



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

Council Meeting: 4/15/15
Item: B-1
Minutes for: 3/18/15

**March 18, 2015
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 3/18/15 was called to order by Mayor Poythress at 6:00 p.m.

ROLL CALL:

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

Absent: Council Member Sally J. Bomprezzi

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, 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, Grant Administrator Daniel Abdella, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, Commander Dino Lawson, Fire Chief Nancy Koerperich, and Battalion Chief Jim Forga.

INVOCATION: Pastor Lee Brooks, Eastside Church of God

PLEDGE OF ALLEGIANCE: Mayor Poythress 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.

No comments were offered.

INTRODUCTIONS

- 1. Brandon Bianchi, Police Officer**
- 2. Brian Majors, Police Officer**

Chief of Police Steve Frazier stated it is his great pleasure and honor to introduce their latest two officers Brandon Bianchi and Brian Majors. They both graduated from the December 14th Fresno Police

Academy. They both grew up in the Fresno/Clovis area. He thinks he spoke to the Council before about the hardships they are having in finding qualified individuals to the tune of 70 to 1 to be able to hire someone. He commented that these two individuals have exemplified the traits they are looking for to provide service to this community. They are very proud of them and they are very pleased to present the officers. He told them to keep their speech to just about 5 minutes. They have assured him that they have done that and they are represented here by their families. They had a swearing in ceremony this afternoon in which they were officially sworn in by the City Clerk.

Officer Brandon Bianchi thanked everybody for taking time out of their busy schedule to be here and to welcome him into this great community. He commented that it is a great opportunity that was given today and he hopes he can meet all of their expectations and they can help make this a great community together.

Officer Brian Majors thanked them for the opportunity to come and meet the Council. He is looking forward to serving in the community and partnering with the community. He noted that he is really committed to the Chief's vision for policing in the community. He believes it is really important to build those relationships and he is looking forward to doing that with them.

Mayor Poythress welcomed the officers.

Mayor Poythress asked Chief Frazier to talk about the Citizens Police Academy.

Chief Frazier stated that the department obviously is very active in neighborhood watch. They encourage everybody to get involved with the Police Department to provide those levels of service. He commented that additionally, they have started a Citizen Police Academy. They started their third class 2 weeks ago. It is a 13 week class and it is an opportunity to get to know the people, and for the people to get to know them. They walk them through some of the things that police officers do. He noted that really is kind of their linchpin for what they hope to be, the ability to connect their community. They are faced with some very trying times with the things that have occurred in Ferguson and law enforcement has a black eye depending on which side you reside on there. He commented that in this community they need to know that they hire individuals such as this that have the community's best interest at heart and their intent is to go out and make this community better. He added that organizationally that is their goal. They have been fortunate to partner with the Council in their neighborhood watch meetings. He thinks Madera is on the brink of doing some very, very great things. The more that they can connect as a community and partner as a community he thinks the better they will be. He added that if they haven't liked them on Facebook please do so. They have their first video that they think has gone viral. They have had about a million views on it and it is of the officer signing for a lady at the hospital. They have gotten over 700 comments, about a million views, and 10,000 likes. They are pretty pleased with that. He noted that obviously that comes from the quality of individual that they have been able to bring onboard. He thinks Madera is extremely lucky to have individuals such as this providing that level of service.

Mayor Poythress stated they are pretty proud of the Police Department. He thanked the officers.

Council Member Holley asked that they introduce their families present.

Officers Bianchi and Majors introduced their families.

Mayor Poythress called on the City Clerk to make a late distribution announcement.

City Clerk Sonia Alvarez announced that pursuant to Government Code §54957 members of the public are advised that documents related to the following agenda item were distributed to the Council less than 72 hours before this meeting. Under Section E, Administrative Reports, Item E-2, subject matter report and request for direction on landscape maintenance districts; an email from Stephen Palm was distributed to the Council this evening. Ms. Alvarez advised that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

A-1 Workshop on ADA Self Evaluation and Transition Plan

Director of Human Resources Wendy Silva stated that concerns about ADA have recently come up in a specific facility and staff's answers to those have centered around their Self Evaluation and Transition Plan. Staff thought it was a good idea to put a workshop on the agenda. They have new Council Members. This started back in 2008 so they have people that haven't seen it since then. They have people who weren't here when they did it so they want to talk about what it is and what they have set up that way everyone will have the same background. She advised that the intent of the workshop is to provide a high level overview of the City's compliance with the Americans with Disabilities Act. She commented that there are often misconceptions and disagreements about what the ADA requires and what a reasonable accommodation may be because it is a reasonableness standard so people have opinions. She stated that tonight she is going to be focusing on what the City has done in its efforts to comply with the intent of the act and how they plan to address ADA concerns going forward using their plan. She added that there is no endpoint though. She wants to give that as a disclaimer up front. They cannot at some point in time say we have checked all the boxes and we're done. Even if they were to complete everything identified in the Self Evaluation and Transition Plan, individuals still have different abilities and access needs and the need for discussion of potential accommodation will always be ongoing even if they meet every letter of the law there possibly could be. Ms. Silva restated that there will never be a point when they are all done. She wanted to make that disclaimer on the front end a couple of times now.

Ms. Silva advised that this workshop is going to focus on the Self Evaluation and Transition Plan. She stated that this document is the Self Evaluation and Transition Plan. They have it electronically on the City's website. At one point in time it was provided to the City Council on CD's. She commented that if the Council would like a copy and can't get it on the website or they would like it on a CD, they will make them another copy otherwise, the City Clerk maintains a copy in her office and she has a copy in her office.

Ms. Silva stated that the plan began in 2008 and it took two years to complete. They hired a consultant that knew what they were doing to do it for the City because it is a very complicated document. It cost approximately \$105,000 to conduct the study and write the transition plan. That was split over two years mostly with CDBG funding and they did a little bit of contribution from the insurance reserve fund just to make sure the project got done. Ms. Silva stated that the plan basically is an assessment of their policies, practices, and procedures as they relate to ADA and it identified and made recommendations to correct findings that were inconsistent with Title II of the ADA. Ms. Silva explained that Title II is the section of the Americans with Disabilities Act that relates to public entities. She noted that Title II is their section. There is a Title I that is other people. There is a Title III that is other people. The City is Title II.

Ms. Silva stated why do they have it and why do they do it. Ms. Silva advised that one of the primary purposes of the ADA is to provide access to civic life which is considered a fundamental civil right in American society. She noted that any public entity that receives federal funding is required to have a self evaluation and transition plan. She commented that a lot of public entities don't because they are expensive and it takes special knowledge to write. She noted that it is a very good thing that they have one and that they have one that was done well.

Ms. Silva commented that the City identified well before they started the plan in 2008 that it was important to have one, to have an update, and to address accessibility concerns in the community. That was all part of the Vision. Ms. Silva stated that when they sat down with the Vision and were writing out all those action items this plan being completed was part of those action items so that they could then move forward in the Vision and improve other aspects of City services and facilities.

Ms. Silva advised that one of the pieces that the Self Evaluation looks at is public access to programs, activities and services so the consultant had a pretty extensive questionnaire and a copy of that is included in the appendices if anybody ever wants to look at what was detailed. She noted that basically

every City department had to answer questions about how do you provide service to the public when they come in. If somebody asks you to provide service in a certain way how do you do that? If somebody comes in and says I have a visual disability how can I have this written document? What is your alternative? She commented that in some instances people had to say you know nobody asked that so I don't know and that is ok. She noted that the intent was to then write a plan to help them have the resources to do it correctly going forward and that is what they did.

Ms. Silva stated that once all those various pieces were identified having to do with the access to programs, activities and services, the information was taken to workshops that were held with City staff and the ADA Advisory Council, and they were held as public hearings. They had two separate meetings. She referred to the bullet point list and commented that basically they were asked to have input. This is what we have identified. Here are various issues that can come up when someone doesn't have access to a program, activity, or service. Let's look at these. None is more important than the other but let's identify everything about this particular program for example that we need to take into consideration to get to priorities. She advised that once all of that information was taken, it was consolidated by the consultant and there are a slew of recommendations in this document about the way they can do things differently. She advised that might include how they phrase. She commented that was all assessed and that was all in there.

Ms. Silva advised that the biggest piece that is popular at the moment is the physical barriers that were identified. She noted that an onsite facilities survey was conducted of every City facility. She gave them the entire list of property that the City owns and that is every restroom in every park, every restroom at the golf course, every building that they own, every community center and they went to every single one and they assessed it. They looked at three main things. Priority 1 issues have to do with can the public actually get to the facility because if nobody can get there than what is the point of having an accessible facility. Priority 2 is once they get there can they get to the front door and through the front door. If I can't get them inside it doesn't matter if I have a drinking fountain at the right height. Priority 3 are those interior amenities. First is going to be where the service is provided, the counter. She noted that a drinking fountain is going to be a little bit lower priority but that is how it is prioritized when they are talking about physical barriers. Can they get there? Can they get inside? Once they are inside, how are we providing the service?

Ms. Silva advised that the fourth piece of the Self Evaluation had to do with public rights-of-way. She explained that there were onsite surveys conducted of public rights-of-way meaning sidewalk access and walkability to get from point A to point B or ride your bike or have your wheelchair go from point A to point B. She stated that it was not feasible to have the consultant drive every single residential area in the City so what they did is they had the ADA Advisory Council and they also had some public input. She thinks she has on another slide at one of the Town Halls. It is where do you think it is important for the public to access, so a lot of it was in the downtown area, access around the Camarena Health Center area, access around parks and schools. She noted that those major areas were identified on a map and then they were surveyed and there are aerial maps and indications in here about what they needed to improve. Ms. Silva stated they did have the public hearings and they also did solicit input, and at that time it was the 2009 Vision Town Hall to try and get as much input as they possibly could.

Ms. Silva stated she would address what did they get and what is in the document. In this document they have recommendations to improve policies. She noted that they reviewed the Municipal Code. They reviewed administrative policies to see where they could potentially make those types of improvements. They have recommendations for improvements in services and activities provided by the City specific to each department and that goes back to ok you gave me an example of the agenda for the meetings that your department is responsible for. You have language on there about a TTY telephone. Show me your TTY telephone. She commented that a lot of people see that language on an agenda so they copy it. They say oh we're supposed to put a TTY number but what most people don't know is that a TTY telephone is a specific device and it has a specific phone number and guess what we don't own one. Ms. Silva stated they don't have to. It would be nice if they had one but if you don't have one then don't put the phone number on your agenda. She commented that it is simple things like that. She noted that

people think they are doing a good thing. They think they are helping and what they are doing is creating issues because now they are not complying. She noted they have cleaned all that up.

Ms. Silva advised that they have the prioritized list of facility improvement. They have the prioritized list of public rights-of-way improvements and then there is also an extensive resource list. It is if you need help coming up with ideas for visual impairments here is a resource you might go to or here are interpretive services in your area that you might be able to use for different issues that come up.

Ms. Silva displayed the specific prioritization of facilities. She advised that in a minute she is going to talk a little bit more about the barriers inside the facilities. She commented on how they got to this list. They had all of the facilities that were surveyed. They had all of the barriers in the facility. They had all of the public comment. They sat down with the consultant. They had City staff and they had members of the ADA Advisory Council and they did it the old fashioned way. They had names on index cards and they put them in the order that they thought they could get it done and it made the most sense. She noted that City Hall is in years 1-3 because of the constant need for public access; come in and pay their water bill, come in get a building permit. There is a constant flow of traffic. They have the two senior centers in the first segment, years 1-3, because of vulnerable populations. Once they got past that it was ok what needs to be done, what can be done and they ended up prioritizing in basically three segments going forward. She stated these aren't things that they can change on a dime continually. She believes that Council understands that some of these are major capital improvement projects so there has to be planning. They have to secure the funding and then they can move forward. She noted that this is how staff has been focusing their time.

Ms. Silva referred to what are the expectations now that they have a Self Evaluation and Transition Plan. What do they do with it? They can't just say well we have a plan. They have to actually do something with it. Ms. Silva stated that the plan identified in excess of 1,400 potential items on the physical barriers list. She noted that it was right around \$2 million when they add it all up. She commented that those were estimates that were worked on between staff and the consultant saying what is reasonable to get this fixed. She stated that sometimes it was just moving where, for example, the flush was on the wrong side of the toilet. It was on the cramped side; put it on the side with more room. She stated that doesn't take a lot, spin the mechanism. She noted that sometimes it is complete reconstruction almost of the interior of a building.

