

**March 4, 2015
6:00 p.m.**

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

| | |
|------------------|---------|
| Council Meeting: | 4/01/15 |
| Item: | B-1 |
| Minutes: | 3/04/15 |

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 3/04/15 was called to order by Mayor Pro Tem Oliver at 6:01 p.m.

ROLL CALL:

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

Absent: Mayor Robert L. Poythress

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Deputy City Clerk Gabriel Rodriguez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Procurement Services Manager Becky McCurdy, Planning Manager Chris Boyle, Redevelopment Manager for Successor Agency Bob Wilson, and Division Fire Chief Nancy Koerperich.

INVOCATION: Pastor Ron Giovanetti, Youth for Christ

The invocation was given by Pastor David Votaw of Harvest Community Church due to the absence of Pastor Giovanetti.

PLEDGE OF ALLEGIANCE: Council Member 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, 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.

Donald E. Holley, residing in Madera, California, stated he wanted to let the Council know that something that is very dear to his heart has come to an end. He announced that he will no longer be doing the McNally Park Jesse Owens Games after this year. He noted that a lot may wonder why but he has a lot of things going on including his coordinator's illness. She has given him one more year. He thought he would publicly let everyone know so they wouldn't have to hear about it in gossip or is he or isn't he. He

wanted to tell them personally that this will be his last year after 28 years. He thanked everyone for all their prayers and support. He noted that they still have one more year to contribute so they shouldn't back out yet.

Mayor Pro Tem Oliver thanked Mr. Holley for his comments and for all his years of support of area's youth. He noted that certainly, although this is unfortunate news, he hopes to make sure that this goes out with a tremendous success.

Mayor Pro Tem Oliver asked if there are any other members of the public who wish to address the Council at this time. No other comments were made and Mayor Pro Tem Oliver closed the public comment.

PRESENTATIONS Youth Art Education Month

Mayor Pro Tem Oliver invited Dianne Rich, Dianna Marsh, Sheila Kincade, and Kathleen Fuller to join him at the podium.

Mayor Pro Tem Oliver commented that he certainly could not have had a better meeting to chair, tonight's City Council meeting, than to celebrate arts in their community especially among their youth. He announced that instead of presenting the full proclamation and reading it he would offer a few remarks then offer Ms. Rich an opportunity to share a little bit of what is going on among the Arts Council and among their youth.

Mayor Pro Tem Oliver stated that they are so proud of the partnership that has been formed between the Arts Council, community stakeholders, and City Parks and Community Services Department. He knows that they have had a long standing tradition of collectively working together to bring arts to their youth, to expose them to new opportunities, and really uncap their potential. He knows that they go back many years, over a 20 year tradition, with the Concerts in the Park series, displaying of work of local young artists in their public facilities, as well as recruiting and identifying local artists and inviting them to the classroom, inviting them to their after school programs and day camp programs to see that they share their talents and time with their young people. Mayor Pro Tem Oliver thanked the representatives present for their good efforts and designated the month of March as Youth Art Month on behalf of the Mayor and the Madera City Council.

The representatives from the Art's Council introduced themselves: Dianne Rich, Board of Directors Madera County Arts Council; Dianna Young Marsh, President of the Arts Council; Diane Mello, Executive Director of the Madera County Arts Council; and Sheila Kincade, Art Teacher at Madera South and Board of Directors Madera County Arts Council.

Dianne Rich thanked the City for inviting them here this evening noting that this means a lot to them. They are so pleased that their City leaders recognize the importance of art in the community not only for their youth but for the entire community. She noted that it is really part of the fabric of the community. She added that in listening to Mayor Pro Tem Oliver speak, she thinks they were thinking of the same script so she won't repeat some of the things that he said but she knows that when he was growing up he certainly benefitted from some of the art programs that the Arts Council presented in the elementary schools. They are happy to say that they are back in the elementary schools at this point and they will continue to grow that program. She stated that the other reason for them to celebrate tonight is that longstanding partnership. She wanted to take the opportunity to just thank a few people that they have been working with over the years including Mary Anne Seay and Corinne Long-Folk. She stated that Ms. Long-Folk is so helpful during the Concerts in the Park that they hold every summer and they are already working on that for this summer. Ms. Rich asked Ms. Kincade to speak regarding what they have planned for the Art Month.

Sheila Kincade stated she wanted to give them a little information about their Youth Art Month Celebration. They have four high schools and each high school chose ten of their best pieces and they are displayed at the Circle Gallery all this month. They are going to have a reception on 3/21/15 from

1:00 p.m. to 3:00 p.m. Also in conjunction, they are having a Chalk Art Contest where the high school students will have three hours to create a piece of artwork. When they think of sidewalk chalk you kind of think oh little flowers and what not; these are amazing drawings. They are done in three hours by a team of kids and then they are judged and they get a prize. She added this is something that the students look forward to. Also, the students that are in the gallery will have an invitation to come to the reception and they will be able to meet the artists and their families, and see students doing artwork. She advised that this has been going on for about five or six years at the Circle Gallery and then they have been putting art up around town a little longer but nationwide March is known as Youth Art Month.

