



**AGENDA
REGULAR MEETING
CHOWCHILLA CITY COUNCIL**

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

July 26, 2016

Agendas for all City Council meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at www.CityofChowchilla.org.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 102 at least 4 days prior to the meeting.

CALL TO ORDER

ROLL CALL:

Mayor: Waseem Ahmed

Mayor Pro Tem: Mary Gaumnitz

Council: John Chavez, Dennis Haworth, Richard Walker

City staff and contract employees present at the meeting will be noted in the minutes

PUBLIC ADDRESS – CLOSED SESSION

This time is reserved for members of the audience to address the City Council on items listed on the closed session agenda only. It is recommended that speakers limit their comments to no more than 3 minutes each. Speakers are asked to please use the microphone and provide their name for the record. Any handouts should be provided to the City Clerk/Board Clerk who will distribute them to the Council and appropriate staff.

CLOSED SESSION – 6:00 PM

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54957 (b)(1), 54957.6, and 54956.9 (d)(2). Based on the advice of the City Attorney, discussion in open session would prejudice the position of the City in these matters. The City Attorney will provide a report, in open session, which details any reportable actions following conclusion of the closed session agenda.

- 1. Public Employee Performance Evaluation California Government Code Section 54957:**
Title: City Administrator
- 2. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9**
Number of potential cases: 1

In the event that not all the items on the closed session agenda have been deliberated in the time provided, the City Council may continue the closed session until the end of the regularly scheduled Council Meeting.

OPEN SESSION – 7:00 PM**PLEDGE OF ALLEGIANCE:****INVOCATION:** Mr. Hansen**CLOSED SESSION REPORT:****CEREMONIAL / PRESENTATIONS – Section 1**

- 1.1 Townsend Public Affairs Quarterly Presentation
- 1.2 Mid Valley Presentation

PUBLIC ADDRESS

This time is reserved for members of the audience to address the City Council on items of interest that are **not** on the Agenda and that are within the subject matter jurisdiction of the Council.

It is recommended that speakers limit their comments to **no more than 3 minutes** each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called.

The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Speakers are asked to please **use the microphone and provide their name for the record**. Prior to addressing the Council, any handouts are to be provided to City Clerk who will distribute them to the Council and the appropriate staff.

COUNCIL AND STAFF REPORTS – Section 2**2.1 COUNCIL REPORTS**

Legislative Items
Oral / Written Reports

2.2 STAFF REPORTS

Written/Oral Reports

CONSENT CALENDAR – Section 3

All items listed under Consent Calendar are considered to be routine and will be enacted by one motion. For discussion of any Consent Item, it will be made a part of the Regular Agenda at the request of any member of the City Council or any person in the audience.

3.1 Approval of July 18, 2016 Special City Council Meeting Minutes (McClendon)**3.2 Council Resolution # -16, Approving Applications for Transportation Development Act (TDA) Funds for FY 2016/17 and Authorizing the City Administrator to Execute and Submit Applications to the Madera County Transportation Commission (Roman/McClendon)****3.3 Council Resolution # -16, Approving an Agreement for Special Services With Liebert Cassidy Whitmore for Central Valley Employment Relations Consortium Services at the Recommended Level in the Amount of \$2,345.50 (McClendon)**

MEMO

To: **City of Chowchilla**
Mayor and Council Members
Brian Haddix, City Administrator

From: **Townsend Public Affairs, Inc.**
Christopher Townsend, President
Richard Harmon, Director

Date: **May 31, 2016**

Subject: **Monthly Report—May 2016**

SUMMARY

This memo is an overview of activities undertaken by Townsend Public Affairs (TPA) over the last month, working on behalf of the City of Chowchilla (City), including the following subjects:

- **Project Activity and Updates**
 - Adobe Building
 - Active Transportation Program
 - Bridge Programs
 - Environmental Enhancement and Mitigation Program
 - Storm Water

- **Upcoming Funding Opportunities**



PROJECT ACTIVITY AND UPDATES

Adobe Building

In April, we put together an initial list of potential funding opportunities for the City's adobe building. This was followed up by a meeting with the Mayor and City staff to further discuss possible uses of the building.

Last month, we spent time in Washington, D.C., meeting with various federal agencies on funding programs. We are putting together a more detailed strategy memo for discussion at a City Council meeting.

Active Transportation Program

The California Transportation Commission (CTC) has released the guidelines for the 2016 **Active Transportation Program (ATP)**, and we have been participating in workshops to provide feedback and suggestions. We have provided information on next steps for this grant program to City staff and will follow up to discuss specific projects. Applications are due on June 15.

Bridge Programs

Townsend Public Affairs is reviewing information provided by the City on its bridges. We will be working to complete applications for bridge funding through Caltrans for the projects.

Environmental Enhancement and Mitigation Program

The **Environmental Enhancement and Mitigation (EEM) Program** funds projects that contribute to mitigation of the environmental effects of transportation facilities. The EEM Program encourages projects that produce multiple benefits which reduce greenhouse gas emissions, increase water use efficiency, reduce risks from climate change impacts, and demonstrate collaboration with local, state and community entities. Eligible projects must be directly or indirectly related to the environmental impact of the modification of an existing transportation facility or construction of a new transportation facility.

We will work with City staff on identifying the appropriate transportation facility and potential projects for this program.

Storm Water

Funding for storm water infrastructure needs may be available from a couple of sources. One opportunity that has been discussed is the **Storm Water Grant Program** funded from Proposition 1. This program requires a storm water plan be adopted and TPA worked with City staff to submit an application for funding to develop such a plan.

The State Water Resources Control Board is interested in applications for these plans at a watershed level—likely submitted by an integrated regional water management group. It is unclear how applications from individual jurisdictions will be treated.



UPCOMING FUNDING OPPORTUNITIES

Townsend Public Affairs anticipates a very busy next few months as several grant programs open up for applications. Included below is a list of some of the grant programs and due dates:

- ***Community Oriented Policing (COPS) Hiring Program (June 23)***— The COPS Hiring Program is open to all state, local, and tribal law enforcement agencies that have primary law enforcement authority. This nationwide program is designed to advance public safety through community policing by addressing specific problems, such as public trust, through the hiring of full-time sworn officer positions. Funding is provided directly to law enforcement agencies to hire new and/or rehire career law enforcement officers, and to increase their community policing capacity and crime prevention efforts. Up to \$137 million is available in federal funding for this program in FY 2016, and all awards are subject to the availability of federal funds.
- ***Active Transportation Program (June 15)***—The Active Transportation Program was created to encourage increased use of active modes of transportation, such as biking and walking. Pursuant to statute, the goals of the Active Transportation Program are to:
 - Increase the proportion of trips accomplished by biking and walking.
 - Increase the safety and mobility of non-motorized users.
 - Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 and Senate Bill 391.
 - Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding.
 - Ensure that disadvantaged communities fully share in the benefits of the program.
 - Provide a broad spectrum of projects to benefit many types of active transportation users.
- ***Environmental Enhancement and Mitigation (EEMP) Program (July 12)***—The EEM Program funds projects that contribute to mitigation of the environmental effects of transportation facilities. The EEM Program encourages projects that produce multiple benefits which reduce greenhouse gas emissions, increase water use efficiency, reduce risks from climate change impacts, and demonstrate collaboration with local, state and community entities. Eligible projects must be directly or indirectly related to the environmental impact of the modification of an existing transportation facility or construction of a new transportation facility. Grants are awarded in the following categories:
 - Urban Forestry Projects are designed to offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants.