Ms. Silva advised that the facility improvement list in this plan is not a to do list. It is not something they check off and say yes we did all those things. She stated that what it is, is an identification of items that do not currently meet ADA standards. What staff has to do is then decide do we fix it or do we provide a reasonable accommodation in another way. For example at City Hall, the restrooms for both men and women when you walk in, in the hall here, are not accessible restrooms and they are not marked as accessible restrooms. She advised that in this plan it tells them what they could do to make them accessible restrooms but it would require a whole bunch of remodeling on the inside because this is an old building with very old construction and the travertine tile all the way up the walls. So what do they do? They take two other restrooms that they had a little bit further down the hall. They do some minor reconstruction there and they have now met ADA. Those are signed as accessible restrooms. They have the Braille on the sign like they are supposed to so they have met it. Even though it is in here that they could do some complete remodel in these restrooms it didn't make sense. It was going to cost too much for what it provided. They have to make that decision about what makes sense, what is reasonable and how do they provide the service and still meet ADA. She commented that some issues will never ever be completely fixed. She stated, once again a simple example, the entrance doors to the front of City Hall. She advised that Facilities Division invested in the mechanism that measures how much it takes to actually push and pull force wise so they can measure it. She noted they have to constantly be adjusted and it is on their rotation to come out and check them on a periodic schedule and readjust the doors. She noted those are the types of things that are never going to be completely fixed because there is maintenance involved.

Ms. Silva stated that for the most part, staff, when this initially came out, especially the Facilities Division and the Parks Division, picked off the low hanging fruit. They addressed the restroom issues here. She

advised that if there is a little thing that needs to be done like moving a soap dispenser let's just get that done and off. She stated that sometimes though it has to be part of a larger capital project because it doesn't make sense to do it by itself. She advised that those assessments have been made and that is how they have been proceeding. She noted that some projects have been funded by CDBG. There was Redevelopment money involved in some of the public rights-of-way projects. They continue to seek funding through grants where they can.

Ms. Silva stated that some of the major accomplishments, and these are the really big things that they have been able to do that were identified in the Self Evaluation and Transition Plan, are the curb ramps especially in the older part of downtown. She noted that Matt Bullis (former Public Works Operations Manager) was here when they did this and he loved to talk about it but he did an amazing thing. He put in 142 ramps in a very short time period. She advised that it was about \$400,000 worth of work that they did using City staff which was funded with, she thinks, LTF and RDA funds. They did some parking lot improvements. She noted this goes to the, you know we can get them here because now we have done the curb cuts but let's get them inside. So they had to do some rearranging of the accessible parking at City Hall. They had a complete parking lot project at Pan Am and there were changes made at Bergon as well to make sure they can get the people to the building. She noted that a very expensive piece of equipment was great to get installed at the pool which is the lift so that individuals that need assistance could get in and out of the pool. She commented that it is providing access to that service.

Ms. Silva referred to the ADA Advisory Council and stated she gets the questions what are they and what do they do. She advised that the ADA Council has not had a quorum for quite a while. They are now in a position that at the next Council meeting there will be an item for an appointment that will put them back to having a quorum. Ms. Silva stated the Advisory Council has gone for several years without being fully staffed/appointed and there have always been vacancies. She advised that the only time it was fully staffed is when it was first initiated. Since then it has been hard to maintain the interest of many individuals. They run articles in the newspaper but when that happens usually she gets a couple of phone calls wanting to know how much they are going to get paid and when they find out it is a volunteer service they are not as interested. Ms. Silva stated there are, she believes, 8 points in their bylaws that are adopted by the City Council that they are responsible for as shown in the display.

Ms. Silva referred to what the ADA Council actually does. The major thing they focused on in the last several years, and where it works really well, is public outreach at events like the Madera Fair or other community events where they can make themselves available and help the public as much as they can and help educate the public. They educate the public about disability awareness. They have done things like hand out coloring books for kids on disability awareness. That is inclusion in sports, inclusion with their friends. They give them a pack of crayons with it and they can take it home. They also play a role in directing the public to the correct resource or advising another public entity of an issue that was brought to their attention. She commented that it is amazing how many people come to them, especially at a fair booth with their problems, and it is because they just don't know who to talk to so they can get them pointed in the right direction. This is who you need to contact or this is where you need to go and then they can go and hopefully get that taken care of. Ms. Silva stated they also serve as a ready made input group for City staff on ADA concerns. Back when they still had a quorum, and Matt Bullis took advantage of this a lot, Ms. Seay took advantage of this on Parks projects, to come to them on their agenda and say look we've got this project we are doing, we think we are addressing ADA concerns by doing it this way but tell us, tell us if you think we are doing it right. Tell us if you think we got it wrong when we planned this project out. The ADA provides the input and staff takes it and makes modifications if necessary. Ms. Silva stated that the ADA Council also provides a forum for public education on improvement requests. She noted that when people come in from the public they are not always comfortable saying I need to talk to the City Engineer because I have a sidewalk question. She commented that even though the City Engineer would absolutely make himself available or the Public Works Director would make himself available, they just don't feel comfortable walking in and asking that so they come to the ADA Advisory Council and they say I have this issue. They agendaize it. They bring in the appropriate staff and they talk about it. She commented that sometimes it is talking about a solution and sometimes it is talking about why a solution may not be the best answer. She shared an example she had. There was a lot of discussion for a while about providing more accessible parking closer to the front entrance of the courts

using "G" Street and putting in some accessible parking stalls. She advised that the issue is that they can't just put up a sign and say ok well this is only people with a placard can park here. They actually have to meet the guidelines at that point for the parking stall so the way the street is constructed to make that happen, they would have had to completely cut into the sidewalk, reroute the sidewalk to insert the appropriate amount of space to create a parking stall. She advised that the cost to that was worth about 7 or 8 curb ramps so the decision to the Advisory Council at the time was where do you want us to focus. Do you want one more parking stall at the courts or do you want about two intersections worth of curb ramps? They went for curb ramps. She noted that is an opportunity to have those discussions and talk about why something may or may not be being done right now and what the actual cost to provide it is.

Ms. Silva referred to what the ADA Council doesn't do and added that this is something they have to remind them of sometimes because she knows it is hard. She commented that they are not in the role of inspecting facilities for ADA compliance. They may, she doesn't believe any of them have it, but they could, as a private individual, go out through the state, get their certification as a CASP inspector, a Certified Access Specialist inspector, and they could go out and inspect facilities but that is not their role as an ADA Advisory Council Member. She stated that as far as the City perspective is, that is the role of their Building Department staff because that is what they do, they read and enforce codes. That is the role of the Engineering staff. They read and enforce when it comes to development of public infrastructure. Ms. Silva stated the second thing the ADA Council doesn't do is advise the public, businesses, or other public entities on specific ADA compliance. Make them aware of the issue, yes. Tell them what to do about it, no because once again then they are crossing that line. You can say we received a complaint that your restroom is not compliant. We received a complaint, referring to one they had, that the high school provides overflow parking for football games but it is on a grassy surface which can be hard to navigate for someone with mobility issues. Can we tell the high school what to do? No. They were complaining that the band truck was parked closer and they wanted that spot. Can we tell them they can't park the band truck there? No but we can say listen this was brought to our attention, we think you should be aware of it and that is normally what they would do.

Ms. Silva commented on going forward. They have their list of things they need to look at and consider doing and do. They know what those are. They have been trying to plan long term for getting those done. They have been trying to plan long term for seeking and attaining the funding. She commented that there are the competing priorities, and they have been hearing this at almost every single Council meeting lately. There are always competing priorities. What is more important? Where are we going to put those general fund dollars? What do we need to do? Is it revamping an existing restroom? Is it putting another police officer on the street? Where is that going to go? She noted those are going to be ongoing discussions.

Ms. Silva advised that is the conclusion of her presentation. She doesn't know if Council has any specific questions that they would like addressed at this point.

Mayor Poythress commended Ms. Silva on an excellent presentation and asked if the Council has any questions.

Mayor Pro Tem Oliver advised he has kind of a comment and a question and obviously, he thinks, everyone in this room acknowledges that ADA law in general has made a significant benefit to Americans with disabilities and making their public facilities, commercial and private, amenable. With that unfunded mandate, Congress, especially with the sequester and other changes during these difficult times, have made it difficult to afford and necessary grant funds to assist small communities like theirs. But he thinks she touched on a really important point. He knows that the ADA Advisory Board did have some involvement in shaping this transition plan. He thinks this discussion, they kind of pivot back in almost every single meeting, as far as their civic infrastructure. As far as a comment that he would leave with is maybe looking at expanding that body to be more reflective of the City Council today. It is a seven member body so that they have a little bit more input, a little bit more opportunity for discussion and also more folks on the ground to be the eyes and ears, to help advise Council on critical decisions concerning their public facilities. He agrees with the Mayor on a terrific presentation but he just wanted to offer a few comments.

Council Member Rigby agreed it was a great presentation. He feels really up to speed on a few things. He is curious however on any idea on why the ADA quorum was stopped or discontinued or was it just lack of interest, people dropped out.

Ms. Silva responded that people dropped out. There was internal strife amongst the members and they just didn't have anybody that was interested after that. She added that the ADA members have been trying themselves to find people. She has been told at points in time hey I've got two people but then the applications never come in. She doesn't have a better answer than that at this point.

Council Member Rigby asked who oversees that committee.

Ms. Silva responded that she does.

Council Member Medellin stated he believes it is their duty to find somebody to be on that Advisory Council and he is certainly going to make it a point to make sure that they fill their spots as needed and he is sure the new Council Members will do the same. This obviously is something very important and he personally has been lax in filling his appointment and he will make sure that he will have that done. He thinks he has somebody on there. He just doesn't know if they go or not.

Ms. Silva replied that she thought he did.

Council Member Medellin restated he thought he did but he is not sure if they attend so again that would be his responsibility to make sure that the person that he appoints is not only appointed but attends the meeting. Again he puts that on the Council and their responsibility to make sure that those seats are filled and people that are, not just going, but interested in ADA in their community.

Mayor Poythress stated he thinks it would be a good idea if Ms. Silva sent out an email to the Council Members and let people know who is...

Ms. Silva responded they will give the Council the current appointments.

Council commended Ms. Silva on a good report.

B. CONSENT CALENDAR

B-1 Minutes – 2/18/15

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Approving an Agreement with Pitney Bowes for Lease of Mail Processing Equipment and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Etheridge)

B-4 Consideration of a Resolution Approving a Sixth Amendment to the Madera Cab Company's Lease at the Intermodal Facility and Authorizing the Mayor to Execute All Related Documents (Report by Daniel Abdella)

B-5 Consideration of a Resolution Reappointing Bruce Norton to the City of Madera Planning Commission (Report by Chris Boyle)

B-6 Consideration of a Resolution Approving a Three-Year Agreement for Services with Laurin Associates, A Division of Raney Planning and Management, to Conduct Annual Home Long Term Monitoring for the Arborpoint and Madera Family Apartments and Authorizing Necessary Budget Adjustments (Report by Daniel Abdella)

- B-7 Consideration of a Resolution of the City Council of the City of Madera Approving Amendments to the City of Madera Fiscal Year 2014-2015 Budget Appropriating Funds to Specified Accounts for Funding of a Feasibility Study for the Proposed Madera County Center for the Arts (Report by David Tooley)

Mayor Poythress asked if there are any items on the consent calendar that a Council Member would like to have pulled for further discussion. No requests were made and Mayor Poythress announced that he would accept a motion for action.

MAYOR PRO TEM OLIVER MADE A MOTION TO APPROVE THE CONSENT CALENDAR. THE MOTION WAS SECONDED BY COUNCIL MEMBER MEDELLIN AND THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.

RES. NO. 15-45 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH PITNEY BOWES FOR LEASE OF MAIL PROCESSING EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 15-46 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A SIXTH AMENDMENT TO THE MADERA CAB COMPANY'S LEASE AT THE INTERMODAL FACILITY

RES. NO. 15-47 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA REAPPOINTING BRUCE NORTON TO THE CITY OF MADERA PLANNING COMMISSION

RES. NO. 15-48 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A THREE-YEAR AGREEMENT FOR SERVICES WITH LAURIN ASSOCIATES, A DIVISION OF RANEY PLANNING AND MANAGEMENT, TO CONDUCT ANNUAL HOME LONG-TERM MONITORING FOR THE ARBORPOINT AND MADERA FAMILY APARTMENTS AND AUTHORIZING NECESSARY BUDGET ADJUSTMENTS

RES. NO. 15-49 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2014-2015 BUDGET APPROPRIATING FUNDS TO SPECIFIED ACCOUNTS FOR FUNDING OF A FEASIBILITY STUDY FOR THE PROPOSED MADERA COUNTY CENTER FOR THE ARTS

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

- C-1 A Public Hearing to Consider an Appeal by Barnes Welding Supply of the Planning Commission Denial of Conditional Use Permit 2014-10 MOD and Site Plan Review 2015-03, which Requested a Modification of an Existing Use Permit to Allow for Outdoor Storage**

And

Consideration of a Resolution of Determination on the Appeal

Planning Manager Chris Boyle stated this is a request to consider an appeal of the Planning Commission decision to deny requested modification to a conditional use permit (CUP) and a site plan review; and to consider a resolution of determination on that appeal. Mr. Boyle advised that the property in question is located at the southeast corner of Pine and Maple in the Span Industrial Park. He noted that the Span Industrial Park has evolved with quite a mix of tenants that range the gamete from industrial to a performing arts club. He advised that it includes churches as well as other gymnastics clubs.