Mayor Pro Tem Oliver thanked them for their comments.

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

Deputy City Clerk Gabriel Rodriguez announced that under Section B, Consent Calendar, subject matter item B-10, consideration of a resolution approving an agreement with Fresno EOC, the report and supporting documents were distributed to the Council this evening; and under Section D, Written Communications, subject matter item D-1, Madera County Center for the Art's Partnership funding request and request for direction, a revised report and agenda reflecting revised title were distributed to the Council this evening. Mr. Rodriguez advised that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

B-1 Minutes – 2/04/15

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Approving Amendment #2 to the Lease and Joint Use Agreement for Madera Community Center between the City of Madera and the Madera Unified School District and Authorizing the Mayor to Execute the Amendment to the Agreement on Behalf of the City (Report by Mark Etheridge)

B-4 Request to Schedule Public Hearing for Appeal of the Planning Commission Denial of a Request to Modify a Conditional Use Permit (Report by Chris Boyle)

B-5 Consideration of a Resolution Approving an Agreement with SHIFT3 TECHNOLOGIES, GEEKWISE ACADEMY, and/or HASHTAG, each divisions of BITWISE INDUSTRIES, INC., dba of BITWISE INDUSTRIES, INC. for Consulting, Software Development, and Implementation Services to Create a New Website for the City, Approving a Budget Appropriation, Authorizing the Mayor to Execute the Agreement, and Authorizing the City Administrator, or their Designee, to Approve Proposals and Scopes of Work as Contemplated in the Agreement (Report by Ted Uyesaka)

B-6 Consideration of a Resolution Appointing Donald J. Holley, Donald Horal, and Richard Gould to the City of Madera Airport Advisory Commission (Report by Dave Randall)

B-7 Consideration of a Minute Order Rejecting a Claim filed by Mark W. Coleman on behalf of Shirley Brocchini (Report by Wendy Silva)

B-8 Consideration of a Resolution Approving the Award of Contract for the Highway Safety Improvement Program (HSIP) at Various Locations Federal Project No. HSIPL 5157 (084), City Project No. TS-18 in the Amount of \$239,542 to Avison Construction Inc.,

Authorizing Construction Contingencies of Up to 15% and Construction Inspection and Management of Up to 10%, and Authorizing the Mayor to Execute the Contract on Behalf of the City and; Authorizing Amendments to the FY 2014/15 Budget for the Appropriation of Local Transportation Funds and Highway Safety Improvement Program (HSIP) Funds (Report by Keith Helmuth)

- B-9 Consideration of a Resolution Granting an Easement to Madera Irrigation District for an Irrigation Pipeline Located in Pine Street from Pecan Avenue to 370 Feet North of Independence Drive (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Approving an Agreement with the Fresno Economic Opportunities Commission Local Conservation Corps (EOC) and the City of Madera for the Upcoming Waste Tire Amnesty Day Events in 2015, 2016, & 2017 (Report by Jim Taubert)
- B-11 Consideration of a Resolution Reappointing Kenneth Hutchings to the City of Madera Planning Commission (Report by Chris Boyle)
- B-12 Consideration of a Resolution of the City Council of the City of Madera Approving Assignment of a Ground Lease Agreement from Mark and Shauna Diaz to Lowell Merriam for Lease of Property Located at the Madera Municipal Airport (Report by Dave Randall)

Mayor Pro Tem Oliver asked if members of the Council wish to pull any items from the consent calendar for further discussion. No requests were made and Mayor Pro Tem Oliver announced that he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER BOMPRESZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 15-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT #2 TO THE LEASE AND JOINT USE AGREEMENT FOR MADERA COMMUNITY CENTER BETWEEN THE CITY OF MADERA AND THE MADERA UNIFIED SCHOOL DISTRICT AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 15-36 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH SHIFT3 TECHNOLOGIES, GEEKWISE ACADEMY, AND/OR HASHTAG, EACH DIVISIONS OF BITWISE INDUSTRIES, INC., DBA OF BITWISE INDUSTRIES, INC. FOR CONSULTING, SOFTWARE DEVELOPMENT AND IMPLEMENTATION SERVICES TO CREATE A NEW WEBSITE FOR THE CITY OF MADERA, APPROVING A BUDGET APPROPRIATION, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CITY ADMINISTRATOR OR THEIR DESIGNEE TO APPROVE PROPOSALS AND SCOPES OF WORK AS CONTEMPLATED IN THE AGREEMENT