- Resource Lands Projects are for the acquisition, restoration, or enhancement of resource lands (watersheds, wildlife habitat, wetlands, forests, or other significant natural areas) to mitigate the loss of or detriment to such lands within or near the right of way for transportation improvements.
 - Mitigation Projects Beyond the Scope of the Lead Agency responsible for assessing the environmental impact of the proposed transportation improvement.
- **Highway Safety Improvement Program (August 12)**—Funding from the Highway Safety Improvement Program (HSIP) is intended to fund work on any public road or publicly-owned bicycle or pedestrian pathway or trail that improves safety for users. All proposed projects must lead to, and complete, the construction of safety improvements, and be consistent with California’s Strategic Highway Safety Plan.
 - **California Water-Energy Grant Program (August)**—Under the 2016 Water-Energy Grant Program, each water-efficiency measure within a proposal must demonstrate that it will directly reduce GHG emissions and also reduce water and energy use. The Department of Water Resources will only fund projects where the energy use reduction is directly linked or connected to the reduction in water use at the project’s location. Residential projects are not eligible for funding in this round.
 - **California Urban Rivers Grant Program (October 3)**—Projects funded under the California Urban Rivers Grant Program must be multi-benefit watershed and urban rivers enhancement projects in urban watersheds that increase regional and local water self-sufficiency. Projects must meet at least two of the following five statutory objectives:
 - Promote Groundwater Recharge and Water Reuse
 - Reduce Energy Consumption
 - Use Soils, Plants, and Natural Processes to Treat Runoff
 - Create, or Restore Native Habitat
 - Increase Regional and Local Resiliency and Adaptability to Climate Change
 - **California Youth Soccer and Recreation Development Program (November 1)**—The Youth Soccer and Recreation Development Program funds recreation projects specifically related to the following; soccer, baseball and softball fields and basketball courts. The program allows for supporting amenities such as lighting, irrigation, turf and field installation, etc., although unlike in years past, the program no longer funds land acquisition, due to the smaller amount of total funding available. Eligible applicants include cities and counties, school districts, park and recreation districts and community based organizations.





**MINUTES
SPECIAL MEETING**

CHOWCHILLA CITY COUNCIL

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

July 18, 2016

Item # 3.1

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CALL TO ORDER: 6:17 PM

ROLL CALL:

Mayor: Waseem Ahmed

Mayor Pro Tem: Mary Gaumnitz

Council: John Chavez, Dennis Haworth (ABSENT), Richard Walker (ABSENT)

City staff and contract employees present: City Administrator Brian Haddix, City Attorney David Ritchie, Police Chief Dave Riviere, Fire Chief Harry Turner, Finance Director Rod Pruett, Engineer/Public Works Director Craig Locke, Community Relations Manager D. Marty Piepenbrok, City Clerk Joann McClendon

PUBLIC ADDRESS – CLOSED SESSION

None.

CLOSED SESSION – 6:00 PM

- 1. Conference with Legal Counsel – Anticipated Litigation, Gov. Code Section 54956.9 (d)(2)**
Claimant Name: Juan Verducco
Agency Claimed Against: City of Chowchilla
- 2. Public Employee Performance Evaluation California Government Code Section 54957:**
Title: City Administrator

OPEN SESSION – 7:00 PM

PLEDGE OF ALLEGIANCE: John Chavez

INVOCATION: Mr. Hansen

CLOSED SESSION REPORT: Nothing to report.

CEREMONIAL / PRESENTATIONS – Section 1

- 2.1. K9 Program Donation Recognition

PUBLIC ADDRESS

None.

COUNCIL AND STAFF REPORTS – Section 2

2.1 COUNCIL REPORTS

Legislative Items
Oral / Written Reports

Council Member Chavez attended concert in the park, Force 'Em.

Mayor Ahmed met with potential industrial businesses with the City Administrator and staff.

2.2 STAFF REPORTS

Written/Oral Reports

City Administrator Haddix highlighted the weekly staff report that included receiverships, business license enforcement, Cricket Wireless, new housing development, meeting with the Vice Chair of the California High Speed Rail Authority, meeting with a major retailer, the Adam Hale project, and Chowchilla Asphalt.

CONSENT CALENDAR – Section 3

3.1 Approval of June 28, 2016 City Council/Redevelopment Successor Agency/Public Finance Authority Minutes (McClendon)

3.2 Approval of July 8, 2016 Special City Council Meeting Minutes (McClendon)

3.3 Consideration of Monthly Invoice Payment Authorization Request (Pruett)

3.4 Consideration of Monthly Financial Reports for June 2016 (Pruett)

3.5 Council Resolution # 73-16, Authorization to Extend the Current Landscape Maintenance Contract with Grover Landscape Services (Locke)

Motion by Council Member Chavez, Seconded by Mayor Pro Tem Gaumnitz to Approve the Consent Calendar as Presented. Motion passed unanimously by roll call vote with Council Member Haworth and Walker absent.

PUBLIC HEARINGS – Section 4

DEFERRED BUSINESS – Section 5

NEW BUSINESS – Section 6

6.1 Council Resolution # 74-16, Approving a Bid Award and Agreement With Price, Paige & Company for Professional Auditing Services (Pruett)

Motion by Council Member Chavez, Seconded by Mayor Pro Tem Gaumnitz to Approve Council Resolution # 74-16, Approving a Bid Award with Price Paige & Company for Professional

Auditing Services. Motion passed unanimously by roll call vote with Council Members Haworth and Walker absent.

6.2 Council Resolution # 75-16, Approving a Revised Resolution Regarding the Sale of 26.28 Acres of Land (Assessor’s Parcel Number 002-250-053) to Steven James Sagouspe and Robert Joseph Sullivan (Locke)

Motion by Mayor Pro Tem Gaumnitz, Seconded by Council Member Chavez to Approve Council Resolution #75-16, Approving a Revised Resolution Regarding the Sale of 26.28 Acres of Land (Assessor’s Parcel Number 002-250-053) to Steven James Sagouspe and Robert Joseph Sullivan, as Amended. Motion passed unanimously by roll call vote with Council Members Haworth and Walker absent.

6.3 Council Resolution # 76-16, Authorization of up to \$9,000 to the Chamber of Commerce for the Refurbishment of the Chowchilla Sign on Northbound Highway 99 (Locke)

Motion by Council Member Chavez, Seconded by Mayor Pro Tem Gaumnitz to Approve Council Resolution #76-16, Authorization of up to \$9,000 to the Chamber of Commerce for the Refurbishment of the Chowchilla Sign on Northbound Highway 99. Motion passed unanimously by roll call vote with Council Members Haworth and Walker absent.

WORKSHOPS

None.

ANNOUNCEMENTS – Section 7

July 21 Sizzlin’ Summer Nights, Richie Blue Band, Veterans Park, 7:30 PM
July 22 City Offices Closed

ADJOURNMENT

Motion by Mayor Pro Tem Gaumnitz to adjourn the July 18, 2016 City Council Special Meeting at 8:24 p.m. Motion passed unanimously by voice vote with Council Members Haworth and Walker absent.

ATTEST:

APPROVED:

Joann McClendon, CMC
City Clerk

Mayor Waseem Ahmed



CITY COUNCIL STAFF REPORT

Item # 3.2

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July 26, 2016

AGENDA SECTION: Consent

SUBJECT: Resolution Approving Applications for Transportation Development Act (TDA) Funds for FY2016/17 and Authorizing the City Administrator to Execute and Submit Applications to the Madera County Transportation Commission

PREPARED BY: Robin Roman, Transit Coordinator

REVIEWED BY
ADMINISTRATOR

REVIEWED BY
ATTORNEY

REVIEWED BY
FINANCE

RECOMMENDATION

Staff recommends that the Council approve a resolution (a) approving applications for FY2016/17 TDA Local Transportation (LTF) and State Transit Assistance (STA) funds; and (b) authorizing the City Administrator to execute the applications for submittal to the Madera County Transportation Commission (MCTC) for adoption.

HISTORY / BACKGROUND

The State Controller annually approves LTF and STA apportionments by county pursuant to the Transportation Development Act (TDA). The MCTC allocates these funds to local agencies based on each jurisdiction's percentage share of the total County population. Annually, local agencies are required to submit applications for approval at the June MCTC meeting. The applications may be amended, as needed.

FINANCIAL ANALYSIS

LTF funds are programmed for public transit services, pedestrian and bicycle facilities and streets and roads maintenance and construction projects. Transit must be fully funded consistent with the MCTC annual Unmet Transit Needs findings, as transit has priority use of these funds. A mandatory 2% is allocated for pedestrian and bicycle facilities and 3% for transportation planning. STA funds may be used only for public transit purposes, including operating and capital projects.

