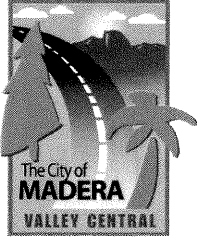


Item:	B-1
Minutes for:	05/18/16
Adopted:	08/17/16



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

**May 18, 2016  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

The regular meeting and special meeting for 05/18/16 were called to order by Mayor Poythress at 6:00 p.m.

**ROLL CALL:**

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

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, City Engineer Keith Helmuth, Director of Human Resources Wendy Silva, Planning Manager Christopher Boyle, Director of Financial Services Tim Przybyla, Fire Chief Dave Allen, Director of Parks and Community Services Mary Anne Seay, Public Works Director Dave Randall, Director of Community Development David Merchen, Grants Manager Ivette Iraheta, Commander Dino Lawson, Neighborhood Preservation Supervisor Viola Rodriguez and Neighborhood Preservation Specialist I Fabela Rodriguez

**INVOCATION:** Pastor Tim McGraw, Yosemite Christian Center

**PLEDGE OF ALLEGIANCE:** Pro Tem Mayor Rigby led in the Pledge of Allegiance.

**PUBLIC COMMENT:**

The first fifteen minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

No comments were offered.

**A. WORKSHOP**

There are no items for this section.

**B. CONSENT CALENDAR – SPECIAL MEETING**

- B-1 Consideration of a Resolution Approving a Partnership Agreement with Madera Unified School District in Support of Their Carol M. White Physical Education Program Grant Submittal and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDAR FOR THE SPECIAL MEETING, RES. NO. 16-72 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

**RES. NO. 16-72            A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A PARTNERSHIP AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT IN SUPPORT OF THEIR CAROL M. WHITE PHYSICAL EDUCATION PROGRAM GRANT SUBMITTAL AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

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

Sonia Alvarez, City Clerk 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, Item C-2, subject matter is Weed Abatement. A revised Exhibit A to the Resolution was distributed to the Council this evening. Item C-3, subject matter is an MOU with Madera Irrigation District. A revised MOU 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.

**B.        CONSENT CALENDAR – REGULAR MEETING**

- B-1        Minutes – There are no minutes for consideration.
- B-2        Information Only – Warrant Disbursement Report
- B-3        Consideration of a Resolution of the City Council, of the City of Madera, California, Rescinding Resolution No. 15-138 and Approving a Subordination Agreement for Isaias G. Angeles for a HOME First Time Home Buyer Loan and Authorizing the City Administrator to Sign the Subordination Agreement on Behalf of the City of Madera (Report by Ivette Iraheta)
- B-4        Consideration of a Resolution Approving a Budget Amendment for the Second Year of a Three Year Existing Agreement for Services with Laurin Associates, A Division of Raney Planning and Management, to Conduct Annual Home Long-Term Monitoring for the Arborpoint and Madera Family Apartments (Report by Ivette Iraheta)
- B-5        Consideration of a Resolution Approving a Food Service Agreement with Madera Unified School District to Provide Meals to Eligible Youth during the Summer Food Service Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)
- B-6        Consideration of a Resolution Accepting a Street Easement Deed as Offered by TBS Holdings, LLC (Report by Keith Helmuth)
- B-7        Consideration of a Resolution of the City Council of the City of Madera, Approving an Agreement with Provost and Pritchard Consulting Group for Professional Surveying Services for Surveying on Sunset Avenue from Pine Street to Schnoor Avenue as Part of the Safe Routes to School Project at Thomas Jefferson Middle School, and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

- B-8 Consideration of a Resolution Adopting an Updated City of Madera MAX and Dial-A-Ride Title VI Program (Report by Ivette Iraheta)

Mayor Poythress asked if there are any consent calendar items that a Council person would like to have pulled for further discussion. Seeing none, Mayor Poythress asked for a motion for action on the Consent Calendar.

**ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR FOR THE REGULAR MEETING WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

- RES. NO. 16-63 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, RESCINDING RESOLUTION NO. 15-138 AND APPROVING A SUBORDINATION AGREEMENT FOR ISAIAS G. ANGELES FOR A HOME FIRST TIME HOME BUYER LOAN AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE SUBORDINATION AGREEMENT ON BEHALF OF THE CITY OF MADERA**
- RES. NO. 16-64 A RESOLUTION APPROVING A BUDGET AMENDMENT FOR THE SECOND YEAR OF A THREE-YEAR EXISTING AGREEMENT FOR SERVICES WITH LAURIN ASSOCIATES, A DIVISION OF RANEY PLANNING AND MANAGEMENT, TO CONDUCT ANNUAL HOME LONG-TERM MONITORING FOR THE ARBORPOINT AND MADERA FAMILY APARTMENTS**
- RES. NO. 16-65 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A FOOD SERVICE AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT TO PROVIDE MEALS TO ELIGIBLE YOUTH DURING THE SUMMER FOOD SERVICE PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-66 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING EASEMENT DEDICATION FOR A NINETEEN FOOT WIDE STREET EASEMENT, AND AUTHORIZING THE RECORDING OF THE STREET EASEMENT DEED AND ACCOMPANYING CERTIFICATE OF ACCEPTANCE**
- RES. NO. 16-67 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH PROVOST AND PRITCHARD CONSULTING GROUP FOR PROFESSIONAL SURVEYING SERVICES FOR SURVEYING ON SUNSET AVENUE FROM PINE STREET TO SCHNOOR AVENUE AS PART OF THE SAFE ROUTES TO SCHOOL PROJECT AT THOMAS JEFFERSON MIDDLE SCHOOL, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-68 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING AN UPDATED CITY OF MADERA MAX AND DIAL-A-RIDE TITLE VI PROGRAM**

**C. HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS**

**C-1 Public Hearing and Introduction of an Ordinance Amending Subsection B of Section 3-5.08 of Chapter 5 of Title III of the Madera Municipal Code in Compliance with Conducting Speed Surveys on City Streets (Report by Keith Helmuth)**

Keith Helmuth, City Engineer stated that the purpose of this public hearing is to allow public comments relative to the proposed changes in speed limits within the City of Madera. These changes are made pursuant to a speed survey conducted by the Engineering Department in accordance with the California

Vehicle Code. Mr. Helmuth stated that speed surveys are required to be conducted in support of posted limits and must generally occur at a maximum of five years or the ability to enforce the speed limit may be jeopardized. Preparation of such surveys allow for periodic changes in driver behaviors or conditions of the road network. Mr. Helmuth stated that adoption of the amended ordinance will allow for posting speeds in conformance with the California Vehicle Code and will assist in enforcement activities. Mr. Helmuth stated that speed limits have stayed the same in all instances except for one. There is a segment of Westberry Boulevard from Sunset Avenue to Riverview Drive that was reduced from 45 mph to 40 mph. Mr. Helmuth stated that he would be happy to answer any questions.

Mayor Poythress asked if there were any questions for Mr. Helmuth before they opened up the public hearing. Seeing none; he opened up the public hearing. He asked if there were any members of the public who would like to address the Council on this item: Seeing none, he closed the public hearing and asked that title be read.

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

Mayor Pro Tem Rigby moved to waive further reading of title and adopt. Ms. Alvarez, City Clerk clarified for the record that this is an introduction of an ordinance not an adoption.

**ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED, AND ITEM C-1, INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

**INTRO. ORD.                    AN ORDINANCE AMENDING SUBSECTION B OF SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA MUNICIPAL CODE IN COMPLIANCE WITH CONDUCTING SPEED SURVEYS ON CITY STREETS**

**C-2    Public Hearing on Objections to Weed Abatement and Consideration of a Resolution of the City Council of the City of Madera Authorizing the City Administrator or Designee to Abate Weed Nuisances Existing within the City (Report by Fabela Rodriguez)**

Fabela Rodriguez, Neighborhood Preservation Specialist I stated that this is an update on the Weed Abatement process. Ms. Rodriguez stated that all vacant lots in the City of Madera were inspected and 322 properties were found to be in violation of Code 3-15.01 of the Madera Municipal Code. The weeds in these lots have the potential to become a fire hazard. Ms. Rodriguez stated that she started informing the public of the weed abatement process in February. She published an ad in the monthly newsletter that was mailed out with the utility billing.