RES. NO. 15-37 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING DONALD J. HOLLEY, DONALD HORAL AND RICHARD GOULD TO THE CITY OF MADERA AIRPORT ADVISORY COMMISSION

RES. NO. 15-38 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE AWARD OF CONTRACT FOR THE HIGHWAY SAFETY

IMPROVEMENT PROGRAM (HSIP) AT VARIOUS LOCATIONS FEDERAL PROJECT NO. HSIPL 5157 (084), CITY PROJECT NO. TS-18 IN THE AMOUNT \$239,542 TO AVISON CONSTRUCTION INC., AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 15% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 10% AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY AND; AUTHORIZING AMENDMENTS TO THE FY 2014/15 BUDGET FOR THE APPROPRIATION OF LOCAL TRANSPORTATION FUNDS AND HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS

- RES. NO. 15-39 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, GRANTING AN EASEMENT TO MADERA IRRIGATION DISTRICT FOR AN IRRIGATION PIPELINE LOCATED IN PINE STREET RIGHT-OF-WAY FROM PECAN AVENUE TO 370 FEET NORTH OF INDEPENDENCE DRIVE
- RES. NO. 15-40 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE AGREEMENT WITH THE FRESNO ECONOMIC OPPORTUNITIES COMMISSION LOCAL CONSERVATION CORPS (EOC) FOR UPCOMING WASTE TIRE AMNESTY DAY EVENTS FOR IN 2015, 2016 & 2017
- RES. NO. 15-41 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA REAPPOINTING KENNETH HUTCHINGS TO THE CITY OF MADERA PLANNING COMMISSION
- RES. NO. 15-42 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A GROUND LEASE AGREEMENT ASSIGNMENT FROM MARK AND SHAUNA DIAZ TO LOWELL MERRIAM FOR LEASE OF PROPERTY LOCATED AT THE MADERA MUNICIPAL AIRPORT

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

C-1 Public Hearing and Consideration of Introduction of an Ordinance Amending the Zone District of Specific Parcels in Order to Provide Consistency between the General Plan and Zoning, and Compliance with the Housing Element of the City's General Plan

Planning Manager Chris Boyle stated this item is rezone 2014-02 which would assist the City in completing their Housing Element update which was essentially completed in 2010. He advised that there are 71 parcels included within this rezone request. He explained that in 2009 the City completed its General Plan and on the heels of that completed the 2010 Housing Element update and it was adopted by the Housing and Community Development Department (HCD). On the heels of that the City completed a General Plan amendment and began the completion of a rezone to complete the overall process of the Housing Element update. He stated that for one reason or another, the rezone component of this process wasn't fully completed, it was begun but it wasn't fully completed. He commented that the result of that is the rezone before the Council tonight. He stated it is important that the City completes the rezone component of the Housing Element update to maintain that compliance with the HCD. He advised that the map before the Council is an overall area map of the City which shows the location of those 71 parcels. He commented that just to give the Council a little brief on what some of these parcels are he asked that they take a look at the parcels in the northern fringe of the City. He stated that they might note that in every case the General Plan is consistent with the zoning that is requested as part of this rezone because the General Plan component was completed. He pointed to some parcels on the Sharon alignment on the other side of the canal near the Gateway alignment, where the General Plan land use designation was changed to HD. He advised that their zoning at this time is C1 but they were supposed to be rezoned to PD-1500. He pointed to some parcels in the southern part of the City and advised that

they are all correct in the General Plan but currently have land use densities that are more befitting of the medium density residential activities. Mr. Boyle referred to the Eagle Meadows Subdivision. Those are 42 parcels out of a total of 71 and they are proposed to be rezoned to the PD-1500 which is consistent with the high density General Plan land use designation that those parcels entertain.

Mr. Boyle stated the rezone provides consistency between zoning and the General Plan and it provides conformance with the 2010 Housing Element. He noted that the Planning Commission recommends approval and the Planning Commission and Staff recommend introduction of an ordinance amending the official City of Madera zoning map to rezone specific properties identified within Exhibit A and illustrated within Exhibit B.

Mayor Pro Tem Oliver asked if any members of the Council have any questions for Mr. Boyle. No questions were asked and Mayor Pro Tem Oliver opened the public hearing.

Mayor Pro Tem Oliver asked if there are any members of the public who wish to address the Council on item C-1. No comments were offered and Mayor Pro Tem Oliver closed the public hearing.

Mayor Pro Tem Oliver stated they would now bring the item back to Council for further discussion and/or action. Mayor Pro Tem Oliver stated if there are no further questions he will ask for reading of the title.

Council Member Rigby asked if property owners are aware of the rezoning structure.

Mr. Boyle responded yes. He advised that all of the property owners were noticed via mail and added that most of those property owners either have had email or telephone dialog with him. He added that since it was anticipated back in 2010 there hasn't been any opposition to the requested rezone.

