Item:	B-1
Minutes for:	10/07/15
City Adopted:	06/01/16
MPFA Item:	_____
MPFA Adopted:	_____

MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL And A REGULAR MEETING OF THE MADERA PUBLIC FINANCING AUTHORITY CITY OF MADERA, CALIFORNIA

October 7, 2015
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

Mayor/Chairperson Poythress called to order at 6:00 p.m. the regular meeting of the Madera City Council and the regular meeting of the Madera Public Financing Authority for 10/07/15.

ROLL CALL:

Present: **Mayor/Authority Chairperson Robert L. Poythress**
Mayor Pro Tem/Authority Member William Oliver
Council/Authority Member Charles F. Rigby
Council/Authority Member Sally J. Bomprezzi
Council/Authority Member Andrew J. Medellin
Council Member/Authority Vice Chairperson Donald E. Holley
Council/Authority 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 Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, and Commander Dino Lawson.

INVOCATION: Pastor David Votaw, Harvest Community 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.

Mayor/Chairperson Poythress opened the public comment for the two agencies. No comments were offered and Mayor Poythress closed public comment.

PRESENTATIONS Proclamation Recognizing Fire Prevention Week

Mayor Poythress announced that this is Fire Prevention Week for 2015. He commented that certainly, this is a time that they can honor firefighters. They should always do that and think about the great job that they do. Mayor Poythress stated that in this particular case, this is more about prevention. He noted that this is something that their friends at the Fire Department and Safety Services wish that we would take into consideration the importance of smoke alarms; that having a working smoke alarm has reduced the fire death rate in a reported fire in half, and that Madera City's responders are dedicated to reducing the occurrence of home fires and home injuries through prevention and protection education. He added that the proclamation also states that Madera City residents are responsive to the public education measures and are able to take personal steps to increase their safety from fire; therefore, those who use a smoke alarm have planned and practiced a home fire escape plan and are more prepared and will therefore be likely to survive a fire. Mayor Poythress added that the 2015 Fire Prevention Week Theme is called, Hear the Beep Where You Sleep, and it effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week the year round.

Mayor Poythress advised that Chief Nancy Koerperich is not here this evening. He noted that Chief Koerperich was involved in some kind of intense interviewing and so forth today, so she wasn't able to make it. Mayor Poythress handed the certificate to the City Clerk who will make sure that Chief Koerperich gets it. Mayor Poythress reminded everyone to listen to the beep.

INTRODUCTIONS

1. Richard Gonzales, Police Officer
2. Clay Hoover, Police Officer

Mayor Poythress stated that this is something that they all look forward to periodically. Mayor Poythress introduced Chief of Police Steve Frazier who will introduce the two new officers.

Chief of Police Steve Frazier stated this is an opportunity for him to take a shot at Fire. If they are not here it is because they are eating or sleeping. He commented that he needs to seize every opportunity that he can.

Chief Frazier stated that it is a great opportunity to be able to introduce two young men to them this evening. He advised that one of them is not so young but, it is always a pleasure when they can come forward and present new City employees to them and especially, from his perspective, in law enforcement.

Chief Frazier announced that this evening he is going to introduce Richard Gonzalez and Clay Hoover. He advised that Richard is the older one, not old by any means, but he is almost a 10 year veteran. He has worked with the Department of Corrections. He has worked with Madera Sheriff's Department. Chief Frazier noted that they tried to pick him up in 2007. They lost his application or something happened and he went to the SO (Sheriff's Office). He commented that most recently, Officer Gonzales has been assigned to their Special Investigations Unit (SIU) and has been doing a bang up job there but, what that does is that it exposed him to them. Chief Frazier advised that the SIU is housed in the PD (Police Department) so they had pretty much unfettered access to him so they convinced him that Madera PD was clearly the place to go. He noted that because Officer Gonzales is standing here in blue, he agrees. Chief Frazier added that Officer Gonzales has a great deal of experience, very seasoned officer, and they instantly are better with him onboard. Chief Frazier noted that Officer Gonzales will be out making that impact much sooner than Officer Hoover will.

Chief Frazier added, by way of explanation, that the Council has directed the City and the PD to create videos; they are creating videos. He introduced Officer Brett Prieto *[present and recording this evening]* who put together a couple of their videos and he is working on some other creations so they will see what happens.

Chief Frazier introduced Clay Hoover, the young man, behind him. He advised that Officer Hoover is a recent graduate from the academy. He graduated in July. He is a graduate of Fresno State, graduating with a Bachelor's degree. He added that it too has been Officer Hoover's lifelong dream to be a Madera Police Officer. Chief Frazier advised that is probably a little hedge there. He added that Officer Hoover comes from a family of law enforcement. His dad John was in law enforcement and he is sure that that dream started sometime as a child to be a police officer and now he is with arguably the best department in the State; not joking. Chief Frazier stated they are excited to have him onboard. As a brand new officer obviously, he has to go through a 15 week program. He comes with a great deal of knowledge. He has schooling behind him. They expect great things. Chief Frazier commented that a little earlier they were able to share some of his introductory steps but for the sake of brevity, he won't go into those things but needless to say, he has been indoctrinated into the Madera PD very well.

Chief Frazier stated that they are very pleased to have both of these gentlemen with them. He asked the officers if they would like to say anything to the Council and joked that 15 minutes should be...

Mayor Poythress agreed that this is traditional.

Officer Richard Gonzales greeted the Council and stated that once again, he would like to thank everybody for this opportunity. He added that the reason why he chose Madera PD is that he sees the vision where it is going now and how it is connecting with community. He sees the way law enforcement is going and he is happy to be a part of that. He looks forward to doing a good job for the City of Madera and serving its citizens. He added that he has a lot of family that lives in the City of Madera. He thanked them again for this opportunity.

Mayor Poythress asked Officer Gonzales if he has any family members here this evening and if so, that he introduce them.

Officer Gonzales introduced his family members present this evening: his wife Maria, his daughter Ava, another daughter Annie, in the burgundy is his mother Maria, another daughter Audrey, his mother-in-law in the back, and his two sisters Melissa and Priscilla.

Council welcomed Officer Gonzales' family.

Chief Frazier added that they know that in a household of women that Officer Gonzales has a great deal of patience.

Officer Clay Hoover greeted the Council and thanked them all for the opportunity of being here. He is very excited to start his career in law enforcement. He added, like the Chief was saying, it always has been a dream of his for Madera PD. He is very excited. He knows he is very young but he is willing to learn, and just ready to get out there.

Council welcomed Officer Hoover.

Officer Hoover introduced his family members present this evening: his girlfriend Giana, his mom Linda, his best friend Jeff, friends Matt and Garrett, and other family Jen, Matt and Cece. They are all with him today as well as his cousin Charlie, and his Aunt Denise.

Council welcomed all.

Mayor Poythress called on the City Clerk to make a 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 item were distributed to the Council less than 72 hours before this meeting. Under Section B, Consent Calendar, Item B-7, subject matter is a

resolution approving an agreement with AECOM Technical Services. Ms. Alvarez advised that a revised resolution and agreement were distributed to the Council this evening. She added that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

A-1 Quarterly Report by Mid Valley Disposal on Solid Waste Diversion (Report by Dave Randall and Presentation by Mid Valley Disposal)

Public Works Operations Director Dave Randall introduced Yvette Rodriguez and Annette Kwock from Mid Valley Disposal who will tell them a little bit about the quarterly report.

