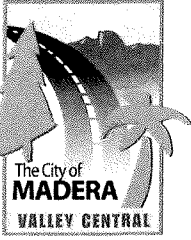


Item:	B-1
Minutes for:	7/15/15
Adopted:	2/03/16



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

**July 15, 2015
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 7/15/15 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. Bomprezzi
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.

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 Human Resources Wendy Silva, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, Parks Manager Mark Etheridge, and Public Works Administrative Analyst Jason Rogers.

INVOCATION: Pastor John Pursell, Believer's Church

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.

Pastor Roger Leach, residing in Madera, California, stated he is here tonight wearing his second hat and that is Director of Sherman Thomas Charter School. He wanted to let them know that they are getting ready to start a third charter school to open in 2017. He advised that this is a novel idea. They have been very successful with Sherman Thomas Charter School, K-8. They are a distinguished school of California. Their high school is a hybrid independent study that has seat time as well as independent study. He advised that the Western Association of Schools and Colleges (WASC) has approved it for six years which is its highest ranking. They are a very small school so they thought they would start something novel in Madera; something brand new. He stated this is a STEM (Science, Technology, Engineering and Math) School and it is a middle school. It is a 6th, 7th, and 8th instead of a traditional junior high that is 7th and 8th. They feel

like this is the trend that the country is going into and they are also wanting to start a model school that would be totally different. They feel like this is where most of the schools need to start adding some participation in. They have this proposal that they will be sending to Madera Unified School District. He advised that they will be presenting it to MUSD as a pilot program to where hopefully, they may start to look at this for their entire school system and they would have a magnet school that would be a STEM school in itself. They could kind of show that it could be successful; that people would be interested in it. That is why he is here tonight politicking for the Council's interest and support. He wants them to know that he appreciates this opportunity to share in some things he has left, a brochure for the Council. He commented that if the Council would be interested in signing a petition that is telling them that they do not have any children in Madera School District or elementary. If they do have and they would still like to sign it that is fine. If they would like to sign it in support of this and kind of giving again, an idea to Madera Unified that this may be something that they may want to look at for the future. If they can get enough public support, they can change this town to have their educational systems as one of the top to where people will not be moving to Clovis or other areas but they will be staying right here. If they can have some of the top ranked schools in this community they can change some things and this is why he is here tonight to give this information to them. If they would like any more information he would be glad to give to them. He added that people in the audience that would like information can feel free to call him. If they would like to sign it, feel free. He will pass it starting with Council Member Robinson and then going around if they would like to. They can then give it back to the City Clerk and he will get back to her and pick it up later on. He thanked the Council.

Mayor Poythress thanked Pastor Leach for his comments.

Mayor Poythress asked if there is anybody else who would like to address the Council. No other comments were made and Mayor Poythress closed public comment.

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 agenda items were distributed to the Council less than 72 hours before this meeting. Under Section C, Hearings, Petitions and Bids, item C-2, subject matter resolution approving water conservation rebate, additional information on rebate programs was distributed to the Council this evening; Item C-3, subject matter resolution confirming weed abatement report, a revised exhibit A was distributed to the Council this evening. Under Section E, Administrative Reports, item E-1, subject matter weekly conservation reports, the weekly conservation report for July 6th – 12th 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 – There are no minutes for consideration.
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution Approving an Agreement for Special Services Between the City of Madera and the Law Firm of Liebert Cassidy Whitmore and Authorizing the Mayor to Execute the Agreement (Report by Wendy Silva)
- B-4 Consideration of a Resolution Approving the Award of a Contract for the Sanitary Sewer and Storm Drain Improvements – Various Locations Bid Package 2, Project No. S 10-01, CDBG-2014-2217-5072, in the Amount of \$1,089,346 to Rolfe Construction Company, LLC, Authorizing Construction Contingencies of Up to 10% as Approved by the City

Engineer, Construction Management and Inspection Costs Up to 10%, and Authorizing the Mayor to Execute the Contract (Report by Keith Helmuth)

- B-5 Consideration of a Resolution Authorizing and Approving Amendments to the City of Madera Fiscal Year 2014/2015 Budget (Report by Tim Przybyla)
- B-6 Consideration of a Resolution Approving Agreement with Akel Engineering Group for Professional Engineering Services to the City of Madera for Preparation of the Parkwood and Parksdale Water, Sewer and Storm Drainage Infrastructure Study

And

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2015/16 Budget for the Parkwood and Parksdale Water, Sewer and Storm Drainage Infrastructure Study (Report by Keith Helmuth)

- B-7 Consideration of a Minute Order of the Council of the City of Madera, California Authorizing the Acceptance of a \$1,000.00 Donation to the Madera Police Department (Report by Steve Frazier)
- B-8 Consideration of a Resolution Authorizing and Approving Amendments to the City of Madera Fiscal Year 2015/2016 Budget for Additional Water Patrol and Conservation Staff (Report by Dave Randall)

Mayor Poythress asked if there are any items that a City 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.

ON MOTION BY MAYOR PRO TEM OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT FOR SPECIAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR SPECIAL SERVICES BETWEEN THE CITY OF MADERA AND THE LAW FIRM OF LIEBERT CASSIDY WHITMORE

RES. NO. 15-151 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR SANITARY SEWER AND STORM DRAIN IMPROVEMENTS-VARIOUS LOCATIONS, BID PACKAGE 2, PROJECT NO. S 10-01, CDBG-2014-2217-5072, IN THE AMOUNT OF \$1,089,346 TO ROLFE CONSTRUCTION COMPANY, LLC AND AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AS APPROVED BY THE CITY ENGINEER AND CONSTRUCTION MANAGEMENT AND INSPECTION COSTS UP TO 10%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

RES. NO. 15-152 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

RES. NO. 15-153 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH AKEL ENGINEERING GROUP FOR PROFESSIONAL ENGINEERING SERVICES TO THE CITY OF MADERA FOR

PREPARATION OF THE PARKWOOD AND PARKSDALE WATER, SEWER AND STORM DRAINAGE INFRASTRUCTURE STUDY

- RES. NO. 15-154** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2015/16 BUDGET FOR THE PARKWOOD AND PARKSDALE WATER, SEWER AND STORM DRAINAGE INFRASTRUCTURE STUDY**
- RES. NO. 15-155** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2015/16 ANNUAL BUDGET FOR ADDITIONAL WATER PATROL AND CONSERVATION STAFF**

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

C-1 Public Hearing and Consideration by the City Council of Resolutions Relating to Increases in Water and Sewer Rates as Follows:

Consideration of a Resolution of the City Council of the City Of Madera, California, Establishing Monthly Rates to be Charged for Water Furnished by the City and Repealing Resolution 10-118 and All Other Resolutions In Conflict Herewith

Consideration of a Resolution of the City Council of the City of Madera, California, Establishing Monthly Rates to be Charged for Sewer Service Furnished by the City and Repealing Resolution 10-119 and All Other Resolutions In Conflict Herewith

City Clerk Sonia Alvarez announced in Spanish the subject matter for item C-1 and advised that Spanish speaking interpreters are available to assist. Ms. Alvarez asked the interpreters to raise their hand and advised that anyone needing assistance in interpreting the subject matter to take a seat near the interpreters.

Public Works Operations Director Dave Randall stated they are talking about the water and sewer rates. He advised that they went through this process and it really began with the selection of a consulting firm to help them out with this. He noted that this is a very large and very detailed process. It is not one that is done without a significant amount of research. He commented that it took a lot of data and a lot of analytical things to do the study that is required to justify the rates and to justify how the rates are spread among the users. He advised that the firm of Raftelis was selected and they are here tonight to answer any questions they might have. He stated that once that was done they began the initial gathering of data and it was a large amount of work. He advised that portion of work identified what all their costs are. He commented that the whole concept of rates is that they are only charging for the services that are provided under the utility. They can't add in other things that are extraneous. They can't add in fire stations or parks or just things they think they need. It is water rates pay for water service, sewer rates pay for sewer service period. He noted that data was all collected and the analysis was presented to the Council. He commented that the Council was presented with a couple of different financial plans. He added that obviously when they are dealing with the significant large numbers that they are and the capital plans that they are looking at, they have to sort of discern which way they want to approach it. Staff received Council's direction and came back to the Council at a following meeting with the proposed rates. They walked through all those costs and the variables. He is not going to go through a lot of that tonight but those were results of an extensive amount of deliberation so when he jumps into this tonight, he wants the public to know, without having already done many, many hours of consideration. Once those proposed rates were approved by the Council they began the statutory requirements to meet Proposition 218 which requires a public notification of 45 days. All those proposed rates were pushed out to the people. They were mailed to all the utility account holders, to everybody that gets a bill now, and they were also mailed out to all the property owners. He stated that is a voluntary choice. It does give them the ability to file liens but they did both of those and those were directly mailed to each of those individual addresses. They also separately, after a

period of time, sent out individually to those same utility account, property owners, frequently asked questions to try to give the public a little more information. He commented that it did generate a number of calls which is a good thing. They had people looking at what they had before them and answered what were reasonable questions. In addition to that they also did public outreach. There were pieces in their monthly utility newsletter, their webpage has all the information on it including the rate study. The media has given them a significant amount of coverage so most certainly this has been a fairly transparent process.