Mayor Pro Tem Oliver asked if there are any other questions. No other questions were asked and Mayor Pro Tem Oliver asked for reading of title.

The introduction of an ordinance was read by title by the Deputy City Clerk.

COUNCIL MEMBER MEDELLIN MADE A MOTION TO WAIVE FURTHER READING AND INTRODUCE. THE MOTION WAS SECONDED BY COUNCIL MEMBER BOMPRESZI AND THE INTRODUCTION OF THE ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE THE SPECIFIC PARCELS IDENTIFIED WITHIN EXHIBIT "A" AND ILLUSTRATED WITHIN EXHIBIT "B"

C-2 Public Hearing and Consideration of a Resolution Approving a General Plan Amendment Changing the General Plan Land Use Designation from the MD (Medium Density) Land Use Designation to the LD (Low Density) Land Use Designation for Two Parcels Located in Proximity to the Intersection of West Pecan Avenue and Stadium Road (APN 012-460-001 and 012-480-009)

Planning Manager Chris Boyle stated this is a General Plan amendment. He advised that it is a request to change the General Plan land use designation on two parcels from the medium density land use designation to the low density land use designation. He added that both of these parcels are located in proximity to Madera South High School north and south of Pecan Avenue. He commented that currently, as noted, there is a medium density designation and that medium density designation allows for development at a density of 7.1 to 15 units per acre. He stated the request is to the low density land use designation within the General Plan which provides for development at a density of 2.1 to 7 units per acre. He advised that the current zoning of the property is R1 so the General Plan amendment does provide consistency between zoning and the General Plan. He added that a component of the request

was a request to revise the target density requirements of the land use element of the General Plan. Per the direction of the Commission, revision of the target density requirements of the land use element are not recommended at this time. He noted that staff will work to review those elements, those goals and policies that ask for target densities. He advised that the Planning Commission and Staff recommend adoption of a resolution approving General Plan amendment changing the General Plan land use designations of the two noted parcels from the MD, medium density, to the LD, low density, land use designation.

Mayor Pro Tem Oliver asked if members of the Council have any questions.

Council Member Medellin referred to multi-family homes adjacent to low density and asked if that is something they have in the City or that they practice. He thought there was a reason why that was medium density in the first place.

Mr. Boyle responded that originally those parcels were changed to a medium density as a component of the aforementioned Housing Element update but in speaking with the consultants there isn't a need to continue or to keep that medium density designation because they really still provide for moderate homes within a regional housing needs allocation, moderate income homes. He noted that he doesn't think there is policy or goal within the General Plan that specifically calls out a separation or a transition from high density to low density by utilizing medium density designation. He added that the General Plan would ask for variations of housing densities throughout their neighborhoods and villages and this will still provide for the target density for a neighborhood between six and eight units per acre.

Council Member Medellin referred to the unoccupied parcel just to the south of there where the multi-family homes are and asked what that is zoned.

Mr. Boyle responded that this quadrant of land, that includes the Madera Family Apartments, is approximately a 10 acre parcel, is all high density. He pointed to the remaining properties within the scale and advised they are all low density.

Council Member Medellin advised that he has no further questions and thanked Mr. Boyle.

Council Member Rigby asked if the ponding basin, adjacent to the southern parcel that they are looking at to go low density, has a play in the decision that is being made tonight.

Mr. Boyle asked if he is referring to the former Oberti Ponds.

Council Member Rigby responded yes.

Mr. Boyle responded that there wouldn't be any correlation between the land uses that might be applicable to the former Oberti Ponds and the decision before the Council tonight. He believes that property would also be low density per the General Plan. He stated that the former Oberti Ponds will be ultimately converted to a low density land use barring a change in their General Plan map.

Mayor Pro Tem Oliver asked if there are any other questions. No other questions were asked and Mayor Pro Tem Oliver opened the public hearing for item C-2.

Mayor Pro Tem Oliver asked if any members of the public would like to address the Council at this time.

Bobby Kahn, Executive Director for the Madera County Economic Development Commission, stated he is addressing Council Member Rigby's question. He knows that Mr. Boyle addressed that it is low density but just a general FYI, he knows that the owner of the property has plans to do a more heavy commercial, if you would, maybe even a light industrial type use. He is just making that comment just because he happens to be aware of it and he thought of bringing it to their attention. He added that he is not speaking for or against the rezone.

Mayor Pro Tem Oliver asked if any other members of the public wish to speak. No other comments were made and Mayor Pro Tem Oliver closed the public hearing and returned the item to Council for further discussion.

Mayor Pro Tem Oliver asked if members of the Council have any other questions for Mr. Boyle. No other questions were asked and Mayor Pro Tem Oliver announced he would entertain a motion for vote.

