



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

**June 3, 2015
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 6/03/15 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 Sally J. Bompreszi
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.

Absent: Council Member Andrew J. Medellin

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, Commander Dino Lawson, 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, and Planning Manager Chris Boyle.

INVOCATION: Pastor Randy Brannon, Grace Community Church

Pastor John Pursell of the Believers Church gave the invocation in place of Pastor Brannon who was unable to attend.

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.

John Anderson, Representative for Senator Anthony Cannella, stated that with redistricting last year, part of that time, the Senator had just a sliver of the City of Madera but they changed District 12 and he now has all of the flat lands in Madera County, straight down Highway 99 and everything west of it in Fresno County. Mr. Anderson advised that he is his representative for that area. Mr. Anderson offered, if the

Council or anyone needs anything from Senator Cannella, the City Clerk has his contact information. He added that he is here from the government and he is here to help.

Mike Fuller, residing in Madera, California, stated he lives right across from the new Madera County Courthouse. He commented that, as he has explained to the board members of the Elks Lodge and to the County Board of Supervisors yesterday, they have had a significant increase in the amount of undesirables in the neighborhood, for lack of a better word. They have had a lot more activity of that kind and based on what he has learned from the City Police Department it seems likely due to Prop 47 which was recently passed and it lowered low level felonies to misdemeanors and to relieve overcrowding in the jail so they have kicked a lot of those people out and they seem to be congregating at Courthouse Park. He stated that the Council has a lot on its plate as far as priorities go and this may be relatively low but his concern recently is that it has got quite a bit worse. For example, he noted that it used to be maybe once a year some of them would defecate in the alley behind his house. He commented that it is not every day but it is every week. He added that every night people sleep in the stairwells at the Elks Lodge. He noted that there is a lot of commercial property and there are people there during the day but that is not even the case with the Elks Lodge often, there is nobody there at night. He stated that it is a bit of a challenge and he knows the police are citing people for camping but that is a bit of challenge for them too.

Mr. Fuller added that, noting that this is a little unrelated to the undesirables, but recently the new Madera County Courthouse was used as the newest skateboard park here in Madera. He advised that there was a group of 8 or 10 young men that were quite bold. He commented that it was at night but they were loud and made themselves right at home. He has been in contact with Kim Davis from the Administrative Office of the Courts about that but his concern is that kind of activity is going to go on as well.

Mr. Fuller stated he has one last example. If they look at the existing County Courthouse, it is a pretty defensible space. It is easy to protect but the new courthouse not so much. He knows it is the County's jurisdiction but he is also talking to the Council because the police patrol that neighborhood. He commented that he is looking for low lying fruit, things they can do, eyes and ears, to improve the neighborhood especially since the County has bought up some other properties between G Street and H, south of 7th Street, so there is going to be quite a bit of construction going on there. Two, when the City bought the properties in that area in anticipation of construction of the courthouse, and the properties were empty, it didn't take long for a lot of problems to occur. He added that at the one public meeting that they had, in anticipation of the construction for the courthouse, for the neighborhood, he asked the people involved what they were going to do for security and he got blank stares and not much of an answer. He noted that within a few months they got robbed in a big way. He is not sure of the details but thousands of dollars of computer equipment. He doesn't know about blueprints for the courthouse or what but he is clearly making his point that there are pretty significant challenges in the neighborhood which have increased of late. He is hoping, it is going to get a little better but, it could get even worse. He brought it to Commander Frazier's (*Chief*) attention during the break at the last meeting. He wasn't very encouraging because they have challenges with other things to do and at the risk of getting him in trouble with Council Member Bompreszi, but he said of course if you are going to give them free breakfast every morning, it is going to draw them to downtown and he added there are other services that are provided to that population of people downtown which he thinks are very worthwhile to provide because they serve more than that small population he is calling undesirable people. Mr. Fuller stated it is a challenge and the last thing he will say is when he has friends and family come visit they are very aware of the conditions of his neighborhood. If they look at the City of Madera from City Hall to the new Madera County Courthouse, it is nice. He stated it is really one of the nicest parts of town but they don't necessarily have the nicest population of people in the area so he looks forward to working with the City and the County and his neighbors to see if they can at least prevent the situation from continuing to deteriorate in his neighborhood. He stated his appreciation for their time.

Mayor Pro Tem Oliver asked if they could share Mr. Fuller's contact information with Jim Taubert and maybe he can follow up and talk about neighborhood watch and ways to get involved there.

Mr. Fuller stated that would be great. He knows there is a staff person at the County that is going to be in contact with him soon that the CEO gave them his contact information. He would welcome that because

again they are looking for low lying fruit so they can work together in such a way to make things better so he would appreciate that very much.

Lawrence Fernandez with Madera Unified School District stated he works there as their Gang Specialist and also for the last six months he has been asked to oversee the Security Department. He doesn't know that this is a comment but he wanted to address the City Council and maybe with a proposal. He knows they can't speak about it but he will just suggest the proposal. He advised that approximately four years ago Madera Unified was able to purchase two patrol units that were rotated out of the Police Department. He noted that those cars are on their last leg if you would. He understands that there are two, approximately three more that are going to be rotated out. He understands that it goes for the bidding process and the information that they received was that they go anywhere from \$1,200 to \$1,600 at bidding process. What they would like to do to obtain those cars and maybe meet them half way and just go \$1,400 and purchase both of those so that they don't have to go through the bidding process and going out to the auction. They feel that this would be a great benefit to the City of Madera as well as maybe taking patrol off the units when they have kids ditching. He noted that the cars would go back to the community and serve the community in regards to maybe them being at McNally Park. They could go over there and pick those kids up and bring them back. He knows they can't vote on it but he just wanted to throw a proposal out there so that those cars, before they go to auction, maybe they can work with them and they can purchase both those units and maybe units that are going to be rotated out in the future.

Mayor Poythress asked who Mr. Fernandez would contact for further discussion.

City Administrator David Tooley responded that they will have their Purchasing Agent contact them directly.

Mayor Poythress asked if there are any members of the public who would like to make a comment. No other requests were made and Mayor Poythress closed public comment.

PRESENTATIONS PG&E Sponsorship Check for Movies in the Park and Cooling Centers

Mayor Poythress invited Ann Kloose and Mary Diebert from PG&E to join him at the podium.

Ann Kloose thanked the Council for having them and added that joining them is Jodi Velasquez from their San Francisco office. Ms. Kloose advised that Ms. Velasquez is in charge of the cooling centers and she is here to talk about that program.

Mary Diebert introduced Chelsea Fabrizio who is her new teammate here in town and she will be working with all of the City and County of Madera small/medium business customers. Ms. Diebert stated she is glad to have her onboard with their team and hopefully she will be working with some of the City Council on their constituents.

Ms. Kloose commented that she would like to say how pleased they are to be here for a third year in a row supporting Movies in the Park. Today they are also here to present a check for the Cooling Center Grant for \$8,000. They are sponsoring Movies in the Park for \$5,000 again. Ms. Kloose presented the check for \$13,000 to Mayor Poythress. She added that she always challenges the Mayor to be able to put that in his ATM. They will see if he can pull that off. Ms. Kloose stated she would like to have Ms. Velasquez talk a little bit about the Cooling Center Grant and something else that they have planned as well that is in combination with the Summer Program support to cover both programs.