Mr. Boyle noted that the Planning Commission heard a request for a conditional use permit to allow for the storage of gas associated with a Barnes Welding Supply on June 17, 2014 and the Planning Commission approved the initial use permit, Use Permit CUP 2014-10. He advised that one of the conditions of approval of that use permit required that gas be stored in the interior of the structure. On March 10, 2015 the Planning Commission denied a modification of that request and the request was to allow for the outdoor storage of gas as a component of the use. He noted that the applicant requested the allowance for outdoor storage because of the problematic issues, especially with code, as related to indoor storage of gas. He advised that the building isn't sprinkled and there were some costly improvements that would be required as a component of gas storage in the building.

Mr. Boyle noted that when staff delivered the request to the Planning Commission there were really four issues that were brought to their attention. The first one was parking and with the incorporation of the outdoor storage there was still sufficient parking to allow for the conversion of those stalls to the outdoor storage use. He advised that there was extended dialogue on outdoor storage and the placement of the outdoor storage area; ultimately of the outdoor storage area, as displayed, along the Maple Street frontage was selected as the optimal location and aesthetics were addressed in terms of the design and overall placement of the outdoor storage unit. He noted that the performing arts club is a tenant directly adjacent to the proposed suite and that would be immediately east of that site. He advised that the performing arts club approved in 2009 has a specific finding that needs to be made by any uses that locate within 150 feet of it. He noted that is that it not be injurious or dangerous to the health, safety and welfare of the club and the perspective attendees mindful of the fact that this is an industrial park that can have a very different type of mix. He commented that many of those mixes would not include wearing tutus and the like. He advised that in this case, they talked with the Fire Official, they talked with the Building Official and ultimately the placement of the storage unit in that particular location met all safety standards both in terms of building and fire.

Mr. Boyle advised that the Planning Commission decision was 3 to 3 vote and tonight the City Council via this appeal essentially acts as the deciding vote in the conditional use permit modification and site plan review request. Mr. Boyle added that the Chairman of the Planning Commission is available in the audience in case the Council has specific questions. Mr. Boyle noted that staff would recommend that the City Council adopt a resolution of determination after the appeal hearing is completed. Mr. Boyle offered to answer any questions. He added that the appellant is in the audience and available.

Council Member Medellin asked if the original CUP requested that any storage be indoors.

Mr. Boyle responded that is correct.

Council Member Medellin state that because there were no sprinklers, the cost was just too great so the alternative was to find outdoor storage.

Mr. Boyle responded that the applicant did spend virtually a half a year looking at ways where they could provide indoor storage at a reasonable cost and to comply with that particular condition of approval. He added that ultimately it was the applicant's decision to make that request to modify.

Council Member Medellin referred to OSHA. He noted that Mr. Boyle said that City Fire and Building are fine. He asked if there is an OSHA report that says they are ok with it as well or is one needed.

Mr. Boyle responded that he thinks OSHA compliance would be a component of one of the more boiler plate conditions of approval that ask for the use to be in compliance with all requirements at all times but there wasn't a staff review of OSHA requirements as it relates to the storage of gas in the interior of a structure. He added that when staff sat down with the Fire Official and looked at the nuances of indoor storage, he thinks ultimately the appropriate location may very well have been to allow for outdoor storage. He noted that it in light of the fact that the Fire Official would state that if they are easy to put water on an open outdoor enclosure from an extended distance away, and it is very different to send three firefighters into a burning building that has gas canisters within.

Council Member Medellin noted that he would comment on that later. He stated that he doesn't have a picture of what the enclosure looks like. He asked how many tanks are they talking in this area.

Mr. Boyle responded that he asked for clarification from the Fire Marshal in terms of how many tanks can be held. He commented that is an excellent question but he doesn't have a straight answer. He can only say that the amount of tanks, their location within the storage enclosure is closely monitored and inspected to make sure that compliance is in place.

Council Member Rigby asked if this is like a bring in, like a pod type trailer looking storage unit or is it something that is going to be constructed.

Mr. Boyle responded no. This would be constructed to a block with required open sides that would be wrought iron and it would be designed to match the existing structure itself in terms of color and to match the adjacent trash enclosure which the condition of approval required to be stuccoed and painted to match the existing color of the primary structure.

Council Member Rigby noted that traditionally that is a high crime area. He asked how is this going to be protected from vandalism or break in possibility or how is it monitored.

Mr. Boyle responded that it actually has a roof feature and commented that is a very good question. He advised that the design has specific design criteria and there must be an open roof over the top of the enclosure as well. He noted that the roof component itself would not be necessarily visible from most vantage points. He advised that staff was comfortable with a framed chain link roof over the top of the enclosure.

Mayor Poythress commented that if there are no other questions this is a public hearing. Mayor Poythress opened the public hearing to the public to make a comment if they wish. He asked that anyone wishing to make a comment that they give their name and address.

Craig Wedgeworth stated he is with First American Realty located in Citrus Heights, California and advised that he provides real estate consulting and construction services for Barnes Welding for the past few years now. He commented that they have wanted to open a store here for quite a long time. When Berry Developments building became available, across the street from Lee's Concrete and across the railroad tracks there, this fit the ideal profile for a successful business location for them because it has a built in customer base. He noted that there are actually a lot of businesses right in that park that would use these same types of compressed gases. The auto repair shop right next door to the studio would have them. There is a welder's apprenticeship training program two doors down that also would have all these same components in there. Mr. Wedgeworth commented that their business is primarily a business to business sales, handyman and hobbyists are more or less incidental so it is usually businesses that are familiar with handling these types of things that are coming in there to get the cylinders.

Mr. Wedgeworth stated that when the Commission had the hearing, he didn't really hear any questions too much. He noted there was one member who brought up a question about the location. He didn't really state what his concerns were. He added that the fact that the Fire Department and the Building Department had approved everything and the Planning Staff had support, they really didn't put on a presentation as far as what concerns might come up. He thinks the council (*meant commission*) vote reflected more of a question in their mind maybe that hadn't been answered more than a specific strong concern that they had. He commented that when the initial vote was taken, he believes, it actually was 5 to 1 in favor. He added that the City counsel asked for a roll call and two of the Commissioner's, he believes, changed the vote for some unanswered question or something. As they went through this process initially to put the cylinders inside the building and the question started coming up, they hired Vernon Brown with the Interwest Group. He was a fire marshal in Sacramento for 20 years. They do consulting work to building apartments all across several states and he personally is very predisposed to err on the side of safety and caution. This was his proposal of the best way to handle taking care of the cylinders at this property. He advised that it does meet all the guidelines of Planning. As Mr. Boyle said,

it has staff's support. As he mentioned earlier, these products, these gas cylinders are in businesses all across the City. He advised that Barnes Welding employees are trained on how to handle them. They have safety caps on them when they are in the storage so even if they fall over it is still a safe piece of equipment to be handled.

Mr. Wedgeworth stated that the intent has been to relocate the Barnes Welding Store that is on Blackstone Avenue in Fresno to Madera as part of their plan to better serve this area. He advised that the building permits are all ready. There has been quite of money expended both by Berry Development and Barnes Welding to get to this point. He commented that the building sat vacant for 14 months now during this process while they are trying to get this approval. Mr. Wedgeworth noted, as Mr. Boyle said, the Council becomes the deciding vote and vote in favor of this project. Mr. Wedgeworth added that if there are any questions there are several members of the Barnes family here. If he can't answer them he is sure they would be glad to.

Council Member Holley stated he has a question for the Fire Marshal.

Chief Nancy Koerperich stated from the audience that they aren't the Fire Marshal.

Council Member Medellin asked Mr. Wedgeworth if he can answer how many tanks are proposed to be in this area/enclosure.

Mr. Wedgeworth responded that he doesn't have the specific number. He advised there is a code that says this is the maximum amount you can have in one area.

Council Member Medellin asked what that number is.

Mr. Wedgeworth responded that for flammable gases it is 21,000 cubic feet and the cylinders are, he believes, roughly 500 cubic feet each. Gentleman in the audience stated 140 per cylinder.

Council Member Medellin repeated that they are 140 cubic feet each and 21,000 is the maximum.

Mr. Wedgeworth responded that is the maximum but they don't anticipate having that much; probably less than half of that.

Council Member Medellin stated but that is what they are allowed, 21,000 cubic feet.

Mr. Wedgeworth responded yes.

Mayor Pro Tem Oliver stated he would imagine it is going to include both oxygen and gases. He asked if there is any requirement to store those separately or have any barrier wall within that enclosure.

Mr. Wedgeworth responded that there is a requirement to store it separately and that is being accommodated here by having the flammable gases on the west side. He stated that it also has a block wall that separates it from the rest of the cylinders and the oxidizing gases are on the opposite end of the enclosure so that, if there ever was a leak, there is no intermixing there.

Council Member Rigby commented that the location of their business will be near two high schools, a lot of walking. He asked if they are confident with the chain link fence on top will keep mischief away.

Mr. Wedgeworth responded that the chain link fence was a minimum requirement. Their plan is actually to have wrought iron with an expanded metal welded to it so that it can't be entered from the top side.

Mayor Poythress restated that this is a public hearing and asked if there is anybody else who would like to make a comment. No other comments were offered.

Mayor Poythress closed the public hearing and brought it back to Council for action.

Mayor Poythress stated he believes that discussion here is certainly not based on whether there is a need in their community for welding supplies and so on and so forth. He thinks it is a huge need and having the convenience and having other business opportunities here in Madera he thinks it is a great thing. He thinks that there are people who are concerned about safety issues. He commented that these cylinders kind of look like bombs so some people picture these things exploding like bombs and so forth. But he also has to remind his colleagues that they live in the State of California. They live in the land of overregulation and compliance. It is overkill with what they have here. He is confident that, regardless of what the cylinders look like, that they have been tested and design tested and on and on and on that he just doesn't have any fears or any concerns in regards to the location. He thinks it is a very good location. He thinks it is great that they are outside the building; not inside the building in case there are any issues. He stated that he for one would be voting to support the subject resolution.

Council Member Rigby stated he would like to hear from the Planning Commission if they are available as to the process of the decision.

Kenneth Hutchings, Chairman of the Planning Commission, stated he basically can affirm some of the stuff that Mr. Wedgeworth indicated about their February meeting did go as indicated. He advised that there were a few questions about the storage of gas which were discussed at the time. When they called for the initial vote, the initial vote was, the vocal, 5 voting in favor and then 1 in opposition. At that time it necessitated that a written documentation be done for each of the Planning Commission Members and at that time 2 of the members who had originally voted in favor decided to change their vote at the time and they voted in opposition to allowing the conditional use permit. Commissioner Hutchings stated he would have to state that he is not really sure because it did not come up in discussion as to what the nature of the concerns were, his guess is that it probably had to do with perceived concerns about the safety on that. Commissioner Hutchings offered to answer any questions that the Council may have.

Mayor Poythress asked if there are any questions for Commissioner Hutchings. No questions were asked.

Council Member Medellin stated he does have concerns, specifically safety concerns. He noted that the original CUP called for them to house these tanks on the interior. He can certainly understand where money becomes an issue and he would certainly welcome Barnes Welding Supply into Madera. That is something that they would welcome and promote business and he is certainly about promoting business but to mitigate that and, in his opinion, jeopardize the safety. He referred to the picture previously displayed. He noted that the front door of the new Barnes Welding Supply is about 200 feet away from where this is proposed, ...ish, maybe 150 feet, he is not sure. He commented that it seems like the parking stalls that are going to be removed are going to be the ones right in front of the door of the arts place, the dance studio. Council Member Medellin asked Mr. Boyle to display the color slide. He commented that they have two handicap stalls that will be backing out towards this area and those are the stalls that the PAC Studio, or the dance studio, will be losing but Barnes will not be losing any parking is what it seems like. He is not very comfortable with that. Council Member Medellin noted the 21,000 cubic feet equates to 150 cylinders. He added that although they say they will not use it, they will be entitled to store up to 150 cylinders. He noted, to Mr. Boyle's point earlier, in thinking of having to put a fire out, and outdoor would be better, now he is looking at kids trying to dance, handicap parking, and saying it is better to put a fire out there than indoors. He is uncomfortable with that as well. He stated he thinks the original CUP was in place for a reason. He knows Praxair out at the airport, they are housed indoors. Lee's Concrete across the street, although it is only a couple of cylinders, they are also housed indoors and he thinks that is for the safety of the community. He knows that if this particular business was in a little bit different area, which he drives there all the time, he thinks down the street, not even a quarter of a mile where there isn't a studio and there isn't the DMV, and again he is not telling them to move, he is just talking about different areas. He personally would feel a little bit safer but with this particular layout he is not comfortable nor is he in support of it.

Council Member Rigby stated he values Council Member Medellin's opinion on this and his business is close to that proximity so he is familiar with the type of traffic that may flow in and out of there on a

constant basis. Council Member Rigby asked Mr. Boyle if they have heard from the Performing Arts Studio at all on this.

Mr. Boyle responded that they haven't had any dialogue with the Performing Arts Studio on this matter. They have been noticed but they have not responded either in the positive or the negative.

Council Member Rigby asked what the notice entailed.

Mr. Boyle responded that it is a standard public hearing notice that calls out the request in both cases. In one case to allow for the establishment of the use and the second case to allow for the outdoor storage.

