“Consultant shall furnish to City, following the approval of this Agreement by City Council, proof of insurance coverage as required under Article t, insurance. After receipt of satisfactory proof of insurance, City will promptly issue a written Notice to Proceed authorizing Consultant to commence performance of work. Consultant is not authorized to

perform and will not be paid for performing any work under this Agreement until the effective date of the Notice to Proceed. Consultant shall begin work under the Agreement within five (5) days of the effective date of the Notice to Proceed. Consultant shall exercise reasonable diligence to have the services set forth in Exhibit "A" completed and submitted to City for final approval as soon as reasonably practicable, but not later than June 30, 2022, provided that Consultant shall be entitled to an extension of time for any delays caused by events or occurrences beyond Consultant's reasonable control."

2. Section 3.1 of the Agreement entitled "Payment Schedule: Maximum Payment Amount" is amended to read as follows:

"Subject to any limitations set forth in this Agreement, City agrees to pay Consultant per monthly invoice. Both parties agree that Consultant's total fee to complete the services under this Agreement shall not exceed \$162,120 including all amounts payable to Consultant for its overhead, payroll, profit, and all costs of whatever nature, including without limitation all costs for subcontracts, materials, equipment, supplies, and costs arising from or due to termination of this Agreement.

Billings are to be made directly to the following address:

City of Madera  
Department of Finance  
Attn: Vicki Crow  
205 West 4<sup>th</sup> Street  
Madera, CA 93637

Each month Consultant shall invoice City for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories: labor (by subcategory), travel, materials, equipment, supplies and sub-consultant contracts.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. The invoiced amount shall be paid within 30 calendar days unless City disputes any charges or expenses. If any charges or expenses are disputed, City shall pay the undisputed amount, and notify Consultant of the nature and amount of the disputed charge or expense. The parties shall seek to resolve the disputed item(s) by mutual agreement."

3. Exhibit "A" – Scope of Services is amended by adding subsection "1.9" to read as follows:

"1.9 Additional Work Requested by City:

Consultant will provide additional services requested by City including additional scenarios for water, sewer, solid waste and drainage, with updated budget data and additional

graphics that show cumulative rate increases across water, sewer, solid waste and storm drainage fees. City requested additional public education workshops. City requested additional analysis related to SB 1383 related to solid waste utility rates. City requested additional analysis related to water rates so that they are compliant with legal precedents.”

4. This Second Amendment to Agreement for Consulting Services is effective March 2, 2022.
5. Except as set forth in this Second Amendment, all terms and conditions in the Agreement for Consultant Services shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Agreement as follows.

**NBS**

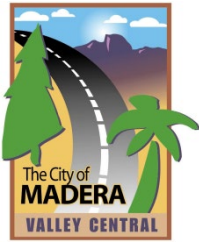
**CITY OF MADERA**

By: \_\_\_\_\_  
Michael Rentner, President & CEO

By: \_\_\_\_\_  
Santos Garcia, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

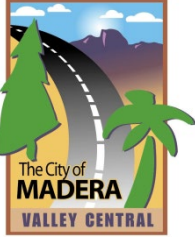


**REPORT TO CITY COUNCIL**  
***Late Distribution Notice***

**DATE:** February 24, 2022  
**TO:** Honorable Mayor & Members of the City Council  
**FROM:** Anthony Forestiere, Interim Director of Financial Services  
**SUBJECT:** March 2, 2022 City Council Meeting  
Late Distribution Report for Item B-9

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Additional time is necessary to prepare Item B-9: Amendment to Existing Consultant Contract between the City and NBS relating to Utility Rate Studies. The report will be distributed as soon as it is available. Thank you for your understanding.



## REPORT TO CITY COUNCIL

Approved by:

*Alicia Gonzales*

Alicia Gonzales, City Clerk

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

Council Meeting of: March 2, 2022

Agenda Number: C-1

### SUBJECT:

Redrawing of Council Member District Boundaries (Redistricting)

### RECOMMENDATION:

1. Receive a report on the redistricting process, feedback from the February 6, 2022, second redistricting workshop draft maps, and permissible criteria to be considered to redraw district boundaries;
2. Conduct Public Hearing #4 on redistricting and receive public input; and
3. Provide feedback on preferred map or maps, and/or desired changes to draft maps.

### SUMMARY:

Pursuant to Election Code section 21601, cities with by-district election systems are required to redraw their district boundary maps to ensure compliance with the California and federal Voting Rights Acts. The process to complete the redistricting requires a minimum of four public hearings and dedicated public outreach to ensure minority populations and communities of interest are aware of the redistricting effort and are provided with options to participate. The City:

- Held its first public hearing on October 20, 2021
- Its second public hearing on November 10, 2021
- Its third public hearing on February 2, 2022
- This is the fourth public hearing.

The purpose of this public hearing is to receive a report of the feedback from the February 6, 2022 second redistricting workshop, review the draft maps prepared by the City's consultant and the maps submitted by members of the public since the third public hearing, inform the public about the districting process, and hear from the community on factors to be taken into consideration for district boundaries.

The redistricting process must be completed by April 17, 2022. It is important that Council focus

on a preferred map at the end of this hearing so that timely introduction on March 16, 2022 and adoption on April 6<sup>th</sup> may be made. Under Elections Code Section 21609 of the Fair Maps Act, failure to adopt district maps by the deadline will require the City to petition the Superior Court in the County for an order adopting district boundaries. Failing to do so within 5 days will allow any resident to file a petition in the superior court for the same and allow the recovery of reasonable attorney's fees and costs. If a petition is validly filed, the court may adjust electoral deadlines and appoint a special master to assist it in the process. The City is required to pay for the special master and associated costs. Because an ordinance may only be adopted at a regular meeting, April 6, 2022 is the last date that Council may take action without violating the Fair Maps Act.

#### **DISCUSSION:**

Every 10 years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have a nearly equal population. The redistricting process for the City must be completed by April 17, 2022.

The City adopted its current district boundaries in 2011. The approved boundary map was drawn based on 2010 census data as required by law. The districts must now be redrawn using the 2020 census data and in compliance with the Fair Maps Act (the "Act"), which was adopted by the California legislature as AB 849 (Chapter 557, Statutes of 2019) and took effect January 1, 2020.

#### ***Requirements for Redrawing District Boundaries***

Under the Act, the City Council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code 21621(c):

1. Comply with the federal requirements of equal population and the Voting Rights Act.
2. Be geographically contiguous.
3. Undivided neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together).
4. Display easily identifiable boundaries.
5. Be compact (do not bypass one group of people to get to a more distant group of people).
6. Shall not favor or discriminate against a political party.

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

1. Minimize the number of voters delayed from voting in 2022 to 2024.
2. Respect voters' choices/continuity in office.
3. Future population growth.

By law, the City must hold at least four public hearings that enable community members to provide input on the drawing of district maps:

- At least one hearing must occur before the city draws draft maps.
- At least two hearings must happen after the drawing of draft maps.
- The fourth hearing can happen either before or after the drawing of draft maps.

To increase the accessibility of these hearings, the City has complied with the following steps:

- At least one hearing must occur on a Saturday, Sunday, or after 6:00 p.m. on a weekday.
- If a redistricting hearing is consolidated with another local government meeting, the redistricting hearing must begin at a pre-designated time.
- Local public redistricting hearings must be made accessible with people with disabilities.

At this public hearing, the public is requested to provide input regarding communities of interest and other local factors that should be considered for district maps. For cities, a community of interest under the Elections Code Section 21621(c) is, “a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.” Council is asked to provide feedback on the preferred map(s) and/or desired changes which will then be presented at a public meeting on March 16, 2022 to introduce the ordinance approving the final map.

Determining population balance is typically done by measuring the spread, or deviation, between the least populated district and the greatest populated district. Deviations of 10% or less are generally considered acceptable under U.S. Supreme Court rulings on equal protection. The City’s population is 65,954. The ideal population of a Council district is one-sixth of that population, or 10,992.

### ***Current District Boundaries***

Analysis of the City’s current district boundaries, adjusted for the 2020 Census data, shows the districts are no longer population balanced as required by law. More specifically:

- District 6 is significantly overpopulated by 17.3%
- District 5 is significantly under populated at -14.6% for a combined total deviation of 31.9%

For these reasons, the district boundaries must be adjusted to achieve a population balance of 10% or less.

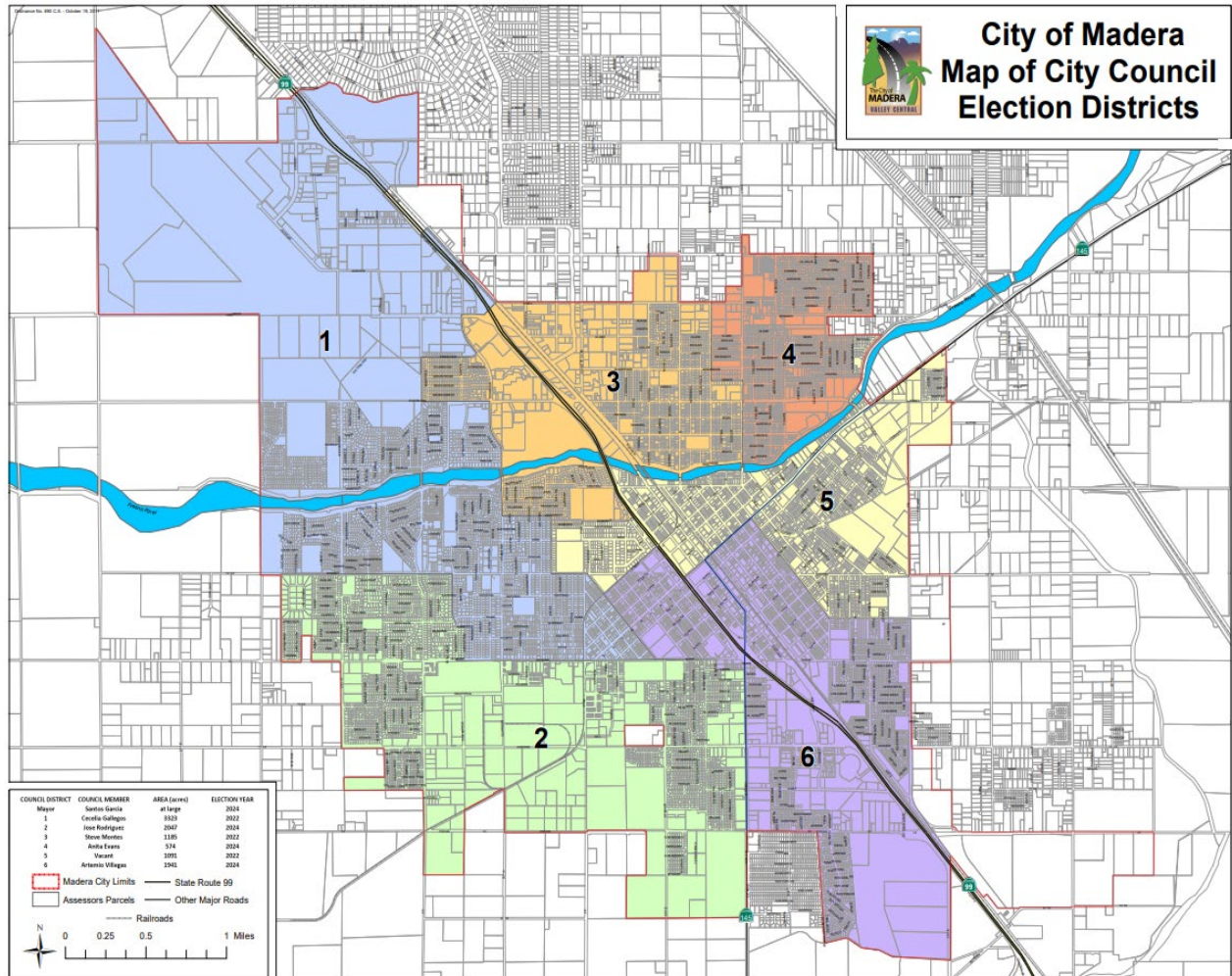
### ***Minority Voters***

Another consideration in the drawing of district boundaries is the distribution of minority voters throughout the City and whether there is a possibility of creating a majority/minority voting district as required under the federal Voting Rights Act. It is important that the analysis of the 2020 Census Data review the ethnicity demographics, specifically voting age populations (VAP) and Citizen Voting Age Populations (CVAP). Upon review of the City’s VAP and CVAP data, all six districts are currently

majority/minority Hispanic voting districts. When rebalancing the populations, care will be taken to preserve those demographic characteristics.

**Maps**

The map and accompanying demographic information of the City’s current districts is attached to this report (Attachment 1). The current district boundary map is highlighted below:



The City’s Redistricting consultant initially prepared three draft map options for Council’s consideration. In addition, a member of the public submitted a draft map option. These maps were considered at the third public hearing. At the February 2, 2022 public hearing, the Council was presented with four map options – three drawn by BB&K and one drawn by a member of the public. Council voted to proceed with Map Options #1 and #2, and to return with feedback from the public on those two maps following the second redistricting workshop that was held on February 6, 2022 at the Pan-American Community Center.

Two additional maps were submitted since the third public hearing by the February 7, 2022 public map submission deadline. These two maps will be presented to Council at tonight’s public

hearing for consideration. In total, there are four maps for Council to consider – Map Options #1 and #2, and the two newly submitted maps – Maps #5 and #6. If Council selects a preferred map, then the ordinance approving the final map will be introduced on March 16, 2022, and the ordinance will be adopted on April 6, 2022 and will take effect immediately. The deadline for the City to complete the redistricting process is April 17, 2022.