COUNCIL MEMBER BOMPREZZI MADE A MOTION TO ADOPT THE RESOLUTION. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROBINSON AND RES. NO. 15-43 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 15-43 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT OF THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF 37.8 ACRES OF PROPERTY LOCATED IN PROXIMITY TO THE INTERSECTION OF STADIUM ROAD AND PECAN AVENUE FROM THE MD (MEDIUM DENSITY) TO THE LD (LOW DENSITY) GENERAL PLAN USE DESIGNATION

C-3 Consideration of Introduction of an Ordinance of the City Council of the City of Madera, California, Amending Section 17 of Chapter 2 of Title VIII of the Madera Municipal Code Pertaining to Sales and Use Tax

City Attorney Brent Richardson stated this is basically a housekeeping item relative to the interim tax sharing agreement that the Council entered into previously. He explained that the tax sharing agreement set a certain sharing rate for the year 2015. He advised that the current ordinance needs to be changed. He noted that it is the same sharing rate so all that is being changed in the ordinance is the date range. He added that then needs to be submitted to the Board of Equalization so they can handle it correctly and distribute accordingly. Mr. Richardson offered to answer any questions.

Mayor Pro Tem Oliver asked if this is a public hearing.

Mr. Richardson responded no and added they just need title.

Mayor Pro Tem Oliver called for title.

The introduction of an ordinance was read by title by the Deputy City Clerk.

COUNCIL MEMBER BOMPREZZI MADE A MOTION TO WAIVE FURTHER READING AND INTRODUCE. THE MOTION WAS SECONDED BY COUNCIL MEMBER MEDELLIN AND THE INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION 17 OF CHAPTER 2 OF TITLE VIII OF THE MADERA MUNICIPAL CODE PERTAINING TO SALES AND USE TAX

D. WRITTEN COMMUNICATIONS

D-1 Madera County Center for the Arts Partnership Funding Request and Request for Direction

Mayor Pro Tem Oliver asked Mr. Tooley if he wants to begin with a report or go on to Ms. Marsh.

City Administrator David Tooley recommended that they yield the microphone to the applicant and added that he is available for any questions the Council might have.

Dianna Young Marsh stated she is happy to be here to bring this request to the Council. She stated she appreciates the opportunity to speak to the Council tonight on an exciting venture for the City and County of Madera. She commented that even though she is currently the President of the Madera County Arts Council, tonight she doesn't solely represent them but she represents a collaborative coalition of elected officials and staff of the Madera City Council, the Madera County Board of Supervisors, the Madera Unified School District, and the Madera County Arts Council. She stated that for the past several months this collaborative has been discussing the idea of a downtown arts center. She commented that at the 30th Anniversary Gala for the Madera County Arts Council, the Arts Council board accepted a \$2.55 million bequest from the Trust of Elaine Secara. The trust stated that the money was to be used to build and maintain an arts center in Madera County. She added that for the last two years this money has been invested and they are in the process of discussing when, where, and how to use that money to see Mrs. Secara's dream come true. Ms. Young Marsh stated this is especially close to her heart because Mrs. Secara was her aunt. Ms. Young Marsh commented that from the meetings of this coalition, the Board of Supervisors has agreed that the current site of the Madera County Superior Courts and Madera County District Attorney's office at 209 W. Yosemite Avenue could be used for this venture. She noted that ample parking is available at the site within the parking behind the County Government Center as well as the parking structure behind the new Superior Court Complex. In addition, the former library on Yosemite Avenue has been looked at as possible office and or gallery space for the Arts Council. She commented that shows that there is a commitment to bring in the arts to downtown. She noted that although this will be a Madera County Arts Center, the center will provide an anchor to the downtown area for the development of downtown Madera.

Ms. Young Marsh commented on how they go about doing that. She asked that they picture a 500 seat theatre complex where individuals and school groups could showcase various types of visual, cultural, and performing arts. She advised that the school district is interested in this venue for concerts and performances that cannot be held in current locations. On sell outs that means 500 people who might not normally be in the downtown area will be here to see performances, eat dinner, buy drinks, all of that done locally. She stated that it is hoped that this facility would be used by private groups for events that would again bring individuals to downtown Madera. They hope that this would become the center of activity in the area of downtown and would become a cultural center for the City and the County. They also hope to have space for galleries in the center, additional spaces for teaching the arts in the community. They hope this would become a venue for touring exhibitions, performers of all kinds, and a sought after venue for art fairs, art demonstrations, family reunions, weddings, local fundraisers and other activities like this. She noted that all of these bring residents and visitors to downtown Madera like nothing else does now.