The MCTC requires Council approval prior to submittal of LTF and STA applications. The FY2016/17 LTF and STA applications have been prepared, as attached, reflecting proposed use of these funds. Applications are submitted to the Council for its review and approval.

LTF and STA applications specify proposed expenditures of these funds

There is no impact to the General Fund

ATTACHMENTS

Resolution

FY 2016/17 LTF Applications

FY2016/17 STA Applications

COUNCIL RESOLUTION # -16

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA
APPROVING APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT (TDA)
FUNDS FOR FISCAL YEAR 2016/17,
AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND SUBMIT
APPLICATIONS TO THE MADERA COUNTY TRANSPORTATION COMMISSION (MCTC)**

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

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

WHEREAS, the LTF and STA applications for Fiscal Year 2016/17 that describe the intended use of these funds have been submitted to the Council Board for its review.

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Chowchilla hereby finds and orders as follows:

1. The above recitals are true and correct.
2. The Fiscal Year 2016/17 applications for Transportation Development Act Local Transportation Funds and State Transit Assistance Funds, as allocated to the City of Chowchilla by the Madera County Transportation Commission, are approved.
3. The City Administrator is authorized to execute the applications and submit them to the Madera County Transportation Commission for adoption.
4. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Chowchilla on the 26th day of July 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk

Transportation Planning Services Section 99402:

MCTC regional transportation planning activities on behalf of member agencies (Circulation Studies, Traffic Counts, System Route Studies, Bike Lane Planning, General Data Collection, etc.) \$ 9,487.00

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

Additional planning project or contracted transportation planning work \$ _____

TOTAL: \$ 9,487.00

Street and Road Projects Section 99402:

TDA, Article 8 Funds Requested for Street Maintenance \$ 45,000.00

TDA, Article 8, Other Road and Street Improvement Projects \$ _____

TOTAL: \$ 45,000.00

GRAND TOTAL: \$ 315,812.00

The Standard Assurances Form has been attached to this application (initial here) _____

Submitted By:

Signature of Local Official, Title

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



CITY COUNCIL STAFF REPORT

Item 3.3

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July 26, 2016

AGENDA SECTION: Consent

SUBJECT: Approving the Central Valley Employment Relations Consortium Agreement with Liebert Cassidy Whitmore

PREPARED BY: Joann McClendon, City Clerk

REVIEWED BY
ADMINISTRATOR

REVIEWED BY
ATTORNEY

REVIEWED BY
FINANCE

RECOMMENDATION

That the Chowchilla City Council approve a Resolution approving an agreement with Liebert Cassidy Whitmore in connection with the Central Valley Employment Relations Consortium (Consortium).

HISTORY / BACKGROUND

The City of Chowchilla has participated in the Consortium in the past, renewing membership annually. The Consortium is a combination of local agencies such as Clovis, Hanford, Kerman and Corcoran among others, combined for the purpose of securing quality employment relations training, consultation and informational services on a very economical basis.

Training workshops are conducted by their attorneys, provided at or near one of the local member agencies with reference material for all attendees. Monthly newsletters are provided, and members are entitled to complimentary telephone consultation with attorneys in both of their offices in matters relating to employment and labor law questions. Other than what is provided under the consortium agreement, additional attorney services can be utilized at an hourly rate.

The consortium differs from the Employment Risk Management Authority (ERMA) contract with the City's current Risk Management Authority (CSJVRMA) in that the consortium provides additional training sessions and unlimited phone and email consultations.

FINANCIAL ANALYSIS

Consortium annual membership fees are based on the agency's number of full time employees. The City falls under Rate 1 (for agencies with less than 100 full time employees) at a rate of \$1,450 for basic membership, \$1,855 for basic membership plus basic Liebert Library Subscription, and \$2,345.50 for basic membership with premium Liebert Library subscription.

Basic Liebert Library subscription provides access to over 200 sample forms, policies and checklists that can be used as templates.

Premium Liebert Library subscription additionally provides unlimited access to Liebert Cassidy Whitmore workbooks in digital format. Membership paid after August 1, 2015 includes a \$100 late fee.

ATTACHMENTS

Resolution

Agreement for Special Services

COUNCIL RESOLUTION # -16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA,
APPROVING AN AGREEMENT FOR SPECIAL SERVICES WITH LIEBERT CASSIDY
WHITMORE FOR CENTRAL VALLEY EMPLOYMENT RELATIONS CONSORTIUM
SERVICES AT THE RECOMMENDED LEVEL IN THE AMOUNT OF \$2,345.50**

WHEREAS, the City of Chowchilla is part of a multi-agency risk management authority, the San Joaquin Valley Risk Management Authority (RMA); and

WHEREAS, as part of the RMA, employee risk management services are provided to its members, including the City of Chowchilla; and

WHEREAS, the City of Chowchilla desires to participate in a consortium group in the Central Valley for local training tailored to the needs of the consortium; and

WHEREAS, the consortium differs from the Employment Risk Management Authority (ERMA) contract with the RMA in that the consortium provides additional training and resources; and

WHEREAS, the City of Chowchilla has a need to secure expert training and consulting services to assist in its relations and negotiations with its employee associations; and

WHEREAS, the consortium will provide additional training to managers, supervisors and employees and will reduce training fees and travel costs due to the consortium's participating agencies local venues.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chowchilla hereby approves the consortium agreement with Liebert Cassidy Whitmore at the recommended level in the amount of \$2,345.50 per year.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 26th day of July 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the City of Chowchilla, A Municipal Corporation, hereinafter referred to as "Agency," and the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation, hereinafter referred to as "Attorney."

WHEREAS Agency has the need to secure expert training and consulting services to assist Agency in its workforce management and employee relations; and

WHEREAS Agency has determined that no less than thirty-nine (39) public agencies in the Central Valley area have the same need and have agreed to enter into identical agreements with Attorney; and

WHEREAS Attorney is specially experienced and qualified to perform the special services desired by the Agency and is willing to perform such services;

NOW, THEREFORE, Agency and Attorney agree as follows:

Attorney's Services:

During the year beginning July 1, 2016, Attorney will provide the following services to Agency (and the other aforesaid public agencies):

1. Five (5) days of group training workshops covering such employment relations subjects as management rights and obligations, negotiation strategies, employment discrimination and affirmative action, employment relations from the perspective of elected officials, performance evaluation (administering evaluations), grievance and discipline administration for supervisors and managers, planning for and responding to concerted job actions, current court, administrative and legislative developments in personnel administration and employment relations, etc., with the specific subjects covered and lengths of individual workshop presentations to be determined by Agency and the other said local agencies.

It is expressly understood that the material used during these presentations, including written handouts and projected power points are provided solely for the contracted workshops. This agreement warrants there will be no future use of Liebert Cassidy Whitmore material in other trainings or formats without the expressed written permission of Liebert Cassidy Whitmore. Any such use will constitute a violation of this agreement and copyright provisions.

2. Availability of Attorney for Agency to consult by telephone. Consortium calls cover questions that the attorney can answer quickly with little research. They do not include the review of documents, in depth research, written responses (like an opinion letter) or advice on on-going legal matters. The caller will be informed if the question exceeds the scope of consortium calls. Should the caller request, the attorney can assist on items that fall outside the service, but these matters will be billed at the attorney's hourly rate. (See additional services section.)
3. Providing of a monthly newsletter covering employment relations developments.

Fee:

Attorney will provide these special services to Agency for a fee of One Thousand Four Hundred Fifty Dollars (\$1,450.00) payable in one payment prior to August 1, 2016. The fee, if paid after August 1, 2016 will be \$1,550.00.

Said fee will cover Attorney's time in providing said training and consultative services and the development and printing of written materials provided to attendees at the training programs.

Additional Services:

Attorney shall, as and when requested by Agency, make itself available to Agency to provide representational, litigation, and other employment relations services. The Agency will be billed for the actual time such representation services are rendered, including reasonable travel time, plus any necessary costs and expenses authorized by the Agency.