Jodi Velasquez thanked the Council for having them here today. She just wanted to let them know that she is in charge of all the cooling centers in the whole service area of PG&E. They have about 15 different cooling center cities that they work with. What she would like to do with the City of Madera and the Movies in the Park is to hold a low income program of which she is also in charge for PG&E. They want to join the two together so they can reach out to more people in the City of Madera and offer their programs. They have 19 low income programs to help. Ms. Velasquez added that they are very excited to give the \$8,000. With that they hope to give the City a toolkit that will be a tablecloth and all of the applications and brochures

so that they can display their information at the cooling centers. She advised that she will come down and check on the cooling centers once in a while to see how they are doing and make sure they are all a success.

Mayor Poythress asked what movies they will be showing.

Ms. Velasquez advised that the City will pick them.

Mayor Poythress thanked them for the generous donations. He commented that it is going to help their community in so many ways and they surely appreciate it.

Late Distribution Announcement

City Clerk Sonia Alvarez announced that pursuant to Government Code Section 54957 members of the public are advised that documents related to the following items were distributed to the Council less than 72 hours before this meeting. Under Section B, Consent Calendar, Item B-8, subject matter a resolution approving a subordination request, the Subordination Agreement was distributed to the Council this evening. Regarding Item B-13, subject matter agreement with Fresno Networks, a revised agreement 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

There are no items for this section.

B. CONSENT CALENDAR

B-1 Minutes – 3/24/15

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Approving a Food Service Agreement with Madera Unified School District to Provide Meals to Eligible Youth During the Summer Food Service Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

B-4 Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District (MUSD) for Partial Administration of the District's Fiscal Year 2015-16 After School Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

B-5 Consideration of a Resolution Approving an Agreement Between Connie and Robert Gowin Jr and the City of Madera for Reimbursement Through the Sidewalk Repair Cost Assistance Program (Report by Dave Randall)

B-6 Consideration of a Resolution Approving an Agreement for Services with the Madera County Economic Development Commission to Administer a Small Business Revolving Loan Program from July 1, 2015 to June 30, 2020 (Report by Daniel Abdella)

B-7 Consideration of a Resolution Approving the Award of Contract for Surface Seals at Various Streets City Project No. ST 14-08 in the Amount of \$384,267.65 to Telfer Highway Technologies, Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 10% as Approved by the City Engineer, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Keith Helmuth)

- B-8 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Request for Eustorgio and Flaviana Ramirez for a CalHome and Home First Time Home Buyer Loan and Authorizing the City Administrator to Sign on Behalf of the City of Madera (Report by Daniel Abdella)
- B-9 Consideration of a Resolution Approving Applications for Transportation Development Act-Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2015/16 and Authorizing the City Engineer to Execute and Submit the Applications to the Madera County Transportation Commission (Report by Keith B. Helmuth)
- B-10 Consideration of Resolutions Adopting 2015/2016 Community Development Block Grant Agreements for Services as follows: (Report by Daniel Abdella)
- A. The Community Action Partnership of Madera County to Coordinate with the Fresno/Madera Continuum of Care
 - B. The Madera County Workforce Investment Corporation to Provide Scholarships for Adults Learning and Training
 - C. The City of Madera Parks and Community Services Department to Provide Nutrition, Fitness, Recreation and Education Services to Seniors
 - D. The Madera Coalition for Community Justice to Coordinate the Resilient Madera Program
 - E. The City of Madera Public Works Department to Provide Graffiti Removal Services
 - F. The City of Madera Parks and Community Services Department for Americans with Disabilities Act Improvements at Community Centers
- B-11 Consideration of a Resolution Authorizing the Submission of Applications to the Edward Byrne Memorial Justice Assistance Grant Program FY 2015 Local Solicitation (Report by Daniel Abdella)
- B-12 Consideration of a Resolution Approving Amendment No. 1 to Local Agency-State Agreement No. BTA1011-06-MAD-01 for Bicycle Transportation Account Funding for the Fresno River Trail Under Gateway Drive and UPRR and Authorizing the Mayor to Execute the Amendment on Behalf of the City (Report by Keith Helmuth)
- B-13 Consideration of a Resolution Approving an Agreement with Fresno Networks, LLC for Consulting and Technology Services to Assist the City of Madera Information Services Department with Projects and Workload, and Authorizing the Mayor to Execute the Agreement (Report by Ted Uyesaka)
- B-14 Consideration of a Resolution Approving an Amendment and Extension to the Community Development Block Grant Agreement for Services for Sewer Facility Improvements and Authorizing the Mayor Pro Tem to Sign the Amendment/Extension (Report by Daniel Abdella)
- B-15 Consideration of a Resolution Approving an Administrative Policy on Paid Sick Leave for Part Time, Temporary and Seasonal Employees (Report by Wendy Silva)
- B-16 Consideration of a Resolution Approving Health, Dental and Vision Insurance Providers for Fiscal Year 2015-16 and Authorizing the City Administrator to Execute any Agreements or Related Documents (Report by Wendy Silva)

Mayor Poythress announced that the he and Council Member Holley will be conflicting out on item B-10. Mayor Poythress asked if there are any other items a Council Member would like to have pulled for further discussion or elaboration. No other requests were made and Mayor Poythress announced that he would accept a motion for all consent calendar items other than item B-10.

ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-10, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER MEDELLIN.

- RES. NO. 15-87** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A FOOD SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT TO PROVIDE MEALS TO ELIGIBLE YOUTH DURING THE SUMMER FOOD SERVICES PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY
- RES. NO. 15-88** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT (MUSD) FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S FISCAL YEAR 2015-16 AFTER SCHOOL PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY
- RES. NO. 15-89** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A REIMBURSEMENT AGREEMENT FOR SIDEWALK REPAIR AT 421 WILLIS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY
- RES. NO. 15-90** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CALIFORNIA APPROVING AN AGREEMENT FOR SERVICES WITH THE MADERA COUNTY ECONOMIC DEVELOPMENT COMMISSION TO ADMINISTER A SMALL BUSINESS REVOLVING LOAN PROGRAM FROM JULY 1, 2015 TO JUNE 30, 2020
- RES. NO. 15-91** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR SURFACE SEALS AT VARIOUS STREETS CITY PROJECT NO. ST 14-08 IN THE AMOUNT OF \$384,267.65 TO TELFER HIGHWAY TECHNOLOGIES, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% CONSTRUCTION INSPECTION AND MANAGEMENT CONTINGENCIES OF UP TO 10% AS APPROVED BY THE CITY ENGINEER, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY
- RES. NO. 15-92** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A SUBORDINATION REQUEST FOR EUSTORGIO AND FLAVIANA RAMIREZ FOR A CALHOME AND HOME FIRST TIME HOME BUYER LOAN AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN ON BEHALF OF THE CITY OF MADERA *Rescinded by Res. 15-139*
- RES. NO. 15-93** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT FUNDS, LOCAL TRANSPORTATION FUNDS AND STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2015/2016 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE AND SUBMIT THE APPLICATIONS TO THE MADERA COUNTY TRANSPORTATION COMMISSION

