

REGULAR MEETING OF THE MADERA CITY COUNCIL

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Wednesday, June 21, 2017
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

ROLL CALL: Mayor Andrew J. Medellin
Mayor Pro Tem Cece Foley Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Donald E. Holley, District 6
Council Member Derek O. Robinson Sr., District 4
Council Member William Oliver, District 3
Council Member Charles F. Rigby, District 5

INVOCATION: Pastor Joyce Lane, Glory of Zion Ministries

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENT:

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

PRESENTATIONS Mid Valley Disposal 4th of July Event Donation

A. WORKSHOP

A-1 Transit Workshop (Presentation by Ivette Iraheta)

B. CONSENT CALENDAR

- B-1 Minutes – 9/07/16
- B-2 Information Only – Warrant Disbursement Report
- B-3 Bi-Weekly Water Conservation Report for 5/25/17 – 6/11/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution Approving Applications for Transportation Development Act-Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2017/18 and Authorizing the City Engineer or the Deputy City Engineer to Execute and Submit the Applications to the Madera County Transportation Commission (Report by Keith Helmuth)
- B-5 Consideration of a Minute Order Approving Settlement of a Claim Filed with United Services Automobile Association for Property Damage (Report by Wendy Silva)
- B-6 Consideration of a Resolution Authorizing Submittal of an Application to the California Department of Resources Recycling and Recovery Department for Used Oil Payment Program Cycle 8 FY 2017/18 and Authorizing the City Administrator to Execute all Grant Documents (Report by Dave Randall)
- B-7 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Madera Police Officers' Association Related to Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-8 Consideration of a Minute Order Approving and Accepting the City of Madera Investment Report for the Quarter Ending March 31, 2017 (Report by Tim Przybyla)
- B-9 Consideration of a Resolution of the City Council of the City of Madera, California, Approving a New Schedule "A" Agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2017 to June 30, 2019 for Fire Service Operations, and Authorizing the Mayor to Sign the Agreement on Behalf of the City of Madera (Report by David Allen)
- B-10 Informational Report on Council Conference and Travel Budget (Report by Sonia Alvarez)

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

- C-1 Second Reading and Consideration of Adoption of an Ordinance of the City Council of the City of Madera, California, Amending the Madera Municipal Code to Add Chapter 16 to Title IV Pertaining to Rental Housing Inspections (Report by Steve Montes)

D. WRITTEN COMMUNICATIONS

- D-1 Presentation by the Madera Coalition for Community Justice on Resilient Madera II Grant (Mark Colley)

E. ADMINISTRATIVE REPORTS

There are no items for this section.

F. COUNCIL REPORTS

G. CLOSED SESSION

- G-1 Closed Session Announcement – City Attorney
- G-2 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case
- G-3 Closed Session Report – City Attorney

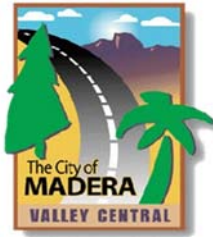
ADJOURNMENT – Next regular meeting July 5, 2017

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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.
 - Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4th Street, Madera, California 93637 during normal business hours.
 - The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
 - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's office at (559) 661-5405.
 - Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5405.
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I, Sonia Alvarez, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the regular meeting of the Madera City Council for Wednesday, June 21, 2017, near the front entrances of City Hall at 3:00 p.m. on June 16, 2017.

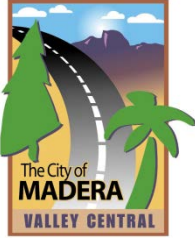


Sonia Alvarez, City Clerk



Madera City Council Agenda 06/21/17
Agenda Item A-1
Transit Workshop

There is no staff report for this item.



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

**September 7, 2016
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 09/07/16 was called to order by Mayor Pro Tem Rigby at 6:04 p.m.

ROLL CALL:

Present: Mayor Pro Tem Charles F. Rigby
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.
Council Member William Oliver
Council Member Cece Foley Gallegos

Absent: Mayor Robert L. Poythress

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, City Engineer Keith Helmuth, Director of Human Resources Wendy Silva, Planning Manager Chris Boyle, Director of Financial Services Tim Przybyla, Unit Fire Chief Nancy Koerperich, Battalion Chief Matthew Watson, Director of Parks & Community Services Mary Anne Seay, Public Works Operations Director Dave Randall, Community Development Director David Merchen, Procurement Services Manager Becky McCurdy, Grants Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Police Lieutenant Gino Chiaramonte, and Deputy City Clerk Zelda Leon.

INVOCATION: Mr. Alan Shearer, St. Joachim Church

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Rigby led in the Pledge of Allegiance.

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, he as Mayor Pro Tem 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.

Mayor Pro Tem Rigby asked if there were any members of the public who would like to address the Council.

Chris Powell on behalf of Vulcan Materials Company stated he would like to speak regarding Item D-3. Mr. Powell stated that he understands there is no public comment intended on that item, but he would happily wait until afterwards if the Council preferred.

Mayor Pro Tem Rigby requested that Mr. Powell take advantage of these three minutes.

Mr. Powell stated they just found out about this item being placed on the agenda. Mr. Powell stated that apparently Mr. Hale requested that this item go on so he could talk about the Austin Quarry project.

Mr. Powell stated that as the Council may know the Austin Quarry project and the Aggregate and Mining project in Madera County was approved by the Planning Commission on July 19th and it's subsequently been appealed and there will be a hearing on September 12th which is Monday.

Mr. Powell stated that Mr. Hale will likely tell Council that there's going to be catastrophic water supply impacts, catastrophic traffic impacts and that the EIR is insufficient, but he just wanted to point out that those are all based on mischaracterizations and are not true at all.

Mr. Powell stated they would like to ask that Council take no action before hearing the full side of the story that led to the approval of the project until it was appealed and finally, Mr. Powell asked that Council consider the source.

Mr. Powell stated that MOC (Madera Oversight Coalition) & Shimmick Construction both appealed and they've been working hand-in-hand to oppose the Austin Quarry. Shimmick Construction Company owns Madera Quarry and they are currently the sole producer of aggregate within this county and they've been fighting hard to keep their monopoly. MOC previously sued Madera Quarry to stop that quarry and actually in fighting against the quarry said that the Austin Quarry would be a better project actually; it's in the right place, that's a good a project but now they've changed their tune and are fighting against the Vulcan project. Mr. Powell asked that Council consider the source and he'd like Council to consider their side of the story before Council takes any action on this. Mr. Powell stated he would be in attendance if they had any questions.

Bruce Grey stated he is a resident of Madera County and he is the President of MOC (Madera Oversight Coalition). Mr. Grey advised that as was stated falsely that MOC sued Madera Quarry when it was going through is totally false like a lot of other statements that are being passed around. Mr. Grey stated MOC had nothing to do with the lawsuit in Madera Quarry.

Mr. Grey stated it was he and his wife and they established case law on water against them and they joined with the neighbors and formed Bate Station Neighbors and fought it for eight years and he really doesn't know what to say about the gentleman who is trying to bring Madera Oversight Coalition down. Mr. Grey stated they are there to represent the public and they have no agenda insofar as they are doing their own thing.

Dylan Miracle stated he loves Madera South High School. Mr. Miracle stated that might sound a little contradictory since he is wearing all blue. Mr. Miracle stated he enjoys spending his free time painting, hiking, taking photos and wrestling. Mr. Miracle stated he also likes to pretend he knows how to play ukulele. Mr. Miracle stated he has time for about one-fifth of what he mentioned.

Mr. Miracle stated now to talk about Madera South High School. Mr. Miracle stated last weekend, the one that just passed over Labor Day, they had Sadie's on Saturday which had 200+ participants which was a very good thing for them because last year they had to postpone Sadie's and they didn't actually have it due to financial reasons and lack of participation. Mr. Miracle stated they had it at Black Bear's with numerous activities and appropriate dancing.

Mr. Miracle stated they had an NAACP Rally which some of Council may know is the National Association of Advancement for Colored People. Mr. Miracle stated 15,000 kids went to Madera South High School and they hosted with Madera High School to teach them a little bit about education and to encourage them to stay in school.

Mr. Miracle stated they are currently working on a School News. There used to be a School News for Madera High School and he thought it was called "Blue Tune" or something of that sort and he is currently building a team that knows how to edit videos and stuff; he is not very savvy in that aspect but he is getting people that know how to do that so they can form a School News.

Mr. Miracle stated that they will have a Friday morning Match-up on Friday for a promo for the Hoover football game and CBS 47 comes at five in the morning which is super early especially for him and CBS 47 records them and they act like they are not tired at all and they're super pumped for the game. Mr. Miracle stated they are pumped for the game but they are super tired.

Mr. Miracle stated they recently had Club Fair two weeks ago. Club Fair is not really a fair; they kind of promote school clubs around campus and they encourage all clubs to go out and basically encourage kids to join. Mr. Miracle stated it's a cool thing for kids to see what other clubs are because not everyone knows that there's a Black Student Union, Tennis Club and things of that sort.

Mr. Miracle stated that they had B95 go to their school for a lunch time. That was pretty cool; it got the kids involved and stuff.

Mr. Miracle stated they have Power of Purple every Friday. They started this the first Friday of school and Power of Purple is a day on Friday where they all wear purple and it encourages the kids to have school spirit and they award the top three members for each class that has the most school spirit.

Mr. Miracle stated that girls' tennis won against Hoover recently a couple of days ago.

Mr. Miracle stated that girls' golf placed second in a mini-tournament.

Mr. Miracle stated that unfortunately boys' football and the girls' volleyball lost yesterday but because they are Madera, they lost in humility so hopefully they will learn from that.

Mr. Miracle stated that he's sure Madera High has done this also but they gave all their students planners, binders and tabs to kind of keep them a little bit more organized. The planner tells them how to create goals, not that kids really think goals are cool but at least they have an idea or opportunity to do so.

Mr. Miracle stated their ASB (Associated Student Body) Team, about six of them, went to the Fresno State Summit which was like a leadership camp with about 100 kids from around the valley and a couple from outside the valley from like San Diego and up north but it kind of taught them outside of the box leadership skills and stuff they wouldn't normally get in school.

Mr. Miracle stated the last thing he was going to talk about was Campus Clean Up. Mr. Miracle stated he believed it was every lunch time but if not then at least three times a week. Mr. Miracle stated they encourage clubs to sign up and clean up campus so they keep the seagulls from eating their food and pooping on them.

Justin Patterson, Madera High's ASB President stated they have a lot of exciting events coming up for this year but stated their year really started in the summer when they went to a leadership camp in UCSB and they learned vital leadership skills that they could bring back to their campus.

Mr. Patterson stated that when they came, they had Link Crew Freshman Orientation that's when about 80 of their students have a class that helps bring Freshmen into their campus life and it just gets them comfortable at their school and that is what their goal is mainly.

Mr. Patterson stated the Back to School Icebreaker Dance was a big hit. Mr. Patterson stated that maybe 200 people attended, they had four vendors and they got a lot of great feedback from that.

Mr. Patterson stated Tyler Durman is America's number one speaker and he went to their high school last week and he talked about being in other people's lives and looking out for not only yourself but the entire school.

Mr. Patterson stated that another thing that is coming up, that is always a big hit, is Breaking Down the Walls where they tell people that they are not alone so they can have somebody to lean on if they need it.

Mr. Patterson stated that their Homecoming is coming up on Saturday the 23rd and they would like to see Council there. Mr. Patterson stated Council is personally invited to the Homecoming Game.

Mr. Patterson stated that if Mr. Miracle needed any help with Blue Tune, they would be happy to hit them up.

Mayor Pro Tem Rigby asked if there was anyone else who would like to address Council. Mayor Pro Tem Rigby reminded everyone to state their name and address and to hold comments to three minutes.

Bob Winslow, Board Member of the Madera County Historical Society stated they have the Old Timer's Day activities coming up in about two-and-a-half weeks with the culmination on Saturday the 24th of September with the parade and the activities in the park.

Mr. Winslow stated this is the 85th year of the Old Timer's Days and they have had a Western Wear costume competition/contest between the City and the County and they are going to do that again. Mr. Winslow stated he will have some notices that he'll bring over that can be passed around for all the City employees; County is on board also. Mr. Winslow stated the City has been really, really active in that and they have won the last several years in a row and hold on to the trophy and they will see how it goes. Mr. Winslow stated he is retired from the County but the City has been great.

Mr. Winslow stated they will have a parade on September 24th, Saturday and activities in the park and they will also distribute some of those badges so those that want to stay out of jail on that week of Tuesday, Wednesday, Thursday because they'll have the Hoosgow out there, they'll have that available too.

Mr. Winslow stated it is the 85th year and hopefully everybody will be involved and have a good time and maybe out there on Saturday for the parade and activities in the park and the whole works.

Mr. Winslow thanked Council for their support and stated they always appreciate that.

Mayor Pro Tem Rigby closed the Public Comment portion of the meeting.

ANNOUNCEMENT

Mayor Pro Tem Rigby called on the Deputy City Clerk to make the late distribution announcement.

Zelda Leon, Deputy City Clerk announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda item were distributed to the Council less than 72 hours before this meeting. Under Section D, Written Communications, Item D-3, a presentation by David Hale regarding the Austin Quarry. An email from Mitchell Chadwick was distributed to the Council this evening. Extra copies are available at the podium for members of the public wishing a copy.

Mayor Pro Tem Rigby thanked Ms. Leon.

A. WORKSHOP

- A-1 Discussion and Request for Direction Regarding the Draft City of Madera Landscape and Irrigation Ordinance (Report by Dave Merchen)

Dave Merchen, Community Development Director stated this was a workshop where they will review and ask for some direction regarding the Draft Landscape Ordinance that's been reviewed once by the Planning Commission earlier that summer. Mr. Merchen stated there was one optional element of the ordinance which the Planning Commission took significant exception to; they had some opposition to it and rather than funnel that ordinance as drafted straight to Council for consideration, he thought it would make sense to back track a little bit and look at what brought them here and some of the alternatives they have in moving forward.

Mr. Merchen stated the impetus behind the local ordinance is the adoption of the MWELo (Model Water Efficient Landscape Ordinance) that was adopted by the State in 2015. Mr. Merchen stated the purpose of the MWELo is to indicate or confirm that water is limited across the state and to reinforce the point that landscape irrigation uses lots of water, too much water he thinks the State would really say and that therefore landscape irrigation needs to use much less water. Mr. Merchen stated the MWELo adopted by the State is a conservation based ordinance. It really forces local agencies like the City of Madera to use less water in its approval of landscaping but it doesn't really address the ramifications of those design changes on local neighborhoods and that's where the local ordinance comes into play because what they end up with in terms of landscape compliant, irrigation compliant landscaping may not be very attractive.

Mr. Merchen referred to the display and stated those were the arguably compliant front yards with the tall concrete, all dead grass and dirt, lava rock with a few plants, grass, hay, a little bit of ground cover, dead grass and weeds; his lawn looked like that for a long time last year.

Mr. Merchen stated they then start to move towards a designed drought tolerant scheme. Mr. Merchen stated what they are really hoping to point folks towards as they comply with MWELo are designed yards that add value to neighborhoods and increase property values rather than detract from them. Mr. Merchen stated those were all designs that vary in their expense and their complexity that they would point out as being solid examples.

Mr. Merchen stated the homes aren't either bad or good or from the City of Madera; he didn't look to point those out, but a range of homes from lower value to higher value homes. He has lots of examples of positive drought tolerant landscaping.

Mr. Merchen stated the draft ordinance would apply to landscaping that is added from new homes, non-residential landscaping when site plan review is required, new pool construction which is a requirement directly out of the State code, and renovated landscaping where 500 square feet or more of landscaping is changed out.

Mr. Merchen stated that it's the last category that the Planning Commission really had some concern with. Mr. Merchen stated it is not a mandatory element where a permit would be required or compliance within MWELo is triggered and that is really where the consideration by the Planning Commission focused. Mr. Merchen stated he would come back to that in a little bit.

Mr. Merchen stated that the draft ordinance would require Landscape and Irrigation Permits to be submitted and obtained when those triggers that he just described are in place and would require compliance with City Landscape Standards. Mr. Merchen stated the standards according to this draft ordinance, would be set by separate resolution of the City Council and they've attached a draft set for Council review as part of this workshop. Mr. Merchen stated any set of standards that the Council deems appropriate could be adopted as long as they are compliant with the State. Mr. Merchen stated they can be changed from time to time by resolution as the community standards change.

Mr. Merchen stated the standards do have to incorporate the State requirements. Mr. Merchen stated that 2,500 square feet or more requires a very detailed submittal package that has to be prepared by a registered landscape architect. Mr. Merchen stated this is a big deal, it is not cheap, it is not fast, it's quite burdensome. Mr. Merchen stated that when they are less than 2,500 square feet it can be streamlined. There's a specific

provision for streamlining where 2,500 square feet or less exist. Even then it's still reasonably complex but it's doable for the homeowner who has the time and patience to wade through it.

Mr. Merchen stated that in any case, natural grass and turf are extremely limited.

Mr. Merchen stated that the draft standards would allow for 25% max of total landscape area be grass which is out of the State code. Mr. Merchen stated that was somewhat the best case scenario. The local recommendation is that 50% of front yards be greenscape planter areas so that they don't put in all concrete or rock. Within those planter beds, 50% of the area should be covered at maturity so again, those planter areas should build out with fresh foliage.

Mr. Merchen stated that one street tree plus one additional tree should be required and again that's out of the State code. Mr. Merchen stated no bare dirt area should be allowed in publicly visible areas so essentially in their front yard and maybe in the side yard if they are a corner lot. Mr. Merchen stated that what is behind their fence out of public view in their back or side yards is generally not as big of a deal.

Mr. Merchen referred back to the question of renovated landscaping and why it might make sense to include that landscaping and at some level in an ordinance require a permit.

Mr. Merchen stated people would question why they have to comply when their neighbor doesn't. Just because they have a pool or they've got a new home, they have to install all the drought tolerant stuff and get a permit while the neighbor just replaced 600 feet of fescue and put a koi pond in or something farfetched and he didn't have to get anything. Mr. Merchen stated that's the equity question. "Why do I have to be drought tolerant and my neighbor doesn't?"

Mr. Merchen stated it's also harder to cheat the system and by that he means without including renovating landscaping, there's little disincentive or discouragement of an owner who chooses to get his permit finalized by installing some bark and a few plants and then the next weekend he's got a \$10,000 full grass sprinkler system going in with nothing to stop it. Mr. Merchen stated that's a problem he's not sure how to get around. Mr. Merchen stated it's a difficult question and he doesn't know how often it would come up but that's one of the reasons why inclusion of this landscaping should be considered if not included.

Mr. Merchen stated there's no incentive to invest towards drought tolerance and to look towards the long term establishment of that conservation culture in Madera. Mr. Merchen stated that this is this idea that we do live in a desert, we are in a drought, we don't control our water destiny and we don't have enough water to do what we have historically done. Mr. Merchen stated these are reasons why it might make sense to include renovating landscaping if there weren't counterbalancing thoughts.

Mr. Merchen stated that clearly there are balancing thoughts as to why it maybe doesn't make sense to include this kind of landscaping as a permit requirement. Mr. Merchen stated that right off the bat what they all get is the idea of over-regulation and the feeling of "Really, the City's going to tell me I've got to get another permit for my grass?" Mr. Merchen stated that's a real issue that he knows staff and Council deal with on a regular basis; the question of do they really need another law, do they need another rule.

Mr. Merchen stated that certainly the requirements would add a cost and be more burdensome to owners and that burden would be heavier on the lower income folks in the community. Mr. Merchen stated it may also dampen interest in renovating. Folks would just say they don't want to deal with it, they don't like the drought tolerant stuff and they are not even going to put that investment in their yard. Mr. Merchen stated they've even heard the concern that drought tolerant renovations would conflict with established neighborhoods. Statements such as all the neighbors have grass, that's what they do in their neighborhood and they don't want to install rock, bark and native grasses.

Mr. Merchen stated there is also the question of enforcement ability which is do they really have the staff time to be chasing folks that are changing their yards.

Mr. Merchen stated that in summary, MWELo compliance is required today. Those standards that the State adopted are required today, they are implemented today. Mr. Merchen stated the Planning Department is generally front and center in terms of ensuring that where a State requirement requires a fully designed, architect submitted plan that those are coming in. Mr. Merchen stated that most of the homes are production homes and they are hiring architects to do model compliant model plans which makes a lot of sense.

Mr. Merchen stated that the ordinance that has been drafted balances conservation with design themes and somewhat ensuring that while saving water, they are also trying to add value.

Mr. Merchen stated that a very important point to note that including renovations is not mandatory; it's an optional element that was pointed out to the Planning Commission that notation that renovations were optional; did not carry day. Planning Commission was still concerned about being clear that the mere suggestion that staff include renovate landscaping was something that they didn't want their recommendation associated with; so let's be clear there. Mr. Merchen stated that finally a separate resolution would set the standards that would need to be implemented ultimately as well as to set a permit fee which could be anywhere from zero to whatever actual cost turned out to be; a couple hundred bucks max probably.

Mr. Merchen stated they could give staff any direction that Council feels is appropriate. Mr. Merchen stated staff has laid out three potential options. One is just that Council tells staff it's good to go as is; kill the draft. The MWELo would still be in effect so that staff implements the State standards. Number 2 is that Council could schedule the draft ordinance for consideration with or without any changes Council might deem appropriate including the renovated landscaping issue or Council can send it back to the Planning Commission with changes suggested by Council that might be appropriate but that Council still wants to get the Planning Commission's recommendation before proceeding.

Mr. Merchen stated he would answer any questions and take any feedback from Council on the information he presented or anything else related to this issue.

Mayor Pro Tem Rigby thanked Mr. Merchen for the presentation and asked if there were any questions on tonight's workshop.

Council Member Oliver asked what the timeline was for making a decision; what is the State's deadline for the City at this time.

Mr. Merchen stated that the way they worked so far is the State allowed local agencies to adopt local versions of the MWELo by the end of last year or the State's Model Ordinance would become effective. The City did not adopt a local ordinance so the State's ordinance is effective in Madera today and so the City is treating it as law so the City is not in any time constraints to adopt a local standard because that really just enforces the design issue.

Council Member Oliver asked for clarification on the staff report. Under the landscape standards, they have markings that indicate what is a State requirement and what is not a State requirement. Council Member Oliver stated they mention the 50% coverage at maturity being a State requirement as well as the street tree plus an additional tree onsite on a residential parcel. Council Member Oliver stated that on the staff report it lists it as a non-State requirement and he just wants some clarification.

Mr. Merchen asked that Council Member Oliver tell him again specifically and he will see if he can recall.

Council Member Oliver stated that Number 8 indicates that one street tree plus one additional tree is required. He thinks it is listed here as a non-State requirement and then in addition to Number 7 as far as planter beds having a 50% coverage.

Mr. Merchen stated that the 50% coverage at maturity is a local recommendation. It is not a State requirement. Mr. Merchen asked Chris Boyle, Planning Manager if he remembered if the one plus one tree was a requirement or if it was a local recommendation. Mr. Merchen stated that the Planning Manager, Mr. Boyle indicated that the one street tree plus one additional tree is not a State requirement, it is a local requirement.

Council Member Oliver asked if the design themes and standards have been presented to the City's Beautification Committee to review maybe some sample standards or maybe generate some ideas as to their input or feedback before putting together a new policy or guidelines.

Mr. Merchen stated he is not sure they have gone through the Beautification Committee. He does know they've worked with the Parks Department on the standards themselves but he doesn't know, can't confirm that they've worked with the Beautification Committee.

Council Member Medellin stated that Mr. Merchen mentioned costs from zero to a couple of hundred bucks; that's kind of ball-parking it and asked if that cost is related to staff time and regulation or where would that cost come from.

Mr. Merchen stated that would just be the cost of handling a permit which would be, again they would have to figure out exactly what that would be but somewhere in the range of a couple hundred dollars of max cost but if Council will recall from their discussion of fees, they can set that fee anywhere from the maximum cost and zero depending on how they want to treat it.

Council Member Medellin stated that Mr. Merchen mentioned incentives earlier and he wanted to know if Planning Commission touched on incentives or how much of a role did incentives play with the residents who are willing to comply with issuing a permit and actually having an incentive to do so versus another regulation.

Mr. Merchen stated it didn't really come into play. The question of incentives was less about, for instance, the City's Rebate Program and more about the question of whether there is an incentive or disincentive to make an investment. Mr. Merchen stated he didn't know if he was saying that clearly enough. They are not talking about a cash incentive; they are talking about whether there is motivation to comply or not comply.

Council Member Medellin stated that on the surface, he is not a fan of more regulation. He is not a fan of another fee. He is not a fan of another permit. Council Member Medellin stated they fought this on Planning for a number of years on just what is considered landscape and drought tolerant landscape and having to come into City Hall and the people who do comply versus the people who don't and having to have another filing cabinet for more permits and again it's only as effective as how they are going to police it and now people are pointing a finger and it just causes that disruption so he wasn't saying he had an exact direction. He feels where the Planning Commission is coming from but on the surface he is not a fan of more regulations for their community.

Council Member Holley stated they talk about doing this and he asked if it was in all areas of the City or do they have certain areas that have to be doing because if they look at what they are talking about doing, down in the southeast side of Madera, this won't work. Council Member Holley stated they have folks out there that he knows can't afford to keep this kind of stuff up. Council Member Holley stated they shouldn't make a law that they have to do it. He thinks that's going to be a whole lot of folks sitting here with their Council Members every night asking them why they did this.

Council Member Holley asked if this is for certain areas where they are building new homes and their lawns are dying which is no fault of theirs or is it still something that the State decided the City has to do and that's what they live for. Council Member Holley stated he is not in favor of making somebody go out and spend \$200,000 - \$300,000 just to do a front yard when the backyard is not going to be in compliance.

Mr. Merchen stated that where the State makes it mandatory, which is new construction, new homes in any part of the City, it is required so there's no distinction between components of the City or one housing tract versus another.

Council Member Oliver stated he thinks his colleagues have raised some good points. Council Member Oliver stated that he would want to define what renovation means. Council Member Oliver asked if that meant ripping out their Bermuda and putting in Fescue or what does that truly entail and when does it spark it and at the same time he thinks they should maybe dedicate a little bit more time as far as the design themes and standards.

Council Member Oliver stated he certainly wants to lean on the City's subject experts in the Parks Department but he would like to engage some of their appointees on the Beautification Committee. Council Member Oliver stated that to be quite honest he feels like a fish out of water; he does not have a green thumb so to speak so it is hard to visualize that based on what's depicted on paper.

Council Member Oliver stated that he wouldn't say to completely discontinue work on a local ordinance. He thinks they want to seek designs that are aesthetically pleasing. Council Member Oliver stated they also recognize that it's already hard enough for residents to stomach a lot of the changes that are coming down the pipeline from Sacramento so he wouldn't quite abandon their work on a local ordinance, he'd like to see a little more fine tuning, maybe engaging some additional folks including the Beautification Committee as well as others and he might move forward without adopting what's been presented today and in the interim move forward with the State's mandatory requirements.

Council Member Medellin stated he would concur with that recommendation.

Mayor Pro Tem Rigby stated he seemingly agreed with his colleagues. Mayor Pro Tem Rigby stated that off the top he is not in favor of yet another permit especially with so many changes that have taken place within their City just with the utility bills and some different things that have happened most recently.

Mayor Pro Tem Rigby stated he doesn't think killing this is the answer either. It seems to him that the MWELo standards are sufficient for now.

Mayor Pro Tem Rigby stated he would agree with Council Member Oliver's suggestion of pulling in the Beautification Committee. Mayor Pro Tem Rigby stated that from what he's heard, John Scarborough and his team along with Ms. Mary Anne Seay, Director of Parks & Community Services have done a phenomenal job as they've seen with the beautification of 4th Street and their drought compliancy. He thinks the Beautification Committee best represents the community. Mayor Pro Tem Rigby stated they might even be able to open up some general discussion with perhaps a town hall meeting or maybe get some better feedback from what the public feels on this situation. Mayor Pro Tem Rigby stated it is his recommendation that they move forward with those options and in the meantime they would comply with MWELo standards for the time being.

Mr. Merchen stated he appreciated their input and he thinks he's getting a feeling as to what the consensus is. Mr. Merchen stated that for the time being staff will pull this back out of the process and not schedule it for consideration of introduction and staff will go back in the near term and work with the Beautification Committee and get some feeling for some public input and if within a few months it looks like there's some community desire to see the balancing of, staff might bring it back before Council in a modified format. Mr. Merchen stated that for the time being, he thinks staff hears Council's direction and they will implement the State standards and go from there.

Council thanked Mr. Merchen.

B. CONSENT CALENDAR

- B-1 Minutes – 11/18/15, 6/01/16
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution Adopting the City of Madera Conflict of Interest Code and Repealing Resolution No. 14-158 and All Resolutions in Conflict Herewith (Report by Sonia Alvarez)
- B-4 Consideration of a Minute Order of the Council of the City of Madera, California Authorizing the Acceptance of a National Insurance Crime Bureau Vehicle Donated to the Madera Police Department and Authorizing the Chief of Police to Execute all Documents Necessary to Accept the Donation (Report by Steve Frazier)
- B-5 Consideration of a Resolution of the City Council of the City of Madera, Approving a Triennial Disadvantaged Business Enterprise (DBE) Goal of 13% for Federally-Funded Transit Projects, FFY 2016/17, 2017/18, and 2018/19 (Report by Keith Helmuth)
- B-6 Consideration of a Resolution Approving an Agreement with Live Oak Associates, Inc. for On-Call Professional Environmental Services to the City of Madera for Routine Maintenance of City-owned Bridges along the Fresno River (Report by Keith Helmuth)
- B-7 Declaration of Surplus Property (Report by Becky McCurdy)
- B-8 Consideration of a Resolution Approving Award of the Agreement for Landscape Maintenance Services for Downtown, Median Islands and City Facilities in the Amount of \$176,640.00 to Evergreen Lawn Care & Maintenance, Inc. and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by John Scarborough)
- B-9 Consideration of a Resolution Authorizing Amendments to the FY 2016-2017 Budget Appropriating \$26,592.04 from the Funds Designated for Golf Course Emergency Repair Account to Capital Outlay Equipment Replacement in the Golf Course Fund for Repairs to the Golf Course Water Well (Report by Mary Anne Seay)
- B-10 Consideration of a Resolution Approving an Agreement between the City of Madera and Kings View - Skills4Success Program for Occupation and Use of Facilities at the John W. Wells Youth Center and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Etheridge)
- B-11 Consideration of a Resolution Ratifying and Approving an Agreement with Madera County to Provide Dial-A-Ride Transit Services to County Residents for Fiscal Year 2016-17 and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Ivette Iraheta)
- B-12 Consideration of a Resolution Approving an Agreement with RNL Interplan, Inc. for Professional Architectural and Engineering Services to the City of Madera for Construction of the New Transit Operations Facility Project (Report by Keith Helmuth)
- B-13 Consideration of a Resolution Approving an Agreement between the City of Madera and Thales Consulting, Inc. to Prepare and File the City's Financial Transactions Report, the Financing Authority Special District Report, and the Annual Transit Report for FY 15/16 and Authorizing the Mayor to Execute the Agreement (Report by Tim Przybyla)

- B-14 Consideration of a Resolution Approving an Agreement to Forego Exchange of Property Tax Revenues Between the County of Madera and the City of Madera for the Madera Unified School District Annexation (Report by David Merchen)

Mayor Pro Tem Rigby asked if there were any items on the Consent Calendar that a Council Member would like to have pulled for further discussion. Council Member Foley Gallegos asked that Item B-8 be pulled for further discussion.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDAR, EXCLUDING ITEM B-8 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

- RES. NO. 16-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE CITY OF MADERA CONFLICT OF INTEREST CODE, AND REPEALING RESOLUTION NO. 14-158 AND ALL RESOLUTIONS IN CONFLICT HERewith**
- RES. NO. 16-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING A TRIENNIAL DBE (DISADVANTAGED BUSINESS ENTERPRISE) GOAL OF 13% FOR FEDERALLY-FUNDED TRANSIT PROJECTS, FFY 2016/17, 2017/18, AND 2018/19**
- RES. NO. 16-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH LIVE OAK ASSOCIATES, INC. FOR ON-CALL PROFESSIONAL ENVIRONMENTAL SERVICES TO THE CITY OF MADERA FOR ROUTINE MAINTENANCE OF CITY-OWNED BRIDGES ALONG THE FRESNO RIVER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AMENDMENTS TO THE FY 2016-2017 BUDGET APPROPRIATING \$26,592.04 FROM THE FUNDS DESIGNATED FOR GOLF COURSE EMERGENCY REPAIR ACCOUNT TO CAPITAL OUTLAY EQUIPMENT REPLACEMENT IN THE GOLF COURSE FUND FOR REPAIRS TO THE GOLF COURSE WATER WELL**
- RES. NO. 16-140 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND KINGS VIEW SKILLS4SUCCESS PROGRAM FOR OCCUPATION AND USE OF FACILITIES AT THE JOHN W. WELLS YOUTH CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-141 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING THE ONE YEAR FY2016-17 AGREEMENT WITH THE COUNTY OF MADERA FOR DIAL-A-RIDE SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH RNL INTERPLAN, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF MADERA FOR CONSTRUCTION OF THE NEW TRANSIT OPERATIONS FACILITY PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

- RES. NO. 16-143** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND THALES CONSULTING, INC. TO PREPARE AND FILE CITY'S FINANCIAL TRANSACTIONS REPORT, THE FINANCING AUTHORITY SPECIAL DISTRICT REPORT, AND THE ANNUAL TRANSIT REPORT FOR FY 15/16 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-144** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT TO FOREGO EXCHANGE OF PROPERTY TAX REVENUES BETWEEN THE COUNTY OF MADERA AND THE CITY OF MADERA FOR THE MADERA UNIFIED SCHOOL DISTRICT ANNEXATION**

B-8 Consideration of a Resolution Approving Award of the Agreement for Landscape Maintenance Services for Downtown, Median Islands and City Facilities in the Amount of \$176,640.00 to Evergreen Lawn Care & Maintenance, Inc. and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by John Scarborough)

Mary Anne Seay, Director of Parks & Community Services asked if Council had a specific question.