The range of hourly rates for Attorney time is from Two Hundred to Three Hundred Fifty Dollars (\$200.00 - \$350.00) per hour for attorney staff, One Hundred Ninety-Five Dollars (\$195.00) per hour for Labor Relations/HR Consultant and from Seventy-Five to One Hundred Sixty Dollars (\$75.00 - \$160.00) per hour for services provided by paraprofessional and litigation support staff. Attorneys, paraprofessional and litigation support staff bill their time in minimum units of one-tenth of an hour. Attorney reviews its hourly rates on an annual basis and if appropriate, adjusts them effective July 1.

Independent Contractor:

It is understood and agreed that Attorney is and shall remain an independent contractor under this Agreement.

Term:

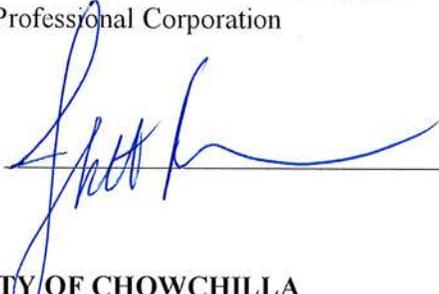
The term of this Agreement is twelve (12) months commencing July 1, 2016. The term may be extended for additional periods of time by the written consent of the parties.

Condition Precedent:

It is understood and agreed that the parties' aforesaid rights and obligations are contingent on no less than thirty-nine (39) local agency employers entering into a substantially identical Agreement with Attorney on or about July 1, 2016.

Dated: 6.3.16

LIEBERT CASSIDY WHITMORE
A Professional Corporation

By  _____

Dated: _____

CITY OF CHOWCHILLA
A Municipal Corporation

By _____



CITY COUNCIL STAFF REPORT

Item 3.4

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July 26, 2016

AGENDA SECTION: Consent

SUBJECT: Consideration and Approval of a Modified and Renewed Lease with Madera County for the Property Located at 145 Robertson Boulevard

PREPARED BY: D. Ritchie, City Attorney

REVIEWED BY
ADMINISTRATOR

REVIEWED BY
ATTORNEY

REVIEWED BY
FINANCE

RECOMMENDATION:

To approve modification of the lease agreement between Madera County and the City of Chowchilla for the property located at 145 Robertson Boulevard, Chowchilla, CA.

HISTORY / BACKGROUND:

Madera County has located a satellite office of the County Department of Social Services at 145 Robertson Boulevard since at least 2006. Most recently the parties operated under a lease agreement (Madera County Contract No. 8116-A-C-2011 entered into in September of 2011 and providing for a County option to renew the lease for a single renewal period of one (1) additional year. This renewal clause provided that all the other terms and conditions of the lease would remain the same.

Upon exercising the option to renew, the County requested the City consider extending the renewal term from the one year provided for in the original lease to five (5) years. The City recommends aligning the annual lease term to the City and County fiscal year and adjusting the timing of increases to rent such that they continue to be based on the Southern California Consumer Price Index (All Urban Consumers) (CPI) or five percent (5%), each year, whichever is less.

The original lease and proposed First Amendment To Lease (form of agreement) are provided as an attachment to this staff report.

Features:

- Base rent is carried forward from the original lease in the sum of \$5460.00 per month on October 1, 2011.
- Current monthly rent is \$5845.26, scheduled to increase based on last year's CPI.
- This renewal would be the only renewal, with a modified term running approximately five (5) years and ending on June 30, 2021.
- No other changes to the terms of the lease in Madera County Contract No. 8116-A-C-2011

FINANCIAL IMPACT:

No financial impact other than an increase in rent revenues from the prior year according to the CPI index

ATTACHMENTS:

Madera County Contract No. 8116A-C-2011
Resolution
First Amendment to Lease Agreement (form of agreement)

MADERA COUNTY CONTRACT NO. 8116A-C-2011
(Lease of Real Estate – 145 West Robertson Boulevard, Chowchilla, CA)

THIS LEASE is made and entered into this 13TH day of SEPTEMBER 20 11,
by and between the COUNTY OF MADERA, a political subdivision of the State of
California, hereinafter referred to as "COUNTY," and the CITY OF CHOWCHILLA, a
municipal corporation, hereinafter referred to as "LANDLORD."

AGREEMENT

1. **PURPOSE.** LANDLORD agrees to rent to COUNTY the following real
estate, described as follows ("the Premises"): four thousand five hundred fifty (4,550)
square feet of office space located at 145 West Robertson Boulevard, Chowchilla,
California.

2. **TERM.** This Lease shall begin on October 1, 2011 and shall expire on
June 30, 2016.

3. **RENT.**

3.01 **Base Rent.** COUNTY shall pay to CITY a base rent, which shall be due
and payable on the first of each month, in the sum of \$5,460.00 per month
beginning October 1, 2011.

3.02 **Rent Increase.** The base rent shall be adjusted by the annual increase in
the Southern California Consumer Price Index (All Urban Consumers), as
published by the U.S. Department of Labor for the prior 12 months ending
July 31, or five percent (5%), whichever is less. The CITY shall submit to
COUNTY this requested amount in writing to include a copy of the CPI no
later than September 1 of each year commencing 2012.

4. **NOTICE.** Any notices herein provided to be given by either party to the
other shall be deemed to have been fully given when made in writing and deposited in
the United States mail, postage prepaid and addressed as follows:

COUNTY

Madera County
Department of Social Services
Attn: Kelly Woodard, Director
P.O. Box 569
Madera, CA 93639

CITY

City of Chowchilla
130 South Second Street
Chowchilla, CA 93610

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL
Agreement No. 8116A-C-2011
ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS.
ATTEST:

TANNA G. BOYD
CLERK OF THE BOARD OF SUPERVISORS

IN AND FOR THE COUNTY OF MADERA, STATE OF CALIFORNIA

BY Buana Pava DATE 9/27/12
DEPUTY

With copy to

Tanna G. Boyd, Chief Clerk
Madera County Board of Supervisors
200 West Fourth Street
Madera, CA 93637.

5. **UTILITIES AND SERVICES.** CITY shall make all arrangements for, and pay for, all utilities and services furnished to or used by it, including, without limitation, gas electricity, water, sewer, trash collection, Janitorial and Fire/Burglar Systems and all connection charges. CITY shall invoice COUNTY monthly for these charges after they are incurred and the bills are received. COUNTY is responsible for telephone services and any other utility services.

6. **INCORPORATION.** This document, the Madera County Master Real Estate Lease, and any attached exhibits described in this document shall constitute the entire lease between COUNTY and LANDLORD.

7. **OPTION TO RENEW.** Notwithstanding the language of Section 31 of the Madera County Master Real Estate Lease, COUNTY is hereby granted, and shall have, if not in default under this Lease at the time, an option to renew this Lease for one additional period of one (1) year, only, from the expiration date hereof, upon the same terms, covenants, and conditions herein contained, with the exception of rental, which shall be adjusted as provided in Section 3.02, above. If COUNTY decides to exercise its option to renew, it must give notice of renewal to CITY no later than ninety (90) days prior to the expiration of the Lease Agreement.

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* * * * *

IN WITNESS WHEREOF, the foregoing Agreement is executed on the day and year first above-written.