Yvette Rodriguez greeted the Council. Also with her tonight is Annette Kwock which many of them already know. They are here this evening to present the City's quarterly newsletter. She referred to the newsletter noting that many of them may have it in front of them. She explained that it is a Green Living Newsletter that provides recycling updates and it informs the City staff, and also members of the community that are sitting here this evening, about the progress and the efforts they are making to implement new recycling programs, and also the outreach during community outreach events. She advised that the newsletter in front of them is for the second quarter. She added that she will not go too much into detail about the information above *[on display]* but if they have any questions, they should feel free to ask them.

Ms. Rodriguez referred to the newsletter noting that this one specifically has some outreach with the schools such as John Adams Elementary. She noted that Earth is very important to the City of Madera. She advised that Annette Kwock was out in the community providing recycling education during the Madera Coalition event. They will also find business site visits. She noted that these are conducted daily but they will provide quarterly updates regarding businesses that are recycling and they are adding new services. They will find this type of information as well on a quarterly basis.

Ms. Rodriguez stated that more importantly too, are tonnages such as how well the City is doing with residential programs. They will find the diversion rates in the newsletter including the commercial sector as well. For this quarter, the residential diversion rate was 41% and the commercial sector was 8%. She commented that their goal is to always improve these numbers and with these programs they are pretty confident that they can do that.

Mr. Rodriguez advised that one specific program that she wanted to spend more time on is mandatory commercial recycling. She noted that AB 341 is the mandatory commercial law and it requires that businesses that produce four cubic yards or more of trash per week, it also includes multi-family and schools, that they need to implement recycling programs. She advised that Ms. Kwock is working towards making sure that one, businesses are aware of the law, and when a business does not have recycling implemented, then that is what they work to do. She added that Ms. Kwock is working with the business individually and implementing these types of programs; providing education to the employees. She advised that they are here to help so that means that if it takes going in on a separate day to provide education to the employees, maybe a short presentation, they will do exactly that.

For the schools, Ms. Rodriguez stated they want to be very involved. She noted that Ms. Kwock has already participated in some classroom presentations and she will continue to do so. They know that the kids, they get this information and they take it home and share it with their family so it is important to also be in the schools and implement school recycling programs as well.

Ms. Rodriguez stated that the multi-family are a little more challenging just because of the amount of people living in one community but, it does not deter them from trying and working with the managers onsite. They have done special programs where apartment managers will work with them to coordinate special events for the tenants, the family members. They come out and they have a nice evening and give a presentation that will inform young children but also, adults as well.

Ms. Rodriguez summarized that there is lots of information that will be provided for these quarterly updates. She really looks forward to being here and providing information, and any questions that the Council or members of the public might have for them.

Mayor Poythress thanked Ms. Rodriguez and asked if there are any questions for Ms. Rodriguez and/or Ms. Kwock. No questions were asked.

Mayor Poythress thanked them again for spending some time with them to provide this information.

B. CONSENT CALENDAR

B-1 A. City Minutes – 5/20/15
B. MPFA Minutes – 10/1/14, 5/6/15j

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Minute Order Consenting to a Substitution of Listed Subcontractor(s) by Frank Loduca, General Engineering Contractor for the City of Madera Laurel Street Bike Path Sunset Avenue to Fresno River Trail Federal Project No. CML 5157 (097) SJVAPCD Project No. C-28159-A, City Project No. PK-12 (Report by Keith Helmuth)

B-4 Consideration of a Resolution Approving Amendment No. 3 to the Agreement with AECOM USA, Inc. for Design Services for Sewer and Storm Drain Projects (Report by Keith Helmuth)

B-5 Consideration of a Resolution Approving Amendments to the Fiscal Year 2015-2016 Capital Projects Budget Appropriating Funds to Specified Accounts for Inclusion of Conduit for Future Lighting in the Laurel Bike Path Project (Report by Mary Anne Seay)

B-6 Consideration of a Minute Order Accepting the Surface Seals at Various Streets City Project No. ST 14-08 and Authorizing Recording of the Notice of Completion (Report by Keith Helmuth)

B-7 Consideration of a Resolution Approving Amendment No. 1 to Agreement with AECOM Technical Services, Inc. for Professional Engineering Services for the Installation of a New Compressed Natural Gas (CNG) Compressor Project, Federal Project No. CML 5157 (085) (Report by Keith Helmuth)

B-8 Consideration of a Resolution Approving an Agreement between the City of Kerman and the City of Madera for Firearms Training Range Use and Authorizing the Mayor to Sign the Agreement on Behalf of the City (Report by Steve Frazier)

B-9 Consideration of a Resolution Approving the Program Supplement Agreement No. N051 and Authorizing the City Engineer to Execute the Program Supplement Agreement No. N051 for the Fresno River Trail, Schnoor Avenue to MID, North Bank Phase 1 Federal Project Number CML 5157 (098) (Report by Keith Helmuth)

B-10 Consideration of a Resolution Approving the Program Supplement Agreement No. N052 and Authorizing the City Engineer to Execute the Program Supplement Agreement No. N052 for the Fresno River Trail between North-South Trail Behind Montecito Park and Granada Drive Phase II Federal Project Number CML 5157 (099) (Report by Keith Helmuth)

B-11 Consideration of a Resolution Approving the Program Supplement Agreement No. N050 and Authorizing the City Engineer to Execute the Program Supplement Agreement No. N050 for the Intersection Improvements at Lake Street, Fourth Street, and Central Avenue Federal Project Number CML 5157 (102) (Report by Keith Helmuth)

B-12 Consideration of a Resolution Approving an Agreement Between the City of Madera and ExecuTime Software, LLC, an Oklahoma Limited Liability Company, for the Purchase of Implementation Services, Training, Hardware and the Access to and Use of the ExecuTime Software Application, Authorizing the Mayor to Execute the Agreement on Behalf of the City, Authorizing the City Administrator or his Designee to Approve Proposals and Scopes of Work as Contemplated in the Agreement, and Approving Amendments to the City of Madera 2015/2016 Budget (Report by Tim Przybyla)

B-13 Consideration of a Resolution Approving an Agreement with California State University, Fresno Foundation for Services Provided by the Office of Community and Economic Development to Produce and Deliver a Three-Part Bilingual (Spanish and English) Small Business Development Workshop and Provide Post Workshop Follow-up Consultations to Workshop Participants and Authorizing the Mayor to Execute the Agreement (Report by Ted Uyesaka)

B-14 Consideration of a Minute Order of the Council of the City of Madera, California Authorizing the Acceptance of a National Insurance Crime Bureau Vehicle Donated to the Madera Police Department and Authorize the Chief of Police to Execute All Documents Necessary to Accept the Donation (Report by Steve Frazier)

B-15 Consideration of a Resolution of the City Council of the City of Madera, California Authorizing the City Administrator and Finance Director to Engage Selected Parties for Professional Services Relating to the Issuance of Wastewater and Water Revenue Refunding Bonds (Report by Tim Przybyla)

B-16 Consideration of a Resolution Approving a Medical Services Agreement with Concentra (Report by Wendy Silva)

Mayor/Chairperson Poythress moved on to the Consent Calendar and announced that there is one item that they will be pulling and that is item B-4 from the agenda. He added that the item will be brought back at a future meeting.

Mayor/Chairperson Poythress asked if there are any other items that a Councilperson/Authority Member would like to have pulled for further discussion or elaboration.

Council/Authority Member Holley stated he would like to ask a question on B-14.

Mayor/Chairperson Poythress asked if there are any others. No other requests were made and Mayor/Chairperson Poythress announced that he would accept a motion for action on the Consent Calendar other than item B-4 and B-14.