Council Member Foley Gallegos stated she is coming in to the Council a little late because this was approved in May 16, 2016. Council Member Foley Gallegos stated the report was wonderfully done; she read it, sat on it, thought about it. Council Member Foley Gallegos stated the company, Evergreen Lawn Care & Maintenance is a reputable company from Clovis; she looked them up, studied them.

Council Member Foley Gallegos stated she knows they have to approve it because it's been there and it needs to go but it's a three year approval so as a Council Member she would maybe think about approving it for a year but asked if they could visit it and maybe look at hiring more Parks' staff.

Council Member Foley Gallegos stated if they had Parks' staff running their zoning, this would be 40 different areas and if they did 4 of the areas, 5 days a week, they could do 20 of the lots and they're looking at a 2 week rotation and the money stays here with their City employees that bring back the tax dollars to their City.

Council Member Foley Gallegos stated they have accounting people already, they have supervisors, they have the experience, she's just wondering if staff could look into that and maybe look at that option in the next year even though she knows they have to approve this and get this running because they have landscape that needs to be taken care of but that was a question that she had.

Ms. Seay stated they've analyzed each piece of landscape they maintain from the golf course to their parks to landscape maintenance zones and as they've noted, they have changed their service delivery plan to better meet the needs of the public and to do things more efficiently.

Ms. Seay stated they've determined over time that the median island program and the items before the Council tonight are best served by outsourcing those. Ms. Seay stated they can certainly look at that again if that is Council's direction. Ms. Seay stated there is one minor clarification for Council; the responses were received by City staff on May 16, 2016 however the City has not entered into a contract with anybody.

Council Member Foley Gallegos asked if they were here approving a 3 year contract to June 19, 2019.

Ms. Seay replied affirmatively. Ms. Seay stated that is a standard term primarily because firms need to gear up for that additional work, they need to hire a workforce, they need to purchase new equipment and a one year term usually isn't enough of a window of opportunity for them to make their money back.

Council Member Oliver stated he understands that this particular contractor wasn't the low bid for this procurement and asked that Ms. Seay explain a little bit as to the evaluation process and the technical criteria that the City looks at and make any suggestions.

Ms. Seay stated they had six responses. The lowest bid is not necessarily the only criteria that they use. When they send the RFP out, they have a list of criteria that includes lowest bid which is obviously very important to them and other factors such as experience, personnel, approach to work and responses from other people who have done business with them, basically reference checking so they put those things in balance and they determine what is the best value for the City using the internal team.

Council Member Oliver stated that lastly, he knows they went out on March of 2016 and he imagines that if they amended those terms it might require a new procurement which may delay that process. Council Member Oliver stated he understands that the previous contract provider has been doing a month to month service since June of 2016 and asked if there is an estimation as to how long that might be if they were to for whatever reason table it and extend another procurement and what would that timeframe look like.

Ms. Seay stated that if Council tabled it and took a deep hard look at bringing the work internal and did that analysis, she doesn't have a best guess. Ms. Seay stated that analysis could take in order of magnitude three to six months and then gearing up to do that work would be...they just have their feet underneath them now after the change they made to do landscape maintenance from last year so part of it is bandwidth of their existing staff pushing beyond what can be managed so there would need be quite a few people hired to supervise new programs.

David Tooley, City Administrator stated he'd like to add something to the conversation. Mr. Tooley stated that most of the Council would recall that the City took over the landscape maintenance zones last year. Mr. Tooley stated they are paying a premium price for that. Mr. Tooley stated the analysis there determined that using in-house staff was actually more expensive per unit than going out to the private sector, however the City made that choice one, because they wanted to improve the quality of the work product and second of all, he thinks there was an implicit recognition of what Council Member Foley Gallegos speaks to; that they'd like to see the City's money stay in town.

Mr. Tooley stated he thinks Council has a decision point this evening. Council can choose not to engage the best, the most qualified and lowest respondent this evening and then direct staff to go back and re-evaluate that over the longer term. Mr. Tooley stated his hesitation in doing so is that they are still going through the learning curve on the landscape maintenance zones or in the alternative, Council can engage the company, and he clearly understands Council's interest, and staff would begin that evaluation, look at economies of scale and the next time this comes back to Council, staff can proactively address that. Mr. Tooley stated the decision point this evening is accept the recommendation in front of Council or direct staff to go back and staff will do the analysis for Council; it's just going to take some time.

Council Member Medellin stated that is the point he wanted to talk about. Council Member Medellin stated that it's his understanding that Ms. Seay does annual evaluations of anybody the City contracts out to because based on the criteria, that is not necessarily just the lowest bidder. Council Member Medellin stated if he remembers correctly, they want the best quality of work for the community so Ms. Seay or her staff evaluates annually as to if the company that the City hired are providing that service if not then they bring it back before Council if Ms. Seay feels that is a service that they are not providing. Council Member Medellin asked Ms. Seay if that was correct.

Ms. Seay replied affirmatively. Ms. Seay stated if they felt that the contractor was significantly under-performing, they would bring that back for Council consideration.

Council Member Medellin stated he thinks there are a couple of instances in the past that it wasn't detrimental but he thinks it was brought up by people in Neighborhood Watch as well as a few phone calls into her department saying "what gives" and then they kind of rectified the situation and when it came down

to re-bid or re-evaluate they took that into consideration if that's somebody they wanted to re-hire or not. Council Member Medellin stated it was just clarification.

Council Member Foley Gallegos stated she needed one more clarification. Council Member Foley Gallegos stated that in the Parks Department, they have seven full-time workers and asked how many part-time workers they have to do the zoning and the parks in the City.

Ms. Seay stated they have, counting John and Hector, two full-time in the landscape maintenance zone with about 4.5 part-time; that's just for the landscape maintenance zones. Ms. Seay stated they have seven in the Parks Division to maintain the parks and...she's not going to guess on the number of part-time/FTE.

Council Member Foley Gallegos asked Ms. Seay to just estimate.

Ms. Seay stated that she would be guessing and she could surely get Council Member Foley Gallegos a number if she gives her a second to go through them in her mind. Ms. Seay stated there are 13 full-time in the Parks Division and some combination of 4.5 FTE in landscape maintenance zones and around six or seven in Parks Maintenance.

Council Member Oliver stated he thinks there are some really great questions raised and thanked Ms. Seay for her feedback and her insight. Council Member Oliver stated he does think it might be prudent to do a follow-up analysis and take a look at this and the economies of scale and especially since they may be entering into the Fall season and so perhaps with changing weather, services won't be as intense so to speak so maybe that'll provide a little bit of a time period to evaluate this and as well if they were to bring back this item in the future, he thinks it would be helpful to maybe provide additional information on the evaluation criteria so Council sees where those companies measure so to speak so he might provide that recommendation and table this item for future discussion.

Council Member Holley stated that even if they enter into an agreement they could always cancel that agreement of termination within 30 days of a notice so they are not bound to stay there the whole three years.

Ms. Seay stated they do have an exit clause....

Mr. Tooley stated that the City Attorney was looking it up to see if they have something other than a cancellation for cause; he's not sure if there is one in this agreement.

Council Member Holley stated he was looking at it there on "Termination of Convenience" so it does show that the City has a 30 days written notice contract for termination as a fault.

Mr. Tooley stated that for the record, the City Attorney indicated that was correct.

Council Member Medellin stated that he certainly doesn't mind doing the analysis and going into this 110% wholeheartedly rather than go into this a little haphazardly and then decide it's not something that they want and then cancel within 30 days. Council Member Medellin stated he doesn't think that is good business.

Council Member Holley stated he was just looking at the alternative of it that when she has it they have to stay there three years and honestly they don't have to so that was the reason he brought that up.

Mr. Tooley stated that Council Member Medellin raised a good point. Mr. Tooley stated he would suggest to the Council that as a matter of good faith they should not enter into an agreement with an anticipation of cancellation.

Mr. Tooley stated the biggest test they have in front of them is looking at the City's landscape maintenance zones and matching up their maintenance cost with what they charge the zones. Mr. Tooley reminded Council that staff discussed with them that this was going to be more than a one year process. Mr. Tooley

stated this would add an additional layer of complexity, however if that's where the Council wanted to go, staff was good with that.

Mr. Tooley stated the anticipation would be that they continue with a month to month contract and staff would take the time necessary to give Council a good work product in response. Mr. Tooley stated he just couldn't promise Council a definitive timeframe this evening.

Mayor Pro Tem Rigby stated he would entertain action on Item B-8.

Council Member Medellin stated it sounded like Council would want to table this particular item and bring it back to Council once they had the analysis or more information.

Mayor Pro Tem Rigby asked the City Attorney if this was an item that would need to be voted on if tabled.

Mr. Richardson stated Council could vote to pull the item from the agenda; he'd move to pull it from the agenda.

Council Member Medellin stated that was his motion and so don't make him look bad.

Mr. Tooley stated that realistically the bids would not be good long enough for staff to do the analysis so his anticipation is that they would have to re-bid.

COUNCIL MEMBER MEDELLIN MADE A MOTION TO TABLE CONSENT CALENDER ITEM B-8. THE MOTION WAS SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS AND WAS APPROVED BY A SPLIT VOTE OF 4-2. ROLL CALL: AYES: COUNCIL MEMBERS OLIVER, FOLEY GALLEGOS, MEDELLIN, ROBINSON. NOES: COUNCIL MEMBER HOLLEY AND MAYOR PRO TEM RIGBY. ABSENT: MAYOR POYTHRESS.

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

C-1 Consideration of a Resolution Approving an Application to Transfer Interest in Card Room Operations License (Report by Tim Przybyla)

Tim Przybyla, Director of Financial Services stated that Lucky Tree Entertainment had submitted an application for the transfer of interest in a card room and if Council approves this application, the applicant's would still have to go through the process of obtaining a Business License, a Card Room Operating License and a Use Permit before they can commence operations and conduct card room gaming activities within the City of Madera.

Mr. Przybyla stated the Chief of Police completed a full investigation and found that the applicants are in good standing.

Mr. Przybyla stated the applicants wish to transfer interest from the Primavera Pool Hall and Café which has a license to operate two tables. Mr. Przybyla stated in the past La Primavera Pool Hall and Café had two operating card table licenses which have since been suspended by choice of La Primavera Pool Hall and Café due to the cost of maintaining the licenses.

Mr. Przybyla stated the applicant has filed an application with the State of California Gambling Control Commission and received an approval of Sale Agreement and Initial State Gambling License subject to conditions provided by the Commission. Mr. Przybyla stated a copy of that is included in the report as an exhibit.

Mr. Przybyla stated the Madera City Council can at its discretion either conditionally grant or deny applicants such as this one based on the financial stability of the applicant, conviction of criminal offenses as noted in

6-3.0 or by investigational report by the Chief of Police or any other information deemed by the City Council to be matters of necessary inquiry.

Mr. Przybyla stated he has reviewed the financial statements that have been presented by the applicants and determined that their financial status appears to be sufficiently strong.

Mr. Przybyla stated staff has also met to discuss the merits and concerns related to this application and have not identified any matters that preclude the applicants from eligibility for approval of the application for transfer of interest in a card room operations license.

Mr. Przybyla stated the Council's approval or denial of this application would be the first of several steps for the applicants to complete before they can obtain a card room operating license and a use permit to operate a card room and conduct gaming activities within the City of Madera. Staff recommends Council consider adopting the resolution approving this application.

Mr. Przybyla stated he would answer any questions. Mr. Przybyla stated that Mr. Boyle, Planning Manager has dealt with the applicants extensively and is also available for any questions Council may have. Mr. Przybyla stated that some if not all the applicants are in attendance this evening should Council have any questions for them.

Mayor Pro Tem Rigby asked if Council had any questions for Mr. Przybyla; no questions were asked.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 16-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN APPLICATION FOR TRANSFER OF INTEREST IN CARD ROOM BETWEEN LA PRIMAVERA POOL HALL AND CAFE AND LUCKY TREE ENTERTAINMENT, INC

D. WRITTEN COMMUNICATIONS

- D-1 Consideration of a Written Request by the Original Madera Kiwanis Club Seeking Council Approval to Cover the Cost of Police and Public Works Fees in Conjunction with the Old Timers Day Parade (Report by Steve Frazier)

Giachino Chiaramonte, Police Lieutenant stated that September is parade month and this will be one of three parades in September. Lieutenant Chiaramonte stated the one in front of Council is for the Old Timer's Parade on September 24th that Bob Winslow, Board Member of the Madera County Historical Society spoke about earlier and Cliff is here also representing.

Lieutenant Chiaramonte stated the request is for use of City services, Police and Public Works during that parade and stated that Council's consideration is requested.

Mayor Pro Tem Rigby asked if Council had any questions for Lieutenant Chiaramonte; no questions were asked.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

- D-2 Consideration of a Written Request by the Madera High School Seeking Council Approval to Cover the Cost of Police and Public Works Efforts in Association with Their Homecoming Parade (Report by Steve Frazier)

Giachino Chiaramonte, Police Lieutenant stated that this is similar in nature. It is a parade for the Madera North High School. Lieutenant Chiaramonte stated the parade is for a Homecoming on September 23rd.

Lieutenant Chiaramonte stated the request is for use of City services, police officers and Public Works.

Mayor Pro Tem Rigby asked if Council had any questions for Lieutenant Chiaramonte; no questions were asked.

Isaac Lopez stated he is the new Activities Director at Madera High School. Mr. Lopez stated this is a request for their annual parade, as Maderans know and he has come to know quickly, is a community rich in tradition and that is one of the reasons that he proudly displays blue and probably why the other young man was wearing blue as well.

Mr. Lopez stated he is super excited. He can't thank Council enough. He's only been here a few weeks and he feels like everyone has welcomed them with open arms and this is one thing they just mentioned.

Mr. Lopez stated this is parade month and they are excited about it. Mr. Lopez stated there will be hundreds of people; it's going to be organized chaos but it's going to be awesome. Mr. Lopez stated the elementary school kids, he just got some emails that day, are excited and looking forward to it, the ASB (Associated Student Body) kids are working hard and football, pep and cheer are all excited. Mr. Lopez thanked Council for taking them into consideration and they look forward to serving them right.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM D-2 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

Mayor Pro Tem Rigby requested that Item D-4 be moved before D-3 recognizing that Ms. Shaw is already in attendance.

D-4 Request from the Housing Authority of the City of Madera for a Letter in Support of the Pomona Ranch (Linda Shaw)

Linda Shaw stated that she would like to request that the Council approve Mayor Poythress' signature on a letter to the Office of Migrant Services (OMS). Ms. Shaw stated that as Council knows from previous meetings that they've had at the Housing Authority (HA) that HA have sent a request for OMS to allow HA to house eligible homeless people to live at the Pomona Ranch Apartments.

Ms. Shaw stated they have not heard anything back from OMS and she thinks they are either trying to figure out how to answer them or they realize that this is a statewide issue rather than just a City of Madera issue which is appropriate.

Ms. Shaw stated that she would like the Mayor's signature on the letter as it alludes to the fact that he is speaking on behalf of the Council. That is why they are there tonight; to ask for Council support in sending such a letter.

Council Member Medellin stated that actually they are a trend setter. Council Member Medellin stated this is a statewide and national problem. He thinks that what Ms. Shaw and her department are doing by taking unused housing for approximately five months and opening that up to homeless for shelter during the winter time sounds simple and easy. Council Member Medellin stated he thought they would be responsive a whole lot sooner. He thanked Ms. Shaw for her efforts and agreed that Council should send this letter.

Council Member Oliver thanked Ms. Shaw for her follow-up and follow-through in engaging their elected officials on the State and Federal level which he thinks is important and they don't do often enough. He just wanted to praise her for following-up and having subsequent meetings. Council Member Oliver stated he knows this is an idea, although in its infancy, but one folks are pretty excited about and more than proud

to place their name behind and support. Council Member Oliver stated he just wanted to thank her so much for following-up and following-through and taking action.

Mayor Pro Tem Rigby stated he wanted to echo those sentiments exactly. Mayor Pro Tem Rigby stated he knows it is a pilot project and it's not going to come without its bumps and bruises but he values her efforts and he would gladly support his signature being supported by Mayor Robert Poythress.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-4 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

D-3 Presentation by David Hale Representing the Madera Oversight Coalition on the Austin Quarry Proposed at the Intersections of State Routes 145 and 41

David Hale stated he is with the law firm of Cazano, Whitson, Hale and they handle almost exclusively municipal agencies. Mr. Hale stated they are the City Attorneys for a number of cities just like Madera in the State of California and also he represents a number of Joint Power Authorities.

Mr. Hale stated the reason they wanted to talk to Council is that he represents the Madera Oversight Coalition and they understand there is some interest on part of some of the Council Members in regards to this mining quarry and the potential impacts that this quarry will have. Mr. Hale stated that Council will see a number of statements made of how he's going to characterize this project so he'll let the Council decide when he's done whether he's mischaracterized it or not.

Mr. Hale stated that essentially this is an 11,000 page EIR (Environmental Impact Report) that is 10 volumes long. Mr. Hale stated that within that document there are six Unmitigated Significant Environmental Impacts. Mr. Hale stated they have done a Statement of Overriding Considerations and he is sure Council is familiar with what that is. Mr. Hale stated there are six additional Cumulative Unmitigated Environmental Impacts for a total of 12; that's huge.

Mr. Hale stated this project is about a 670 acre open pit mine and the mine is about 350 acres more or less and it's 400 feet deep.

Mr. Hale stated that the Madera Quarry which has been mentioned here has a 900,000 tons per year capacity; this is 2.5 million.

Mr. Hale stated that of the last five mines that have been approved in the last eight years, none of them with the exception of one mine by Vulcan, comes anywhere remotely close to that; most of them are below 1,000,000 tons per year or 1.25 million tons per year so there are going to be impacts related to this project.

Mr. Hale stated that the particular EIR states that they are going to see 816 one-way truck trips so functionally there's a little over 400 round trips of trucks. Mr. Hale stated the way they come up with that number is essentially an averaging. Mr. Hale stated what they do is and he is going to use his Traffic Engineer; he's a much more intelligent guy than he is when it comes to traffic but he uses a football stadium. Mr. Hale stated 40,000 people in a football stadium that show up on any given night; they have 10 home games, that's 400,000 people in those 10 games; you take and divide that by the number of operating days of 250 days and you get 1,600 people. Mr. Hale stated not to apply those numbers to this project because they don't correlate. Mr. Hale stated the point he is trying to make is that when you take an averaging like that, you don't show peak demand.

Mr. Hale stated mining quarries don't operate in a static situation where they pump out 816 trips per day. Mr. Hale stated they have an expert who has submitted a report; a man by the name of Freeman who has articulated that based on product demand, they can be operating at two, three and 400% capacity.

Mr. Hale asked what did that mean to Council. Mr. Hale asked that Council refer to the documents he has just handed them and look at the last page at the Cumulative Year 2035 Lane Geometry chart. Mr. Hale

asked that Council look at the far left hand side at the Tozer and 145 intersection. Mr. Hale stated the graph indicated that because of this project there are traffic impacts and the number of trucks that are going the City's way using their numbers is about 102 trucks so that necessitates mitigation to that intersection.

Mr. Hale asked if that intersection was going to be getting mitigated. Mr. Hale stated that during the public hearing in his initial briefing he'd proposed that Vulcan consider doing those mitigations to significant intersections and other highways within Madera County and do a reimbursement agreement with the County. Mr. Hale stated that the response by Vulcan in Volume 10 was that they couldn't make them do that because of the United States Constitutional taking cases of Dolan and Nollan.

Mr. Hale stated that functionally they pay their fair share and that is less than 10%; it is very, very minimal and it goes into a pot and it sits there. Mr. Hale stated that if the County comes up with other appropriate revenues sometime in the future then ultimately that might get mitigated.

Mr. Hale stated that within the EIR in terms of his interpretation, there's nothing in there that shows an absolute assurance that these mitigations will ever happen. Mr. Hale stated they have other mitigation that they're doing that will happen immediately adjacent to the entrance of the mine but that really doesn't affect them.

Mr. Hale stated that the particular diagram clearly shows the City has trucks going their way. Mr. Hale asked is it 102 or could it be four or five or even more. Mr. Hale stated that mining quarries ship their trucks and their loads depending upon who asks for it.

Mr. Hale stated that another one of the things that they'll find in the EIR is they're 24/7; it is not during the day, it's going to be in the middle of the night. Mr. Hale stated Caltrans happens to do most of their projects on 99 at night. Mr. Hale stated he traveled to the City of Tulare where he happens to be the City Attorney and there's a lot of development going on down there and when he goes back from a City Council meeting at 10:30 at night, he hits traffic because he is going through construction and there's all kinds of trucks all lined up.

Mr. Hale stated those trucks have to get there and the only way they can get there if there's a road project that's north of Madera is straight through their city either on Highway 145 or Cleveland Avenue; those are essentially the two ways they're going to get there. Mr. Hale stated they may very well have significant amount of truck traffic going through the City in the middle of the night. Mr. Hale stated they think it's an issue; they think it should be an issue to them.

Mr. Hale stated the number of trucks will be 102 if they use their numbers; based on their experts if they're operating at two, three and 400% capacity and if in fact they have significant load demands that's a much greater percentage than 12.5% heading in the City's direction; they may have hundreds of trucks going through the town and doing so in the middle of the night. Mr. Hale stated they think it's a significant impact, they think Council will get calls from their constituents, they think that's going to be a problem.

Mr. Hale stated they'd talk about noise for a minute. Mr. Hale stated there is no noise based on their expert analysis, there are no noise analysis done on Cleveland Avenue and Highway 145 in their town. Mr. Hale stated there are virtually no residential neighborhoods other than maybe on Avenue 12 which they think is also an issue except in their town and as they go down Highway 145 and as they go down Cleveland Avenue they're going to create a significant amount of noise. Mr. Hale stated that noise will exceed the General Plan Noise Element of the County but that's their personal opinion and the opinion of their experts.

Mr. Hale stated that at the end of the day, they think there will be significant truck traffic issues for them, they think there will be significant noise issues.

Mr. Hale stated they talk for a moment about safety. Mr. Hale stated one of the comments made during the Planning Commission hearing when they ultimately approved this project was that, he believes, the attorney for Vulcan got up and said that this is a fabulous project and one of the reasons it's so fabulous is

it sits right on two State Routes; State Route 145 and State Route 41. Mr. Hale stated that in his opinion he didn't really do his due diligence because both of those roads are incredibly dangerous roads.

Mr. Hale stated he pulled data from the Traffic Incident Officer from the Madera Office of the Highway Patrol who does essentially keeps records on fatal accidents from the BNSF Railroad on Highway 145 to 41 and where 41 crosses the river in the County Line to Road 200 there were 73 fatal accidents since 1993. Mr. Hale stated if they took all of eastern Madera County roads, all of them, from the BNSF Railroad to their eastern border, they had 37 in that same period of time.

Mr. Hale stated that essentially on those two roads, he hasn't driven it yet so he's going to estimate so don't hold him to this number, Mr. Hale stated it's probably about 40 miles of roads. Mr. Hale stated those two roads represent about 40 miles; represent about 198% of the fatal crashes in this County. Mr. Hale stated their constituents will drive those roads just like they do who live out in the County.

Mr. Hale stated there is virtually no mitigation; in the EIR they will ultimately mitigate the impacts of throwing potentially hundreds and thousands of trucks on those roads that ultimately will never be mitigated. Mr. Hale stated sure they pay their fair share but their argument to him was that they couldn't make him do more because of the Constitution. Mr. Hale stated that first of all he doesn't think Nollan and Dolan even applies here because it only applied to actual physical exactions, they don't apply to non-dedication conditions of permits but he won't even go into that; bore them with that. Mr. Hale stated the fact is they are claiming they can't be made to do more so they won't.

Mr. Hale stated they can say he's mischaracterizing the EIR; he doesn't think so. Mr. Hale stated they are going to suffer with significant impacts out in The Ranchos and many, many, many other areas which he won't bore them with that evening but for the purposes for the City of Madera and he's kind of fond of cities since he happens to be a City Attorney for many of them, he thinks they have an issue.

Mr. Hale asked why is he there tonight. Mr. Hale stated they have a meeting that starts at 9 o'clock in front of the Board of Supervisors this next Monday on the 12th; they would like if there is interest on the part of any of them, he knows this evening is not an action item and they can't formally take an action but they can certainly call, they can certainly write letters and they can certainly make personal appearances to voice their opinion. Mr. Hale stated if they think this is a great project that certainly is within their right to think so but if they have concerns like they do, to their constituents, to their safety, to the truck traffic that is going to go through their town, they would ask for Council's assistance in voicing their concerns to the Board of Supervisors either on or before the 12th.

Mr. Hale stated he was available for any questions; no questions were asked.

E. ADMINISTRATIVE REPORTS

E-1 Weekly Water Conservation Report for August 22nd through August 28th

And

Consideration of a Resolution Approving an Increase in the Amount of Rebate Awards for Water Conservation Measures (Report by Dave Randall)

Dave Randall, Public Works Operations Director stated that the weekly average went up slightly to 23 and today he got last week's numbers and it went up to 24 so at least they are doing a little better. Mr. Randall stated they obviously didn't make the 26% goal but they did improve a little bit. Mr. Randall stated they are still far behind what they were doing last year and he thinks that's just reflective of the general public sentiment and sort of de-emphasization of what the State's been doing.

Mr. Randall stated that to that end they've been reporting that they've turned in their figures to the State for self-certification of their goals and they finally have affirmed that the State's conservation goal for the City

of Madera is zero. Mr. Randall stated it doesn't mean they don't have any restrictions it just simply means they won't hold the City to a conservation number but the City still has to abide by the State's prohibitions; they can't water turf and medians, etc. Mr. Randall stated that it doesn't change the reality that they live in; they are still in a drought, they still have a water table that is not producing the same amount of water it used to.

Mr. Randall stated the State's not done; they will be coming back in January to revisit this issue so they could be back in January with new conservation measures mandated by the State once again. Mr. Randall stated he doesn't have a crystal ball and he can't tell Council what the State is going to do but for right now they have sort of backed off and they are not asking the City to make a certain goal.

Mr. Randall stated staff realizes that a lot of other jurisdictions have released some of their restrictions, have gone back to allowing people to do more watering and what staff has seen is that their water conservation has fallen back and they are not making any progress. Mr. Randall stated staff doesn't think that's really a prudent thing to do, to lose that momentum and potentially have to turn around and ramp back up after the State asks them to change again; it would be very difficult. Mr. Randall stated they have invested a lot in trusting their community, educating them and putting in rebates so they hope they can stay that course.

Mr. Randall stated they still aren't in a place where they can really handle the consequences. Mr. Randall stated before they started doing conservation and before the drought started they were pumping about 24 million gallons a day at peak periods. Mr. Randall stated right now they're down to 16 and a half million gallons a day as their peak but their capacity to produce water is only at about 20 so obviously if they went back to their old ways they'd be in trouble; they'd have low pressure issues, etc. Mr. Randall stated part of that has to do with the fact that their aquifer isn't what it was back then, it doesn't translate water as fast, their wells don't produce the same volumes and at the same rates that they used to.

Mr. Randall stated the City has a longer term plan to try to address that and be more effective and efficient in how they produce water. Mr. Randall stated it involves the building of a 7 million gallon above-ground storage unit. Mr. Randall stated rather than having a lot of wells to handle just the peak periods, they have a large storage unit, they fill that up during the off peak periods and electricity is cheaper and not everybody is taking a shower and then when they have their peak demand that allows them to do that.

Mr. Randall stated that to some degree they do that now with the City's tower; it is 1,000,000 gallons and when they have their peak demands, it depletes but they fill it back up by morning. Mr. Randall stated this will just make a little more elasticity, allows them to be a little more cost effective in not having to have so many wells and sort of creates the demand on a more constant basis.

Mr. Randall stated Council could most certainly look at some other alternatives. Mr. Randall stated normally in December they go to winter watering one day a week, some communities say no to going down to one, they could stay the course and just stay at two days a week so nobody would have to switch or remember what day they water or don't. Mr. Randall stated during the winter they don't have the peak demand issue; that is just a conservation measure to try to make their goals and since they don't have those, they're not as pushed although they still want conservation, they still need to be sustainable as a community.

Mr. Randall stated lastly they had suggested that they might increase some of the rebates that they offer. Mr. Randall stated they've had fairly good participation but not really what they thought they would get; surprisingly it hasn't tapered off completely either. Mr. Randall stated people tend to continue to participate to some degree but they are thinking they might be able to get a little more participation if they sweeten the deal a little bit so they've proposed a few things here: turf from 75¢ to \$1, toilets from \$50 to \$75, drip systems from \$30 to \$50 and allowing people to...a lot of people only do the timer so they'll split that out at \$30, clothes washer from \$50 to \$75, dishwashers from \$35 to \$50, smart timers from \$100 to \$150 and the mulch, nobody seems to be able to use that much mulch so they'll leave that alone.

Mr. Randall stated that was the proposal before the Council and they've prepared a resolution if Council chooses to enact that. Mr. Randall stated he would answer any questions and asked that Council consider enacting the resolution if Council feels it is appropriate.

Council Member Medellin stated not too far off topic but a couple of things; one on participation. Council Member Medellin asked if there was a way to track how they are being approached by the community and the residents. Council Member Medellin asked if it was online, phone calls or were they walking in. Council Member Medellin asked if Mr. Randall had an idea to kind of maybe better help Council as to where those efforts are being....

Mr. Randall asked if that was in terms of rebates and Council Member Medellin responded affirmatively.

Mr. Randall stated he can find out from his staff. Mr. Randall stated he didn't know that answer but they would look into it and see if they could track it.

Council Member Medellin stated it was just out of curiosity and asked if it was online, did they need more efforts online to help with that or if it's by phone; he's just kind of curious.

Council Member Medellin stated Mr. Randall had been talking about the wells and asked Mr. Randall to give them a very quick or brief synopsis on the condition of their wells, any maintenance and what it looks like.

Mr. Randall stated that as they know, they have 16 wells; they lost one the year before that won't recover; it's just too old, it's not going to happen.

Mr. Randall stated they have three wells that have bottomed out; there's more depth and it's fairly unlikely they'll be able to deepen them economically so their production is limited because they can't drop the bowls and make more efficient. Mr. Randall stated he thinks they can be resizable, sometimes they can put BFDs (backflow devices); they can do some other things but they have some limitations there.

Mr. Randall stated last year they brought Well 18 online and that's been a big help.

Mr. Randall stated currently they are getting the Water Quality Control Board to test Well 27; that is a high producing well that they have out on Pine Street and Industrial Avenue that generates 1,100 gallons per minute that had a problem, he won't go into the technical problems, that's been resolved so it's been off line for five years and they hope to bring it online next month or the month thereafter depending on how the testing goes.

Council Member Medellin thanked Mr. Randall and stated it was a nice presentation.

Council Member Oliver stated that real quickly, he would certainly be open to the suggestion and later, more cooler months this year to extend their two day watering a week period. Council Member Oliver stated certainly Maderans have definitely heeded the call to conserve; they've taken it seriously. Council Member Oliver stated he thinks if they look back at the data and their water usage even before the mandated conservation requirements, Maderans oftentimes used a lot less water per capita compared to other cities and municipalities in their region so it's something they take seriously, that they practice, and he would definitely consider bringing back or sustaining the two day a week later on this year.

Council Member Oliver stated that real quickly on the Incentives Program, he sees that grey water systems are missing. Council Member Oliver stated initially they had included that and asked what was; did anyone....

Mr. Randall stated they haven't struck upon a program that really has worked. Mr. Randall stated they had some initial what they thought was going to be good traction; it hasn't really borne too much fruit. Mr. Randall stated they still have a list of things they want to try. Mr. Randall stated the Water Conservation

Unit as they know, they increased the staff, they transferred people over from Billing Utilities and they do all the ons and offs now. Mr. Randall stated it has sort of jelled and they're hoping they will now be able to make a new effort to provide some new alternatives because it's been a year since they sort of did these and it's time to go back and see if they can't find some new blood, some new incentives. Mr. Randall stated he thinks there are some opportunities out there, some people, GBS and others have expressed willingness to work with them. Mr. Randall stated they've been looking for the low hanging fruit but they haven't been able to steal an idea from another city yet but they may just have to figure it out themselves.

Council Member Oliver stated he would be encouraged to see what other ideas and applications people are utilizing. Council Member Oliver stated he knows that before, folks had shared with him their use of hot water re-circulator pumps and that's definitely been wise so maybe even looking at an open category where they really measure what the gallons of water saved are to kind of equate whether or not they could incentivize that but he would certainly support the increases and he thinks they should encourage co-branding with GBSes and the Home Depots and Lowe's to really promote that certain appliances or applications are City incentivized programs and he thinks it would help both leverage their program and provide for good partnership with those folks as well.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM E-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

**RES. NO. 16-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
INCREASING THE AMOUNT OF REBATE AWARDS FOR WATER
CONSERVATION MEASURES**

E-2 Discussion and Request for Direction on Use of Mello Roos Financing Tools (Report by David Tooley)

Mayor Pro Tem Rigby stated that looking at their agenda, he is well aware of Item E-2 and the importance that it has to many people in the crowd that evening. Mayor Pro Tem Rigby stated that in order to assure that it gets his undivided attention, he called for a five minute recess and they would reconvene.

Hearing reconvened at 7:38 p.m.