Subsequent to the public hearing, two additional public maps were received. Each map is summarized below and accompanying demographic information may be found attached to this report (Attachment 2). Further, an online tool for closely examining the boundaries, with zoom and search capabilities, is available at the following link:

[Online Map Viewing](#)

## **Previously Reviewed Maps**

### ***Map Option 1***

- Map Option 1 attempts to balance the population while retaining the general core of the existing districts.
- There is some similarity to the existing configuration, particularly with regard to Districts 2 and 4
- The map is population balanced, exhibiting a deviation of 3.56%, down significantly from the current deviation of 31.9%
- Preserves all six districts as majority/minority Hispanic voting districts
- A complete demographic analysis is attached at Attachment 2

### ***Map Option 2***

- Option 2 is population balanced, with a deviation of 6.96%
- Is a more substantive change from the current boundary map
- District's 4 and 5 share similarities to the existing configuration
- Districts 1, 2, and 6 see changes to the core of the districts and in their shape
- Preserves all six districts as majority/minority Hispanic voting districts

## **New Maps for Consideration**

### ***Map Option 5***

- Option 5 was received from a member of the public using the online mapping tool
- Preserves the core of existing districts and bears resemblance to the existing map, particularly with regard to Districts 1, 2, 4 and 6
- The districts are compact and contiguous
- It is population balanced with a deviation of 2.85%
- All six districts represent a majority/minority Hispanic voting district

### **Map Option 6**

- Option 6 was also submitted by a member of the public using the online mapping tool
- Preserves the core of existing districts
- It is population balanced with a deviation of 1.11%
- The districts are compact and contiguous
- All six districts represent a majority/minority Hispanic voting district

### **Next Steps**

At the conclusion of the public hearing, the Council should select a preferred map, which would be presented for final approval at a public meeting scheduled for March 16, 2022 along with introduction of an Ordinance finalizing the map selection. Alternatively, the Council may request revisions to one or more map(s) which would be considered at a future public hearing. Should additional public hearings be necessary to identify and select a preferred map, they will be scheduled accordingly. As noted above, the deadline for the City to complete the redistricting process is April 17, 2022.

### **FINANCIAL IMPACT:**

Costs associated with redistricting-related work includes the following:

- Contract with BB&K totaling \$50,000
- Various staff time and City Attorney fees

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

The requested action 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.

### **ALTERNATIVES:**

The Council may direct staff to return with additional information or provide an alternative action.

### **ATTACHMENTS:**

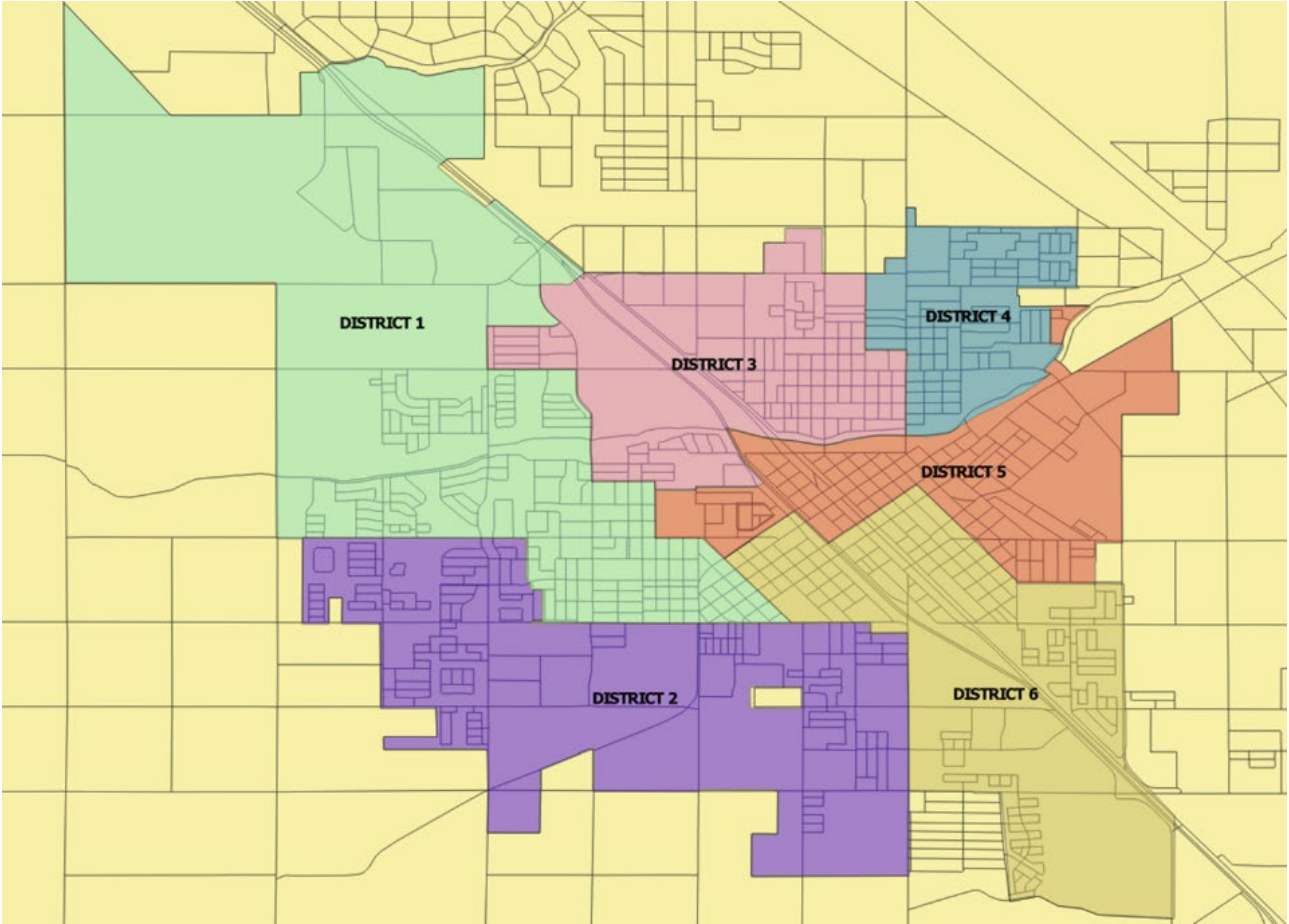
1. Attachment 1: Existing boundaries with demographic analysis
2. Attachment 2: Proposed map options with demographic analysis

Attachment 1:

Attachment 1: Existing boundaries with demographic analysis

# Attachment 1

## Existing Districts with 2020 Census Data Analysis

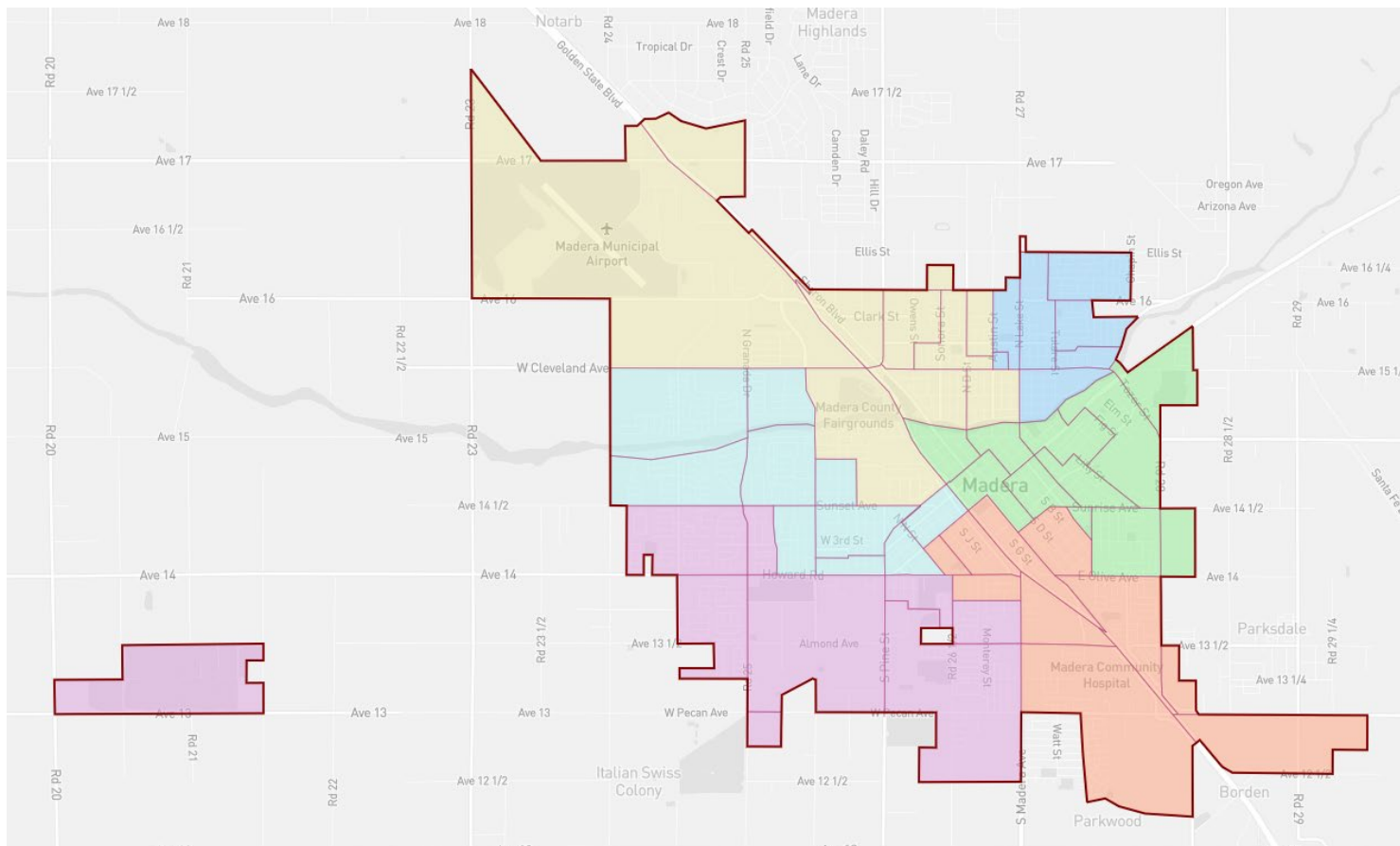


District	Total Population	Raw Deviation	% Population	CVAP19				CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
				CVAP*19 Total	NL** White	NL Black	Hispanic					
DISTRICT 1	11371	379	3.4%	6642	2729	72	3382	3320	23	446	0	32
DISTRICT 2	11964	972	8.8%	6429	2054	472	3625	2758	42	18	1	31
DISTRICT 3	9700	-1292	-11.8%	3879	800	109	2804	1065	15	87	0	13
DISTRICT 4	10640	-352	-3.2%	4135	928	160	2834	1262	49	0	0	16
DISTRICT 5	9382	-1610	-14.6%	3501	544	590	2283	1240	3	26	0	33
DISTRICT 6	12897	1905	17.3%	5522	1017	407	3957	1540	1	61	0	1
Total Populatio	65954											
Ideal Population	10992.3											
Total deviation	31.90%											
*CVAP =	Citizen Voting Age Population											
**NL =	Non-Latino											
***AIAN =	American Indian Alaskan Native											

Attachment 2:  
Proposed map options with demographic analysis

## Attachment 2

### Proposed Map Option 1 with 2020 Census Data Analysis



District	Total Population	Raw Deviation	% Deviation	CVAP* 19 Total	CVAP 19 NL** White	CVAP 19 Hispanic	CVAP 19 NL Black	CVAP 19 NL ASIAN	CVAP 19 NL AIAN***	CVAP 19 NL Hawaiian	CVAP 19 Other
1	11208	110	0.99%	6346	38.81%	53.20%	2.17%	4.85%	0.69%	0.00%	1.90%
2	11277	179	1.61%	5938	37.17%	52.91%	7.07%	0.76%	1.58%	0.00%	2.25%
3	10882	-216	-1.95%	4631	23.41%	68.00%	2.44%	5.16%	0.52%	0.00%	1.74%
4	11013	-85	-0.77%	4228	23.20%	68.21%	5.25%	0.00%	2.18%	1.06%	3.15%
5	11106	8	0.07%	3993	15.20%	67.64%	15.40%	0.33%	0.65%	0.00%	3.61%
6	11105	7	0.06%	4803	18.20%	72.35%	7.47%	1.46%	0.25%	0.00%	3.08%
Total Population	66591										
Ideal	11098										
Total Deviat	3.56%										