Ms. Young Marsh commented that this collaborative of Madera City, Madera County, Madera Unified, and the Madera County Arts Council is ready to start the process of acquiring a feasibility study for this endeavor. She noted that City and County staff who are well versed in what these types of studies entail and what they cost estimate a feasibility study this size could run as high at \$300,000. She stated that the collaborative is asking at this time that the City, the County, and Madera Unified share equally in the cost of the study up to \$100,000 per entity. She advised that Madera County Arts Council funds including any additional funds added to the original bequest will be used for the building of the center itself. They feel that the amount already in the bank for this endeavor may entice other Madera County citizens to donate to this cause as well as serve as possible matching funds for any grants from industry or others that may be located. She advised that the collaborative's hope is that the City of Madera through the City Council will be able to support this endeavor with funding to help complete the feasibility study. Ms. Young Marsh asked if there are any questions.

Mayor Pro Tem Oliver stated he has some questions and a couple of comments. He noted that this certainly is an exciting effort. He knows that this goes back some time and it sounds like there is renewed partnership and it brings some great possibilities especially for their downtown not only breathing in fresh air but certainly breathing a fresh air among their partner organizations like the schools and the County working together. Mayor Pro Tem Oliver commented that as far as the scope of the procurement that is

going to go out, and to the best of his understanding it hasn't gone out just yet, and asked if that is correct.

Ms. Young Marsh responded correct. She doesn't believe it has.

Mr. Tooley responded no. It is being written by City staff and then it will be reviewed by the group as a whole prior to release.

Mayor Pro Tem Oliver commented that these particular funds wouldn't necessarily go towards the funding of the preparation of procurement.

Mr. Tooley responded that is being done by City staff so they are absorbing the cost of doing so. He added that candidly they have time right now and they are the logical partner to do it.

Mayor Pro Tem Oliver asked if members of the Council have any questions for Ms. Young Marsh.

Council Member Bompreszi asked if this has gone before the Board of Supervisors yet.

Ms. Young Marsh responded no. She commented that the request went to all three entities at the same time and the Council is the first group to have them present on it but they do have the request with the same date.

Mayor Pro Tem Oliver stated that he knows that in the City's General Plan and their Vision document it places a great currency on their arts and a multi-faceted project like this would identify and address a lot of those areas. He asked if this particular procurement in any way will leverage some resources and perhaps some ideas or projects that might be in the timeline at some point in the future as far as other public amenities that could be addressed within the downtown corridor that could be looked at; kill two birds with one stone so to speak.

Mr. Tooley responded that within the scope of the discussion by the partnership there was an acknowledgment and interest in seeing this not just as an art center although it would certainly be that. He noted it is an opportunity for downtown revitalization so within the scope of the initial assessment they should explore the possibility for other partners like the City who might want to build a new city hall; like the opportunity for meeting rooms and a convention center; like the opportunity, and again this becomes a feasibility discussion, like the possibility of a downtown hotel. He wants to defer to the Council Members who have been part of the process but he thinks that the scope of the examination would at least begin to explore partnerships and complimentary uses to this type of facility.

Council Member Medellin commented that he thinks Mr. Tooley hit the nail on the head. He referred to Council Member Bompreszi's question and commented that representation at the meetings has been fantastic. He thinks they have about 20 plus people at the meetings and everybody is very excited. There are members from Madera Unified including the trustees, Board of Supervisors, and themselves at the City Council level. He noted that they have all expressed a great interest in wanting to hold hands in this project and continue to move forward. He added, and to answer the Mayor's questions, why just do the feasibility study on one particular local area like the arts center. Why not expand maybe three or four blocks in four different directions and it seems to make sense. He restated that it is just a feasibility study but great planning, as everybody knows, they have to look into their crystal ball and to what this town will look like in 5, 10, and even 20 years down the road. He can certainly see not only the art center and having a 500 seat auditorium but exactly what Mr. Tooley just said so this is just the tip of the iceberg. He thinks it is a great project and although he can't speak for the other boards they seemed very positive in their discussions that they will, hopefully soon, bring it before their boards and jump onboard.

Ms. Young Marsh commented that they are thrilled with the partnership that has developed. It is something that hasn't happened in the past. She commented that they looked as an Arts Council at developing that art center about 13 years ago and it didn't happen. She thinks at this point they have brought all of the players together and there is a lot of interest from all of them. She added that they have

a little bit of money that they can throw towards that and hopefully they will have some more because that is one of the things that they will be working on is a capital campaign once they get there. They are very excited and stated that she appreciates their comments.

Council Member Rigby asked if the item is on the agenda to approve the expenditure of \$100,000 or is it to move forward with a feasibility study.

Council Member Bompreszi responded that she thinks in order to move forward with the feasibility study they need to...

Council Member Medellin added it would be to contribute no more than \$100,000 but with an asterisk that the City is one of three entities so with the approval of Madera Unified School District and the Board of Supervisors that they too will contribute up to \$100,000 to the same project.

Council Member Rigby asked if that doesn't happen.