David Tooley, City Administrator stated that at the Council meeting held on August 3rd, Council heard a request for an agenda item from Mr. Ron Montoya. He and his neighbors live in the Orchard Point Subdivision which is a KB Development. Mr. Tooley stated that the development is unique in Madera in that it is subject to two Mello Roos financing districts. Mr. Tooley stated that staff's understanding is that Mr. Montoya and his neighbors would like to see a reduction in the taxes they pay as a result of those two Mello Roos financing districts.

Mr. Tooley stated that staff had hoped to have a representative of the District Administrator that evening; they were unable to be there but staff has provided Council a limited scope report. Mr. Tooley stated staff will do their best to answer any questions. Mr. Tooley stated the report has been provided to Council and to Mr. Montoya and rather than hearing him talk about what they've already read, he will yield the microphone to Mr. Montoya and see what they can do in terms of response to the neighborhood.

Ron Montoya stated he really wanted to thank all his neighbors for trusting them and getting the word out. Mr. Montoya stated that some of the neighbors thought they were nuts; completely out of their minds when they told them about their mortgage going up \$500 in one month. He greeted his neighbors and stated his appreciation to them for coming.

Mr. Montoya stated they love their neighbors and in all of this process, he wants to start off with is they can buy a house, you can buy this, you buy the upgrades but you can't buy your neighbors and he's only been there two years.

Mr. Montoya stated he moved here in 2007 because of his kids. Mr. Montoya stated he doesn't have any family here, now he met his wife, now she packed up in her gated community, it's in Madera, met all those families there. Mr. Montoya stated maybe one of them or two of them are actually born and raised in Madera.

Mr. Montoya stated they chose to come to Madera for affordable housing and now there's a general consensus that they feel misled and they weren't given proper disclosure of this Mello Roos CFD tax, not only one but two and he wants to share with City Council proof on what his neighbor came up to him a few months ago and he really thought she was nuts; like \$500 and then it hit them so he wants to give some documents. Mr. Montoya stated it is his May statement showing that his payment went up \$500 the following month.

Brent Richardson, City Attorney advised Mr. Montoya that if he provides it to the Council, it's public record.

Mr. Montoya responded that it was fine.

Mr. Richardson stated he was just letting him know.

Mr. Montoya stated the first document is his May statement and his mortgage is \$1,272 with change. Mr. Montoya stated the second page is his June statement and it is \$1,972 in one month. Mr. Montoya stated the Mello Roos CFD, they all feel they were ambushed with this, nobody disclosed this, he knows it is the responsibility of the builder but they have several questions, they're peppered with several questions. Mr. Montoya stated this happened to several of his neighbors. Their payment is going up \$500. Mr. Montoya stated they signed a fixed rate; whatever their agreement was, that was their payment; all of a sudden, bam.

Mr. Montoya stated that City Councilman Donald Holley had no idea they were paying this. Mr. Montoya stated that Max Rodriguez who is out in the back had no idea they were paying this. Mr. Montoya stated their attorney stated wow, what a mess. Mr. Montoya stated their attorney cannot find the disclosures in their title documents.

Mr. Montoya stated he was going to hand over their supplemental tax to the Council. Mr. Montoya stated that on the supplemental tax form, they don't see a CFD on there and they're wondering why the City of Madera is being so stealth about this, why the City is not disclosing this to them; there's a lot of unknowns and when they tell families that they signed that document, they moved to Madera and get a great deal on a house but then six months or a year later.....

Mr. Montoya stated that had he budgeted for a \$1,972 mortgage, he would have a lot more options; he would be Rob's neighbor; he would have been Rob's neighbor.

Mr. Montoya stated that fortunately, he and his wife both work. Mr. Montoya stated his neighbors aren't so lucky, his neighbors are Veterans, his neighbors are on fixed incomes and they moved over here from the Bay Area with the intent of buying affordable housing.

Mr. Montoya stated he was with his neighbor yesterday and she is so reluctant to come, she's manic, she's paranoid, she's fearful of losing her home and her 72 year old husband has now taken a part-time job cleaning offices; they're from San Jose. Mr. Montoya stated these are the stories that hopefully his neighbors share with Council.

Mr. Montoya stated they are simply asking for a motion for tax relief from the City of Madera. Mr. Montoya stated they are working with an attorney; they hope it doesn't get that far but they are all on the same page, there's a general consensus there that they were misled; they weren't given proper disclosure before they signed the dotted line.

Mr. Montoya stated they chose to buy another home in Madera for affordable housing and that's the honest truth.

Mr. Montoya stated that in his research, the document he was going to show Council, Resolution 06-276 back in 2006. Mr. Montoya stated what a coincidence that Rob's not there because on that document, Rob passed and adopted the CFD that was approved by 61 voters and now they are wondering...61 voters, what was the back end deal. Mr. Montoya asked if the 61 voters were homeowners in their development, were the 61 voters just the developer, were they given an allocated vote, allocated number of votes because of how large the property was. Mr. Montoya asked if those voters are not a part of KB Home Benchmark community, how was that fair; how was that fair. Mr. Montoya stated this was passed and adopted by Rob who coincidentally is not there and that was why they were there. Mr. Montoya stated they are trying to be amicable about this, he was hoping actually for a magnanimous response from Rob but unfortunately he was not there.

Mr. Montoya stated that on August 1st, most of his neighbors who are there were at his house. Mr. Montoya stated it's just heartbreaking that Mr. Max Rodriguez and City Councilman in their district weren't aware of this; they had no explanation and they want answers and another thing is, he hoped he doesn't feel like he's droning on but this is a serious cause. Mr. Montoya stated they had to seriously take a pause because his homeowners are literally saying they are going to walk away, some are saying they are going to sell, some are saying they can't rent their house because who can afford a \$1,700 rent to make their mortgage. Mr. Montoya stated they are all in a pickle there but they hope they can work together.

Mr. Montoya stated that when all this went down in 2006, did number 06-276, the Clerk is directed to make a tax lien accordance provision to Section 3114.5 based on the Streets and Highways Code. Mr. Montoya asked if that was ever done. Mr. Montoya stated there are a lot of questions there and they hope they get some answers but he hopes they get some empathetic answers first.

Mr. Montoya stated that was pretty much his presentation and that they do have several speakers who would like to share their frustration.

Mrs. Montoya stated she just wanted to mention that they did have a meeting at their house at the beginning of August, she believed. Mrs. Montoya stated that Mr. Holley was there, Max Rodriguez and the County Assessor and they appreciated them coming because Gary Svanda shared a lot of information with them that they weren't aware of; they were starting to do research. Mrs. Montoya stated they appreciated them coming to their home. Mrs. Montoya stated they had quite a few neighbors, maybe 40 people in their living room and they appreciated them taking the time but what they are there to do is figure out how to fix this.

Mrs. Montoya stated they've met with their own personal attorney. Mrs. Montoya stated they would all have to pay for an attorney and they've done that themselves just to make sure they know what they're talking about. Mrs. Montoya stated they've also read the response; they understand that and they do know that they can bring it to Council's attention which she had the feeling Council didn't really know about this. Mrs. Montoya stated they didn't or they would have never bought there.

Mrs. Montoya stated all of them have put a lot of money into their homes; they bought everything local there. Mrs. Montoya stated they are all hardworking, their community is beautiful.

Mrs. Montoya stated they actually represent Cantera too so they have a Cantera homeowner there because it's affecting all of them now. Mrs. Montoya stated it was kind of slowly trickling down; it doesn't hit everybody at the same time so when their neighbor went to them, it didn't affect them yet so everybody was starting to get hit in different ways. Mrs. Montoya stated that have other neighbors around the block and theirs is exactly like theirs.

Mrs. Montoya stated it's gone up so much there's no reason to stay there, they won't stay, they have to sell and they don't have a choice; why would they pay that much.

Mrs. Montoya stated their attorney and other people that they know that do understand them; they're paying three times the amount of what other people pay and there's no reason. Mrs. Montoya stated they also have she believes it's \$70 for landscaping and other things that are supposed to be included in their development; that's on top of everything else. Mrs. Montoya stated they don't get anything for that; there's no incentive for them to stay.

Mrs. Montoya stated that information was never disclosed to them, they have all gone through their paperwork and they all met with the same people. Mrs. Montoya stated KB Homes Cantera was actually starting to tell some people now because they know that they've caught on so there's something not right and they will go after whoever they need to but it would be helpful if Council could do that for them as the City saying they didn't represent them when they were selling those new homes to all of those people who have come from different states, different city and have put a lot of money into the community.

Mrs. Montoya stated that was what she would like to say and she was sure they had a couple others that would like to say something.

Ron Carnegie stated he is a Veteran and he recently moved to Madera because he fell in love with the place; it was his first home and he was proud of it then all of a sudden it went up \$500 and Council can't imagine the amount of stress that came upon him and his family.

Mr. Carnegie stated they are young homeowners, they were proud to get their house, they love their neighborhood and they asked these questions. Mr. Carnegie stated he made sure it was not a balloon tax, he made sure it wasn't these other things, was there anything else that would make the payment go up and they said no, no, no and all of a sudden Ron went knocking on his door asking if his house payment had gone up \$500 and he told Ron no, that he was crazy and then it just happened.

Mr. Carnegie stated they are now seeing For Sale homes in their neighborhood and it's heartbreaking.

Mr. Carnegie stated it is his first City Council meeting and he likes the cohesion, he likes that everyone can go there and they are just looking for Council's support because this is not right. Mr. Carnegie stated they have people on a fixed income and he doesn't know what to tell his neighbors; it's not right.

Council Member Holley stated he had a question for Mr. Carnegie. Council Member Holley asked if the \$500 that went up, that he was talking about, was monthly or yearly.

Mr. Carnegie stated it is monthly; \$532 so his payment went from \$1,200 to \$1,700 something. Mr. Carnegie stated it hurts and he looked into becoming an Uber driver now to help out because they can't imagine the amount of stress and it's just out the blue.

Mirna Garcia stated her story is just like theirs. Mrs. Garcia stated she is a first buyer and she had no idea about..... Mrs. Garcia stated she asked about tax when she signed with KB Homes because of experience of her family members and friends. Mrs. Garcia stated they asked her to make sure her loan is not floating and make sure her loan is fixed so she made sure to ask all those questions. Mrs. Garcia stated the main question she had was would her payment be the same for the next 30 years and they said yes so they went through the process.

Mrs. Garcia stated she was 27 when she bought her house with her husband and then early this year her neighbors went to her door, it was her other neighbors and one of their payments went up \$240. Mrs. Garcia stated the next month her other neighbor went and her payment went up \$180. Mrs. Garcia stated the neighbor whose payment went up \$240 is a Veteran and he is on a fixed income and he purchased his home, she believes in April 2014. Mrs. Garcia stated her other neighbor purchased his home two months after which was June 2014 so two months after her first neighbor's mortgage went up and then it was theirs so then they asked her when she'd moved in, she moved in in October 2014.

Mrs. Garcia stated that exactly four or five months after theirs, her payment went up \$100; it wasn't like theirs, like that's a lot of money but she is also on a fixed income, she has two kids, she works full-time, she goes to school, she's trying to get her Bachelor's, she's on her last year, her husband is also in school and working, they have their kids in school, they love Madera.

Mrs. Garcia stated they moved from Fresno due to the houses being so expensive over there so they moved to Madera, they do not mind the driving, they are actually enjoying the City, they enrolled the kids in baseball, they have the kids in karate, everything is staying local, her money is staying in Madera, she does her groceries here and everything.

Mrs. Garcia stated she wouldn't like to leave Madera but she's at the point where if this doesn't get fixed she is going to have to put her house for sale because this time it was only \$100, she doesn't know if in six months it's going to go up another \$100 or suddenly \$500 so she would like them to answer some questions; the questions she has are the same questions Ron had. Mrs. Garcia thanked Council.

Council Member Oliver asked that when Mrs. Garcia mentions "they" would that be in reference to the homebuilder, a realtor.....

Mrs. Garcia stated it was KB Homes. She did all her paper with them and she financed with them.

Mayor Pro Tem Rigby asked that it wasn't a realtor; it was KB Homes.

Mrs. Garcia responded affirmatively that it was KB Homes.

Someone from the audience stated they have realtors on site.

Council Member Medellin asked that along those same lines, when Mr. Montoya says that either they or the community were misled and information was not disclosed, is that who they are talking about.

Someone from the audience replied affirmatively.

Council Member Medellin stated it was just so he had his notes straight.

Leah Robles stated she is a licensed realtor and she did represent her husband in the purchase of their home in the neighborhood. She too, knowing their income status, did come to Madera for the affordability of the housing.

Mrs. Robles stated they looked into it and decided this was somewhere they wanted to continue to grow their family and to become part of the community. Mrs. Robles stated she asked the questions specifically regarding the supplemental tax or any additional taxes that would affect them in the future because she had the experience of clients buying in other areas of Fresno and she tells them upfront and forward that they need to look into the supplemental taxes and any Mello Roos or any other taxes so she upfront asked that question. Mrs. Robles stated she told her that might not stop them from moving there unless it was an excessive amount but they did need to look into it and be informed and they did need to prepare for it.

Mrs. Robles stated she was told the supplemental tax would be a minimum because she even asked for the price of her lot so she could calculate that supplemental tax herself. Mrs. Robles stated the agent for KB told her there was no need to do that because the title company would estimate it and they would try their best so they pay it up front with their initial closing cost. Mrs. Robles stated the agent for KB told her it was already known and it was calculated in the money there coming forward. Mrs. Robles stated she said that was a good thing to know because they were there with all of their money, all their savings, they wanted to know that was what they were paying. Mrs. Robles stated she was told not to worry about it that everything was fine.

Mrs. Robles stated they got the supplemental tax, \$1,800, ok you know, alright and talked to Ron, same thing \$1,800. Mrs. Robles stated they didn't say anything about that then but now this \$500, if she is going to have a \$2,000 mortgage, she is going to take herself, her business and her family to Fresno or to Clovis because they came to Madera for it to be affordable.

Mrs. Robles stated they have two daughters in college, two in elementary school and one in high school so that's a lot of money and they attend the Madera Community College and they all go to school in Madera. Mrs. Robles stated they like the other people in their neighborhood shop here. She bought her car here. Mrs. Robles stated they intentionally try to put their money back here because they want Madera to do better things for the community.

Mrs. Robles stated they want a Costco or a Target. They want better things and they know that in order to have that they have to spend their money here so she goes out of her way, she works all over the valley, but she goes out of her way to do her shopping and do everything here because this is what they call home and this is where they live. They do have a great community of people as neighbors, so they don't want to move. Mrs. Robles stated that for \$2,000 a month they are going to have to move because it only makes sense. Why do the commute? Why would her husband have to drive an hour every day when he could drive 15 minutes and they could have a \$2,000 house payment at that price?

Mrs. Robles stated they would just like Council to consider it and maybe they could utilize some of that tax relief for their community and assist them in staying as a member in Madera.

Abel Hernandez stated he called Suzanna from KB Homes today and he wanted to know about this tax and she told him, she's the realtor from KB Homes, and she is the one that sold him his house, she told him that she had not heard of any tax like this. Mr. Hernandez stated if she doesn't know about this tax, there's no way he could know about this tax or his neighbors.

Mr. Hernandez stated he began to look at his bills and there is nothing showing different in his bills. He is not affected by it for some reason so he had decided that since he wasn't affected by it, he wasn't going to come because it's not affecting him. Mr. Hernandez stated he realized that his neighbors are being affected and that does affect him and so he is there today because of his neighbors.

Mr. Hernandez stated they have been talking about this and his little girl overheard them talking about this and her best friend lives right over on that side a block away and she's concerned now because that is her best friend. She's worried so this is really hurting the community, this is hurting Madera. Mr. Hernandez stated they have decided that regardless if he is affected or not, if his neighbors are affected and are going to be hurting that way then he's going to move too because he doesn't think it's fair that his neighbors should go through that and he shouldn't when he is also in the KB neighborhood. Mr. Hernandez stated it might affect him later; he doesn't know; he has not seen any effects of it yet.

Mr. Hernandez stated he loves Madera. He was born in Madera. He was born in the Madera Community Hospital. Dr. Wyte was the doctor that delivered him. Mr. Hernandez stated he has seen Madera grow. He has seen numerous schools such as the Nishimoto. He used to work for Sonny Nishimoto. Mr. Hernandez stated he's seen churches. There are several good churches in Madera such as Valley West, River Worship Center and many other ones. Mr. Hernandez stated he likes the community and he loves his neighbors. His neighbors are constantly walking, there's a park there and everyone gets to talk to each other. Mr. Hernandez stated he just wants to say that he feels it's completely unfair and he was there representing his neighbors. Mr. Hernandez thanked Council.

Amber Rodriguez stated she is a neighbor of Ron's and Leah. Mrs. Rodriguez stated that she and her husband bought a home; it will be three years November of that year. Mrs. Rodriguez stated they have not been affected by that tax but they are very afraid. Mrs. Rodriguez stated they both work full-time. She has one daughter. She commutes to Fresno every day and she is just very afraid to lose her home. Mrs. Rodriguez stated she has two disabled parents that live with her and they pretty much live off her. Mrs. Rodriguez stated she is afraid and just like the gentleman before she is there representing her community.

Mrs. Rodriguez stated her daughter is very happy in Madera. She goes to middle school in Madera. Mrs. Rodriguez stated she comes from Los Angeles and this is all new to her. Mrs. Rodriguez stated her husband wanted to live in Fresno and she said let's go further, let's go to a smaller town somewhere where her daughter could grow, somewhere where she could be proud of the town where she grew up in and this is not ok with them.

Mrs. Rodriguez stated she's more afraid of the effect after to have to take her daughter again, move her again, move her disabled parents and she's just afraid and she's not ok with this; she's not ok with the fact that they were not told this ahead of time.

Mrs. Rodriguez stated this is their first home, her husband and she, he's a correctional, they're trying to grow as professionals and this would just be a setback for them.

Mrs. Rodriguez stated they are afraid and they hope they as the City can help them and have some answers for them because all of them are just afraid to lose their homes.

Mrs. Rodriguez stated they pay \$1,400, if they had to pay \$2,000, she wouldn't do it, she would just go back to Fresno, find a smaller town where she can have her daughter grow up and somewhere where she could basically afford. Mrs. Rodriguez stated there is no way she's going to pay more than \$1,400, she can't; she can't afford it.

Mayor Pro Tem Rigby asked Mr. Montoya if there was anybody else who would like to share.

Marie Jones stated she lives on the Cantera side of the tracts next to the KB Homes. Mrs. Jones stated it's basically the same kind of story as everybody else. Their payment went up as of August 1st, it does take a hit on their budget; they do have young kids that want to be in sports, want to do extra activities, after school things. Mrs. Jones stated it is kind of hard to pump an extra \$300 to \$500 whatever that may be to try to keep the kids happy doing what they want to do.

Mrs. Jones stated it affects them in the way that they thought the same thing; if they wanted to have....., not be house poor and stay in a community.

Mrs. Jones stated she grew up here, she wasn't born here but she graduated from Madera High so she was happy here, her whole family lives here, they wanted to stay local because of them, because of the family but a lot of times they did consider a house in Fresno but because of the cost where they wanted to keep their budget they decided it was easier here, it was more house for their money basically so when they got the hit last month they asked themselves if they were happy there now.

Mrs. Jones stated it was now going to be that the budget was tight again and that's not what they wanted it to be. They did not want to have to struggle to try make things happen in other ways. Mrs. Jones stated it was basically the same kind of story. They were never told. She was never told about it. She never asked because it wasn't something that she knew about, the district tax.

Mrs. Jones stated she knew, of course everybody knows there are property taxes involved when they buy a home, that's natural, that's normal. Mrs. Jones stated other than that they told the lady at Cantera that they wanted to stay within that budget per month so that they could be comfortable there and she said ok then this is the house they can buy. Mrs. Jones stated they did, they went everything. Mrs. Jones stated the worksheet that was given never mentioned anything about this extra tax coming up beside their regular property taxes, their insurances. All of that was upfront in the worksheet but nothing about a tax going to hit them. Mrs. Jones stated they've only been in their house a little over a year and a half and to get the hit like that, it hurts and it hurts the families all around.

Mrs. Jones stated she doesn't know too many of her neighbors yet that have gotten hit with it. She's sure it is trickling down. Mrs. Jones doesn't know if the rest of them whether they're..... and maybe others are ok with it. She knows they're still getting to know their new neighbors at this point so they don't know too

many of their stories either on her side; the Cantera side. Mrs. Jones stated she believes she is the only one there today on that side of the building line but she was notified and she thought she was the only one until she talked to her next door neighbor. Mrs. Jones stated they haven't got their hit yet but they got the letter saying that was what they are going to be paying and it's just hard on a monthly budget to try to kick out that extra \$500.

Mrs. Jones stated she doesn't know too many people in Madera that have that extra money just petty cash in their pockets to say there you go. Mrs. Jones stated she just wants to see if Council can help, just give them a little help somewhere.

Council Member Oliver addressed Mrs. Jones and stated she'd mentioned the payment went up in August and asked how long Mrs. Jones owned her home there.

Mrs. Jones replied that'd been there just over a year and a half; they moved in end of January 2015.

Council Member Oliver asked prior to that it just came out of nowhere.

Mrs. Jones replied that yes, they got the letter in July so they got a month warning basically that they were going to get hit with the extra money as of August 1st so if they want to stay they're going to have to cough up that extra money to stay in that house or reduce your house down or something; they don't even know where to go right now, they don't know if they get a 1,000 square foot house to afford or do they have enough rooms for each of their kids to stay comfortably.

Council Member Oliver stated he could tell her as she's mentioned there's probably not a whole lot of folks that have that \$500 laying around, he knows he doesn't and he knows most of his colleagues don't either so they're empathetic.

Mrs. Jones stated they could understand \$50, that's something she was sure people....but when they get hit with a good \$500 more and not even enough notice to budget that extra money to come out, that's what hurts. That's why she thinks they're just basically feeling blindsided by the whole thing and the fact that the builders never mentioned that they were going to pay that much eventually. There was never a warning about it either. Not like they were eventually going to have to take this money from them because they want to do so and so stuff with the community. They didn't know.

Mayor Pro Tem Rigby asked if the letter came from KB.

Mrs. Jones stated the letter actually came from her mortgage company saying that she needed to pay that extra amount, she could pay in one chunk amount which she doesn't have \$3,000 also just to give the mortgage company to put in her escrow, no she doesn't have that just laying around either.

Council Member Oliver asked out of curiosity who the title company was.

Mrs. Jones stated she used US Bank mortgage which was actually sold to them after they moved in so it starts with of course.....

Council Member Oliver stated he is trying to track the similarities between the shared realtor to maybe the.....

Comments were made from the audience. [Inaudible]

Mrs. Jones stated that she thinks they all have different because they always sell the loan to somebody else once they start with them. Mrs. Jones stated the builder, the loan officer lady was there at the home site to where their office is so they are the ones of course doing all the paperwork first for them. They tell them that is what their monthly payment will be, sign, there you go but never warned them at all that they'd get hit that big at all in any way so they're upset.

Comments from the audience. [Inaudible...Mello Roos district...]

Mayor Pro Tem Rigby apologized and stated they are very interested to hear from the audience and directed them to please approach the microphone. Mayor Pro Tem Rigby stated they have to get this on record, that state law requires it and if they want to address Council then they should just step up to the mic.

Mrs. Jones stated she would pass it on and thanked Council for their time.

Mrs. Montoya didn't identify herself. Mrs. Montoya stated they were told by the County Assessor that they live in a Mello Roos district. Mrs. Montoya then addressed Council Member Holley asking, "Right, Mr. Holley?" Mrs. Montoya stated they were told that is why it's happening. She stated what happened is it wasn't disclosed to any of them. She stated that in 2006 Mr. Poythress voted this in so there was a vote back in 2006 when none of those homes were built to agree it was going to be a Mello Roos district so that's why it's the way it is. Mrs. Montoya stated there aren't any questions of why, they know why, he told them why but they weren't aware and she's happy Suzanna told him today that she didn't disclose any of this to them because legally that's what they need so that's great that she said that to him because she's admitting it was not disclosed to them and that's not legal to do that. Mrs. Montoya stated they know that for a fact. They met with their attorney so they would like for Council to fight for them as their representatives because that would make it easier on all of them. They would like Council's support in that way.

Mr. Montoya didn't identify himself. Mr. Montoya asked if there was anybody else who would like to come up and speak, share their frustration and kind of humanize their concern. Mr. Montoya stated he appreciated all of them coming up. He knows it's tough to get up in front of everybody. He really values their time and they have dinner tonight. He stated they get it but they cannot buy neighbors and they really appreciate it. This shows City Council that you cannot buy your neighbors.

Mr. Montoya stated they're asking for some tax relief, they hope it happens soon and hopefully Mr. Holley can make a motion today and they can all go home.

Mayor Pro Tem Rigby thanked Mr. Montoya and asked him to remain close in case any of his colleagues had any questions for him however he didn't have to stand.

Council Member Holley stated he wanted to recognize Max Rodriguez, their Supervisor for District 4 in the audience and his assistant. Council Member Holley stated they did meet with them and he was still puzzled about the overall price of this happening.

Council Member Holley stated his concern is he knows this is happening to different people and this district but it's not happening to everybody. Council Member Holley asked if anyone had a total or done research on how many might be affected by this.

Mr. Montoya stated that many of them have called their lenders and lenders don't have any answers. Mr. Montoya stated that if he can go under that assessment, under that CFD there's an 800 number that they've all been given. What happens is the County farms it out and then they are the ones that disclose this information and that's why they're there but that's their question too. Mr. Montoya stated it is \$500 a month, they times that by 12 and that's \$6,000 a year.

Council Member Holley stated it was \$6,732.

Mr. Montoya thanked Council Member Holley. Mr. Montoya stated they all know this started in 2006 with the help of Rob and it won't mature until 20 years from this date so this is a 30 year Mello Roos tax so they're there for the next 20 years so. Mr. Montoya stated if they don't do anything now most of those neighbors are going to pack up and leave and it's going to be vacant like it was vacant for many years.

Council Member Medellin stated that first of all he really wants to thank Mr. Montoya for representing his neighborhood. Council Member Medellin stated it obviously comes at a price and he can tell not only by him but by everybody there that it's had a pretty negative effect on everybody. They are away from their family, the stress. He's sure there have been some sleepless nights. Council Member Medellin stated it's taken a toll and he's taken the lead on that and he personally wants to thank him and thanked everybody for being there.

Council Member Medellin stated that Mr. Montoya had called him months ago about some oil in his neighborhood, regarding one of the trucks that had left some oil so he happened to drive over there and he can say that neighborhood is definitely a neighborhood of choice.

Council Member Medellin stated he can tell just by driving around how much they care about their neighborhood and he's talking about appearance only. Council Member Medellin stated he just drove through and drove around that one particular time and now he comes before the City Council and obviously show how much they care about one another and those are neighbors and Maderans they can certainly appreciate, really they can.

Council Member Medellin stated he wished it was under a better circumstance but unfortunately that is what brought him before them there today.

Council Member Medellin stated that in his opinion when they run for an elected office they inherit what's happened in the past. Council Member Medellin stated it is unfortunate but when they run for office that's what they do, they don't start from that day forward, they inherit what has happened in the past.

Council Member Medellin stated there is nobody up in the dais that was there in 2006 that can answer those questions and there are a lot of questions that he thinks they cannot answer tonight unfortunately.

Council Member Medellin stated he thinks they have multiple questions as far as who's been affected obviously there's nothing across the board; a cookie cutter thing that was done that they can put their thumb on.

Council Member Medellin stated Mrs. Montoya was right, it's not why they're doing this, they know it's a Mello Roos and there's some variations to that so what he was going to suggest was that they as a Council help them find more answers and get to the bottom of how this is affecting them. He thinks they owe them that much.

Council Member Medellin stated he doesn't think they can answer those questions tonight. As they know, it's going to take some in-depth research. It is going to take maybe some phone calls.

Council Member Medellin stated that Mr. Tooley had mentioned at the onset that there was representation that they tried to get there this evening and unfortunately maybe it was short notice, they couldn't get that representation. Council Member Medellin stated he's assuming they will continue to try and get somebody that can help with these questions that they have.

Council Member Medellin suggested a meeting with staff, Mr. Montoya and one or two of the neighbors so they can sit down and address the issues one by one and hopefully find some answers and possibly an outcome to this unfortunate event.

Mr. Montoya stated they had hoped Rob would be there because in the research, he knew, he'd done his research and he knew this is why you run for public office. This is the part of budget politics that gets nasty and that is why people get so inflamed because people who adopted and passed these measures are not here.

Council Member Medellin stated he understands that and he doesn't mean to cut Mr. Montoya off but in 2006 Rob was one of five that were there, he's assuming they were all there, but they are here now.

Mr. Montoya stated he had been hoping Rob was there too.

Council Member Medellin stated he understands that but...

Mr. Montoya stated what a coincidence.

Council Member Medellin stated Mr. Montoya's already made his point and he thinks they'll move forward from here on what they can do to best help the community; that's really what he's saying.

Mr. Montoya interjected, "move forward".

Council Member Medellin stated exactly, exactly.

Mr. Montoya asked who was going to take the lead, who was going to spearhead it from City Council to get in touch with them.

Council Member Medellin responded that if they could hear from their City Administrator first and then maybe they'll get to that point.

Mr. Tooley stated he thinks there are a couple of things Council would like to pursue and let him suggest a starting point.

Mr. Tooley stated the District Administrator can provide a lot of information to the residents that they don't have that evening. Mr. Tooley stated they saw one example where the cost to the resident was going up \$500 a year not \$500 per month so he can't connect the financial dots.

Mr. Tooley stated he thinks everybody in the room would like to have some specific information about their specific home so rather than make them use the 1-800 number, Mr. Tooley suggested they bring the District Administrator here. They can meet either as a group or individually. They'll see how they work that out but let's start out by getting Council some good information. Good information always leads to good decisions. Mr. Tooley stated he would see that as a first step.

Council Member Medellin stated he understands time is of the essence because until they get to that point those bills are still rolling in and expecting them to pay this money that is difficult for anybody to shell out. Council Member Medellin stated they will do their very best to get this done as quickly as possible.

Mr. Montoya asked if they had a timeframe of meeting with the City Manager.

Mr. Montoya also asked that the next time they are on the agenda that they be one of the first ones.

Council Member Medellin stated they do have an order in which they do things and they will certainly take that into consideration knowing that.....

Mr. Montoya stated it was a request.

Mr. Tooley stated he assumed Mr. Montoya was going to act as lead for the neighborhood.

Mr. Montoya stated he would be happy to.

Mr. Tooley stated what he thinks they will do is first thing tomorrow they make a call to the District Administrator, they find one or more dates that will work for them where they can dedicate a day or two visits. Staff will coordinate with Mr. Montoya and obviously the City can provide a meeting place.....

Mr. Montoya interjected that they can do this at his house and all the neighbors can go over.

Mr. Tooley stated whatever works best for the neighborhood, that's what they will plan to do.

Mr. Tooley asked Council if there was other direction they would like to provide that evening in terms how they want to approach the request.

Mayor Pro Tem Rigby stated he thinks he has as many questions as the homeowners do and he personally would like to hear from the District Administrator before they try to move forward. He or she will be able to get them going in the right direction.

Mayor Pro Tem Rigby stated he agrees with Mr. Montoya as well as all the homeowners that time is of the essence and stated that he values Mr. Tooley's cooperation in trying to make this happen as quickly as possible as well as any other staff members that may find themselves working on the matter.

Mayor Pro Tem Rigby thanked Mr. Montoya for representing his neighborhood essentially his family and for those that spoke tonight and even those that didn't, he thinks the message was very clear and he knows he looks forward to cooperating with them to do as much as they can.

He thanked Mr. Montoya for his service and to all the others for choosing their City. Mayor Pro Tem Rigby stated it is within their best interest to try to get them the proper answers they've been trying to get for the last several months.

Mr. Montoya thanked Mayor Pro Tem Rigby and asked if he'd like his number.

Mr. Tooley asked if they had Mr. Montoya's number. Mr. Tooley advised Mr. Montoya that they had his number. Mr. Tooley stated that one of things that Mr. Montoya could do that would expedite this was to provide staff with the addresses of those folks that have already contacted him. Mr. Tooley stated he can front load the District Administrator with those addresses and they can be prepared to have that very specific discussion.

Mr. Montoya asked if once they met they would be on the agenda item again.

Mr. Tooley stated that, again, Council makes those kinds of decisions but that he would assume that some of that would take place.

Mayor Pro Tem Rigby stated there would be some type of follow-up and suggested that Mr. Montoya connect with Mr. Tooley as they close the meeting tonight. They do have a couple of other items on the agenda but again thanked Mr. Montoya and ladies and gentlemen for again sharing their unfortunate event.

Mr. Montoya thanked Council.

E-3 Request for Direction on Council Participation in Old Timers Day Parade

And

Consideration of a Minute Order Authorizing the Mayor to the Sign Hold Harmless Agreement or Related Documents (Report by Sonia Alvarez)

Sonia Alvarez, City Clerk stated that as noted earlier in the meeting, the Old Timers' Day Parade is scheduled Saturday, September 24th.

Ms. Alvarez stated that Council has traditionally participated with an entry in the parade so tonight she requests direction on whether Council would like to participate again and if so, the parade coordinators now require that they sign a Hold Harmless Agreement to participate. Ms. Alvarez stated the City Attorney had reviewed the document.

Ms. Alvarez stated they don't have to share tonight the entry itself that they would like to use for the parade but to feel free to contact her any time in the next couple of days by email or coming by the office.

Ms. Alvarez stated they've used police vehicles, fire trucks and vehicles from car dealerships so if Council had any ideas they'd like to share and they'd like staff to try to pursue then of course staff would follow-up on that.