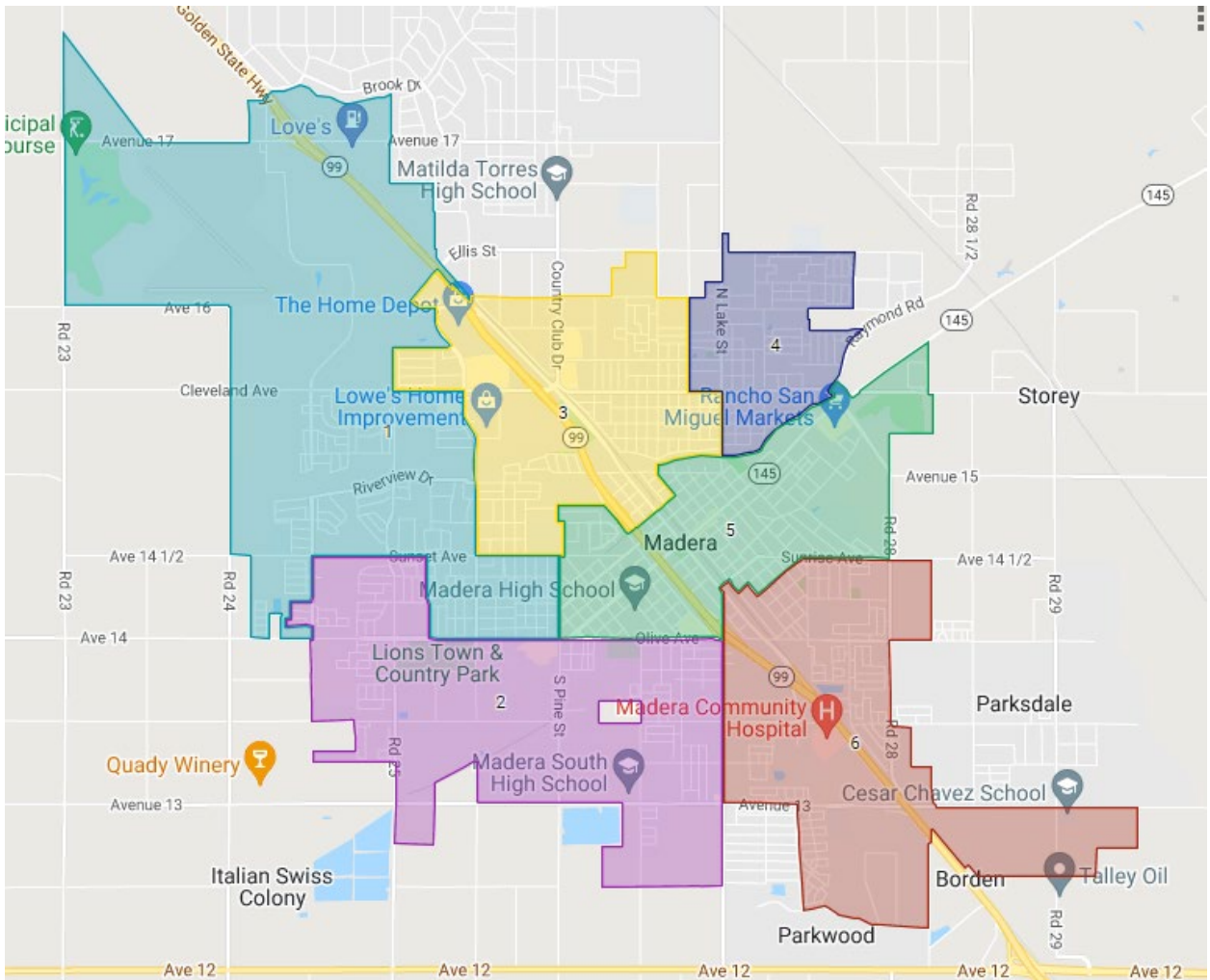
\*CVAP = Citizen Voting Age Population

\*\*NL = Non-Latino

\*\*\*AIAN = American Indian Alaskan Native

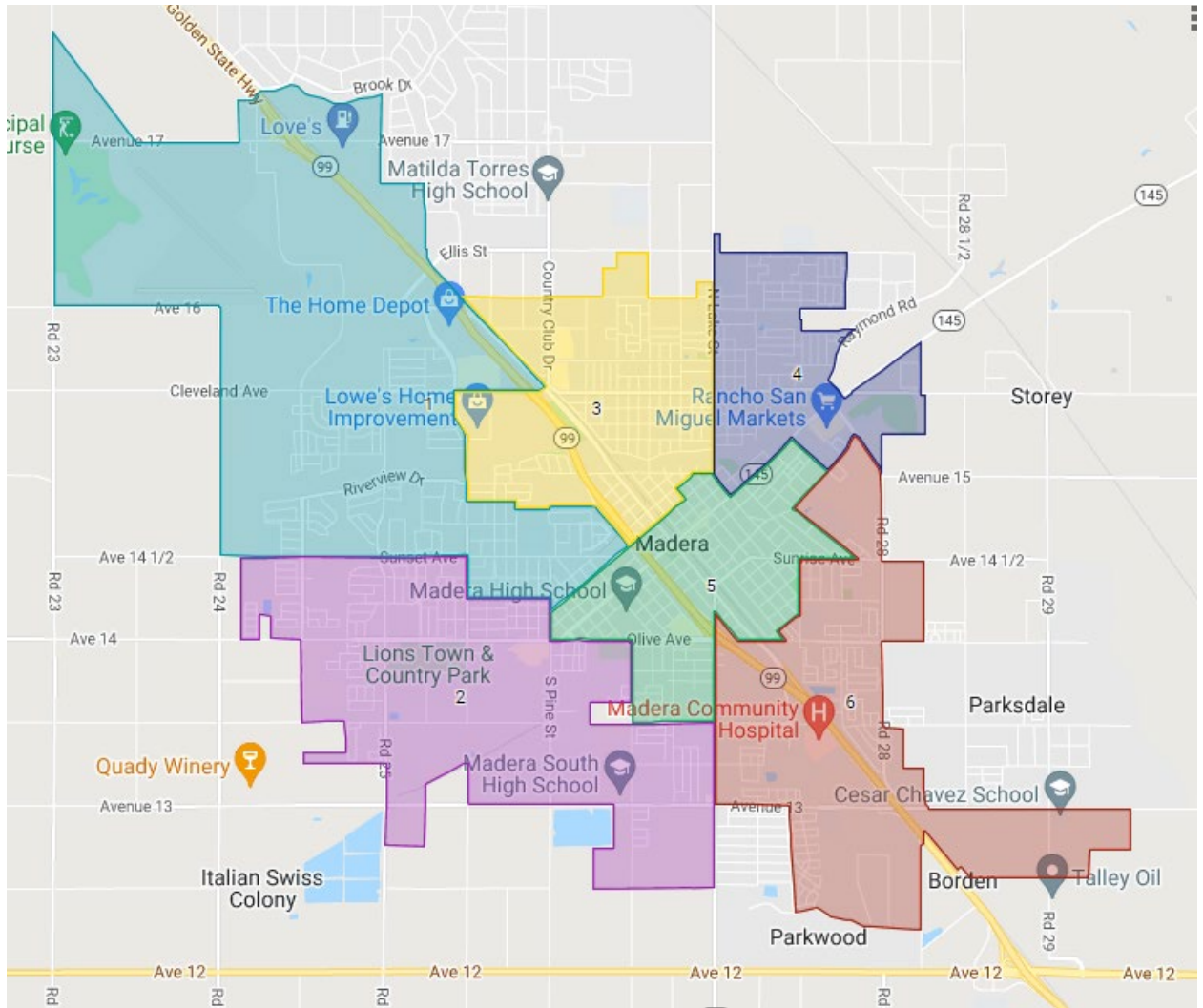


## Proposed Map Option 5 with 2020 Census Data Analysis

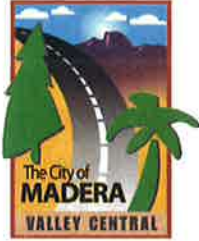


District	Total Population	Raw Deviation	% Population	Latino	CVAP*19 Total	CVAP19 NL** White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	11,110	6	0.05%	7,183	6,614	2,625	137	3,324	3,313	24	431	-	35
2	10,963	-142	-1.27%	8,216	5,770	1,856	406	3,324	2,425	41	17	1	11
3	10,988	-117	-1.05%	9,303	4,533	1,100	135	3,119	1,410	15	104	-	14
4	11,013	-92	-0.82%	9,917	4,285	947	162	2,943	1,302	49	-	-	17
5	11,279	175	1.57%	9,725	4,625	978	551	2,961	1,664	4	28	-	49
6	11,274	170	1.53%	9,403	4,758	699	482	3,476	1,287	4	78	-	1
Total	66,627												
Ideal	11,105	Deviation	2.85%										
*CVAP =	Citizen Voting Age Population												
**NL =	Non Latino												
***AIAN =	American Indian Alaskan Native												

## Proposed Map Option 6 with 2020 Census Data Analysis



District	Total Population	Raw Deviation	% Population	Latino	CVAP*19 Total	CVAP19 NL**	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	11,104	-1	-0.00%	7,199	6,424	2,472	74	3,303	3,159	1	514	-	31
2	11,131	27	0.24%	7,774	6,449	2,385	406	3,441	2,966	37	13	1	31
3	11,088	-17	-0.15%	9,831	4,224	792	149	3,171	1,049	15	30	-	13
4	11,063	-42	-0.37%	9,895	4,343	910	313	2,864	1,532	50	14	-	33
5	11,182	78	0.70%	9,844	4,426	967	307	3,029	1,367	30	9	-	18
6	11,059	-46	-0.41%	9,204	4,719	680	624	3,339	1,328	4	78	-	1
Total	66,627												
Ideal	11,105	Deviation	1.11%										
*CVAP =	Citizen Voting Age Population												
**NL =	Non Latino												
***AIAN =	American Indian Alaskan Native												



## REPORT TO CITY COUNCIL

**Approved by:**

*Keith Helmuth*

Keith Helmuth, Department Director

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** C-2

**SUBJECT:**

Updating Prima Facie Speed Limits on Designated City Streets in Compliance with Vehicle Code Regarding Speed Surveys on City Streets

**RECOMMENDATION:**

Introduce Ordinance Amending Section 3-5.08 of Chapter 5 of Title 3 of the Madera Municipal Code (MMC) to Update Prima Facie Speed Limits on City Streets

**SUMMARY:**

The California Vehicle Code (CVC) sets speed laws and prima facie speed limits for highways and local roads. In order to vary speed limits from those established by the CVC, a local agency must conduct an Engineering and Traffic Survey (E&TS). The CVC states that a speed limit for a particular roadway segment must be justified by an E&TS, otherwise the subject segment is considered a "speed trap". The evidence of a speeding violation based on a "speed trap" is inadmissible in court. The City last conducted an E&TS in 2011 and extended the E&TS for a period of two years in 2016. The City Engineer has conducted a new E&TS as justification for speed limits on designated streets. The proposed speed limits are provided as Exhibit A of the ordinance. In order to be enforced, the E&TS must be filed with the local Court, and new speed limit signs must be posted, as necessary.

According to the Manual on Uniform Traffic Control Devices (MUTCD) (TOPD 09-04) the speed limit shall be established at the nearest 5 mph increment of the 85<sup>th</sup> percentile. However, the speed limit may be reduced by a 5-mph increment from the 85<sup>th</sup> percentile speed if an engineering study indicates the need for a reduction in speed is necessary to match existing conditions with the traffic safety needs of the community. If the 5-mph reduction is applied, the E&TS shall document in writing the conditions and justification for the reduced speed limit and be approved by a registered Civil or Traffic Engineer. In cases where the nearest increment would require rounding up MUTCD allows the speed limit to be rounded down to the nearest 5 mph increment if no further reduction is used.

**BACKGROUND:**

Engineering Department staff conducted a speed survey on 48 street segments that expired from 2/12/2021 to 11/25/2021. The speed survey was conducted by reading the speed directly from a Radar Speed Meter. One Hundred (100) automobiles were considered taking 50 from each direction.

The representative conducting the survey was using an unmarked car and selected a section of the road that is straight, no traffic signal, sign, or intersection with major cross streets. It was taken during off-peak hours on weekdays, good weather and with no unusual conditions prevailing.

**DISCUSSION:**

The City has completed traffic surveys for 47 street segments that expired and 1 new street segment including minor collector and arterial streets. The speed limit is required to be set at the nearest 5 mph increment of the 85<sup>th</sup> percentile speed. However, other factors such as median and modal speed, 50%, 15% percentile, 10 mph pace and accident history within each street segment that are speed related should also be taken in consideration.

In addition to the availability of the above statistical data, a significant aspect of speed limit recommendations is based on a field review. Its importance is that existing conditions may warrant a lower speed that is indicated by the application of survey data.

To use radar for enforcement, the engineering traffic survey must justify the posted speed. Below are the actual results for the 48 streets surveyed:

**Table 1: Summary of Engineering and Traffic Survey 2021-22**

<i>Item No.<sup>1</sup></i>	<i>Location</i>	<i>Current Posted Speed</i>	<i>2021-22 E&amp;TS 85<sup>th</sup> Percentile Speeds</i>	<i>Nearest 5 MPH (adjusted speed)<sup>2</sup></i>	<i>Valid until</i>	<i>Length of Segment in Miles</i>
1	Adell Street from Country Club Drive to D Street	40	41	40	1/20/2029	0.6
2	Almond Avenue from Pine Street to Granada Drive	45	48	45 <sup>3</sup>	1/10/2029	1.0
3	Almond Avenue from Golden State Highway to Madera Avenue	40	42	40	1/10/2029	0.59
4	Almond Avenue from Madera Avenue to Stadium Road	40	45	45 (40)	1/11/2029	0.5

Table 1: Summary of Engineering and Traffic Survey 2021-22

Item No. <sup>1</sup>	Location	Current Posted Speed	2021-22 E&TS 85 <sup>th</sup> Percentile Speeds	Nearest 5 MPH (adjusted speed) <sup>2</sup>	Valid until	Length of Segment in Miles
5	Cleveland Avenue from Gateway Drive to Tulare Street	40	43	40 <sup>3</sup>	1/11/2029	1.3
6	Cleveland Avenue from Granada Drive to Schnoor Avenue	40	45	45 (40)	1/12/2029	0.42
7	Cleveland Avenue from Granada Drive to W City Limits	45	51	50 (45)	10/21/2028	0.6
8	Cleveland Avenue from Schnoor Avenue to Freeway 99	40	40	40	1/18/2029	0.5
9	Cleveland Avenue from Tulare to Tozer Road	40	43	40 <sup>3</sup>	1/12/2029	0.5
10	Clinton Street from Lilly St to Tozer Road	35	36	35	1/12/2029	0.58
11	Country Club Drive from Cleveland Avenue to Clark	40	39	40	1/12/2029	0.33
12	D Street from Central Avenue to Yosemite Avenue	35	33	35	1/18/2029	0.42
13	D Street from Cleveland Avenue to Adell Street	40	41	40	1/18/2029	0.57
14	D Street from Ninth Street to Olive Avenue	35	38	35 <sup>3</sup>	1/18/2029	0.52
15	Ellis Street from Lake Street to Chapin Avenue	40	46	45 (40)	1/18/2029	0.81
16	Fourth Street from I Street to Pine Street	35	39	35 <sup>3</sup>	1/18/2029	0.62
17	Fourth Street from D Street to Lake Street	35	38	35 <sup>3</sup>	1/19/2029	0.31
18	Gateway Drive from Cleveland Avenue to Avenue 16	50	55	50	1/19/2029	0.6
19	Gateway Drive from Fresno River to Cleveland Avenue	40	50	40	1/19/2029	0.53