Mr. Randall stated that tonight there really are three things that are happening. They are going to be conducting the public hearing. At the conclusion of that, when all of the protests that can be filed are gathered, staff will be able to verify if there is a majority protest. He explained the way this works, in order for the rates to be able to move forward, there cannot be a majority protest. He noted that a protest has to be filed in writing. That information has been in all of the notices. They have been receiving them and will receive until the close of that hearing. He noted that there are in the neighborhood of 15,817 parcels in the City so it would be a half plus one for that to fail. Then it is up to the Council's pleasure to adopt a resolution adopting the rates if they so determine that is appropriate. Mr. Randall stated that the fees would go into effect starting July 28th because their water and sewer are billed differently, one is in advance, one is in arrears, they will see the rates change with a month lag between them. Mr. Randall offered to answer any questions. He realizes it is pretty brief but they have heard an awful lot about it so he didn't want to drag it out.

Mayor Poythress asked if there are any questions for Mr. Randall. No questions were asked. Mayor Poythress stated that Mr. Randall has done a great job preparing the Council with the information.

Mayor Poythress stated that before they open up the public hearing he would just like to make a few comments. As they are all sitting here this evening there is not one single person in this room who is happy about paying higher water rates and sewer rates. He will have them know that his colleagues here all live in the City of Madera. They have to otherwise they couldn't be on the Council. They are going to be subject, if things move forward, with the same rate increases. They kind of cross the spectrum up here. They have people who are working. They have families. They have people that have young children. They have a grandmother, noting they probably can't tell who that is, and then they have people on a fixed income like people in this room who don't have ways to automatically say, oh ok I'll just make more money and so on and so forth. They again kind of have a set amount of money in. They understand those things but they also understand that it would be infinitely irresponsible for them as a Council to really jeopardize the future of their City. He thinks many of them realize the importance of water to a city. Number one, it is the basic thing they need for their very survival. It is the number one thing. If they don't have water in a city, you really don't have a city, you have a ghost town. Number two, if you don't have a good solid supply of water, you've got other issues, health issues that can emerge. A safe supply. They see many communities in their state and in their valley that have those problems and that is something that they always need to be watching out for. As their water table diminishes it is more and more important for them to check the quality; there are all kinds of problems that could emerge and to mitigate those issues. He was in the western part of their County. He was visiting a farmer recently and he noticed this big tank of sulfuric acid and he said, what is that big tank of sulfuric acid. He says, well our water table, noting again this is water in Madera County not too far from here, it is at a point that it is so salty that they need the sulfuric acid to bring the PH level back up. Mayor Poythress stated that the City is not there yet but there is a possibility and they need to be able to address that if that were to occur. He noted that without a steady water supply they are going to have their economy going sideways and think about their property values. If they have a city that doesn't have a good water supply or stable water supply or water supply, their houses aren't worth much. They saw an issue last year with an unincorporated area of their general City area called Parkwood. He stated that it is not part of the City, it is in the County, and they were in a situation where they had three wells. Two went out and they were basically living on vapors from the third one. He commented that the City of Madera bailed them out. They provided a hook up because they were close by but if Parkwood was four or five miles away, they would really be in sad shape because there would be no way that they could have hooked up to the City of Madera. Mayor Poythress noted that the City of Madera doesn't have another City that can bail them out so what they need to do is continue to be responsible, think forward, think about the

future. He suggested don't think about the problem when it occurs, think about issues that may occur. He commented that these rate increases are going to ensure that they have infrastructure, pipes, wells, pumps. They hear about an El Niño happening, coming up, but still, over time, they have seen their water table diminish more, and more, and more. Every city in California is looking at a rate increase. There are 480 incorporated cities and they are not alone. He commented that there are many that have already passed water rate increases because of drought conditions. He added that they have a population that has doubled over the last 30 years and many cities have not worked towards increasing the infrastructure. They are almost 40 million people in the State of California; early 80's they were at about 20 million. He restated that they need to be ahead of the curve and to plan and to be good stewards, and to take care of their residents.

Mayor Poythress opened the public hearing. Mayor Poythress announced that written protests should be given to the City Clerk prior to the end of the hearing. He added that the first people to speak will be those who signed in. They will be called up to the podium. He added that anyone who has not signed in will still be given an opportunity to speak prior to the conclusion of the public hearing. He announced that there will be a 3 minute limit to their comments. If they are cut off or he says time, he is not being rude, he just wants to make sure that they have a chance to give everybody an opportunity to make a comment.

City Clerk Sonia Alvarez announced she would call three names at a time to keep the line moving then she will call the next set. Ms. Alvarez called up Santos Garcia, Betty Barker and Marcel Ramirez.

Santos Garcia, residing in the city limits of Madera, stated he has been a resident of Madera since 1971. He thanked them for their service. He knows it is an issue that weighs heavily on the minds of everyone here. The reason he is here is he would like to know what if anything they can do for people who are on fixed incomes, people who are elderly, and people who are poor. He was speaking to a gentleman earlier today and he was informing him that there are some problems with giving preference to people over and above and that is a problem. His concern is, if they are going to move forward with the rate increases, what if anything they can do to give priority to folks who are going to be hit financially. He added that there are a number of things he can think of off the top of his head. Giving them information. Giving them access to resources to be able to assist them but he would like to know what the City Council is going to be doing to assist these folks at this time.

Betty Barker, residing in the city limits of Madera, stated she has lived here about 20 years and she is here representing her district, her area that she lives in. They are kind of curious as to, a lot of the homeowners that she made contact with and that contacted her, had no idea about filing a protest. How to do it, how to go about it and the way it was provided in the bill, and it was provided but it was in the middle of the paragraph. People didn't look at it. They got it, they tossed it. She thinks that if they have a vote the people should know their rights and it should be independent of that bill. They asked her to breach the subject and she is so that is one problem that she sees with it. The second problem is that, where has the money gone for the water. They had water meters put in two, maybe three years ago and it had to increase the financial pot considerably. She asked where was that money. Where did it go? She stated 68% over, it's ridiculous. She is here to express her opinion and the opinion of the people that she lives around. She thanked them.

Marcel Ramirez, residing in the city limits of Madera, agreed with the two speakers. He stated that he formally objects to the rates. One because of the lack of information regarding where the money is going; the breakdown of previous years. They should have had something implemented within two years of a drought situation meaning maintenance, repairs, what's happening, what are we going to do basically to improve the water use of bad water. He sees that there has been an analysis but the analysis is based on what information, 2013 / 2012, where they did not have that sort of drought situation. He feels there is some information that is not adding up on paper and numbers. He disapproves it because one, he doesn't basically if the rates are going to go for salaries. He sees on one cut sheet that year after year from 12, 13, 14, salaries have gone up and maintenance. He noted there is something there that has to be looked at. What can they do to reduce maintenance? What can they do to bring in high technology, basically wind to generate electricity for pumps? He noted that one thing that Mr. Randall commented basically, is the use of electricity. He stated that should have been thought of years ago basically, in the 90's in regards to how they can make use of wind and the sun to generate electricity for pumps. The other thing that he had a

question on is basically, if any of the funds are going for new development of housing, which he objects to. If the developer is going to pay for their complete hook up or waste and tap water, that is fine but he does not want to spend any of his money for them to come in to the City limits or extend to the boundaries of the City limits for them. They should pick the bill. That is not new. That has been done up and down California where the developer pays for everything and basically is reimbursed over the years of future development in that area. Formally he protests and surrounding neighbors also protest to that also. He stated that in the flyer it is in one sentence. Mr. Ramirez stated he overlooked it because he pretty much reviews things real quickly and he missed it. Normally he doesn't do that but he did miss it. He talked to Mr. Randall, went to his office, and he pointed it out and he said you are right. Mr. Ramirez stated he did basically write a protest and submitted that tonight.