Mayor Pro Tem Rigby stated he might make a recommendation. Mayor Pro Tem Rigby stated last year he had the honor of being escorted by their Police Chief and he would definitely love to be associated with that again. Mayor Pro Tem Rigby stated that Council Member Oliver and he actually forewent their seatbelts and walked the length of the parade to pass out candies, business cards, stickers and he doesn't know, he thinks he ended up giving a dollar to a guy, a very persistent young man. Mayor Pro Tem Rigby stated he is not saying his Council Members would have to walk.

Council Member Medellin stated he would not be participating with the Council. He will have his own entry in the parade.

Council Member Foley Gallegos suggested going with their Code Enforcement like they did on National Night Out in a vehicle from Code Enforcement.

Ms. Alvarez stated they can absolutely make that happen if.....

Council Member Holley stated he would take whatever means available but he isn't walking.

Ms. Alvarez stated whatever the Council decides to do.

Mayor Pro Tem Rigby stated he is not picky. His son would like a fire truck but if Code Enforcement is.....

Ms. Alvarez stated they might be able to do a little variety. They were great suggestions and staff would follow-up on that part of it. Ms. Alvarez stated it sounded like they wanted to participate and requested a motion to approve the minute order.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, ITEM E-3 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

F. COUNCIL REPORTS

Council Member Robinson stated he went to the Lifetime Achievement Awards along with everybody else.

Council Member Robinson stated he then met with Congressman Costa and took a tour of the airport.

Council Member Robinson stated he was contacted about the bike trails by one of his constituents. The constituent's daughter was having a problem riding her bike to Desmond Middle School because the police said she couldn't ride on the sidewalk so he met with the Manager, he met with Max Rodriguez to see about painting some lines for the bike lanes.

Council Member Robinson stated he attended the Board of Supervisor's meeting that morning where he told the Board of Supervisors that he knew they couldn't repair the road because oil revenues are down, gas and all that but that they could paint lines for the bike lanes.

Council Member Robinson stated he had a lunch with Ron Manfredi at Maya Restaurant on Yosemite Avenue.

Council Member Robinson stated he attended the President Advisory Board for African American Student Success at Fresno State where they're trying to get all the leaders in the black community to help black students to be able to succeed so that was a plus right there.

Council Member Robinson stated he attended the Labor Pancake Breakfast in Fresno for the Laborers and they took pictures. Council Member Robinson stated Henry Perea and Congressman Jim Costa were there. Council Member Robinson stated there were a lot of families and there were a lot of kids running around.

Council Member Robinson stated he had a Conservancy for the San Joaquin River and they discussed the San Joaquin River concerning the Vulcan Material Gravel Mining lease. The lease is going to be up next year and they have five years to restore the grounds for the habitat for the plants and animals again and that's probably why Vulcan is looking towards Highway 41 and 145.

Council Member Foley Gallegos stated she attended, along with a couple other of her colleagues, a Neighborhood Watch on Orchard Avenue. Council Member Foley Gallegos stated there was a great turn out. They had Officer Valdez give some information and Lacy from the Police Department and Christina Herrera from Code Enforcement did a great job. Council Member Foley Gallegos stated they gave them their positive feedback but Councilman Medellin stepped up and talked about their half-cent tax that was really important; that they need to pass.

Council Member Foley Gallegos stated she got to meet with Chris Boyle, Planning Manager for a few hours to get some feedback and information about the Love's Travel Center which was enlightening so she understands what is happening and where they are going with that.

Council Member Foley Gallegos stated the best part was going on an inspection with Steve Woodworth, Chief Building Official to Planet Fitness; what a beautiful facility that is going to be. Council Member Foley Gallegos stated the Superintendent was down from Florida and Council Member Foley Gallegos got to meet her, Rachel and Rachel is very impressed with the Building inspection team and they work so well, very professional and Rachel said that they would come to Madera any day and build something in the City again and that was just wonderful to hear.

Council Member Foley Gallegos asked Rachel if she was going local and Rachel stated she is. Council Member Foley Gallegos stated that was nice to hear. Council Member Foley Gallegos stated Planet Fitness is building two more in Fresno and they are going to stay around here for a while. Council Member Foley Gallegos stated Planet Fitness is opening hopefully on September 23rd; they're shooting for that.

Council Member Foley Gallegos stated she'd like to thank Mr. Woodworth for taking her on that inspection and meeting those people. Council Member Foley Gallegos stated Planet Fitness also had two project managers there so it was a good day for her and Mr. Woodworth to be there.

Council Member Foley Gallegos stated they also went over to Dollar Tree and saw that building is almost up and running; they are pretty well ready to go.

Council Member Foley Gallegos thanked Mr. Woodworth and Mr. Boyle.

Council Member Holley stated they left out the most important part of that speech which is the new elementary school that's going to be built on Road 28 and Avenue 14; the Virginia Rose Elementary School. Council Member Holley stated a lot of the Council Members were there; probably all of them and the Mayor and that was one of the exciting things that's going to be happening in their City. Council Member Holley stated it is supposed to be up and running in July so that's going to be a treat.

Council Member Holley stated he attended the award ceremony for all the new alumni's, to see Jim and all the others being honored.

Council Member Holley stated the greatest part of his last week was an adventure. He spent it in Austin, Texas. Council Member Holley stated Council didn't sound surprised.

Council Member Holley stated he had a chance to visit the capital of Austin. The capital was made just like theirs in Sacramento. Council Member Holley stated the Austin, Texas City Council Hall was "wow".

Council Member Holley stated that when Madera starts working on their new one, he sure has some ideas because it was fantastic. Council Member Holley stated everything is in-house, everything is done and it's a big state and the city as well.

Council Member Holley stated he had a chance to visit some of his family back there in Texas that he hadn't seen in probably 10-11 years but the weather is not like Madera's. He was glad to be back in Madera. Council Member Holley stated he doesn't know how Texan folks put up with the weather; it's humid. Council Member Holley stated he did have a good time.

Council Member Holley stated he's back and back to work.

Council Member Holley stated he had his first Big Brother Big Sister luncheon with his little lunch buddy today. Council Member Holley stated if Council is not part of that program, they need to get involved.

Council Member Holley stated he is still working with the Boy Scouts so if Council has any kids that want to be part of Boy Scouts they should come on board.

Council Member Holley stated that other than that, everything has been running good.

Council Member Holley stated he told everybody in Texas about Madera and they asked where was Madera so he had to let them know it was California and he hates to use Fresno for a landmark but he had to.

Council Member Holley stated everything went well.

Council Member Medellin stated he had nothing to report.

Council Member Oliver stated he had nothing to report.

Mayor Pro Tem Rigby stated he'd like to remind everybody this is Madera District Fair week in the City of Madera and for each of Council to be involved. Mayor Pro Tem Rigby stated if they are interested, their one and only Council Member Oliver will be judging the Rib Contest on Saturday at 5:00 p.m. he believes so if they want to see Council Member Oliver with his barbecued face....

Mayor Pro Tem Rigby stated his wife sent him to look high and low for perhaps someone interested in judging the salsa contest on Sunday afternoon; perhaps there's a dignitary who would like to volunteer their time.

Mayor Pro Tem Rigby stated he would also like to congratulate the Parks Department as Centennial Park is coming along and looking incredible. Mayor Pro Tem Rigby stated he's had a chance to go over there a couple of times. His son is chomping at the bit to get in there and play and he knows Adoptive Soccer is taking registrations. Mayor Pro Tem Rigby stated he's really excited to see how that goes and the participation that comes of that and so again kudos to Mary Anne Seay, Director of Parks and Community Services and her team as they continue to build their special needs community and serve them so well.

Mayor Pro Tem Rigby encouraged everyone to go to the Madera District Fair.

Mayor Pro Tem Rigby stated that last but not least he'd like to take the time to go on record and state his condolences towards the Rearing family. Mayor Pro Tem Rigby stated Chuck Reiring was just a pivotal member of their community; not only was he a Sheriff but just a great guy. Mayor Pro Tem Rigby stated

Mr. Reiring was actually a Cub Scout leader of his and anytime a fallen police officer of their City goes down it tugs at his heart. Mayor Pro Tem Rigby stated he went to school with Mr. Reiring's son, Chuck. Mayor Pro Tem Rigby stated the Reiring family was more than involved with their City and different programs within their City and so if Council got a chance to just send happy thoughts and good vibes to their family, it would be greatly appreciated.

G. CLOSED SESSION

Brent Richardson, City Attorney announced that Council will adjourn to closed session in two items. The first item is Conference with Legal Counsel in Pending Litigation pursuant to Government Code §54956.9(d)(1); one case is listed and the second item is Conference with Legal Counsel in Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2); one matter.

Council adjourned to closed session at 8:39 p.m.

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

Lesia Chambers WCAB No. ADJ 9999708
- G-3 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case
- G-4 Closed Session Report – City Attorney

Council returned from closed session at 8:59 p.m. will all members present.

Mr. Richardson announced that Council adjourned to closed session in two items the first being Conference with Legal Counsel in Pending Litigation pursuant to Government Code §54956.9(d)(1) in one matter and Conference with Legal Counsel in Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) in one case and stated that no reportable action was taken in either matter.

ADJOURNMENT

The meeting was adjourned by Mayor Pro Tem Rigby at 9:00 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

SONIA ALVAREZ, City Clerk

ANDREW J. MEDELLIN, Mayor

Prepared by:
ZELDA LEÓN, Deputy City Clerk

City of Madera

Council Meeting Of	June 21st, 2017
Agenda Item No.	B-2

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

From: Office of the Director of Finance

Subject: Listing of Warrants Issued

Date: 06/21/2017

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

May 23rd, 2017 to June 12th, 2017

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

General Warrant:	13385-13647	\$	2,978,625.29
Wire Transfer	Union Bank Payroll and Taxes	\$	621,047.76
Wire Transfer	SDI	\$	2,056.71
Wire Transfer	Cal Pers	\$	0.00

Respectfully submitted,



Tim Przybyla
Financial Services Director

CITY OF MADERA
REGISTER OF AUDITED DEMANDS FOR BANK #1-UNION BANK GENERAL ACCOUNT
June 12th, 2017

CHECK	PAY DATE	ISSUED TO	DESCRIPTION	AMOUNT
13385	05/26/2017	ARAMARK UNIFORM SERVICES	04/17 UNIFORM SERVICES	4,371.12
13386	05/26/2017	AT&T	PD PRIVATE LINE SVS 03/19 - 04/18	748.88
13387	05/26/2017	AT&T	02/17 CALNET 3 SVS 9391026404	3,109.94
13388	05/26/2017	AT&T	02/17 CALNET 3 SVS 9391026414	4,594.69
13389	05/26/2017	AVISON CONSTRUCTION INC	Proj ST 14-05, Mais PO 7911	2,031.20
13390	05/26/2017	BSK ASSOCIATES	PERMIT COMPLIANCE LAB	227.00
13391	05/26/2017	CALIFORNIA DEPARTMENT OF JUSTICE	FINGERPRINT APPS	1,931.00
13392	05/26/2017	CALIFORNIA DEPARTMENT OF TRANSPORTATION	SHARED COSTS	408.13
13393	05/26/2017	CALIFORNIA FORENSIC INSTITUTE	PRE-EMPLOYMENT PSYCH EXAM	2,000.00
13394	05/26/2017	CANON FINANCIAL SERVICES	COPIER CHARGES	6,666.08
13395	05/26/2017	CITY OF MADERA	0517 UTILITY SVS 322 W 6TH ST	152.94
13396	05/26/2017	CITY OF MADERA	TOILET REPLACEMENT REBATE ACCT 6725011	50.00
13397	05/26/2017	CITY OF MADERA	TOILET REPLACEMENT REBATE ACCT 9055301	150.00
13398	05/26/2017	COMCAST	05/17 SVS 8155500320092096	121.96
13399	05/26/2017	COMCAST	CITY INTERNET CONNECTION 05/15-06/14/17	1,372.25
13400	05/26/2017	CONCENTRA MEDICAL CENTERS	PRE EMPLOYMENT PHYSICAL	228.50
13401	05/26/2017	CREATIVE COPY	ANNUAL REPORT - PD	800.69
13402	05/26/2017	DEVASTATING PYROTECHNICS, LLC	Fireworks Show Deposit	12,500.00
13403	05/26/2017	E & M ELECTRIC & MACHINERY, INC.	SCADA Software	14,799.29
13404	05/26/2017	ENTENMANN-ROVIN CO	BADGE	164.30
13405	05/26/2017	FRESNO BEE, THE	RECRUITMENT ADS-RECORDS CLERK	682.40
13406	05/26/2017	FRESNO CITY COLLEGE	PARKING PERMIT 140341-GART POKORNY	10.50
13407	05/26/2017	FRESNO POLICE DEPARTMENT	EVOC CLASS-CADET GARY POKORNY	200.00
13408	05/26/2017	GEIL ENTERPRISES, INC.	MAY 2017 JANITORIAL SVS	8,401.19
13409	05/26/2017	GORDON INDUSTRIAL SUPPLY CO	VFDs for wells 29 and 30	21,962.70
13410	05/26/2017	KER'S GAS & LUBE, INC.	PD CAR WASHES	133.00
13411	05/26/2017	LANGUAGE LINE SERVICES, INC.	TRANSLATION SERVICES	35.01
13412	05/26/2017	LAW & ASSOCIATES	LAW ENFORCEMENT EMPLOYMENT BACKGROUND/W. SMITH	2,100.00
13413	05/26/2017	MADERA CLEANERS AND LAUNDRY INC.	YOUTH CENTER MAT SVS	32.30
13414	05/26/2017	MADERA COUNTY TREASURER	APRIL 2017 PARKING PENALTIES	198.00
13415	05/26/2017	MADERA IRRIGATION DISTRICT	GSA FORMATION COMMITTEE-MID STAFF & BURDEN	200.80
13416	05/26/2017	MED-TECH RESOURCES, INC.	MTR DELUX BREAKAWAY VEST	403.67
13417	05/26/2017	MID VALLEY DISPOSAL INC.	WASTE DISPOSAL SERVICE MARCH 2017	581,477.34
13418	05/26/2017	NSP3	Playground surfacing	4,521.17
13419	05/26/2017	ONTRAC	OVERNIGHT SHIPPING	10.77
13420	05/26/2017	PACIFIC GAS & ELECTRIC	04/17 SVS 9920095153-3	31,254.46
13421	05/26/2017	CURIEL, CELIA	PARK DEPOSIT REFUND	50.00
13422	05/26/2017	JOHNSON, ROBERTA	PARK DEPOSIT REFUND	112.50
13423	05/26/2017	LOPEZ, URIEL	PARK DEPOSIT REFUND	50.00
13424	05/26/2017	MARTINEZ, ANTHONY	FACILITY DEPOSIT REFUND	100.00
13425	05/26/2017	MARTINEZ, ANTHONY	PARK DEPOSIT REFUND	50.00
13426	05/26/2017	RODRIGUEZ, DAISY	PARK DEPOSIT REFUND/CANCELLED PARTY	165.00
13427	05/26/2017	VALLADARES, ZUJEYA	PARK DEPOSIT REFUND	50.00
13428	05/26/2017	PECK'S PRINTERY	EVIDENCE TAGS	427.04
13429	05/26/2017	PHOENIX GROUP INFO SYS	CITATIONS APRIL 2017	430.40
13430	05/26/2017	PROVOST & PRITCHARD CONSULTING GROUP	PROFESSIONAL ENGINEERING DESIGN	6,634.26
13431	05/26/2017	RANEY PLANNING & MANAGEMENT, INC.	REIMB FOR HOME 2017 ARBORPOINT & MADERA FAMILY APT	4,583.52
13432	05/26/2017	REINARD W. BRANDLEY CONSULTING	Apron Phase II Engineering	27,683.40
13433	05/26/2017	SAMUEL E BALBAS	Exterior painting	22,825.00
13434	05/26/2017	SITE ONE LANDSCAPE SUPPLY LLC	COMMERCIAL CO STATION MC-E	1,264.50
13435	05/26/2017	SJVAPCD	17/18 ANNUAL PERMITS TO OPERATE	525.00
13436	05/26/2017	TAMARACK PEST CONTROL	MAY 2017 PEST CONTROL SVS	510.00
13437	05/26/2017	TESEI PETROLEUM INC.	FUEL CHARGES 05/01/17-05/10/17	14,117.48
13438	05/26/2017	ARTER CRYSTAL	Utility Billing Credit Refund	111.01
13439	05/26/2017	GALICIA, GRISEL	REFUND WATER CITATION FEE - ERROR	75.00
13440	05/26/2017	UNIVISION RECEIVABLES CO. LLC	Radio/Television Advertising.	3,910.00
13441	05/26/2017	VERIZON WIRELESS	COUNCIL IPAD SVC APR 11 - MAY 10	532.14
13442	05/26/2017	VILLA GARDENING SERVICE INC	APRIL GARDENING SVS	550.00
13443	06/01/2017	ADMINISTRATIVE SOLUTIONS INC.	CITY PAID RETIREE MEDICAL BILL JUNE 2017	42,551.79
13444	06/01/2017	ALL VALLEY ADMINISTRATORS	MEDICAL & CHILD CARE EXP ACCT 06/02/2017 PAYROLL	697.42
13445	06/01/2017	ARNOLD, JOSIAH	PER DIEM TRAINING MANAGERS COURSE	224.00
13446	06/01/2017	MADERA HS COYOTE BAND BOOSTER	VOIDED	0.00
13447	06/01/2017	MADERA ROYALS	TUP REPLACEMENT	149.00
13448	06/01/2017	STALLION ATHLETICS BOOSTERS	TUP REFUND	149.00
13449	06/01/2017	BSK ASSOCIATES	PERMIT COMPLIANCE LAB	47.00
13450	06/01/2017	BURRITO KING	VISION LEADERSHIP ACADEMY	1,204.82

13451	06/01/2017	CENTRAL VALLEY CHAPTER	USC MANUALS FOR BACKFLOW CLASS	200.00
13452	06/01/2017	COLONIAL LIFE & ACCIDENT INSURANCE CO	E700482-3 FOR 06/02/2017 PAYROLL	1,080.04
13453	06/01/2017	COMCAST	05/22- 06/21 SVS 8155500320322006	95.63
13454	06/01/2017	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	462.50
13455	06/01/2017	CPRS DISTRICT VII	SUMMER LEADERS WORKSHOP	180.00
13456	06/01/2017	CREATIVE COPY	MAX AREA EXPRESS TICKETS	917.38
13457	06/01/2017	DEPARTMENT OF FORESTRY AND FIRE	4TH QUARTER ESTIMATE	734,453.40
13458	06/01/2017	DIVISION OF LABOR STANDARDS ENFORCEMENT	ELECTRICIAN CERT EXAM MICHAEL BOWEN	175.00
13459	06/01/2017	EVERGREEN LAWN CARE & MAINTENANCE, INC.	DOWNTOWN MAINT FOR APRIL 2017	790.00
13460	06/01/2017	EWING IRRIGATION PRODUCTS	PESTICIDE	615.46
13461	06/01/2017	FOSS, DAN	PER DIEM SLI SESSION 2	224.00
13462	06/01/2017	FRESNO COUNTY OFFICE OF EDUCATION- SCOUT ISLAND	AFTER SCHOOL PROGRAM FIELD TRIP TO SCOUT ISLAND	1,175.00
13463	06/01/2017	HERC RENTALS	EQUIPMENT RENTAL	1,586.95
13464	06/01/2017	HIGHWAY PRODUCTS, INC.	#6801 UP-FIT BED TOP AND TOOL	4,785.90
13465	06/01/2017	IPROMOTEU.COM INC	MOSSY OAK BREAK-UP FLEXFIT CAP	2,397.00
13466	06/01/2017	LIEBERT CASSIDY WHITMORE	LEGAL FEES	3,102.00
13467	06/01/2017	LINCOLN AQUATICS INC.	CHLORINE FOR POOL	1,107.64
13468	06/01/2017	LINCOLN FINANCIAL	LIFE AND LTD APRIL 2017	7,581.43
13469	06/01/2017	MADERA COUNTY	AMTRAK 50% SHARE BILL JULY-SEP 2016	4,645.81
13470	06/01/2017	MADERA COUNTY TRANSPORTATION COMMISSION	FY 2016-17 MEMBER ASSESSMENT FEE	11,582.00
13471	06/01/2017	MOLINA, HUMBERTO	ASCE/APWA LUNCHEON REIMBURSEMENT	25.00
13472	06/01/2017	MOORE-TWINING ASSOCIATES, INC.	PROF SVS FOR PROJECT R-000051	30.00
13473	06/01/2017	MUNISERVICES, LLC	SUTA SERVICES FOR TAX QTR ENDING 12/31/16	2,110.95
13474	06/01/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-02 FOR 06/02/2017 PAYROLL	2,418.74
13475	06/01/2017	NICHOLS CONSULTING ENGINEERS, CHTD.	STATE MANDATED COST CONSULTING SERVICES	1,200.00
13476	06/01/2017	BOREN, WAYNE	TURF REPLACEMENT REBATE	537.50
13477	06/01/2017	P G AND E	05/17 SVS 6690755760-8	117.62
13478	06/01/2017	PRAXAIR DISTRIBUTION, INC.	CYLINDER DEMURRAGE	510.57
13479	06/01/2017	PRINCIPAL LIFE INSURANCE COMPANY	JUNE 2017 DENTAL INSURANCE	17,093.72
13480	06/01/2017	PURCHASE POWER	YOUTH CENTER POSTAGE REFILL	77.27
13481	06/01/2017	REGENCE BLUECROSS BLUESHIELD OF UTAH	CITY PD RETIREE MED BILL CHUMLEY JUNE 2017	321.00
13482	06/01/2017	SITE ONE LANDSCAPE SUPPLY LLC	LANDSCAPE SUPPLY	880.56
13483	06/01/2017	STANTEC CONSULTING SERVICES INC.	CONSULTING SVC WWTP PHASE 1 REHAB PROJECT	25,975.75
13484	06/01/2017	SUPERIOR VISION INC.	JUNE 2017 VISION INSURANCE	2,400.84
13485	06/01/2017	TESEI PETROLEUM INC.	EQUIPMENT FUEL	2,439.41
13486	06/01/2017	TESEI PETROLEUM, INC.	FUEL	395.19
13487	06/01/2017	TESEI PETROLEUM, INC.	FUEL	456.64
13488	06/01/2017	ACTION REAL ESTATE & CONST	Utility Billing Deposit Refund	12.79
13489	06/01/2017	AGUIRRE GLORIA OR CITY OF MADERA	Utility Billing Credit Refund	150.50
13490	06/01/2017	ALHOMEDI YAHYA ABDO OR CITY OF MADERA	Utility Billing Credit Refund	310.21
13491	06/01/2017	ALVARADO CLAUDIA	Utility Billing Credit Refund	116.54
13492	06/01/2017	ANCELMO PEDRO	Utility Billing Credit Refund	90.27
13493	06/01/2017	ANDERSON CHRISTOPHER AND SHANNON	Utility Billing Credit Refund	162.07
13494	06/01/2017	ARROYO JOE M	Utility Billing Deposit Refund	74.24
13495	06/01/2017	BALLESTEROS PERALTA LAURA	Utility Billing Credit Refund	135.71
13496	06/01/2017	BOND PHILLIS I	Utility Billing Deposit Refund	40.98
13497	06/01/2017	BRAR HOLDINGS INC	Utility Billing Deposit Refund	109.24
13498	06/01/2017	BRIGGS BRIAN	Utility Billing Credit Refund	185.00
13499	06/01/2017	CARMONA ROBERT	Utility Billing Credit Refund	228.88
13500	06/01/2017	CASTILLO EVELYN	Utility Billing Credit Refund	79.01
13501	06/01/2017	CASTRO JOSHUA	Utility Billing Credit Refund	95.07
13502	06/01/2017	CHAUDHRY KHALID	Utility Billing Deposit Refund	25.81
13503	06/01/2017	CITY OF MADERA OR ARANCIBIA ROGER	Utility Billing Credit Refund	150.81
13504	06/01/2017	CITY OF MADERA OR INFANTE PEDRO	Utility Billing Credit Refund	150.30
13505	06/01/2017	CITY OF MADERA OR LOPEZ JUAN MAGDALENO	Utility Billing Credit Refund	151.10
13506	06/01/2017	CITY OF MADERA OR ROBERTS AARON	Utility Billing Credit Refund	150.76
13507	06/01/2017	CORREA MARY	Utility Billing Credit Refund	120.06
13508	06/01/2017	COUSHMAN MARNEE	Utility Billing Credit Refund	6.56
13509	06/01/2017	DARRAH ZACHARY AND MARY	Utility Billing Credit Refund	147.78
13510	06/01/2017	DESMOND RYAN	Utility Billing Credit Refund	110.52
13511	06/01/2017	DOTSON JESALYN	Utility Billing Credit Refund	177.34
13512	06/01/2017	ELROD GLEN AND CLAUDETTE	Utility Billing Deposit Refund	77.53
13513	06/01/2017	ESCHEIK FARRIS N	Utility Billing Credit Refund	31.14
13514	06/01/2017	FERNANDEZ ESTEVAN	Utility Billing Credit Refund	154.77
13515	06/01/2017	FLORES HOLDINGS LLC	Utility Billing Credit Refund	234.72
13516	06/01/2017	FLORES MARIA	Utility Billing Deposit Refund	136.07
13517	06/01/2017	FOLLOW UP	Utility Billing Credit Refund	223.44
13518	06/01/2017	FOLLOW UP	Utility Billing Deposit Refund	84.82
13519	06/01/2017	GAITHER CODY MICHAEL	Utility Billing Credit Refund	160.19
13520	06/01/2017	GARCIA BERNABE PINACHO OR CITY OF MADERA	Utility Billing Credit Refund	151.37
13521	06/01/2017	GLANTZ BARBARA M	Utility Billing Deposit Refund	18.38

13522	06/01/2017	GONZALES EMMA LOPEZ	Utility Billing Credit Refund	132.98
13523	06/01/2017	GRECI THOMAS A	Utility Billing Credit Refund	187.08
13524	06/01/2017	GUTIERREZ NICA	Utility Billing Credit Refund	97.11
13525	06/01/2017	HERNANDEZ TOMAS PEREZ	Utility Billing Credit Refund	78.40
13526	06/01/2017	HLM INVESTMENTS LLC	Utility Billing Credit Refund	6,576.30
13527	06/01/2017	HUNDAL RAJBIR AND KAUR VIRPAL AND BHANGU SINGH	Utility Billing Credit Refund	224.05
13528	06/01/2017	INDEPENDENT PROPERTY MGMT	Utility Billing Deposit Refund	2.92
13529	06/01/2017	LARA ALAN OR CITY OF MADERA	Utility Billing Deposit Refund	240.00
13530	06/01/2017	LU CU	Utility Billing Credit Refund	159.38
13531	06/01/2017	MADRIGAL TIFFANY C AND GARCIA MICHAEL	Utility Billing Credit Refund	11.57
13532	06/01/2017	MARISCAL ESMERALDA	Utility Billing Credit Refund	98.29
13533	06/01/2017	MARTINEZ BLANCA LUZ	Utility Billing Credit Refund	147.19
13534	06/01/2017	MAYORGA KATIE	Utility Billing Deposit Refund	136.54
13535	06/01/2017	MC MONIGAL TERRI	Utility Billing Deposit Refund	77.25
13536	06/01/2017	MILLER JEFF	Utility Billing Credit Refund	114.48
13537	06/01/2017	MIRELES ANGELA	Utility Billing Deposit Refund	15.93
13538	06/01/2017	MONTELONGO FRANK	Utility Billing Deposit Refund	51.06
13539	06/01/2017	MORALES MELISSA	Utility Billing Deposit Refund	38.00
13540	06/01/2017	NASSER ALI	Utility Billing Deposit Refund	31.09
13541	06/01/2017	NGUYEN RANDY	Utility Billing Deposit Refund	30.07
13542	06/01/2017	OCHOA GILA	Utility Billing Credit Refund	106.33
13543	06/01/2017	PATINO JAIME	Utility Billing Credit Refund	387.81
13544	06/01/2017	PERCY MICHAEL	Utility Billing Deposit Refund	92.25
13545	06/01/2017	PEREZ BECKY	Utility Billing Credit Refund	169.25
13546	06/01/2017	POND LORI	Utility Billing Credit Refund	135.84
13547	06/01/2017	QUINONEZ ANTHONY	Utility Billing Deposit Refund	49.15
13548	06/01/2017	QUIROGA YOLANDA	Utility Billing Credit Refund	116.61
13549	06/01/2017	RAZO JORGE	Utility Billing Deposit Refund	74.53
13550	06/01/2017	RAZO JORGE AND GOMEZ EVARISTO J	Utility Billing Credit Refund	162.42
13551	06/01/2017	RIVERA MARIA ISABEL URRUTIA DE	Utility Billing Credit Refund	141.03
13552	06/01/2017	ROCHA JOSE GUADALUPE c/o MADERA MANAGEMENT CO INC	Utility Billing Deposit Refund	103.23
13553	06/01/2017	ROJAS JOHN A	Utility Billing Credit Refund	4.84
13554	06/01/2017	SALAZAR JHOVANNA AND ZUNIGA JUAN	Utility Billing Credit Refund	229.92
13555	06/01/2017	SARAMA AMER OR CITY OF MADERA	Utility Billing Credit Refund	254.85
13556	06/01/2017	SEITZ RALPH	Utility Billing Deposit Refund	69.31
13557	06/01/2017	SOTO HERNANDEZ DIONICIA	Utility Billing Credit Refund	150.69
13558	06/01/2017	TAPIA GIOVANNI O	Utility Billing Credit Refund	52.03
13559	06/01/2017	THE CITY OF MADERA OR BLICK ALDEN H	Utility Billing Credit Refund	151.28
13560	06/01/2017	VALENCIA PEDRO	Utility Billing Credit Refund	140.11
13561	06/01/2017	VALLADARES ANTONIO OR CITY OF MADERA	Utility Billing Credit Refund	150.69
13562	06/01/2017	VAN ALEN MARK	Utility Billing Credit Refund	260.01
13563	06/01/2017	WHITSON OLEN	Utility Billing Credit Refund	96.54
13564	06/01/2017	XU LIN XING	Utility Billing Deposit Refund	76.22
13565	06/01/2017	UNITED HEALTHCARE INSURANCE COMPANY	CITY PAID HEALTH CARE JUNE 2017	252,320.94
13566	06/01/2017	VANTAGEPOINT TRANSFER AGENTS-457	PLAN #302351 CONTRIBS FOR 06/02/17 PAYROLL	22,926.42
13567	06/01/2017	VERIZON WIRELESS	CITY CELL PHONE CHARGES APR 11- MAY 10	3,980.39
13568	06/01/2017	WATERTALENT, LLC	Temporary Staff for WWTP Opera	3,800.00
13569	06/01/2017	WEST COAST ARBORISTS, INC.	PARK TREE MAINTENANCE	4,520.00
13570	06/01/2017	WILLDAN FINANCIAL SERVICES	CFD FEES FOR JUNE 2017	807.99
13571	06/09/2017	AMERICAN MOBILE SHREDDING	SHREDDING SERVICES	280.00
13572	06/09/2017	AT&T	PD PRIVATE LINE SVS 05/19 - 06/18	374.44
13573	06/09/2017	AT&T	05/17 CALNET 3 SVS 9391031575	1,231.26
13574	06/09/2017	CENCAL FIRECRACKERS DAVIS	TUP REFUND	149.00
13575	06/09/2017	HERRERA, EYDER	SITE PLAN REVIEW REFUND	882.00
13576	06/09/2017	MERCED CO COMMUNITY ACTION	REFUND PERMIT 20170438	53.07
13577	06/09/2017	THE SALVATION ARMY	REFUND OVERPAYMENT ON SIGN PERMIT	3.00
13578	06/09/2017	BSK ASSOCIATES	PERMIT COMPLIANCE LAB	39.00
13579	06/09/2017	BSN SPORTS	ADULT SOFTBALL BALLS	184.61
13580	06/09/2017	BURLESON, LACY	EDUCATION REIMBURSEMENT	1,800.00
13581	06/09/2017	CALIFORNIA BOILER INC.	DIGESTER #3 BOILER TROUBLESHOOT	1,377.40
13582	06/09/2017	CALIFORNIA DISTRICT ATTORNEY'S ASSOC	ASSET FORFEITURE DISTRIBUTION	7.63
13583	06/09/2017	CALIFORNIA FORENSIC INSTITUTE	PRE-EMPLOYMENT PSYCH EXAM	1,600.00
13584	06/09/2017	CHURCH, MARY	PER DIEM FAA WESTERN PACIFIC REGION AIRPORTS CONF	523.60
13585	06/09/2017	CITY OF MADERA	MISAPPLIED PMT - APPLY TO AR ACCTS 3204 & 3209	36.00
13586	06/09/2017	CITY OF MADERA	TOILET REBATE - APPLY TO ACCT 9055035	75.00
13587	06/09/2017	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	1,408.00
13588	06/09/2017	CORELOGIC INFORMATION SOLUTIONS INC	REALQUEST 05/17	175.00
13589	06/09/2017	DEPARTMENT OF FORESTRY AND FIRE	3RD QTR ACTUAL BILLING FOR CITY CONTRACT 16/17 FY	793,718.48
13590	06/09/2017	DIAMOND COMMUNICATIONS	ALARM SYSTEM SERVICE	1,174.00
13591	06/09/2017	EUROFINS EATON ANALYTICAL, INC.	WATER SAMPLES	2,047.00
13592	06/09/2017	EVERGREEN LAWN CARE & MAINTENANCE, INC.	GRP 3 MEDIAN MAINTENANCE MAY 2017	28,650.00