Table 1: Summary of Engineering and Traffic Survey 2021-22

Item No. <sup>1</sup>	Location	Current Posted Speed	2021-22 E&TS 85 <sup>th</sup> Percentile Speeds	Nearest 5 MPH (adjusted speed) <sup>2</sup>	Valid until	Length of Segment in Miles
20	Gateway Drive from Ninth Avenue to Olive Avenue	35	39	35 <sup>3</sup>	1/19/2029	0.37
21	Granada Drive from Cleveland Ave to Fresno River	45	47	45	1/20/2029	0.39
22	Granada Drive from Howard Road to Sunset Avenue	35	38	35 <sup>3</sup>	08/31/2028	0.51
24	Granada Drive from Industrial Avenue to South City Limits	45	49	45 <sup>3</sup>	08/31/2028	0.51
25	Granada Drive from Sunset Avenue to Riverview Drive	35	40	40 (35)	08/31/2028	0.47
26	Howard Road from Autumn Road to Pine St	35	44	35	12/15/2028	0.72
27	I Street from 4 <sup>th</sup> Street to Olive Avenue	35	39	35 <sup>3</sup>	08/31/2028	0.71
28	I Street from 4 <sup>th</sup> Street to Central Avenue	35	39	35 <sup>3</sup>	09/1/2028	0.5
29	Industrial Avenue from Granada Drive to S Schnoor Avenue	40	40	40	09/2/2028	0.49
30	Kennedy Street from N Lake Street to Tulare Street	35	39	35 <sup>3</sup>	09/1/2028	0.25
31	Kennedy Street from Tulare Street to City Limits	40	44	40 <sup>3</sup>	09/2/2028	0.84
33	Lake Street from Cleveland Avenue to Ellis Street	40	45	45 (40)	09/14/2028	0.85
34	Lake Street from Clinton Avenue to Sunrise Avenue	35	36	35	09/14/2028	0.25
35	Pecan Avenue from Raymond Thomas to Golden State Blvd	40	46	45 (40)	09/15/2028	0.55
36	Pecan Avenue from Madera Avenue to Pine Street	45	44	45	09/22/2028	1.00

**Table 1: Summary of Engineering and Traffic Survey 2021-22**

<i>Item No.<sup>1</sup></i>	<i>Location</i>	<i>Current Posted Speed</i>	<i>2021-22 E&amp;TS 85<sup>th</sup> Percentile Speeds</i>	<i>Nearest 5 MPH (adjusted speed)<sup>2</sup></i>	<i>Valid until</i>	<i>Length of Segment in Miles</i>
37	Pecan Avenue from Schnoor Avenue to Pine Street	45	52	50 (45)	09/22/2028	0.50
38	Pine Street from Howard Road to Pecan Street	45	45	45	09/14/2028	1.00
39	Pine Street from Howard Road to Sunset Avenue	30	39	30	09/14/2028	0.33
40	Schnoor Avenue from Dutra Way to Cleveland Avenue	35	35	35	10/13/2028	0.31
41	Schnoor Avenue from Kennedy Street to Cleveland Avenue	40	38	40	10/13/2028	0.55
42	Sherwood Way from Country Club Drive to Sonora Street	40	41	40	10/14/2028	0.42
43	Sherwood Way from Sonora to Lake Street	35	37	35	10/14/2028	0.58
45	Sunrise Ave. from B Street to Lilly Street	40	39	40	10/20/2028	0.65
47	Sunset Ave. from Granada Drive to City Limits	45	44	45	10/20/2028	0.97
48	Tozer Street from Avenue 15 to A Street	50	46	45	10/19/2028	0.75
49	Tozer Street from Yosemite Ave. to Avenue 15	45	40	40	10/19/2028	0.54
50	Tozer Street from Olive Ave. to Knox Street	45	49	45 <sup>3</sup>	10/19/2028	0.79
51	Vineyard Ave. from Clinton Ave. to Yosemite Ave.	35	31	30	10/20/2028	0.26
55 <sup>4</sup>	Pecan Avenue from Road 28 to Road 29	N/A	51	50 (45)	09/15/2028	0.73

1. Matches Item No. of table in Section 3-5.08 of Chapter 5 of Title 3 of the Madera Municipal Code

**Table 1: Summary of Engineering and Traffic Survey 2021-22**

<i>Item No.<sup>1</sup></i>	<i>Location</i>	<i>Current Posted Speed</i>	<i>2021-22 E&amp;TS 85<sup>th</sup> Percentile Speeds</i>	<i>Nearest 5 MPH (adjusted speed)<sup>2</sup></i>	<i>Valid until</i>	<i>Length of Segment in Miles</i>
<p>2. Initial value is nearest rounded speed from 85<sup>th</sup> percentile speed. Second value in parenthesis is recommended adjusted speed in compliance with CVC sections 627 and 22358.5 and MUTCD Section 2B.13.</p> <p>3. Rounded down when 85<sup>th</sup> percentile speed would require a rounding up per MUTCD Section 2B.13 Paragraph 12a Option 2 and in compliance with CVC sections 627 and 22358.5.</p> <p>4. New roadway segment studied with Engineering and Traffic Study and added to Ordinance.</p>						

**Justifications:**

The following section provides conditions and justification for reduction of speed limits as required by MUTCD.

**#4 Almond Ave from Madera Ave to Stadium Road:**

E&TS determined the 85<sup>th</sup> percentile speed to be 45 mph. The speed limit was reduced by 5 mph to 40 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The street has parallel parking on both sides which restricts clear sight distance.
- The street is in a residential area and a major school route.

**#6 Cleveland Avenue from Granada Drive to Schnoor Avenue:**

E&TS determined the 85<sup>th</sup> percentile speed to be 45 mph. The speed limit was reduced by 5 mph to 40 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The street has many residential and commercial drive approaches.
- Adjacent land use is residential.

**#7 Cleveland Avenue from Granada Dr to W city Limits:**

E&TS determined the 85<sup>th</sup> percentile speed to be 50 mph. The speed limit was reduced by 10 mph to 40 mph per engineering judgement. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The roadway geometry transitions to a narrow undivided roadway, which may not be readily apparent to the drivers.
- Planned residential land use development in the adjacent vacant lands generates more vehicular and pedestrian traffic.
- 400 ft west of Westberry Blvd exists a traffic transition that is not designed for high-speed traffic.

**#15 Ellis Street from Lake Street to Chapin Avenue:**

E&TS determined the 85<sup>th</sup> percentile speed to be 46 mph. The speed limit was rounded to 45 mph then reduced by 5 mph to 40 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The segment has an elementary school adjacent to it.
- The segment is in a residential area.
- The segment is a major school route for two Elementary Schools.

**#18 Gateway Drive from Cleveland Avenue to Avenue 16:**

E&TS determined the 85<sup>th</sup> percentile speed to be 55 mph. The speed limit was reduced by 5 mph to 50 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The cited CVC Section 627 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The segment includes a curve that is not designed for high speeds.

**#19 Gateway Drive from Fresno River to Cleveland Avenue:**

E&TS determined the 85<sup>th</sup> percentile speed to be 50 mph. The speed limit was reduced by 10 mph to 40 mph per Engineering Judgement as permissible by the MUTCD 2014 Revision 6 Section 1A.09 and in compliance with CVC Section 627 and 22358.7. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not

readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- Consistent observation of pedestrians and cyclists crossing Gateway Drive as the adjacent land is residential and includes a park.
- Recent construction of Fresno River trail attracts more pedestrians from surrounding zones to access resource conservation and open space adjacent to Gateway drive.
- Low visibility for vehicles entering traffic from the park on the west side of Gateway Drive

**#25 Granada Drive from Sunset Avenue to Riverview Drive:**

E&TS determined the 85<sup>th</sup> percentile speed to be 40 mph. The speed limit was reduced by 5 mph to 35 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Sections 627 and 22358.5. The speed reduction was based on the following condition(s):

- The segment between Sunset and Riverview has two reverse curves which restrict sight distance at high speeds.
- The segment between Sunset and Riverview has parking on both sides which restrict sight distance.

**#26 Howard Road from Autumn Road to Pine St:**

E&TS determined the 85<sup>th</sup> percentile speed to be 44 mph. The speed limit was reduced to 35 mph per Engineering Judgement as permissible by the MUTCD 2014 Revision 6 Section 1A.09 and in compliance with CVC Section 627 and 22358.7. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- High pedestrian and bicycle traffic due to adjacent public park.
- Low visibility for vehicles entering traffic from minor roads.

**#33 Lake Street from Cleveland Avenue to Ellis Street:**

E&TS determined the 85<sup>th</sup> percentile speed to be 45 mph. The speed limit was reduced by 5 mph to 40 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The speed reduction was based on the following condition(s):

- The segment has an elementary school adjacent to it.
- Consistent crossing of Lake Street by pedestrians.

**#35 Pecan Avenue from Golden State Blvd to Raymond Thomas Street:**

E&TS determined the 85<sup>th</sup> percentile speed to be 46 mph. The speed limit was reduced by 5 mph to 40 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The speed reduction was based on the following condition(s):

- The segment has an elementary school adjacent to it.
- Consistent crossing of Lake Street by pedestrians.

**#37 Pecan Avenue from Schnoor Avenue to Pine Street:**

E&TS determined the 85<sup>th</sup> percentile speed to be 52 mph. The speed limit was reduced by 5 mph to 45 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The segment is a on a major school route.
- The segment is within 1000 ft of a school.
- Consistent crossing of Pecan Avenue by pedestrians.

**#39 Pine Street from Howard Road to Sunset Avenue:**

E&TS determined the 85<sup>th</sup> percentile speed to be 39 mph. The speed limit was reduced by 10 mph to 30 mph per Engineering Judgement as permissible by the MUTCD 2014 Revision 6 Section 1A.09 and in compliance with CVC Section 627. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- The segment has a railroad crossing which does not have any flashing warning sings.
- Parallel parking on both sides of Pine Street.
- The segment is a school route.

**#55 Pecan Avenue from Road 28 to Road 29:**

E&TS determined the 85<sup>th</sup> percentile speed to be 51 mph. The speed limit was reduced by 5 mph to 45 mph as permissible by the MUTCD 2014 Revision 6 Section 2B.13 paragraph 12a and in compliance with CVC Section 627 and 22358.5. The cited CVC Section 627 defines an E&TS that is required to consider prevailing speeds, accident records, and conditions not readily apparent to the driver, and optionally consider residential density as well as pedestrian and bicycle safety. The speed reduction was due to the following condition(s):

- Design speed for the bridge over Highway 99 west of segment is 45 mph and therefore is unsafe for vehicle speeds above 45 mph.

**FISCAL IMPACT:**

There is no direct impact to the city.

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

The speed limits are integral in creating a good traffic flow which minimizes traffic accidents. Safe, clean, and attractive streets accommodate traffic, providing easy access to all parts of the City.

**ALTERNATIVES:**

Failure to adopt the proposed ordinance inhibits the City of Madera Police Department to issue citations and/or Council may direct staff to draft further revisions to the Speed Survey Report.

**ATTACHMENTS:**

1. Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA  
AMENDING SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA  
MUNICIPAL CODE RELATING TO INCREASING STATE SPEED LIMIT IN  
CERTAIN ZONES**

**WHEREAS**, California Vehicle Code Section 22352 establishes prima facie speed limits for streets; and

**WHEREAS**, California Vehicle Code Section 22357 provides that whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe; and

**WHEREAS**, according to California Vehicle Code (CVC) Section 40802, a "speed trap" is defined as a section of highway or street with a prima facie speed limit that is not justified by an engineering and traffic survey conducted within the time periods specified and the enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects; and

**WHEREAS**, the evidence of a speeding violation based on the maintenance or use of a speed trap is inadmissible in court per CVC Section 40803; and

**WHEREAS**, in order to establish speed limits and ensure a speed trap is not created, engineering and traffic surveys must be conducted in accordance with CVC Section 627 and the California Manual on Uniform Traffic Control Devices (MUTCD); and

**WHEREAS**, the City prepared an engineering and traffic survey (E&TS) for designated City streets from 2/12/2021 through 11/25/2021 and the proposed speed limit for each street as established by the 2019 E&TS is provided as Exhibit A; and

**WHEREAS**, CVC Section 40802(c) allows for engineering and traffic surveys to be valid for a period of seven years if the conditions specified in Section 40802(c), pertaining to officer training and equipment standards, are met; and

**WHEREAS**, the City has reviewed CVC Section 40802(c) and determined that the Madera Police Officers using radar/lidar equipment for determination of speed have been properly trained and the radar/lidar equipment used meets the required standards and is properly maintained and calibrated.