- RES. NO. 15-94** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE CITY TO MAKE AN APPLICATION FOR AWARD TO THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM
- RES. NO. 15-95** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT NO. 1 TO LOCAL AGENCY-STATE AGREEMENT NO. BTA1011-06-MAD-01 FOR BICYCLE TRANSPORTATION ACCOUNT FUNDING OF THE FRESNO RIVER TRAIL UNDER GATEWAY DRIVE AND UPRR AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY
- RES. NO. 15-96** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH FRESNO NETWORKS LLC FOR CONSULTING AND TECHNOLOGY SERVICES TO ASSIST THE CITY OF MADERA INFORMATION SERVICES DEPARTMENT WITH PROJECTS AND WORKLOAD, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
- RES. NO. 15-97** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AMENDMENT AND EXTENSION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES FOR SEWER FACILITY IMPROVEMENTS AND AUTHORIZING THE MAYOR PRO TEM TO SIGN THE AMENDMENT
- RES. NO. 15-98** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN ADMINISTRATIVE POLICY ON PAID SICK LEAVE FOR PART TIME, TEMPORARY AND SEASONAL EMPLOYEES
- RES. NO. 15-99** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING HEALTH, DENTAL AND VISION INSURANCE PROVIDERS FOR FISCAL YEAR 2015-16 AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AGREEMENTS OR RELATED DOCUMENTS

Mayor Poythress turned the meeting over to Mayor Pro Tem Oliver.

City Administrator David Tooley announced that he has a remote conflict of interest and needs to remove himself for voting on this item.

Mayor Poythress, Council Member Holley, and Mr. Tooley exited the Council Chambers.

B-10 Consideration of Resolutions Adopting 2015/2016 Community Development Block Grant Agreements for Services as follows: (Report by Daniel Abdella)

- A. The Community Action Partnership of Madera County to Coordinate with the Fresno/Madera Continuum of Care*
- B. The Madera County Workforce Investment Corporation to Provide Scholarships for Adults Learning and Training*
- C. The City of Madera Parks and Community Services Department to Provide Nutrition, Fitness, Recreation and Education Services to Seniors*
- D. The Madera Coalition for Community Justice to Coordinate the Resilient Madera Program*

E. *The City of Madera Public Works Department to Provide Graffiti Removal Services*

F. *The City of Madera Parks and Community Services Department for Americans with Disabilities Act Improvements at Community Centers*

Mayor Pro Tem Oliver asked if any members of the Council would like to discuss item B-10 further. If not, he will entertain a motion for action.

ON MOTION BY COUNCIL MEMBER BOMPREGZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM B-10, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 4-0. AYES: COUNCIL MEMBER OLIVER, RIGBY, BOMPREGZI, ROBINSON. NOES: NONE. ABSTENTION: MAYOR POYTHRESS, COUNCIL MEMBER HOLLEY. ABSENT: COUNCIL MEMBER MEDELLIN.

RES. NO. 15-100 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY

RES. NO. 15-101 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COUNTY WORKFORCE INVESTMENT CORPORATION

RES. NO. 15-102 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT

RES. NO. 15-103 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COALITION FOR COMMUNITY JUSTICE

RES. NO. 15-104 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PUBLIC WORKS DEPARTMENT

RES. NO. 15-105 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT

Mayor Poythress, Council Member Holley, and Mr. Tooley returned to the Council Chambers.

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

C-1 Public Hearing and Consideration of a Resolution Approving the Measure 'T' Annual Expenditure Plan for Fiscal Year 2015/16 and Authorizing the City Engineer to Submit the Plan to the Madera County Transportation Authority for Adoption

City Engineer Keith Helmuth stated that the purpose of this item is to allow for public review and comment of the proposed projects and expenditures within the Measure 'T' funding program prior to approval by the City Council. He advised that this public review and comment opportunity is required by the Measure 'T' Strategic Plan adopted by the Madera County Transportation Authority (MCTA). He stated that each year

three local agencies, the County, Chowchilla, and the City of Madera must prepare and approve an Annual Expenditure Plan or AEP for approval by the MCTA. He added that the MCTA will then consider adopting the local agency plans into their Annual Work Program and authorize the expenditure of program funds. He stated that the source of funding for the Measure 'T' is the local one-half cent sales tax approved by voters in 2006. He advised that this funding source will be available for 20 years through 2027. He stated that the funds must be used by the City or any other agency for transportation projects and programs. He added that the Measure 'T' funds are distributed to five programs as required by the voter approved investment plan. The programs are Regional Transportation Program 51%; Local Transportation Program 44%; Public Transportation Program 2%; Environmental Enhancement Program 2%; and Administration and Planning Program 1%. He commented that the funding for these programs are further distributed to 10 specific program categories of which 8 of these programs are under the discretion of the local agency. He advised that the programs are Regional 3R which are Rehabilitate, Resurface, and Reconstruct. He noted that they had item B-7 on the agenda tonight which was surface seals and that was for \$384,000 tonight. The other programs are Street Maintenance, Supplemental Street Maintenance, Flexible Projects, ADA Compliance, Transit Enhancement, ADA Senior Paratransit, and Environmental Enhancement Program. He advised that funding for these programs totals \$2,651,000 this year. Last year it was \$2,486,000. He noted that it is up about \$170,000 so tax revenue is increasing under this program. Mr. Helmuth offered to answer any questions prior to opening the public portion of this program.

Mayor Poythress asked if there are any questions for Mr. Helmuth. No questions were asked. Mayor Poythress stated he would just like to mention that Measure 'T' is really an important measure that they passed that replaced Measure 'A'. He commented that it is a half-cent sales tax for transportation and it gives them an edge in terms of obtaining matching funds from the state and other sources. He thinks there are like 20 out of 58 counties that are self-help counties. He knows the other 38 would love to be self-help counties and they are having problems passing this sales tax measure so they are trying to get the passage threshold down to 55% or so noting that it is at 67% right now. He commented that the City is very fortunate to have Measure 'T'.

Mayor Poythress stated if there are no other questions then he will open the public hearing. No comments were offered and Mayor Poythress closed the public hearing and announced that he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER BOMPRESZI, AND SECONDED BY MAYOR PRO TEM OLIVER, ITEM C-1, RES. NO. 15-106 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER MEDELLIN.

RES. NO. 15-106 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE MEASURE 'T' ANNUAL EXPENDITURE PLAN FOR FISCAL YEAR 2015/16, AND AUTHORIZING THE CITY ENGINEER TO SUBMIT THE PLAN TO THE MADERA COUNTY TRANSPORTATION AUTHORITY FOR ADOPTION

C-2 Second Reading and Consideration of Adoption of an Ordinance Amending Chapter 5 of Title V of the Madera Municipal Code Regarding Water Regulations

Public Works Operations Director Dave Randall stated they may recall at their last regular meeting, on May 20, 2015, they introduced this ordinance. He commented that in general they sort of recognized that this is a response to the Governor's mandate to try to reduce some of their water consumption. He noted that the Governor had asked for 25% reduction statewide and on an individual city by city basis everybody was assigned a reduction. He advised that the City of Madera was assigned 28% and to date they have reduced by 9% so that leaves them with 19% to achieve. Mr. Randall stated, to that end, they had proposed these regulations in hopes that they may be able to move towards that goal. They have been at two days watering for over a year now so they don't foresee themselves being able to quite make that with what they currently have. He stated this was the opportunity to put into place some additional tiers of regulations rather than jumping all the way to the next level.