ON MOTION BY COUNCIL/AUTHORITY MEMBER BOMPREZZI, AND SECONDED BY COUNCIL/AUTHORITY MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-4 AND B-14, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-198 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENTS TO THE FISCAL YEAR 2015-2016 CAPITAL PROJECTS BUDGET APPROPRIATING FUNDS TO SPECIFIED**

ACCOUNTS FOR INCLUSION OF FUTURE LIGHTING IN THE LAUREL BIKE PATH PROJECT

RES. NO. 15-199 A RESOLUTION APPROVING AMENDMENT NO. 1 TO AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE INSTALLATION OF A NEW COMPRESSED NATURAL GAS (CNG) COMPRESSOR PROJECT

RES. NO. 15-200 A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF KERMAN AND THE CITY OF MADERA FOR FIREARMS TRAINING RANGE USE AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 15-201 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. N051 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE THE PROGRAM SUPPLEMENT AGREEMENT NO. N051 FOR THE FRESNO RIVER TRAIL, SCHNOOR AVE TO MID, NORTH BANK PHASE I FEDERAL PROJECT NUMBER CML 5157 (098)

RES. NO. 15-202 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. N052 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE THE PROGRAM SUPPLEMENT AGREEMENT NO. N052 FOR THE FRESNO RIVER TRAIL BETWEEN NORTH-SOUTH TRAIL BEHIND MONTECITO PARK AND GRANADA DRIVE PHASE II FEDERAL PROJECT NUMBER CML 5157 (099)

RES. NO. 15-203 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. N050 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE THE PROGRAM SUPPLEMENT AGREEMENT NO. N050 FOR THE INTERSECTION IMPROVEMENTS AT LAKE STREET, FOURTH STREET, AND CENTRAL AVENUE FEDERAL PROJECT NUMBER CML 5157 (102)

RES. NO. 15-204 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND EXECUTIME SOFTWARE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO APPROVE PROPOSALS AND SCOPES OF WORK AS CONTEMPLATED IN THE AGREEMENT AND APPROVING AMENDMENTS TO THE CITY OF MADERA 2015/2016 BUDGET

RES. NO. 15-205 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, FRESNO FOUNDATION FOR SERVICES PROVIDED BY THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT TO PRODUCE AND DELIVER A THREE-PART BILINGUAL (SPANISH AND ENGLISH) SMALL BUSINESS DEVELOPMENT WORKSHOP AND PROVIDE POST WORKSHOP FOLLOW-UP CONSULTATIONS TO WORKSHOP PARTICIPANTS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

RES. NO. 15-206 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE CITY ADMINISTRATOR AND FINANCE

DIRECTOR TO ENGAGE SELECTED PARTIES FOR PROFESSIONAL SERVICES RELATING TO THE ISSUANCE OF WASTEWATER AND WATER REVENUE REFUNDING BONDS

RES. NO. 15-207 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A MEDICAL SERVICES AGREEMENT WITH CONCENTRA**

Mayor Poythress called item B-14 for discussion.

B-14 Consideration of a Minute Order of the Council of the City of Madera, California Authorizing the Acceptance of a National Insurance Crime Bureau Vehicle Donated to the Madera Police Department and Authorize the Chief of Police to Execute All Documents Necessary to Accept the Donation

Council Member Holley asked if this is for donating a car to the Police Department.

Chief of Police Steve Frazier replied that since 2008, the Madera Police Department has utilized National Insurance Crime Bureau Vehicles (NICV) to outfit their Special Investigations Unit. He added that typically those vehicles come at a $1.00 lease cost. He explained that this particular vehicle is apparently surplus to NICV and they have offered that vehicle to the Police Department for their use. He advised that the process tonight is looking to accept that vehicle so that they can put it into service.

Mayor Poythress stated that it seems that was the only question and he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM B-14, A MINUTE ORDER OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE ACCEPTANCE OF A NATIONAL INSURANCE CRIME BUREAU VEHICLE DONATED TO THE MADERA POLICE DEPARTMENT AND AUTHORIZE THE CHIEF OF POLICE TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT THE DONATION, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

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

C-1 Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines

City Attorney Brent Richardson stated before he begins discussion on this item, they are going to revise the exhibit to strike the property at 2725 Monocott because they paid. He added that beyond that there are three remaining properties on that exhibit that all have fines due and owing to the City that have not been paid. They are just seeking confirmation to be able to place a lien against the properties for the amount due.

Mayor Poythress asked if there are any questions for Mr. Richardson before they open up the public hearing. No questions were asked.

Mayor Poythress opened the public hearing and asked if there are any members of the public who would like to address the Council on this item.

Rick Markley, residing in Oakhurst, California, stated he had given a letter to the Clerk to distribute to all the Council Members. He asked if they had seen it.

Mayor Poythress replied yes.

Mr. Markley noted that everybody has seen it and read it. He stated that today the City is going to decide if they are going to impose a special assessment Section 1-9.11 against his property. He noted that when the City came up with a vacant house registration ordinance, he is sure they had good intentions but, the unintended consequences of forcing a property owner to register a property that was being remodeled and had a valid permit to do so doesn't seem right. He stated this is not fair especially since they are talking $450 which he receives absolutely nothing; no benefit to the property owner whatsoever. He added that here he is trying to beautify the home and he gets a financial roadblock thrown in his way. He has since paid the City $100 and he is asking the matter be completely dropped and that the City accept his $100 as payment in full for this matter. He thanked the Council.

Mayor Poythress thanked Mr. Markley.

Mayor Poythress asked if there are any other members of the public who would like to address the Council during public hearing time. No other requests were made and Mayor Poythress closed the public hearing and brought the item back for action.

Council Member Medellin asked Viola Rodriguez, Neighborhood Preservation Supervisor, to shed a little light on the particular situation.

Viola Rodriguez, Neighborhood Preservation Supervisor, stated this was a property where they are talking about the vacant building ordinance. She explained that it addresses homes that are in blighted conditions or if they are in a substandard condition where the owner is not doing anything to bring their property up to standards leaving it open for vandals to break into the home. She advised that they have a vacant building ordinance that they use to address those types of issues. She noted that in this particular case there was, she believes, a building permit that was taken but, it was after the fact and during the time that they were enforcing this ordinance, part of the ordinance is to register the property. She noted that did not happen. She added that the matter was heard at a hearing between the City as well as the homeowner. It was discussed at that time and the matter was left up to the hearing officer to make a decision on it and at that time, based on the facts that were presented, he upheld the matter.

Council Member Medellin noted then that Mr. Markley was notified obviously in time and he didn't apply for the permit until after he was notified of the violation.

Mr. Rodriguez replied yes.

Council Member Medellin stated those are all the questions he had.

Mayor Poythress asked if there are any other questions or comments. No other questions or comments were made and Mayor Poythress announced that he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY MAYOR PRO TEM OLIVER, ITEM C-1, RES. NO. 15-208, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-208 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT ADMINISTRATIVE FINES**

C-2 **A. Consideration of a Resolution of the City Council of the City of Madera Authorizing Execution of a Second Supplemental Installment Sale Agreement for the Wastewater System, A Third Supplemental Installment Sale Agreement for the Water System with the Madera Public Financing Authority, in Connection with the Refunding of the Authority's Outstanding Water and Wastewater Revenue Bonds, Series 2006** (City)

B. Consideration of a Resolution of the Board of the Madera Public Financing Authority Authorizing the Issuance of Madera Public Financing Authority Wastewater Revenue Refunding Bonds, Series 2015 and the Execution and Delivery of a Trust Agreement and a Second Supplemental Installment Sale Agreement Related Thereto and Water Revenue Refunding Bonds, Series 2015 and the Execution and Delivery of a Trust Agreement and A Third Supplemental Installment Sale Agreement Related Thereto, and Delegating to the Chairperson of the Authority the Power to Authorize the Sale of Said Bonds and to Take Certain Related Actions in Connection Therewith (MPFA)

Director of Financial Services Tim Przybyla introduced Ken Dieker who is one of their financial advisors, also referred to as their Municipal Advisor. He commented that as they will recall, back in the early Spring he believes it was, they began the process of refunding certain wastewater bonds and then issuing new bonds to replace those. Since then, they found a quicker method through direct placement to place these bonds and save additional dollars. He advised that at this point, they are looking at approximately $3 million of savings by the actions that they will be taking here tonight and he will let Mr. Dieker present more information to them at this time.