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

**SECTION 1.** Subsection (B) of Sec. 3-5.08 of Chapter 5 of Title 3 of the Madera Municipal Code is hereby amended to read as follows:

(B) *Section 16.* It is determined upon the basis of an engineering and traffic survey that the speed permitted by state law upon the following streets is less than is necessary for the safe operation of vehicles thereon by reason of the designation and sign-posting of such streets as through highways and/or by reason of widely-spaced intersections and it is declared that the prima facie limit shall be as set forth in this section on those streets, or parts of streets, designated in this section when signs are erected giving notice thereof:

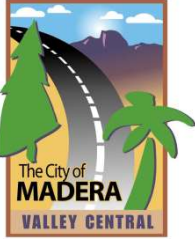
Item No.	Location	Declared Prima Facie Speed Limit (MPH)
1	Adell Street from Country Club Dr. to "D" Street	40
2	Almond Ave. from Pine Street to Granada Drive	45
3	Almond Ave. from Golden State Hwy to Madera Ave.	40
4	Almond Ave. from Madera Ave. to Stadium Road	40
5	Cleveland Ave. from Gateway Drive to Tulare St.	40
6	Cleveland Ave. from Granada Drive to Schnoor Ave.	40
7	Cleveland Ave. from Granada Dr. to W. City Limits	45
8	Cleveland Ave. from Schnoor Ave. to Freeway 99	40
9	Cleveland Ave. from Tulare Street to Tozer Road	40
10	Clinton Ave. from Lilly St. to Tozer Road	35
11	Country Club Drive from Cleveland Ave. to Clark	40
12	D Street from Central Ave. to Yosemite Ave.	35
13	D Street from Cleveland Ave. to Adell Street	40
14	D Street from Ninth Street to Olive Avenue	35
15	Ellis Street from Lake Street to Chapin Ave.	40
16	Fourth Street from I Street to Pine Street	35
17	Fourth Street from D Street to Lake Street	35
18	Gateway Drive from Cleveland Ave. to Avenue 16	50
19	Gateway Drive from Fresno River to Cleveland Ave.	40
20	Gateway Drive from Ninth Ave. to Olive Ave.	35
21	Granada Drive from Cleveland Ave. to Fresno River	45
22	Granada Drive from Howard Road to Sunset Ave.	35
23	Granada Drive from Howard Road to Industrial Ave.	40
24	Granada Drive from Industrial Ave. to South City Limits	45
25	Granada Drive from Sunset Ave. to Riverview Drive	35
26	Howard Road from Autumn Road to Pine St.	35
27	I Street from 4 <sup>th</sup> Street to Olive Ave.	35
28	I Street from 4 <sup>th</sup> Street to Central Avenue	35
29	Industrial Ave. from Granada Dr. to Schnoor Ave.	40

30	Kennedy Street from Lake Street to Tulare Ave.	35
31	Kennedy Street from Tulare Street to City Limits	40
32	Knox Street from Olive Avenue to Tozer Street	40
33	Lake Street from Cleveland Ave. to Ellis Street	40
34	Lake Street from Clinton Ave. to Sunrise Ave.	35
35	Pecan Ave. from Raymond Thomas to Golden State Blvd.	40
36	Pecan Ave. from Madera Ave. to Pine Street	45
37	Pecan Ave. from Schnoor Ave. to Pine Street	45
38	Pine Street from Howard Road to Pecan Street	45
39	Pine Street from Howard Road to Sunset Avenue	30
40	Schnoor Ave. from Dutra Way to Cleveland Ave.	35
41	Schnoor Ave. from Kennedy Street to Cleveland Ave.	40
42	Sherwood Way from Country Club Drive to Sonora Street	40
43	Sherwood Way from Sonora Street to Lake Street	35
44	Storey Road from Yosemite Ave. to City Limits	45
45	Sunrise Ave. from B Street to Lilly Street	40
46	Sunset Ave. from Fourth Street to Granada Drive	35
47	Sunset Ave. from Granada Drive to City Limits	45
48	Tozer Street from Avenue 15 to A Street	45
49	Tozer Street from Yosemite Ave. to Avenue 15	40
50	Tozer Street from Olive Ave. to Knox Street	45
51	Vineyard Ave. from Clinton Ave. to Yosemite Ave.	30
52	Westberry Blvd from Howard Road to Sunset Avenue	45
53	Westberry Blvd from Sunset Avenue to Riverview Drive	40
54	Yosemite Ave. from Gateway Drive to Olive Ave.	35
55	Pecan Avenue from Road 28 to Road 29	45

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

**SECTION 3.** This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage or when appropriate signs giving notice thereof are erected upon street and shall not thereafter be revised except upon the basis of an engineering and traffic survey, whichever occurs later.

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



## REPORT TO CITY COUNCIL

**Approved by:**

*Keith Helmuth*  
\_\_\_\_\_  
Keith Helmuth, P.E., Department Director

*Arnoldo Rodriguez*  
\_\_\_\_\_  
Arnoldo Rodriguez, City Manager

**Council Meeting of:** March 2, 2022

**Agenda Number:** C-3

**SUBJECT:**

Public Hearing Relating to Annexation of Certain Properties into Zone of Benefit 40 and Zone of Benefit 51 to the Citywide Landscape and Lighting Assessment Districts (LMD) Zone for Fiscal Year 2022/23

**RECOMMENDATION:**

Adopt Resolutions Approving Annexation of Certain Properties to Citywide Lighting and Landscaping Assessment Districts:

1. Resolution Approving Annexation No. 2022 -01 for Annexation of APN 012-253-002, 012-270-001, and APN 012-270-002 (Rai Apartments) Into Zone of Benefit 40; Confirming the Diagram and Assessment for Citywide Landscape And Lighting Assessment District Zone of Benefit 40 for Fiscal Year (FY) 2022/23; and Authorizing the City Clerk to File the Diagram and Assessment with the Madera County Auditor; and
2. Resolution Approving Annexation No. 2022-02 for annexation of APN 010-193-010 (Caliber); APN 012-133-039 (ARCO); APN 003-194-012 (Starbucks Country Club Drive) Into Zone of Benefit 51; Confirming the Diagram and Assessment for Citywide Landscape and Lighting Assessment District Zone of Benefit 51 for Fiscal Year (FY) 2022/23; and Authorizing the City Clerk to File the Diagram and Assessment with the Madera County Auditor

**SUMMARY:**

This public hearing is for the purpose of annexing various properties into the City's LMD. Properties are set forth in two resolutions (1) for Annexation 2022-01 for annexation to Zone of Benefit 40 and (2) for annexations to Zone of Benefit 51. The annexations relate to the following projects:

- On January 8, 2019, the City approved Precise Plan (PPL 2018-06), Rezone (REZ 2018-07) and General Plan Amendment (GPA 2018-05) for the Rai Apartments. A requirement of development is annexation of the parcels into the City's existing LMD Zone of Benefit 40 for perpetual maintenance of landscaping.

- On September 10, 2019, the City approved Site Plan Review (SPR 2019-09) and Conditional Use Permit (CUP 2019-12) for Caliber Collision. A requirement of development is annexation of the parcels into the City’s existing LMD Zones of Benefit 51 for perpetual maintenance of landscaping.
- On December 12, 2017, the City approved Site Plan Review (SPR 2016-35) and Conditional Use Permits (CUP 2016-35, 36, & 37) for ARCO Gas Station. A requirement of development is annexation of the parcels into the City’s existing LMD Zones of Benefit 51 for perpetual maintenance of landscaping.
- On October 13, 2020, the City approved Site Plan Review (SPR 2020-03) and Conditional Use Permit (CUP 2020-05) for Starbucks. A requirement of development is annexation of the parcels into the City’s existing LMD Zones of Benefit 51 for perpetual maintenance of landscaping.

**DISCUSSION:**

In June of 1991, the City formed the Citywide Landscape Assessment District which allowed for individual LMD’s to be formed for the purposes of levying assessments against new development for the maintenance of landscaped areas including median islands, certain park strips, frontage road median islands and certain landscaped outlots. Ultimately, the creation of LMD’s lead to a greater ability to provide projects that meet the City’s goals of more attractive development. In recent years, the City has taken efforts to halt or slow the growth of zones through annexation of new developments into existing zones where such annexation was logical.

LMD Zone 40 is responsible for maintenance of certain landscaped areas in the City located along Gary Lane and Emily Way. LMD zone 51 is the citywide area responsible for the maintenance of landscaped areas at various locations across the city. The location of all additions can be found on the map of all city-wide LMD districts, which is Attachment 7 of this report.

City staff requests City Council (Council) consider and approve the covenants attached herein which have been signed and notarized by the respective property owners.

**FINANCIAL IMPACT:**

The parcels will be responsible for participating in the cost of maintaining existing and proposed landscaping additions to their respective zones.

For the addition of Property to Zone 40, the annual assessment amount on the parcels subject to this action will be in an amount not to exceed:

<b>Table 1: Zone 40 additions</b>		
<i>Assessor’s Parcel #</i>	<i>Assessment per Parcel</i>	<i>Assessment per Dwelling Unit</i>
012-280-001	\$1,040	\$16.00
012-280-002	\$400	\$16.00
012-280-003	\$768	\$16.00

For the addition of Property into Zone 51, the annual assessment amounts on the parcels subject to this action will be in an amount not to exceed:

<b>Table 2: Zone 51 additions</b>		
<i>Property</i>	<i>Assessor's Parcel #</i>	<i>Assessment per Parcel</i>
Caliber Collision	010-193-010	\$47.82
ARCO Gas Station	012-133-039	\$136.52
Starbucks Country Club Dr	003-194-012	\$47.92

There are no financial impacts to the General Fund unless future costs exceed that which cannot be recovered through a Proposition 218 process and City does not elect to reduce maintenance levels to a point that are commensurate with revenue received.

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

The inclusion of the parcels into LMD Zones of Benefit 40 & 51 is consistent with:

*Strategy 126 – Clean, attractive streets: Expand or develop programs to create clean, safe, and aesthetically pleasing streets.*

*Action 134.1: Consider establishment of design/landscape standards for neighborhoods and business construction - Current landscape design standards have been enforced which aid in the establishment of Well-Planned Neighborhoods and Housing.*

**ALTERNATIVES:**

If Council does not accept the annexation of the parcels into the existing LMD zone, the goal of spreading costs to as many eligible parcels as possible will be negatively impacted in that some parcel will continue to absorb a larger cost of maintenance than others that may not participate in the sharing the cost.

**ATTACHMENTS:**

1. Resolution – Confirmation of the Diagram and Assessments for Zone 40
  - Exhibit A – Legal Descriptions
  - Exhibit B – Assessment Diagrams
  - Exhibit C – Assessment Amounts
  - Exhibit D – Covenant, Rai Apartments
2. Resolution – Confirmation of the Diagram and Assessments for Zone 51
  - Exhibit A – Legal Descriptions
  - Exhibit B – Assessment Diagrams
  - Exhibit C – Assessment Amounts
  - Exhibit D1 – Covenant, Caliber Collision
  - Exhibit D2 – Covenant, ARCO Gas Station
  - Exhibit D3 – Covenant, Starbucks – Country Club Drive
3. Map of City-Wide LMD Zones

## **Attachment 1**

Resolution

Approving Annexation, Confirmation of the Diagram, and Assessments for  
Zone of Benefit 40

RESOLUTION NO. 22-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING ANNEXATION NO. 2022-01 FOR ANNEXATION  
OF APN: 012-253-002, APN: 012-270-001, AND APN: 012-270-002 (RAI  
APARTMENTS) INTO ZONE OF BENEFIT 40; CONFIRMING THE DIAGRAM  
AND ASSESSMENT FOR CITYWIDE LANDSCAPE AND LIGHTING  
ASSESSMENT DISTRICT ZONE OF BENEFIT 40 FOR FISCAL YEAR (FY)  
2022/23; AND AUTHORIZING THE CITY CLERK TO FILE THE DIAGRAM AND  
ASSESSMENT WITH THE MADERA COUNTY AUDITOR**

**WHEREAS**, the City of Madera Landscape Maintenance District (District) was formed by Resolution No. 91-67, approved June 17, 1991, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

**WHEREAS**, the recommended assessments for FY 2022/23 reflect the cost of landscape maintenance provided by the City for said fiscal year; and

**WHEREAS**, the owner of property proposed to be annexed to Zone of Benefit 40 as described in **Exhibit "A"** and diagramed in **Exhibit "B"** attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of Engineer's Report, or both; and

**WHEREAS**, the assessment amounts are set forth in Exhibit "C"; and

**WHEREAS**, the property owner has agreed that the annual assessment is proportional to, and no greater than, the special benefit conferred on the property by being annexed into the Landscape Maintenance District; and

**WHEREAS**, the property owner has consented to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost (ENRCC) Index (Los Angeles), plus two percent (2%). The property owner agreed that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the ENRCC Index since the most recent change in the assessment plus two percent per year; and

**WHEREAS**, the property owners further agree that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs, provided such assessment is consistent with the terms of this covenant.

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

1. The above recitals are true and correct.

2. That the public interest and convenience require that certain property described in Exhibit "A" and as diagrammed in Exhibit "B," both of which are attached hereto and by reference incorporated herein, be annexed to City Landscape Maintenance District as Zone of Benefit 40 for the maintenance and servicing of landscaping facilities.
3. The City Council hereby confirms the diagram and annual assessments and levies the assessments for FY 2022/23 for the same, as identified in Exhibits "A," "B" and "C," and as set forth in Exhibit "D" the Covenant for Landscape Maintenance District Zone of Benefit 40 which are all attached to this resolution.
4. Pursuant to Section 22641 of the Streets and Highways Code, the City Clerk is authorized and directed to forthwith file the diagram and assessments with Auditor of Madera County.
5. The City Engineer and City Clerk are collectively authorized to make any clerical corrections to this resolution and related documents.
6. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**Exhibit A To Resolution No. \_\_\_\_\_**

**Legal Description**

**APN: 012-253-002**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 64 OF CRYSTAL HEIGHTS SUBDIVISION, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED JUNE 5, 1991, IN BOOK 38 OF MAPS, AT PAGES 12 AND 13, MADERA COUNTY RECORDS.

**APN: 012-270-001**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF THAT CERTAIN PARCEL MAP, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 31, PAGE 136 OF MAPS, MADERA COUNTY RECORDS.