COUNTY OF MADERA

ATTEST:

Frank Siglaw
Chairman, Board of Supervisors

Vanna A. Boyd
Clerk, Board of Supervisors

Approved as to Form:
RISK MANAGEMENT

By: [Signature]

CITY OF CHOWCHILLA

By: [Signature]

Title: city Admin.
946-000-309
Taxpayer Identification Number

Approved as to Legal Form:
COUNTY COUNSEL

By: [Signature]

ACCOUNT NUMBER(S)

COUNCIL RESOLUTION # - 16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA
APPROVING THE MODIFIED LEASE AGREEMENT WITH MADERA COUNTY FOR THE PREMISES
LOCATED AT 145 ROBERTSON BOULEVARD IN CHOWCHILLA, AND AUTHORIZING THE CITY
ADMINISTRATOR TO SIGN THE FIRST AMENDMENT TO THE LEASE AGREEMENT**

WHEREAS, the City is the owner and lessor of a building located at 145 Robertson Boulevard in the City of Chowchilla; and

WHEREAS, the County of Madera has leased such premises for a satellite location of Madera County Social Services since at least 2006; and

WHEREAS, the City and Madera County have negotiated a proposed amendment to the lease agreement extending the lease term through June 30, 2021 and providing for periodic increases to rent, tied to changes in the Consumer Price Index (CPI);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The above recitals are true and correct.
2. The City Council finds that the modification to the lease agreement (First Amendment to Lease Agreement) is beneficial to both the City and to the County.
3. That the City Administrator is authorized to execute the amended lease agreement on behalf of the City.
4. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 26th day of July, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk

**FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN
MADERA COUNTY AND THE CITY OF CHOWCHILLA
MADERA COUNTY CONTRACT No. 8116-A-C-2011
FOR THE PROPERTY LOCATED AT 145 ROBERTSON BOULEVARD, CHOWCHILLA, CA**

WHEREAS the City of Chowchilla ("City") is the owner and lessor of the property located at 145 Robertson Boulevard ("145 Robertson"), in the City of Chowchilla; and

WHEREAS the County of Madera ("County") and County of Madera Department of Social Services is the Lessee of 145 Robertson pursuant to a Madera County Contract No. 8116-A-C-2011; and

WHEREAS the County desires to exercise the option to renew said contract pursuant to Section 7 – OPTION TO RENEW, however has requested a five (5) year renewal rather than the one (1) year renewal provided for in the original agreement; and

WHEREAS the City shares a mutual interest and desire to renew the lease agreement for the extended five (5) year renewal term with the County;

THEREFORE, the City and County agree as follows:

- A) The TERM of the renewal period of the Lease shall begin on the date this amendment is executed by all parties and shall end on June 30, 2021.
- B) The base rent increases described in Section 3.02 shall be adjusted annually on July 1 each year by the increase in the Southern California Consumer Price Index (All Urban Consumers), as published by the U.S. Department of Labor for the prior 12 months ending April 30, or five percent (5%), whichever is less. The City shall submit to the County this requested amount in writing to include a copy of the CPI no later than June 1 of each year commencing in 2017.
- C) All other terms and conditions contained in the original lease (Madera County Contract No. 8116-A-C-2011, to the extent that they are unchanged by this Amendment are incorporated herein and shall remain in full force and effect for the duration of this renewal period.

IN WITNESS THEREOF, the foregoing FIRST AMENDMENT is executed on _____, 2016.

COUNTY OF MADERA

CITY OF CHOWCHILLA

Chairman, Board of Supervisors

City Administrator

APPROVED AS TO FORM:

County Counsel

City Attorney



CITY COUNCIL STAFF REPORT

Item 6.1

[CLICK HERE
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THE AGENDA](#)

July 26, 2016

AGENDA SECTION: New Business

SUBJECT: **Consideration of a Resolution Approving Amendments #2 and #3 to the Merced Transit Company Agreement**

PREPARED BY: Ellen Moy, Transportation Planner

REVIEWED BY
ADMINISTRATOR X

REVIEWED BY
ATTORNEY X

REVIEWED BY
FINANCE X

RECOMMENDATION

Approve of a resolution for Amendments #2 and #3 to the City's agreement with Merced Transportation Company to exercise options to extend the City's agreement for FY2015/16 and FY2016/17.

HISTORY / BACKGROUND

The City has operated CATX, a demand-response transit service, for many years. Effective October 9, 2012, the City entered into a three-year/plus two one-year extension contract with Merced Transportation to operate both CATX and CatLinx, a new fixed route, inter-city service to Merced.

On July 14, 2015, after the expiration of the original contract between Merced Transit and the City, the Council was presented a staff report and resolution to extend the expired contract on a month-to-month basis for a period up to one year. However, the Letter of Amendment was not submitted to the Department of Transportation (DOT) for approval due to miscommunication between the Transit Planner and city staff during personnel transitions that were occurring at that time. The Amendments provided in this item have been approved by the DOT. Amendment #2 is a retroactive approval and Amendment #3 is the final extension eligible under the current contract.

Merced Transportation has a history of satisfactory performance with the City of Chowchilla and will maintain continuity of its management and service staff that currently operates transit services for the City. Staff encourages the Council to allow for the second and final one-year contract extension with Merced Transportation.

The City provides fuel for CATX and CatLinx; and vehicles, maintenance, and limited driver support for CATX. The City also provides staff oversight for both services. Merced Transportation provides turn-key CatLinx services, including drivers, supervisory staff, vehicles, and maintenance.

Amendments:

1. Amendment #2 (approved by Caltrans on April 7, 2015) exercises the City's option to extend Merced Transportation's agreement for FY2015/16. It also amends the price formula and sets the maximum obligation to provide CATX and CatLinx services at \$204,368. (A Letter of Agreement between the City and Merced Transportation approved by Council on November 9, 2015 also exercised an option for FY2015/16 services and updated the price formula; this

agreement was not formally approved by Caltrans. For funding reimbursement purposes, Council must approve Amendment #2.)

2. Amendment #3 proposes to exercise an option to extend Merced Transportation's agreement through FY2016/17 and updates the Consumer Price Index (CPI) for FY2015/16 and FY2016/17. This amendment also updates the price formula for FY2016/17 and sets the maximum obligation to provide CATX and CatLinx services at \$221,439. The increase is largely attributable to a higher number of proposed CATX service hours and a 2.7% CPI. CatLinx service hours were reduced.

FINANCIAL ANALYSIS

Total transit expenditures for FY2015/16 and FY2016/17 are projected not to exceed \$204,368 and \$221,439, respectively, with the potential for an additional 15% increase to cover unexpected increases to transit services and potential incentive payments. Actual costs will depend on actual services provided. In accordance with contract provisions, the City will be credited for all fare revenues.

There is no impact on the General Fund as transit operations are funded with a combination of State, federal and local funds and transit fares.

ATTACHMENTS

July 14, 2015 Staff Report, Resolution and Amendment (not approved by Department of Transportation)

2016 Letter of approval from DOT (for the Amendment #2 and #3)

Resolution

Amendment #2

Amendment #3



REPORT TO THE CITY COUNCIL

Council Meeting of July 14, 2015

Agenda Section:	<u>New Business</u>
SUBJECT:	Consideration of an Amendment with Merced Transportation to Extend the Transit Services Agreement on a Month-to-Month Basis
Prepared By:	<u>D. Martin Piepenbrok, Community Relations Manager</u>
Approved By:	<u>Brian Haddix, City Administrator</u>

RECOMMENDATION:

Staff recommends approval to extend on a month-to-month basis the existing agreement with the Merced Transportation Company to provide transit services for the CATX and CATLinX systems for the City of Chowchilla to allow a continuation of existing services pending a transit system review.

HISTORY / BACKGROUND:

The City of Chowchilla entered into an agreement with Merced Transportation Company in October 2012. The agreement became effective November 5, 2012 and continued in full force through June 30, 2015. A provision in the agreement provides at the sole discretion of the City to extend the term of the agreement on a month-to-month basis up to a maximum of six months. The compensation rates in effect during the last monthly period of the full term of the agreement will continue through the length of the extension.

The current agreement does include optional terms wherein the City can exercise up to two 1-year extensions of the agreement, July 1, 2015 through June 30, 2016, and July 1, 2016 through June 30, 2017. Prior to requesting an approval of an extension, however, City management along with City Council wants to conduct a full review of all City transit system services. To ensure no lapses in current service levels, however, it is necessary to continue the agreement with Merced Transportation Company in the current form. Therefore, the month-to-month extension is the preferred option to employ at this time.

FINANCIAL IMPACT

With the month-to-month extension the compensation rates in effect during the last monthly period of the full term of the agreement, June 2015, will continue through the length of the extension. The City will not incur any additional costs beyond what is prescribed in the agreement.