Ken Dieker stated he is with Del Rio Advisors and added that his voice carries so hopefully, they can hear him no problem without the mic. He noted that with him is his Co-Municipal Advisor John Phan from Urban Futures as well. Mr. Dieker advised that he wants to talk just briefly about the refunding opportunity. He commented that in 2006, the Madera Public Financing Authority (MPFA) issued $35.995 million of water and wastewater bonds split into two pieces primarily to fund wastewater projects in the initial amount of $33.485 million and water projects at just over $2.5 million. He noted that there is about $28.4 million remaining on the wastewater bonds and just over $2 million remaining on the water bonds. He stated that the final maturity is March 1 of 2036. He explained that in the normal municipal bond world generally, they would set aside a reserve fund held as cash with the trustee that would be used in the event of default or a lack of missed payment. He commented that in this case, that was funded with an insurance policy back when the 2006 bonds were done so there is no cash sitting in that account currently. He added that the call date on these bonds is March 1, 2016 at par, meaning no pre-payment penalty, and there is a 30-day notice period. He noted that the average interest rate on the outstanding bonds is about 4.72%. He explained that the refunding opportunity is to refund these for economic savings to each of the wastewater and water systems. They are proposing tonight, as Mr. Przybyla mentioned at the introduction, two private placement transactions to TPB Investments, Inc., a wholly owned subsidiary of Western Alliance Bank. He advised that Western Alliance Bank is a big player of municipal finance tax exempt financing. He noted that they are one of the few players in this world that will do a 20-year tax exempt financing. He added that they did contact several other firms and most of them declined because this is a 20-year bond remaining but, they did get interest from a couple of different parties. He noted that they are planning to keep the term the same as the existing bonds so they are not extending the maturity. They are not doing anything. They are simply refunding for economic savings.

Mr. Dieker commented, as Mr. Przybyla mentioned, that the estimated total savings, on the base case scenario which is the first one on the list, is about $3.2 million in total savings, averaging about $154,000 a year, with net present value savings just shy of $2.3 million or 7.33%. He stated that generally, the rule of thumb is net present value savings in excess of 3% is often considered worthwhile to move forward on so, they are far in excess of the standard 3%. Mr. Dieker noted that one of the things that has been mentioned in the staff report, as they drafted it, was that there is the opportunity with Western Alliance to lock the rate. They could lock the rate today. They are not planning to close this financing until December 2nd. They have to do it within 90 days of the call date of March 1. They do have some time assuming the Board and the Council will approve it tonight. He noted that there is some exposure between now and the time the interest rate will be locked the first week of December. He advised that Western Alliance says that they will hold the rate for them for 14 days with no cost so that is what they are calling the base case scenario which is the top one on the list. He added that they do offer a 30-day rate lock and the cost of that is about

$37,000 or about 12 basis points paid up front. He advised that reduces their savings to $3.18 million; reduces the annual savings by about $3,000 a year. What he wanted to point out here is that the savings are still in excess of 7% but, he did calculate the breakeven rate for the cost of that rate lock. He noted that even though they are paying $37,000, if the interest rate moves from the current 3.69% as estimated, and goes up to say 3.71%, they would actually be better off having paid for the rate lock. Mr. Dieker added that the same thing holds true for the 45-day rate lock and they are actually within the 60-day period now so probably, the most likely candidate, should the Board and the Council give them direction to lock the rate, would probably be the 45-day rate lock.

Mr. Dieker advised that he can't tell them where interest rates are going to go. He wished he could. He would be a very wealthy man but, at the end of the day, there is a lot of volatility right now with huge moves in the stock market, recession, everything else going on it is sort of the bird in hand theory; they've got a great refunding opportunity here to save over $150,000 a year. He noted that it kind of makes sense to lock it in and they can work on the documents between now and the December closing date. He advised that one of the documents before them is an interest rate lock agreement that was in their Council package.

Mr. Dieker stated that he did do a quick analysis also of how it is broken out between the wastewater and water funds. He advised that the wastewater fund, because it is the larger of the two transactions, saves just over $3 million. If they do the 45-day rate lock, it is just under $3 million or about $140,000 a year. He restated, NPV (net present value) savings in excess of 7%. If they do the water refunding it is a much smaller transaction so the savings are much less in real dollars however, it is still over $212,000 or just over $10,000 a year; again, over 7% net present value savings.

Mr. Dieker referred to the tentative schedule, as he mentioned, obviously, they are at the Council/Authority meeting tonight. They would try to execute the rate lock, at their direction, as soon as possible if that is the Board and the Council's direction. They would have document execution in the month of November. They would close the transaction on December 2nd and the prior bonds would be called and retired officially on March 1, 2016.

Mr. Dieker referred to the financing team members. They have bond counsel Orrick Herrington & Sutcliffe. They have done a number of transactions over the years with the City. They are a well-respected firm. They have co-placement agents Stifel, Nicolaus & Co. and First Southwest. He advised, as Mr. Przybyla mentioned, they did look at this initially as a public offering to the market place, which is a much longer, more costly, expensive process to hit the market, and a lot more exposure to interest rate woes so, they were originally hired as the underwriters and the reason that they came back with the consent item was to change their role from underwriter to placement agent for the securities. Also, there is himself, Del Rio Advisors and Urban Futures, Co-Municipal Advisors, Western Alliance Bank under their TPV Investments who is the lender. He noted that the escrow agent is still to be determined.

Mr. Dieker advised that he just wanted to give them an idea of what interest has looked like over the last 10 years. He referred to the display and pointed out the section which really represents the great recession in 08/09 into 2010 and then the long downward trend in interest rates. He noted that the new lows were actually reached in December of 2012, January of 2015 and August of this year so, they are just off the all-time low interest rate for what is called the bond buyer revenue bond index. He explained that it is a basket of revenue bonds tracked by their daily magazine called the Bond Buyer. He noted that it kind of gives them an idea that they are at the very low interest rate curve. They may not have hit the exact bottom but they are pretty close to it which is why he thinks, it makes sense to lock the rate today.

Mr. Dieker added some final thoughts. He restated that again, they are near all-time low interest rates. They are very exposed right now to any of a number of economic issues such as European and Chinese recessions, municipal yields that generally follow the treasury, lower in the past two weeks with the stock market going down substantially. He added that people have bought into the treasury market which has driven yields down. They are taking advantage of that with the current interest rate. He added that there is less market risk with the private placement because again, they have the ability to lock in this rate and it

has a much lower cost of issuance than going through the full public offering process so, they don't have to pay for rating fees. They don't have to pay for costs to insure the transaction. He noted that there is no official statement which is the marketing document of the public offered scenario even though it may provide lower interest rates, it is more than offset by the fact that they have to pay a lot higher costs to get that transaction to the market place. He restated that there are significant economic savings for both the wastewater and the water system and they believe, that time is of the essence here to take advantage of this opportunity. Mr. Dieker advised that with that, they are here to answer any questions that the Council/Authority may have.