**APN: 012-270-002**

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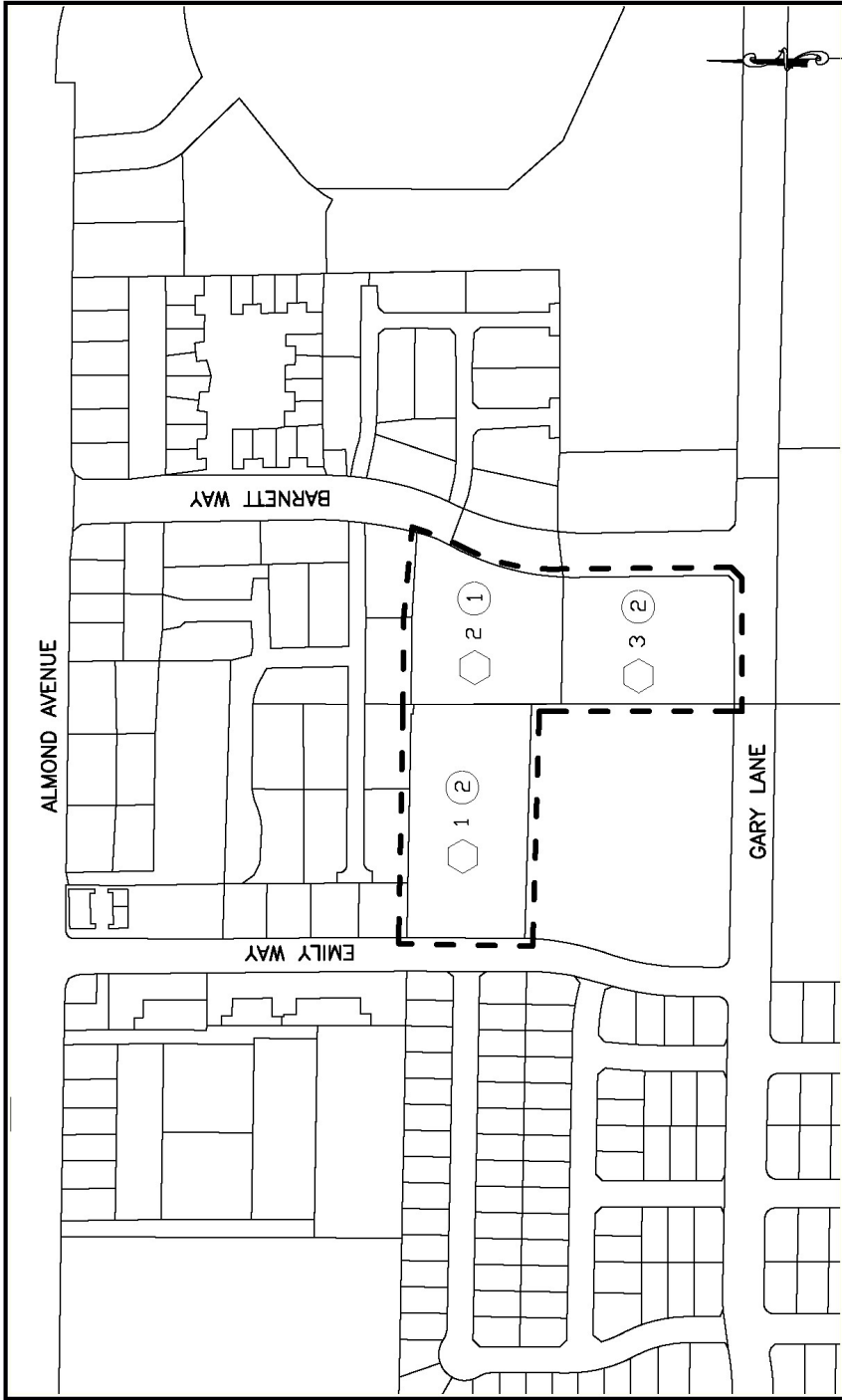
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF THAT CERTAIN PARCEL MAP, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 31, PAGE 136 OF MAPS, MADERA COUNTY RECORDS.

**Exhibit B to Resolution No. \_\_\_\_\_**

Assessment Diagram –

**APN: 012-253-002, APN: 012-270-001, AND APN: 012-270-002  
(RAI APARTMENTS)**



**LEGEND**

--- PARCEL LOT BOUNDARY

--- ASSESSOR'S BOUNDARY

--- SUBDIVISION PARCEL LETTER/NUMBER

① ASSESSMENT NUMBER

① APN NUMBER

NTS

CITY OF MADERA  
 RAI APARTMENT COMPLEX  
 REV. MARCH 2020

ASSESSMENT DIAGRAM  
 INCLUSION OF RAI APARTMENT COMPLEX  
 INTO MADERA LANDSCAPE MAINTENANCE DISTRICT - ZONE 40  
 CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

**Exhibit C To Resolution No. \_\_\_\_\_**

Assessment Amounts (Rai Apartments)

<b>Assessor's Parcel #</b>	<b>Assessment per Parcel</b>	<b>Assessment per Dwelling Unit</b>
012-280-001	\$1,040	\$16.00
012-280-002	\$400	\$16.00
012-280-003	\$768	\$16.00

**Exhibit D To Resolution No. \_\_\_\_\_**

Covenant – Rai Apartments

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

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Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code

**COVENANT  
LANDSCAPE MAINTENANCE DISTRICT  
ZONE OF BENEFIT 40**

**WHEREAS, Rai 1999 Family Limited Partnership, a California Limited Partnership,** hereinafter referred to as “Covenantor”, is the owner of the real property situated in the City of Madera, County of Madera, State of California, hereinafter referred to as “Subject Property” and more particularly described in attached Exhibit “A” which is incorporated by reference; and

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

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

**WHEREAS,** Covenantor is required by the City as a condition of Precise Plan (PPL) 2018-06, Rezone (REZ) 2018-07 and General Plan Amendment (GPA) 2018-05 approval to annex to the City’s Landscape Maintenance District; and

**WHEREAS,** the Planning Commission on January 8, 2019 conditionally approved Precise Plan PPL 2018-06, Rezone REZ 2018-07 and General Plan Amendment GPA 2018-05 for the Subject Property which provided for the annexation of the Subject Property into the

aforementioned Zone of Benefit; and

**WHEREAS**, maintenance of the landscaping associated with the Subject Property shall be the responsibility of the City's Landscape Maintenance District.

**NOW, THEREFORE**, it is agreed:

1. In consideration of the foregoing and the approval of the Precise Plan, Rezone and General Plan Amendment for the Subject Property, by the City of Madera, the undersigned hereby covenants, promises and agrees with the City of Madera for the benefit of said City.

2. The Covenantor consents to annexation of said Subject Property to the City's Landscape Maintenance District, has petitioned the City to annex said Subject Property to said district pursuant to Streets and Highways Code Section 22605, and pursuant to California Constitution Article, XIII D, section 5(b), waives any right to protest or object to such annexation.

3. The Covenantor agrees that the Subject Property receives a special benefit, as the term is defined in California Constitution Article, XIII D, section 2(i), from being annexed to Landscape Maintenance District, and that special benefit includes, but is not limited to, the right and ability to develop the Subject Property.

4. The Covenantor consents to an annual assessment on the Subject Property(ies). The assessment, based on dwelling units, currently in an amount not to exceed \$17.20 per dwelling unit with the assessment per parcel being proportional to the number of dwelling units situated on each parcel(s). The Covenantor agrees that this assessment is proportional to, and no greater than, the special benefit conferred on the

Subject Property by being annexed into the Landscape Maintenance District. The Covenantor also consents to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost Index (ENRCC), plus two percent (2%). The Covenantor agrees that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the total change in the ENRCC Index since the most recent change in the assessment plus two percent per year. The Covenantor further agrees that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs.

5. The Covenantor agrees that he/she has received the written notice required by California Constitution Article, XIII D, Section 4(c).

6. The Covenantor agrees that this shall constitute a ballot in support of the proposed assessment pursuant to California Constitution Article, XIII D, Section 4(d).

7. Furthermore, should City hold a hearing notwithstanding such waiver, Covenantor waives the requirement of 45 days' notice of such hearing in favor of a five-day notice of such hearing.

8. The Covenantor shall fully disclose this covenant to every potential purchaser of the Subject Property.

9. It is the intention of the parties hereof that this document shall constitute a covenant in favor of the City of Madera and shall run with the land and be binding upon

the undersigned, its grantees, heirs, successors and assigns.

10. The Covenant shall be released and be of no further effect upon written determination by the undersigned and the City Engineer of the City of Madera that its continued existence and enforcement are no longer necessary.

11. The provisions of this Covenant shall be deemed independent and severable and the validity or partial invalidity or unenforceability of any other provision or portion thereof shall not affect the validity or enforceability of any one provision thereof. Whenever the context of the Covenant so requires, in interpreting this Covenant, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

12. This Covenant shall be effective on \_\_\_\_\_, 2022.

**IN WITNESS WHEREOF**, the parties duly executed this Covenant.

**CITY OF MADERA:**

By: \_\_\_\_\_  
Santos Garcia, Mayor

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

**ATTEST:**

By: \_\_\_\_\_  
Alicia Gonzales, City Clerk

**APPROVED:**

By: \_\_\_\_\_  
Keith B. Helmuth, P.E.,  
City Engineer

**COVENANTOR:**

By: \_\_\_\_\_  
Nirmal S. Rai, Owner

***NOTARY ACKNOWLEDGEMENT  
REQUIRED***

EXHIBIT "A"  
Legal Description

APN: 012-253-002

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 64 OF CRYSTAL HEIGHTS SUBDIVISION, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED JUNE 5, 1991 IN BOOK 38 OF MAPS, AT PAGES 12 AND 13, MADERA COUNTY RECORDS.

EXHIBIT "A"  
Legal Description

APN: 012-270-001

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF THAT CERTAIN PARCEL MAP, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 31, PAGE 136 OF MAPS, MADERA COUNTY RECORDS.

EXHIBIT "A"  
Legal Description

APN: 012-270-002

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF THAT CERTAIN PARCEL MAP, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 31, PAGE 136 OF MAPS, MADERA COUNTY RECORDS.

**Attachment 2**

Resolution

Approving Annexation, Confirmation of the Diagram and Assessments for  
Zone of Benefit 51

RESOLUTION NO. 22-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ANNEXATION NO. 2022-02 FOR ANNEXATION NO. 2022-23 FOR ANNEXATION OF APN 010-93-010 (CALIBER COLLISION); APN 012-13-039 (ARCO GAS STATION), AND APN 003-194-012 (STARBUCKS AT COUNTRY CLUB DRIVE) INTO ZONE OF BENEFIT 51; CONFIRMING THE DIAGRAM AND ASSESSMENT FOR CITYWIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONE OF BENEFIT 51 FOR FISCAL YEAR (FY) 2022/23; AND AUTHORIZING THE CITY CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR**

**WHEREAS**, the City of Madera Landscape Maintenance District (District) was formed by Resolution No. 91-67, approved June 17, 1991, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

**WHEREAS**, the recommended assessments for FY 2022/23 reflect the cost of landscape maintenance provided by the City for said fiscal year; and

**WHEREAS**, all of the owners of property proposed to be annexed to the Zone of Benefit 51 of said District consisting of Caliber Collision, ARCO Gas Station, and Starbucks Country Club Drive, as described in Exhibit "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of Engineer's Report, or both; and

**WHEREAS**, the property owners have agreed that the annual assessment is proportional to, and no greater than, the special benefit conferred on the property by being annexed into the Landscape Maintenance District; and

**WHEREAS**, the property owners have consented to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost (ENRCC) Index (Los Angeles), plus two percent (2%). The property owner agreed that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the ENRCC Index since the most recent change in the assessment plus two percent per year; and

**WHEREAS**, the property owners further agree that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs, provided such assessment is consistent with the terms of this covenant.

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

1. The above recitals are true and correct.
2. That the public interest and convenience require that certain property described in Exhibit "A" and as diagrammed in Exhibit "B," both of which are attached hereto and by reference incorporated herein, be annexed to City Landscape Maintenance District as Zone of Benefit 51 for the maintenance and servicing of landscaping facilities.
3. The City Council hereby confirms the diagram and annual assessments and levies the assessments for FY 2022/23 for the same, as identified in Exhibits "A," "B" and "C," and as set forth in "Covenant Landscape Maintenance District Zone of Benefit 51." for each parcel
4. Pursuant to Section 22641 of the Streets and Highways Code, the City Clerk is authorized and directed to forthwith file the diagram and assessments with Auditor of Madera County.
5. The City Engineer and City Clerk are collectively authorized to make any clerical corrections to this resolution and related documents.
6. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**Exhibit A to Resolution No. \_\_\_\_\_**

Property Legal Descriptions – Zone 51

## **Legal Description (Caliber Collision)**

APN: 010-193-010

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Real property in the City of Madera, County of Madera, State of California, described as follows:

LOT 25 THROUGH 32, INCLUSIVE OF BLOCK 3 OF HUGHES ADDITION TO THE TOWN OF MADERA, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, AS SAID LOTS AND BLOCK ARE SHOWN UPON THE MAP FILED FOR RECORD IN BOOK 4, PAGE 31 OF MAPS

## Legal Description (ARCO Gas Station)

APN: 012-133-039

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCEL "B", AS DESCRIBED IN DEED RECORDED AUGUST 25, 1995 AS DOCUMENT NO. 9521083, MADERA COUNTY OFFICIAL RECORDS, AND SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 44 OF MAPS, AT PAGE 42, MADERA COUNTY RECORDS, AND LYING IN THE SW 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 18 EAST, M.D.B.&M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE SOUTH 88° 55' 28" EAST, ALONG THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 90.00 FEET; THENCE NORTH 1° 04' 32" EAST, 22.00 FEET; THENCE NORTH 39° 06' 08" WEST, 10.47 FEET TO A POINT WHICH IS 30.0 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 30, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 39° 06' 08" WEST, 53.13 FEET TO A POINT WHICH IS 50.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF SAID SECTION 30; THENCE NORTH 0° 14' 00" EAST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 255.44 FEET; THENCE SOUTH 88° 55' 28" EAST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 316.03 FEET; THENCE SOUTH 0° 14' 00" WEST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 296.03 FEET TO A POINT WHICH IS 30.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 30; THENCE NORTH 88° 55' 28" WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 282.35 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF, CONVEYED TO THE CITY OF MADERA BY DEED RECORDED MARCH 18, 1998, AS DOCUMENT NO. 9806866, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, THENCE SOUTH 88° 55' 18" EAST, A DISTANCE OF 90.00 FEET; THENCE NORTH 01° 04' 42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 39° 06' 34" WEST, A DISTANCE OF 10.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39° 06' 34" WEST, A DISTANCE OF 50.22 FEET; THENCE SOUTH 89° 46' 00" EAST, A DISTANCE OF 18.16 FEET; THENCE SOUTH 00° 14' 00" WEST, A DISTANCE OF 7.14 FEET; THENCE SOUTH 43° 29' 57" EAST, A DISTANCE OF 16.13 FEET; THENCE SOUTH 88° 55' 28" EAST, A DISTANCE OF 113.57 FEET; THENCE SOUTH 01° 04' 42" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88° 55' 18" WEST, A DISTANCE OF 110.75 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION ACCORDING TO THAT GRANT DEED RECORDED OCTOBER 14, 2020 AS DOCUMENT NO. 2020025579, OF OFFICIAL RECORDS.