Mr. Randall stated that the major provisions are again, a tiering of restrictions where they currently had already adopted this ordinance as an urgency ordinance and selected that the City would be at Level C. What that meant for them was that they reduce from two days a week watering to one day a week watering with odd number homes being watered on Saturday and even numbered homes being watered on Sunday. If they are not able to make the reductions they desired or the state mandated, they could go to the subsequent tiers, or if they did make it and they wanted to reduce it they could at any time by Council resolution. He commented that the next step, if they were to take beyond Level C, would take them to no outdoor watering except for drip irrigation for trees and shrubs. They don't foresee that initially but they will have to wait and see how the public responds and what the results are. Mr. Randall stated he would be glad to answer any questions about the specifics of the ordinance if they would like or they may want to hear from the public.

Mayor Poythress commented that the report states that the City of Madera has been identified as a Tier 7 water supplier that is mandated to reduce residential consumption on a per capita basis of 28% from 2013 consumption levels. Mayor Poythress noted that is from April or May of 2013.

Mr. Randall responded that is correct.

Mayor Poythress stated they went to two days a week last year so they were at three days a week during 2013. When they went to two days a week they dropped their consumption. They dropped it by 9% so they made it 19%.

Mr. Randall responded correct.

Mayor Poythress commented that based on that, if they reduce it another day, is it logical to assume that they will only drop it by another 9% and then they would still have 10% to go.

Mr. Randall responded that there is a lot of speculation on it. He noted that it is not an exact science. Some people would say that it is somewhat a non-linear equation that people are just going to water more in a shorter time period; some people don't. He added that there are a lot of factors and unfortunately they only control some of them. What they will see is that some of the largest factors are about weather and he can't control that one. He stated that it is really hard to predict. There aren't good models out there. Today he was calling around trying to find out what other jurisdictions had seen in reductions for the actions they had taken. He stated that so far they really haven't found anybody that really has sort of been able to show a causation between some of the actions they have taken. He noted that part of the problem is they can't attribute usually the reductions to one thing. He stated that it is usually a compilation of a number factor, other rebate programs, just general education, and cultural awareness has been heightened this last year about water. He stated it is sort of hard to try to point to something and say that is going to do something. He would like to say he was that guy but if he could, he would probably be working someplace getting paid a lot more.

Mayor Poythress stated the potential, even with reducing another day to one day a week, they may not meet their goals. He thinks in the report it mentioned that our intention is to implement these measures in good faith of meeting our goal so the state does not levy any fines against the City. These fines can be up to \$10,000 a day. Mayor Poythress added that it says that if the results of the restriction do not yield sufficient reductions to appease the state it would then be recommended to move to higher levels of water restrictions. Mayor Poythress stated this is a state thing. It is being dictated to them so if they remained on two days a week watering they would be a long ways away from meeting goals that the state has given them and if they don't meet those goals they could be subject to some pretty heavy fines.

Mr. Randall agreed. He added that this is all sort of new so everyone is trying to figure out what is going on. He advised that at a recent webinar they talked about these questions. He noted that the question on everybody's mind is what are you going to do? Who are you going to fine next? He commented that they all want to be in the middle of the pack not getting picked off. Mr. Randall stated that the state is definitely

rattling the saber, whether or not they will swing and connect is something else. He noted that they have made it very clear that not only are there fines but they can mandate specific conservation measures to individual agencies and they can get cease and desist orders so they say. He commented that the City Attorney might feel differently or their attorney might feel differently. He noted that it is a new frontier and they are a little nervous but they have been fairly clear that they are not going to just sit back. Mr. Randall stated that their concern is if they don't do something they are going to be an obvious target. They want to make a good faith effort but they are trying not to get too far ahead of what they need to do.

Mayor Poythress asked if they stay at two days a week would he call that a good faith effort.

Mr. Randall responded no. He thinks it would put them in the crosshairs.

Council Member Bomprezzi stated she has received many calls in just the last couple of days in regards to this issue. She was pointed to look at some of the neighboring jurisdictions, City of Clovis, City of Fresno which she really couldn't find much of however, City of Clovis has to meet a 36% reduction in water use. They just went down to two days a week but they sent out a letter to their water customers explaining the Governor's proclamation and what they need to do. They are proposing two days a week per week April through October. She added that it explains to them that they are required to reduce their usage by 36% or they will be assessed a penalty. Council Member Bomprezzi stated that she has not even heard in the City's conversations where they have even done an outreach to customers regarding the drought conditions. She personally doesn't want to see her neighborhood any browner than what it is and due to the water meters being put in a lot of the neighbors just have not watered their yards. She has a real issue with cutting down to one day a week. They have already showed that they have conserved 9%. She feels through community outreach that they can do other conservation measures besides cutting the water off. She added that if anybody is interested in the letter she has made copies.

Mayor Poythress stated they have 'x' amount of water that they pump out every year and asked what is the biggest percentage of water in terms of use.

Mr. Randall responded that residential is 85% of their consumption.

Mayor Poythress asked what percent of that goes to their lawn.

Mr. Randall responded north of 60% is considered outside irrigation, lawns and other uses. He added that can vary. That is just a general sort of industry thing. They will see numbers at 65% and 55% but it is in that neighborhood.

Mayor Poythress commented that it doesn't look to him like there is any possible way for them to meet the goals that they need to meet if they don't go to one day.

Council Member Bomprezzi stated she doesn't agree with that.

Mr. Tooley stated that in addition, at Clovis, there are specific restrictions on the amount of water that a home can use.

Council Member Bomprezzi stated 10,000 gallons.

Mr. Tooley commented, to Council Member Bomprezzi's point, that there are obviously a number of tools out there that they can pursue. He noted that the question that the Council as a board has to come to grips with is what is going to give them their sweet spot, their best chances of success. They are going to do outreach and he is not trying to influence the decision one way or another. They have two frequently asked question pieces that they are going to be putting out in the mail. They want to do the Prop 218 notice first but with all of that said, he thinks the discussion this evening is obviously about the ordinance and any other tools that they want to bring to the table to achieve the compliance requirement.

Mayor Pro Tem Oliver stated he knows that at their last discussion regarding the water restrictions, they looked at new information for folks being able to look at their usage on a daily basis; not just a monthly basis when it comes in the mail. He asked what the realistic timeframe is to implement that new software change and to provide folks that ability.

Mr. Randall responded that they just had a meeting with a vendor this afternoon and it was a little faster than he had anticipated. He commented that if things line up correctly, 6 weeks, they might be able to have that there. He noted that it is dependent upon a few things and he doesn't want to promise because he is not the person delivering that but potentially it could be that short. He thinks it would be more realistic to think it is more like 8 to 12 weeks to have a portal that people could get that information directly from.

Mayor Pro Tem Oliver commented that as far as when the Governor looks at their usage and consumption and whether or not they are complying, is this going to be an end of the year deal or until he lifts the emergency order and is there a time in the future that they are going to look to measure whether or not they are actually meeting their goals.

Mr. Randall responded that every month they are reviewed.

Council Member Bompreszi asked if there is any way they can read their own water meter to see what their consumption is or not.

Mr. Randall responded yes. If they are willing to go out and open it up there is a little lid and they can read it.

Council Member Bompreszi stated that would be good for her and for the residents to know that they can go out and read their own meter because they are all on meters in the City. She added that is another thing they did in the letter to the city.

Mr. Randall agreed that is a good informational piece for people.