Mayor Pro Tem Oliver asked Mr. Boyle to elaborate a little bit as to some of the alternative locations that were discussed during this process.

Mr. Boyle responded that when staff looked for alternative locations, they thought that perhaps an optimal location would have been located, pointing to the display at the general vicinity. He commented that there was less of a loss of parking, there was less visibility to the public right of way, and there was more distance from PAC Studio in that particular location. He added that it should be noted that the applicant felt that, when they talked about the actual security on the enclosure, it was very difficult to keep eyes on it. He noted that there were some convenience issues associated with having to access it as part of everyday business. He restated that was the location that was identified as being, perhaps most optimal.

Mayor Poythress stated that he always likes to go back to facts, and he is funny about that. He commented that they talk about safety issues and they talk about potential for certain things that happen. He asked what is the actual track record of having fire events or explosions or whatever type safety issues might occur. He asked if they have any data. He added that because he doesn't necessarily hear about it, it doesn't mean it doesn't happen. He asked if there is any kind of data that would talk about these tanks being very hazardous, very explosive at any time or is that just not true.

City Administrator David Tooley stated that their eye contact with one another indicates that they don't have any definitive data on that. He noted that the Fire Chief is in the room and she may be able to give them perspective.

Chief Nancy Koerperich responded that she does not have any definitive data but that is something that gets tracked in the State Fire Marshal's office. She can tell them that in 33 years in the Fire Department there have been numerous types of events that contain the types of welding material and the safety record is very good. She commented that those devices are, like he said, regulated to very rigorous standards. She has had vehicle accidents where they have been involved in them and there has not been a single leak. She can tell them that they do have a very good safety record. She is not saying that there haven't been issues but the State Fire Marshal does regulate the numbers of those and she could get those for them if they are really interested in them. She believes that the track record is very good and the actual events are very small.

Mayor Poythress thanked Chief Koerperich. He commented that to him that is important. He just doesn't like speculating because they are flammable then something is going to happen. He loves data. He loves facts and to him that helps him to make a decision. He wouldn't want to make a decision to turn it down if they don't know that and then they find out that they are uber safe. He noted that is his viewpoint.

Council Member Medellin agreed that facts are very important. What is of huge concern to him are the variables. It is late at night. It is a weekend and he forgets and leaves it unlocked so all weekend long it is unlocked. He is sure they won't do that; it is a variable. He commented that it is a high crime area. There is graffiti and wire theft constantly in the area. They are one block away from people who bring their recyclables every day, leave carts, and they are looking for the quickest way to steal whatever they can to take it to the recycling center. He noted that there was a traffic accident a week ago on Pine where the truck ended up on the railroad tracks. He doesn't know the specifics of it but again from Pine Street to Maple on that particular corner he thinks it is a little more exposed than what it would be on the

alternative area that Chris Boyle spoke about. He restated that it is just those variables that are of concern to him.

Council Member Rigby stated that actually brings up a really good point referring to Council Member Medellin's comment. Council Member Rigby asked Mr. Helmuth if there is a concern having this type of structure so close to a rather heavily used street like Maple Avenue going to and from the DMV.

City Engineer Keith Helmuth responded no that there generally wouldn't be. He commented that typically they will have structures within about 10 feet of sidewalk. They have streetlight poles. They have other street furniture as well as the existing trash enclosure. Everything has a potential but it is no higher probability than anything else.

Mayor Poythress commented that they could go on and speculate and so forth. What he would like to do, again, if the safety issue is a concern, he would like to get some hard facts and if that is going to kill this thing but if it is something else that can't be overcome then it is just what is going to happen based on the vote. Mayor Poythress stated that if there is no other discussion he will accept a motion for action.

City Attorney Brent Richardson reminded the Council, before the vote, of the standard on the appeals of a Planning Commission decision. They may recall, they did one not too long ago, and it is a 4/5 of the whole of the Council which means they need at least 6 and there are 6 of them here.

Mayor Poythress commented that it would have to be unanimous in other words based on the number here tonight.

Council Member Rigby stated before they vote he would like to hear from Council Member Robinson.

Council Member Robinson commented that they are not trying to run businesses away from Madera. They are trying to bring them in and more revenue. If they are talking about safety, the Fire Marshal approved it. He added that of course they can use the canister if you are a terrorist but the fact is that it is safe and they are trying to move the whole company from Fresno to Madera so he thinks it is a plus.

Council Member Holley stated he concurs with Council Member Robinson. Council Member Holley added that he sees no issue with safety. He believes that if it was something that was going to occur, that has happened in the past and they can have some data saying these kinds of things happen but in Madera he doesn't see that happening. The only thing he can probably say happens is vandalism but that happens all over the City. He concurs with the Mayor's decision that they do need such things to build up revenue in their City. He thinks there will probably be good customers for them. He thinks the site could probably have been a different site but when you are in business looking for things to happen you try to find what makes the business profitable for yourself. He finds no reason to deny the project.

Council Member Medellin stated that without the OSHA report, if there is one, and without totally mitigating everything that is, they haven't even seen a picture of this enclosure or anything, and with the data that the Mayor is asking for, is that something that he is prepared to have all that prior to the decision or is he ready to call for the vote this evening.

Mayor Poythress stated that if it is going to cause the appeal to be denied than he would say yes but if it is not going to cause the appeal to be denied he would say he really doesn't need it.

Council Member Medellin commented that he doesn't feel that they have totally mitigated everything for him personally to move forward with this.

Mayor Poythress commented that pretty much answers that question.

Council Member Rigby commented that he tends to agree with Council Member Medellin although, directing his comment to Council Member Robinson, he also agrees with him. He is for business coming into their City. He wants to see growth happen. He is in complete compliance that this is an industrial

arts area. It is not meant for dance studios per say or any other type...there should be industrial things happening in an industrial park. However, he feels like there are a lot of questions. He personally would have liked to have seen the structure just because of all of the concerns that were brought up by Councilman Medellin. He thinks even some of those concerns could have been changed by even just seeing the concept of the structure to the very least. Council Member Rigby noted that the original CUP is set for purpose and for standard. To move away from that he thinks would be scary. He added that to be honest and to be really candid he is disappointed that there seems to be a lack of understanding within their own Planning Commission for their Planning Commission to get up here and not give a really good answer as to why something happened or didn't happen and that disappoints him tonight.

Mayor Poythress asked the City Attorney if they can continue this item until they get some of these questions...number one they need to find out what the concerns are and then have these questions or concerns answered one way or another. He asked if it can be continued.

Mr. Richardson responded that there is nothing in the code that would preclude them from continuing the hearing and they would want to continue it to a date certain because it has been a noticed hearing he believes. They would want to continue it to a date certain but the decision needs to be rendered within 60 days of filing of the appeal. He commented that since the decision of the denial was on February 10th he is assuming, he can't remember the date the appeal was filed, but he is assuming it was within days of that. They are probably looking at their first April meeting in order to comply with the code that way. That is the only restriction he is seeing in the code on a continuance. He added that if they move to do that, he guesses, it would be with direction to provide the Council with whatever it is they are looking for to make the decision.

Council Member Medellin stated he brings up an interesting point. They want growth but it is about smart growth and if it turns out that the other variable is the dance studio that shouldn't have been there in the first place then that is something that they need to address as well because that is a huge concern of his.

Council Member Rigby stated he personally would like to work with Barnes Welding Supply to see this happen but he thinks that they have a responsibility to their community to make the right decision.

Council Member Medellin agreed and he knows it is a short period of time. He noted that it looks like the April 1st meeting will have to be the soonest unless there is any kind of variance that they can put it on the April 15th agenda but the sooner the better to get this rectified and mitigated and done.

Mr. Richardson commented that the only other thought he had is if it needed to go beyond the 60 days, the only way he would recommend that they allow that is with some sort of consent on the record by the appellant that it could go past that and they would be ok if they consent to do that.

Mayor Poythress asked if they continued to the April 15th meeting that is still within the 60 days.

City Clerk Sonia Alvarez advised that the date filed was February 13, 2015.

Mayor Poythress stated he thought Mr. Richardson said it was 60 days from the appeal.

Mr. Richardson clarified that it is 60 days from the filing.

Mayor Poythress noted there are 28 days in February so the 15th might be day 59.

Council Member Medellin commented that the attorney is giving them a little wiggle room as long as the proponent is in agreement with it.

Mr. Richardson responded that if they want to set it for that second meeting, as long as they can get them on the record here agreeing to that he doesn't have a problem with that.

Mayor Poythress asked if that would be this evening.

Mr. Richardson responded yes.

Mr. Wedgeworth stated he wanted to just address a couple of Council Member Medellin's questions with regard to an OSHA report. They are really involved more in workplace practices than they would be as far as the placement of cylinders in that area other than the way they are grouped together. He really doesn't think there would be an OSHA report that would be forthcoming on it because it is not something that they would deal with. He added that as far as moving the cylinders outside as a matter of cost savings, that really wasn't it. He noted that with the way the codes have changed over time and the limitations that have been placed on the compressed gases and stuff there is just pretty much no way to work it out to have the cylinders inside the building. He stated it wasn't a matter of cost.

Council Member Medellin commented to Mr. Wedgeworth that when they originally spec'd out that particular area, did they originally want them to be stored outdoors.

Mr. Wedgeworth responded they wanted them inside.

Council Member Medellin commented that if they wanted them inside and if it is not a money issue, why outside?

Mr. Wedgeworth responded that there really is not a way to accommodate the building codes and the fire codes of having them inside the building. It is limited to 2 or 3 cylinders that they might have in like the auto repair shop.

Council Member Medellin thanked Mr. Wedgeworth for clearing that up and stated his appreciation.

Mayor Poythress asked if they need to have a vote to continue it.

Mr. Richardson responded yes. They would need to do a motion and a vote and to a date certain.

Mayor Poythress asked if the April 15th date good.

Director of Human Resources Wendy Silva advised that April 14th would be 60 days.

Mayor Poythress stated then it would have to be April 1st. He asked Mr. Wedgeworth if they are in agreement as far as continuing on. He thinks from their perspective there really is no choice. It is either die tonight or maybe live on April 1st.

Council Member Medellin requested that they correct him if he is wrong but asked if Mr. Richardson is saying that if he agrees to come back on the 15th that they would allow that or there is no way he can come back on the 15th.

Mr. Richardson responded no. They could come back on the 15th as long as the appellant is consenting to that on the record. It is basically a waiver of the 60 days.

Mayor Poythress asked Mr. Wedgeworth if they are ok on the 15th.

Mr. Wedgeworth responded yes they consent to that.

Council Member Medellin stated he doesn't want to keep pushing it out but he wants to make sure they have ample time to mitigate everything and make sure that they have gone through this completely. He doesn't know if the 1st is going to give them that amount of time. That is why he is asking for that date on the 15th.

John Ball, residing in Madera, California, stated he is the branch manager of their current location that they are trying to move to Madera. He has been 10 years with Barnes Welding Supply. He wanted to

address a few of the concerns. He explained that OSHA is a workplace safety and that is all addressed in their training. As far as safety concerns, he noted that he does understand the concerns with the volume of gas but the large amount of their cylinders are inert gas; not flammable gas. He does understand the concern but when they are talking about the permit allowing for 150, 140 cubic foot cylinders, they are actually talking about maybe 10 flammable cylinders with the vast majority being inert. To address their concern about the safety of the cylinder cage, he just wanted to elaborate on what they said. He noted that there would also be a security system installed with laser, sirens; the whole nine yards as far as securing the enclosure.

Council Member Medellin thanked Mr. Ball for addressing that. He commented that because he doesn't know he is assuming there is just a padlock and you walk away and that is why he said earlier if somebody forgets to do the padlock but he doesn't know that.

Mr. Ball commented that they also do receive in the evening. If there was an instance where an alarm wasn't set they are notified by the security company. He also wanted to clear up some of the concerns that safety is a huge deal for them. They are at 11 retail stores, he believes, and they do secure them all very, very well.

Council Member Medellin asked if at the Blackstone store they store them outdoors or is that indoors.

Mr. Ball responded that is outdoors and it is actually very close to the building. It is allowed.

Council Member Medellin asked about how many cylinders do they have in that one on average.

Mr. Ball responded it is approximately 90 cylinders and 75%, he would say are non-flammable, inert gases; approximately 20% oxidizers and probably the vast majority being non-flammable; and maybe 10% flammable.

Council Member Rigby noted that for Mr. Ball not being prepared to talk he probably should have said something a long time ago.

Mayor Poythress suggested that for any Council Member that is concerned about the issue to please contact, through Mr. Tooley, Mr. Boyle and set up a time, potentially a meeting where their issues and concerns can be addressed.

Mr. Tooley commented that to have the clearest possible communication perhaps the discussion should be with Mr. Boyle and that can be verbally, email, whatever the Council is comfortable with. He advised that staff would make sure they put together a complete list of the items that they have identified and to the very best of their ability they will provide a response on each one of those.

Mayor Poythress asked if that is good for everybody. Council concurred.

Mayor Poythress announced that he would entertain a motion to continue the public hearing to the 15th of April.