ATTACHMENTS

Resolution

Letter of Amendment to the Agreement with Merced Transportation Company

COUNCIL RESOLUTION # 57-15

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA TO APPROVE A MONTH-TO-MONTH EXTENSION OF THE EXISTING AGREEMENT WITH THE MERCED TRANSPORTATION COMPANY TO PROVIDE TRANSIT SERVICES THROUGH THE CATX AND CATLINX SYSTEMS

WHEREAS, the City of Chowchilla entered into an agreement with Merced Transportation Company in November 2012 to provide transit services for the CATX and CATLinX systems; and

WHEREAS, the agreement was in full force through June 30, 2015; and

WHEREAS, the agreement provides at the sole discretion of the City to extend the term of the agreement on a month-to-month basis at the same compensation structure of the last monthly period up to a maximum of six months; and

WHEREAS, it is the preference of both the City of Chowchilla and the Merced Transportation Company to continue to provide transit system services in Chowchilla; and

WHEREAS, the City of Chowchilla is currently conducting a review of existing transit system services, thereby necessitating a temporary and limited extension of the current agreement to not negatively affect services to the community;

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Chowchilla hereby approves the Letter of Amendment to the Agreement with Merced Transportation Company to extend the existing agreement on a month-to-month basis at the same compensation structure in place in June 2015.

* * * *

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 14th day of July 2015 by the following vote to wit:

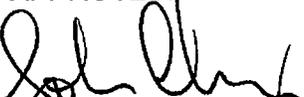
AYES: 3 – Ahmed, Haworth, Chavez

NOES: 0

ABSENT: 2 – Gaumnitz, Walker

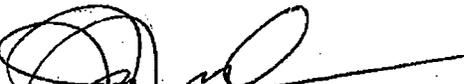
ABSTAIN: 0

APPROVED:



John Chavez, Mayor

ATTEST:



Joann McClendon
Interim City Clerk

CITY OF CHOWCHILLA CALIFORNIA



LETTER OF AMENDMENT TO AN AGREEMENT

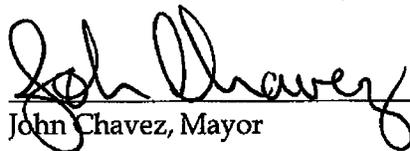
This letter will serve as an amendment to the agreement between the City of Chowchilla and the Merced Transportation Company for the provision of transit services through the CATX and CATLinX transit systems. The original agreement became effective November 5, 2012 and continued in full force through June 30, 2015.

A provision in the agreement provides at the sole discretion of the City to extend the term of the agreement on a month-to-month basis up to a maximum of six months. The compensation rates in effect during the last monthly period of the full term of the agreement will continue through the length of the extension. All other terms of the original agreement shall remain in full force and effect.

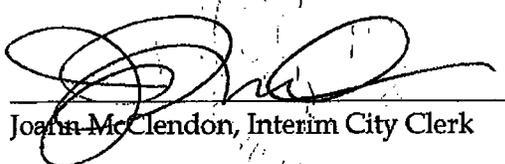
After consultation, both the City of Chowchilla and the Merced Transportation Company agree to a month-to-month extension of the agreement.

In witness whereof both parties have caused this amendment to be executed on their behalf by their officers duly authorized.

CITY OF CHOWCHILLA ("CITY")


John Chavez, Mayor

ATTEST


Joann McClendon, Interim City Clerk

MERCED TRANSPORTATION COMPANY

Curtis Riggs, President

DEPARTMENT OF TRANSPORTATION
DIVISION OF RAIL AND MASS TRANSPORTATION MS 39
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-8811
FAX (916) 654-9366
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

July 5, 2016

City of Chowchilla
Joann McClendon, City Clerk
130 S Second Street
Civic Center Plaza
Chowchilla, CA 93610

Dear Ms. McClendon:

As the recipient of Federal Transit Administration (FTA) Section 5311, the California Department of Transportation (Caltrans) Division of Rail and Mass Transportation (DRMT) is responsible for ensuring that all procurement requests comply with federal statutes and regulations. Therefore, as a subrecipient of this funding, your agency must demonstrate to DRMT that all procurement and third-party contracting activities you engage in comply with:

- 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- FTA Circular 4220.1F – Third Party Contracting Guidance

DRMT approves the Third Party Contract Amendments #2 and #3 between City of Chowchilla and Merced Transportation Company.

Please email a fully executed copy of Amendments #2 and #3 to Daniel.Yerushalmi@dot.ca.gov.

If you have questions regarding this procurement review letter please contact Daniel Yerushalmi at Daniel.Yerushalmi@dot.ca.gov or (916) 653-3088. If you have questions regarding FTA 5311 Grant procedures please contact your 5311 Program Liaison.

Sincerely,

A handwritten signature in blue ink that reads "Frank Nevitt for Frank Nevitt".

Frank Nevitt, Chief
Federal Procurement Management Branch
Caltrans Division of Rail and Mass Transportation

C: Kathy Pongratz (HQ)
Daniel Yerushalmi

COUNCIL RESOLUTION # -16

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA,
APPROVING AMENDMENTS #2 AND #3 OF THE CITY'S TRANSIT AGREEMENT WITH
MERCED TRANSPORTATION COMPANY**

WHEREAS, the City of Chowchilla entered into an agreement with Merced Transportation Company effective October 9, 2012 to operate CATX, demand-response transit service, and CatLinx, fixed route inter-city service to Merced; and

WHEREAS, the City and Contractor, Merced Transportation, desire to modify said Agreement by extending its term beyond the date originally specified in the Agreement. The extension will be for one year commencing on July 1, 2015 to June 30, 2016 and an additional one year commencing July 1, 2016 to June 30, 2017 at a maximum obligation not to exceed \$204,368 and \$221,439, respectively.

WHEREAS, Caltrans Rail and Mass Transit Division has reviewed and approved Amendments #2 and #3; and

WHEREAS, the City Council now desires to amend the agreement that has been presented for consideration.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The above recitals are true and correct.
2. The City Council hereby approves Amendments #2 and #3 to the Merced Transportation Company agreement.
3. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 26th day of July, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk

**CITY OF CHOWCHILLA
MERCED TRANSPORTATION COMPANY AGREEMENT
(APPROVED BY RESOLUTION NO. XXX-XX)
AMENDMENT #2**

Background

The City of Chowchilla entered into an agreement with Merced Transportation Company on October 9, 2012 to provide public transit services. These services include demand-response CATX service and new inter-city fixed-route CatLinX service from the City of Chowchilla to the City of Merced. The agreement is effective for a base period from October 9, 2012 through June 30, 2015 for CATX and CatLinX.

Under the current agreement, the City provides fuel for CATX and CatLinX; and vehicles, maintenance, and a full-time equivalent employee assisting as a part-time driver, backup dispatcher and supervisor for CATX. The City also provides staff oversight of both services. Merced Transportation provides turn-key CatLinX services, including drivers, supervisory staff, vehicles, and maintenance.

The City desires to exercise the option to extend the agreement with Merced Transportation for an additional year from July 1, 2015 through June 30, 2016 with the following amendments:

Agreement Amendments

“ARTICLE 9 – PAYMENT (ADDED)”

9.1 Price Formula

Payment by CITY for Option Year 1 shall be computed as follows:

a. **Fixed Hourly Rate**, per Vehicle Revenue Hour

- (1) For the period July 1, 2015 through June 30, 2016, the cost per vehicle revenue hour is \$20.71 for CATX and \$28.16 per vehicle revenue hour for service to Merced, CatLinX.
- (2) “Vehicle Service Hours” (no change)

b. **Fixed Monthly Fee**

- (1) For the period July 1, 2015 through June 30, 2016, payment of a fixed monthly fee of \$11,961 (CATX - \$9,902; CatLinX - \$2,059).

[All other language remains unchanged.]