Ms. Alvarez called the next three speakers: Socorro Iniquez, Larry Lihosit, and Lynn Young.

Socorro Iniquez, residing in the City limits of Madera, was assisted by interpreter Iliana Villafan. Ms. Villafan stated Ms. Iniquez's question is that since there is new development and the water rates have gone up because of the new development, she wants to know what they will do for people who are on a fixed income for example, she is social security. She also wants to know what she will do if she is on a fixed income and the rates continue to increase. She added that there are a lot of people who are on a fixed income and she is worried about the rates that continue to increase and she wants to know what will be done about that.

Larry Lihosit, residing in the City limits of Madera, stated he is a retired City planner and he has been at his residence almost 20 years. He stated this isn't the first rate increase he has seen and he fully understands what it is about so he did not come here to protest nor did he fill out a written protest however he would request the City Council table adoption of these rate increases until two things happen. Number one, staff should analyze and prepare findings for them concerning developer fees. He noted that during the great depression the last few years, developer fees were actually lowered probably based on the argument that the fees were too high and that is what stopped building. He noted that is not true. He commented that building has to do with interest rates and the market. It has nothing to do with fees at all. In this particular case, if they are having problems with water rates, noting that the Mayor brought up a very good point that he was going to mention, in the last 30 years the population has doubled in this town. He is one of those people that came in the last 30 years and a whole bunch of them in the audience probably are. They should have, through their fees, contributed for specifically the maintenance of those lines that already existed that they are benefitting from. He advised that should be built into the rate system. He thinks staff should look at that, analyze it, prepare findings for the Council before they adopt. Secondly, he also requests that they table adoption for another reason that staff look into giving a discount to the elderly number one, and number two, those who are below the California state mandated poverty line. They have quite a few of them in town. He thanked the Council for their time.

Lynn Young, residing in the City limits of Madera, stated she has been in Madera since 1975. She does concur with Socorro (Ms. Iniquez) who spoke about especially the implementation of five years even though it is a decreasing percentage. The first year for her bill is 42% increase of base only. She noted that is a little steep. The next comment she has is about billing of the units. She stated that 0 through 10 units is based on cubic feet. Right now they are based on cubic feet but it is \$0.86. She stated that the new one, the fraction is going to be discounted according to the talk she had with Mr. Randall. For 0 to 1 unit it would be \$1.00. If they use 101 it would be \$2.00. That is the thing she thinks maybe should be taken into consideration going to maybe the old way if this gets adopted. She noted that the last is, just like PG&E she thinks there should be a consideration for seasonal needs, seasonal usage. She commented that they adjust the gas in the winter and the electricity in the summer and she did not see that addressed. She doesn't go online because she doesn't have that access to know but those are her comments and thanked them.

Ms. Alvarez named the next three speakers: Elvin Martin, Lawrence Medina, and Gloria Rinder.

Elvin Martin, residing in the City limits of Madera, stated he has been in Madera since 1956. He noted that pretty much the stuff he was going to cover has been covered. He commented that the percentage of the

rate increase, it seems a little steep. He agrees with that. Also, he thinks that they all know that a majority of parcel owners would not hand in a written protest so it seems like they don't have much say because they are going to pass it anyway. That is what their flyer states. Also, as the gentleman brought up, the money will be used for salary increases also as stated in their flyer. Everything else has pretty much been said.

Gloria Rinder stated she has been a resident in the City of Madera probably for about 8 years now. Her major concern is she is terrified about the cost of the increase of water. It is not just water that is going up, it is everything in the economy that is going up. Soon she will be on a fixed income and it is frightening to her. She knows that where she lives she pays, as part of her property tax, a yard maintenance fee. Her understanding is that this fee was to maintain the decorative shrubbery that they have, some of the decorated circles that they have and she thought well perhaps some of the money used on them, since they are not going to be watering them or should they consider not watering them and changing it from a landscape to maybe a bit of history about Madera County, that those funds can be used to help people that need their water bills supplemented by it. That way they are just transferring the funds in one area out to the public that are having a hard time with those water bills. She thanked them.

Lawrence Medina, residing in the City limits of Madera, stated he has lived in Madera almost his entire life. He only has four things to say; he won't be wordy. He is looking at the percentages on these rate increases that water is going up 44%, sewer is going up 12 so an aggregate increase of 33 1/3%. Secondly on the proposed rate increases, they are going to go up about 77%. Thirdly, on his four items, he believes that it is almost impossible to get 50% plus one property owners to vote against it. He noted that is ok, they are giving them a chance to speak. Finally, the last thing that he has, he is looking at this thing about the basis of the rate increases. It says that the consulting firm that helped out the City came up with this proposal and this will help them out for the next five years. He asked what happens after five years and thanked them.

Ms. Alvarez called Irene Reyes to speak.

Irene Reyes, residing in the City limits of Madera, was assisted by interpreter Iliana Villafan. Ms. Villafan stated that when the water from the City is done would they get it from the canal and she doesn't want the fee increase.

Mayor Poythress stated they are now open to anybody else who did not sign in to come up and make a comment if they would like to.

Marcel Ramirez asked to re-address the Council. Mr. Ramirez stated he left out some things on his comment. He was trying to rush. He stated where is the funding on this going. Basically if he sees something of this nature passed, one is basically they should be looking at, once the meters have been installed that they have this information to tabulate basically who are good residents, who are bad multi-family dwellings basically to put them into this higher bracket. He noted residences basically who are below the first tier should kept at their current rate in fresh water otherwise penalize the multi-family dwellings basically because there is a big amount of them basically that waste water on the property and they are not concerned about saving unless they get hit with something in the rent or the property owner gets a notice basically that he is going to lose a few more pennies basically. His second item is basically the sewer. What they are hitting for the residents basically should be reversed. They should hit multi-family units with that high price, basically is \$29, \$19 for a residence, even less because basically if residences are going to have this high cost they are going to use less water and it is going to cause problems in the sewer. They are not going to have the water to move things down the road. They are going to have problems and it is going to cause more maintenance. These are items he wanted to also address and put on the table for them to think about.

Mayor Poythress asked if there are any other members of the public who wish to address the Council. No one else came forward and Mayor Poythress closed the public hearing. He announced that they would have a temporary recess on item C-1 while staff updates the protest tally.

Ms. Alvarez stated that is correct and advised that they have staff in the main lobby updating the list for any letters that they have received since they closed. They will then come back in and provide the City Clerk with the tally and then they can return to that item.

Mayor Poythress thanked the public for their comments. He is not telling them to leave; he is just thanking them for their comments, for making those, and for being here this evening.

Mayor Poythress recessed item C-1 and announced that they would move on to item C-2.

City Attorney Brent Richardson announced that item C-2 is somewhat contingent on item C-1 so they may want to consider taking that after C-1 is done.

Mayor Poythress announced they would move on to item C-3. Items C-4, C-5 and D-1 were also heard during this time. See discussions under respective items.

Mayor Poythress announced that they have the tallies now.

Ms. Alvarez agreed.

City Attorney Brent Richardson announced that they are back on item C-1.

Mayor Poythress concurred and thanked Mr. Richardson.

Ms. Alvarez announced in Spanish that they will now continue on the rate increase subject matter.

Ms. Alvarez announced the tally results. They received 156 valid protests and 55 invalid. The total percentage for water is 0.99% and the percentage for sewer, noting it is the same protest letter count, at 0.99%.

Mayor Poythress thanked Ms. Alvarez for the report. What he would like to do before moving forward is ask his colleagues if anybody would like to make a comment at this time. They heard the testimony from many, many people and they really appreciate that. Before they go to a vote he didn't know if anybody would like to make a comment or respond to any of the comments.

Council Member Medellin stated he appreciates everybody showing up as the Mayor had said before. He asked for some clarification. They have talked about this before, directing his comment to Mr. Randall, and he had mentioned this in his staff report but of course not everybody was here. He thinks they have made every effort, at least legally, to send out this Prop 218 notice. It was on the website. He thinks it was in the paper. They have had numerous meetings but for whatever reason maybe people did not see it. What he would like to do, in the spirit of transparency, is to once again go over some of the main reasons why they addressed this increase. He noted that the Mayor talked about it before where in some areas of the County they went from three wells to one well to no water and without having to reiterate the speech, they don't want to get to that point. They don't want to get to the point where they find out that infrastructure that is 50 and 60 years old is broken and now they have to find the money to get it. He wants people to understand that whether they are sending in 10 units or 1,000 units to an area, the PG&E costs for the City continue to go up regardless of how much money they are sending. If they could just reiterate those points. Again he just wants to make sure that they are as transparent as possible. This is not a vote that they tried to slip past anybody or things of that nature. Also, this evening it was brought up about the elderly and people on fixed incomes. If there are other avenues that they could either help with that or something because again they are here to help as best as they can and do what they feel as a Council is prudent.