Mayor/Chairperson Poythress asked if there are any questions for Mr. Dieker and thanked him for a great presentation. He noted this is a great opportunity. No questions were asked.

City Administrator David Tooley thanked Mr. Dieker and his team for this great work. Mr. Tooley advised that Mr. Dieker began his relationship with the City when they were looking at a refinancing on the Golf Course. He noted that the numbers didn't make sense and Mr. Dieker had the integrity to come in and say, there is not a deal to be made here. He knew from day one that Mr. Dieker was a straight shooter and he has been an outstanding representative for the City. Mr. Tooley directed his comment to Mr. Dieker and stated that he just wanted to recognize his work on the City's behalf.

Mayor/Chairperson Poythress also thanked Mr. Dieker and added that it is always nice to know that there are guys out there like him looking at the best interest of their clients. Mayor Poythress added that this shows that integrity brings business and opportunity.

Mayor/Chairperson Poythress stated they probably want to have discussion and direction regarding the rate lock. He asked if that is not part of the action. He knows Mr. Dieker said something about direction.

Mr. Dieker responded that in their package tonight there is an interest rate lock agreement that was part of the package. What they are doing tonight, upon their approval, would be to authorize staff to move forward on that rate lock.

Mayor/Chairperson Poythress noted then that is actually part of the action.

Mr. Przybyla stated that doesn't give direction to staff as to when to lock in but, to answer the Mayor's question, they are planning on locking in right away.

Council/Authority Member Medellin noted that the sooner the better it sounds like. They are almost at an all-time low; it makes sense.

Mayor Poythress called for action on Item C-2A.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-2A, RES. NO. 15-209, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 15-209 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING EXECUTION OF A SECOND SUPPLEMENTAL INSTALLMENT SALE AGREEMENT FOR THE WASTEWATER SYSTEM, A THIRD SUPPLEMENTAL INSTALLMENT SALE AGREEMENT FOR THE WATER SYSTEM WITH THE MADERA PUBLIC FINANCING AUTHORITY, IN CONNECTION WITH THE REFUNDING OF THE AUTHORITY'S OUTSTANDING WATER AND WASTEWATER REVENUE BONDS, SERIES 2006**

Chairperson Poythress called for action on item C-2B.

ON MOTION BY AUTHORITY MEMBER BOMPREZZI, AND SECONDED BY AUTHORITY MEMBER OLIVER, ITEM C-2B, MPFA 15-03, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

MPFA 15-03 **RESOLUTION OF THE BOARD OF THE MADERA PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE OF MADERA PUBLIC FINANCING AUTHORITY WASTEWATER REVENUE REFUNDING BONDS, SERIES 2015 AND THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT AND A SECOND SUPPLEMENTAL INSTALLMENT SALE AGREEMENT RELATED THERETO AND WATER REVENUE REFUNDING BONDS, SERIES 2015 AND THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT AND A THIRD SUPPLEMENTAL INSTALLMENT SALE AGREEMENT RELATED THERETO, AND DELEGATING TO THE CHAIRPERSON OF THE AUTHORITY THE POWER TO AUTHORIZE THE SALE OF SAID BONDS AND TAKE CERTAIN RELATED ACTIONS IN CONNECTION THEREWITH**

D. WRITTEN COMMUNICATIONS

D-1 Consideration of a Written Request by the Madera High School Seeking Council Approval to Waive Permit Fees and Cover the Cost of Police and Public Works Efforts in Association with Their Homecoming Parade

Chief of Police Steve Frazier reported that about a month back, they came with Madera South High School's request to have a waiver of permit fees and asking the City to cover the costs of Public Works and Police. He advised that this particular report is Madera High School asking for the same thing. He noted again, as the report indicates, typically, Council views this as a community activity and their action will decide whether it is or it is not fee free.

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

ON MOTION BY COUNCIL MEMBER BOMPREZZI, AND SECONDED BY COUNCIL MEMBER RIGBY, THE WRITTEN REQUEST BY THE MADERA HIGH SCHOOL SEEKING COUNCIL APPROVAL TO WAIVE PERMIT FEES AND COVER THE COST OF POLICE AND PUBLIC WORKS EFFORTS IN ASSOCIATION WITH THEIR HOMECOMING PARADE, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

D-2 Written Communication from Tom DaSilva Regarding Mid Valley Disposal Exclusive Franchise for Construction and Demolition Debris

Tom DaSilva thanked the Council for the opportunity to address them. He commented that a couple of weeks ago he got a letter from the Public Works Director that stated that Mid Valley Disposal had been granted an exclusive franchise to haul construction and demolition debris within the City limits. His understanding from the letter was that they were the only ones that could haul construction and demolition debris within the City limits. He advised that he emailed the Council his concern. He hopes they read it. He asked if there is any leeway in that. Mr. DaSilva advised that they have two trucks that are dedicated to hauling construction and demolition debris and they also have a demolition contractor's license. What he wants to know is if a citizen in the City limits calls Lee's Concrete and asks them to haul construction or demolition debris and dump, are they allowed to do that.

Mayor Poythress thanked Mr. DaSilva for that question. He asked Dave Randall, Public Works Operations Director, to answer that question and provide some background and detail.

Dave Randall, Public Works Operations Director, replied that the construction and demolition (C&D) provision does call for construction debris over eight yards to be hauled as that type of debris. He added

that even under eight yards, it is still debris that has to go through their franchise hauler however, the State has an exemption called Self Haulers. He noted that if they meet that criteria they can do that and Lee's Concrete very well often, could make that. He advised that if they are licensed as a demolition contractor demolishing a house or an old shed, or whatever, and they are hauling it with their own equipment and their own employees, they are considered a Self Hauler and they are exempt. But, if they are hauling somebody else's material where somebody else has taken down or done construction, then they are not exempt; they are simply hauling and that is where the franchise agreement comes into place. He added that even those people who are exempt, they still need to report their figures on diversion to the City so that they can meet the State goals and to understand how much is going to the landfill and how much is being recycled.

Mayor Poythress stated, in the case of Lee's Concrete, it would be a situation where it would be a job that they are general on.

Mr. Randall agreed and noted that they would have to have generated the debris. He added that another example where this can happen is if you are roofer and you are going to reroof somebody's home. He advised that the statute says eight cubic yards or 1,000 square feet of material. He explained that if you rip off your roof and you are going to haul it away with your equipment, your employees, you are exempt. He noted that they still need to file the paperwork but, they would be exempt from. He added that if somebody else wants to come and haul that or if they need to rent equipment to haul it then, they are not exempt. He stated that if you are self-contained, you are on your own, it is your business, you are doing what your specialty is, you are exempt. He restated that is a State statute.

Council Member Medellin commented that then, they wouldn't be considered a subcontractor if a roofer was going to do the work and there was some cement work to be hauled away, and since I am in the roofing business, but I want to call Lee's Concrete as a subcontractor...

Mr. Randall replied that then you are in something else. He explained that the roofing material is his, he is generating the debris, he can haul it. If he is going to add things to it...

Council Member Medellin stated and vice-versa.

Mr. Randall agreed and added that they remember, say that it was some debris left on the site, because you know, we all have some of that stuff laying around the house, and they want to get rid of it at the same time, that is just debris but they do have a hauler. They have the same hauler that would be happy to do that so that hauler can take the debris. He added that besides the normal pickup, they have bin services and other services. He stated that it can be done but, it can't be done under the auspices as a Self Hauler if they didn't generate that. He noted that sometimes it is a bit of distinction. For example, if he has Lee's Concrete come down and tear down the house, that most certainly is a separate thing. Now, if somebody comes in and builds, that is separate; maybe it is just a room, right. If that person doesn't generate eight cubic yards, they may not be subject to doing the permit but, they still have to have their material removed and that has to be by the City's franchise hauler.