COUNCIL MEMBER MEDELLIN MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE APRIL 15, 2015 MEETING. THE MOTION WAS SECONDED BY MAYOR PRO TEM OLIVER AND WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPREZZI.

C-2 Second Reading and Consideration of Adoption 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 advised that this is the completion of a process that the Council heard at their last meeting. He added that staff recommends adoption of the rezone changing the associated parcels consistent with their General Plan zoning and Housing Element.

Mayor Poythress asked if there are any other questions. No questions were asked and Mayor Poythress called for title.

The ordinance was read by title by the City Clerk.

COUNCIL MEMBER MEDELLIN MADE A MOTION TO WAIVE FURTHER READING AND ADOPT. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND ORD. NO. 917 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.

ORD. NO. 917 C.S. ADOPTION 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-3 Second Reading and Consideration of Adoption 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 advised this is a second reading for consideration of adoption of the ordinance that will implement the terms of the tax sharing agreement entered into with the County and is required by the agreement.

Mayor Poythress asked if there are any questions for Mr. Richardson. No questions were asked and Mayor Poythress called for title.

The ordinance was read by title by the City Clerk.

MAYOR PRO TEM OLIVER MADE A MOTION TO WAIVE FURTHER READING AND ADOPT. THE MOTION WAS SECONDED BY COUNCIL MEMBER MEDELLIN AND ORD. NO. 918 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.

ORD. NO. 918 C.S. ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION 17 TO CHAPTER 2 OF TITLE VIII OF THE MADERA MUNICIPAL CODE PERTAINING TO SALES AND USE TAX

D. WRITTEN COMMUNICATIONS

D-1 Update on Valley Children's Hospital

Tim Curley, Director of Community and Government Relations at Valley Children's Healthcare, stated he wanted to give the council an update on some things and some changes that have happened at the hospital in the last six months. He noted that some of them have been in the press and added that they are all good so he wanted to just give an overview of those and make sure if there are any questions, he can answer them tonight. He advised that he would begin with just a brief kind of overview of who they are. They are a 356 bed pediatric specialty provider. They are the only one of their kind in all of Central California. They see about 150,000 kids each year so they are not only one of the biggest organizations of their kind in all of California, they are also one of the busiest. More importantly, they also provide some of the best pediatric care they will find in all of California as well based on their outcomes and their quality measures. He commented that being one of the best is not good enough for them and in fact, their board of trustees a couple of years ago laid out a vision for their organization to be the best children's hospital in the country and they are working very diligently to get there. He advised that one of the components they

feel to get there is something they did about six months ago and that was announcing the creation of Valley Children's Healthcare which is essentially the parent organization under which they now have Valley Children's Hospital, Valley Children's Medical Group, which is their hospital based and community based physicians, Valley Children's Home Care and then their philanthropy. At the same they return back to the name Valley Children's Healthcare and then the hospital. He noted that the old name never stuck. It was around for about 15 years and for the entire period they kept being referred to as Valley Children's Hospital. He stated it is where their roots are so they decided to go back to Valley Children's Hospital while at the same time they announced the creation of Valley Children's Healthcare.

Mr. Curley commented that what the healthcare allows them to do, what that broader network allows them to do is to be more responsive than they are able to be under the old structure to the primary and preventative care needs of kids, kids in Madera County and kids throughout their 11 county service area. He stated that the core of what they do has been and probably will always continue to be taking care of critically ill kids but they realized over the years that they also have a responsibility to try to get out in front of a lot of the things they wind up seeing in the hospital by making sure that kids have access to basic primary and preventative care. He noted that this network structure gives them the ability to do that. He added that they will see them starting to do more in the world of primary and preventative care. As an example, they have entered a partnership with Adventist Health to open up a primary care clinic for both children and adults in Fowler, south Fresno County. He noted that they recently took over a pediatric practice in Bakersfield and they are looking to do more of this up and down the valley as much as they can. He commented that primary care and prevention is critical.

Mr. Curley advised that the other thing they announced, and it is part of their vision of being the nation's best children's hospital is the creation of their own pediatric residency program. They have been involved in physician training for years. They are a partner to the University of California San Francisco, Fresno pediatric residency program. They are a partner to a number of other different pediatric residency programs throughout the state but as the only children's organization in Central California they felt it was critical that they had their own pediatric residency program. They feel that they are in the best position to know what are the pediatric medical needs of kids in their area, and how best can they train physicians to take care of those kids. He advised that they will be creating their own pediatric residency program which will serve really just to add to the capacity for residency training in the Central Valley and hopefully to be able to train and retain more pediatric physicians not only in Madera but up and down the Central Valley so they are excited about that. They will probably be hearing more about that in the coming days as they announce a medical school partner around that initiative.

Mr. Curley commented that is a brief update very quickly in terms of who they are and what they are doing. They are very proud to be a member of the Madera County family of employers. They employ about 3,000 individuals total and in addition to that they have about 500 physicians that are providing services at the hospital. Mr. Curley stated they value their partnership with the City and look forward to continuing to do great things to advance the health and well being of kids here and throughout the valley.

Mr. Curley stated that is a quick update on what's happening and offered to answer any questions.

Council Member Holley told Mr. Curley to keep up the good work out there.

Mr. Curley thanked the Council for the opportunity.

Mayor Poythress thanked Mr. Curley.

D-2 Written Communication from the Madera National Little League Requesting Improvements to Field 1 at Lions Town and Country Park

Mayor Poythress stated before they hear from Mr. Barsotti, he wouldn't mind just getting a brief introduction from Parks and Recreation staff. He knows this is just not a National Little League project; it is a joint project. He thinks it would be appropriate to get some background as far as where they are, how they are, etc.

Council Member Medellin stated he has a question for the City Attorney. Council Member Medellin commented that although he sees that this involves their City Town and Country Park, National Little League is a client of his so he asked for the City Attorney's advice or direction whether he should or should not excuse himself from the dais on this particular issue.

City Attorney Brent Richardson responded that if he does indeed have a business relationship with one of the proponents then yes it would be appropriate to recuse himself on this item due to conflict of interest.

Council Member Medellin exited the Council Chambers.

Director of Parks and Community Services Mary Anne Seay thanked Mayor Poythress for the opportunity to speak before the Council tonight and introduce Mr. Barsotti. She commented that it was a few days before Thanksgiving where Mr. Barsotti sent a letter requesting a sit down with City staff and talk about the idea of renovating Field #1 at Lions Town and Country Park. She advised that Mr. Barsotti's hope was to increase the capacity of the field from its existing configuration to a 50/70 configuration that would increase its playability, that would engage children into later phases of their teenage years, potentially could increase revenue at the facility, and really was the launching point for improved dialogue between the City and National Little League relative to the MOU's that they continue to bring up. She commented that Mr. Barsotti and his crews brought very lovely colored blue and green handouts. They had a very specific plan and she and the Parks Planning Manager John Scarborough decided that what would be best is to take a look at the plan, head out to the site and kind of see how they thought those impacts would work with what they have planned. They discussed the item internally with staff. They went back out to the site. They identified that there would be some need for some tree removal and they reviewed the plan. They met again with Mr. Barsotti and talked a little bit more about how the very existence of Lions Town and Country Park and those baseball fields, even the softball fields, really represent Madera and its parks system; how many community groups have come together in partnership to build parks. She commented that that park wouldn't exist were it not for groups like National Little League, like Lions. Same thing is true of Rotary Park. Same thing is true of Sunrise Rotary Park. As they know, the Rotarians just installed about a \$90,000 amenity at same location in the form of a bathroom. The reason she brings that up is that's kind of how they presented the idea back to National Little League and asked how they thought they could ask the question a little bit differently. They saw a lot of dollar figures in the first request and they said absolutely it is their position that they are going to partner with all of their user groups and she encouraged him to come before the Council this evening. They were galvanizing so quickly she wanted to make sure that they spoke before the Council before they started making too much progress in the event that the governing body decided or elected to do something different and didn't like the idea of this renovation. She wanted to give the Council an opportunity to say so on the front end and they could divert their efforts to other projects. Ms. Seay stated that she is sure that Mr. Barsotti will give a fine presentation. Ms. Seay offered to answer any questions the Council may have at the end or she can answer any questions they may have now.

Mayor Poythress stated it would probably be appropriate to hear from Mr. Barsotti and then whatever questions might occur they can ask them.

Ms. Seay introduced the President of the National Little League Mr. Steve Barsotti.

Steve Barsotti stated he is here in an official capacity as the President of the Madera National Little League. Before he begins he would like to thank Mary Anne Seay, John Scarborough, and Hector Sanchez from Parks and Community Services who they have a great relationship with and they are absolutely wonderful to work with and they appreciate that.

Mr. Barsotti advised that the request they are making before the Council is to take the current Field #1 which is their home field at Lions Town and Country Park and turn that into a dual use field. He commented the dual use would make it traditional little league which is a 46/60 traditional league and add the 50/70 capacity to it. He noted that would allow them to play intermediate ball as well as traditional little league ball on that field. He stated there are a number of reasons why they want to do this. He

advised that this project came about in November when they had a District 10 meeting with their District Administrator and the conversation came about that Little League International is heading towards using more of a 50/70 format because of competition with leagues like Cal Ripken and Travel Ball. In addition, their league, Little League International has changed the age of termination so at a certain point a 12 year old category will not get to play their 12 year old year because of the way little league is changing their age determination. He noted with that being the case they need to take that into account and that is going to happen within 3 years so they need to make sure that those players have a home to play so they would expand their 50/70 league to include 12 year olds. He advised that the other issue that they have is that because baseball is a year round sport in Madera, a number of their older kids are more advanced than some of their younger kids, they are playing at the junior high level as well as playing the little league level and in that case they are mixing them on a traditional little league field. He added that there are competitive issues and there are also safety issues. If they can further expand their format that would certainly help in that manner.

Mr. Barsotti advised that the requests that their board has made to the Council is rather specific. It would take a period of time, it may take up to two to three seasons to do this so they wanted to get an early start on it so they weren't at the last minute. He commented that Madera National Little League plans on paying for this with their funds, with donations of time, as well as donations of material. The only thing they are requesting help from the City for is one to give them permission to work with Parks and Community Services, two accomplish this project, give them a general direction, help with the permitting process and some demolition with some trees that are beyond their capability of handling. He advised that any trees that are taken out will be replaced. Mr. Barsotti stated that is basically their request at this time.

Mayor Poythress asked if there are any questions for Mr. Barsotti or Ms. Seay.

Mayor Pro Tem Oliver thanked Mr. Barsotti for the presentation this evening. Mayor Pro Tem Oliver added that he is a proud alumni of the 1999 City Champions Breakfast Lions so he has many fond memories of that field. He thinks certainly he could have, during his transition to Babe Ruth, used the 50/70 league. He stated he really does appreciate Mr. Barsotti presenting this, this evening. Mayor Pro Tem Oliver commented that he understands that there has been a lot of work that has gone into this project and they really do appreciate their investment into their youth and at the end of the day that is what this comes down to is expanding opportunities for their young people. He does know, as a participant in little league that he benefitted from some really great role models as far as coaches and other parents and folks that they learn in that community, that they foster during that time. He sees this as a promising opportunity. As with any project he knows that sometimes there are concerns that are raised. He understands that there might have been some concerns raised from some other folks who are also users of the Little League Field #1 and he thinks that those concerns are very important to note as well. He encouraged and he wants to see that they continue to foster this partnership that they have with Parks and with their City and other folks because they are all stewards of their parks and their public facilities. He would also encourage the engagement of others who are also stakeholders and who also benefit from these amenities. He just wanted to say thank for the presentation and really just to encourage further collaboration among other user groups, their Parks, during this process.

Mayor Poythress asked if there are any other questions. No other questions were asked.

Mayor Poythress asked Ms. Seay regarding the approximate costs of the project. He commented that he doesn't have to have the exact numbers. He knows there probably haven't been any very specific but as far as from the City's standpoint, what those costs might be.

Ms. Seay responded that Mayor Poythress is right, they don't have exact costs. One of the reasons she encouraged Mr. Barsotti to come before the Council tonight is to gauge their interest level in staff moving forward. She noted that it would take some staff time. She advised that there have been a number of different options on the table. She kind of wanted some feedback from the Council before they invested a lot of staff time in getting estimates. She does know that the tree removal that Mr. Barsotti mentioned would be around the \$3,000 to \$5,000 range and then staff time for herself, Mr. Scarborough, and Mr.

Sanchez would be absorbed within the City budget. She advised that she doesn't have an estimate on how many hours they would be spending but they can certainly work those numbers if that is something the Council would like to see.

Mayor Poythress stated that basically what is looked for tonight is for general consensus, direction to move forward and then it would be brought back to Council for action.

City Administrator David Tooley stated, just to reflect the Mayor's thoughts, staff would bring back a defined report so the Council knew all the decision points, the cost impacts, and they would be in a position to make a fully informed decision.