Mr. Randall stated he would break down his questions over a couple of different areas. He noted that one of the, he thinks, most obvious questions people have is why do we need this. Can't we economize? Can't we do with less? He commented that there are two or three main portions of the cost of doing business for

them. They have the ongoing operational costs and debt service, and things that they just have to do day to day including such things as utility bills. The last time they approved the rates in 2010, they approved those rates with the foreknowledge that they had a fairly substantial fund balance and that these rates would not fully keep them afloat, that that fund balance would fall down. He noted, like anybody else, if you are living off part of your savings, after a time you have to stop doing that so they are partially in that mode. If they do not change their rates, in about two years, they won't be able to make their debt service and other costs of doing business so they would have an extreme problem there. He added that the other piece that goes into it is having adequate funds to not just turn on the pump but to maintain that pump, pull it when it goes bad, and obviously the drought has caused them a number large capital expenditures having various repairs to make but then there is a long term sustainability question that is essential for their children. They talk about sustainability and often the way to describe that is making sure they keep their system so that their children are going to have a working system and that they don't just run it into the ground. He commented that it is something that those costs have to be placed into the budget; you just can't keep kicking the can down the road. He added that as the drought intensifies, it makes it all the more crucial that they maintain. He noted that the Mayor's example of Parkwood is a good example of where they don't have redundancy and they have failures, they can start running into problems. One of the capital outlay items that is about six or five years out is a large water tank. He advised that becomes a more cost effective way for them to provide the service because they can run the wells when it is most cost effective. They have 19 wells; about 18 of them running. Most of the time they are only running about 6 of them to do normal things. They need the rest of those to handle that peak demand when everybody comes home and wants to take a shower. They won't have those costs as extreme when they do tanks. Those type of expenses are not something that they can absorb from year to year. He noted that is why they do have debt service on bonds, etc. because those type of large expenses have to be sort of spread out over time and it makes it more equitable for people because those facilities last over a long time so everybody pays for it rather than just somebody paying for it in one year.

Mr. Randall referred to the question regarding the rates, low income and elderly. Mr. Randall responded that they are really constrained in what they can do. Prop 218 says they have to do a couple of things. One is that they have to determine what their costs are. They can't charge more than what it costs them to operate but then they have to make sure that when they create their rates that those rates apply to the people that receive the service. They can't try to balance it based upon some other factor of social sense or desire. He added that in a sort of negative term they could say well we are going to let all the industry have really low rates to generate jobs, we are going to stick it to all the residents. He commented that they can't do that or vice-versa, they can't make the industry pay for everything so they can have a free ride. They have to reflect the service. They can't do punitive tiering like they sort of see with their PG&E rates. Those tiers have to reflect the actual increase of service. What had to happen as part of that study is they had to identify what the impact is when somebody used more than the normal. What does it cost me? Well it costs me a couple of more wells because I wouldn't need those. It costs money for conservation efforts. He advised that those things go into the tiers but that is only when they can identify those costs. Can they charge them against the people that receive those services? Can we do that? They can't say well we think people from Scotland should get a better deal. He thinks they are wonderful people. He added that everybody would agree that maybe they ought to give lower rates to people on fixed incomes, or disabilities, or name your issue. He noted that it is very difficult and they are sensitive to it. What they can do for people, just like anybody else, they can try to help people and educate them. Nobody can really say anything on their sewer bill, it is what it is but, they can try to educate people in terms of their water consumption. He commented that is part of what the water conservation program is about. They can provide them with rebates where needed. He commented that is why the rebate program, which they will be discussing about a little more tonight, has programs designed specifically for people that don't have large incomes, that don't have a fancy irrigation system; they basically have hoses. He noted that a bag of mulch doesn't require a lot of money and they will pay them to use that. Mr. Randall stated those are some of the things they can do to try to help people but unfortunately the law doesn't allow them to take an overt action to give them a better deal.

Council Member Medellin thanked Mr. Randall for addressing that. He knows there have been a number of times where Mr. Randall has said that same speech but he thinks if somebody is going to come down to

a Council meeting and express their concern that is the least the City can do, is address some of those concerns and questions. He knows that they have called Mr. Randall. They have been in his office over the last few weeks or so. Council Member Medellin stated his appreciation to Mr. Randall for taking that time. Council Member Medellin added that really was his intent was to at least address those people that came down to the meeting and expressed their concerns. He thanked Mr. Randall again for answering that and he thinks they pretty much covered those questions and again, to his colleagues, he thinks it is about being responsible. For the last 5 years they have been working on where they would be in 2015. They didn't ask for the drought which has been around for 4 plus years so they are thinking of the next 5 years and then some.

Mayor Poythress asked if there are any other comments from any of his colleagues.

Mayor Pro Tem Oliver stated he would obviously echo the thoughts that have been shared tonight but, he thinks, one thing that stands out tonight most importantly, is that there is an appetite for information and additional outreach. He thinks they might have outgrown the direct mail, using the mailbox to convey some of those messages. He thinks they really have to challenge themselves to identify ways that they can engage their community, provide adequate information, but also provide information as to what the status is of their infrastructure. He noted that every two weeks they come up here and they often times vote on measures that will make money available to meet repairs and meet demands on their water infrastructure. They see it more often because of the drought but he thinks there is also an opportunity to provide that additional information or access to information so folks are aware where their monies are going. He can't think of a better opportunity than with the rollout of a new website later in the year or utilizing their social networks that are growing in popularity. He would just like to say that this whole discussion related to water has certainly challenged them. He thinks it has made them better. He thinks that these decisions tonight will ultimately place these funds in a position of strength and stability to make future investments. He thinks also that they graduated to a different level of engagement for their community.

Council Member Rigby stated to Mr. Randall that he appreciates his hard work and diligence. He knows that Mr. Randall and his office have been working tirelessly and making available as much information so that the Council can make an informed decision. For that he appreciates it. He knows that this is a topic that is heavy on their hearts. It is not easy when they are in a drought situation. They just got through a 218 vote where they are asking people to cut back on using water and now they are having to ask their City to respond to the possibility of having rates increased. He just had his first child. His son turned 6 months old this past week. He has lived in Madera his whole life. He plans on being here the rest of his life. He commented that with no increase to watch their capital reserve dwindle down to zero in 2 years, that is scary to him. He adding that knowing though, with this possible adjustment, not only does it allow them to meet their reserve quota for the next several years but it is actually setting them up by the year 2019 to make, what he believes, will be critical improvements and possibly even increase their water storage facilities. By that time who knows what type of information will be available to them but knowing that they would financially be sitting in a place to where they could make an even better decision in storage facilities that are going to help with upcoming generations, he feels that that is a responsible decision that this Council can make. He stated that the Mayor brought about a good point with the increase in their population. Council Member Rigby commented that he was doing some bedtime reading the other day and was reading that Forbes magazine actually had Madera City/Madera County as one of the top 10 growing counties in the nation. Not only that, but they are actually number one, according to Forbes magazine, in ag economy. With that being said, he can only imagine that they are going to possibly get more people into their City especially with men like Pastor Roger Leach creating new ways of education and seeing their unified school district work tirelessly to see that their schools are well equipped and brought up. He thinks all of this is a big play but it definitely allows them to move forward as well as, he is excited to see that if this adjustment is passed tonight, it sets them up for even, conservation efforts. It gives them financial ability to be able to go in and help their citizens with their conservation efforts whether they are doing it in the local section, private sector, or maybe even the business sector.

Council Member Robinson stated this is all about sustainability. They have to maintain what they have, improve it for the long haul and just like anything, for example your house has to be maintained,

maintenance of air condition, your car has to be maintained. Things cost especially if they have a European car or Japanese car. They have to pay for the pumps. That is expensive. If they have to drill another well that is a million dollars right there. Council Member Robinson restated that it is all about sustainability and maintaining what they have. He added that the City is going to grow so they have to adapt.

Mayor Poythress asked if there are any other comments from his colleagues at this time. No other comments were made and Mayor Poythress announced that they have two resolutions and they will consider each one individually.