Mr. DaSilva stated this brings up some more questions. He noted that there are a number of cases that come up where an individual that generates the debris does not have the equipment to haul the debris and what the City is saying is that Lee's Concrete is now excluded from the opportunity to make money hauling that debris through the City's franchise agreement. He commented that it sounds to him like it is a taking of one of his... He advised that they get something straight. They don't do a lot of this but, he doesn't expect that Mid Valley does that much of it either. He doesn't see their bins out anywhere. When he talked to Mr. Tooley he said that the City Council is going to want to know the numbers. Mr. DaSilva noted that it is a very small fraction of their business so mostly it is a principle issue that the City Council can make a franchise agreement and exclude another business from part of their work. He doesn't understand how that is possible. Like he said to Mr. Tooley, there is no way he can go to the City and say, I will sell you concrete for $30 a yard as long as they write a City code that says, everybody in the City of Madera has to buy concrete from Lee's Concrete; that is not going to work. Mr. DaSilva stated that what he thought the

code meant, it actually means. It means that Mid Valley has now a monopoly over individual citizens' debris hauling. He gave the example if he is this guy that tears down his shed in his backyard, he can't call Lee's Concrete to haul it. He has to call Mid Valley. That is what he understands. He commented that the City Council did this at a September meeting.

Mayor Poythress stated that is correct.

Mr. DaSilva asked what the considerations were. Was it that the dump was getting paint cans and stuff like that from outside haulers?

Mayor Poythress advised that he thinks Mr. Randall is the appropriate one to answer this because they are talking about some diversion and so forth.

Mr. Randall replied that there are two purposes in the C&D franchise agreement. First, the most principle thing is to try to get better records of the activity. They have a very poor track record of people recording. Over the last three years they had a total of five reports. They know there has been a little more than that going on in the last five years. He added that by having a single party hopefully, it will be a little more consistent and they will have better diversion records. They will be able to continue to maintain their State goals, etc. He noted that part of it is that it is just more efficient. The other part is that there was a financial benefit to doing that way. He doesn't remember exactly but, the consideration is a percentage of their C&D and bin service. He advised that it was in the neighborhood of, guesstimating, around $70,000. He noted that it goes to help the overall solid waste fund. It doesn't go anyplace else. It doesn't go to libraries or the County or anyplace else. He repeated that it stays in the solid waste fund so it does help the community and ratepayers at large to maintain the rates lower.

Mayor Poythress commented that in the back he sees Mr. Kalpakoff from Mid Valley and asked if there is anything he would like to weigh in on at this time in regards to the agreement. He advised he should feel free to do so.

Joseph Kalpakoff with Mid Valley Disposal stated that exclusive franchise agreements are already here in Madera County. He noted that Madera County has an exclusive franchise agreement on roll off construction in the entire County. He added that the City of Chowchilla has an exclusive roll off franchise C&D model so the entire County, it is a pretty common practice. He noted that 26 out of 27 of his municipalities all have a provision for exclusive roll off C&D and solid waste. He stated there are a lot of reasons for it and there absolutely is a benefit for self-hauls. He noted that if the general contractor owns the equipment, they can self-haul the material out of that jobsite. He advised that the biggest issue they have seen, and it happens with construction is that construction goes up and down. He noted that in the last couple of years there have been a lot of projects throughout the valley. As they are seeing a little tick up in the C&D market, they will call it, if there is not a way to track that material, there is a State law that says you have to divert 50% from every job site and you have to report on that 50%. He gave them a general idea of how much a C&D project can generate versus what they are doing every single day in the City of Madera. He noted that they have their tonnage, their Green Living worksheet. He suggested they just look at the commercial, the businesses in town. They recycle 100 tons a month. On the residential side it is roughly 230/240 tons per month. He noted that is 12,000 homes. They can have one C&D project in a 30-day period generate 500 tons. He noted that goes right to the dump, right? So everything that they work hard on for months, in the 12,000 residential customers that they are encouraging to use the three carts, has just been bypassed by one construction project. He restated, everything went to the dump. He advised that under the exclusive franchise, the C&D, everything goes back to their C&D facility in the City of Kerman. They are guaranteeing the City 50% diversion on that tonnage. He noted that they no longer have to worry about it, where did that material go? They tore down a house or they developed a new 20 home subdivision. He asked, what happened to that material? Did 300 tons go to the landfill and everything that they worked hard on, Ivette and Annette (Mid Valley staff), educating the public, the outreach? All those dollars they spent just went out the window because a construction project went to the dump instead of to a C&D processing facility. He noted that is the key that is going to help the City get to the 75% level.

They've got 2020, 75% for the City. He added that these are tough goals. It is a lot for them. He noted that there are a lot more programs coming down the pipe. He advised that this is just one of them. It keeps track. He noted that Mid Valley is responsible now to report and recycle. They provide the City with a report every month on the diversion that happened. He advised that if they can do some business, they would love to do it. He added that for concrete recycling, directing his comment to Mr. DaSilva, he would love to sit down with him and see if there is something they can...Mr. DaSilva can continue to self-haul on his projects that he is the general contractor on. He advised that they need to make sure that there are weight tickets and the 50%. He noted that is the main goal.

Mayor Poythress thanked Mr. Kalpakoff.

Mr. DaSilva stated he understands all that but, what he is saying is that they've taken the option from a citizen of Madera away from calling them to haul. For example, they haul for Producer's Livestock, noting he doesn't think they are in the City, but they had a big trash pile and they loaded it up and hauled it straight to the dump just like Mr. Kalpakoff said so it didn't go to a diversion facility. He added that apparently, if they were in the City of Madera, that is not allowed anymore. They would not be able to do that. His question is, he has a truck that he has licensed for however many years, two trucks actually, that are just dedicated to hauling construction debris and he guesses he just turns it over, huh? Just give up.

Mayor Poythress commented unless there are other uses for them.

Mr. DaSilva replied that they are dedicated for those.

Mayor Poythress advised that if Mr. DaSilva has any other questions, they would be happy to answer but he can't tell him what to do with the trucks.

Mr. DaSilva asked if there is a law in the State that allows the City to offer an exclusive franchise to a business like that and only in the construction and demolition.

City Attorney Brent Richardson replied that as to solid waste, the Government Code specifically provides for cities to be able to do that, offer exclusive franchises with or without bidding. He restated that there is a State law that says they can do that.

Mr. DaSilva advised that is all he has.

Mr. Poythress thanked Mr. DaSilva.

E. ADMINISTRATIVE REPORTS

E-1 Informational Report on Participation in a Multi-Jurisdictional Local Hazard Mitigation Plan Update with Madera County

Director of Human Resources Wendy Silva stated that in 2000, the Stafford Act was amended by Congress to emphasize the need for State, Tribal, and local governments to work together on hazard mitigation and disaster planning regarding natural disasters; things that they could hopefully potentially prevent. Ms. Silva advised that the plans may be prepared by individual entities or can be prepared by groups of entities as multi-jurisdictional plans. She added that their current plan was adopted in 2011. It was a multi-jurisdictional plan with Madera County, the Madera County Office of Education, and the North Fork Rancheria of Mono Indians. She noted that it is a very lovely document just shy of 350 pages. She added that if they would like to refresh their memory, if they don't recall adopting that in 2011, she would be more than happy to provide them a copy. She noted that there are some nice charts and graphs in it.