Mr. Tooley responded that their next step in this process would be to bring an action item back to the City Council. He added that consistent with Council direction, he could build the action that they would make a proportional contribution in the same amount as the other two entities contingent upon their approval in an amount not to exceed \$100,000. He will clean that up so it sounds like it actually makes sense but that would be his recommendation on how they proceed.

Council Member Medellin commented that they have an opportunity to be the leader here.

Ms. Young Marsh agreed and added that when she goes to these other meetings she can say the City Council is already...

Mayor Pro Tem Oliver asked if there are any further questions.

Council Member Rigby stated he would also like to hear from Council Members Holley and Robinson on this. He stated he really loves the project but he feels like they also have some major things on tap in the future. They have some policemen they have to take care of and some different things this year so maybe they can help him, Council Member Holley or Council Member Robinson, understand a little better. He wants to see this happen. He just wants to make sure they are brokering their resources responsibly.

Council Member Holley commented that Madera is a long time behind a lot of things that they need to start looking at as far as new sites, new things happening, new buildings to make their City grow. He has been in Madera all his life and when he heard about this project, noting that he didn't know how to draw because he was left handed but he finally remembered there is a technique, and art is something that they really have to be involved in and like it to really see a project like this come forward. Since he got onboard with this he has started to tour a lot of different art council's in different cities especially with the African American Museum he saw a lot of different art that they have there. He went to another art place just to look and see what it is all about. He went to the gallery when they had it opened for a show. He looked at a lot of different art. He thinks this is something that they can see that it really is going to keep Madera up. It is going to bring them up to a standard. The part he likes is that they have three different groups involved including the school board, the County and the City and that shows him that Madera is coming together to do something that everybody can be a part of. He looks at a project like this as money well spent if they have everybody involved in it and like Mr. Tooley said, if every partner is going to get involved, he thinks they can make it happen.

Council Member Rigby asked that they don't get him wrong. He is not trying to be Johnny Raincloud. He wants to discuss this. He lives art. He lives at the De Young Museum. He has brought in several artists into the City and he thinks he is one of the only ones that had a Broadway at this church within the last three years so art is huge to him but again he wants to make sure that they serve their City the best way they can and not just sort of get itemized or single minded focus.

Council Member Medellín stated Council Member Rigby is absolutely correct. They need to be good stewards of taxpayer dollars and there is a long list from their Police Department to their Parks Department and it is a lengthy list. In his personal opinion, he sees this as an investment. It is going to cost a lot of money and quite frankly it'll be more than \$100,000. They are investing in their youth and they are investing in their community. They are also investing in their downtown revitalization which as they all know their downtown could certainly use a little pick me up so if they could justify with those things in mind, that is why he is certainly for this project. He knows Council Member Rigby is too but this is something that he thinks is dear to all of them especially when they are investing in their youth. He thinks that is fantastic.

Council Member Robinson stated he has been on the Arts Committee also and without vision people parish. They have a vision for the downtown area to bring art, the creative juices. They are becoming a larger City. The population has doubled since he has been here so with the Arts Council and all the stakeholders involved he thinks it is a tremendous opportunity. He is a museum lover. He has been all over the world London, Spain. They have to have more to look at other than grape fields.

Mayor Pro Tem Oliver stated if there are no other comments he takes it that Mr. Tooley has the Council's direction at this time.

Mr. Tooley agreed. He advised that he would prepare the item for Council consideration at the next meeting.

Mayor Pro Tem Oliver thanked Ms. Young Marsh for her presentation.

E. ADMINISTRATIVE REPORTS

E-1 Consideration of a Minute Order Approving the Madera County Economic Development Commission 2015/2016 Annual Basic Service Level Budget

Bobby Kahn, Executive Director for the Madera County Economic Development Commission, stated it is that time of the year again where they come before the Council to bring their basic service level agreement budget. As most of them are aware and because they have a couple of new Council Members, he is going to go into it a little bit more in depth. He advised that the Madera County Economic Development Commission (EDC) is formed through a joint powers agreement between the County and the two cities. He noted that the basic service level agreement is the budget that they propose to each jurisdiction and then once approved by all three jurisdictions it is then split proportionately based on population. Historically they have used the same numbers. He advised that again for the 2015/2016 year the percentages for the proportionality of payment will remain the same. He noted that the County has some concerns about changing those numbers in 2016/17 to be consistent with the 2010 census.