Mayor Poythress stated that the first resolution is in regards to establishing monthly rates to be charged for water furnished by the City and repealing Resolution 10-118 and all other resolutions in conflict herewith. He announced that he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-1, RES. NO. 15-156, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-156 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ESTABLISHING MONTHLY RATES TO BE CHARGED FOR WATER FURNISHED BY THE CITY AND REPEALING RESOLUTION 10-118 AND ALL OTHER RESOLUTIONS IN CONFLICT HEREWITH

Mayor Poythress stated that the second resolution to consider would be the establishing of monthly rates to be charged for sewer service furnished by the City and repealing Resolution 10-119 and all other resolutions in conflict herewith.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM C-1, RES. NO. 15-157 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-157 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ESTABLISHING MONTHLY RATES TO BE CHARGED FOR SEWER SERVICE FURNISHED BY THE CITY AND REPEALING RESOLUTION 10-119 AND ALL OTHER RESOLUTIONS IN CONFLICT HEREWITH

C-2 Consideration of a Resolution Approving a Water Conservation Rebate Program and Authorizing and Approving Amendments to the City of Madera Fiscal Year 2015/2016 Budget in the Amount of \$500,000 to Fund the New Program

Public Works Operations Director Dave Randall stated before the Council tonight is the same subject they previously discussed in a preliminary fashion about trying to put some programs out to the community that will provide them the opportunities to help themselves conserve more water. He added that the rates that they just adopted do provide some funding for that. That takes some time but they felt that they initially would start with a \$500,000 appropriation to move things forward and then come back and appropriate the remainder as they move forward.

Mr. Randall referred to the display and stated these are the programs that they discussed last time. For the audience, he will run through them quickly. There is a start drip kit and timer. He advised that is intended again, to meet a lot of people who don't have existing irrigation. This will give them an ability to have a timer so they don't forget about that hose that is out there and it will give them enough drip system to maintain all their trees and bushes and hopefully keep their neighborhoods a little greener.

Mr. Randall stated the next one is for people that do have systems but most existing systems have fairly inefficient spray heads. This program would provide funding to replace those. He noted that he is not the expert here. He wished that John Scarborough from the Parks Department was here but unfortunately he is on vacation and he could tell them a lot about them. Mr. Randall commented that there is a significant difference, when they look at these type of heads, they are measured in gallons per hour where their normal

heads are measured in gallons per minute. He added that where normally people would say well gee I am watering 5 minutes or 10 minutes on my irrigation system, they are going to water longer but they are going to use a lot less water. He noted that helps also because it reduces the amount of runoff. It allows water to soak in; does other things.

Mr. Randall stated they have one for turf replacement. This would allow them to replace it with drought tolerant landscaping that generates at least a 50% water reduction or other permeable hard surfaces such as stepping stones, etc. They can use a number of products. Obviously there are synthetic lawns, etc. It is being provided for \$0.75 per square foot of turf that is removed up to 1,000 square feet so a maximum of a \$750 rebate.

Mr. Randall stated the next one is for washing machine rebates. It is a \$50 rebate. This is for when they are replacing an inefficient machine. It is not for, I just need to go buy a new one, or I have a new home but they want them to get rid of the bad one. Mr. Randall stated similarly there is that, they will see, for dishwashers. It is the same concept.

Mr. Randall stated they have the gray water diversion and equipment which is a challenging one. They are looking to try to partner with some of the community, some of the hardware and plumbing suppliers, to try to look for some opportunities to make a little more do it yourself or at least provide some manageable systems that people can understand how to accomplish and use gray water systems.

Mr. Randall stated they also have the traditional low flow toilets rebate.

Mr. Randall stated that an interesting one is the smart irrigation controllers. He advise that these have the potential to save a lot of water on existing irrigation systems again by just adjusting to the actual weather pattern rather than just whatever it had to be set at. They have been benefitting greatly recently from this cool weather but two weeks ago when it was 100 plus they probably wouldn't have gone back and turned their sprinklers down for this week and back up next week. He noted that this type of smart controller deals with those issues. It either has a sensor itself or reads from a weather station.

Mr. Randall stated they have a rebate for mulching. They are looking to try to help everybody whether or not they have an irrigation system or not.

Mr. Randall stated there is one for soil polymers.

Mr. Randall stated that the last one is their giveaway program which they have had, and they will continue to do, where they can provide people with low flow showerheads, aerators, tank diverters, etc.

Mr. Randall stated what they brought back to the Council tonight shows the highlighted ones which they have actually completed. They have provided the Council with the information. As they said previously, some of these would lag a little bit because it takes some time to work out some of the program details. He restated that these are the ones that they have brought to the Council and added that they will probably need to make some adjustments going forward. They are also continuing to look to expand that and to do maybe an open category. Mr. Randall stated staff will continue to come back to the Council. Obviously they will come back with their weekly report and they will also come back with new opportunities as they get people in the community to give them good ideas.

Mayor Poythress asked if there are any questions for Mr. Randall.

Mr. Randall added that this will start tomorrow. They are opening the wallet. They are ready to go.

Mayor Poythress commented that if there are no other questions, he will accept a motion for action.

ON MOTION BY MAYOR PRO TEM OLIVER, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-2, RES. NO. 15-158, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-158

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA
APPROVING A WATER CONSERVATION REBATE PROGRAM AND
AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA
FISCAL YEAR 2015/2016 BUDGET TO FUND THE PROGRAM**

Item E-1 was addressed next due to items C-3, C-4, C-5, and D-1 being heard while items C-1 and C-2 were recessed.

C-3 Public Hearing and Consideration of a Resolution of the City Council of the City of Madera Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties

Mayor Poythress announced that they would move on to item C-3 while C-1 and C-2 are recessed.

Neighborhood Preservation Supervisor Viola Rodriguez stated that it seems like five months have passed very quickly but they are almost at the end of the process that they started. Briefly in March they started the process of identifying lots that were not in compliance and they ended up at that time with 387 lots. From that time until the end of April it had dwindled down to 218 lots. Then on June the 10th, when they brought before City Council their report, at that time they had 51 lots. Ms. Rodriguez added that at that time the City Council conducted a public hearing and also ordered the abatement of those lots. At the beginning of July the list dwindled down to 6 and now, as of today, they have 5. Ms. Rodriguez advised that they have changed the list. They had to revise it because since then, one payment has been received and then based on services provided to the properties, two adjustments have been made to the hearing notices. Ms. Rodriguez stated they have had a good success on this program. Ms. Rodriguez offered to answer any questions.

There were no questions and Mayor Poythress stated great job.

Mayor Poythress opened the public hearing and asked if there are any members of the public who would like to make a comment in regards to this particular report and the assessments.

Lynn Young, residing in Madera, California, stated this is a very minor comment but sometimes when they do the weed abatement, it does not go all the way to the curb and she has a very small car and sometimes she can't see down certain streets because it hasn't been abated all the way to the curb. She advised that Cleveland is a good example.

Mayor Poythress asked if there are any other members of the public who wish to address this particular item. No other comments were made and Mayor Poythress closed the public hearing.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY MAYOR PRO TEM OLIVER,
ITEM C-3, RES. NO. 15-159 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

RES. NO. 15-159

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
CONFIRMING WEED ABATEMENT REPORT AND ORDERING COST OF
ABATEMENT TO BE A SPECIAL ASSESSMENT**

C-4 Second Reading and Consideration of Adoption of an Ordinance Rezoning an 8.25-acre Parcel Located at 2832 North Golden State Boulevard from the IP (Industrial Park) Zone District to the I (Industrial) Zone District

Mayor Poythress called item C-4 for discussion.

Planning Manager Chris Boyle stated that at their last hearing the Council introduced the ordinance on July 1st which would rezone the 8.25 acre parcel from the IP, Industrial Park Zone District, to the I, Industrial

Zone District. He added that staff and the Planning Commission continue support of the rezoning of the property and the ordinance, and would recommend the second reading and adoption. Mr. Boyle advised that completes his presentation and offered to answer any questions.

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

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER MEDELLIN, FURTHER READING WAS WAIVED, AND ITEM C-4, ORD. NO. 924 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. NO. 924 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 APPROXIMATELY 8.25 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF NORTH GOLDEN STATE BOULEVARD APPROXIMATELY 800 FEET NORTH OF THE ELLIS STREET OVERPASS FROM THE IP (INDUSTRIAL PARK) ZONE DISTRICT TO THE I (INDUSTRIAL) ZONE DISTRICT

C-5 Second Reading and Consideration of Adoption of an Ordinance Amending Portions of Chapter 5, of Title V of the City of Madera Municipal Code Relating to Water Restrictions

Mayor Poythress announced they would move on to item C-5.