13593	06/09/2017	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION ENG SVS 05/16/17-05/31/17	8,981.25
13594	06/09/2017	FRESNO MADERA AREA AGENCY ON AGING	UNSERVED MEALS	61.60
13595	06/09/2017	GEIL ENTERPRISES, INC.	BOBRICK SURFACE MOUNT SOAP DISPENSER	56.69
13596	06/09/2017	GUARDIAN WESTERN SWEEPING INC.	MONTHLY POWER SWEEPING	537.00
13597	06/09/2017	HILL, ROBERT	PER DIEM TERRORISM LIAISON OFFICER COURSE	111.00
13598	06/09/2017	JORGENSEN COMPANY	FIRE EXT SERVICE	285.72
13599	06/09/2017	KAISER FOUNDATION HEALTH PLAN	PRE-EMPLOYMENT EXAM	35.00
13600	06/09/2017	LEGACY K9 INC.	K-9 BI-MONTHLY MAINTENANCE TRAINING	1,733.32
13601	06/09/2017	LIFELOC TECHNOLOGIES, INC.	LIFELOC	202.09
13602	06/09/2017	LNI CUSTOM MANUFACTURING, INC.	TRASH RECEPTACLES AND LINERS	14,766.46
13603	06/09/2017	MADERA CHAMBER OF COMMERCE	SENIOR FARMER DINNER 2017	50.00
13604	06/09/2017	MADERA COUNTY	AMTRAK 50% SHARE BILL JAN - MAR 2017	1,095.45
13605	06/09/2017	MADERA COUNTY AUDITOR	Animal Shelter Services FY 16/17	43,749.99
13606	06/09/2017	MADERA COUNTY DISTRICT ATTORNEY	ASSET FORFEITURE ORG KEY 03510, ACCT 673903	163.68
13607	06/09/2017	MADERA POLICE DEPARTMENT	ASSET FORFEITURE DISTRIBUTION DRUG & GANG ACTIVITY	114.48
13608	06/09/2017	MADERA POLICE DEPARTMENT	ASSET FORFEITURE DISTRIBUTION	381.61
13609	06/09/2017	MADERA TRIBUNE	WATER AND SEWER OPERATIONS ADVERTISEMENT	273.00
13610	06/09/2017	MINJ TECHNOLOGIES DIRECT, INC.	VIRUS SOFTWARE	1,187.75
13611	06/09/2017	MOY & ASSOCIATES	CONSULTING SERVICES	794.88
13612	06/09/2017	LAW OFFICES OF GREGORY L. MYERS	LATEEF V. CITY OF MADERA (FEDERAL) NO. 000531002	132.50
13613	06/09/2017	LAW OFFICES OF GREGORY L. MYERS	LATEEF V. CITY OF MADERA - FILE NO. 000531001	1,796.95
13614	06/09/2017	N.P.C.-ORCHARD TRUST COMPANY	PLAN #340227-01 FOR 6/02/17 PAYROLL	8,234.08
13615	06/09/2017	PACIFIC GAS & ELECTRIC	05/17 SVS 8307681856-2	16,161.36
13616	06/09/2017	PALOMINO, ROSALIA	PARK DEPOSIT REFUND	50.00
13617	06/09/2017	PECK'S PRINTERY	WATER CONSERVATION MAGNETS	242.48
13618	06/09/2017	PEQUENOS EMPRESARIOS	REIMBURSEMENT FOR 16/17 1ST & 2ND QTR EXPENSES	3,923.59
13619	06/09/2017	PITNEY BOWES, INC.	RED INK CTDG	534.55
13620	06/09/2017	POLYDYNE INC.	SLUDGE DEWATERING POLYMER	4,132.99
13621	06/09/2017	RANDALL, DAVE	PER DIEM FAA WESTERN PACIFIC REGION AIRPORTS CONF	224.00
13622	06/09/2017	RESERVE ACCOUNT	PREPAID POSTAGE METER USAGE 03/17 - 05/17	1,200.00
13623	06/09/2017	RNL DESIGN	PROFESSIONAL ARCHITECTURAL & ENGINEERING SERVICES	19,900.78
13624	06/09/2017	SHI INTERNATIONAL CORP.	Network Monitoring Software	3,682.01
13625	06/09/2017	STATE OF CALIFORNIA	ASSET FORFEITURE DISTRIBUTION ACCOUNT 601000	76.32
13626	06/09/2017	STATE OF CALIFORNIA	ASSET FORFEITURE DISTRIBUTION ACCOUNT 601000	183.17
13627	06/09/2017	STATE WATER RESOURCES CONTROL BOARD	DISTRIBUTION OPERATOR EXAM FEE - CHRIS OHARO	50.00
13628	06/09/2017	STOCKBRIDGE GENERAL CONTRACTING INC.	PINE STREET-PECAN AVENUE MEDIAN	22,571.14
13629	06/09/2017	TESEI PETROLEUM INC.	PROPANE	1,461.13
13630	06/09/2017	TESEI PETROLEUM, INC.	FUEL	566.41
13631	06/09/2017	THYSSENKRUPP ELEVATOR CORPORATION	YOUTH CENTER ELEVATOR SERVICE	250.32
13632	06/09/2017	ALVAREZ ALEJANDRINA	Utility Billing Credit Refund	225.34
13633	06/09/2017	ARRIETA AARON CELINO AND FLOR M NUNEZ	Utility Billing Credit Refund	145.79
13634	06/09/2017	CABRERA JUAN JOSE	Utility Billing Credit Refund	150.58
13635	06/09/2017	CAPELLUTI NICKOLAS A	Utility Billing Credit Refund	121.28
13636	06/09/2017	CHOY DANIEL	Utility Billing Credit Refund	161.09
13637	06/09/2017	GALLEGOS ALFRED A	Utility Billing Credit Refund	257.38
13638	06/09/2017	GOMEZ CYNTHIA	Utility Billing Credit Refund	85.23
13639	06/09/2017	GONSALEZ-RIVERAS JESUS	Utility Billing Credit Refund	124.78
13640	06/09/2017	KAUR HARMANDEEP	Utility Billing Credit Refund	165.58
13641	06/09/2017	LIS OPCO TWO LLC LONG JOHN SILVERS	Utility Billing Credit Refund	806.47
13642	06/09/2017	MILLER STEVEN T	Utility Billing Credit Refund	112.16
13643	06/09/2017	RICHARDSON MICHAEL OR CITY OF MADERA	Utility Billing Credit Refund	152.15
13644	06/09/2017	SINGH JASVIR	Utility Billing Credit Refund	215.36
13645	06/09/2017	WATSON ISABEL	Utility Billing Credit Refund	15.25
13646	06/09/2017	WILLIAMS KEYONNA	Utility Billing Credit Refund	130.80
13647	06/09/2017	WATERTALENT, LLC	Temporary Staff for WWTP Op	3,800.00
Bank # 1 - Union Bank General Account Total				2,978,625.29

REPORT TO CITY COUNCIL

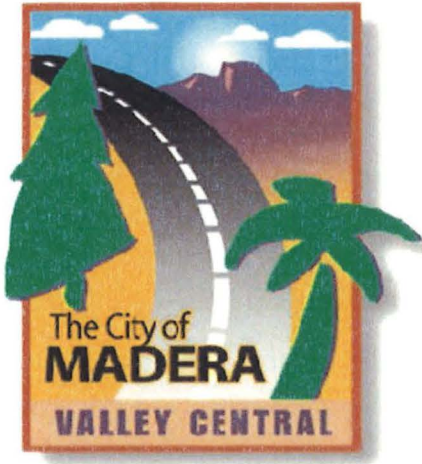
MEETING DATE: June 21, 2017

AGENDA ITEM NUMBER: B-3

Approved By:


PUBLIC WORKS DIRECTOR

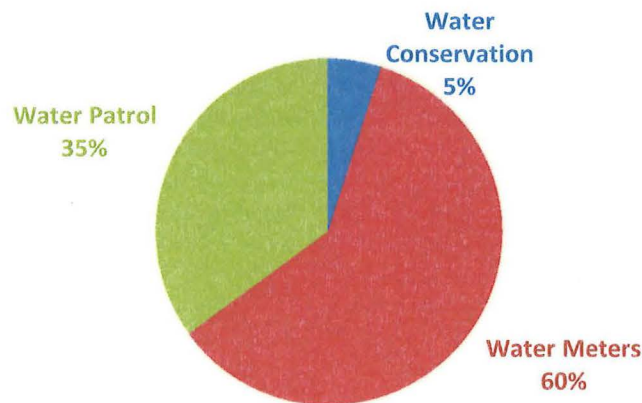

CITY ADMINISTRATOR



SUBJECT: Bi-Weekly Water Conservation Report for May 25th through June 11th.

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

BACKGROUND: The Water Conservation Unit is split between three different areas of focus: Water Conservation, Water Patrol and Water Meters. This varies throughout the year depending on weather and seasonal tasks. Below is the approximate distribution of efforts in the Unit during the bi-weekly reporting period.

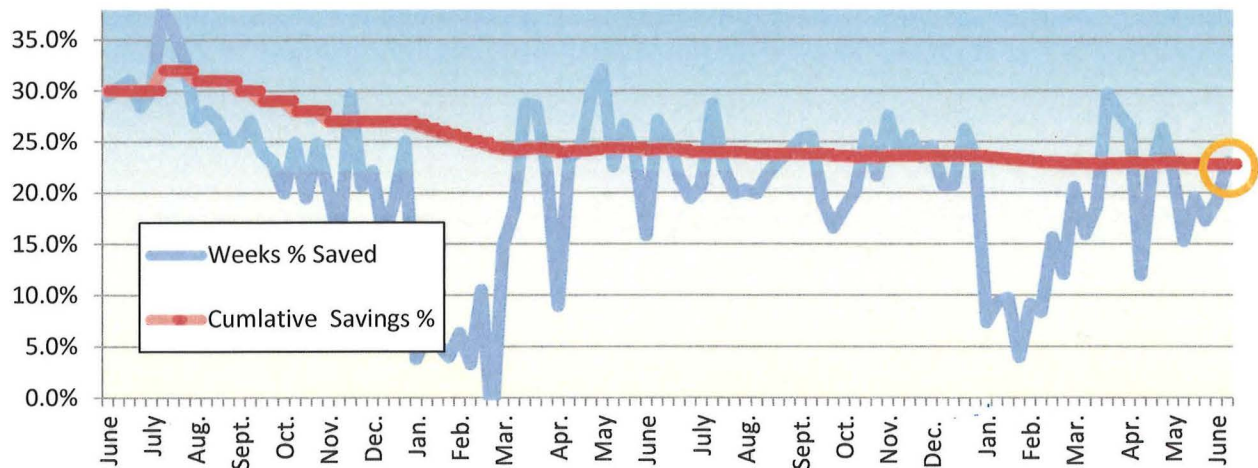


WATER CONSERVATION: As illustrated below, the City's water conservation rate was up from 18.4% in the last bi-weekly reporting to 21% in this report. The monthly conservation rate for the first two weeks of June is down from 24% in 2016 to 23% in 2017. Below is the most current water conservation data.

Bi-Weekly
May -June 25 th -11 th
21%

Monthly
June 1 st - 11 th
21%

Cumulative
June 1 st , 2015 June 11 th , 2017
23%



WATER PATROL: The water patrol staff made a total of 130 individual public contacts. Below is the most current enforcement data.

Enforcement			
Individual Contacts	130	1st offenses (\$75)	69
Verbal Warnings	0	2nd offenses (\$250)	6
Correction Notices	32	3rd or more offense (\$500)	1

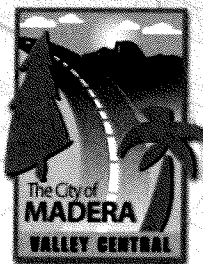
WATER METERS: During this bi-weekly period, the water meter staff investigated numerous meters that were not reading or that were reporting zero flow which resulted in repairs and/or replacement of the meters and also programed several new meters to the automatic read system that had been installed.

In addition staff responded to several customer concerns regarding increase in consumption which resulted in discovery of leaks at 9 properties and notifications of large usage due to irrigation at 8 properties.

CUSTOMER SERVICE PORTAL: Preparations are being made to announce the customer service portal and mobile app on the City of Madera's website and Facebook pages this week. A letter has been prepared to be sent out as an insert in the July billing to all utility billing customers announcing the soft-launch of the portal and inviting customers to visit the website and register in the portal

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN: While the proposed actions are not specifically addressed as part of the Plan, they are not in conflict with it and are sympathetic of the underlying principles of the 2025 Plan.



REPORT TO CITY COUNCIL

Approved By:

Department Director

City Administrator

Council Meeting of June 21, 2017
Agenda Item Number B-4

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT – LOCAL TRANSPORTATION FUNDS AND STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2017/18 AND AUTHORIZING THE CITY ENGINEER OR THE DEPUTY CITY ENGINEER TO EXECUTE AND SUBMIT THE APPLICATIONS TO THE MADERA COUNTY TRANSPORTATION COMMISSION

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution:

1. Approving the FY 2017/18 Application for Transportation Development Act (TDA), Local Transportation Funds (LTF).
2. Approving the FY 2017/18 Application for Transportation Development Act, State Transit Assistance Funds (STA).
3. Authorizing the City Engineer or the Deputy City Engineer to execute the applications and submit them to the Madera County Transportation Commission (MCTC) for adoption.

SUMMARY:

The applications describe the proposed expenditures for the MCTC approved allocation of funds for Fiscal Year 2017/18. City staff recommends the proposed expenditures and have included them in the proposed 2017/18 City Budget.

Engineering

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

www.cityofmadera.ca.gov

The LTF allocation of \$1,632,141 for FY 2017/18 must be used for transportation related services such as transit services, street construction program planning, and administration. Also, an allocation of 2% of the LTF must be used for pedestrian/bicycle facilities, and 3% must be allocated to MCTC for Transportation Planning Services. The LTF allocation for FY 2017/18 is \$35,667 less than last year.

The STA allocation of \$ 245,474 for FY 2017/18 is programmed for capital outlay and operations for Dial-A-Ride and Madera Fixed Route Bus System. The use of STA funds is limited to transit related programs only. The STA allocation for FY 2017/18 has an increased amount of \$22,918 compared to last year's allocation.

DISCUSSION:

Local agencies are required to submit applications for LTF and STA funds annually for approval by the MCTC. These applications describe the intended use of the funds for City Council approval after the State Controller has provided the final amount of funds to be apportioned.

STA and LTF applications are prepared for funds apportioned to the City of Madera, County of Madera and City of Chowchilla by the MCTC based on population pursuant to the Transportation Development Act. Changes to these applications by the local agency can be made through an amended application at any time. The applications are prepared to reflect the proposed expenditures for the coming fiscal year.

LTF funds are programmed first for transit services to fully fund these services based on the annual needs assessment prepared by MCTC and operational needs determined by City staff. Bicycle and pedestrian facilities receive a mandatory 2% of the LTF funds and transportation planning receives a mandatory 3% of the LTF funds. The next priority for the LTF is for the local match for State and Federal funds, annual programs and projects, administration and street maintenance. Any remaining funds are typically programmed for street construction projects that are in the City's Capital Improvement Program as well as appropriate administrative support costs.

The distribution of LTF funds in the application consist of the following:

Transit Services	\$ 337,000
Bike/Pedestrian Facilities	\$ 32,643
Transportation Planning	\$ 48,964
Transportation Improvement Projects	<u>\$1,213,534</u>
TOTAL	\$1,632,141

For the 2017/18 Fiscal Year, the annual programs and projects consist of engineering services for delivery of the Capital Improvement Program, transportation programming and administration, and a contingency for unanticipated projects.

FINANCIAL IMPACT:

There is no adverse fiscal impact to the City's General Fund or other Funds.

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.

RESOLUTION NO. 17 - _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT FUNDS, LOCAL TRANSPORTATION FUNDS AND STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2017/2018 AND AUTHORIZING THE CITY ENGINEER OR THE DEPUTY CITY ENGINEER TO EXECUTE AND SUBMIT THE APPLICATIONS TO THE MADERA COUNTY TRANSPORTATION COMMISSION

WHEREAS, the Transportation Development Act (TDA), Local Transportation Funds (LTF) and State Transit Assistance (STA) funds are annually allocated by the Madera County Transportation Commission (MCTC) pursuant to the Transportation Development Act; and

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

WHEREAS, the LTF and STA fund applications for FISCAL YEAR 2017/18 that describe the intended uses of these funds have been submitted to the City Council for its review.

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

1. The above recitals are true and correct.
2. The Fiscal Year 2017/18 Applications for Transportation Development Act Funds, Local Transportation Funds and State Transit Assistance Funds, as allocated to the City by the Madera County Transportation Commission is approved, a copy of which is on file with the office of the City Clerk and referred to for more particulars.
3. The City Engineer or the Deputy City Engineer is authorized to execute the applications and submit them to the Madera County Transportation Commission.
4. This resolution is effective immediately upon adoption.

* * * * *

MADERA COUNTY TRANSPORTATION COMMISSION
Application for Transportation Development Act Funds - **Form A.1**
Local Transportation Fund (LTF)
Fiscal Year 2017-18

Applicant Agency and Project Manager:

City of Madera, 205 W. Fourth Street, Madera, CA 93637 - Keith B. Helmuth, City Engineer

This form is to be used when making an application to use TDA funds for Public Transportation Services, Transportation Planning Services, Pedestrian and Bicycle Facility Construction, and Street and Road Projects. All projects submitted must be included in the Regional Transportation Plan. MCTC is required to make a finding that "No unmet public transportation needs exist" in the county before this application can be approved.

FUNDING REQUEST:

Transportation Services, Section 99260 (Article 4):

1. Name of Service:	<u>MAX, Dial-A-Ride, and Intermodal</u>	\$ <u>337,000.00</u>
2. Name of Service:	<u></u>	\$ <u></u>
TOTAL:		\$ <u>337,000.00</u>

Transportation Services, Section 99400 (b,c,d) (Article 8):

1. Name of Service, Contractor:	<u></u>	\$ <u></u>
2. Name of Service, Contractor:	<u></u>	\$ <u></u>
3. Name of Service, Contractor:	<u></u>	\$ <u></u>
4. Name of Service, Contractor:	<u></u>	\$ <u></u>
TOTAL:		\$ <u>-</u>

Pedestrian and Bicycle Facilities, Section 99234 (Article 3):

Project Name, if applicable

1.	<u>Misc. Ped/Bike Facilities & FRT Proj.</u>	\$ <u>32,643.00</u>
2.	<u></u>	\$ <u></u>
3.	<u></u>	\$ <u></u>
TOTAL:		\$ <u>32,643.00</u>

Transportation Planning Services, Section 99402 (Article 8):

MCTC regional transportation planning activities on behalf of member agencies \$ 48,964.00

Local Agency transportation planning activities (or Contracted Services) \$

Additional planning project or contracted transportation planning work \$

TOTAL: \$ 48,964.00

Street and Road Projects, Section 99402 (Article 8):

Article 8 Funds Requested for Street & Road Projects \$ 1,213,534.00

GRAND TOTAL: \$ 1,632,141.00

Submitted By:

Keith B. Helmuth - City Engineer

Date

Approved by MCTC:

Executive Director

Date

Note:

TDA funds may be used to cover actual expenses during the fiscal year of the application only. Should carryover funds occur, MCTC should be notified

MADERA COUNTY TRANSPORTATION COMMISSION
Application for Transportation Development Act Funds - **Form A.2**
State Transit Assistance (STA)
Fiscal Year 2017-18

Applicant Agency and Project Manager:

City of Madera, 205 W. Fourth Street, Madera, CA 93637 - Keith B. Helmuth, City Engineer

This form is to be used when making an application to use STA funds for Transportation Services and Transportation Planning Services. All projects submitted must be included in the Regional Transportation Plan.

FUNDING REQUEST:

Transportation Services:

1. Name of Service, Contractor:	<u>MAX - Operation</u>	\$ <u>245,474.00</u>
2. Name of Service, Contractor:	<u></u>	\$ <u></u>
3. Name of Service, Contractor:	<u></u>	\$ <u></u>
4. Name of Service, Contractor:	<u></u>	\$ <u></u>
5. Name of Service, Contractor:	<u></u>	\$ <u></u>
TOTAL:		\$ <u>245,474.00</u>

Transportation Planning Services:

MCTC transit planning activities on behalf of member agencies.	\$ <u></u>
Local Agency transportation planning activities (or Contract Services)	\$ <u></u>
Additional planning project or contracted transportation planning work	\$ <u></u>
TOTAL:	\$ <u>-</u>

SUMMARY of PROPOSED EXPENDITURES

Transportation Services	\$ <u>245,474.00</u>
Transportation Planning Services	\$ <u>-</u>
GRAND TOTAL:	\$ <u>245,474.00</u>

Submitted By:

Keith B. Helmuth - City Engineer

Approved by MCTC:

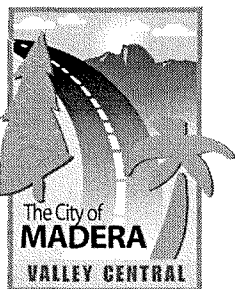
Executive Director

Date

Note:

TDA funds may be used to cover actual expenses during the fiscal year of the application only. Should carryover funds occur, MCTC should be notified

Report to City Council




Council Meeting of June 21, 2017

Agenda Item Number B-5

Approved by:



Department Director



City Administrator

Consideration of a Minute Order Approving Settlement of a Claim Filed with United Services Automobile Association for Property Damage

Recommendation

Staff recommends Council provide authority to settle the City's claim against United Services Automobile Association for Property Damage.

History

On January 24, 2017, Janice Zitek was involved in a motor vehicle accident resulting in damage to a Madera Police Department motorcycle. Ms. Zitek was found to be at-fault in the vehicle accident.

Situation

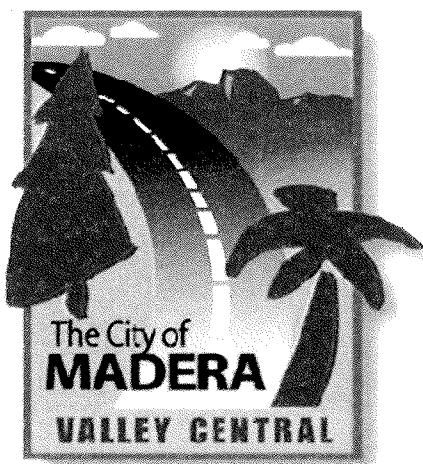
Ms. Zitek is insured by United Services Automobile Association. On January 24, 2017, she was involved in a motor vehicle accident whereas the vehicle she was driving entered the #1 lane of eastbound Howard Road, east of Schnoor Avenue striking a Madera Police Department motorcycle that was attempting to overtake a speeding vehicle in the performance of his law enforcement duties. The accident resulted in the officer being ejected from his motorcycle and being transported to Madera Community Hospital. The California Highway Patrol investigated the accident, CHP Report #9450-2017-00087, and determined Ms. Zitek was at fault in the collision for violating CVC 21801(a), failing to yield to oncoming traffic when attempting to make a left turn.

The total cost to repair the damaged motorcycle to include replacement of damaged property worn by the officer amounts to \$19,719.66. Reimbursement of medical costs will be sought separately by the City's third party administrator of Worker's Compensation Claims.

At this time, staff is seeking authority from Council to settle the claim for property damage in full with United Services Automobile Association in the amount of \$19,719.66.

Vision Madera 2025

Settlement of claims is not included in the Vision Madera 2025 vision and action plan, nor is the requested action in conflict with the plan.



REPORT TO CITY COUNCIL

MEETING DATE: June 21, 2017

AGENDA ITEM NUMBER: B-6

Approved By:

Ra. Bran for Dave Randall
PUBLIC WORKS DIRECTOR

[Signature]
CITY ADMINISTRATOR

SUBJECT:

Consideration of a Resolution Authorizing Submittal of an Application to the California Department of Resources Recycling and Recovery for the Used Oil Payment Program Cycle 8 FY 2017/18 and Authorizing the City Administrator to execute all Grant Documents.

RECOMMENDATION:

It is recommended that the Council approves the proposed resolution authorizing the City of Madera to submit an application to the California Department of Resources Recycling and Recovery (CalRecycle) for the Used Oil Payment Program Cycle 8 FY 2017/18 and authorizing the City Administrator to execute all grant documents.

SUMMARY/DISCUSSION:

CalRecycle continues to offer funding to educate the public on the proper disposal of used oil and used oil filters. The City of Madera has previously received grant funding from this program. In FY 2016/2017, the City was awarded \$17,799.00 in Used Oil Payment Program Cycle 7 funds. Staff would like to apply for the next cycle of CalRecycle funding under Cycle 8 FY 2017/18. This award term runs from July 1, 2017 through June 30, 2019. Funds awarded are based on population and past performance.

Residents can dispose of their used oil by placing it in used oil containers alongside their gray refuse carts for the City's refuse hauler to collect. Funds may be used to purchase and distribute plastic oil containers and oil filter bags to residents so that they may place these containers at the curbside of their homes on their regular refuse collection days. Informational brochures may also be paid for by grant funds. The brochures will contain information regarding the curbside recycling program and Certified Used Oil Recycling Center locations. Used oil can be taken to Certified Oil Recycling Centers at participating retail automotive parts stores.

At least one used oil filter exchange event will occur during this funding period. Grant funds will cover expenses incurred while hosting this recycling event at a selected Certified Oil Recycling Center. The event will consist of an on-site radio broadcast, a number of commercial spots advertising the event, music and filter exchange. Costs of the filters to be exchanged will be paid for from these grant dollars. Informational colored flyers in English and Spanish will be distributed to participants so they can

understand how the program works. All costs of the event are program eligible costs under the Notice of Funds Available Guidelines of CalRecycle.

FINANCIAL IMPACT:

There will be no financial impact to the General Fund. Grant funds will be used to support the proposed used oil and used oil filter curbside services, Certified Oil Recycling Centers and educational program on behalf of City of Madera.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

If adopted by Council, the resolution is consistent with the Madera Vision Plan, specifically Action 437: Recycling Programs: Promote recycling through multiple programs.

RESOLUTION NO. 17-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY DEPARTMENT
FOR USED OIL PAYMENT PROGRAM CYCLE 8 FY 2017/18 AND AUTHORIZING
THE CITY ADMINISTRATOR TO EXECUTE ALL GRANT DOCUMENTS

WHEREAS, pursuant to Public Resources Code section § 48000 et seq. the
Department of Resources Recycling and Recovery (CalRecycle) has established various grant
programs to make payments to qualifying jurisdictions; and

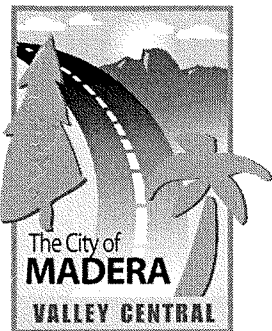
WHEREAS, in furtherance of this authority, CalRecycle is required to establish
procedures governing the administration of the payment programs; and

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

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

1. The above recitals are true and correct.
2. The City of Madera is authorized to submit a Used Oil Payment Program
application to CalRecycle.
3. The City Administrator is hereby authorized as Signature Authority to execute all
documents necessary to implement and secure payment under the Used Oil
Payment Program; and
4. This resolution is effective immediately upon adoption.

REPORT TO CITY COUNCIL



Council Meeting of June 21, 2017

Agenda Item Number B-7

Approved by:

Wendy Silva
Department Director

DG F
City Administrator

Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Madera Police Officers' Association Related to Health Benefits and Authorizing the City Administrator to Execute the Agreement

RECOMMENDATION

It is recommended Council approve the resolution authorizing a side letter agreement between the City of Madera (City) and the Madera Police Officers' Association (MPOA) and authorizing the City Administrator to execute the agreement.

HISTORY

The City and MPOA entered into a Memorandum of Understanding (MOU) effective August 5, 2015 through June 30, 2018. The MOU includes an opener in each year of the agreement for negotiating the City's contribution toward employee health insurance premiums.

SITUATION

The City has approved health providers for its medical, dental and vision plans effective July 1, 2017. The City has proposed to contribute towards employee health in an amount equal to the premium for the health plans. MPOA has accepted the City's offer. A Side Letter Agreement has been drafted to reflect the changes in the City's contribution for fiscal year 2017-18.

FISCAL IMPACT

City-wide, the change in the City's contribution from the 2016-17 to the 2017-18 fiscal year represents an additional expense to the general fund estimated at slightly less than \$50,000 for the year and approximately \$20,000 across all other funds. This amount is estimated based on current enrollment.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Labor relations are not specifically addressed in the vision or action plan; the requested action is also not in conflict with any of the actions or goals contained in that plan.

RESOLUTION No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND
THE MADERA POLICE OFFICERS' ASSOCIATION RELATED TO HEALTH BENEFITS
AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT

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

WHEREAS, City staff and the Madera Police Officers' Association (MPOA) representatives entered into a Memorandum of Understanding (MOU) effective August 5, 2015 through June 30, 2018 relative to wages, hours, and terms and conditions of employment; and

WHEREAS, the MOU includes openers in each year of the agreement to negotiate the City's contribution toward health premiums; and

WHEREAS, in accordance with the Meyers Miliias Brown Act, the City of Madera has met and conferred in good faith with the bargaining unit; and

WHEREAS, a side letter agreement has been prepared that modifies the appropriate article of the MOU and such side letter agreement is acceptable to all parties.

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

1. The above recitals are true and correct.
2. The Side Letter Agreement between the City and the Madera Police Officers' Association is approved, a copy of which is on file with the Office of the City Clerk and referred to for more particulars.
3. The City Administrator is authorized to execute the Agreement on behalf of the City.
4. This resolution is effective immediately upon adoption.

* * * * *

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF MADERA
AND THE
MADERA POLICE OFFICERS' ASSOCIATION**

The parties have conferred, and do hereby agree that Article 24 – Health Insurance of the Memorandum of Understanding between the City of Madera and the Madera Police Officers' Association is amended to read as follows:

Article 24 - Health Insurance

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

The number of people the employee elects to enroll in the medical plan determines the amount of benefit dollars provided. If the cost of the employee benefit elections are less than the benefit dollars provided the remainder will be added to the employee check. If the cost of the employee benefit elections is greater than the benefit dollars provided, then the remainder will be deducted from the employee check. Employees can waive participation in the health insurance plan if they provide evidence of other coverage and such waiver of coverage does not increase the premium charged by the carriers.

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

<u>Coverage</u>	<u>Monthly Benefit Dollars</u>
Waiver of Coverage	300.00
EE Only	743.25
EE+1	1,352.05
EE+Family	1,970.04

Effective July 1, 2016, the schedule of monthly benefit dollars will be:

<u>Coverage</u>	<u>Monthly Benefit Dollars</u>
Waiver of Coverage	300.00
EE Only	790.66
EE+1	1,441.84
EE+Family	2,040.84

Effective July 1, 2017, that contribution will be as follows:

<u>Coverage</u>	<u>Monthly Benefit Dollars</u>
Waiver of Coverage	\$300.00
EE Only	\$792.56
EE+1	\$1,439.11
EE+Family	\$2,093.09

Employer will provide teledoc services as part of the medical plan offerings for the July 1, 2016-June 30, 2017 plan year at Employer's expense.

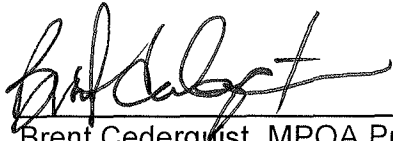
Effective July 1, 2017, Employer will renew the offered teledoc services as part of the medical plan offerings for the July 1, 2017-June 30, 2018 plan year. The teledoc services are captured in the medical plan premiums and monthly benefit allowance as indicated above and no contribution beyond the above monthly benefit allowance will be made by Employer.

The City reserves the right to determine health plan carriers and will seek input from the bargaining units regarding the plan design of the standard benefits and possible voluntary optional benefits. Optional benefits include, but are not limited to, dependent coverage and participation in flexible spending accounts.

Plan design of the health care coverage (medical, dental and vision) will remain the same as provided in the previous MOU. However the Association agrees that the City may change the plan design when such action can be taken for the benefit of all bargaining units. Current and proposed health care benefits are defined in greater detail in the summary of benefits and evidence of coverage booklet for each carrier/plan.

The City provides term life insurance for employees in the Group in the amount of \$25,000 coverage which includes accidental death and dismemberment (AD & D) coverage. The City also provides dependent life in the amount of \$5,000 and Long Term Disability Insurance, which provides salary replacement benefits

This Side Letter Agreement is effective upon adoption and shall remain in full force and effect until June 30, 2018.



Brent Cederquist, MPOA President

David R. Tooley, City Administrator

6-13-17

Date

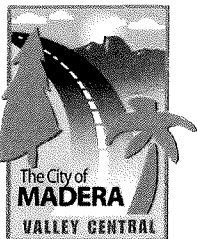
Date



Eric LiCalsi, MPOA Legal Counsel

6/7/17

Date




REPORT TO CITY COUNCIL

Approved by:



Department Director



City Administrator

Council Meeting of: June 21, 2017

Agenda Number: B-8

SUBJECT: Consideration of a Minute Order Approving and Accepting the City of Madera Investment Report for the Quarter Ending March 31, 2017

RECOMMENDATION: Staff recommends the Council approve and accept the City of Madera Investment Report for the quarter ending March 31, 2017 as presented by minute order.

DISCUSSION: The City of Madera Investment Policy calls for a quarterly report to be presented to the City Council, giving detailed information on the portfolio and bank positions with summary information to permit an informed outside reader to evaluate the performance of the investment program. The Finance Director hereby submits the report for the quarter ending March 31, 2017.

The market values for the items being reported were obtained from Union Bank, who acts as the custodian for our investments and who we considered to be an independent source for such information. After reviewing the information included in the attached Investment Report, the Finance Director/Treasurer certifies that to the best of his knowledge: 1) all investment actions taken during this quarter have been made in full compliance with the City of Madera June 2016 Investment Policy and, 2) the City will meet its expenditure obligations for the next six months.