1. **“ARTICLE 10 - MAXIMUM OBLIGATION” (ADDED)**

CITY agrees to pay CONTRACTOR for its services as described herein:

- a. The price to be paid by CITY to CONTRACTOR for CATX and CatLinX service shall not exceed the amounts as outlined below:

- (1) For the period **July 1, 2015 through June 30, 2016**, Two Hundred Four Thousand Three-Hundred Sixty-Eight dollars (\$204,368) of which One Hundred Fifty-Eight Thousand Five-Hundred Forty-Two dollars (\$158,542) is for the operation of CATX and Forty-Five Thousand Eight-Hundred Twenty-Six dollars (\$45,826) is for the operation of CatLinx. Service will be provided for a maximum of 1,918 plus or minus fifteen percent (15%) vehicle revenue hours for CATX and 750 plus or minus fifteen percent (15%) vehicle revenue hours for CatLinx.
- b. The dollar amounts stated in Article 10(a) are the total amounts for the entire system. Both fixed hourly rate and monthly fixed rate are the joint cost of the entire system.
- c. All payments from CITY to CONTRACTOR for future services are contingent on and subject to the availability of State Transportation Development Act (TDA) funds, Federal Transit Administration (FTA) funds, and any other related transit funds to continue the services herein described. CITY cannot obligate funds beyond the current fiscal year. It is the intent of the CITY to pay CONTRACTOR for all services operated. CITY shall notify CONTRACTOR in the event that such funds will become unavailable or insufficient for the provision of service, such that CONTRACTOR does not operate service for which CITY cannot pay. Notwithstanding any other provision of this Agreement, no CITY General Fund monies shall be encumbered or otherwise obligated. CITY may terminate this Agreement if TDA, FTA, or any other transit-related funds are not available or insufficient.

(All other language contained in Article 10 and Amendment #1 shall remain unchanged.)

**AMENDMENT #2 BETWEEN
CITY OF CHOWCHILLA AND
MERCED TRANSPORTATION COMPANY**

MERCED TRANSPORTATION COMPANY

By: _____

Date: _____

Title: _____

CITY OF CHOWCHILLA

By: _____
Waseem Ahmed, Mayor

Date: _____

Approved as to Form:
City Legal Counsel

By: _____

Date: _____

ATTEST:

By: _____
Joann McClendon, City Clerk

**CITY OF CHOWCHILLA
MERCED TRANSPORTATION COMPANY AGREEMENT
(APPROVED BY RESOLUTION NO. XXX-XX)
AMENDMENT #3**

BACKGROUND

Overview

The City of Chowchilla entered into an agreement with Merced Transportation Company on October 9, 2012 to provide public transit services. These services include demand-response CATX service and new inter-city fixed-route CatLinx service from the City of Chowchilla to the City of Merced. The agreement is effective for a base period from October 9, 2012 through June 30, 2015 for CATX and CatLinx with two options years through June 30, 2017.

Under the current agreement, the City provides fuel for CATX and CatLinx; and vehicles, maintenance, and a full-time equivalent employee assisting as a part-time driver, backup dispatcher and supervisor for CATX. The City also provides staff oversight of both services. Merced Transportation provides turn-key CatLinx services, including drivers, supervisory staff, vehicles, and maintenance.

Exercise Option

With Amendment #2 (approved by Caltrans April 7, 2015), the City exercised an option to extend the agreement for FY2015/16 and now desires to exercise its option to extend the agreement with Merced Transportation for a final fiscal year from July 1, 2016 through June 30, 2017 with the amendments below.

Consumer Price Index

Amendment #1 (approved by Caltrans November 18, 2013) defined and provided for applying the Consumer Price Index (CPI) in the event the City exercises an option year(s). In Amendment #1, the "CPI" to be used was the West Urban, the CPI published by the Bureau of Labor Statistics (BLS) of the U.S. Department of Labor, for All Urban Consumers, U.S. City Average (1982-84=100), "All Items less food and energy" and in no event not exceed five percent.

Amendment #2 established a CPI of 0.68% for FY2015/16. A Letter of Agreement (November 9, 2015 signed by the City and Merced Transportation but not approved by Caltrans) established a revised CPI of 1.7% for FY2015/16.

Maximum Service Hours

In FY2016/17, CATX total service hours are increased from 1,915 plus or minus 15% to 2,500 plus or minus 15% due to an increase in Merced Transportation staff versus City staff service hours. Catlinx service hours are decreased from 750 plus or minus 15% to 650 plus or minus 15% due to reduced hours of operation.

AMENDMENT #3 ACTIONS

Exercise Option – FY2016/17

The City wishes to exercise the option to extend the agreement with Merced Transportation for an additional and final year from July 1, 2016 through June 30, 2017.

Consumer Price Index

Amendment #3 revises the FY2015/16 CPI to 1.7%. Amendment #3 also establishes a FY2016/17 CPI of 2.7% (April 2015 – April 2016).

Agreement Amendments

“ARTICLE 9 – PAYMENT (ADDED)”

9.1 Price Formula

Payment by CITY for Option Year 2 shall be computed as follows:

- a. **Fixed Hourly Rate**, per Vehicle Revenue Hour
 - (1) For the period July 1, 2016 through June 30, 2017, the cost per vehicle revenue hour is \$21.42 for CATX and \$29.22 per vehicle revenue hour for service to Merced, CatLinx.
 - (2) “Vehicle Service Hours” (no change).

- b. **Fixed Monthly Fee**
 - (1) For the period July 1, 2016 through June 30, 2017, payment of a fixed monthly fee of \$12,408 (CATX - \$10,272; CatLinx - \$2,136).

[All other language remains unchanged.]

1. “ARTICLE 10 - MAXIMUM OBLIGATION” (ADDED)

CITY agrees to pay CONTRACTOR for its services as described herein:

- a. The price to be paid by CITY to CONTRACTOR for CATX and CatLinx service shall not exceed the amounts as outlined below:
 - (1) For the period **July 1, 2016 through June 30, 2017**, Two Hundred Twenty-One Thousand Four-Hundred Thirty-Nine dollars (\$221,439) of which One Hundred Seventy-Seven Six Thousand Eight-Hundred Fourteen dollars (\$176,814) is for the operation of CATX and Forty-Four Thousand Six-Hundred Twenty-Five dollars (\$44,625) is for the operation of CatLinx. Service will be provided for a maximum of 2,500 plus or minus fifteen percent (15%) vehicle revenue hours for CATX and 650 plus or minus fifteen percent (15%) vehicle revenue hours for CatLinx.

- b. The dollar amounts stated in Article 10(a) are the total amounts for the entire system. Both fixed hourly rate and monthly fixed rate are the joint cost of the entire system.

- c. All payments from CITY to CONTRACTOR for future services are contingent on and subject to the availability of State Transportation Development Act (TDA) funds, Federal Transit Administration (FTA) funds, and any other related transit funds to continue the services herein described. CITY cannot obligate funds beyond the current fiscal year. It is the intent of the CITY to pay CONTRACTOR for all services operated. CITY shall notify CONTRACTOR in the event that such funds will become unavailable or insufficient for the provision of service, such that CONTRACTOR does not operate service for which CITY cannot pay. Notwithstanding any other provision of this Agreement, no CITY General Fund monies shall be encumbered or otherwise

obligated. CITY may terminate this Agreement if TDA, FTA, or any other transit-related funds are not available or insufficient.

(All other language contained in Article 10 and Amendments #1 and #2 shall remain unchanged.)

**AMENDMENT #3 BETWEEN
CITY OF CHOWCHILLA AND
MERCED TRANSPORTATION COMPANY**

MERCED TRANSPORTATION COMPANY

By: _____

Date: _____

Title: _____

CITY OF CHOWCHILLA

By: _____

Waseem Ahmed, Mayor

Date: _____

Approved as to Form:
City Legal Counsel

By: _____

Date: _____

ATTEST:

By: _____

Joann McClendon, City Clerk



CITY COUNCIL STAFF REPORT

Item 6.2

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July 26, 2016

AGENDA SECTION: New Business

SUBJECT: Reallocation of Funded Positions Within the Police Department

PREPARED BY: David Riviere, Chief of Police

REVIEWED BY
ADMINISTRATOR

REVIEWED BY
ATTORNEY

REVIEWED BY
FINANCE

RECOMMENDATION:

Staff recommend council approve the reallocation of funded positions within the police department by adding a full time Community Service Officer / Record Clerk / Dispatcher.