Public Works Operations Manager Dave Randall stated that because this is the second reading, the Council has already heard it. He advised this was a cleanup piece of ordinance that addresses the water regulations. It provides a little more clarity on some issues of hours of watering. They defined them a little more clearly and it provided for some clarity on the issue of gardens. He noted that the other thing it did is it also provided the prohibition for unorganized carwashes not performed at a commercial carwash. He stated this was the regular format. He commented that the urgency ordinance was already adopted. This is the second reading of the normal format. He offered to answer any questions.

Mayor Poythress asked if there are any questions for Mr. Randall. No questions were asked and Mayor Poythress asked for reading of title.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY MAYOR PRO TEM OLIVER, FURTHER READING WAS WAIVED AND ITEM C-5, ORD. NO. 925 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. NO. 925 C.S. 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 RESTRICTIONS

D. WRITTEN COMMUNICATIONS

D-1 Madera I-Lan Sister City Corporation Request for Support

Mayor Poythress moved to item D-1.

Krystle Kidwell, representing the Madera I-Lan Sister City Corporation, stated she is here on behalf of their President Chris Simonian to request support from the City Council. She noted that Ms. Simonian apologized that she is not able to attend due to out of state business travel. They wrote the letter to the Council because she doesn't know if most of the City Council is aware that the City of Madera has a Sister City called I-Lan in Taiwan. They established this relationship back in 1996 she believes. Since then, almost 19 years, the Madera I-Lan Sister City Corporation has been putting on successful cultural exchange through City of I-Lan and provided to the citizens of Madera with different classic concerts. She thinks they have been here almost 10 times already and this year they will have another group. It is a combination of a choir called Sonar Choir from City of I-Lan and a youth orchestra consisting of 14 adults total in the choir and 8 youth orchestra performing classic music. They will be visiting the City August 16th to August the 21st. She stated that usually the Sister City Corporation puts on a program to host the room and board and to host the meal, and putting on a concert for the citizens of Madera. This year they will be performing on August the 20th which is a Thursday at the United Methodist Church. With all the efforts they need, they are requesting some financial support from the City. If they can consider the costs will be mainly meals. They are trying to be a good host taking them around to visiting some farms and some different places to show what we have in Madera. They are looking for host families. They are getting support to show what kind of life they have in Madera. The support they are asking today is mainly financially and probably the people from this audience can spread the word out to support the concert they are going to be putting on August the 20th at the United Methodist Church. She added that the concert starts at 7:00 p.m. If the Council can give them financial support, they are seriously considering putting on this concert because they used to charge a fee for it like \$10 or \$15, starting with \$5 the first concert they had. Then due to the cost and the expenses they have, they raised to \$10 and \$15. This year if they can get the Council support, if the City of Madera can be their major sponsor, they might be able to provide the concert for free to the citizens of the City of Madera. She commented that they have a dilemma over here, if they provided a concert for a fee, no audience can come. If they sell tickets people can't afford to buy it. She stated that it doesn't matter which route they choose, they have to put a lot of efforts to it. They are asking the Council's financial support. They are seriously considering putting this concert on for free and hopefully with the Tribunes help, maybe they can get the word out so they can invite the citizens to attend this wonderful concert. She commented that this is not just a regular concert. The people they send out overseas have to meet certain standards. If they are not outstanding performers, they will not be allowed to come out of their country to perform for us. She can guarantee them the performance will not be disappointing. She commented that any kind of financial support will be greatly appreciated. Ms. Kidwell offered to answer any questions.

Mayor Poythress stated he is not sure how his colleagues feel about this. He noted that Ms. Kidwell talked about guaranteeing a good concert and asked what if he guaranteed that she would get her \$3,000 but it wouldn't be from the City of Madera. He noted that money is green and it doesn't really matter what the source is as long as they get those \$3,000, green bills. He will personally guarantee that she will get the \$3,000 but it won't be from the City of Madera. He asked if everybody is good with that.

Mayor Poythress stated everybody heard his pledge. He stated he really appreciates what the group does on the committee and all the hard work. Several of them in this room had a chance to go to I-Lan back in 2002. They were such gracious hosts. They had a great time. They have had them over many, many times and it is mainly because of the hard work by their I-Lan Committee. He just wants to honor her request and he will guarantee that she will get her \$3,000 but it won't be from the City of Madera at this point.

Ms. Kidwell stated she really appreciates that. The reason she comes to the Council today is because they are soliciting private support sponsors as well. She really thinks the City of Madera really needs to put some efforts to show this is a Sister City Program adding that after all, this is supported by the City of Madera and she knows the money is tough. She just thought the City of Madera really had to come out officially to support this program. It is great that he likes to pledge personal support to help them out but she hates to see this responsibility put on to his shoulder instead of the City of Madera project. She restated this is the Sister City Program and this is approved by their City Council. To her, the City of

Madera really needs to step in to support them and she knows the situation, the rate increase or whatever. She really appreciates it but, she really hates to see the Mayor putting this burden on himself.

Mayor Poythress stated it is not a burden. He signed up for this job. He added that there is a nice little chunk of change he thinks in that account from the City of Madera from a few years ago. He asked if the Council is ok with that. Council concurred. He restated that Ms. Kidwell will get her money. They really value the relationship in their Sister City noting that it is wonderful.

Ms. Kidwell stated their appreciation. She added that when they come, they really hope that the City can support them and show up for the concert.

Mayor Poythress replied that absolutely everybody is going to be there.

Discussion returned to item C-1.

E. ADMINISTRATIVE REPORTS

E-1 Weekly Water Conservation Reports

Public Works Operations Director Dave Randall stated it is good news. He thinks that Council Member Bompreszi was correct in seeing the vision of seeing their community respond to their request. He has been amazed at the number of people that when he talks to them, not because they have called him to talk about water, but as he is at his day to day shopping and church and things, that they are already doing those things and ya their lawn is brown and it has made a significant impact. He noted that the weather has helped a little. Mr. Randall commented that the Council has received the previous week's report in their package and they just gave them the latest dispersal which includes this information for this last week. They only have a 28% goal. They are at 35%. This last week was 38%. He restated that the cool weather helped but this is a great response to what they are doing.

Mr. Randall commented that the leaks and repairs have been fairly small. Like they say, it is just one of those things that they never know. They come and go. One leak in a week. He doesn't know why they got that but that was great and then the next week 9. Mr. Randall added that they have other things to do besides leaks so they are not sitting around. Mr. Randall offered to answer any questions about how they are doing.

Council Member Bompreszi stated she wants them to know that her husband bought her a 5 gallon bucket because it takes almost 3 gallons to heat the water from the water heater to the shower. Every time they take a shower they put that nozzle in there until it gets warm and it is about 3 gallons. She is doing her part. Then they water all the little brown spots in the lawn every day. She too wants to commend residents for stepping up to the plate and not proving her wrong because she knew they could do it as a community. She commented that Vera and her sister have been at a couple of the meetings. She thanked them very much for getting the word out because she knows they have gotten the word out. She added that they make her proud.

Mayor Poythress referred to the reports noting that he can't recall if he has sent them out in emails before or if they mainly have been in the Council packages. He asked if they can get these on a weekly basis in between Council meetings. He knows the next one is not until the 5th of August.

Mr. Randall replied he would be happy to do that for them. He stated that typically on a normal rotation, they have an extra week this month, but they would get one in their package and then they would get a late dispersal because it is just the way it happens.

Mayor Poythress stated that would keep them on track with what is going on and who's who and what's what.

E-2 Report on Policy and Procedure Changes in Utility Billing and Request for Authorization from Council to Delay the Application of Late Penalties Related to the Delinquency Date of July 27, 2015 until after July 30, 2015

Director of Financial Services Tim Przybyla stated this item is basically a report on the changes in the utility billing system. As they are seeing this evening change can be a struggle but, if there is no struggle, there is no progress. This evening he is here to discuss the changes that were approved by Council back in May that are not taking effect. He advised that back in May they had some policy changes. Those policy changes related to how water shut off noticing is handled. They were designed to streamline the shut off process and the first notice is now given in the utility bill rather than doing a separate mailing to send out the first notices. They are including that in the utility bills. That saves money and staff time rather than doing a separate mailing, they include it right in the utility bill. He noted that has caught a lot of people's attention because they wanted to make it noticeable and they have noticed, trust him. He displayed an example of what was put in. They put it in red letters so people would notice that the past due balances must be paid by the 20th of this month or additional penalties will be applied and services will be terminated until paid in full. Mr. Przybyla stated that the good thing is that they all noticed it. The problem is, if there is a zero dollar amount showing in the past due box, they assume that it is still related to them and the customers were upset. He restated there is the good and the bad. The good thing is it worked and that they noticed it and the bad thing is that they offended some of the customers. He added that as they change they will try to improve the process. That is what they are hoping to do tonight. Mr. Przybyla commented the second notice is now sent out by mail 7 days prior to shut off and the mailed notice is followed by phone call attempts. Mr. Przybyla advised those where the policy changes that took place in May.