**Legal Description (Starbucks Country Club Drive)**

APN: 003-194-012

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Real property in the City of Madera, County of Madera, State of California, described as follows:

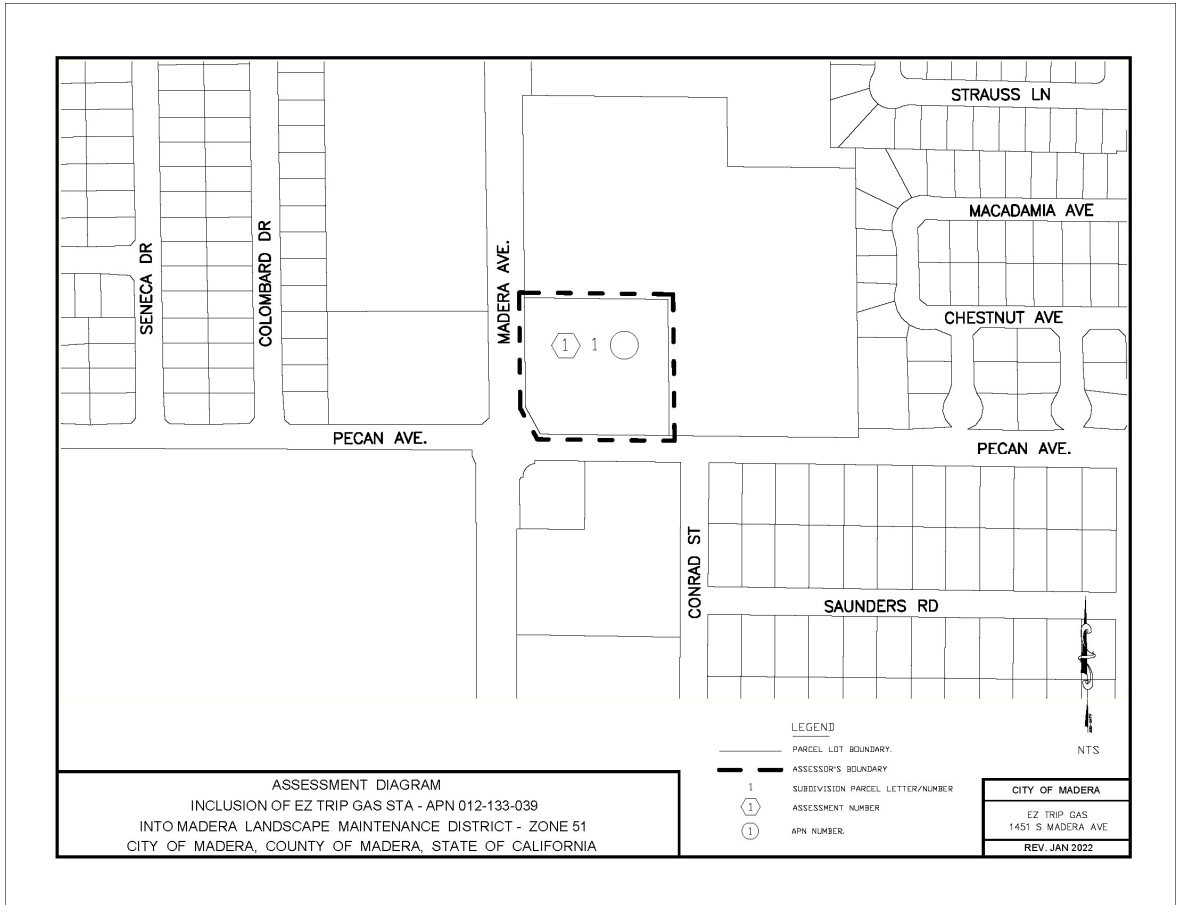
PARCEL NO. 2 AS SHOWN ON THAT CERTAIN PARCEL MAP, CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, RECORDED DECEMBER 29, 1981 IN VOLUME 28 OF MAPS, AT PAGE 51, MADERA COUNTY RECORDS.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MADERA BY DEED RECORDED AUGUST 31, 1994 AS DOCUMENT NO. 9425981, OFFICIAL RECORDS.

**Exhibit B To Resolution No. \_\_\_\_\_**

Assessment Diagrams – Zone 51

# APN 012-133-039 (ARCO GAS STATION)

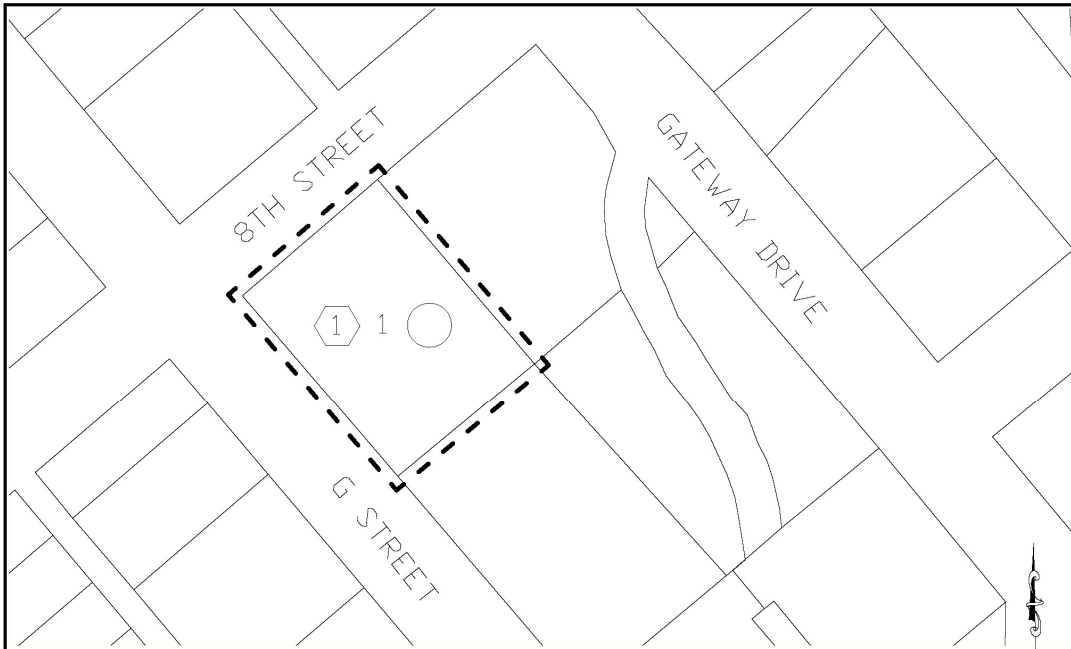


ASSESSMENT DIAGRAM  
 INCLUSION OF EZ TRIP GAS STA - APN 012-133-039  
 INTO MADERA LANDSCAPE MAINTENANCE DISTRICT - ZONE 51  
 CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

- LEGEND
- PARCEL LOT BOUNDARY
  - - - ASSESSOR'S BOUNDARY
  - 1 SUBDIVISION PARCEL LETTER/NUMBER
  - ① ASSESSMENT NUMBER
  - Ⓛ APN NUMBER

CITY OF MADERA
EZ TRIP GAS 1451 S MADERA AVE
REV. JAN 2022

**APN 010-193-010 (Caliber Collision)**



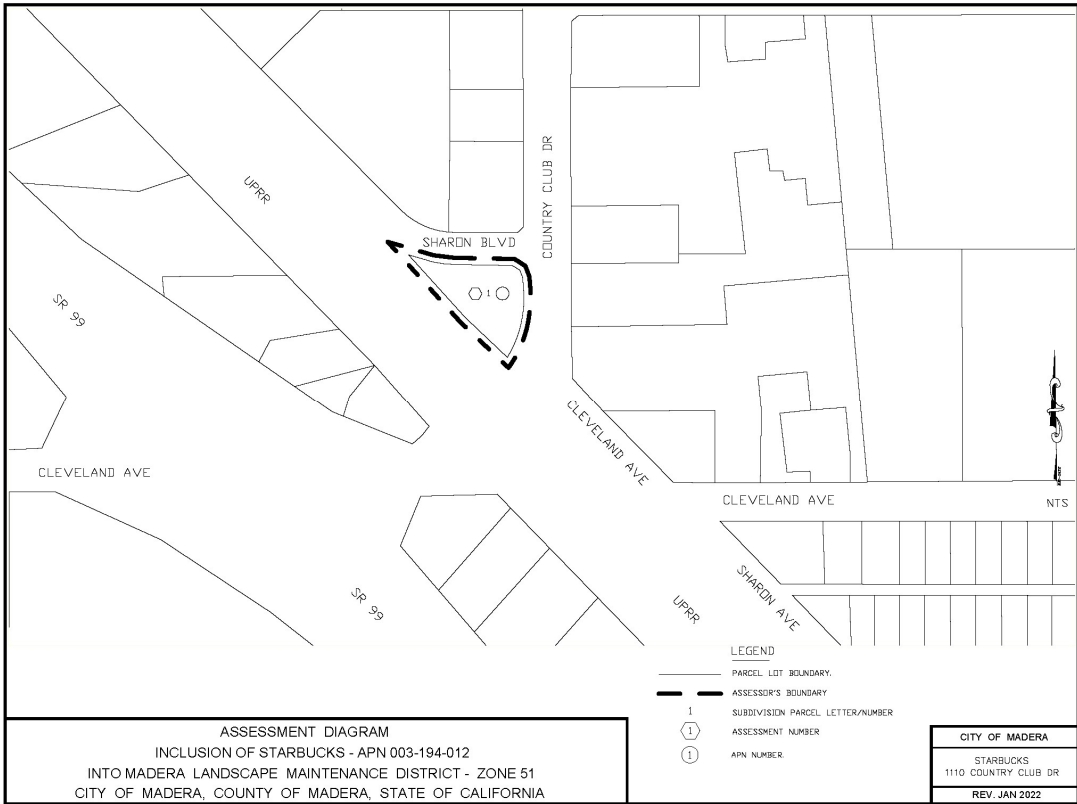
**LEGEND**

- PARCEL LOT BOUNDARY
- - - ASSESSOR'S BOUNDARY
- 1 SUBDIVISION PARCEL LETTER/NUMBER
- ① ASSESSMENT NUMBER
- ① APN NUMBER

ASSESSMENT DIAGRAM  
 INCLUSION OF CALIBER COLLISION - APN 010-193-010  
 INTO MADERA LANDSCAPE MAINTENANCE DISTRICT - ZONE 51  
 CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

CITY OF MADERA
CALIBER COLLISION 112 W 8TH ST
REV. JAN 2022

**APN 003-194-012 (Starbucks Country Club Drive)**



**Exhibit C To Resolution No. \_\_\_\_\_**

Assessment Amounts – Zone 51

<b>Property</b>	<b>Assessor's Parcel #</b>	<b>Assessment per Parcel</b>
Caliber Collision	010-193-010	\$47.82
ARCO Gas Station	012-133-039	\$136.52
Starbucks Country Club Dr	003-194-012	\$47.92

**Exhibit D1 To Resolution No. \_\_\_\_\_**

Covenant for Caliber Collision

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

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Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code

**COVENANT  
LANDSCAPE MAINTENANCE DISTRICT  
ZONE OF BENEFIT 51**

**WHEREAS**, Mark Knox and Victoria Karlsson-Knox, Trustees of the 2004 Knox Family Revocable Trust, hereinafter referred to as “Covenantor,” is the owner of the real property situated in the City of Madera, County of Madera, State of California, hereinafter referred to as “Subject Property” and more particularly described in attached Exhibit “A” which is incorporated by reference; and

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

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

**WHEREAS**, Covenantor is required by the City as a condition of Site Plan Review (SPR) 2019-19 and Conditional Use Permit (CUP) 2019-12 approval to annex to the City’s Landscape Maintenance District; and

**WHEREAS**, the Planning Commission on September 10, 2019, approved the SPR 2019-19 and CUP 2019-12 which provided for the annexation of this commercial parcel into the aforementioned Zone of Benefit; and

**WHEREAS**, maintenance of the landscaping associated with the Subject Property shall be the responsibility of the City's Landscape Maintenance District.

**NOW, THEREFORE**, it is agreed:

4. In consideration of the foregoing and the approval of the Site Plan Review and Conditional Use Permit for the commercial parcel, by the City of Madera, the undersigned hereby covenants, promises and agrees with the City of Madera for the benefit of said City.

5. The Covenantor consents to annexation of said Subject Property to the City's Landscape Maintenance District, has petitioned the City to annex said Subject Property to said district pursuant to Streets and Highways Code Section 22605, and pursuant to California Constitution Article, XIII D, section 5(b), waives any right to protest or object to such annexation.

6. The Covenantor agrees that the Subject Property receives a special benefit, as the term is defined in California Constitution Article, XIII D, section 2(i), from being annexed to Landscape Maintenance District, and that special benefit includes, but is not limited to, the right and ability to develop the Subject Property.