Council Member Holley stated they just get a 9/16 socket and take it up. He commented that they look at this and each year they are doing something that is real devastating. They went from three days to two. Now they are going from two to one. What they are looking at and what is really going to happen is they have people watering from 7:00 in the evening to 10:00 in the morning all night long. He noted that water is going to be running. He thinks that is going to cause a real hardship on folks to stay home all day Saturday and Sunday just to water their yard that they miss out on all week long. They are going to use more water in those few hours than they do in a two day a week watering system. They are not saving. He doesn't see the saving value there. They have people coming around to check but who is stopping them from watering all night long. Water is going to be running down the street while they are sleeping. He feels that is going to waste more water than they are doing right now by cutting them down to one day a week.

Council Member Rigby stated he thinks the challenge is great. He thinks Council Member Bompreszi makes a great point as does Council Member Holley. He commented that his curiosity is that if their intentions are to inform, to educate, to equip the public, and he can't even get the public to come out to one of their City Hall meetings to talk about Prop 218, he is left to understand that they don't want to learn. They are not going to want to go through the conservation process. They don't want to learn how to put a cap on their sprinkler. He stated it is sort of like they have to pick their poison. Are they going to choose to remain at two days a week and hope and pray that people come out to want to learn how to conserve or do they just sort of make the parental decision, if you will for lack of a better word, and say hey here is your one day a week. He added that he does see Council Member Holley's point. He seems to agree that a lot of people are going to go out of town on weekends, set their timers to water for two to three hours.

Mayor Pro Tem Oliver stated Council Member Bompreszi made a good point. He knows some communities are even offering their folks water audits so they can come and have a report as to what their usage is and

analysis and what not. That is probably something they should definitely look at. He noted that information is key. He thinks the underlying point is they can do a lot more. They can do a great deal more outreach. There needs to be moving forward, not just in the short term. There needs to be a long term discussion about their water infrastructure. He knows that there are a lot of folks channeling that energy to think about positive ways that they can all be a part of the solution. He added that at the end of the day, he knows that the state is using a 2.3 billion gallon benchmark in 2013 and asked if that is correct.

Mr. Randall agreed.

Mayor Pro Tem Oliver stated at 28%, at face value, they are looking at upwards of 600 million gallons of water to conserve and save. He doesn't know how they get there with two days a week. He is definitely open to perhaps providing folks an opportunity, watering once but maybe on a Saturday or a Tuesday to have a little bit more flexibility but he doesn't know how they are going to get to that benchmark that is coming from the state with the current status quo. He thinks that is an important figure to note, 600 million gallons of water which they are being asked to conserve and save and he doesn't know if they can get there with the current schedule.

Council Member Robinson stated that the bottom line is when the Governor went up to the Sierra it was bone dry. There is no water for their ornamental grass, flowers, whatever. If they can convert to take the turf out and add a garden. He commented that during WWII they had the victory garden. They weren't concerned about grass. They were concerned about eating. They have to dig down deep and do the best thing which is conserve water.

Council Member Bompreszi stated she personally thinks that they are giving up on their residents in their different districts. She thinks they care about their neighborhoods. They care about growth in Madera. To her, by going one day, they are not giving their constituents a chance to prove that they can conserve water without cutting the water down to one day a week. That is her personal feeling. They need to challenge the 68,000 people that live in the City of Madera and by passing the ordinance where they are cutting off water to one day a week, to her, it is not even showing that they have faith in their community.

City Attorney Brent Richardson stated it seems like there needs to be some clarification on what is before the Council. If they recall, at the last meeting there was an urgency ordinance that was a parallel ordinance to this one that was adopted. It had essentially the same language then they run the permanent ordinance parallel. He asked that they keep in mind that the ordinance actually allows for the use of a resolution to set the restriction level. He commented that there was resolution adopted at the last one that set that restriction level. He is just trying to clarify that the ordinance is not actually the thing setting the restriction and that a parallel version of the ordinance has already been adopted. He thought it might be necessary to point that out. They already have the urgency ordinance adopted. He advised that this one doesn't actually set one day. If they wanted to go back and set two days they would actually just bring a resolution back at the next meeting lifting it back up to whatever they wanted to. He stated that in light of the conversation he thought it needed clarification.

Mr. Tooley stated he certainly enjoys these moments noting that there is clear division of opinion on the City Council. He commented that he would offer the following for their consideration. He stated that there isn't going to be a silver bullet solution to this problem. He noted that by and large people in California do not yet understand the severity of the issue that is before them. They are going to have to change their ways. He stated that the question is one of how do we do that and this is a little bit about the exercise of do you boil the frog slowly or do you turn on the blender and get done all at once. He commented that among the tools that they have available to them are additional restrictions which they are discussing this evening and the biggest factor that is going to get people's attention is going to be tiered water rates. He noted that when people have to pay more for water they are going to have to make an economic decision and most often people are going to vote their wallet. He commented that the most conservative approach they can take is to continue to act with regard to reducing water to watering to one day a week and then wait for the passage of their rates. Their alternative is boil the frog a little more slowly and wait and see what their water rates do before they choose to pursue one day a week. He stated that it is a choice. He

is not making a recommendation to them. He is just reminding the Council that they have a number of tools and they should be picking the tool that they think best gets them where they want to go and best represent the community values.

Mayor Poythress added and to keep them out of trouble with the state.

Mr. Tooley commented that he would love to stay out of trouble; not limited to the state.

Mayor Poythress asked if any members of the audience who would like to speak. He advised they will be given up to three minutes each for public comment.

Lori Pond stated she just wanted to let them know that there are a lot of them that are here tonight and they are sympathetic to the situation that they have at hand; they are in a drought. She commented that this drought may continue. It may go on for a number of years. She wants to know that she lives in a city that the City staff and the Council have taken all opportunities, exhausted everything possible to conserve water but also to look for grants. She thinks getting to this point of just letting the City go brown is probably the wrong approach and have they done everything possible with grant writing like other cities have done. If they could go for the two days a week, and like Council Member Bompreszi said, give your city residents a chance, send out some outreach. She received nothing in the mail about this. She asked that they let them know what they want them to do but don't restrict them down to one day a week. She had a long conversation with some landscapers and they live in 100 degree weather. They know what is going to happen one day a week. They are either going to get overwatering or grasses are going to die and she thinks if they make their residents panic by limiting them to one day a week they are going to get that all night long watering. They don't want to let their grasses go brown so there has got to be some other solutions. She thinks that they as residents of this town should be given the opportunity to see if they would conserve themselves whether they look at water meters. She doesn't have one yet. She lives in a gated neighborhood. They don't have water meters but she thinks a majority of the residents who care will naturally conserve if they have some communication directed from the City of Madera. She thinks it is something that people will be concerned. They are going to have the group of people that don't care one way or the other but she thinks they should look at what other cities are doing. Are other cities going to one day a week in Fresno, Madera, Merced, Kings County or are they sticking with two days a week? She understands that the City has a goal to meet and they are all sympathetic to that. It is not like they don't care. They do care but she thinks there are other ways to possibly manage the conservation that they need to meet for the State of California short of immediately going to reducing them to one day a week.