Mr. Przybyla stated they also made some ordinance changes. They changed the delinquency date from the 5th of the following month to the 25th of the current month. That allows staff to include all penalties on the bills and it should eliminate some confusion related to penalties. He advised that the bills are generated at the end of the month and if the late date is not until the 5th of the following month, then customers would come in on the 6th of the month and say I just got my bill, how come you are telling me I have to pay a penalty. He commented that changing that date to the 25th rather than the 5th helps them to include all the penalties on the bill and hopefully they will eliminate some of the confusion that they have had in the past.

Mr. Przybyla stated that the ordinance also cleaned up the shut off procedures and provided adequate noticing for shut offs. It also ensured that they were in line with the California Public Utilities Code. He advised that as part of this roll out, since June they included in the June Utility Newsletter an announcement which said...*Utility billing statements and noticing for delinquent accounts will be changing. Effective July 1st bills will be sent out with a 10-day notice for delinquent accounts. 48 hour notices will be mailed 7 days prior to shut off and a reasonable attempt to contact an adult on the premise will be made 48 hours prior to shut off. Bills mailed on the 1st will be considered delinquent on the 26th of the current month. If you have questions regarding these billing changes please call (559) 661-5454 or you can review the changes on the web at...the City's website.* Mr. Przybyla stated the following is what they had on the City's website: *Notice to all customers. The delinquency dates will be changing July 2015. Currently the bills are sent on the 1st of each month and are considered delinquent after the 5th of the following month. The new process will move the delinquent date to after the 25th of the current month. This will allow the City to include any penalties posted to the account to the statement mailed on the first of the following month.* He commented that currently, their customers are unaware of any penalties until they receive their next statement. At this point the customer only has a few days to pay the penalty before receiving a penalty on the initial penalty. *For the next two months, the billing and delinquent penalties will be processed as follows: June's bill mailed out on June 1st will be considered delinquent after July 6th.* He noted it is July 6th because the 5th falls on a Sunday. *The July bill sent out on the 1st of July will be considered delinquent after the 27th (25th falls on a Saturday). If you have your bill paid by Bill Pay with your bank, please take some time to change the dates you have the bank process your payment. If the City processes your payment electronically, we will continue to process your payment on the 3rd Friday of every month. If you would like to have your account set up as an ACH payment, please call our office to get more information.* Mr. Przybyla stated they also had that posted on the website in Spanish. Included in the July Utilities Newsletter they have this

reminder... *Utility billing statement due dates change in July.* He noted that he took that right out of the newsletter posted showing it is a reminder. He displayed what the bills looked like in May and what they look like in July noting there are big differences there. He added that at the top it says due date 6/5/15 and it says previous balance. He also pointed out that it says a late fee will apply after 6/5/15. What they have changed is that they are letting them know that this is a past due amount because this is actually the amount from the prior month that wasn't paid. It still carried forward, it is delinquent, and it is going to become past due on that certain date. They are making them aware of when it is due and then they are making it real clear that past due balances must be paid by a certain date or additional penalties will be applied and services will be terminated until paid in full. He pointed out that they also changed that instead of due date it is delinquent date. He advised that part of the ordinance in the past said that the bills are actually due upon receipt so it was confusing to say that they are not due until the 5th of the following month. They are actually due now. They will be late after the 5th of the following month and there will be penalties. In the next month they hope to put at the top due upon receipt so that is understandable, then it says it will have a delinquent date. If they pay after that delinquent date then there will be a late penalty for the current month's charges. He stated that the past due balance again is the balance from the prior month that still hasn't been paid and the notice will be given as to when they will be shut off if they don't pay by that date.

Council Member Holley stated he was looking at this the other day on his bill. He asked how do they assess the penalty. If you already have a past due amount and they are going to pay that balance, for them being late, is a \$10.00 charge.

Mr. Przybyla responded it is 10%. It is a late fee if they go beyond the delinquent date, then there is a 10% penalty for the late fee. If they have penalties from the prior month that haven't been paid, which has been a problem in the past, there is another penalty on that so this \$10.00 penalty would have another \$1.04 penalty tacked on to it and added to the penalties in the past.

Council Member Holley asked what that adjustment means. He added that if they paid some and they deducted that out of it.

Mr. Przybyla replied that there could be adjustments if there was something wrong in the billing or if there was some kind of credit that was given to them for some reason. Those are a couple of examples of what the adjustments would be.

Council Member Holley stated that the reason he asks is that he has had people ask him how do you read this. That is why he was kind of concerned about the questions.

Mr. Przybyla stated he appreciates the question and that is what they are trying to do is make it as understandable for the public as they can. Mr. Przybyla stated he is asking the question tonight, how can they improve understanding of the utility bills. He thinks that they can clarify the differences between delinquent and past due so that customers will understand that better. He thinks something else that they could do is explain the dates of service better somehow because it says it is for services. For example, the July bill said July 1st through July 31st. Part of that is actually paying for the water that was used in June but they are wondering well if it is for next month why is it due the 25th. He will see if they can't work on that to make it understandable and maybe include something on the website that would clarify that as well. As he mentioned here, they can update the website information in August to reflect the same type of information that they included regarding July when they put the information on the website in June. He asked if there are any other suggestions as far as what they might do to improve understanding on utility bills.

Council Member Rigby stated, to his value, being able to sort of see the actual bill, he is curious as to what their abilities are through the website to maybe post a bill and somehow narrate this is how this bill should be read. He doesn't know if it looks like bullet points or like an arrow coming from suggested places where I should be. You may notice this like a circle with an arrow coming out and this is what this means. This is when this is due. He added that what would be awesome is if they could do a video of it, have the voice over. He doesn't really know what they are capable of doing. He knows he is dreaming.

Mr. Przybyla stated those are both great ideas.

Council Member Rigby stated Mr. Przybyla breaking it down was helpful. He is not going to go to the website, see what they posted and read it. He is going to look at it and say ah forget this, this is German, I don't want to read that, I don't want take any time. Simpleton says picture, this is good, this is easy, I can do this.

Mr. Przybyla asked if he is suggesting that they put that in writing rather than post it on the web if they have, like Council Member Rigby said, a picture of the bill with circles and lines saying this means and that means such.

Council Member Rigby stated he thinks so.

Mr. Przybyla stated they can certainly include that in the utility bill.

Council Member Rigby stated it is more seeker friendly, if you will.

Mayor Pro Tem Oliver stated that their bills are limited to certain content and character space but as far as the alternative payment centers, is that something that deviates or changes from month to month depending on how much room is on each bill. He knows that over the last couple of months, there is one month that included just the Police Department which he absolutely supports in fostering better relations and opening their doors for folks for an additional service but also left out the Bridge Store which a lot of his constituents rely on to make payments in his community. He is just curious as to how much deviation there is as far as listing the alternative payment centers and if possible, he thinks, that is something that they should maintain some sort of consistency with.

Mr. Przybyla stated he is glad Mayor Pro Tem Oliver brought that up because not only did they have the bold red letters saying there are past due amounts due, they also were offended saying that you can go to the police station if you want. In other words, you are really in trouble, you gotta go to the police station now. He commented that wasn't the intent and he is not quite sure how that space got pushed out so that Bridge Store doesn't show. They will watch that a lot more carefully in the future.

Council Member Holley stated so he understands it, bills are paid in advance.

Mr. Przybyla replied that a portion of it is paid in advance. Basically what they are paying in advance are the fixed fees which is technically everything except for usage fees on water.

Council Member Holley stated that if he was to take his bill and it is due, instead of bringing it here and they mailed it in, it goes all the way to San Francisco and then it comes back.

Mr. Przybyla stated it comes back electronically if it goes to San Francisco and it is posted electronically so it processes the payment automatically.

Council Member Bompreszi added that it is a processing center that they get all the bulk of it and it is all processed electronically just like if you would go take a check to the bank. They process it all and then credit through ACH electronically.