HISTORY / BACKGROUND:

Since I began working for the Chowchilla Police Department in 1993, the Dispatcher on duty is tasked with answering the phones, making telephone calls, dispatching officers / EMS / fire, answering the radio, processing reports, as well as answering the front lobby traffic during business hours. At times this may leave people standing in the lobby for some time while the dispatcher is dealing with emergency traffic or walking away from people who are trying to get assistance, due to an emergency call or radio traffic.

With the Community Oriented Policing concept in mind I feel it is important that when a citizen comes into our lobby during regular business hours they are met with a real person, instead of ringing a bell and waiting to be helped, which at times can be longer than five minutes depending on the nature of the call the dispatcher is dealing with at the time.

Since being sworn in in September 2015 I have been having a Community Service Officer working the front lobby window the majority of the week while a part-time Community Service Officer works in dispatch. This has been a huge benefit to the entire department and the community.

I would like to make this a full-time position to allow better officer safety, better customer service on the phone and in the lobby, more consistent record keeping, a better rapport with outside agencies, consistent answers and treatment to our citizens.

FINANCIAL IMPACT:

There is no financial impact, merely a reallocation of funds within the police department's approved budget. My plan is to pay for this position by utilizing the money budgeted for the one part-time CSO and one part-time reserve police officer, approximately \$66,000.00.

Both positions currently are not filled and have not been for some time. Reserve Officer Positions are very hard to fill as they require the applicant to attend a full-time academy. Most academy graduates are looking for full-time police officer positions upon graduation.

I would like to recruit for this position internally and hire one of the current part-time CSO / Dispatchers to fill the full-time position. Recruitment would also be done to fill the part-time CSO / Dispatch position left by the movement.

ATTACHMENTS:

Resolution

COUNCIL RESOLUTION # -16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA AUTHORIZING THE REALLOCATION OF FUNDED POSITIONS WITHIN THE POLICE DEPARTMENT BY ADDING A FULL TIME COMMUNITY SERVICE OFFICER / RECORDS CLERK / DISPATCHER.

WHEREAS, the City of Chowchilla operates and maintains a municipal police department; and.

WHEREAS, the City of Chowchilla Police Department operates a dispatch center 24 hours an day seven day a week with one dedicated non-sworn dispatcher; and

WHEREAS, currently the Chowchilla Police Department does not have a dedicated records clerk / customer service person assigned to the lobby to greet the public. Instead, they are required to ring a bell and wait until they can be assisted by the dispatcher on duty; and

WHEREAS, officer safety is compromised by this practice and it needs to be addressed immediately; and

WHEREAS, it has been determined that funding for this reorganization, \$66,000.00 is available by combining two part time position that have been approved by council in the current budget and reallocating it to hire a new full time records clerk / Community Service Officer / Dispatcher.

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Chowchilla does hereby resolves, finds and orders as follows:

1. The recitals above are true and correct.
2. The Council authorize and approve the reallocation of funded positions within the police department by adding a full time Community Service Officer / Record Clerk / Dispatcher.
3. This Resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 26th day of July, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk



CITY COUNCIL STAFF REPORT

Item 6.3

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July 26, 2016

AGENDA SECTION: New Business

SUBJECT: Consideration of Appointment of Primary and Alternate Voting Delegate to the League of California Cities (LOCC) Annual Conference

PREPARED BY: Joann McClendon, City Clerk

REVIEWED BY
ADMINISTRATOR

REVIEWED BY
ATTORNEY

REVIEWED BY
FINANCE

RECOMMENDATION

That the Council appoints a Council Member as the Voting Delegate and another Council Member as the Alternate for the League of California Cities Annual Conference. It is preferred that the voting member and alternate be elected city officials; a staff member could service the second alternate.

HISTORY / BACKGROUND

The League of California Cities 2016 Annual Conference is scheduled for Wednesday, October 5 through Friday October 7 in Long Beach, California. As part of the conference, there is an annual business meeting where the membership takes action on legislative and policy issues. The League requires that each City designate their voting delegate and alternate for the Annual Business Meeting before the conference.

The Business Meeting is on Friday, October 7 at noon. There is no requirement that a city send a voting delegate to the conference. If the City should choose to designate a voting delegate, the minimum of a one-day registration fee for Friday would be required.

Last year, Council Member Haworth was the Voting Delegate and (then) Mayor Pro Tem Ahmed was the Alternate.

FINANCIAL ANALYSIS

Full conference registration is \$525 per person, before the August 10 Early Bird deadline. It goes up \$50 after the Early Bird deadline. The one-day registration is \$300.

Hotel and transportation is separate from the registration fee.

Pricing from seven League host hotels range from \$159 to \$209 per night.

ATTACHMENTS

Delegate registration form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2016

June 10, 2016

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 5 – 7, Long Beach**

The League's 2016 Annual Conference is scheduled for October 5 – 7 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for noon on Friday, October 7, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 23, 2016. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 5, 8:00 a.m. – 6:00 p.m.; Thursday, October 6, 7:00 a.m. – 4:00 p.m.; and Friday, October 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 23. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2016 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, September 23, 2016. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 23, 2016

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247



CITY COUNCIL STAFF REPORT

Item 6.4

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July 26, 2016

AGENDA SECTION: New Business

SUBJECT: Consideration to Form a Community Sports Groups Ad Hoc Committee

PREPARED BY: D. Martin Piepenbrok, Community Relations Manager

REVIEWED BY
ADMINISTRATOR

REVIEWED BY
ATTORNEY

REVIEWED BY
FINANCE

RECOMMENDATION:

To approve the formation of a Community Sports Groups Ad Hoc Committee to discuss and evaluate, on an as-needed basis, City relationships with organizations that conduct youth and adult sports activities in Chowchilla that use City facilities.

HISTORY / BACKGROUND:

Youth and adult recreation and travel sports are conducted in Chowchilla by adult-run organizations. The City of Chowchilla does not offer nor provide management of any such sports programs. Many of the youth programs function under the auspices of the Chowchilla Youth Athletic Foundation, a 501c3 organization. All of the member sports groups participate at some Board level of this parent organization. Two youth sports programs, however, are self-functioning, Chowchilla Little League for baseball and Chowchilla Soccer Academy that conducts recreational and travel soccer programs. The Chowchilla Adult Recreation group provides recreational sports for adults under the oversight of their own board.

The City does accommodate some of the sports programs by providing them the use of City facilities such as park sports fields for their activities, and occasionally City Hall or the Edward Ray Park recreation building for meetings and registration activities. The City also provides guidance when requested on topics that related to their programs, but generally that are specific to facility improvements.

There are occasions when some topics are raised by or to the local sports groups that staff believes should include the perspective from the City Council level prior to bringing a consideration to the full council a legislative decision, if needed. Therefore, staff would like the City Council to select two members to serve on an Ad Hoc Committee to discuss those types of topics. It is generally believed that any meetings would likely be conducted in late afternoons or early evenings to accommodate the availability of everyone who would potentially participate. Staff prefers that this Community Sports Groups Ad Hoc Committee remain available, but only meet when needed, and not on a regular schedule.

As of this writing there is one item that will need to be discussed by this Ad Hoc Committee soon as it pertains to the possible formation of a new youth sports program operating under the auspices of the Chowchilla Youth Athletic Foundation. As the board and program is still early in its development the organizing group prefers to not release details about their proposal in a public forum at this time. They are working through the details first before they validate that this program is actually going to be formed. But, the nature of their idea directly involves the City of Chowchilla facility use and the formation of a future agreement. Thus the Ad Hoc Committee is needed to meet in a discussion about the future direction of their proposal.

FINANCIAL IMPACT:

None

ATTACHMENTS:

None