Ms. Silva advised that the plan is required to be updated every five years so their next update is due in 2016. She added that the Sheriff's Department with Madera County has applied for grant funds under

FEMA (Federal Emergency Management Agency) to complete the update using a consultant. She noted that they are estimating that it is going to cost approximately $150,000. She stated that the grant will fund 75% with the 25% local match. At this time the County, obviously since they applied, has committed to participating. She added that the City of Chowchilla would like to participate this time and with the City of Madera, that would make three entities in the multi-jurisdictional plan. She advised that dividing that 25% they would each be in the pot for $12,500 which, for the type of document and the time going in, is a pretty reasonable price to get the update done. She added that participation will also require staff time. At this point, they have identified that there will be some monthly meetings ongoing and then there will be some specific meetings with the consultant to go through all of the analysis. She noted that it will mostly impact the Human Resources Department, Engineering, Public Works and then Police and Fire. They will be the major players in the update. She added that they do have funds in the adopted budget that they can use to pay their $12,500 match so they are there on that aspect and they don't need to do any amendments to the budget or look for funds everywhere else. At this point, staff is planning on moving forward with working with the County, the City of Chowchilla, to do the multi-jurisdictional plan update. She offered to answer any questions.

Mayor Poythress commented that it is a vital thing and they have to have it. They never know when that is going to occur. Since there were no other questions, Mayor Poythress thanked Ms. Silva for the report.

E-2 Weekly Water Conservation Reports

Public Works Operations Director Dave Randall stated that once again, if they have seen the staff report, the trend has continued. However, it appears that they have sort of bottomed out. He advised that two weeks ago, their weekly conservation was down to unfortunately, 20% with 28% being their goal and that is the lowest they have ever been. He added that the following week it went up to 25%, and this previous week, which they didn't get to publish, they are just slightly at one-tenth of a percent off so still at 25%. He noted that is sort of what they expected given the seasonality and other things. He added that they may have read the recent article in the Bee about the same trend. It did sort of point out that the City didn't make its goals for the month however, on a cumulative basis, they are still making those goals. They are at 29% out of 28%. He commented that they have realized that they have to re-double some of their efforts. He noted that obviously, the way they make this is primarily through education, enforcement, and compliance with some of the regulatory requirements they have. They don't anticipate finding themselves in problem areas as long as they continue to get the word out to people, provide the incentives they have through rebates and continue to work on those, and do those things that are reasonable and hopefully they will be able to. He noted that the only other option they have would be additional regulation if they chose to go to one day or no watering days. At this point, they haven't brought that back to Council. They feel they want to sort of watch the trend and see what goes on, and continue particularly with the incentives and the education to try to meet the goals. Mr. Randall offered to answer any questions.

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

Council Member Medellin stated that this last Sunday's Fresno Bee article regarding the City of Clovis, they are nowhere near their conservation effort which, puts their council in a little bit of a bind so he appreciates the efforts of this Council and, their outreach and education efforts to be where they are. That makes their options a whole lot easier. He thanked Mr. Randall for his diligence and staff. He thinks getting the word out there has been very, very well. Council Member Medellin asked if there is any report on people taking advantage of other cost saving measures with low flow.

Mr. Randall replied no. They are still seeing a lot of interest in the turf replacement particularly with the State's subsidy makes it a little more attractive. He advised that they had anticipated a lot more participation after the fair. He noted that a lot of people said they were interested but they probably were also interested in the spa they saw and a few other things there. He added that they are still seeing activity. What is interesting is that they don't see repeat offenders in their enforcement. Their numbers are coming down slightly. They are still out there doing things but they are seeing less people making repeated mistakes

noting that nobody wants to pay $250 in a fine. They have learned their lesson, and for the most part, collaborate and try to find ways to make sure that their water stays off. He noted that Parks has been doing a wonderful job of responding. He added that every time there is an issue, and they have a huge amount of area that they have to take care of, but there has been a real good system of the public calling the City and letting them know. They have been able to take care of it immediately so they are seeing less and less problems with the City's own systems being the culprit.

Council Member Holley advised that someone brought this question to him and asked if they have a disaster as far as a flood, are they prepared for it.

Mr. Randall responded that it depends on what it floods. They have a storm drainage system that handles a certain level. He explained that as they get into more severe storms, the damage is going to increase. They can handle a 100 year frequency storm and not have damage. They are very well prepared to man what they have in terms of their basin being in good shape, and kept up in good working order. They are as prepared as they can be with what they have. They have capacity to hand out materials for 2,000 sandbags at any one time but at some point their capacity to stem the flow is not going to be there. They didn't buy that much insurance so there could be flooding and that could cause damage.

Council Member Holley asked if they are sending out notices to residents advising where they can receive sandbags.

Mr. Randall agreed that is a very good point. They have put it out before. He noted there is one that goes out to the County since there are sandbags available in the County as well but, they will probably put it out in the next City utility newsletter and post it in a few places.

Mayor Poythress thanked Mr. Randall for the report.

F. COUNCIL REPORTS

F-1 Discussion on the City's Role and Involvement in Potential Sites for the High Speed Rail Heavy Maintenance Facility and Direction to Staff

Mayor Pro Tem Oliver stated he wanted to bring this item forward and really just begin a discussion and dialogue with his colleagues and staff, and also offer the opportunity to share some input and ideas as well. What he wants to talk about is whether folks are for or against the high speed rail project. He thinks there are many different opinions and differences that are shared and many that are understandable but ultimately, he thinks the reality is that the project is moving forward. It is moving forward in their backyard. He noted that in fact, true construction has initiated and begun here in their backyard off of Highway 145. He thinks it might be time for them to discuss what their role, what their involvement could be in positioning their area for a heavy maintenance facility. He would like to take note and share that yesterday the Madera County Board of Supervisors took an unprecedented stance, and in his opinion, showed some bold leadership in putting a foot forward to be viable and competitive for a maintenance facility. He noted that the County board voted 4-1 to support a site in Madera County. He thinks that the timing is good here in that they should also be discussing how they as a City, whether it be in terms of ideas or resource or infrastructure, or just providing a unified team effort with their friends across the street or in Chowchilla, and how they can lend some value to that conversation. He commented that at the end of the day, if this project moves forward, it is starting here in Madera County. He added that of all the communities being impacted in the first construction packages, Madera County is the only county that will not receive a station or facility yet, they are also one of the counties that, as Supervisor Rodriguez pointed out yesterday, bears some of the greatest land impacts and right-of-way in the initial operating segment. He wanted to bring this item forward just to have an open discussion, to share his sentiments and views. He thinks they should be a part of that discussion. They should have a seat at the table. They should make some efforts to reach across the street and reach out to the folks in Chowchilla to see that they have a viable and competitive effort for this maintenance facility. He noted that it doesn't come to whether you are for or against high

speed rail. He thinks it surrounds one number and that is 1,500. He explained that is 1,500 jobs that is estimated it could create. To him, that is 1,500 reasons that they should look at how they could lend some efforts in that regard. Mayor Pro Tem Oliver opened up discussion to his colleagues or anyone else.

Mayor Poythress referred to Mayor Pro Tem Oliver's mention of Chowchilla and asked if they have developed some kind of direction in terms of support for the facility or is he just talking more like outreach to them to kind of join efforts.

Mayor Pro Tem Oliver replied that he doesn't know that they are even there yet. He thinks they should have that discussion. They should keep tabs as to what the County is doing, what Chowchilla is doing, what other community stakeholders are doing whether it is the Economic Development Commission (EDC) or whoever else because other cities and counties are, including Kings County who is at the heart of legal battle against high speed rail. He thinks they should begin that discussion, take inventory of where they are in that fight, and see how they could best leverage all of their resources.