Council Member Bompreszi stated she is wondering what their capabilities are going to be in the future to be able to view their bills online, on the site, pull it up like PG&E and every other Comcast, Verizon.

Mr. Przybyla stated he would say the future is bright. They will definitely be working on that with the new accounting software that they will be implementing here soon. That is definitely a goal at least for the Utility Billing Department/Finance.

Mr. Przybyla asked if there are any other questions. If not, he will move on with the report. He stated that the question is how can they ease the transition for customers. They could give the customers until the 30th to pay without a late fee for this first month. That would give them three additional days if Council so directs. They could consider adding the late fee on the bill as generated on the 31st but possibly waive that fee upon request for those who paid by the 5th which is the old due date. If they did that they would certainly remind them, look you are actually late this month if you don't pay by the date certain next month, the penalties will be applied. They could also remind customers that they need to pay their bill by the 25th of August or this time fees really will be applied. They are willing to take any direction from Council as far as what other actions they can take to ease the transition. Mr. Przybyla stated he would like to take direction from Council as far as those first three items what they would recommend. He added that they recommend that Council give them direction to give the customers until the 30th to pay without a late fee. That would give the City the ability to generate the utility bill on the 31st and include the late fee on it so that it starts that process of eliminating the confusion.

Council Member Bompreszi stated she likes that.

Council Member Medellin asked if that is what is easier for his staff to implement.

Mr. Przybyla replied yes giving them until the 30th. Give the public three extra days to pay. If they are going to give them until the 5th to have the fees waived if they request it, it is a little more work but they would just do that for those that requested it.

Council Member Rigby asked if they would know they would be able to request it or is this something that they would sort of...

Mr. Przybyla replied yes through the 5th for those people who come in and pay they would let them know. He added that the difference would be for the people that are paying by mail, if they don't get it paid by the 5th, the penalty would be applied anyway. He added that basically there would be work involved for staff as far as getting those electronic payments that are made between the 30th and the 5th, pulling up those payments, finding out which customers paid those and then taking off that late fee if they were to do that. That is why he was suggesting they do that upon request for those who pay by the 5th. It would be mostly for the customers that came in to pay.

Mayor Poythress stated that it looks like staff is recommending the first option and, for this to move forward, it would be in the form of a motion it looks like. He asked if any of his colleagues would like to make a motion to take staff's recommendation to authorize staff to delay the application of late penalties related to the delinquency date of July 27, 2015 until after July 30, 2015.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY, THE MOTION TO APPROVE THE STATED RECOMMENDATION IN THE REPORT TO THE CITY COUNCIL, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

Mr. Przybyla stated he will take that to indicate that they won't waive the fees through the 5th of August but they will do as Council directed. He thanked Council and the customers for their patience through this transition and also the Utility Billing staff for dealing with all the questions that come up.

F. COUNCIL REPORTS

F-1 Mayor's Appointment of Ad Hoc Committee for Tax Sharing Agreement

Mayor Poythress stated that over the last year or so they have had an ad hoc committee consisting of himself and Council Member Medellin to negotiate with the County terms of the tax sharing agreement and they have had quite a few meetings since that time and periodic type discussions. He advised that those meetings are going to continue and because of other obligations he is going to have to remove himself from that ad hoc committee. What he would like to do, he thinks it would be appropriate, if the Mayor is going

off, to add the Mayor Pro Tem. He would like to appoint Will Oliver as his replacement on the tax sharing agreement committee.

Mayor Pro Tem Oliver stated he would be honored to accept that appointment and represent with his colleagues and their City in that effort. He thanked Mayor Poythress for the opportunity.

Other Council Reports

Council Member Robinson reported that yesterday he, along with and Mayor Poythress, attended the United Way. They are going to merge with Madera and they want to find out all the help agencies for the community so they can help the poor, the needy, help the school children. They have different programs for instance, they help people with their tax returns. They are starting a 211 Fresno County Call Center. They are going to implement that in Madera around January. Then they have the United Way Book Bank. He noted that over 10,000 books are collected, cleaned, sorted, and distributed to local schools and literacy programs. Then they have the backpack giveaway. They are giving away 2,500 backpacks and school supplies to needy children. He was impressed with the Day of Caring when they have over 500 volunteers working on one day improvement projects at local community benefit organizations.

Council Member Robinson stated he, along with Mayor Pro Tem Oliver, attended the Manufacturer Town Hall. He advised that the program consisted of Bobby Kahn who was speaking about the Madera County Business Update, then Jason Rancadore for California Compete, California Business Investment Services, from the Governor's Office of Business and Economic Development. Last was Vice Chair of the California Board of Equalization (BOE) George Runner, retired Senator. What he was impressed with is that they said that the members of the board are committed to protecting the rights, privacy, and property of taxpayers. As a result they schedule yearly public hearings which provide taxpayers and opportunity to express their ideals, concerns and recommendations about programs, and laws administered by the BOE board members. He added that board members are interested in suggestions that would help the taxpayer better understand California Tax Laws that seem to be overregulated.

Council Member Rigby stated though he has nothing to report he would like to take the opportunity to wish a very happy birthday to the Foreman of the Grand Jury Mr. John Rigby sitting in the back. He thanked him for celebrating his birthday with them this evening.

Mr. Rigby stated, from the audience, that he is spending it with his son.

Council Member Rigby stated he appreciates that.

Mayor Poythress commented that he thinks today Mr. Rigby is starting his 60th year of life. He is not 60 but he is starting his 60th year.

Council Member Holley reported that he filled in for Council Member Rigby last week at the block party for Knox.

Council Member Rigby stated it was the Knox Neighborhood Watch.

Council Member Holley stated they had a lot of things they wanted to talk about. They had over 25 people there.

Mayor Pro Tem Oliver stated he had the opportunity to attend the Nebraska Housing Neighborhood Watch meeting a week and one-half ago. This was their first meeting. They had over 20 people in attendance. He stated that it was definitely a great opportunity to engage residents not only in the multi-housing units that they have with the Housing Authority but also their neighbors down the street in single family homes. It was good to see the interaction. There were a lot of great questions and it was definitely a great start.

Mayor Pro Tem Oliver reported that this past weekend he attended their Ironwood team's Neighborhood Watch Block Party. What he really found impressive is that this neighborhood is really proactive. They are

not waiting for crime to occur before they are organizing and engaging their neighbors. Secondly, their leader Andrea Keller, she has only been in the neighborhood for about two or three years so it is very rewarding to see residents whether they have been there for two years or twenty years have that platform and opportunity to take ownership and organize their neighbors. He commented that they were very rewarding activities with neighborhood watch.

Council Member Robinson announced that his wife passed the Citizenship test. She will be sworn in next week.

Mayor Poythress stated that is nice and asked that Council Member Robinson pass along their congratulations.

Mayor Poythress commented that with the Neighborhood Watch Program and everybody, the leadership that they have shown and dedication, he thinks it has really made a huge impact and continues to make a big impact. The next big event they have coming up is the 4th of August, he believes it is the first Tuesday in August, the National Night Out. He stated that is going to be a wonderful event. He thinks there are 30 neighborhoods that are organized. He thinks their Police Chief has made a commitment to hit as many neighborhoods as possible but he is not sure if he is going to hit all 30. He will probably have to send out, trust Commander Lawson, to hit a couple of neighborhoods. Mayor Poythress stated it is a good problem to have. It is a great problem to have. He noted that it is going to be a great evening and he knows everybody is going to be involved. He is really looking forward to that.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session in two items with the first being conference with legal counsel in anticipated exposure to litigation pursuant to Government Code 54956.9(d)(2), item G-2; the second item is conference with legal counsel in existing litigation pursuant to Government Code §54956.9(d)(1) and that is in Polston v. City of Madera, item G-3.

The Council adjourned to closed session at 7:53 p.m.

G-2 Conference with Legal Counsel – Anticipated exposure to litigation pursuant to Government Code 54956.9(d)(2).

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

One case: Teresa Polston v. City of Madera, MCV064397

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 8:25 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session in two items with the first being, item G-2, conference with legal counsel in anticipated exposure to litigation pursuant to Government Code 54956.9(d)(2) and reported that no reportable action was taken; and the second item was, item G-3 conference with legal counsel in existing litigation pursuant to Government Code §54956.9(d)(1) and that was the Polston v. City of Madera matter, and reported that the Mayor conflicted out due to an association with one of the defendants in that matter other than themselves, and the remaining Council Member voted 6-0 vote to waive indemnity under the encroachment permit for the Christmas Parade on that involving the Kiwanis.

ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 8:26 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