Jack Porter stated there are other issues with Field #1 that need to be taken care and that is the accessibility for the handicapped. He added that the other is the 50/70 that they want to move to that field but there is an existing division of Little League that plays on that field now called Challenger. He advised that Challenger consists of special needs kids with mental and physical disabilities, several of them in wheelchairs or walkers. He commented that just on Field 1 alone, they cannot access the dugouts because the enclosure for the dugouts is too small for the wheelchairs or walkers to get in. He added that not only that, the restrooms at the Little League Complex are sub-humane. He commented that they are prison toilets. He noted that the men's restroom doesn't even have a seat. He added that the handicap railing is out of compliance if it ever was. He finds it very disturbing from that report that they were presented with earlier this evening that McNally Park and Pan American Park have a higher priority than Town and Country Park. He commented that those other two parks, they serve a limited segment of their community; Town and County Park, go out there on a Saturday or a Sunday, everyone uses Town and Country Park at some point. He noted that the park is filled and the restrooms are not usable. He stated that in the women's restroom there is a hallway that is between the wall and the wall of a stall that you cannot get a wheelchair through. He referred to the Lions Club snack bar and noted that it has a counter that is out of compliance; it is too high. He would question that document that was presented but he doesn't want them to spend another \$109,000 on a study when they could just go fix the restrooms. He has been involved with little league since his stepson was in there in 2002 all the way to today with his daughter being in the major leagues. He stated that both of those fields, the American League Field, Field #2, and Field #1 are both used every year for Little League All-Star games either at the district level or sectionals. They have people coming from out of town that see these restrooms and they think that's what Madera is. Mr. Porter stated he showed Mayor Pro Tem Oliver the restrooms the other day noting that they weren't even clean. He added that there is nowhere to have the sanitary seat covers for there to even be in there let alone a seat in the men's room. He stated that something needs to be done with that; it needs to get moved up. He commented that their ADA Council on their website says that it is their job to ensure that any remodel or new construction of City facilities are in compliance with current ADA standards. He advised that this is a great project noting that a 50/70 field there would be awesome but they shouldn't forget the other people that use that same facility and make it accessible for them. He stated he is a little disappointed that the Challenger parents weren't here today. He does know that earlier this week they were meeting with an ADA attorney out of San Jose and he would expect something to come of that if the City doesn't address those issues because they deserve equal access to the facilities and he thinks each one of them know that.

Mayor Poythress thanked Mr. Porter.

Council Member Rigby stated he is curious and asked Ms. Seay to explain to him how both of those fields operate. He noted there is an American League entity, there is a National League entity and both fields operate as separate entities so if they were to comply with the Madera National League, partner with them, is there a possibility they could be hearing from the American Little League field saying hey our turn.

Ms. Seay stated that is an excellent question. They have spoken with the American League. She added that just to be clear all nine fields out there are City of Madera fields. Their partner user groups have access to them; nobody has exclusive access to them though both the American and National Little Leagues have invested significant sweat equity and their own resources back into the fields. She advised

that they did talk to the American Little League President Maria Alvarez recently to ascertain what their stance was on 50/70 fields. They said that they didn't have any interest in converting the field at this time. If they had an overview of the map of the park she could show them how there is a pond right behind Field #2 that would make that conversion much more complicated; not impossible but complicated. She added that there is the potential for the renovation of that field to end up on their wish list of things to accomplish but currently it is not based on comments they have received from the American Little League and National Little League both.

Council Member Rigby stated his follow up question is because Ms. Seay brought it up that all fields are City of Madera Parks and Recreation. He referred to the Challenger League and asked if that is run through Parks and Recreation or is that its own entity as well.

Ms. Seay responded that her understanding is that it is run under the umbrella of little league. She yielded to Mr. Barsotti.

Mr. Barsotti responded that the Challenger Program is a program that came about a few years ago by Little League International. He advised that Madera National Little League has taken it upon themselves to produce a program in Madera. Last year they started off with two teams and this year they have four teams. He noted that the home base that Challenger plays out of is River Park out of Fresno. They played all their games last year at River Park out of Fresno except for one. This year they have five games scheduled at Madera Field #1 as a convenience to the families. They have a person on the board that is the Challenger age player agent and a parent of a Challenger participant. They explained to him if Field #1 is not convenient, and they don't want to cause any inconvenience for them, they can return them back to play at River Park or at an alternative facility. They don't want to cause any inconvenience for them at all. They are here for them to have a good time and enjoy it as well.

Council Member Rigby stated that to his understanding there are some beautiful fields that have been built on the backside of Town and Country Park. He added that those bathrooms are a little newer and to his understanding they are ADA compliant as well as the snack bar that was built by Lions. He asked if that has been considered as maybe a place where the Challengers team...

Mr. Barsotti responded that they are more than welcome, they are happy to move them to any facility that is convenient for them.

Council Member Rigby stated so there is a facility that can support this Challenger.

Mr. Barsotti responded if they want to play on a softball field.

Council Member Rigby noted so that is the difference, that is a softball field.

Mr. Barsotti stated they are little league and that is softball. He added that Millview, where they play 50/70, that is a softball field and they are using it as a baseball field.

Council Member Rigby stated he sees what Mr. Barsotti is saying, all dirt infield. He thanked Mr. Barsotti for clearing that up.

Mr. Porter commented that there were several games for Challenger played in Madera last year not just one. He stated that as far as the restrooms at the softball complex, when he was walking through the complex the other day with Tanya Moore, a ADA attorney out of San Jose, all of the accessible restrooms at the softball complex were locked. He noted that she took a look at the snack bar which is supposed to be in compliance and there is no handicapped seating. There are no tables there that are accessible to a wheelchair. There is a slope into the snack bar which makes it out of compliance according to her, stating she is an expert and he is not. He noted that they have some issues out there that need to be taken care of. He added that as far as moving anyone anywhere they have a nice field at the corner of Howard and Schnoor that would fit a 50/70 field easily, Field #5. He commented that it wouldn't take any moving of trees, killing 50 year old trees. It wouldn't take anything to do to set that up other than put a

removable fence out there for the homeruns to go over. He commented that if anyone read what he wrote on Big Valley News the other day, this is an issue of wants and needs. He stated that the little league wants to put all of their stuff on Field #1 so that they don't have to move equipment to set up the fields. He noted that it is not a bad want but the handicapped have needs and those needs need to be addressed and not put in a book that was made in 2009 and six years later nothing has been done to correct those needs. He restated that book is six years old and it is already out of compliance. He has driven around this town looking for a legal handicapped parking stall at any City complex. There is only one and that is at the City Police Department. He restated that they are out of compliance with ADA. They have to spend some money and get back in it. He suggested they find a block grant; get somebody to step forward. He doesn't know.

Mayor Pro Tem Oliver stated he thinks they could go back and forth all night and hear points that he thinks are valid on all sides. He really doesn't want to miss the overarching point that he thinks they all share the same mission that they want to expand these opportunities for young boys and girls no matter that ability or mobility or level of play and he thinks this presents an opportunity to channel this into a positive direction to maybe leverage some of their time and resources. He suggested perhaps that they allow staff an opportunity to quantify some of the items that have been outlined in proposal or this presentation so that they have a better idea as far as both in terms of cost and City staff time. Also use this as an opportunity to discuss the formation of perhaps an ad hoc committee including a representative or a parent of Challenger League, of National League, perhaps a member of their ADA Advisory Board to be at the table to work with both Parks and National Little League to see how they can kind of collaborate this effort and channel this energy and leverage their time and resource.

Mayor Poythress stated if there are no other questions, he thinks they are looking for direction in terms of hearing something back from staff.

Mr. Tooley stated he has heard comments from a number of Council Members. They have all been taking notes. He thinks what they do is they try to encompass all of the Council's thoughts into something that they bring back to Council. Again, they can pick and choose; they are in a position to make an informed decision.

Mayor Poythress asked the City Attorney if he hears consensus amongst the Council or should there be a vote.

Mr. Richardson responded that as long as the direction is consistent with everybody on the Council, unless somebody has another issue that needs to be addressed, then that is fine.

Mayor Poythress stated he thinks they are good.

Council Member Medellin reentered the Council Chambers.

E. ADMINISTRATIVE REPORTS

E-1 Presentation of the Mid-Year Operational Budget Report and Resolution Authorizing and Approving Amendments to the City of Madera Fiscal Year 2014/2015 Budget

Director of Financial Services Tim Przybyla stated this evening they are presenting the mid-year operational budget. They have analyzed their position with staff. He noted that at mid-year being December 31st they would expect that they would be about 50% because that is half way through their fiscal year. They will see in the report that they were at 50.7% on their revenues and 42.3% on their expenditures which means that they are doing well on target with their revenues and on their expenditures they are a little bit low. They found that most of those are maintenance and operation costs that they are behind on. For the most part their salaries and benefits are pretty much on track for the General Fund. They talked with each of the departments, asked them about any variances about which they had questions and they had good explanations for all of them. They expect that they will finish off

fiscal year 14/15 within their expenditure budgets and they are hoping that they will actually be able to come close to balancing the budget rather than having the \$970,000 deficit that was projected in the budget. They are hopeful to see that happen through hopefully a little more revenues than anticipated and holding back on the expenditures as the departments have done so well so far through the fiscal year.

Mr. Przybyla stated the Enterprise Fund Operational Budgets were at 49.1% at mid-year on revenues and the expenditures were at 40.3% very similar to the situation they were at with the General Fund. They are just a little bit behind on revenues but they anticipate they will come close to budget on the operational budgets for the Enterprise Funds as well.

Mr. Przybyla stated those are their main budgets of concern, the General Fund, and their Enterprise Funds. Basically they use this as a kicking off point for them to begin their budget preparations for the next fiscal year. After they have looked at the mid-year to see where they are at, and they have a good picture of that now, then they closely monitor how they are doing throughout the rest of this fiscal year to anticipate what their expenditures will actually be for the year compared to budget. He stated that helps them also project next year's budget needs. He advised they are right in the middle of that right now working on their budgets. He added that at the next City Council meeting they plan on presenting the Capital Projects budgets followed by the Enterprise Fund budgets, then the General Fund budgets, and then other budgets, in that order.

Mr. Przybyla commented that the Wendy Silva, Director of Human Resources, brought up an interesting topic during her discussion regarding competing priorities. He noted that they do have a lot of decisions to make as they begin their operations for the 15/16 budget and in the section entitled looking forward there are several points for Council to consider. He commented that some of the concerns that they have are things that they will need to consider and weigh out and balance as they prepare the 15/16 budget. He noted that as mentioned there, they need at some point to rebuild their City's service delivery plan. There have been cutbacks in key positions for Police since the 2007 recession began. There was a 33% cut back on full time staffing in Parks and Recreation. They also have a need for a third fire station and they need to figure out where that falls in their priorities. They have to try to project what the pension costs and healthcare costs are going to be and of course those were way up last year for both CalPERS and healthcare costs. They have collective bargaining coming up and they have a study that they are right in the middle of now that will determine if they need to adjust their salaries with the City or not and there will be negotiations related to that salary survey. He noted that they don't know what the effect of the ongoing drought is going to be at this point. They are all hoping and praying for rain but they haven't seen enough of that yet. They have a long term tax sharing agreement coming up with the County and involved in that will no doubt be the annexation of Parksdale and Parkwood and that will come at a minimum cost to the City of \$500,000. They are hopeful that they will generate some revenues from a new truck stop that is proposed and being worked on at this point. They are anticipating that there will be increases to water and waste water rates coming up and those are greatly needed. They are not sure what the impacts of the landscape maintenance district decisions will be. They went through that process last year and it didn't bode well for them so they have decisions to make. Will the General Fund have to make up the shortfall in the landscape maintenance districts? He commented that the only thing he hasn't mentioned yet is the adequacy of the General Fund reserves. He is not trying to sound pessimistic but all these things, he actually has a positive outlook for the upcoming budget and he thinks staff is doing well with the dollars that they have even though they cut back, as mentioned, greatly on staffing. He noted that the City has continued to provide an excellent level of service to the residents.

Mr. Przybyla stated that also as part of this report they identified three budget amendments that they would like to include and have approved by Council this evening. Two of those are for additional grants related to HOME grants, down payment assistance and manufactured housing. He advised that the other one would be a \$420,000 appropriation of the Economic Development Fund dollars for the improvements related to the new transit, maintenance and administration facility.

Mr. Przybyla commented that it did kind of sound like he was bringing up a lot of concerns but just things that they need to consider as they go into the budget preparations. They will need direction from Council

as far as which way they want staff to go and what are their priorities. Mr. Przybyla advised that concludes his presentation and stated he would be happy to answer any questions.

Mayor Poythress asked if there are any questions for Mr. Przybyla noting that they are only talking about tens of millions of dollars here.

Council Member Rigby stated he would just like to echo what was already said but kudos to their staff for working under the budget that they have had. He noted that they do a phenomenal job and he is everyday impressed with the type of work that they put out and those that are working under them put out with the budget that has been provided so great job.

Mayor Poythress announced that he would take a motion for action.

COUNCIL MEMBER RIGBY MADE A MOTION TO APPROVE THE MID-YEAR OPERATIONAL BUDGET. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND RES. NO. 15-50 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER BOMPRESZI.