Ms. Rodriguez stated that she started her inspections on February 29<sup>th</sup> and Notice of Violations were issued on March 17<sup>th</sup> to all the properties that were not in compliance. The Notice of Violations noted the violation, re-inspection date, corrective action and hearing date. Ms. Rodriguez stated that on April 21<sup>st</sup> courtesy notices were mailed out to the 322 property owners to remind them about discing and mowing their lots by May 1<sup>st</sup>. Re-inspections were made on May 2<sup>nd</sup> and 115 properties were found to be in violation. Parcels of all non-compliant lots were posted and she attempted to contact all the property owners about their existing violations. Properties in violation had dwindled down to 25 on May 2<sup>nd</sup>. The abatement will begin on May 23<sup>rd</sup> and end June 2<sup>nd</sup>. Ms. Rodriguez recommended adoption of the resolution for abatement of weed nuisances in the City of Madera.

Mayor Poythress asked the Council if they had questions for Ms. Rodriguez; seeing none, he opened the item for public comment. No public comment was presented and public hearing was closed.

**ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-2, RES. NO. 16-69 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA  
AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ABATE WEED  
NUISANCES EXISTING WITHIN THE CITY OF MADERA**

**C-3 Consideration of a Resolution Approving the Madera Irrigation District and City of Madera Groundwater Sustainability Agency Memorandum of Understanding (Report by Dave Merchen)**

Dave Merchen, Community Development Director stated that the Sustainable Groundwater Management Act (SGMA) requires that Groundwater Sustainability Agencies (GSAs) be formed by 2017. Groundwater Sustainability Plans are due by 2020. Mr. Merchen stated that the agencies that are located within the Madera Sub-groundwater basin have decided that the basin should pursue a structure where individual GSAs are formed by the agencies within those basins. That would be the City, the County and a handful of water districts. Those GSAs would work together on a single plan. Mr. Merchen stated that one of the nuances of that structure is that the law does not allow any overlap between GSA boundaries. As it relates to the City of Madera, the City and Madera Irrigation District (MID) boundaries substantially overlap. About 90% of the City is located within the MID boundary. Mr. Merchen stated that for that reason, special coordination would be required. Staff worked with MID and looked at alternative methodologies and the one they liked was to form one GSA that would cover both the City and MID. As they got into the basics of how that would work, there were enough unanswered questions about government structures, implementation and enforcement that the staff from both agencies had reservations and ultimately decided to back off of that structure and pursue a simple Memorandum of Understanding (MOU).

Mr. Merchen stated that the MOU describes the intent of both parties to form their own GSAs. The City's GSA would be at City Limits and the MOU provides for the GSA boundaries of the City to be adjusted over time as the City grows through annexation. Mr. Merchen stated that the MOU provides for collaboration on funding, planning and implementation for groundwater sustainability activities over time as the plan is written and implemented.

Mr. Merchen stated that the MOU is pretty basic and straightforward and does what needs to be done in terms of coordination. Mr. Merchen stated that MID took action yesterday to adopt the MOU from their side. MID's final version as adopted is what was presented to the Council as a late submittal. Mr. Merchen stated he had concluded his report and would answer any questions the Council had.

Mayor Poythress asked the Council if they had questions for Mr. Merchen.

Council Member Oliver wanted to know if the City was looking to execute similar MOUs with other members of the City's groundwater basin to emphasize regional collaboration regarding funding requests or efforts to obtain grants monies or if that fell under the auspices of the groundwater JPA.