Mr. Kahn commented, as they will see in the budget, that this year is the first time in probably 7 years that they have come with a slight increase. He thinks it is just under a 5% increase in their budget this year. He is asking for this increase basically for two different reasons. One is they have been coming in with a lower budget every year for the last 7 years. They have really cut the Economic Development Commission budget down to the bone and through all that they have been absorbing increases in health care and medical benefits for staff. Last year alone, somehow or another and he is not sure exactly how they did this, but they absorbed a 35% increase in their healthcare benefits and still came in with a slightly lower budget. The second element that he just felt it was time for was that staff's salaries have also been frozen for the last 7 years. When he talks about staff he is excluding himself and his salary is remaining frozen so he is not giving himself a raise. He did feel that he owed a minimal token of appreciation to Lois and Julie so he is recommending a 2 ½% increase in their salary this year as a cost of living increase. He added that through the last several years, because of the fact that they do have families they have to contribute to that benefit package, so as those benefits have been skyrocketing the proportionate amount that they have to pay has been going up as well so their net take home pay has been decreasing over the last several years. He stated that the 2 ½% he doesn't think is going to even offset the increase in salary

but he just thinks it is time that, at least he felt, that he should show them some type of appreciation for the fact that they have been sitting on frozen wages for a long time. They have never complained. They have always worked above and beyond the call of duty. Mr. Kahn advised that is basically the presentation. He offered to answer any questions.

Mayor Pro Tem Oliver asked if any members of the Council have any questions for Mr. Kahn. No questions were asked and Mayor Pro Tem Oliver announced he would entertain a motion for action.

COUNCIL MEMBER BOMPREZZI MADE A MOTION TO APPROVE A MINUTE ORDER APPROVING THE MADERA COUNTY ECONOMIC DEVELOPMENT COMMISSION 2015/2016 ANNUAL BASIC SERVICE LEVEL BUDGET. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

Mr. Kahn thanked the Council on behalf of the Economic Development Commission.

F. COUNCIL REPORTS

Council Member Medellin reported that he attended the Economic Development Commission meeting this morning with Mr. Kahn so what the Council heard he got to hear already this morning.

Council Member Medellin commended Mayor Pro Tem Oliver for doing a fantastic job with the gavel this evening.

Council Member Robinson reported that he attended the Madera Housing Dr. Seuss Day. They gave out free books and it was pretty fun.

Council Member Bompreszi reported that she attended Dr. Seuss Day at John Adam's School and read to a 3rd grade class. She commented that it was a lot of fun and it was great. She always reads her signature book Oh the Places You'll Go and she leaves the book with them. She advised that it is kind of a pretty cool book. It is not like Green Eggs and Ham and it actually has a little story line on it.

Council Member Rigby commented that Green Eggs and Ham is actually his favorite.

Council Member Rigby thanked Mayor Poythress and his colleagues for allowing him to take three weeks of maternity leave. He noted it was much needed and much appreciated. He is sure his wife values it more so on behalf of his family he thanked them.

Council Member Rigby also thanked staff and Administration for blessing their family. He noted it was so unexpected and stated they are great. He really values working alongside of them and thanked them.

Council Member Rigby reported that he had the opportunity of attending the South Lake Street first Neighborhood Watch meeting last night. It was well attended with over 17 people who came out and joined him and Council Member Robinson. He noted that Council Member Robinson is celebrating a birthday this evening and wished him a happy birthday. Council Member Rigby advised that the meeting went really well and he looks forward to joining three more within his district so just in the month alone they will have four neighborhood watch meetings. He is excited about that.

Council Member Rigby reported that this Friday he is looking forward to joining the Madera High School Robotics Team and getting a sneak peek at what is going to be taking place this weekend. He stated that if they have nothing on their agenda they should head out to Madera South campus and they will see a nationally renowned robotics team from Madera High School. They are an amazing team of young men and young women.

Mayor Pro Tem Oliver reported that on Saturday he had an opportunity to participate with Mayor Poythress for one of their volunteer days which was spearheaded by the Parks Department as well as the

Fourth Street Church of God. They helped clean up the river trail a little bit. They added pounds and pounds of mulch, planted new trees and in total he thinks they had about 20 people or so in attendance.

Parks and Community Services Director Mary Anne Seay stated they were one group. There were other groups on further east on the trail. They also had Camp Fire Girls and the Madera Youth Commission as well as members of the Youth Group for the LDS Church. In total, she thinks they had probably about 120 folks along the trail.

Mayor Pro Tem Oliver noted it was a great turnout. He stated he likes to jog on that trail as much as possible but so many folks just stopped to say thank you for the volunteers putting in that work because so many people utilize that trail on a day to day basis and it is such a public asset. He commented that it was a great day.

Mayor Pro Tem Oliver thanked the Council for hanging in there with him in chairing the Council Meeting.

Council Member Bompreszi asked if they have a new grandfather amongst them.

City Administrator David Tooley stated his grandchild is a little girl.

Council congratulated Mr. Tooley.

G. CLOSED SESSION

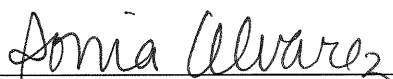
There are no items for this section.

ADJOURNMENT

The meeting was adjourned by Mayor Pro Tem Oliver at 6:53 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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


SONIA ALVAREZ, City Clerk


ROBERT L. POYTHRESS, Mayor