Mike Fuller, residing in Madera, California, stated he could talk about this issue for a long time but he won't. With all due respect, he is really concerned about the adequacy of their efforts not only to meet the state mandated cuts but what is the City of Madera going to do long term. He noted that historically the County of Madera was the poster child for groundwater or for land subsidence in the 1930's. He stated it has been an overdrafted groundwater basin for a long time. Based on what he knows, the City of Madera has very limited potential to access additional sources of water as compared to the City of Fresno or the City of Clovis. He heard some discussion of buying water at their last meeting. He noted that it is pretty unlikely because they will be competing with people that have a lot more money than the City does. He added that there are some technical challenges to what they are suggesting. He noted that grass is very shallow rooted so frequently watering now is 10 minutes on the days they can do it and that is fine so if they try to play catch up on a Saturday and water all day, it is just going to be a waste of water. He commented that the grass will either get overwatered and drowned or it is going to go dry anyway. He spoke at the last Council meeting about his use of mulch and he encourages that specifically for trees. What he is doing in his yard may not necessarily be a model for other residents because he uses water. He noted that drought landscaping or artificial turf, those might be better options. He does really emphasize mulch for trees especially for the Parks Department. He has over 50 yards of mulch in his yard and 80% of it was free. He stated he won't get into too much detail but the soil conditioning he did so that the water would percolate and stay in the ground and adhere to the organic better. He stated there is a lot more that the City could do. He too was disappointed that there hasn't been more public outreach. He heard them asking Mr. Randall last week how are they doing with water. To be honest, he was a little surprised because it was at

least a year ago that he spoke, he can't remember his name, their City staff that is responsible for the wells in town, and he was asking him how they were doing and he said, for three years we are pretty good but he was concerned after that and he also talked about the tanks the City is going to get. Mr. Fuller commented that it is one thing to meet the state mandates. He noted that the City of Madera is between a rock and a hard place long term. He advised that the last example he will give is he has had quite a bit of communication with Mary Anne Seay, the Parks and Community Services Director, and some of it has been very pointed bordering on rude really. He thinks there is a lot more the City can do. They are just scratching the surface.

Mayor Poythress stated he wants to keep these things in line and he knows Mr. Fuller has had a chance to talk. He was here in public comment earlier and had a chance to talk about it and thanked him.

Mayor Poythress stated they have had a lot of things on their plate here in the City. First of all they have had the perfect non-storm. They've got three issues that have happened all at once. They have had the landscape maintenance issue come up which has taken an inordinate amount of time of staff, of Council time, to go to meetings two or three times a week to meet with neighborhoods to explain what is going on there. He stated that this reduction of water didn't happen a year ago as far as the Governor's mandate. It happened May 1st so they haven't had a lot of time to get a lot of information out. They've got limited resources as far as folks and again, they have been very focused on this landscape maintenance district stuff. He noted ballots went out and they only have so many people so as far as dealing with ideas and ways to cut back and so forth it is just impossible from a timeframe standpoint. He advised that the third thing is that they are looking at some capital improvements at the same time so that they don't turn into a Parkwood. He stated that a year ago, at this time, when they were talking about wells and things of that sort, they were bailing out a 3,000 member community that was out of water. They hadn't done their work. They hadn't done their redundancy in wells and they were down to vapors. He thinks that the City has done a pretty darn good job in terms of making sure their residents have water. They've got 19 wells, not all of them operational, but they are getting there and again it is to protect their residents at the end of the day so to say that they haven't been doing their job in certain ways he thinks is a little short sided. He commented that the City has been doing their job and the job for other agencies and jurisdictions. He wanted to make that point right now.

Mayor Poythress asked if there are any other members of the public who would like to make a comment. No other requests were made.

Mayor Poythress commented that the City Attorney mentioned that the ordinance has already been passed for the one day a week.

Mr. Richardson replied that the ordinance was passed that had the structure which allowed the City Council to set by resolution whether it was one day a week or two days week. There were five or six different levels within that ordinance so what was passed actually was that structure then along with that was a resolution that was adopted that set it at one day a week. He advised that in order to lift that they would have to bring back another resolution at a future meeting to lift that back off. He commented that was his point that they adopted a structure and the restriction was done by resolution which was separate from the ordinance.

Mayor Poythress asked what exactly is tonight's ordinance doing.

Mr. Richardson stated that typically when an urgency ordinance is brought before the Council, at the same time, they will initiate a regular ordinance with the same exact language. He advised that the reason for doing that is if somebody were to challenge the urgency findings, they don't lose time that way. He noted that it is a pretty common practice. He stated this is basically the second reading of the normal process for the ordinance.

Mayor Poythress stated that by passing this tonight all it does is just put it into more of a legal type as far as a challenge goes.

Mr. Richardson commented that it tightens things from a challenge perspective on the urgency findings only. When they do an urgency ordinance, it has certain findings of urgency so it basically tightens up their ability to withstand an attack that way.

Mayor Poythress stated if they wanted to consider something else as far as whatever that might be, that would have to be in a separate resolution.

Mr. Richardson responded if they wanted to change the restriction level within that structure that was adopted, they would just direct staff to bring back a resolution to change that.

Council Member Holley stated he thinks that is what they need to do. He was sitting here figuring this up. They look at telling them they can water one day a week. That is 15 hours they get to water all night from 7:00 o'clock in the evening to 10:00 o'clock the next day. He stated nobody is going to be up at that hour in the morning. He thinks they can keep the two days a week if they gave them a timeframe in which to water. He suggested 4 hours in the evening and 4 hours on the next day and do that twice a week. He thinks knowing that they have some way to still water two days a week will give them some avenues of good faith because he doesn't think they are going to want to stay up all night long watering or watch water run down the road. If they look at putting in a time frame from 11:00 to 7:00 would be 4 hours, 6:00 o'clock to 10:00 o'clock in the morning give them another 4, and that is 8 hours on that one day. He advised that would give them a two day a week watering frame and he thinks that will work a whole lot better than telling them they can water one day a week at 15 hours.

Mayor Poythress stated in light of what has been discussed tonight if they want to do something, what they do here on this particular item, will have no impact one way or another on something they do in the future. Mayor Poythress asked for reading of title.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER BOMPRESZI, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED, AND ITEM C-2, ORD. NO. 922 C.S. WAS ADOPTED BY A ROLL CALL VOTE OF 5-1. AYES: COUNCIL MEMBERS POYTHRESS, OLIVER, RIGBY, BOMPRESZI, ROBINSON. NOES: COUNCIL MEMBERS HOLLEY. ABSENT: COUNCIL MEMBER MEDELLIN.

ORD. NO. 922 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING PORTIONS OF CHAPTER 5 OF TITLE V OF THE MADERA MUNICIPAL CODE RELATING TO WATER SERVICE RESTRICTIONS

Council Member Bompreszi asked if they want to bring a resolution back because this adopted Level C.

Mr. Richardson responded that the Level C was already adopted by the resolution. If Council would like staff to bring back a resolution for consideration that adopts a different level they would basically just want to indicate that.

Council Member Bompreszi stated she would like staff to do that to adopt a Level B moderate provision.

Mr. Tooley stated that Council Member Holley had some additional language changes. He recommended that they bring back exactly what Council Member Bompreszi asked for. He stated to Council Member Holley if they want to modify it that evening then they can have that discussion. He asked if that would work for both of them.

Council Members Bompreszi and Holley responded yes.

D. WRITTEN COMMUNICATIONS

D-1 Request from Modesto City Council to Consider Adopting a Resolution Recognizing the San Joaquin River Valley as a Travel and Tourism Destination to Promote Economic Development Opportunities

Council Member Robinson introduced Commissioner Virginia Medueno.