Mr. Merchen stated that they anticipate additional MOU activity with member agencies and probably with the County. As the City annexes a property, that unincorporated area will lie, for the time being, within that County GSA and the City would want to coordinate with the County on their boundaries so a GSA specific MOU with the County is probable. Mr. Merchen stated that the other form of MOU or agreement that he anticipates is that the GSAs will come together and enter into some kind of a defined relationship to prepare and work together on a plan. A more detailed MOU will come before they enter into the plan. Mr. Merchen stated that the umbrella that connects all of the groundwater activities is the JPA that will continue to exist and under which all agencies coordinate, not just the Madera sub-basin but the Chowchilla water basin as well.

Council Member Oliver asked if the state had provided any direction or guidance as to the type of governance that can be reflective of the GSAs. He wanted to know if there are any concrete details or if the City is flexible on how it wants their GSA to look and how it's going to be representative of the community.

Mr. Merchen stated that he doesn't think there is a lot of defined requirement except that the formation process is laid out in detail. He is not aware of any requirements regarding activities and structure of the governance board, but that is something that they'll have to become more fluent in.

Mayor Poythress asked if there were any further questions and announced that if there were no questions, he would consider a motion for action.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-3, RES. NO. 16-70 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

**RES. NO. 16-70            RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE MADERA IRRIGATION DISTRICT AND CITY OF MADERA GROUNDWATER SUSTAINABILITY AGENCY MEMORANDUM OF UNDERSTANDING.**

**C-4    Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines (Report by Brent Richardson)**

Brent Richardson, City Attorney stated that this is a request to confirm special assessments on three properties that have substantial unpaid fines. Mr. Richardson stated that they seem fairly straightforward outside of the sheer volume of the fine. The property owners were cited and in two of the cases, the property owner was a bank.

Mayor Poythress asked if there were any questions for Mr. Richardson before they opened up the public hearing. Seeing none; he opened up the public hearing. He asked if there were any members of the public who would like to address the Council on this item. Seeing none, he closed the public hearing and brought the item back to Council for action.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM C-4, RES. NO. 16-71 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

**RES. NO. 16-71            RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT ADMINISTRATIVE FINES.**

**D.    WRITTEN COMMUNICATIONS**

**D-1    Consideration of a Request from the Madera County Transportation Commission for Member Assessment Fee (Troy McNeil, MCTC)**

Troy McNeil, Fiscal Supervisor for the Madera County Transportation Commission stated that MCTC is again requesting a member assessment fee to help pay for the Valley Voice Program and other advocacy efforts. The Valley Voice Program advocates for transportation and other related issues on the state and federal level. Mr. McNeil stated that Mayor Poythress has been directly involved with these efforts as past chair of the Regional Policy Council and from Mr. McNeil's understanding, Mayor Poythress is again planning to attend the Washington DC trip in September. Mr. McNeil stated that he believes that Mayor Poythress can attest to the importance of continuing this program. MCTC requests that the Council approve the fee.

Mayor Poythress asked Council if they had any questions for Mr. McNeil. Seeing none, Mayor Poythress stated he would accept a motion.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-1, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.**

## **E. ADMINISTRATIVE REPORTS**

### **E-1 Weekly Water Conservation Report 5/2/16-5/8/16 (Report by Dave Randall)**

Dave Randall, Public Works Director stated that this report had been suspended until the watering schedule had been changed. He is now back to give the Council good news. Mr. Randall stated that conservation numbers are up and have been as high as 32%. The state reduced the City's goal from 28% to 26%. Mr. Randall stated that the governor has decided to change things again. The governor left a lot up to the Water Board and details are lacking at this time, however it should provide the City opportunity to be more flexible. Mr. Randall stated that he would be glad to answer any questions.

Mayor Pro Tem Rigby asked for an update on the City's Rebate Program.

Mr. Randall stated that they would like to be more successful and staff will be coming back to the Council at a future meeting with another rebate program that staff wants to try. He believes they've expended approximately \$30,000. The state hasn't run out of money either. If people want to convert their lawn, it can happen. Staff will be coming back with some suggestions on how to spend additional City water conservation dollars.