13. The Covenantor consents to an annual assessment on the Subject Property currently in an amount not to exceed \$47.82 The Covenantor agrees that this assessment is proportional to, and no greater than, the special benefit conferred on the Subject Property by being annexed into the Landscape Maintenance District. The Covenantor also consents to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost Index (ENRCC), plus two percent (2%). The

Covenantor agrees that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the total change in the ENRCC Index since the most recent change in the assessment plus two percent per year. The Covenantor further agrees that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs.

14. The Covenantor agrees that he/she has received the written notice required by California Constitution Article, XIII D, Section 4(c).

15. The Covenantor agrees that this shall constitute a ballot in support of the proposed assessment pursuant to California Constitution Article, XIII D, Section 4(d).

16. Furthermore, should City hold a hearing notwithstanding such waiver, Covenantor waives the requirement of 45 days' notice of such hearing in favor of a five-day notice of such hearing.

17. The Covenantor shall fully disclose this covenant to every potential purchaser of the Subject Property.

18. It is the intention of the parties hereof that this document shall constitute a covenant in favor of the City of Madera and shall run with the land and be binding upon the undersigned, its grantees, heirs, successors and assigns.

19. The Covenant shall be released and be of no further effect upon written determination by the undersigned and the City Engineer of the City of Madera that its

continued existence and enforcement are no longer necessary.

20. The provisions of this Covenant shall be deemed independent and severable and the validity or partial invalidity or unenforceability of any other provision or portion thereof shall not affect the validity or enforceability of any one provision thereof. Whenever the context of the Covenant so requires, in interpreting this Covenant, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

21. This Covenant shall be effective on \_\_\_\_\_, 2022.

**IN WITNESS WHEREOF**, the parties duly executed this Covenant.

**CITY OF MADERA:**

By: \_\_\_\_\_  
Santos Garcia, Mayor

**COVENANTOR:**

2004 Knox Family Revocable Trust

By: \_\_\_\_\_  
Mark Knox, Trustee

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

By: \_\_\_\_\_  
Victoria Karlsson-Knox, Trustee

**ATTEST:**

By: \_\_\_\_\_  
Alicia Gonzales, City Clerk

***NOTARY ACKNOWLEDGEMENT  
REQUIRED***

**APPROVED:**

By: \_\_\_\_\_  
Keith B. Helmuth, P.E., City Engineer

EXHIBIT "A"  
Legal Description

Real property in the City of Madera, County of Madera, State of California, described as follows:

LOT 25 THROUGH 32, INCLUSIVE OF BLOCK 3 OF HUGHES ADDITION TO THE TOWN OF MADERA, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, AS SAID LOTS AND BLOCK ARE SHOWN UPON THE MAP FILED FOR RECORD IN BOOK 4, PAGE 31 OF MAPS

APN: 010-193-010

**Exhibit D2 To Resolution No. \_\_\_\_\_**

Covenant for ARCO Gas Station

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

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Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code

**COVENANT  
LANDSCAPE MAINTENANCE DISTRICT  
ZONE OF BENEFIT 51**

**WHEREAS, Millennium Acquisition LLC, a California limited liability company,** hereinafter referred to as “Covenantor”, is the owner of the real property situated in the City of Madera, County of Madera, State of California, hereinafter referred to as “Subject Property” and more particularly described in attached Exhibit “A” which is incorporated by reference; and

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

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

**WHEREAS,** Covenantor is required by the City as a condition of Site Plan Review (SPR) 2016-35 and Conditional Use Permit (CUP) 2016-35, -36, and -37 approval to annex to the City’s Landscape Maintenance District; and

**WHEREAS,** the Planning Commission on December 12, 2017, approved SPR 2016-35 and CUP 2016-35, -36, and -37 for the Arco Gas Station which provided for the

annexation of the Subject Property into the aforementioned Zone of Benefit; and

**WHEREAS**, maintenance of the landscaping associated with the Subject Property shall be the responsibility of the City's Landscape Maintenance District.

**NOW, THEREFORE**, it is agreed:

7. In consideration of the foregoing and the approval of the Site Plan Review and Conditional Use Permits for the Subject Property, by the City of Madera, the undersigned hereby covenants, promises, and agrees with the City of Madera for the benefit of said City.

8. The Covenantor consents to annexation of said Subject Property to the City's Landscape Maintenance District, has petitioned the City to annex said Subject Property to said district pursuant to Streets and Highways Code Section 22605, and pursuant to California Constitution Article, XIII D, section 5(b), waives any right to protest or object to such annexation.

9. The Covenantor agrees that the Subject Property receives a special benefit, as the term is defined in California Constitution Article, XIII D, section 2(i), from being annexed to Landscape Maintenance District, and that special benefit includes, but is not limited to, the right and ability to develop the Subject Property.

22. The Covenantor consents to an annual assessment on the Subject Property currently in an amount not to exceed \$136.52. The Covenantor agrees that this assessment is proportional to, and no greater than, the special benefit conferred on the Subject Property by being annexed into the Landscape Maintenance District. The Covenantor also consents to an annual change in the range of the assessment in the amount of the

Engineering News Record Construction Cost Index (ENRCC), plus two percent (2%). The Covenantor agrees that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the total change in the ENRCC Index since the most recent change in the assessment plus two percent per year. The Covenantor further agrees that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs.

23. The Covenantor agrees that he/she has received the written notice required by California Constitution Article, XIII D, Section 4(c).

24. The Covenantor agrees that this shall constitute a ballot in support of the proposed assessment pursuant to California Constitution Article, XIII D, Section 4(d).

25. Furthermore, should City hold a hearing notwithstanding such waiver, Covenantor waives the requirement of 45 days' notice of such hearing in favor of a five-day notice of such hearing.

26. The Covenantor shall fully disclose this covenant to every potential purchaser of the Subject Property.

27. It is the intention of the parties hereof that this document shall constitute a covenant in favor of the City of Madera and shall run with the land and be binding upon the undersigned, its grantees, heirs, successors and assigns.

28. The Covenant shall be released and be of no further effect upon written

determination by the undersigned and the City Engineer of the City of Madera that its continued existence and enforcement are no longer necessary.

29. The provisions of this Covenant shall be deemed independent and severable and the validity or partial invalidity or unenforceability of any other provision or portion thereof shall not affect the validity or enforceability of any one provision thereof. Whenever the context of the Covenant so requires, in interpreting this Covenant, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

30. This Covenant shall be effective on \_\_\_\_\_, 2022.

**IN WITNESS WHEREOF**, the parties duly executed this Covenant.

**CITY OF MADERA:**

By: \_\_\_\_\_  
Santos Garcia, Mayor

**APPROVED:**

By: \_\_\_\_\_  
Keith B. Helmuth, P.E.,  
City Engineer

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

**COVENANTOR:**

Millennium Acquisition LLC, a California limited liability company

By: \_\_\_\_\_  
Shawn Shiralian, Owner

**ATTEST:**

By: \_\_\_\_\_  
Alicia Gonzales, City Clerk

**NOTARY ACKNOWLEDGEMENT  
REQUIRED**

EXHIBIT "A"  
Legal Description

ARCO GAS STATION  
APN: 012-133-039

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCEL "B", AS DESCRIBED IN DEED RECORDED AUGUST 25, 1995 AS DOCUMENT NO. 9521083, MADERA COUNTY OFFICIAL RECORDS, AND SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 44 OF MAPS, AT PAGE 42, MADERA COUNTY RECORDS, AND LYING IN THE SW 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 18 EAST, M.D.B.&M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE SOUTH 88° 55' 28" EAST, ALONG THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 90.00 FEET; THENCE NORTH 1° 04' 32" EAST, 22.00 FEET; THENCE NORTH 39° 06' 08" WEST, 10.47 FEET TO A POINT WHICH IS 30.0 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 30, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 39° 06' 08" WEST, 53.13 FEET TO A POINT WHICH IS 50.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF SAID SECTION 30; THENCE NORTH 0° 14' 00" EAST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 255.44 FEET; THENCE SOUTH 88° 55' 28" EAST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 316.03 FEET; THENCE SOUTH 0° 14' 00" WEST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 296.03 FEET TO A POINT WHICH IS 30.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 30; THENCE NORTH 88° 55' 28" WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 282.35 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF, CONVEYED TO THE CITY OF MADERA BY DEED RECORDED MARCH 18, 1998, AS DOCUMENT NO. 9806866, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, THENCE SOUTH 88° 55' 18" EAST, A DISTANCE OF 90.00 FEET; THENCE NORTH 01° 04' 42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 39° 06' 34" WEST, A DISTANCE OF 10.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39° 06' 34" WEST, A DISTANCE OF 50.22 FEET; THENCE SOUTH 89° 46' 00" EAST, A DISTANCE OF 18.16 FEET; THENCE SOUTH 00°14' 00" WEST, A DISTANCE OF 7.14 FEET; THENCE SOUTH 43° 29' 57" EAST, A DISTANCE OF 16.13 FEET; THENCE SOUTH 88° 55' 28" EAST, A DISTANCE OF 113.57 FEET; THENCE SOUTH 01° 04'

42" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88° 55' 18" WEST, A DISTANCE OF 110.75 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION ACCORDING TO THAT GRANT DEED RECORDED OCTOBER 14, 2020 AS DOCUMENT NO. 2020025579, OF OFFICIAL RECORDS.

**Exhibit D3 To Resolution No. \_\_\_\_\_**

Covenant for Starbucks, Country Club Drive

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

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Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code

**COVENANT  
LANDSCAPE MAINTENANCE DISTRICT  
ZONE OF BENEFIT 51**

**WHEREAS**, Lojon Property LLC, a Delaware Limited Liability Company, hereinafter referred to as “Covenantor,” is the owner of the real property situated in the City of Madera, County of Madera, State of California, hereinafter referred to as “Subject Property” and more particularly described in attached Exhibit “A” which is incorporated by reference; and

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

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

**WHEREAS**, Covenantor is required by the City as a condition of Site Plan Review (SPR) 2020-03 and Conditional Use Permit (CUP) 2020-05 approval to annex to the City’s Landscape Maintenance District; and

**WHEREAS**, the Planning Commission on October 13, 2020, approved the SPR 2020-03 and CUP 2020-05 which provided for the annexation of this commercial parcel into the aforementioned Zone of Benefit; and

**WHEREAS**, maintenance of the landscaping associated with the Subject Property shall be the responsibility of the City's Landscape Maintenance District.

**NOW, THEREFORE**, it is agreed:

10. In consideration of the foregoing and the approval of the Site Plan Review and Conditional Use Permit for the commercial parcel, by the City of Madera, the undersigned hereby covenants, promises and agrees with the City of Madera for the benefit of said City.

11. The Covenantor consents to annexation of said Subject Property to the City's Landscape Maintenance District, has petitioned the City to annex said Subject Property to said district pursuant to Streets and Highways Code Section 22605, and pursuant to California Constitution Article, XIII D, section 5(b), waives any right to protest or object to such annexation.

12. The Covenantor agrees that the Subject Property receives a special benefit, as the term is defined in California Constitution Article, XIII D, section 2(i), from being annexed to Landscape Maintenance District, and that special benefit includes, but is not limited to, the right and ability to develop the Subject Property.

31. The Covenantor consents to an annual assessment on the Subject Property currently in an amount not to exceed \$47.94. The Covenantor agrees that this assessment is proportional to, and no greater than, the special benefit conferred on the Subject Property by being annexed into the Landscape Maintenance District. The Covenantor also consents to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost Index (ENRCC), plus two percent (2%). The

Covenantor agrees that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the total change in the ENRCC Index since the most recent change in the assessment plus two percent per year. The Covenantor further agrees that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs.

32. The Covenantor agrees that he/she has received the written notice required by California Constitution Article, XIII D, Section 4(c).

33. The Covenantor agrees that this shall constitute a ballot in support of the proposed assessment pursuant to California Constitution Article, XIII D, Section 4(d).

34. Furthermore, should City hold a hearing notwithstanding such waiver, Covenantor waives the requirement of 45 days' notice of such hearing in favor of a five-day notice of such hearing.

35. The Covenantor shall fully disclose this covenant to every potential purchaser of the Subject Property.

36. It is the intention of the parties hereof that this document shall constitute a covenant in favor of the City of Madera and shall run with the land and be binding upon the undersigned, its grantees, heirs, successors and assigns.

37. The Covenant shall be released and be of no further effect upon written determination by the undersigned and the City Engineer of the City of Madera that its

continued existence and enforcement are no longer necessary.

38. The provisions of this Covenant shall be deemed independent and severable and the validity or partial invalidity or unenforceability of any other provision or portion thereof shall not affect the validity or enforceability of any one provision thereof. Whenever the context of the Covenant so requires, in interpreting this Covenant, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

39. This Covenant shall be effective on \_\_\_\_\_, 2022.

**IN WITNESS WHEREOF**, the parties duly executed this Covenant.

**CITY OF MADERA:**

By: \_\_\_\_\_  
Santos Garcia, Mayor

By: \_\_\_\_\_  
Keith B. Helmuth, P.E., City Engineer

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

**COVENANTOR:**

Lojon LLC

By: \_\_\_\_\_  
Steve Hayes  
Property Accountant

**ATTEST:**

By: \_\_\_\_\_  
Alicia Gonzales, City Clerk

**NOTARY ACKNOWLEDGEMENT  
REQUIRED**

**APPROVED:**

EXHIBIT "A"  
Legal Description

Real property in the City of Madera, County of Madera, State of California, described as follows:

PARCEL NO. 2 AS SHOWN ON THAT CERTAIN PARCEL MAP, CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, RECORDED DECEMBER 29, 1981 IN VOLUME 28 OF MAPS, AT PAGE 51, MADERA COUNTY RECORDS.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MADERA BY DEED RECORDED AUGUST 31, 1994 AS DOCUMENT NO. 9425981, OFFICIAL RECORDS.

APN: 003-194-012

## **Attachment 3**

Map of City-Wide LMD Zones