As can be seen in the summary information of the Council Investment Report, the City's investment program out-performed the Local Agency Investment Fund [LAIF] benchmark, with a 1.25% yield as compared to 0.82% for the Local Agency Investment Fund [LAIF]. The City's investment program came very close to the 2-Year Treasury benchmark as the City's portfolio earned a 1.25% yield versus a 1.27% yield for the 2-Year Treasury. Total Market Value of the City's investments equaled \$61.3 million as of March 31, 2017, with Federal Agency Securities, Interest Bearing Accounts, Local Agency Investment Fund [LAIF], Medium Term Notes and Negotiable Certificates of Deposit Securities making up 87.3% of that total. During the quarter ended March 31, 2017, the City deposited \$5 million into the Local Agency Investment Fund [LAIF], to provide for sufficient liquidity for cash flow needs while obtaining a reasonable return on investment. Although LAIF rates are not as high as other investment tools, LAIF does

provide greater liquidity and less market risk. And, LAIF rates have been improving. With expectations of rising interest rates, staff felt it would be wise to invest more into LAIF to help minimize potential market loss on longer-term investments. At the same time, staff has managed to slightly improve its yield to market (YTM) as compared to the quarter ended December 31, 2016 and bring the market value of the portfolio slightly closer to book value.

The Portfolio Holdings Distribution by Maturity Range report is on the second page of the Council Investment Report and reflects the percentages of holdings for each maturity range as of March 31, 2017. All holdings are in line with the June 2016 investment policy.

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

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

CITY OF MADERA

ATTACHMENT

Council Investment Report

March 31, 2017



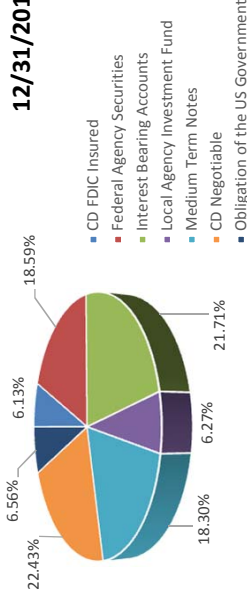
Benchmark Performance

	Beginning Balance	Ending Balance
12/31/2016	3/31/2017	
Weighted Average Yield	1.203	1.246
LAIF	0.72	0.82
2 Year Treasury	1.20	1.27

Investment Policy Compliance

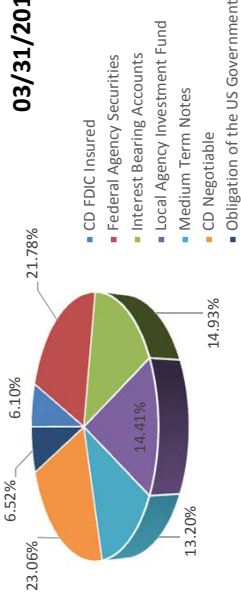
Asset Class	% of Portfolio	YTM @Cost	Days to Maturity	Duration to Maturity	Book Value	Market Value
CD FDIC Insured	6.13%	1.799	1078	2.840	3,735,000.00	3,735,000.00
Federal Agency Securities	18.59%	1.455	1316	3.510	11,323,255.00	11,323,255.00
Interest Bearing Accounts	21.71%	0.127	1	0.000	13,223,683.53	13,223,683.53
Local Agency Investment Fund	6.27%	0.719	1	0.000	3,821,528.94	3,821,528.94
Medium Term Notes	18.30%	1.865	541	1.320	11,195,288.63	11,148,083.19
CD Negotiable	22.43%	1.482	671	1.800	13,601,000.00	13,657,834.97
Obligation of the US Government	6.56%	1.15	387	1.060	3,985,288.18	3,993,520.00
State Municipal Bonds	-	-	-	-	-	-
Total / Average	100.00%	1.203%	586	1.540	61,061,789.28	60,902,905.63

12/31/2016



Asset Class	% of Portfolio	YTM @Cost	Days to Maturity	Duration to Maturity	Book Value	Market Value
CD FDIC Insured	6.10%	1.803	1025	2.710	3,735,000.00	3,735,000.00
Federal Agency Securities	21.78%	1.591	1310	3.460	13,500,000.00	13,344,255.00
Interest Bearing Accounts	14.93%	0.002	1	0.000	9,145,638.20	9,145,638.20
Local Agency Investment Fund	14.41%	0.821	1	0.000	8,828,038.28	8,828,038.28
Medium Term Notes	13.20%	1.845	943	2.460	8,114,475.92	8,087,903.73
CD Negotiable	23.06%	1.528	682	1.820	14,096,000.00	14,124,767.99
Obligation of the US Government	6.52%	1.150	297	0.810	3,989,113.51	3,992,030.00
State Municipal Bonds	-	-	-	-	-	-
Total / Average	100.00%	1.246%	649	1.720	61,408,265.91	61,257,633.20

03/31/2017



Investment Policy Compliance	Max	Max Maturity	Compliance
CD FDIC Insured	30%	5 Years	Yes
Federal Agency Securities	90%	5 Years	Yes
Interest Bearing Accounts	20%	n/a	Yes
Local Agency Investment Fund	65M	n/a	Yes
Medium Term Notes	30%	5 Years	Yes
CD Negotiable	30%	5 Years	Yes
Obligation of the US Government	90%	5 Years	Yes
State Municipal Bonds	20%	5 Years	Yes

CITY OF MADERA

Council Investment Report

March 31, 2017

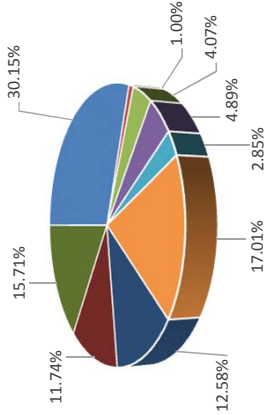


Investment Policy Compliance - by Maturity Range

Maturity Range	% of Portfolio	YTM @Cost	Days to Maturity	Duration to Maturity	Book Value	Market Value
0 - 1 Month	30.15%	0.423	1	0.000	18,470,676.48	18,470,713.80
1 - 3 Months	1.00%	1.070	64	0.170	611,029.80	611,267.75
3 - 6 Months	4.07%	1.494	127	0.210	2,491,000.00	2,494,375.43
6 - 9 Months	4.89%	1.175	220	0.600	2,991,550.18	2,994,139.60
9 - 12 Months	2.85%	1.308	332	0.910	1,740,680.36	1,745,156.39
1 - 2 Years	17.01%	1.363	542	1.470	10,419,049.55	10,420,720.93
2 - 3 Years	12.58%	1.690	909	2.440	7,714,842.99	7,708,440.97
3 - 4 Years	11.74%	1.807	1307	3.460	7,238,050.41	7,188,919.62
4 - 5 Years	15.71%	1.882	1674	4.390	9,731,386.14	9,623,898.71
	100.00%	1.246	649	1.720	61,408,265.91	61,257,633.20

03/31/2017

- 0 - 1 Month
- 1 - 3 Months
- 3 - 6 Months
- 6 - 9 Months
- 9 - 12 Months
- 1 - 2 Years
- 2 - 3 Years
- 3 - 4 Years
- 4 - 5 Years



City of Madera

Council Investment Report

Report Format: By Transaction

Group By: Asset Class

Average By: Market Value

Portfolio / Report Group: Report Group: Investment Portfolio

As of 3/31/2017

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
FDIC Insured Certificate of Deposit										
Allegiance Bank 1.5 6/29/2019	CD-58629	0.41	Certificate Of Deposit	12/29/2016	1.500	249,000.00	249,000.00	249,000.00	6/29/2019	820
First Community Bank 2.1 8/19/2021	CD-16197	0.41	Certificate Of Deposit	8/19/2016	2.100	249,000.00	249,000.00	249,000.00	8/19/2021	1,602
First Utah Bank 2.23 1/7/2020	CD-1813	0.41	Certificate Of Deposit	1/7/2015	2.230	249,000.00	249,000.00	249,000.00	1/7/2020	1,012
Habib Bank 1.29 9/3/2017	CD-4587D	0.41	Certificate Of Deposit	9/3/2016	1.290	250,000.00	250,000.00	250,000.00	9/3/2017	156
Home City Federal Savings Bank 1.83 2/9/2019	CD-2855	0.41	Certificate Of Deposit	2/9/2015	1.830	249,000.00	249,000.00	249,000.00	2/9/2019	680
IDB Bank 2.1 9/30/2021	CD-IDB093016	0.40	Certificate Of Deposit	9/30/2016	2.100	248,000.00	248,000.00	248,000.00	9/30/2021	1,644
Kansas State Bank 2.05 6/13/2021	CD-19899	0.41	Certificate Of Deposit	6/13/2016	2.050	249,000.00	249,000.00	249,000.00	6/13/2021	1,535
Pentagon Federal Credit Union 1.4 10/16/2017	CD-1234B	0.41	Certificate Of Deposit	10/16/2015	1.400	249,000.00	249,000.00	249,000.00	10/16/2017	199
Rio Grande Credit Union 2.13 6/13/2021	CD-62573	0.41	Certificate Of Deposit	6/13/2016	2.130	249,000.00	249,000.00	249,000.00	6/13/2021	1,535
Royal Business Bank 1.36 9/20/2018	CD-5881B	0.41	Certificate Of Deposit	3/20/2017	1.360	249,000.00	249,000.00	249,000.00	9/20/2018	538
Security State Bank 1.935 10/26/2021	CD-SECSTBK16	0.41	Certificate Of Deposit	10/26/2016	1.935	249,000.00	249,000.00	249,000.00	10/26/2021	1,670
Start Community Bank 1.49 4/26/2019	CD-START102616	0.41	Certificate Of Deposit	10/26/2016	1.490	249,000.00	249,000.00	249,000.00	4/26/2019	756
State Bank of Chandler 2 8/17/2021	CD-8858	0.41	Certificate Of Deposit	8/19/2016	2.000	249,000.00	249,000.00	249,000.00	8/17/2021	1,600
Triumph Savings Bank 1.393 9/30/2018	CD-6749B	0.41	Certificate Of Deposit	9/30/2016	1.393	250,000.00	250,000.00	250,000.00	9/30/2018	548
Vibrant Credit Union 2.25 3/22/2020	CD-61093	0.40	Certificate Of Deposit	3/23/2016	2.250	248,000.00	248,000.00	248,000.00	3/22/2020	1,087
Sub Total / Average		6.10			1.803	3,735,000.00	3,735,000.00	3,735,000.00		1,025
Federal Agency Securities										
FFCB 1.375 12/21/2018-16	3133EFSW8	1.63	FFCB Bond	12/21/2015	1.375	1,000,000.00	1,000,000.00	1,000,010.00	12/21/2018	630
FFCB 1.54 12/14/2020-17	3133EGEU5	0.81	FFCB Bond	6/14/2016	1.540	500,000.00	500,000.00	493,315.00	12/14/2020	1,354
FHLB 1.25 6/29/2018-16	3130A6WT0	1.63	FHLB Bond	12/29/2015	1.250	1,000,000.00	1,000,000.00	999,740.00	6/29/2018	455
FHLB 1.45 12/15/2020-16	3130A8EM1	0.81	FHLB Bond	6/15/2016	1.450	500,000.00	500,000.00	493,990.00	12/15/2020	1,355
FHLB 2.15 12/28/2021-17	3130AAEX2	1.63	FHLB Bond	12/28/2016	2.150	1,000,000.00	1,000,000.00	996,150.00	12/28/2021	1,733
FHLB Step 11/23/2021-17	3130A9W80	1.61	FHLB Bond	11/23/2016	1.378	1,000,000.00	1,000,000.00	985,270.00	11/23/2021	1,698
FHLMC 1.2 12/26/2017-14	3134G5AP0	0.82	FHLMC Bond	6/26/2014	1.200	500,000.00	500,000.00	500,530.00	12/26/2017	270
FHLMC 1.4 12/27/2019-17	3134G9SN8	1.62	FHLMC Bond	6/27/2016	1.400	1,000,000.00	1,000,000.00	994,590.00	12/27/2019	1,001
FHLMC 2.375 2/25/2022-17	3134GAV43	1.63	FHLMC Bond	2/28/2017	2.375	1,000,000.00	1,000,000.00	999,480.00	2/25/2022	1,792
FHLMC Step 2/17/2022-17	3134GAW83	1.63	FHLMC Bond	2/17/2017	2.347	1,000,000.00	1,000,000.00	999,300.00	2/17/2022	1,784
FHLMC Step 6/30/2021-16	3134G9WX1	1.60	FHLMC Bond	6/30/2016	1.348	1,000,000.00	1,000,000.00	978,690.00	6/30/2021	1,552

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
FNMA 1.25 6/30/2020-16	3136G3WT8	1.61	FNMA Bond	6/30/2016	1.250	1,000,000.00	1,000,000.00	984,720.00	6/30/2020	1,187
FNMA 1.375 12/30/2020-16	3136G3WP6	1.58	FNMA Bond	6/30/2016	1.375	1,000,000.00	1,000,000.00	966,390.00	12/30/2020	1,370
FNMA 1.375 5/26/2020-17	3136G3QB4	0.80	FNMA Bond	5/26/2016	1.375	500,000.00	500,000.00	492,065.00	5/26/2020	1,152
FNMA 1.55 10/28/2021-17	3136G4DX8	1.58	FNMA Bond	10/28/2016	1.550	1,000,000.00	1,000,000.00	968,160.00	10/28/2021	1,672
FNMA 1.75 6/16/2021-16	3136G3QC2	0.80	FNMA Bond	6/16/2016	1.750	500,000.00	500,000.00	491,855.00	6/16/2021	1,538
Sub Total / Average		21.78			1.591	13,500,000.00	13,500,000.00	13,344,255.00		1,310

Interest Bearing Accounts

Union Bank - General Fund Cash	CASH2166	14.54	Cash	6/30/2013	0.000	8,908,554.88	8,908,554.88	8,908,554.88	N/A	1
Union Bank - Parking Fines Cash	CASH3596	0.12	Cash	6/30/2013	0.000	71,398.98	71,398.98	71,398.98	N/A	1
Union Bank - Special Program Cash	CASH6508	0.21	Cash	6/30/2013	0.000	131,322.16	131,322.16	131,322.16	N/A	1
Union Bank - Trust MM	MM4900	0.06	Money Market	6/30/2013	0.570	34,362.18	34,362.18	34,362.18	N/A	1
Sub Total / Average		14.93			0.002	9,145,638.20	9,145,638.20	9,145,638.20		1

Local Agency Investment Fund

LAIF LGIP	LGIP0502	14.41	Local Government Investment Pool	6/30/2013	0.821	8,828,038.28	8,828,038.28	8,828,038.28	N/A	1
Sub Total / Average		14.41			0.821	8,828,038.28	8,828,038.28	8,828,038.28		1

Medium Term Notes

Apple Inc 1.1 8/2/2019	037833CB4	1.61	Corporate Bond	11/8/2016	1.212	1,000,000.00	997,000.00	988,120.00	8/2/2019	854
Apple Inc. 2.25 2/23/2021-21	037833BS8	1.64	Corporate Bond	1/24/2017	2.279	1,000,000.00	998,903.00	1,003,030.00	2/23/2021	1,425
Bershire Hathaway 1.6 5/15/2017-12	084664BS9	0.18	Corporate Bond	5/24/2012	1.378	113,000.00	114,203.45	113,023.73	5/15/2017	45
General Electric Var. Corp 8/1/2017	36962G6B5	1.64	Corporate Bond	7/31/2012	2.034	1,000,000.00	1,000,000.00	1,001,800.00	8/1/2017	123
Microsoft Corp 1.55 8/8/2021-21	594918BP8	1.59	Corporate Bond	10/12/2016	1.637	1,000,000.00	996,000.00	974,430.00	8/8/2021	1,591
Royal Bank of Canada 1.5 7/29/2019	78012KRK5	0.81	Corporate Bond	12/13/2016	1.853	500,000.00	495,500.00	494,875.00	7/29/2019	850
Royal Bk CDA MTN 2.5 1/19/2021	78012KKU0	1.64	Corporate Bond	1/25/2016	2.301	1,000,000.00	1,009,300.00	1,006,870.00	1/19/2021	1,390
Toronto Dominion Bank 1.4 4/30/2018	89114QAG3	0.82	Corporate Bond	9/29/2015	1.503	500,000.00	498,700.00	499,275.00	4/30/2018	395
Toronto-Dominion Bank 1.95 1/22/2019	89114QBE7	0.82	Corporate Bond	3/24/2016	1.652	500,000.00	504,100.00	502,270.00	1/22/2019	662
Toyota Motor Credit Corp 1.7 2/19/2019	89236TCU7	0.82	Corporate Bond	3/24/2016	1.473	500,000.00	503,210.00	500,840.00	2/19/2019	690
Wells Fargo Bank NA 2.15 12/6/2019	94988J5G8	1.64	Corporate Bond	1/31/2017	2.096	1,000,000.00	1,001,490.00	1,003,370.00	12/6/2019	980
Sub Total / Average		13.20			1.845	8,113,000.00	8,118,406.45	8,087,903.73		943

Negotiable Certificate of Deposit Securities

Access Nat'l Bank 1.25 3/29/2018	00432KDF7	0.41	Certificate Of Deposit	6/30/2015	1.250	249,000.00	249,000.00	249,273.90	3/29/2018	363
Ally Bank 1.8 3/23/2020	02006LZ22	0.40	Certificate Of Deposit	3/23/2017	1.800	247,000.00	247,000.00	247,372.97	3/23/2020	1,088
American Exp 1.05 7/10/2017	02587CAA8	0.41	Negotiable Certificate Of Deposit	7/10/2014	1.050	248,000.00	248,000.00	248,208.32	7/10/2017	101
American Express Centurion Bank 2.2 11/29/2019	02587DWK0	0.41	Negotiable Certificate Of Deposit	12/1/2014	2.200	247,000.00	247,000.00	249,628.08	11/29/2019	973
Banco Popular 2.25 10/7/2020	05965GVP8	0.41		10/7/2015	2.250	247,000.00	247,000.00	250,341.91	10/7/2020	1,286

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
			Negotiable Certificate Of Deposit							
Bank Leumi USA 1.05 6/15/2018	063248FQ6	0.40	Negotiable Certificate Of Deposit	6/15/2016	1.050	248,000.00	248,000.00	247,412.24	6/15/2018	441
Barclays Bank 1.9 4/15/2019	06740KGG6	0.41	Negotiable Certificate Of Deposit	4/15/2014	1.900	247,000.00	247,000.00	249,134.08	4/15/2019	745
Belmont Savings Bank 1.4 6/26/2018	080515AU3	0.41	Negotiable Certificate Of Deposit	6/26/2014	1.400	248,000.00	248,000.00	248,872.96	6/26/2018	452
Beneficial Mutual 1.55 11/16/2021	08173QBU9	0.39	Certificate Of Deposit	11/16/2016	1.550	248,000.00	248,000.00	240,607.12	11/16/2021	1,691
Berkshire Bank 1.25 11/29/2018	084601GN7	0.40	Certificate Of Deposit	11/29/2016	1.250	248,000.00	248,000.00	247,313.04	11/29/2018	608
BMW 2.2 9/30/2020	05580ACZ5	0.41	Negotiable Certificate Of Deposit	9/30/2015	2.200	247,000.00	247,000.00	250,366.61	9/30/2020	1,279
Capital One Bank 2.1 10/1/2019	140420PN4	0.41	Negotiable Certificate Of Deposit	10/1/2014	2.100	248,000.00	248,000.00	250,016.24	10/1/2019	914
Capital One NA 2.25 7/22/2020	14042E4Y3	0.41	Negotiable Certificate Of Deposit	7/22/2015	2.250	248,000.00	248,000.00	251,080.16	7/22/2020	1,209
Cit Bank Salt Lake City 2 5/28/2020	17284DBB7	0.41	Certificate Of Deposit	5/28/2015	2.000	247,000.00	247,000.00	248,642.55	5/28/2020	1,154
Comenity Bank Utah 1.75 1/2/2019	20033AEC6	0.41	Negotiable Certificate Of Deposit	1/2/2014	1.750	247,000.00	247,000.00	249,097.03	1/2/2019	642
Commerce St Bank 1.65 9/26/2019	20070PHK6	0.41	Certificate Of Deposit	6/26/2015	1.650	249,000.00	249,000.00	249,704.67	9/26/2019	909
Compass Bank 1.15 5/7/2018	20451PKP0	0.40	Certificate Of Deposit	5/6/2015	1.150	248,000.00	248,000.00	247,908.24	5/7/2018	402
Customers Bank 1 8/18/2017	23204HBJ6	0.41	Negotiable Certificate Of Deposit	6/18/2014	1.000	248,000.00	248,000.00	248,200.88	8/18/2017	140
Discover Greenwood 1.4 9/25/2017	254672AA6	0.41	Negotiable Certificate Of Deposit	9/24/2014	1.400	248,000.00	248,000.00	248,694.40	9/25/2017	178
East Boston Svgs Bank 1.1 12/24/2018	27113PAZ4	0.40	Negotiable Certificate Of Deposit	6/23/2016	1.100	248,000.00	248,000.00	246,531.84	12/24/2018	633
Enerbank 1.65 7/1/2019	29266NM95	0.41	Certificate Of Deposit	6/30/2015	1.650	249,000.00	249,000.00	249,231.57	7/1/2019	822
Everbank 1.5 3/29/2019	29976DVY3	0.40	Negotiable Certificate Of Deposit	3/30/2015	1.500	248,000.00	248,000.00	247,724.72	3/29/2019	728
First Bank 1.3 9/28/2018	31909PAW1	0.41	Certificate Of Deposit	3/29/2017	1.300	249,000.00	249,000.00	248,820.72	9/28/2018	546
First Bank 1.5 2/28/2019	319234AJ9	0.41	Certificate Of Deposit	6/30/2015	1.500	249,000.00	249,000.00	249,592.62	2/28/2019	699
First Bank Puerto Rico 1.7 1/31/2020	33767AU58	0.41	Certificate Of Deposit	1/31/2017	1.700	249,000.00	249,000.00	248,858.07	1/31/2020	1,036
First Kentucky 1 5/25/2017	32065TAH4	0.41	Negotiable Certificate Of Deposit	7/25/2014	1.000	249,000.00	249,000.00	249,104.58	5/25/2017	55
First Merchants Bank 1.5 10/30/2018	32082BDF3	0.41	Negotiable Certificate Of Deposit	4/30/2014	1.500	248,000.00	248,000.00	249,602.08	10/30/2018	578
First Premier Bank 1.55 12/24/2018	33610RPL1	0.41	Negotiable Certificate Of Deposit	6/25/2014	1.550	248,000.00	248,000.00	248,429.04	12/24/2018	633
FirstTrust Savings 1.1 12/10/2018	337630AX5	0.40	Negotiable Certificate Of Deposit	6/10/2016	1.100	249,000.00	249,000.00	247,623.03	12/10/2018	619
Flushing Bank NY 1 6/30/2017	34387AAA7	0.41	Negotiable Certificate Of Deposit	12/30/2013	1.000	249,000.00	249,000.00	249,156.87	6/30/2017	91
Goldman Sachs Bank 2.35 3/15/2022	38148PGZ4	0.41	Certificate Of Deposit	3/15/2017	2.350	247,000.00	247,000.00	248,185.60	3/15/2022	1,810
Homebanc 1.35 4/17/2018	43738AEX0	0.41	Negotiable Certificate Of Deposit	4/17/2014	1.350	249,000.00	249,000.00	249,973.59	4/17/2018	382

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
HSBC Bank USA 1.25 5/10/2019-17	40434YCW5	0.40	Certificate Of Deposit	11/10/2016	1.250	249,000.00	249,000.00	246,181.32	5/10/2019	770
JP Morgan Chase Bank 1.3 4/10/2018	48125T6E0	0.41	Certificate Of Deposit	4/10/2015	1.300	248,000.00	248,000.00	248,381.92	4/10/2018	375
Key Bank 1.5 7/25/2019	49306SWV4	0.40	Certificate Of Deposit	1/25/2017	1.500	248,000.00	248,000.00	247,322.96	7/25/2019	846
Marlin Business Bank 1.05 4/17/2017	57116AHV3	0.41	Negotiable Certificate Of Deposit	10/14/2014	1.050	249,000.00	249,000.00	249,029.88	4/17/2017	17
MB Finl Bank 1.2 6/10/2019	55266CRX6	0.40	Negotiable Certificate Of Deposit	6/10/2016	1.200	249,000.00	249,000.00	246,773.94	6/10/2019	801
Medallion Bank 1.35 6/13/2018	58403BP34	0.41	Negotiable Certificate Of Deposit	6/13/2014	1.350	249,000.00	249,000.00	249,926.28	6/13/2018	439
Mercantil Commerce Bank 1.9 4/17/2019	58733AAU3	0.41	Negotiable Certificate Of Deposit	4/17/2014	1.900	247,000.00	247,000.00	249,134.08	4/17/2019	747
Merrick Bank 1 6/20/2017	59013JAG4	0.41	Negotiable Certificate Of Deposit	6/20/2014	1.000	249,000.00	249,000.00	249,139.44	6/20/2017	81
Morton Community Bank 1.6 6/16/2020	619165GX5	0.40	Certificate Of Deposit	12/16/2016	1.600	249,000.00	249,000.00	247,515.96	6/16/2020	1,173
Oriental B&T 1.65 6/18/2018	686184WL2	0.41	Negotiable Certificate Of Deposit	12/16/2015	1.650	248,000.00	248,000.00	248,617.52	6/18/2018	444
Parkway Bank 1.15 4/7/2017	70153RHJ0	0.40	Negotiable Certificate Of Deposit	10/7/2014	1.150	248,000.00	248,000.00	248,007.44	4/7/2017	7
Peapack Gladstone Bank 1.4 4/17/2018	704692AH5	0.41	Negotiable Certificate Of Deposit	4/17/2014	1.400	249,000.00	249,000.00	249,973.59	4/17/2018	382
PrivateBank 1.3 1/19/2018	74267GUM7	0.41	Negotiable Certificate Of Deposit	5/21/2014	1.300	248,000.00	248,000.00	248,793.60	1/19/2018	294
Providence Bank 1.3 12/28/2018	74374MAE4	0.41	Certificate Of Deposit	12/28/2016	1.300	249,000.00	249,000.00	248,347.62	12/28/2018	637
Sallie Mae 2.2 11/4/2020	795450WV3	0.41	Negotiable Certificate Of Deposit	11/4/2015	2.200	247,000.00	247,000.00	250,290.04	11/4/2020	1,314
Smartbank 1.2 2/23/2018	83172HCQ1	0.41	Negotiable Certificate Of Deposit	4/23/2014	1.200	249,000.00	249,000.00	249,898.89	2/23/2018	329
State Bank India 2.4 3/14/2022	8562846Z2	0.41	Certificate Of Deposit	3/14/2017	2.400	247,000.00	247,000.00	248,770.99	3/14/2022	1,809
Sussex Bank 1.45 8/29/2018	86933DAM4	0.41	Negotiable Certificate Of Deposit	12/29/2015	1.450	248,000.00	248,000.00	248,468.72	8/29/2018	516
Synchrony Bank 2.2 9/18/2020	87164YKB9	0.41	Negotiable Certificate Of Deposit	9/18/2015	2.200	247,000.00	247,000.00	250,302.39	9/18/2020	1,267
Third Federal 1.05 7/24/2017	88413QAQ1	0.41	Negotiable Certificate Of Deposit	5/23/2014	1.050	248,000.00	248,000.00	248,314.96	7/24/2017	115
Unity Bank 1.7 12/30/2019	91330LAD5	0.41	Certificate Of Deposit	6/30/2015	1.700	249,000.00	249,000.00	250,043.31	12/30/2019	1,004
Washington TR 1.35 10/10/2017	940637GP0	0.41	Negotiable Certificate Of Deposit	10/8/2014	1.350	248,000.00	248,000.00	248,359.60	10/10/2017	193
Webster Bank 1.8 6/11/2019	94768NJS4	0.41	Negotiable Certificate Of Deposit	6/11/2014	1.800	247,000.00	247,000.00	249,084.68	6/11/2019	802
Wells Fargo 1.5 12/17/2018	9497482Z9	0.41	Negotiable Certificate Of Deposit	12/17/2015	1.500	249,000.00	249,000.00	249,839.13	12/17/2018	626
Worlds Foremost Bank 1.4 3/22/2019	981571BZ4	0.33	Certificate Of Deposit	3/24/2016	1.400	200,000.00	200,000.00	199,540.00	3/22/2019	721
Sub Total / Average		23.06			1.528	14,096,000.00	14,096,000.00	14,124,767.99		682
Obligation of the US Government										
T-Note 0.625 11/30/2017	912828UA6	1.63	Treasury Note	6/12/2013	1.016	1,000,000.00	982,968.75	997,660.00	11/30/2017	244

Description	CUSIP/Ticker	% of Portfolio	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity
T-Note 0.625 9/30/2017	912828TS9	1.63	Treasury Note	6/27/2013	1.222	1,000,000.00	975,312.50	998,590.00	9/30/2017	183
T-Note 0.75 2/28/2018	912828UR9	1.63	Treasury Note	6/27/2013	1.352	1,000,000.00	972,812.50	997,190.00	2/28/2018	334
T-Note 1 5/31/2018	912828VE7	1.63	Treasury Note	6/6/2013	1.010	1,000,000.00	999,500.00	998,590.00	5/31/2018	426
Sub Total / Average		6.52			1.150	4,000,000.00	3,930,593.75	3,992,030.00		297
Total / Average		100			1.246	61,417,676.48	61,353,676.68	61,257,633.20		649

REPORT TO CITY COUNCIL

Approved by:

Council Meeting of: June 21, 2017



Department Director

Agenda Number: B-9



City Administrator

SUBJECT: Consideration of a Resolution of the City Council of the City of Madera, California approving a new Schedule "A" agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2017 to June 30, 2019 for fire service operations, and authorizing the Mayor to sign the Agreement on behalf of the City of Madera.

RECOMMENDATION:

The Fire Department recommends the City Council of the City of Madera, California, adopt a Resolution approving a new Schedule "A" agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2017 to June 30, 2019 for fire service operations, and authorizing the Mayor to sign the Agreement on behalf of the City of Madera.

BACKGROUND:

Public Resources Code Section 4142 allows CAL FIRE to enter into cooperative agreements with cities and counties for the purpose of suppressing fire within those jurisdictions. The City of Madera has contracted with CAL FIRE under such agreements since 1993. The latest was a one-year Schedule "A" fire protection services reimbursement agreement from July 1, 2016 through June 30, 2017.

The FY 2017-2019 Schedule "A" agreement is \$7,012,780.00 (see Exhibit D attachment) FY 17/18 total of 3,420,869.00 shows an increase of \$56,454.00. FY 18/19 shows a 5% increase in agreement. This escalation is due to the overall increase in staff benefits and a negotiated raise for employees effective 7/1/2017 due to collective bargaining agreement.

FISCAL IMPACT:

The Madera City Fire Department's current budget contains sufficient funding to accommodate the CAL FIRE Schedule "A" fire protection services reimbursement agreement.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The resulting resolution is consistent with the following action items:

- Strategy 421: First Response Emergency Services: Ensure the safety and protection of Madera and its community members through adequate first response to emergencies. Maintain sufficient resources to expand protection as the community grows.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A NEW SCHEDULE "A" AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FROM JULY 1, 2017 TO JUNE 30, 2019 FOR FIRE SERVICE OPERATIONS, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF MADERA.

WHEREAS, the City of Madera (CITY) contracts with the State of California, Department of Forestry and Fire Protection (CAL FIRE) to provide fire protection services as allowed under Public Resources Code Section 4142; and,

WHEREAS, CAL FIRE and the CITY have entered into agreements for services since 1993, the latest of which was a one-year Schedule "A" service agreement from July 1, 2016 through June 30, 2017; and,

WHEREAS, the Schedule "A" agreement must be amended annually to cover each fiscal year's costs while providing for fire service operations.

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

- 1) The above recitals are true and correct.
- 2) The City Council of the City of Madera, California approves the above noted Schedule "A" agreement with the California Department of Forestry and Fire Protection (CAL FIRE) dated July 1, 2017 (Agreement # 4CA03527 in the amount of 7,012,780.00), a copy of which is on file in the office of the City Clerk and referred to for particulars.
- 3) The City Council of the City of Madera, California authorizes the Mayor, to sign and execute said agreement on behalf of the City of Madera.
- 4) This resolution is effective immediately upon adoption.

* * * * *

COOPERATIVE FIRE PROGRAMS
FIRE PROTECTION REIMBURSEMENT AGREEMENT
LG-1 REV. 01/2017

AGREEMENT NUMBER **4CA03527**

REGISTRATION NUMBER:

1. This Agreement is entered into between the State Agency and the Local Agency named below:

STATE AGENCY'S NAME

California Department of Forestry and Fire Protection – (CAL FIRE)

LOCAL AGENCY'S NAME

City of Madera

2. The term of this Agreement is: July 1, 2017 through June 30, 2019

3. The maximum amount of this Agreement is: \$ 7,012,780.00
Seven Million and Twelve Thousand Seven Hundred and Eighty Dollars and No cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work – Includes page 2 (contact page) in count for Exhibit A	5	pages
Exhibit B – Budget Detail and Payment Provisions	2	pages
Exhibit C – General Terms and Conditions	7	pages
Exhibit D – Additional Provisions	5	pages
Exhibit E – Description of Other Services	1	pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

LOCAL AGENCY

LOCAL AGENCY'S NAME

City Of Madera

BY (Authorized Signature)



DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Andrew J. Medellin-Mayor

ADDRESS

205 West Fourth Street
Madera, Ca. 93637

STATE OF CALIFORNIA

AGENCY NAME

California Department of Forestry and Fire Protection

BY (Authorized Signature)



DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Chris Rowney, Assistant Deputy Director, Cooperative Fire Protection, Training & Safety

ADDRESS P.O. Box 944246, Sacramento, CA 94244-2460

**California Department of General
Services Use Only**

EXHIBIT A
COOPERATIVE FIRE PROGRAMS
FIRE PROTECTION REIMBURSEMENT AGREEMENT

The project representatives during the term of this agreement will be:

CAL FIRE Unit Chief:	Nancy B. Koerperich	Local Agency:	City of Madera
Name:	Nancy B. Koerperich	Name:	David Tooley, City Manager
Phone:	559-675-7799	Phone:	559-661-5400
Fax:	559-673-2085	Fax:	559-674-2792

All required correspondence shall be sent through U.S. Postal Service by certified mail and directed to:

CAL FIRE Unit Chief:	Nancy B. Koerperich	Local Agency:	City of Madera
Section/Unit:	MMU	Section/Unit:	City Clerk
Attention:	Dave Allen	Attention:	Sonia Alvarez
Address:	200 West Fourth Street Madera, Ca. 93637	Address:	205 West Fourth Street Madera, Ca. 93637
Phone:	559-675-7799	Phone:	559-661-5405
Fax:	559-673-2085	Fax:	559-674-2792

Send an additional copy of all correspondence to:

CAL FIRE
Cooperative Fire Services
P.O. Box 944246
Sacramento, CA 94244-2460

AUTHORIZATION

As used herein, Director shall mean Director of CAL FIRE. This agreement, its terms and conditions are authorized under the Public Resources Code Sections 4141, 4142, 4143 and 4144, as applicable.