RES. NO. 15-50 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2014/2015 BUDGET

E-2 Report and Request for Direction on Possible Changes to the Method of Managing and Funding Landscape Maintenance Districts

City Administrator David Tooley stated he would begin the conversation and then he will hand off to Mr. Helmuth. He noted that the staff name for landscape maintenance districts has become the gift that keeps on giving. He advised that the state has provided them an enormously clumsy and inefficient financial tool and what that translates into is complexity. They could provide the Council this evening an infinite number of alternatives for their consideration on how they deal with this. He is going to tell them up front that none of them are good. They have struggled with the issue for a number of years and it is coming to a head now. He advised that they are going to provide the Council three alternatives understanding that there are lots of variations on those alternatives that they might consider. They are going to use those as a base and then that leads to some discussion back and forth between the staff and the Council. They are going to make one defined recommendation on the front end and that defined recommendation is that they, the City, through City forces begin providing the maintenance activity for the landscape zones. He stated there are a couple of reasons for that recommendation and they need to know this is outside of his normal recommendation. In most cases he has found that the private sector provides a better cost per unit. In this case he is going to focus on quality of work product. He commented that the couple of reasons that are in play are number one, they fully anticipate that if they went out to bid for the landscape and maintenance zones, the prices are going to go up rather dramatically this next year and it is going to close the gap between what it would cost the private sector and the City to provide that service. Second of all, they already make a significant investment in this activity of their staff time that is not recovered through this activity so they are already more than half way in. Finally they are better able to achieve quality control and maybe provide a different service delivery plan. He noted that he would explain that by way of an example. He asked that they suppose hypothetically that a landscape maintenance zone generates cost of \$100 per year but it is only generating \$50 of revenue. What happens right now is that their external service provider will only provide service the first 6 months or half of the year and then it dies after that. He commented that the external service provider is not equipped for differing levels of service for different zones. If the City takes it in house they have that capability. He noted that using that same example instead of providing just six months of service and then it stops, they would have the ability to provide a service program based on the available dollars. As an example, they might provide service every other week for 52 weeks as opposed to 6 months and then everything stops. He commented that again this is outside their normal operating practice but in this particular case he thinks quality control should be a primary consideration particularly if they are going to go back and ask people to contribute more money to the program. Mr. Tooley stated he

would yield to Mr. Helmuth who will provide the three examples and then they can begin that interactive discussion with the Council. He asked if that was good by everyone. Council concurred.

City Engineer Keith Helmuth stated he would give a little bit of background on maintenance districts. He advised that right now they have about 80 individual zones within the citywide district. He noted that each zone collects assessments based upon specific characteristics of that zone. They have 24 older zones that do not have escalation clauses. He noted that increases in assessments require Prop 218 for election. He advised that the older zones will have an increase and they will have a Prop 218. He commented that there are provisions to add even a penny to those assessments. In zones where there are escalation clauses, if they go outside the bounds of that escalation clause then there would be a Prop 218 requirement. He advised that last year they had 31 Proposition 218 elections and 23 of those failed. They are moving into this year for the next Engineer's Report which would address the 15/16 fiscal year. They are expecting about 36 Proposition 218 hearings. Given last year, they could see more failures of course.

Mr. Helmuth commented on why they would consider new methods. He noted that with the Proposition 218 elections a failed election results in the possibility of one or two things either the maintenance levels are reduced in accordance with the revenue that they have coming in or the General Fund would be required to subsidize those zones. He commented that additionally the City has limited ability to endorse or sell the successful Proposition 218 elections.

Mr. Helmuth commented on the complexity of cost of management. He stated that is another consideration. There are 80 zones and each of those zones have individual bills, they have individual concerns, they have differing levels of landscape. When they throw that all together it becomes more difficult to manage 80 individual zones so the complexity is fairly high. Then they throw that all into their Engineer's Report and there are 80 zones where they are trying to work together the cost of maintaining them and putting them into a report. He noted that report usually goes 300 plus pages.

Mr. Helmuth stated there is also owner frustration. Regarding the quality of landscaping, he noted that even before the reductions in the landscaping due to failed Proposition 218's it was noticed that the quality wasn't where everybody wanted it to be. He stated that the failed Proposition 218 elections only served to exacerbate those obvious problems. He added that also, the costs are perceived as being too high in many of the zones.

Mr. Helmuth commented that there are three primary questions that they had when they were preparing the alternatives. Should the City continue to collect assessments or should the General Fund pay for the landscaping? He added that if the assessments continue and there are Proposition 218 hearings, do they reduce the levels of landscaping to those zones or do they allow the General Fund to subsidize them. He advised that for the last question, staff is recommending that they use City staff at this point but the question there was do they use a private landscape contractor or City staff. He restated that staff is recommending the use of internal staff at this point.

Mr. Helmuth referred to the three alternatives. He noted that basically, as far as the three alternatives that they have, the first three all assume contractor maintenance and they vary. For alternative 1, basically starts out at status quo, pretty much what they have been doing right now with the exception that they would allow the reserve amount to climb to the maximum allowable. For alternative 2, they move on to allow Proposition 218 elections and the possibility that the General Fund would fully fund those zones. If the General Fund funds those zones, they have a cost. He advised he would give a summary of those costs shortly. For alternative 3, the assessments stop, the General Fund pays for the entire cost to maintain the zones. Of the three, staff is recommending City staff maintenance. He stated that all three original alternatives stand but again staff is recommending internal maintenance.

Mr. Helmuth commented on the cost to the General Fund. He noted that of the three alternatives that they presented going from alternative 1 to alternative 3, they will notice that the cost increased progressively. Under alternative 1, the zones have the ability to either absorb the cost and increase according to the covenants in place or the maintenance is reduced in accordance with the revenue that

they realize. For alternative 2, they assume, if the Prop 218's fail and this assumes all Prop 218's fail the cost to the City would be those values there. For alternative 3, it is 100% cost to the City.

Mr. Helmuth stated that as they move down row to row, they start out with the existing landscape contractor. They expect that those costs will go up with a new landscape contractor. He advised that conservatively speaking they could go up by about \$30,000 across the board. If the City maintains that, they anticipate there would be an additional cost of about \$35,000 over each of the other alternatives with the existing contractor in place. He stated that they will see in red under alternative 1 it says minimal. He had originally placed \$35,000 in there and that actually remains as minimal. He stated that the zones actually have the ability to absorb those or maintenance would be reduced to match the funding.

Mr. Helmuth noted that in alternative 2, the type of landscape they have in place, they can go to a drought tolerant. At this point they wouldn't be recommending that Council consider that immediately. They do have a pilot project that is going in that is going in right now. He advised that the design is complete. They would anticipate that the landscaping would be installed within the next six to eight months. At that point and time the Council may wish to consider that further.

Mr. Helmuth commented on what happens after a selection of an alternative. Under alternative 1 or 2, staff would move forward with the presentation of an Engineer's Report and submit that to Council for approval. They would also be recommending a public outreach program. He advised that the public outreach program would probably be one consolidated meeting in one forum where they invite the various zones or districts where there is a proposed Prop 218 hearing. They would meet with the City. Staff would provide them answers to any questions that they might have. He advised that if alternative 3 is selected, the maintenance would continue but the assessments and the preparation of the Engineer's Report would be suspended. Mr. Helmuth offered to answer any questions.

Mayor Poythress stated Council will ask Mr. Helmuth questions first then he will open it up to the public.

Council Member Medellin stated that if they decide to go internally, obviously they are short staffed, so are they looking to hire new staff, use existing, what is their plan right now.

Mr. Helmuth responded that Parks Department has reviewed that as far as taking the maintenance internally. They propose two full time staff and several part time staff.

Mr. Tooley stated that one of the things they need to know about this is once you bring it in house their opportunity to go to external service is extremely limited. He noted that the most recent court cases limit in huge degree their ability to outsource service that is currently provided by internal staff. Once they do so, they should understand they are more than pregnant.

Council Member Rigby asked if the numbers they threw out to do it internally include maintenance on lawn mowers, vehicles, etc.

Mr. Helmuth responded that as Parks has defined it, it includes purchasing of all the equipment and it would likely include all that.

Mayor Poythress referred to alternative 2 and noted that if a 218 election failed in a particular zone what would happen then is the General Fund would subsidize those zones where 218 fails. He asked about zones where 218 did not fail.

Mr. Helmuth responded for those where they did not fail, the proposed assessment would take effect.

Mayor Poythress stated so in essence there really is no incentive for, in this particular scenario, for a zone to pass a 218.

Mr. Helmuth agreed there would be no incentive.

Council Member Rigby asked why 218 had failed. He noted that is a tremendous fail; 31 Prop 218 elections and 23 failed. He asked if there is any idea on why that may have been.

Mr. Helmuth responded he thinks, they have theories and he is sure several of the audience members may have some thoughts on that, but one of the reasons that they possibly failed is that they cannot sell the Prop 218's. All they can really do is give the straight facts such as it is increasing by this amount. He added that one of the things that they do put on there, they try to be factual, is if there is a failure the potential for maintenance to be reduced does exist and obviously reduced maintenance can play into property values and the like. He commented that is not selling; that was just the facts from what they have seen from other communities.

Mr. Tooley stated there are a number of complaints with regard to quality of service so people were not going to vote for something they didn't feel they were getting a fair return on their dollar. The second more complex issue is when they went out for bids last time around, the overall cost of the private contractor went down but the relative cost between different zones changed. He noted that he is just pulling up phony numbers to make a comparison but a zone that was paying where my assessment was \$10 a year suddenly went up to \$320, that is just the way the market responded but people are naturally going to say my goodness why should my cost go up from \$10 to \$320 in a year. He commented that there are any number of issues, again going back to that sense of a clumsy ineffective program, that is what the landscape maintenance legislation provides them.

Mayor Poythress stated that in this particular case the City can't campaign for the passing of a 218 but how about Council Members. Can they promote the passage of this?

Mr. Tooley commented that he would ask the City Attorney to confirm his understanding. Professional staff, paid staff cannot do so. He does not believe there is a limitation on City Council Members.

City Attorney Brent Richardson responded he doesn't believe there is a limitation on City Councilmen. He can confirm that but he would agree with Mr. Tooley's assessment.

Mayor Pro Tem Oliver noted that Mr. Helmuth is a practitioner in this area and asked if he has gathered any observations as far as others in his professional community, how they have addressed this issue. He knows they are challenged. Many municipalities are challenged with Prop 218 and certainly as far as challenges regarding their water infrastructure and obviously with the economy and short staff. He noted they all share those similarities and asked if he has made any observations there as far as how other cities are addressing this issue.

Mr. Helmuth responded that about a year ago when they moved into the Prop 218's, they did attempt to review several other cities. He commented that in some of them it appeared as though they tried to sell it but he couldn't tell them that for a fact. He added that some of them may have just been solid outreach. For instance, he thinks it was the City of Rancho Cucamonga. They had a fairly serious outreach program. They were doing multiple meetings from what he could tell but he also recalls that they only had a few zones. For the City to do that kind of outreach with 80 zones would be very difficult to say the least. He stated that the communities that they have pulled up the research on, for instance the example they used, it is very cut and dry and straight to the point, just the facts. He thinks it varies. In some cases they go out and do the outreach, perhaps it is just a series of meetings that they provide to give the opportunity and they get there. He noted this is why they are proposing an outreach program to try and bring people in.

Mayor Poythress asked if there are any other questions. No other questions were asked and Mayor Poythress commented that he believes they have a number of citizens, residents who would like to make a comment and invited them to come up to the podium.

Mike Pistorosi gave his business address as 2001 Howard Road in Madera. He stated he and the Mayor were having a conversation today about this very issue. Mr. Pistorosi commented that the City of Fresno has been changing the way they handle landscaping. In the past, when a developer did a project, they

were required to provide the landscaping, dedicate it to the City, and then it would be turned over and taken over by maintenance district. However, he has noticed that in the City of Fresno now they have been changing to concrete and drought tolerant landscaping. Mr. Pistoresi stated they, the City, can no longer afford, with their water situation, to continue flooding these lawns and utilizing the amount of water that they are using to maintain green areas. He knows all of them have driven down Sunset Avenue and have observed the Jehovah's Witness, the drought tolerant landscaping that they have installed out there. It is very attractive, still contains tree elements, bush elements. It is on drip irrigation so it uses substantially less water and requires a heck of a lot less maintenance and periodically they go in and spray the weeds and that is a substantially less cost than mowing the lawn every week or every two weeks whatever it might be. He commented to the Council that they might want to consider changing their landscaping standards. He noted that they are going to have to face the reality, they don't have the water and they probably never will have the water again, within their lifetimes. So if they start moving now towards drought tolerant landscaping, including in those areas that currently have lawn, by removing the lawn, leaving the trees and the bushes, and changing irrigation systems to drip irrigation. He commented that in the long run they probably won't have to have much of an increase in their 218 costs and the maintenance will be substantially less.