Virginia Medueno stated she is kind of here wearing a couple of hats. Her first hat, she wants to put full disclosure out there, is that she does serve as the Vice-Chair for the California Commission on Voting and Water Ways and as such, she served a role on the San Joaquin River Valley Travel and Tourism Project that they initiated about two years ago. As they know, and being a valley native she understands that their change in the valley is happening. They understand the demographics are changing. They understand droughts are happening. They understand that agriculture, being their number one industry, has changed and will continue to change. As they have seen with some of the latest reports in terms of not only their demographic changes but also seeing that they are losing jobs in the agriculture sector specifically because of modern techniques, more machinery, jobs that her grandparents parents did when she was very young, those jobs don't even exist anymore because again, mechanization. She advised that there is a group of them that came together about two years ago noting that most of them are convention and visitor bureau types. Some of them are business leaders, chamber members, and they recruited from Fresno all the way into San Joaquin County. She stated that the premise is how do they start to cultivate and bridge more relationships, if you will, in trying to capture part of the \$10.9 billion travel and tourism industry into their great San Joaquin Valley. She commented that the State of California, one of their biggest draws, if you will, in terms of industry is travel and tourism. She asked that they remember that number \$10.9 billion annually. If they take a look from Fresno County, Madera County, Merced County, Stanislaus County which is where she resides, and San Joaquin County, they get a measly 2% of that \$10.9 billion. She asked why is this important and stated it is important because they have a lot to celebrate. Not only in Stanislaus County or San Joaquin County but Madera County and Fresno County, if all five cities, the five largest cities came together and said what do we do to continue to promote and brand this great region. She noted that they have done a terrible job as a region to come together and brand themselves. She stated that as Vice President of Government Relations, noting that is another hat that she works for, for the Sino American Trade Development Association in Beijing, they know about Napa Valley. They know about the Silicon Valley. They know about San Francisco, Yosemite, Los Angeles, Disneyland, and San Diego. They are always, always forgotten when it comes to travel and opportunities for bringing in foreign visitors as well as the 11 plus million people that are just on the other side of that mountain. They are here to not only tell them a little bit about this but also to tell them that the City of Modesto, being the largest City in Stanislaus County, took a position and said, you know what, we understand and we absolutely believe that we can get a larger share of travel and tourism dollars not only into Modesto, not only to Stanislaus County, but to the entire five county region. They are hoping that the City of Madera, with everything that they've got, they've got a lot to celebrate. She stated that they do talk about Madera and the Madera Wine Trails. When Lodi is touting what they are doing, they are saying hey down south in Madera they also have some great destinations and some great opportunities for people to take it all in.

Ms. Medueno stated she is here to humbly ask them to also consider a resolution that was again adopted by the Modesto City Council to see if this is something that the Mayor and the rest of the Council would support.

Mayor Poythress asked if there are any questions or comments for Ms. Medueno.

Mayor Pro Tem Oliver stated he saw that this would require getting the EDC's involved and tourism bureaus. He asked what the participation is from the Central Valley EDC. He knows it is a collaborative effort between their respective economic development engines. He asked if there is a financial request or investment being asked as well and if so, how does she see that.

Ms. Medueno stated that at this time they are not asking for any financial support. What they are hoping to do is get everybody to say yes this is important. They have developed a website. They have developed their first brochure. They are going out and meeting with other chambers of commerce. They are meeting

with convention and visitor bureaus. She stated that she needs to put this out there publicly. She added that Leila Force with the Fresno Convention and Visitors Bureau has been amazing in terms of putting her best foot out there and saying, imagine if we all put in a little bit of support we could grow this and we could become a landmark, if you will. She added that they don't always have to think about Napa Valley or the Silicon Valley. She asked that they remember this, from a branding perspective, they have name recognition. They are recognized as a region and why don't they have that same designation. They have a lot to offer, the bounty of their valley, the fiber of their essence of being an ag U.S.A. She stated that when she goes to China and she meets with her colleagues they always ask where are you from and she always tells them she is from the new California. I'm from the best of California. When they come here, they fly into Vegas and then into Stockton, she brings them through the backroads and every single time she always gets the same reaction, you are so lucky as residents to live in this region. You are so fortunate. She stated that just two weeks ago, having spent 11 days in Wuhan, Zibo and Beijing she can tell them that visitors wish they had an ounce of what they have in this great region. She thinks they would all appreciate that we live in probably one of the most incredible regions of the State of California and yet they don't do enough to highlight it, to celebrate it, and to promote it and she would like to start seeing them start doing more of that.

Mayor Poythress stated those are great points and he really appreciates it. He commented that she is absolutely right. They have so much going on here, that rich agricultural region that they are, and that is all they need to do is just travel and they will come back and know what they have here. Mayor Poythress thanked Ms. Medueno.

Ms. Medueno asked if she can get a quick photo with the Council. She stated if they are going to do this it starts tonight.

Council direction was given to bring a resolution back for consideration.

E. ADMINISTRATIVE REPORTS

E-1 Report and Request for Direction on Possible Changes to the City of Madera Typical Street Cross Sections

City Engineer Keith Helmuth stated this item is for possible changes to the typical street cross sections. Mr. Helmuth provided some background. He noted that the standards have been in place since about 2005. They are primarily utilitarian in nature. They allow vehicles to travel the road and in many cases they have sidewalks but in general they fall short of the Vision and the General Plan and the goals contained therein. Mr. Helmuth stated their objectives are, based upon what they see in the Vision Plan and the General Plan, to have a walkable and bikeable City, that it be transit oriented, and that the streets be aesthetically pleasing, and while they are doing this also maintaining the existing street capacity to pass the vehicles that they are expecting in the future. Mr. Helmuth added that if the standard plans were to move forward, they would be approaching a standard which would be considered a complete street. He stated that the definition, as given by the National Complete Streets Coalition, is that complete streets are designed and operated to enable safe access for all users and that pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move along and across a complete street. He stated this is just one organization. He noted that there are several others that have definitions but in general, complete street looks towards these types of goals.

Mr. Helmuth stated the proposed standards include dedicated bike lanes, about 5 feet of dedicated pavement. He commented that the minimum is 4. They are matching what the City of Fresno actually does on that right now. It also includes improved pedestrian amenities such as taking the sidewalk from 5 to 6 feet. He noted that in general 5 foot sidewalks aren't very comfortable for a lot of people; 6 feet gets them a little bit better. Standards also include a wider island to provide pedestrian refuge. He noted that right now they have a 16 foot median. They are proposing that would go to a 17 foot. He explained what that would do, along with reducing the left turn lane to 11 feet, is give them a 6 foot wide nose at the intersections and pedestrians would be able to step out of the crosswalk and onto the refuge and wait until there is an

opening in traffic or the traffic signal allows them to continue the rest of their trip. He referenced aesthetics and stated that the standards they are proposing have wider park strips and they also have meandering sidewalks.

Mr. Helmuth displayed the artist conception of the first standard collector which proposes taking the right of way from 80 to 106 feet. They will note that they show green and it will probably go to drought tolerant landscaping over time. He commented that the green is just a depiction of what it might look like if they had water again.

Mr. Helmuth referenced arterials. He stated the existing right of way is 100 feet and this proposes 120 feet. They will see that it shows the 17 foot median and parkstrips to go from about 10 feet to about 20 feet or so. He referenced the bike lane and stated he was joking about that, at least with himself, that it is a Google bike. They will see there is no rider on it; it is an automated bike.