EXHIBIT A

SCOPE OF WORK

Under Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and fire suppression forces including the necessary equipment, personnel, and facilities required to prevent and extinguish forest fires.

The purpose of this agreement is to provide mutually advantageous fire and emergency services through an effective consolidated organization, wherein the STATE is primarily financially responsible for protecting natural resources from vegetation fires and the LOCAL AGENCY is primarily financially responsible for protecting life and property from fires and other emergencies. The LOCAL AGENCY shall have sole authority to establish the fire protection organization and structure needed to meet the determined level of service. This level of service may be based on the LOCAL AGENCY governing board's established fiscal parameters and assessment of risks and hazards. LOCAL AGENCY personnel providing services under this agreement may include any one or a combination of the following: regular employees, persons temporarily employed and commonly known as volunteers, paid-call firefighters, or others temporarily employed to perform any emergency work or emergency service including, but not limited to fire prevention, fire suppression and emergency medical response.

To comply with the STATE's mandate for full cost recovery of goods and services provided for others, the LOCAL AGENCY shall be responsible for all STATE costs, both direct and indirect, required to execute the terms of this agreement. These costs shall include, but not be limited to: required training and associated post coverage, employee uniform and Personal Protective Equipment (PPE) costs.

1. FIRE PROTECTION SERVICES TO BE PROVIDED BY THE STATE

STATE provides a modern, full service fire protection and emergency incident management agency that provides comprehensive fire protection and other emergency incident response. STATE designs regional fire protection solutions for urban and rural communities by efficiently utilizing all emergency protection resources. Regional solutions provide the most effective method of protecting the citizens of California at local, county and state levels.

Fire protection services to be provided by STATE under this agreement shall include the following: (check boxes below that apply)

☒ 1) Emergency Fire Protection, Medical and Rescue Response: services include commercial, residential, and wildland fire protection, prevention and investigation; hazardous materials incident response; emergency vehicle extrication; hazardous conditions response (flooding, downed power lines, earthquake, terrorist incident, etc.); emergency medical and rescue response; and public service assistance. Also included are management support services that include fire department administration, training and safety, personnel, finance and logistical support.

☒ 2) Basic Life Support Services: emergency medical technician (EMT) level emergency medical response providing first aid, basic life support (BLS), airway management, administration of oxygen, bleeding control, and life support system stabilization until patients are transported to the nearest emergency care facility.

☐ 3) Advanced Life Support Services: paramedic level emergency medical response providing early advanced airway management, intravenous drug therapy, and life support system stabilization until patients are transported to the nearest emergency care facility.

☒ 4) Dispatch Services: provide fire department 9-1-1 emergency dispatch by CAL FIRE Fire/Emergency Command Center (ECC). CAL FIRE will be responsible for fire/emergency dispatching emergency resource units covered under this agreement. The CAL FIRE ECC is staffed with a Battalion Chief, three or more Fire Captains and Communications Operators to provide 24/7 year-round coverage. There is always an officer of Captain rank or higher to serve as the shift supervisor and command officer. CAL FIRE uses an integrated Computer Aided Dispatch (CAD) system using the latest technology, to direct the closest available resources to all emergency incidents.

☐ 5) Fire Code Inspection, Prevention and Enforcement Services: CAL FIRE has staff Fire Inspectors serving under the direction of the LOCAL AGENCY Fire Marshal to provide services to the area covered by this agreement. Fire Code Enforcement will normally be available five days per week, with emergency or scheduled enforcement inspections available seven days per week. Fire Prevention and Investigation services will be provided by CAL FIRE Prevention Officers trained in arson, commercial, and wildland fire investigation. Officers are available by appointment for site visits and consultations. Officers are trained at CAL FIRE's Peace Officer Standard Training (POST) certified law enforcement training academy and they cooperate effectively with all local, state and federal law enforcement agencies.

☐ 6) Land Use/ Pre-Fire Planning Services – CAL FIRE staff will provide community land use planning, administration of Pre-Fire project work, including community outreach, development of community education programs, project quality control, maintenance of project records and submittal of progress reports, completion of required environmental documentation, acquisition of required permits and completion of other associated administrative duties.

☐ 7) Disaster planning services (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☐ 8) Specific service descriptions and staffing coverage, by station (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☐ 9) Extended Fire Protection Service Availability (Amador)

2. ADMINISTRATION

Under the requirements of California Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and firefighting services as outlined in Exhibit D, Schedule B of this agreement.

- A. Director shall select and employ a Region Chief who shall, under the direction of the Director/Chief Deputy Director, manage all aspects of fire prevention and fire protection services and forestry-related programs.
- B. Director will select and employ a Unit Chief who shall, under the supervision and direction of Director/Region Chief or a lawful representative, have charge of the organization described in Exhibit D, Schedules A, B and C included hereto and made a part of this agreement.
- C. LOCAL AGENCY shall appoint the Unit Chief as the LOCAL AGENCY Fire Chief for all Emergency Fire Protection, Medical and Rescue Response Agreements, pursuant to applicable statutory authority. The Unit Chief may delegate this responsibility to qualified staff.
- D. The Unit Chief may dispatch personnel and equipment listed in Exhibit D, Schedules A, B and C from the assigned station or location under guidelines established by LOCAL AGENCY and approved by STATE. Personnel and/or equipment listed in Exhibit D, Schedule B may be dispatched at the sole discretion of STATE.

- E. The Unit Chief shall exercise professional judgment consistent with STATE policy and his or her employment by STATE in authorizing or making any assignments to emergencies and other responses, including assignments made in response to requests for mutual aid.
- F. Except as may be otherwise provided for in this agreement, STATE shall not incur any obligation on the part of LOCAL AGENCY to pay for any labor, materials, supplies or services beyond the total set forth in the respective Exhibit D, Schedules A and C, as to the services to be rendered pursuant to each Schedule.
- G. Nothing herein shall alter or amend or be construed to alter or amend any Collective Bargaining Agreement or Memorandum of Understanding between the State of California and its employees under the State Employer-Employee Relations Act.

3. SUPPRESSION COST RECOVERY

As provided in Health and Safety Code (H&SC) Section 13009, STATE may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using LOCAL AGENCY equipment and personnel under the terms of this agreement, STATE may, at the request of LOCAL AGENCY, bring such an action for collection of costs incurred by LOCAL AGENCY. In such a case LOCAL AGENCY appoints and designates STATE as its agent in said collection proceedings. In the event of recovery, STATE shall deduct fees and litigation costs in a proportional percentage amount based on verifiable and justifiable suppression costs for the fire at issue. These recovery costs are for services provided which are beyond the scope of those covered by the local government administrative fee.

In all such instances, STATE shall give timely notice of the possible application of H&SC Section 13009 to the representative designated by LOCAL AGENCY.

4. MUTUAL AID

When rendering mutual aid or assistance as authorized in H&SC Sections 13050 and 13054, STATE may, at the request of LOCAL AGENCY, demand payment of charges and seek reimbursement of LOCAL AGENCY costs for personnel, equipment and operating expenses as funded herein, under authority given by H&SC Sections 13051 and 13054. STATE, in seeking said reimbursement pursuant to such request of LOCAL AGENCY, shall represent LOCAL AGENCY by following the procedures set forth in H&SC Section 13052. Any recovery of LOCAL AGENCY costs, less expenses, shall be paid or credited to LOCAL AGENCY, as directed by LOCAL AGENCY.

In all such instances, STATE shall give timely notice of the possible application of H&SC Sections 13051 and 13054 to the officer designated by LOCAL AGENCY.

5. PROPERTY PURCHASE AND ACCOUNTING

LOCAL AGENCY shall be responsible for all costs associated with property required by personnel to carry out this agreement. Employee uniform costs will be assessed to the LOCAL AGENCY through the agreement billing process. Personal Protective Equipment (PPE) costs shall be the responsibility of the LOCAL AGENCY. By mutual agreement, PPE meeting the minimum specifications established by the STATE may be purchased directly by the LOCAL AGENCY. Alternately, the STATE will supply all PPE and the LOCAL AGENCY will be billed for costs incurred.

Contractor Name: City of Madera

Contract No.: **4CA03527**

Page No.: 6

All property provided by LOCAL AGENCY and by STATE for the purpose of providing fire protection services shall be marked and accounted for by the Unit Chief in such a manner as to conform to the regulations, if any, established by the parties for the segregation, care, and use of the respective properties.

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

1. PAYMENT FOR SERVICES

- A. LOCAL AGENCY shall pay STATE actual cost for fire protection services pursuant to this agreement an amount not to exceed that set forth in Exhibit D, Schedule A for each fiscal year. STATE shall prepare an Exhibit D, Schedule A each year, which shall be the basis for payment for the entire fiscal year for which services are provided.
- B. Any other funds designated by LOCAL AGENCY to be expended under the supervision of or for use by a Unit Chief for fire protection services shall be set forth in Exhibit D, Schedule C. This clause shall not limit the right of LOCAL AGENCY to make additional expenditures, whether under Exhibit D, Schedule C or otherwise.
- C. STATE shall invoice LOCAL AGENCY for the cost of fire protection services on a quarterly basis as follows:
 - 1) For actual services rendered by STATE during the period of July 1 through September 30, by an invoice filed with LOCAL AGENCY on or after December 10.
 - 2) For actual services rendered by STATE during the period October 1 through December 31, by an invoice filed with LOCAL AGENCY on or after December 31.
 - 3) For actual services rendered by STATE during the period January 1 through March 31, by an invoice filed with LOCAL AGENCY on or after March 31.
 - 4) For the estimated cost of services during the period April 1 through June 30, by an invoice filed in advance with LOCAL AGENCY on or after March 1.
 - 5) A final statement shall be filed with LOCAL AGENCY by October 1 following the close of the fiscal year, reconciling the payments made by LOCAL AGENCY with the cost of the actual services rendered by STATE and including any other costs as provided herein, giving credit for all payments made by LOCAL AGENCY and claiming the balance due to STATE, if any, or refunding to LOCAL AGENCY the amount of any overpayment.
 - 6) All payments by LOCAL AGENCY shall be made within thirty (30) days of receipt of invoice from STATE, or within thirty (30) days after the filing dates specified above, whichever is later.
 - 7) The STATE reserves the right to adjust the frequency of billing and payment to a monthly cycle with a thirty (30) day written notice to the LOCAL AGENCY when:
 - a. The Director predicts a cash flow shortage, or
 - b. When determined by the Region Chief, after consulting with the Unit Chief and the LOCAL AGENCY Contract Administrator, that the LOCAL AGENCY may not have the financial ability to support the contract at the contract level.
- D. Invoices shall include actual or estimated costs as provided herein of salaries and employee benefits for those personnel employed, charges for operating expenses and equipment and the administrative charge in accordance with Exhibit D, Schedule A. When "contractual rates" are indicated, the rate shall be based on an average salary plus all benefits. "Contractual rates" means an all-inclusive rate established in Exhibit

D, Schedule A for total costs to STATE, per specified position, for 24-hour fire protection services during the period covered.

- E. STATE shall credit the LOCAL AGENCY, or cover behind at no cost, for the costs of Non-post (e.g. Fire Marshal, Training Officer, etc.) positions and equipment assigned to STATE responsibility fires or other STATE funded emergency incidents. The STATE shall notify the LOCAL AGENCY when this occurs.

2. COST OF OPERATING AND MAINTAINING EQUIPMENT AND PROPERTY

The cost of maintaining, operating, and replacing any and all property and equipment, real or personal, furnished by the parties hereto for fire protection purposes, shall be borne by the party owning or furnishing such property or equipment unless otherwise provided for herein or by separate written agreement.

3. BUDGET CONTINGENCY CLAUSE

- A. If the LOCAL AGENCY's governing authority does not appropriate sufficient funds for the current year or any subsequent years covered under this Agreement, which results in an inability to pay the STATE for the services specified in this Agreement, the LOCAL AGENCY shall promptly notify the STATE and this Agreement will terminate pursuant to the notice periods required herein.
- B. If funding for any fiscal year is reduced or deleted by the LOCAL AGENCY for purposes of this program, the LOCAL AGENCY shall promptly notify the STATE, and the STATE shall have the option to either cancel this Agreement with no liability occurring to the STATE, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced amount, pursuant to the notice terms herein.
- C. If the STATE Budget Act does not appropriate sufficient funds to provide the services for the current year or any subsequent years covered under this Agreement, which results in an inability to provide the services specified in this Agreement to the LOCAL AGENCY, the STATE shall promptly notify the LOCAL AGENCY, and this Agreement will terminate pursuant to the notice periods required herein.
- D. If funding for any fiscal year is reduced or deleted by the STATE Budget Act for purposes of this program, the STATE shall promptly notify the LOCAL AGENCY, and the LOCAL AGENCY shall have the option to either cancel this Agreement with no liability occurring to the LOCAL AGENCY, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced services, pursuant to the notice terms herein.
- E. Notwithstanding the foregoing provisions in paragraphs A and B above, the LOCAL AGENCY shall remain responsible for payment for all services actually rendered by the STATE under this Agreement regardless of LOCAL AGENCY funding being reduced, deleted or not otherwise appropriated for this program. The LOCAL AGENCY shall promptly notify the STATE in writing of any budgetary changes that would impact this Agreement.
- F. LOCAL AGENCY and STATE agree that this Budget Contingency Clause shall not relieve or excuse either party from its obligation(s) to provide timely notice as may be required elsewhere in this Agreement.

EXHIBIT C
GENERAL TERMS AND CONDITIONS

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. STATE will not commence performance until such approval has been obtained.
2. **AMENDMENT:** This agreement may be amended by mutual consent of LOCAL AGENCY and STATE. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

If during the term of this agreement LOCAL AGENCY shall desire a reduction in STATE civil service employees assigned to the organization provided for in Exhibit D, Schedule A, LOCAL AGENCY shall provide 120 days written notice of the requested reduction. Notification shall include the following: (1) The total amount of reduction; (2) The firm effective date of the reduction; and (3) The number of employees, by classification, affected by a reduction. If such notice is not provided, LOCAL AGENCY shall reimburse STATE for relocation costs incurred by STATE as a result of the reduction. Personnel reductions resulting solely from an increase in STATE employee salaries or STATE expenses occurring after signing this agreement and set forth in Exhibit D, Schedule A to this agreement shall not be subject to relocation expense reimbursement by LOCAL AGENCY.

If during the term of this agreement costs to LOCAL AGENCY set forth in any Exhibit D, Schedule A to this agreement increase and LOCAL AGENCY, in its sole discretion, determines it cannot meet such increase without reducing services provided by STATE, LOCAL AGENCY shall within one hundred twenty (120) days of receipt of such Schedule notify STATE and designate which adjustments shall be made to bring costs to the necessary level. If such designation is not received by STATE within the period specified, STATE shall reduce services in its sole discretion to permit continued operation within available funds.

3. **ASSIGNMENT:** This Agreement is not assignable by the LOCAL AGENCY either in whole or in part, without the consent of the STATE in the form of a formal written amendment.
4. **EXTENSION OF AGREEMENT:**
 - A. One year prior to the date of expiration of this agreement, LOCAL AGENCY shall give STATE written notice of whether LOCAL AGENCY will extend or enter into a new agreement with STATE for fire protection services and, if so, whether LOCAL AGENCY intends to change the level of fire protection services from that provided by this agreement. If this agreement is executed with less than one year remaining on the term of the agreement, LOCAL AGENCY shall provide this written notice at the time it signs the agreement and the one year notice requirement shall not apply.
 - B. If LOCAL AGENCY fails to provide the notice, as defined above in (A), STATE shall have the option to extend this agreement for a period of up to one year from the original termination date and to continue providing services at the same or reduced level as STATE determines would be appropriate during the extended period of this agreement. Six months prior to the date of expiration of this agreement, or any extension hereof, STATE shall give written notice to LOCAL AGENCY of any extension of this agreement and any change in the level of fire protection services STATE will provide during the extended period of this agreement. Services provided and obligations incurred by STATE during an extended period shall be accepted by LOCAL AGENCY as services and obligations under the terms of this agreement.

- C. The cost of services provided by STATE during the extended period shall be based upon the amounts that would have been charged LOCAL AGENCY during the fiscal year in which the extended period falls had the agreement been extended pursuant hereto. Payment by LOCAL AGENCY for services rendered by STATE during the extended period shall be as provided in Exhibit B, Section 1, B of this agreement.
5. **AUDIT:** STATE, including the Department of General Services and the Bureau of State Audits, and LOCAL AGENCY agree that their designated representative shall have the right to review and to copy any records and supporting documentation of the other party hereto, pertaining to the performance of this agreement. STATE and LOCAL AGENCY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, and to allow the auditor(s) of the other party access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. STATE and LOCAL AGENCY agree to a similar right to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
6. **INDEMNIFICATION:** Each party, to the extent permitted by law, agrees to indemnify, defend and save harmless the other party, its officers, agents and employees from (1) any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies to that party and (2) from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by that party, in the performance of any activities of that party under this agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to the other party or from acts not within the scope of duties to be performed pursuant to this agreement; and (3) each party shall be responsible for any and all claims that may arise from the behavior and/or performance of its respective employees during and in the course of their employment to this cooperative agreement.
7. **DISPUTES:** LOCAL AGENCY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of LOCAL AGENCY, be available for contract resolution or policy intervention with the STATE's Region Chief when, upon determination by the designated STATE representative, the Unit Chief acting as LOCAL AGENCY's Fire Chief under this agreement faces a situation in which a decision to serve the interest of LOCAL AGENCY has the potential to conflict with STATE interest or policy. Any dispute concerning a question of fact arising under the terms of this agreement which is not disposed of within a reasonable period of time by the LOCAL AGENCY and STATE employees normally responsible for the administration of this agreement shall be brought to the attention of the CAL FIRE Director or designee and the Chief Executive Officer (or designated representative) of the LOCAL AGENCY for joint resolution. For purposes of this provision, a "reasonable period of time" shall be ten (10) calendar days or less. STATE and LOCAL AGENCY agree to continue with the responsibilities under this Agreement during any dispute.
8. **TERMINATION FOR CAUSE/CANCELLATION:**
- A. If LOCAL AGENCY fails to remit payments in accordance with any part of this agreement, STATE may terminate this agreement and all related services upon 60 days written notice to LOCAL AGENCY. Termination of this agreement does not relieve LOCAL AGENCY from providing STATE full compensation in accordance with terms of this agreement for services actually rendered by STATE pursuant to this agreement.

- B. This agreement may be cancelled at the option of either STATE or LOCAL AGENCY at any time during its term, with or without cause, on giving one year's written notice to the other party. Either LOCAL AGENCY or STATE electing to cancel this agreement shall give one year's written notice to the other party prior to cancellation.
9. **INDEPENDENT CONTRACTOR:** Unless otherwise provided in this agreement LOCAL AGENCY and the agents and employees of LOCAL AGENCY, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the STATE.
10. **NON-DISCRIMINATION CLAUSE:** During the performance of this agreement, LOCAL AGENCY shall be an equal opportunity employer and shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) mental disability, medical condition (e.g.cancer), age (over 40), marital status, denial of family care leave, veteran status, sexual orientation, and sexual identity. LOCAL AGENCY shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. LOCAL AGENCY shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. LOCAL AGENCY shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- In addition, LOCAL AGENCY acknowledges that it has obligations relating to ethics, Equal Employment Opportunity (EEO), the Fire Fighter's Bill of Rights Act (FFBOR), and the Peace Officer's Bill of Rights Act (POBOR). LOCAL AGENCY shall ensure that its employees comply with all the legal obligations relating to these areas. LOCAL AGENCY shall ensure that its employees are provided appropriate training.
11. **TIMELINESS:** Time is of the essence in the performance of this agreement.
12. **COMPENSATION:** The consideration to be paid STATE, as provided herein, shall be in compensation for all of STATE's expenses incurred in the performance hereof, including travel, per Diem, and taxes, unless otherwise expressly so provided.
13. **GOVERNING LAW:** This agreement is governed by and shall be interpreted in accordance with the laws of the State of California.
14. **CHILD SUPPORT COMPLIANCE ACT:** "For any Agreement in excess of \$100,000, the LOCAL AGENCY acknowledges in accordance with Public Contract Code 7110, that:
- A. The LOCAL AGENCY recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- B. The LOCAL AGENCY, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department."

15. **UNENFORCEABLE PROVISION:** In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

16. **COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

The STATE and LOCAL AGENCY have a responsibility to comply with the provisions of the 1996 Federal Health Insurance Portability and Accountability Act (HIPAA) and the 2001 State Health Insurance Portability and Accountability Implementation Act. HIPAA provisions become applicable once the association and relationships of the health care providers are determined by the LOCAL AGENCY. It is the LOCAL AGENCY'S responsibility to determine their status as a "covered entity" and the relationships of personnel as "health care providers", "health care clearinghouse", "hybrid entities", business associates", or "trading partners". STATE personnel assigned to fill the LOCAL AGENCY'S positions within this Agreement, and their supervisors, may fall under the requirements of HIPAA based on the LOCAL AGENCY'S status. It is the LOCAL AGENCY'S responsibility to identify, notify, train, and provide all necessary policy and procedures to the STATE personnel that fall under HIPAA requirements so that they can comply with the required security and privacy standards of the act.

17. **LIABILITY INSURANCE**

The STATE and LOCAL AGENCY shall each provide proof of insurance in a form acceptable to the other party at no cost one to the other, to cover all services provided and use of local government facilities covered by this agreement. If LOCAL AGENCY is insured and/or self-insured in whole or in part for any losses, LOCAL AGENCY shall provide a completed Certification of Self Insurance (Exhibit D, Schedule E) or certificate of insurance, executed by a duly authorized officer of LOCAL AGENCY. Upon request of LOCAL AGENCY the STATE shall provide a letter from DGS, Office Risk and Insurance Management executed by a duly authorized officer of STATE. If commercially insured in whole or in part, a certificate of such coverage executed by the insurer or its authorized representative shall be provided.

Said commercial insurance or self-insurance coverage of the LOCAL AGENCY shall include the following:

- A. Fire protection and emergency services - Any commercial insurance shall provide at least general liability for \$5,000,000 combined single limit per occurrence.
 - B. Dispatch services – Any commercial insurance shall provide at least general liability for \$1,000,000 combined single limit per occurrence.
 - C. The CAL FIRE, State of California, its officers, agents, employees, and servants are included as additional insured's for purposes of this contract.
 - D. The STATE shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed on page 2 of this agreement.
18. **WORKERS COMPENSATION:** (only applies where local government employees/volunteers are supervised by CAL FIRE, as listed in Exhibit D Schedule C. STATE contract employees' workers compensation is included as part of the contract personnel benefit rate).
- A. Workers' Compensation and related benefits for those persons, whose use or employment is contemplated herein, shall be provided in the manner prescribed by California Labor Codes, State Interagency Agreements and other related laws, rules, insurance policies, collective bargaining agreements, and memorandums of understanding.

- B. The STATE Unit Chief administering the organization provided for in this agreement shall not use, dispatch or direct any non STATE employees, on any work which is deemed to be the responsibility of LOCAL AGENCY, unless and until LOCAL AGENCY provides for Workers' Compensation benefits at no cost to STATE. In the event STATE is held liable, in whole or in part, for the payment of any Worker's Compensation claim or award arising from the injury or death of any such worker, LOCAL AGENCY agrees to compensate STATE for the full amount of such liability.
- C. The STATE /LOCAL AGENCY shall receive proof of Worker's Compensation coverage and shall be notified of any cancellation and change of coverage at the addresses listed in Section 1.

19. **CONFLICT OF INTEREST**: LOCAL AGENCY needs to be aware of the following provisions regarding current or former state employees. If LOCAL AGENCY has any questions on the status of any person rendering services or involved with the Agreement, the STATE must be contacted immediately for clarification.

Current State Employees (Public Contract Code §10410):

- 1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Public Contract Code §10411):

- 1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If LOCAL AGENCY violates any provisions of above paragraphs, such action by LOCAL AGENCY shall render this Agreement void. (Public Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Public Contract Code §10430 (e))

20. **LABOR CODE/WORKERS' COMPENSATION**: LOCAL AGENCY needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and LOCAL AGENCY affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

21. **AMERICANS WITH DISABILITIES ACT**: LOCAL AGENCY assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the

basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

22. **LOCAL AGENCY NAME CHANGE:** An amendment is required to change the LOCAL AGENCY'S name as listed on this Agreement. Upon receipt of legal documentation of the name change the STATE will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.
23. **RESOLUTION:** A county, city, district, or other local public body must provide the STATE with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.
24. **AIR OR WATER POLLUTION VIOLATION:** Under the State laws, the LOCAL AGENCY shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.
25. **Affirmative Action.** STATE certifies its compliance with applicable federal and State hiring requirements for persons with disabilities, and is deemed by LOCAL AGENCY to be in compliance with the provisions of LOCAL AGENCY'S Affirmative Action Program for Vendors.
26. **Drug and Alcohol-Free Workplace.** As a material condition of this Agreement, STATE agrees that it and its employees, while performing service for LOCAL AGENCY, on LOCAL AGENCY property, or while using LOCAL AGENCY equipment, shall comply with STATE's Employee Rules of Conduct as they relate to the possession, use, or consumption of drugs and alcohol.
27. **Zero Tolerance for Fraudulent Conduct in LOCAL AGENCY Services.** STATE shall comply with any applicable "Zero Tolerance for Fraudulent Conduct in LOCAL AGENCY Services." There shall be "Zero Tolerance" for fraud committed by contractors in the administration of LOCAL AGENCY programs and the provision of LOCAL AGENCY services. Upon proven instances of fraud committed by the STATE in connection with performance under the Agreement, the Agreement may be terminated consistent with the termination for cause/cancellation term, Exhibit C, section 8, subsection B, of Cooperative Fire Programs Fire Protection Reimbursement Agreement, LG-1, between the California Department of Forestry and Fire Protection (CAL FIRE) and the LOCAL AGENCY.
28. **Confidential Information.** "Confidential information" means information designated by CAL FIRE and/or the LOCAL AGENCY disclosure of which is restricted, prohibited or privileged by State and federal law. Confidential Information includes, but is not limited to, information exempt from disclosure under the California Public Records Act (Government Code Sections 6250 et seq.) Confidential Information includes but is not limited to all records as defined in Government Code section 6252 as well as verbal communication of Confidential Information. Any exchange of Confidential Information between parties shall not constitute a "waiver" of any exemption pursuant to Government Code section 6254.5

CAL FIRE and LOCAL AGENCY personnel allowed access to information designated as Confidential Information shall be limited to those persons with a demonstrable business need for such access. CAL FIRE and LOCAL AGENCY agree to provide a list of authorized personnel in writing as required by Government Code section 6254.5(e). CAL FIRE and the

LOCAL AGENCY agree to take all necessary measures to protect Confidential Information and shall impose all the requirements of this Agreement on all of their respective officers, employees and agents with regards to access to the Confidential Information. A Party to this Contract who experiences a security breach involving Confidential Information covered by this Contract, agrees to promptly notify the other Party of such breach

29. **ENTIRE AGREEMENT**: This agreement contains the whole agreement between the Parties. It cancels and supersedes any previous agreement for the same or similar services.

EXHIBIT D
ADDITIONAL PROVISIONS

EXCISE TAX: State of California is exempt from federal excise taxes, and no payment will be made for any taxes levied on employees' wages. STATE will pay any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. The STATE may pay any applicable sales and use tax imposed by another state.

Schedules

The following Schedules are included as part of this agreement (check boxes if they apply):

- ☒ **A. Fiscal Display, PRC 4142 AND/OR PRC 4144** - STATE provided LOCAL AGENCY funded fire protection services. STATE-owned vehicles shall be operated and maintained in accordance with policies of STATE at rates listed in Exhibit D, Schedule A.
- ☐ **B. STATE Funded Resource** - A listing of personnel, crews and major facilities of the STATE overlapping or adjacent to the local agency area that may form a reciprocal part of this agreement.
- ☒ **C. LOCAL AGENCY Provided Local Funded Resources** - A listing of services, personnel, equipment and expenses, which are paid directly by the local agency, but which are under the supervision of the Unit Chief.
- ☐ **D. LOCAL AGENCY Owned STATE Maintained Vehicles** - Vehicle information pertaining to maintenance responsibilities and procedures for local agency-owned vehicles that may be a part of the agreement.

LOCAL AGENCY-owned firefighting vehicles shall meet and be maintained to meet minimum safety standards set forth in Title 49, Code of Federal Regulations; and Titles 8 and 13, California Code of Regulations.

LOCAL AGENCY-owned vehicles that are furnished to the STATE shall be maintained and operated in accordance to LOCAL AGENCY policies. In the event LOCAL AGENCY does not have such policies, LOCAL AGENCY-owned vehicles shall be maintained and operated in accordance with STATE policies. The cost of said vehicle maintenance and operation shall be at actual cost or at rates listed in Exhibit D, Schedule D.

Exhibit D, Schedule D is incorporated into this section if LOCAL AGENCY-owned vehicles listed in Exhibit D, Schedule D are to be operated, maintained, and repaired by STATE.

LOCAL AGENCY assumes full responsibility for all liabilities associated therewith in accordance with California Vehicle Code Sections 17000, 17001 et seq. STATE employees operating LOCAL AGENCY-owned vehicles shall be deemed employees of LOCAL AGENCY, as defined in Vehicle Code Section 17000. Except where LOCAL AGENCY would have no duty to indemnify STATE under Exhibit C, Section 6 for all LOCAL AGENCY-owned vehicles operated or used by employees of STATE under this agreement.

LOCAL AGENCY employees, who are under the supervision of the Unit Chief and operating STATE-owned motor vehicles, as a part of the duties and in connection

with fire protection and other emergency services, shall be deemed employees of STATE, as defined in Vehicle Code Section 17000 for acts or omissions in the use of such vehicles. Except where STATE would have no duty to indemnify LOCAL AGENCY under Exhibit C, Section 6.

- E. Certification of Insurance** - Provider Insurance Certification and/or proof of self-insurance.

Contractor Name: City of Madera

Contract No: 4CA03527

Page No.: 18

EXHIBIT D, SCHEDULE A

LOCAL FUNDED – STATE RESOURCES

FISCAL DISPLAY

PRC 4142

NAME OF LOCAL AGENCY: City of Madera

CONTRACT NUMBER: 4CA03527

Index: 4200

PCA: 47920

Fiscal Year: 2017/18 to 2018/19

This is Schedule A of Cooperative Agreement originally dated July 1, 2017, by and between CAL FIRE of the State of California and LOCAL AGENCY.

(See Attached)

Contractor: City of Madera

Contract No: **4CA03527**

Page No.: 19

[illegible]

Automotive	No.	Classification	Period	Personnel Months	Rate	Total Salary	Benefits Salary 49.14%	Total Salary & Benefits	
Fleet	2	Forestry Equip. Mgr.	7	14	\$450	\$6,300	\$3,096	\$9,396	
Subtotals	2			14	\$450	\$6,300	\$3,096	\$9,396	
Total Automotive	2								
Administration Miscellaneous	No.	Classification	Period	Personnel Months	Monthly Salary	EDWC Per Pay Period	Annual Salary	Benefits Salary 77.43%	Total Salary & Benefits
Clerical	0.5	Staff Services Analyst	12	6	\$4,788	N/A	\$28,728	\$22,244	\$50,972
Subtotals	0.5			6	\$4,788	N/A	\$28,728	\$22,244	\$50,972
Total Miscellaneous	0.5								
Item	Personnel Months	No.	Classification	Avg. Daily Cost	Annual Personnel Days	Annual OT	Benefits OT 1.45%	Total Salary & Benefits	
UPOT	204	17	POF	\$720	9	\$106,697	\$1,547	\$108,244	
UPOT	18	1.5	Safety	\$480	6	\$4,320	\$0	\$4,320	
Subtotals	222	18.5			15	\$111,017	\$1,547	\$112,564	

TOTAL PERSONNEL SERVICES

\$2,983,436

Item	No.	Annual Rate	Total Annual Uniform	Benefits Uniform 1.45%	Total Salary & Benefits	Total
POF Uniform Allowance	17	\$2,178	\$37,026	\$537	\$37,563	\$37,563
Safety Uniform Allowance	1.5	\$450	\$675	N/A	\$675	\$675
Travel	N/A	\$10,000	N/A	N/A	N/A	\$10,000
General Expense	N/A	\$10,000	N/A	N/A	N/A	\$10,000
Communications	15	\$88	N/A	N/A	N/A	\$1,320
Utilities	12	\$90	N/A	N/A	N/A	\$1,080
Training	N/A	\$10,000	N/A	N/A	N/A	\$10,000

TOTAL OPERATING EXPENSES

\$70,638

TOTAL PERSONNEL AND OPERATING EXPENSES

\$3,054,074

ADMINISTRATIVE CHARGE

12.01%

\$366,794

TOTAL SCHEDULE A

\$3,420,869

PROJECTED TOTAL SCHEDULE A

FY 18/19

5% Increase over previous year

\$3,591,912

PROPOSED AGREEMENT TOTAL

\$7,012,780

EXHIBIT D, SCHEDULE C

LOCAL FUNDED LOCAL RESOURCES
ASSIGNED TO THE CAL FIRE UNIT

NAME OF LOCAL AGENCY: City of Madera

This is Schedule C of Cooperative Agreement originally dated July 1, 2017 by and between CAL FIRE of the State of California and City of Madera.