Council Member Oliver asked if the City is working with local businesses such as GBS, Home Depot or Lowe's that sell rebate products.

Mr. Randall stated that staff has approached the businesses and GBS was supportive, but it's not a priority for the business owners as they have a lot of products in their stores.

Council Member Oliver stated that it might be a great opportunity to promote somehow.

Mr. Randall stated that staff will take a look at that, but will have to do things differently as response is not overwhelming. Mr. Randall stated that there are a lot of people without automatic sprinkler systems and staff hopes to target those efforts as well as address leakage issues.

David Tooley, City Administrator stated that staff is working on recommendations and project demonstrations for drought tolerant plantings and the technology that can be used. If they can attract people and show them what it can represent to their yard, it becomes an educational opportunity. Mr. Tooley stated that staff will bring that item to the Council for a full discussion in the near future.

## **F. COUNCIL REPORTS**

Council Member Robinson stated that he attended the League of California Cities Executive Board meeting on May 12<sup>th</sup>. They are in need of golfers. City Managers and Directors are welcome.

Council Member Robinson stated that they will have the General Membership meeting at the Golf Course on June 9<sup>th</sup>.

Council Member Holley stated that he participated in Love Madera. He was displeased with the turnout and believes they need to put more effort into noticing the event.

Council Member Holley stated that he attended a conference for the Community Action Partnership. The conference was awesome and it was a well presented conference on migrant homes and funding.

Council Member Holley stated that he had a chance to visit Assembly Member Bigelow. He was able to tour the capital. It was a nice conference and the weather was beautiful.

Council Member Holley stated that he attended the Intercultural event at Sierra Vista Elementary School. They had a great turnout of 1,100 people.

Council Member Holley stated that he is still hosting Big Brothers Big Sisters and he hopes everybody gets on board and gets involved.

Council Member Holley mentioned that Leon Emo's service will be this Friday at 3:30 pm at Valley West Christian Center.

Council Member Oliver stated that he wanted to touch on Leon Emo's life and his friendship. Council Member Oliver stated that when he first got his start in City government it was volunteering on a Youth Center committee and one of the first staff members that he met was Leon Emo. Council Member Oliver stated that he has fond memories of Mr. Emo taking him to visit the Tribune and viewing newspaper articles of Bobby Kennedy's trip to Madera on May 30, 1968. Mr. Emo took photographs of the Kennedy's [during their visit] and was generous enough to lend those photographs to Council Member Oliver to incorporate into his personal items. Council Member Oliver is grateful for Mr. Emo's friendship and will look at those photographs differently and think of the person behind the lens.

Mayor Poythress stated that Leon Emo was a great guy and he had the pleasure of going to the desert with him once. Mayor Poythress stated that when a person passes, it's the investment in the lives of others and those relationships that really count and that is what Mr. Emo demonstrated best.

Council Member Holley stated that he and Leon Emo went back over 30 years. Council Member Holley stated that when he started the Jesse Owens games, Mr. Emo was there to write the stories. The pictures that Mr. Emo took made the kids see themselves as they grew and showed them that they could be somebody.

Council Member Holley stated that his granddaughter, Je'Nia Sears is #1 in the state in long jumping and attends Fresno State. She will be graduating on Saturday. Council Member Holley remembers when Mr. Emo wrote a story on her when she first started. Council Member Holley remembers telling Mr. Emo that she was going to be somebody and she was only three years old at the time. She started at the Jesse Owens games and he is a proud grandfather.

**G. CLOSED SESSION**

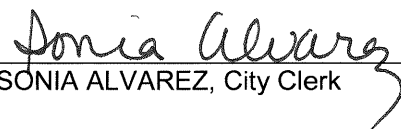
There are no items for this section.

**ADJOURNMENT**

The meeting was adjourned by Mayor Poythress at 6:30 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

  
Prepared by:  
ZELDA LEÓN, Deputy City Clerk