Mr. Helmuth referred to the 6 lane arterial. He advised that all that happens here is that an additional two lanes are added to the typical arterial section. He noted that there are a few sections contained in their General Plan, the Circulation Element that shows in the future, 20 years from now, there would be sections that are projected to need 6 lanes. He displayed the full build out of a 6 lane arterial.

Mr. Helmuth advised that they won't see transit lanes on the streets. He noted that Madera is not quite there yet. They generally have to be a bigger city but what they can expect to see in the future, what Madera is ready for, is bus turnouts. They would be looking towards a street intersection detail. He advised that is not included in their current standards; this would be brand new. He stated that would show where the bus turnouts might be. It would also show the details of a pedestrian refuge and how that would work. Regarding wheelchair ramps, typically they are used to seeing one wheelchair ramp at an intersection to standards. Now they are going towards 2 wheelchair ramps; one on either side of the return. He noted that reduces the crossing distance for pedestrians. He added that wider roads allow the ability to make U-turns. He commented that if they need to go back down the street 100 feet to get in to some place, it is sometimes difficult at least with their collector standard.

Mr. Helmuth stated that right now, a typical intersection in this City and many other cities, they build a single left turn lane and travel lanes. They don't necessarily plan for dual left turn lanes or right turn lanes. As they move into the intersection standard they may want to go ahead and consider dual left turn lanes as a standard or right turn lanes or at the very least give the provisions for that, push the expensive infrastructure out of the way, the power poles, the transformers, traffic signal poles. He advised that typically they would place the traffic signal poles two feet from the edge of the curb. If they are planning for future, they might push those out to where they don't have to be moved again. If they move a traffic signal, that alone costs them \$25,000 to move it even now. He commented that at the intersection of Schnoor and Cleveland they have a project going there, he is sure everybody has seen it by now, where they are adding dual left turn lanes on one approach. He advised that the cost of those dual left hand turns is \$175,000 and they are staying primarily in the existing roadway.

Mr. Helmuth commented on the impacts for the standards for the collector streets noting that each side of the street would dedicate an additional 13 feet. He added that for the arterial, that would be 10 feet and 22 if they are talking about 6 lane arterial. He noted that those improvements have costs of course. First is the right of way. Their preliminary recommendation is that the additional right of way would be dedicated as part of typical entitlements. He added that the improvements themselves might very well be paid for using development impact fees and they will explore as they move forward, if the Council so desires.

Mr. Helmuth stated that if the Council does provide direction to revise the current standards one of the first things that would happen is they would prepare the draft intersection standard. Another part would be to begin the development of development impact fees. He noted that with the development impact fees, those would address some of the additional costs. If they move into that they would also bring in the development community to look at this and see what they think about it. He noted obviously, anything that requires

additional dedication or infrastructure costs money and impacts their ability to develop so that would be an integral part of that as well. Mr. Helmuth offered to answer any questions.

Mayor Pro Tem Oliver referred to the entitlements and noted if someone comes in and they have these standards approved and it would come in the form of say like, irrevocable offer of right of way, his only comment is that he thinks that these elements are important. He thinks it does speak to the Vision Plan and as Mr. Tooley mentioned last night, he talked about what are we going to look like years down the line so that folks, millennials, young families are looking at Madera to raise a family. He stated that what he thinks is also important, not only just a new development, a construction is also looking at their older areas of town and looking at ways to make necessary improvements for a more walkable city. He knows that is going to be capital intensive. For him, although it is reflective in their Vision Plan, their General Plan document, he would like to maybe have a discussion about priority areas or targets or a general plan as to what they want this to look like, have some type of coordination and plan in place instead of using entitlement section of their code and requiring folks to provide a greater portion of right of way. He stated it is just a comment. He does appreciate the presentation and he does think it speaks to Vision 2025 and where they see their community years down the line.

Mayor Poythress stated they are asking for direction or concurrence with what has been presented.

Mr. Helmuth responded yes.

Council concurred with staff's recommendation.

F. COUNCIL REPORTS

Council Member Bompreszi reported that she attended the Citizen Advisory Committee (CAC) at the Central California Women's Facility (CCWF). She reported that they now have a K-9 Unit with two dogs. She added that it has been pretty quiet at Valley State Prison. They have a new warden and she met him today.

Council Member Rigby reported that he is excited to attend both the Class of 2015 for Madera High and Madera South High School graduations this week.

Mayor Pro Tem Oliver reported that he attended the Jefferson Neighborhood Watch Teams block party this Saturday. They had about 40 people in attendance. They got a couple of bands out. He advised that it was really exciting to see that they are not only coming together during times of difficulty in burglary and break-ins but, they are being proactive and really showing some great community ownership. He stated it was a great event and he was really proud to attend.

Mayor Pro Tem Oliver reported that today he attended the Madera Police Department, MPOA's Blood Drive. He advised that it looked like it was a very successful turnout so he got poked for the cause and it was fun.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session pursuant to Government Code Section 54956.9 (d)(2) to discuss conference with legal counsel in anticipated litigation as described under item G-2; pursuant to Government Code Section 54956.9 (d)(1) to discuss conference with legal counsel in existing litigation as described under item G-3; and pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-4.

The Council adjourned to closed session at 7:20 p.m. ABSENT: Council Member Medellin.

G-2 Conference with Legal Counsel – ANTICIPATED LITIGATION. Potential litigation pursuant to Government Code § 54956.9 (d)(2).

Number of potential cases: 7

G-3 Conference with Legal Counsel – EXISTING LITIGATION. Subdivision (d)(1) of Government Code §54956.9

Names of cases:

1. *Lana Williams v. City of Madera, USDC 1:12-cv-01888-AWI-GSA/ USCA 13-15343*
2. *Lavon Coles v. City of Madera, MCV070152*
3. *Teresa Polston v. City of Madera, MCV064397*
4. *Robert Ornelas v. City of Madera, MCV062108*
5. *Seymour v. City of Madera, MCV063063*
6. *Victoriano Garcia v. City of Madera, USDC 1:13cv07193-LJO-MJS_*
7. *Corrina Gallardo v. City of Madera, MCV069724_*
8. *Patricia Boyce v. City of Madera, MCV067905*
9. *City v. NRM, dba Centrifuge World, MCV064526*
10. *City v. Roberts, MCV062827*
11. *Roberts v. City of Madera, MCV062827*
12. *JHS v. City of Madera, MCV068141*
13. *Spartan Holdings, LLC v. City of Madera, MSC008456*
14. *Bank of New York Mellon v. City of Madera, MCV069729*

G-4 CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: David Tooley and Wendy Silva

Employee Organizations: General Bargaining Unit
Mid Management Group
Madera Police Officers' Association
Law Enforcement Mid Management Group
Management Employees

G-5 Closed Session Report – City Attorney

The Council returned from closed session at 8:26 p.m. ABSENT: Council Member Medellin.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code Section 54956.9 (d)(2) to discuss conference with legal counsel in anticipated litigation as described under item G-2 and reported that no reportable action was taken; pursuant to Government Code Section 54956.9 (d)(1) to discuss conference with legal counsel in existing litigation as described under item G-3 and reported that no reportable action was taken; and pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-4 and reported that no reportable action was taken.

ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 8:27 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