FISCAL YEAR: 2017-2019

Fire Stations:

Madera City Station 6
Madera City Station 7

Equipment:

2 – Pick up Trucks

- 2006 Chevy 1500 (B10)
- 2006 Chevy 1500 (Utility7)

4 – Fire Engines

- 2008 Spartan (E-7)
- 1990 Spartan (E-6)
- 2009 Ferrara (E-606)
- 1983 Grumman (E-206)

1 - Portable Air Unit

EXHIBIT D, SCHEDULE E

This is Schedule E of Cooperative Agreement originally dated July 1, 2017, by and between the CAL FIRE of the State of California and LOCAL AGENCY

NAME OF LOCAL AGENCY: City of Madera

The CAL FIRE, State of California and its officers, agents, employees, and servants are included as additional insured for the purposes of this contract. The State shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed in LG1, Page 2.

FISCAL YEAR: 2017/18 to 2018/19

**SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR
TORT LIABILITY**

This is to certify that LOCAL AGENCY has elected to be self-insured under the self-insurance provision provided in Exhibit C, Section 17.

By: Wendy Silva Signature

Wendy Silva Printed Name

Director of Human Resources
Title

6/15/2017
Date

**SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY
FOR
WORKER'S COMPENSATION BENEFITS**

This is to certify that LOCAL AGENCY has elected to be self-insured for Workers' Compensation benefits which comply with Labor Code Section 3700 as provided in Exhibit C, Section 18.

By: Wendy Silva Signature

Wendy Silva Printed Name

Director of Human Resources
Title

6/15/2017
Date

**SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY
FOR
LOCAL AGENCY-OWNED VEHICLES**

This is to certify that LOCAL AGENCY has elected to be self-insured for local agency-owned vehicles under the self-insurance provision provided in Exhibit D, Schedule D.

By: Wendy Silva Signature

Wendy Silva Printed Name

Director of Human Resources
Title

6/15/2017
Date

EXHIBIT E
DESCRIPTION OF OTHER SERVICES

EXHIBIT E, SCHEDULE E

DESCRIPTION OF OTHER SERVICES (PAGE 1)

NAME OF LOCAL AGENCY: City of Madera

This is Schedule C of Cooperative Agreement originally dated July 1, 2017 by and between CAL FIRE of the State of California and City of Madera.

FISCAL YEAR: 2017/2018 to 2018/2019

Administration:

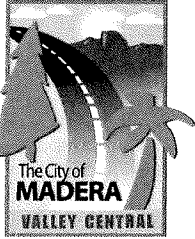
Duties and Responsibilities of the:

Madera City Fire Chief:

The Madera-Mariposa-Merced Unit Chief, acts as the Madera City Fire Chief in accordance with the California Department of Forestry & Fire Protection (CAL FIRE) Cooperative Fire Protection Agreement and is appointed by the Madera City Council to serve in that capacity. The Fire Chief serves at the direction of, and receives overall administrative policy guidance from, the City Manager. The Fire Chief provides leadership, guidance and management direction in all Fire Department activities; including personnel and administrative issues. The Fire Chief directs and is responsible for major department programs which include; performing and coordinating personnel management, organizational staffing, financing, equipment management and maintenance, communications and records, fire prevention and suppression methods, assisting in disaster preparedness, and laws, rules and regulations relating to the fire department and the control and prevention of fires.

The Fire Chief provides direction to staff in coordination of the preparation, development, and expenditures of the Schedule A and C budgets; the maintenance, repair, improvement, and replacement of equipment, fire stations, and other facilities; the inventory and requisitioning of materials, supplies, and equipment; the continuing development and utilization of a fire communications system; and the preparation of records and reports including inspections of the fire company equipment and facilities as necessary.

In an effort to improve fire protection, and because cooperative and regional fire protection assists all agencies in reducing costs, improved response times and enhanced staffing levels; the Fire Chief will work with the City Manager, and seek approval through the City Council, in the coordination and facilitation of any Automatic Aid/Mutual Aid Agreements for fire protection between Madera City, the Counties that lie contiguous to Madera City and the City Chowchilla.



REPORT TO CITY COUNCIL

Approved by:

Donia Alvarez
Department Director

[Signature]
City Administrator

Council Meeting of: 6/21/17

Agenda Number: B-10

SUBJECT: Informational Report on Council Conference and Travel Budget

RECOMMENDATION: This is an informational report. No action is requested.

SUMMARY: Informational report on Council Member Robinson's travel budget.

DISCUSSION: Council Member Robinson will be attending the League of California Cities (League) Annual Conference September 13-15, 2017 in Sacramento.

The City Council budget includes a travel budget line item for each member of the Council in the amount of \$1,700 with the exception of Council Member Robinson whose travel budget is \$3,400. In 2015, the Council approved an increase to Council Member Robinson's travel budget due to his involvement at the League division level which requires additional travel.

Council Member Robinson will exceed his allocated budget in the current fiscal year by approximately \$900. The overage is attributed to increased travel to League meetings and the registration fee for the annual conference scheduled in September. There are some cost savings when registering for the annual conference at the early bird rate. In addition, the block of rooms reserved for conference attendees at the conference rate are limited and book quickly. The conference room rate is significantly lower than regular prices.

The Council's travel budget has traditionally come in under budget. The overage can be absorbed in the overall Council travel budget for FY 16/17.

FINANCIAL IMPACT: No financial impact as the overage can be absorbed within the Council's overall budget for the current fiscal year.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN: Council budgets are not specifically identified in the Vision Plan; however, it would generally fall under the umbrella of a Well Planned City, Effective Government as it relates to available resources.

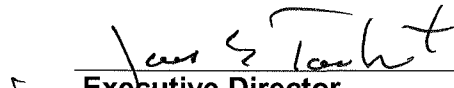
REPORT TO THE CITY COUNCIL

MEETING OF: June 21, 2017

AGENDA ITEM: C-1

APPROVED BY:


Neighborhood Preservation Supervisor


Executive Director


City Administrator

Subject: SECOND READING AND CONSIDERATION OF ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE MADERA MUNICIPAL CODE TO ADD CHAPTER 16 TO TITLE IV PERTAINING TO RENTAL HOUSING INSPECTIONS.

Summary: The City Council will consider adopting the proposed addition to Title IV of the Madera Municipal Code relating to Proactive Rental Housing Inspections.

HISTORY/BACKGROUND

There are more than 8500 rental housing units in the City of Madera. Due to age, tenure and overcrowding of City of Madera housing stock it can be reasonably assumed that a large amount of rental housing units are in need of significant repair. Neighborhood Preservation staff have observed occupied properties where major repairs were required to bring such properties into compliance with Health and Safety regulations. The City has a significant interest in ensuring that rental housing remains a safe, sanitary and desirable housing option for its citizens.

Staff has had several meetings with interested parties and stakeholders in the health of the City of Madera Rental Housing Stock. Such meetings have been conducted to obtain input and

participation on behalf of the proposed ordinance. Staff presented the proposed ordinance to the City Council at its June 7, 2017 meeting. After conducting a public hearing and considering the testimony provided, the Council voted unanimously to introduce the ordinance. Completion of the second reading is the final step required in order to adopt the ordinance.

SITUATION

The following outlines the major components of the proposed rental inspection ordinance:

- **Purpose** – To increase compliance with minimum standards and protect the supply of decent, safe and sanitary housing.
- **Scope** – The ordinance will apply to all non-exempt Rental Housing Units in the City of Madera
- **Exemptions** – Housing finalized in the last 10 years, housing inspected by another government agency to address Cal H&S Code compliance, Housing that has dropped out of the program for continued compliance.
- **License & Registration** – All rental properties are required to be registered and listed on a City of Madera issued business license.
- **Inspection Required** – Routine inspection will be conducted on a 3 year basis to determine compliance with applicable provisions of this code. Common area will also be inspected and the owner or his or her designee shall be present.
- **Fees Established** –
 - Initial Inspection fee - Cost not to exceed 3 hrs.
 - Re-scheduling fee – set fee as defined in the Master Fee Schedule
 - Re-inspection fee – set fee as defined in the Master Fee Schedule
 - Registration delinquency fee – set fee as defined in the Master Fee Schedule
- **Local Contact** – Someone with full authority to act on behalf of the owner for all purposes under this chapter needs to be designated. That person needs to be local, that is within 40 miles of the subject property. The owner can be the local contact.
- **Self-Certification** – Qualified properties can be certified by the owners. Staff will verify compliance by randomly sampling 10% - 30% of such units.
- **Implementation** – Routine inspections will begin with properties issued a certificate of occupancy or which have passed final inspection by the City of Madera in the year 1970 or prior. Staff will recommend if and when to move forward with properties 10 years newer.
- **Inspection Notice** – A 30 day advanced notice of inspection will be given to the owner or contact representative of upcoming inspection.
- **Entry** –An inspection warrant will be sought from a court of competent jurisdiction if consent to enter and inspect is refused.
- **Non-Compliance** – A 30 Day Notice of Violation will be issued if violations are discovered during a routine inspection. Violations not corrected within 30 days of Notification may be subject to fines, increased routine inspection frequency, or emergency abatement. Properties with frequent violations may be subject to the same. Properties that are progressing diligently to abate violations may receive extensions of fines.
- **Inspection results** – A written copy of the inspection results will be provided to the owner or local contact representative.

- **Abatement** – If violations are not abated in a timely manner staff shall seek legal right to abate the violations at the sole responsibility and expense of the property owner.
- **Non-Exclusivity** – None of the inspection provisions contained in this chapter shall prohibit, condition or otherwise limit any inspection conducted pursuant to any provision of this code or other applicable law.
- **Recovery of Costs of Enforcement** – Staff shall attempt to recover all costs incurred when enforcing provisions of this chapter.
- **Notice to Vacate** – If the Chief Building Official determines that a building is immediately dangerous, staff will post and properly send a notice that the building shall be vacated.
- **Displacement** – If qualified tenants are displaced due to conditions that they did not cause or substantially contribute to, a request may be made to the City of Madera Housing Authority to expedite placement of individuals into housing maintained by the Housing Authority. This is not a guarantee of a right to placement in a housing authority unit.
- **Notice to occupants** – Occupants of a dwelling which is the subject of a violation under this chapter shall be provided notice of any such violation(s).
- **Renters' Bill of Rights** – Property owners shall provide occupants with a list of their basic tenants' rights.
- **Relocation Benefits** – The City of Madera may seek a court order requiring the owner to pay reasonable relocation benefits to each lawful tenant as set forth in section 17975 Et al of the California Health and Safety Code.
- **Outreach** – The City shall implement outreach programs where owners and tenants may be aware of their rights and responsibilities pursuant to the provisions of this ordinance.
- **Penalties** – Violations of this chapter are classified misdemeanors. City may also impose administrative penalties pursuant to Chapter 1-9 of this code and seek injunctive relief and civil penalties. These remedies are cumulative and not exclusive of any other remedies available under any other federal, state or local laws.

LINKAGE TO VISION 2025

Strategy 134 – Visual Standards: Establish and enforce visual standards for neighborhoods and businesses in Madera including design review and code enforcement.

Strategy 137- Code enforcement: promote sound redevelopment and code enforcement practices city wide.

Vision Statement: A Well Planned City – Madera promotes affordable, quality housing that is accessible to all its residents.

RECOMMENDATION

Staff recommends the City Council adopt the proposed ordinance amendments.

ORDINANCE NO. _____ C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA AMENDING THE MADERA MUNICIPAL CODE TO ADD
CHAPTER 16 TO TITLE IV PERTAINING TO
RENTAL HOUSING INSPECTIONS**

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

SECTION 1. Title IV of the Madera Municipal Code is hereby amended to add Chapter 16,
"Rental Housing Inspections," to read as follows:

["CHAPTER 16"

RENTAL HOUSING INSPECTIONS

§ 4-16.01 Purpose and findings.

The City Council of the City of Madera recognizes that local government can and shall develop and preserve decent affordable housing and at the same time provide services to the most vulnerable in our communities. According to 2014 US Census estimates there are more than 8,500 Rental Housing Units within the City of Madera, which is approximately half of all housing units in the City. The City has a significant interest in ensuring that rental housing remains a desirable housing option for its citizens.

Preventing or eliminating slums and blight and addressing community development needs have a particular urgency because rental housing often deteriorates over time, resulting in substandard housing conditions. These substandard conditions adversely affect the economic values of neighboring structures and pose a serious and immediate threat to the health or welfare of a community. In many cases, property Owners choose not to make the necessary repairs to avoid financial expenses, and tenants do not report such deficiencies out of lack of knowledge of the City's role in correcting substandard housing conditions or because they fear retaliatory evictions.

In order to ensure compliance of Rental Housing Units with minimum standards of health and safety, on a city wide basis, routine inspections need to be conducted. It is the intent of the Madera City Council to enact a Rental Housing Inspection Program that would reasonably guarantee compliance with minimum standards. Such a program is in the best interest of the public as it would protect the supply of decent, safe and sanitary housing.

§ 4-16.02 Definitions.

For the purpose of this Chapter, the following terms, phrases and words shall have the meanings given:

“COMMON AREAS” are those areas that are available for shared use by all tenants, (or) groups of tenants and their invitees.

“ENGAGE IN THE BUSINESS OF RENTAL HOUSING” means renting or offering to rent a Rental Housing Unit.

“INSPECTOR” means any employee of the City authorized by the City Administrator to conduct inspections in accordance with the provisions of this Chapter.

“LOCAL” within 40 road/driving miles distance of the subject property.

“OWNER” means the last known owner of record or person having recorded title to the property according to records maintained by the County of Madera County Recorder's Office.

“RENTAL HOUSING PROPERTY” means a parcel of real property, as shown on the latest equalized tax assessment role as maintained by the Assessor of the County of Madera, upon which a Rental Housing Unit is maintained.

“RENTAL HOUSING UNIT” means a single unit of residence for a Single Housekeeping Unit of one or more persons, that is being rented, or is intended to be rented, where such rental occupancy is for a period of more than thirty (30) days. Examples of housing units covered by this Chapter include, but are not limited to, apartment units, condominiums, duplexes and single-family houses. "Rental Housing Unit" also includes other types of residential units that provide for sleeping accommodations but toileting or cooking facilities are shared by occupants of more than one unit, such as residential or single room occupancy hotels. This does not include units used for transient lodging such as dormitories, group homes, rooming or boarding houses, hotels, motels, and bed and breakfast inns.

“RENT” means to grant the possession or enjoyment of, in exchange for money or any other consideration.

“SELF-CERTIFICATION PROGRAM” is a designation given to a section of the Rental Housing Inspection Program where the Owner or Local contact representative of a property assumes the role of inspector for a portion of the regular periodic inspections and reports findings back to the City of Madera.

“SINGLE HOUSEKEEPING UNIT” means any household whose members are a non-transient interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, kitchen and eating areas within the dwelling unit, and sharing household activities, and responsibilities such as meals, chores, expenses and

maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party. This does not include a boarding or rooming house.

§ 4-16.03 Scope.

(A) The provisions of this Chapter shall apply to all existing residential Rental Housing Properties and Rental Housing Units located within the Madera City limits.

(B) The provisions of this Chapter shall be supplementary and complementary to all of the provisions of this Code, State law and any law cognizable at common law or equity, and nothing herein shall be construed, read, or interpreted in any manner so as to limit any existing right or power of the City of Madera to abate and prosecute any and all nuisances or to enforce any other conditions in violation of state or local codes, including, but not limited to, any building, housing, property maintenance and public nuisance ordinances.

§ 4-16.04 Exemptions.

(A) Unless otherwise specified in this section, the following Rental Housing Units shall be exempt from the requirements of this Chapter:

(1) Rental Housing Units that are subject to routine periodic inspections by another government agency, where Rental Housing Units are inspected at least once every three years to address substandard building violations as defined in Health and Safety Code § 17920.3; or

(2) Rental Housing Units that, within the past ten years, either have been issued a certificate of occupancy or have passed final inspection by the City of Madera.

(B) A Rental Housing Unit that is determined to be exempt pursuant to § 4-16.04(A), above, shall become subject to the requirements of this Chapter if an Administrative Citation relating to the Rental Housing Property is issued pursuant to the provisions of this code.

(C) Any Rental Housing Unit subject to the requirements of this Chapter pursuant to § 4-16.04(B), above, shall become exempt from the requirements of this Chapter if all of the following circumstances exist:

(1) After the last inspection conducted pursuant to this Chapter, the inspector determines that either no violations exist on the property or the violations identified in an Administrative Citation were abated within 30 days; and

(2) The property Owner is not delinquent on any payment to the City of fees, penalties, taxes or any other monies related to the property.

(D) At such time that it is sufficiently demonstrated that a property is maintained in compliance with the requirements of this code, that property shall become exempt from the requirements of this code for a period of time not to exceed 6 years. Units may become temporarily exempt from the requirements of this Chapter if:

(1) No violations of this Chapter existed after two consecutive routine

inspections.

(E) A Rental Housing Property that is determined to be temporarily exempt pursuant to § 4-16.04(D) above, shall become subject to the requirements of this Code if:

- (1) A valid complaint is lodged against such property and a notice of violation is issued regardless of subsequent correction.
- (2) A change in ownership occurs.

§ 4-16.05 License and Registration required.

(A) It shall be unlawful for any person to engage in the business of rental housing, unless:

(1) A City of Madera Rental business license is obtained by the Owner of such Rental Housing Unit(s) and all properties located within the limits of the City of Madera that are owned by the same Owner are listed under such Rental Business License and an accurate account of the gross receipts are provided. Pursuant to Madera Municipal Code § 6-1.22 & 6-1.28. and

(2) Each Rental Housing Unit is registered with the City pursuant to subsection 4-16.05(B) of this section; and

(3) All fees associated with the provisions of this Chapter are paid when payment is due.

(B) A Rental Housing Unit is registered with the City when the Owner of the corresponding Rental Housing Property submits the following to the Neighborhood Revitalization Department:

(1) A completed registration form, made available by the City, that contains the following information:

(a) Description of the Rental Housing Property, including, but not limited to, the street address and Assessor's Parcel Number;

(b) Quantity and description of all Rental Housing Units on the Rental Housing Property;

(c) Name and current contact information for the Owner of the Rental Housing Property;

(d) Name and current contact information for the Local contact representative as described in Section § 4-16.08 of this code; and

(e) Any other information as reasonably required by the City Administrator or his or her designee.

(f) The contact information shall remain confidential and for internal City use only, to the extent allowed by law.

(2) The Rental Housing Inspection Program fee, and

(3) Any outstanding fees that were previously imposed pursuant to this Chapter.

(C) It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required to register a Rental Housing Unit pursuant to this section.

(D) Registration shall be valid for a period of three years or until one of the

following circumstances occurs, whichever is sooner:

- (1) The Owner fails to notify the Rental Housing Inspections Division of any change in the information submitted pursuant to § 4-16.05(B) of this section, within 30 days of such change; or
- (2) The Owner fails to pay any of the Rental Housing Inspection Program fees.

§ 4-16.06 Inspections required.

(A) All Rental Housing Properties and Rental Housing Units are subject to routine periodic inspection by the City as provided by this Chapter to determine whether they comply with applicable provisions of this code. Specifically the maintenance or the failure to maintain any real property, structures, or uses or activities thereon in violation of any of the provisions of Titles III, IV, V, VII, IX and X of the City Municipal Code, or as specified in Health & Safety Code §§ 17920.3 et seq., or of the State Housing Law or § 104 of the Uniform Code for Building Conservation, except those Rental Housing Units inspected through the Self-Certification Program where a minimum of 10% of such units shall be subject to routine periodic inspection by the City.

(B) If there are multiple Rental Housing Units on a single Rental Housing Property, the inspection shall be made of all Common Areas and all Rental Housing Units.

(C) The Owner or Local contact representative, or their designee, shall be present at the Rental Housing Property at the time of the inspection. The time of the inspection shall be the time indicated in the notice issued pursuant to § 4-16.12 of this code, or the time that the inspection was properly re-scheduled in accordance with Section 4-16.13 of this code. Violation of this subsection may result in the imposition of a re-scheduling fee.

(D) The Frequency of such routine periodic inspections shall be set on a three year basis where each Rental Housing Property or Rental Housing Unit subject to the provisions of this Chapter shall be inspected at least once every three years unless otherwise set pursuant to sections § 4-16.09 Self-Certification or § 4-16.15 Non-Compliance.

§ 4-16.07 Fees established.

The following fees are established and imposed pursuant to the provisions of this Chapter:

(A) Initial Inspection Fee. A fee is established for the initial inspection required pursuant to Section 4-16.06 of this code. Such inspection fee shall be actual cost not to exceed 3 hours per unit. Hourly Cost is set by the City of Madera Master Fee Schedule as may be updated from time to time.

(B) Re-scheduling Fee. A fee is established for the administrative costs of re-scheduling an inspection that is cancelled in violation of Section 4-16.13 of this code. Such Re-scheduling Fee is set by the City of Madera Master Fee Schedule as may be updated from time to time.

(C) Re-inspection Fee. A fee is established for an additional inspection required by the City pursuant to Section 4-16.15 of this code. Such Re-inspection Fee is set by the City of Madera Master Fee Schedule as may be updated from time to time.

(D) Registration Delinquency Fee. A fee is established for the failure of any Owner or agent to properly register any Rental Housing Unit subject to the provisions of this

Code. The City shall mail notice to Owners with an application for registration. Owners shall have thirty days from receipt of said notice to submit registration information to the City. Failure to submit complete and accurate registration information within thirty days from receipt of notice from the City, shall result in the assessment of a Registration Delinquency Fee. Such Registration Delinquency Fee is set by the City of Madera Master Fee Schedule as may be updated from time to time.

§ 4-16.08 Local contact representative.

(A) All Owners of Rental Housing Properties shall designate a Local contact representative with full authority to act on behalf of the Owner for all purposes under this Chapter, including the acceptance of service of all notices from the City. The Owner of the Rental Housing Property may act as the Local contact representative.

(B) A Local contact representative must establish and maintain a Local telephone number and a residence or business address.

§ 4-16.09 Self-Certification.

(A) Owners of Rental Housing Properties that are in the Self-Certification Program, or their designees, shall certify each and every Rental Housing Unit on the property at least once every three years. Self-Certification shall be accomplished in the manner set forth below:

(1) Inspect each Rental Housing Unit for compliance with the requirements of the Self-Certification form provided by the City;

(2) Immediately make any repairs to the Rental Housing Unit that are necessary to achieve compliance with the requirements set forth in the Self-Certification form;

(3) Complete the Self-Certification form; and

(4) Provide a copy of the completed Self-Certification form to the City Administrator or his or her designee.

(B) If any Rental Housing Unit cannot be self-certified because necessary repairs cannot or will not be made, the Owner shall notify the City within 30 days of determining repairs cannot or will not be made.

(C) It shall be unlawful to falsify any material information required on the Self-Certification form.

(D) The City of Madera will verify program compliance by inspecting a random sample of 10% of Rental Housing Units. Such 10% random sample shall be selected by the City Administrator or his or her designee.

§ 4-16.10 Qualifications.

(A) A Rental Housing Property shall be placed in the Self-Certification Program if all of the following circumstances exist:

(1) After the last inspection conducted pursuant to this Chapter, the inspector determines that either no violations exist on the property or the violations

identified were abated within 30 days;

(2) The Owner and Local contact representative are in compliance with all applicable provisions of this Chapter; and

(3) The property Owner is not delinquent on any payment to the City of fees, penalties, taxes or any other monies related to the property.

(B) A Rental Housing Property may be removed from the Self-Certification Program or such random inspection sample as described in Section 4-16.09(D) may be increased, for every occurrence set forth in subsections (1) through (3) below, by 10%, up to 30% after which such property shall be removed from the Self-Certification Program:

(1) A Notice of Violation relating to the Rental Housing Property is issued pursuant to the provisions of this code and the violations identified are not abated within 30 days;

(2) The Rental Housing Property is in violation of this Code or any other applicable law, on three separate and consecutive occasions even though the violations are abated within 30 days; or

(3) Any of the circumstances set forth in § 4-16.10(A) of this section cease to exist.

§ 4-16.11 Implementation.

(A) Initial implementation of Residential Rental Housing Unit inspections may be limited to those Rental Housing Units which have been issued a certificate of occupancy or have passed final inspection by the City of Madera in the year 1970 or prior.

(B) Continued implementation may be set forth as follows subject to the recommendation of the City Administrator or his or her designee:

(1) Three years after the adoption of this ordinance all Residential Rental Housing Units that have been issued a certificate of occupancy or have passed final inspection by the City of Madera in the year 1980 or prior may become eligible for routine inspection.

(2) Six years after the adoption of this ordinance all Residential Rental Housing Units that have been issued a certificate of occupancy or have passed final inspection by the City of Madera in the year 1990 or prior may become eligible for routine inspection.

(3) Nine Years after the adoption of this ordinance all Residential Rental Housing units that have been issued a certificate of occupancy or have passed final inspection by the City of Madera in the year 2000 or prior may become eligible for routine inspection.

(4) Twelve years after the adoption of this ordinance all Residential Rental Housing Units in the City of Madera may become eligible for routine inspection.

(C) Nothing in this section shall be construed to limit the ability of the City to inspect Rental Housing Units where a complaint has been submitted or where a history of non-compliance has been established or a reasonable suspicion of a violation addressed in this Chapter exists.

§ 4-16.12 Inspection Notice.

The City shall serve written notice of the date and time of any inspection to be

conducted pursuant to this Chapter, by mailing such notice at least 30 calendar days prior to the date of the inspection. Notice shall be mailed to the Owner and the Local contact representative at their last known address. In the case of multiple Owners of the same property, notice to any one of the property Owners is sufficient notice.

§ 4-16.13 Re-scheduling an inspection.

An inspection may be rescheduled once by the Owner or Local contact representative by giving notice to the Neighborhood Revitalization Department at least five calendar days prior to the scheduled inspection date. An inspection may only be rescheduled to a date within 30 calendar days of the previously scheduled inspection date. Violation of this section may result in the imposition of a re-scheduling fee.

§ 4-16.14 Entry.

(A) It shall be the responsibility of the Owner and the Local contact representative to obtain the consent of the occupants to inspect the subject Rental Housing Units or otherwise obtain legal access to the units pursuant to the terms of any applicable lease.

(B) If consent to enter onto any Rental Housing Property or any Rental Housing Unit is refused or otherwise cannot be obtained, or if requested by the Owner or occupant of the Rental Housing Unit, the City Administrator or his/her designee is authorized to seek an inspection warrant from a court of competent jurisdiction.

§ 4-16.15 Non-compliance.

(A) If, during an inspection conducted pursuant to this Chapter, an inspector discovers that the property is in violation of this code or any other applicable law, the City may require additional inspections of the property in accordance with this Chapter, to ensure continued compliance.

(B) If a Rental Housing Property is repeatedly in violation of this code or any other applicable law, even though the violations are abated within 30 days the frequency of the regular periodic inspections may be increased to the satisfaction of the City Administrator or his or her designee to ensure continued compliance.

(C) In addition to requiring additional inspections pursuant to § 4-16.15(A), above, the City may commence enforcement action in accordance with any provisions of this code including, but not limited to, MMC Title I Chapter 9.

(D) An extension to complete corrections listed on a Notice of Violation pursuant to the provision of this Chapter, where administrative penalties are postponed, may be granted by the City Administrator or his or her designee if the Owner or agent establishes by substantial evidence to the reasonable satisfaction of the City Administrator or his or her designee that the Rental Housing Property Owner is progressing diligently to complete the abatement of such listed violations. Extensions shall not apply to Re-inspection Fees.

§4-16.16 Inspection Results.

Upon completion of an inspection conducted pursuant to this Chapter by the City, the inspector shall provide the Owner or Local contact person with a copy of the written results of the inspection.

§ 4-16.17 Abatement

Upon receipt of a Notice of Violation, it shall be the duty of every Owner of any Rental Housing Property or Rental Housing Unit to abate therefrom, all listed violations of this code. The removal of such violations shall be completed within the time period stipulated in the Notice of Violation, and if such Owner fails to address the violation in a timely manner as ordered in the notice, the City Administrator, or his or her designee, shall thereafter have the authority to seek legal right to abate the violations, including but not limited to securing an abatement warrant, at the sole expense and responsibility of the property Owner.

§ 4-16.18 Non-exclusivity.

None of the inspection provisions contained in this Chapter shall prohibit, condition or otherwise limit any inspection conducted pursuant to any other provision of this code or other applicable law.

§ 4-16.19 Recovery of Costs of Enforcement

At any time during the enforcement of the provisions of this Chapter or when proceedings under this Chapter result in the correction of a violation of this code or in a final judgement that a violation exists subsequent to the date specified in a Notice of Violation issued pursuant to the provision of the City of Madera Municipal Code, costs of such proceedings incurred by the City may be assessed against the subject property as a lien or special assessment, pursuant to MMC Title I Chapter 9. Such costs may include, but not be limited to, those incurred in inspecting property, publication, mailing and posting notices, conducting hearings, processing appeals and pursuing any judicial action and attorneys' fees.

§ 4-16.20 Notice to Vacate.

(A) If the Chief Building Official has determined that the dwelling or portion thereof is in such a condition as to make it immediately dangerous to the life, health, property or safety of its occupants, the public or adjacent property, the City Administrator or his or her designee shall order that the dwelling, or portion thereof, shall be vacated within a time certain from the date of the order as determined reasonable by the City Administrator or his or her designee under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent of this Chapter. The City Administrator or his or her designee shall give notice of this order as provided in MMC § 1-9.07 concerning method of service and shall post such order as herein described

(B) Whenever a notice is required to be given under this section, unless different provisions herein are otherwise specifically made in the code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the US mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the person's last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

§ 4-16.21 Displacement

If during the course of any action pursuant to the provisions of this Chapter a qualified

low income housing candidate is displaced, the City may make a request to the Housing Authority of the City of Madera to expedite the placement of such individuals in subsidized housing maintained by the Housing Authority. Such a request shall not be made if it is demonstrated that the tenant being displaced has caused or substantially contributed to the condition giving rise to such necessity to vacate, or if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to such necessity to vacate. Nothing in this section shall be deemed a guarantee of a right to placement in a Housing Authority unit.

§ 4-16.22 Notice to Occupants.

(A) Notwithstanding any provision herein to the contrary. Occupants of a dwelling which is the subject of a violation under this Chapter shall be provided notice of any violation described herein, including any decision by the City Administrator or his or her designee of the City to vacate, repair or demolish, and the issuance of a building permit or demolition permit following issuance of such notice and order by the City Administrator or his or her designee.

(B) The notice described hereinabove may be provided either by first class mail to each affected dwelling unit, or by posting a copy of the document in a prominent place on the affected dwelling at the discretion of the City Administrator or his or her designee.

§ 4-16.23 Renters' Bill of Rights

Tenants have basic legal rights and responsibilities that are always present no matter what their rental agreement or lease states. A listing of such rights and responsibilities shall be made available to tenants by the Owner or the Owner's agent of a rental housing unit by providing a copy of the tenant's rights and responsibilities upon executing a rental agreement or lease with such tenant or once each calendar year thereafter, upon request by the tenant. These rights and responsibilities shall include but may not be limited to those set forth in Civil Code 1941.1 regarding Owner obligations and tenantable dwellings, 1941.2 regarding tenant obligations, and 1942.5 regarding retaliation.

§ 4-16.24 Relocation Benefits.

In addition to those remedies in this Chapter, and any other remedies provided by law, the City may seek a court order requiring the Owner to pay reasonable relocation benefits to each lawful tenant as set forth in Sections 17975 et seq. of the Health and Safety Code.

§ 4-16.25 Outreach

The City shall implement an outreach program where Owners and tenants may be made aware of their rights and responsibilities pursuant to the provisions of this ordinance. Features of such a program may include but not by way of limitation:

- (A) Tenants' rights and responsibilities presentations.
- (B) Owners' rights and responsibilities presentations.
- (C) Housing and credit counseling workshops and presentations.

§4-16.26 Penalties.

Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor. In addition, the City may also impose administrative penalties pursuant to

MMC § 1-9 and seek injunctive relief and civil penalties in the superior court for violations of this Chapter. The remedies provided for in this Chapter shall be cumulative and not exclusive of any other remedies available under any other federal, state or local laws.]

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

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

From: [Mark Colley](#)
To: [Sonia Alvarez](#)
Cc: [Lourdes Herrera](#)
Subject: City Council Agenda
Date: Tuesday, June 13, 2017 9:47:32 AM

Hi Sonia,

MCCJ would like to get on the agenda for June 21st. We are requesting 5 minutes to present our grant, entitled 'Resilient Madera II'. The council has already requested this. Any questions please contact Lourdes Herrera at 661-1879. Thank you.

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Sincerely, **Mark Colley**
Community Outreach Coordinator
Madera Coalition for Community Justice
126 N. B Street | Madera, CA 93638
Phone: [\(559\) 661-1879](tel:(559)661-1879)