Mike Phelps, residing in Madera, California, stated he lives right down the street from some of them. He stated that he hardly agrees changing some of those little skinny ones to areas of bark or cement, or stamp cement, or something. It would be attractive and far less maintenance but that is not what he came here to say. He just thought it was a great idea. Mr. Phelps stated he just wants to plead with the City to not drop their property values and let everything die. He noted that the water is turned off, things are already dying, and they are going to incur a big pile of costs to get it back up to what it should be. He asked that they please don't let it die. Just so they know where he is coming from, he voted yes. He had the highest increase of any zone; he voted yes because it is worth it, green spaces. He is willing to pay for what he is looking at and enjoying but a lot of people didn't and somebody mentioned oh what are their reasons. He can tell them. He has talked to a lot of his neighbors. He thanked Ms. Seay, Mr. Scarborough, and Mr. Helmuth. They have been available. He has talked to them. He has had some meetings and they have been very accessible and he appreciates that. He has talked to some neighbors and they said, what \$308 month. They are not reading their paperwork. They just don't spend any time looking at it so multiple letters have to be published or something, he doesn't know, more conversations take place. Another neighbor said, well somebody is building an empire over here. He noted that a lot of people are coming from a lot of different angles. They just want it to look nice. He is sure their Vision 2025 brochure doesn't want to include those over one foot high weeds on Westberry. He commented it is looking pretty bad. He has done some work over there and it is just a lot to take care of. He asked please don't let it die. He noted that kind of punishes those of them who have homes in those areas where it was voted no. They want it to look good. They are willing to pitch in and do what they need to do to help, that kind of thing. He added that the other thing was when and if the vote takes place or whatever, or whatever alternative they are going to choose, be open, transparent, up front about everything. The budget, the cost, the staff reductions. Everything, why it is increased, what the bids are, everything, whatever one they choose. He asked that they just be open and up front about the whole thing. He is not saying anybody hasn't been. He is just saying when they do it. They talked about the last one and that was the first time. He asked that they do a little better job on this one. He suggested they get people involved, have the meetings, whatever it takes to let people know and then make sure that the whole City is being treated equally. They can go around and see some areas that look like they are being taken care of. He is not talking about the two that passed. Those passed and they deserve to have it look good because they did pass it. Mayor Poythress said thank you and Mr. Phelps said the Mayor lives in one of them. Mr. Phelps stated they want their areas to look good, treat every area the same. If they didn't pass then treat it the same but asked that they get the water on and do something. Some of it is already starting to die. If they drive past there it really looks bad and they don't want people coming to their City seeing this. If they want people to come to their City, they want them to see it looks good and including some of those changes he thinks would be great. He thinks some of those would be good ideas.

Mayor Poythress stated he wanted to point out that Mr. Phelps is not a guy that sits there and complains. He does something about it. He has been spending a lot of time with his own lawnmower and tools taking care of some of those areas and thanked him.

Mary Diebert, residing in Madera, California, stated she echoes a lot of Mr. Phelps's comments. Their husbands and neighbors have been out moving the medians and the water is off. It looks terrible. It is dead so whatever little amount is getting paid it not going towards any lawn care or maintenance at this point. Like Mr. Phelps said, whatever alternative they go with, she thinks they can also look at that certain times of the year they don't need the same level of service. Sometimes the lawn is not growing, the medians are barely growing so she thinks they can look at certain times of the year cutting back to once a month or every two weeks instead of every week having somebody out there whether it is staff or a private lawn care. She asked that they turn the water on if they could at least do that. Their guys are out mowing. They are raking up leaves. They are borrowing green trash cans to put stuff in. They live down where this big beautiful green belt is. Some of the kids get to go down there and use it and some don't. They just have a small median but she thinks educating, that is the biggest piece of why it did go down. She thinks it is a letter went out. Not everybody read. Why the big jump, like Mr. Tooley mentioned, \$10 to \$300 a year; not \$300 a month but what is included with that and letting all the neighbors know. Some people, it is all getting thrown in the garbage. No one knows what it is for. What areas they cover. Are we down Westberry are we not? Do we go to State Street? It is her understanding so letting the folks know that if they don't want their neighborhood to look nice, and she knows they want their neighborhood to look nice, then rezone it, do something else. Figure something out with their direct areas and they will pay what they need to, to make it happen but just take different suggestions into consideration and they can help educate staff and they have been great. They are always accessible and they love Parks staff. She talks to Mr. Scarborough primarily and God Bless him. He is listening to all of them talking about it.

Mayor Poythress asked if anyone else would like to make a comment. No other comments were made.

Mayor Poythress brought the discussion back to Council for comments/directions/ideas.

Council Member Medellin stated he likes the fact that they can use their City staff to maintain the quality of service which is what he thinks it boils down to from the Police Department to their garbage pick up to their maintenance districts. What do I get for my buck? Whether he is paying \$10 or \$300 and he looks outside and it is yellow and he has to try and knock on everybody's door and convince them you know please pay the money because that is what it takes to maintain these. He personally has had poor quality and he has had people comment on, my lawn is mowed but the grass is all over, or the quality of what they do. He knows with their own City staff they can certainly fix that and have their own quality control. They are already in the process of starting drought tolerant maintenance. He stated it is a great idea. They have talked about. He commented that the new Les Schwab's landscaping is all drought tolerant. They are leaning that way and very soon they will have no choice so he thinks they are ahead of the curb. They have big plans to change over to drought tolerant which again is certainly a necessity and it looks great if they do it right. These are just some thoughts that he had. He doesn't think their General Fund can take a hit and for those that do not vote for it and they are going to subsidize does not make sense to him whatsoever because he will be the first one to vote no if that is going to be the case and he thinks everybody else will as well.

Council Member Medellin stated he would like to see some numbers. He knows they had talked about using existing staff and some part time staff but...

Mr. Tooley responded that they would add two full time staff. They would then add a number of part time or seasonal staff. He stated that obviously there would be a ramp up time involved in order to achieve that. They would have to acquire equipment as well and put together a service delivery plan but he thinks the cost number that has been provided from Parks, he is looking at Ms. Seay because she is going to hold him responsible and he is going to hold her responsible, and if it doesn't go well, Mr. Scarborough is having a real bad day, but they think those numbers are something that they can go with.

Council Member Medellin clarified that he didn't mean existing staff. He had already asked Mr. Helmuth earlier about hiring and he knew they were going to hire some people so he is sorry for saying that.

Mayor Poythress asked if there are any other comments. No other comments were made.

Mayor Poythress stated he agrees with Council Member Medellin. To him it is obvious that they need to go with alternative 1 and get things going. He added that, as Mr. Phelps mentioned, the water is off. There are plants that are dying as it gets warmer and it is going to cost a lot of money to replace those plants. He commented that it is almost like they may look ugly but they even look worse dead so that is probably something to consider as they move forward. Mayor Poythress asked Mr. Tooley when he thinks there would be another vote or when would staff recommend that another vote take place for 218 assessments.

Mr. Tooley asked Mr. Helmuth what the critical timeline is assuming that they were going through it this year.

Mr. Helmuth stated, to make it to the County, they have to be in there by August but their goals are to get the budgets taken care of so that they can slide into their annual budget for the City. They will be pulling it together as quickly as they possibly can. If it is not within two weeks it will be within about four. Their goal will be quickly because what they also have to do is figure on a 45 day notice for the Prop 218 hearing.

Mayor Poythress stated he would like to present a challenge to his colleagues. They have already heard that staff cannot go out and politic or promote. They can provide information. They can provide workshops but it is incumbent on the six of them, and Council Member Bompreszi when she is back, to make the effort. They need to go out to each of their neighborhoods, set up town halls, set up neighborhood meetings any place that has a landscape zone and lead the charge. They have to do it. It is the people right here on the podium. That is what they are elected to do. He would like to not only challenge them but also challenge staff to give them the tools that they need to do that. He sees Mr. Taubert in the back and he has the thing going on with the neighborhoods so he would like to see the call go out to Jose and Christina that that is going to be one of the main topics that they are going to discuss especially when they are in those landscape zones and also to set up more meetings in those areas that have landscape zones. They want to go all out. They are not going to get this fail this time. It is going to be a way different campaign than was done last time and it is not going to fail because they are not going to have this issue come up again in this manner.

Mr. Tooley stated that he knows the Council has not voted to provide direction but he wants to see if he can put his head around where he thinks they are going. He commented that there is an interest in seeing the staff provide the service prospectively. They can talk about when that takes place because there are some options there. They want to go out for another round of Prop 218 votes in affected zones. There is an expectation that staff will put together an information piece and they will vet that through the City Attorney to make sure that they don't fall through one of those trap doors. He added that staff will be a resource to the Council in providing objective information but the Council will be the sales force on this for lack of a better phrase.

Mayor Poythress commented that none of them had to campaign for anything so this would be a great way to get out there and do something.

Mr. Tooley stated he has a couple of other thoughts but he wanted to see if that is where they are as a group right now. Council concurred.

Council Member Holley asked if they can get a copy of something that is in their districts that has landscape maintenance so when they start selling this they can go to those certain districts. He knows there are not a whole bunch in District 6. He can only think of two or three but something that he can work at.

Mr. Tooley responded that they can give the Council a breakdown on a zone by zone basis so they know what is in play and again staff will be available to the Council as a resource to the degree they can, they will take a very complex subject and put it down into bite size pieces so that just like the Council, people in the neighborhoods can make informed decisions. He noted that is what engagement is all about.

Mayor Poythress commented that if staff can make it easy enough for the Council to understand then the normal person can understand.

Mr. Tooley commented that staff is still getting Mr. Helmuth to explain it to them in terms they understand. He thinks the other piece of the conversation, and again he wants to look on the distant horizon, clearly they are going to have to change their standard and that includes not just new development but it is going to be the existing zones as well. He mentioned that there is going to be a capital cost to taking out turf and replanting with something different so one of the things that is incumbent on them as staff to do, and it is another impact of time and he can't promise them when they are going to get it, but he thinks if he was in the Council's seat he would want to evaluate this on a return on cost kind of evaluation. If he has to spend \$50,000 for an area that looks like..., how long does it take me to get my money back based on maintenance and water costs. He stated that again, more objective information. That is going to take some time but he thinks going to Mr. Pistoressi's presentation, that has got to be part of their conversation.

Council concurred.

Mayor Pro Tem Oliver stated he thinks that is going to be a conversation that is going to be more easily accepted especially at the door when they are out there informing and educating folks. He thinks the comments that were shared about those new ideas looking forward are in perfect timing although they are kind of in the infancy of those ideas he thinks. In a few short years it is going to command a conversation. He thinks that water is very much in the form of a new currency. He thinks there will be a couple of year's time where they are not only going to look at projects as far as in terms of money, but as far as in terms of water. He is really appreciative that they are stepping foot and being proactive. He stated that he knows that Mayor Poythress challenged them, about a month back, about getting more engaged in the neighborhoods and he would like to use this as a marker of measurement on their performance there.

Mayor Poythress commented that direction is given, direction received.

Mr. Tooley stated he wanted to take a quick moment to get that eye contact with his staff and asked if they are missing any pieces of the puzzle in terms of direction from Council. Mr. Tooley stated they are good to go.

E-3 Consideration of a Request from the City's Solid Waste Franchise Hauler to Change the Annual Residential Curbside Clean-Up Program to a Semi-Annual Drop-Off Based Program

Mayor Poythress announced that E-3 has been pulled.

F. COUNCIL REPORTS

F-1 Request for Appointment of an Alternate to the San Joaquin Valley Air Pollution Control District Special City Selection Committee

City Clerk Sonia Alvarez advised that there is an upcoming meeting of the Air District's Special City Selection Commission on March 31st. Ms. Alvarez advised that Council Member Bomprezzi is the primary appointment but she is not available that evening. She noted that Council Member Bomprezzi asked that they agendize to appoint an alternate who would be available that evening and in the future for any other meetings that she is not available for but generally she usually is available.

Council Member Robinson volunteered to serve as the alternate.

Ms. Alvarez requested that the Council approve by motion.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER RIGBY, COUNCIL MEMBER ROBINSON WAS APPOINTED UNANIMOUSLY TO SERVE AS THE ALTERNATE. ABSENT: COUNCIL MEMBER BOMPRESZI.

Other Council Reports

Council Member Robinson reported that he attended the League of California Cities Executive meeting and they are putting on a golf tournament. It will be at the Dinuba Golf Course on May 29th. There will be a dinner and they will meet some great people.

Council Member Holley reported that next Saturday, the 28th of March, they will hold the McNally Park Jesse Owens Games Kick Off. For the last three or four years he has been honoring former Mayor Sam Armentrout. To add to that, most of them have been aware that this will be the last game that the McNally Park Jesse Owens Games will be hosting. While he has this opportunity he would like to thank all those who have really supported the games, also supporting him in the magnitude they have. A lot of folks ask him who will take over. He is going to answer that question for them so they won't ask it again. Nobody. He commented to make it plain and simple they can start their own project and he would be glad to talk to them about it but his challenge is that he needs to back away. He needs to just give it up. He thinks 28 years have really been good years, good challenge, good support to the kids but there are a lot of technical issues coming through down the pipes and he thinks he saw the light a couple of years ago so he decided to himself he better give it this last shot. If anyone wants to know, that is the reason.

G. CLOSED SESSION

There are no items for this section.

ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 8:47 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