Council Member Medellin stated he thinks it is a great point and he wants to echo Mayor Pro Tem Oliver's sentiment exactly. He noted that yesterday, at the Board of Supervisors, noting that Supervisor Farinelli is in the audience, their theme was 1,500 jobs as Mayor Pro Tem Oliver said. He added that it wasn't about whether you support the high speed rail or not but, everybody seemed to support Madera County in the site and supporting 1,500 jobs. He noted that it was also brought up, as Mayor Pro Tem Oliver mentioned, working together. He agreed this has to be a collaboration. He has had a couple of conversations with the City of Chowchilla. He thinks they are doing some outreach efforts and some town hall meetings and, he thinks Bobby Kahn and the Economic Development, and quite possibly even the Farm Bureau. He stated his agreement with Mayor Pro Tem Oliver. He thinks they should do everything they can to at least look into this effort and work with the Board of Supervisors and whoever else that wants to sit at the table to help the entire County grow.

Mayor Poythress asked if there are any other comments from Council Members on this particular item.

Council Member Rigby agreed. He thinks that at least being a part of the conversation. He thinks it would be crucial with 1,500 jobs on the line, to not even have a voice in the conversation and to let that train go away, so to speak, but he can't for any reason see why the City wouldn't want to have a play at 1,500 jobs especially with the type of outreach they have been doing to make sure that they are working closer with not just agencies that are across the street but, also their school district and other local agencies that are trying to see Madera grow into what the City knows they are capable of becoming. He thinks, with Freedom Park opening not long ago, that is just another area where they are making a step forward to see that industry jobs are brought here, that they stay here, and that great growth happens in the City.

Mayor Pro Tem Oliver noted that Ed McIntyre is in the audience as well and he has been a very loud voice for a heavy maintenance facility in the Madera area. He thinks it is time that they unify many efforts and take all split ends and make it collective and one voice. He doesn't care where the site goes whether it is in south or north Madera County. He thinks that all of their residents will feel that effect if awarded to their community.

Council Member Robinson stated they are number one in manufacturing and that is a plus right there, and they have the land. He advised that he went with Mr. McIntyre to see the property last year so it is a plus.

Mayor Poythress commented that he thinks they've got consensus in terms of starting that discussion. He acknowledged that Mayor Pro Tem Oliver has done a great job as far as introducing the topic and asked if he would like to lead the charge with staff in terms of working on some kind of collaborative effort to come up with a position.

Mayor Pro Tem Oliver replied absolutely and that he would be honored to. He added that he thinks it would be advantageous to echo the statement of their folks across the street and maybe look at bringing back a

parallel resolution that says they too support a maintenance facility in Madera County and the 1,500 jobs it provides. He noted he might provide that direction to staff as well to maybe look at that.

City Administrator David Tooley replied that he understands the consensus direction. He noted that with the Mayor Pro Tem's assistance, they will prepare a resolution for Council action.

F-2 Mayor's Appointment of an Alternate Board Member to the Madera County Transportation Commission

Mayor Poythress noted this item is to replace Derek Robinson. He advised that he has made a decision but he didn't make it until about 5:00 o'clock today. He explained that he was carpooling up to the Fall Policy Conference of the Regional Policy Council which was held in the mountains. He parked his car at Hwy 41 and Hwy 145 Park and Ride. He was like, who am I going to appoint, so he got in his car at 5:00 o'clock and he looked over and he saw this billboard, Sally Bomprezzi; there she was. He noted that it was inspiration and revelation right there. He asked Council Member Bomprezzi to accept the appointment.

Council Member Bomprezzi agreed.

Mayor Poythress added that they need to thank the Air Board for that billboard or else he would still be struggling.

Council Member Holley advised that Chief Nancy Koerperich is in the audience and he would like her to get her own plaque. *[Referring to Presentation for Proclamation Recognizing Fire Prevention Week scheduled earlier in the meeting.]*

Mayor Poythress stated they would do that. He advised that he doesn't think, since he has been on Council in 11 years, this has ever happened where they made the presentation of a proclamation for Fire Prevention Week and they actually re-presented it when the recipient showed up but, it shows what respect and admiration they have for her. Mayor Poythress presented the proclamation for Fire Prevention Week 2015. He stated the City's appreciation of the great partnership they have with Fire and great spirit. He thanked Chief Koerperich.

Fire Chief Nancy Koerperich apologized for being late. She advised that they were doing the interviews for the Division Chief for Madera County. She headed home and then she went, oh my gosh, when her phone went off. She commented that the reason they wanted to bring this before the City Council as they have done with the counties and all of the cities and counties within their Madera, Mariposa, Merced family. She noted that it is distressing to know the number of folks out there that are still disabling their smoke detectors. She advised that this year's message for Fire Prevention Week is "Here the Beep Where You Sleep." She added that it is very important for people to understand that smoke detectors are there to save their lives. She knows people get tired of hearing that beep. She advised that there is that one commercial where that guy is chasing around in his house trying to hear that beep and the battery is running out. She understands that. She will say that there have been times in the middle of the night she has gone to search for the beep as well. She advised that this is an important message that they want all the citizens to understand and they would be disturbed to know that in their very own area there were four people that lost their lives last year due to not having a working battery in their smoke detector. She commented that if this is one thing that people can do for themselves, she would encourage them to do it and that is why they wanted to make sure that this message was out. She stated her appreciation to the Council for allowing that to be one of the messages they send for this board meeting.

Mayor Poythress thanked Chief Koerperich.

Other Council Reports

Council Member Robinson reported that last Wednesday he attended the 2015 Annual Conference and Expo for the League of California Cities. He advised that he voted for three resolutions. One was a resolution relating to League bylaws and amendments regarding succession of League officer to fill a vacancy in case one of the politicians didn't get elected. Another one was a League resolution calling for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. He advised that the last resolution was the League of California Cities supporting SB 593 by McGuire to continue local flexibilities for cities as they address neighborhood and fiscal impacts of temporary rental of residential units, residential houses, condominiums, rooms, and apartments for tourist or transient use which can present numerous challenges to the neighborhoods and adjacent property; owners that create additional noise, traffic, parking, privacy and public safety issues. He explained that it was subverting local rent control laws and decrease of valuable housing stock, and in some cases, turned residential neighborhoods into defacto hotel roles. He stated that they gave the cities more leverage in deciding what they wanted to do.

Mayor Poythress thanked Council Member Robinson for representing the City as a delegate, making those votes, and reporting back.

Council Member Rigby reported that he had a great time at the Old Timer's Day Parade. He got to not only ride in a police car legally but, he got a chance to actually get out. He, along with Mayor Pro Tem Oliver and Council Member Bomprezzi, walked the route for the most part shaking hands and passing out candy. He added that it was hot. Sooner than later, he and Mayor Pro Tem Oliver actually found themselves running the route to catch up noting that the Chief was in a hurry. They represented the Council well. He noted that there was a great turnout. He thanked the Kiwanis for all they do along with the Chamber of Commerce and all those that partner with Downtown to see that that event happens annually.

Council Member Holley reported that he enjoyed the Old Timer's Day Parade as well. He was able to take his grandson on the fire truck and his grandson was so excited about that. That made his whole day to have him with him and have him share this out of all his sisters. His sisters saw him in the pictures that the City Clerk sent out and they were jealous because he didn't get to take the whole group but, he enjoyed that.

Council Member Holley reported that he, along with Chief Frazier and the Sheriff, went out to Sierra Vista for the Safe Walk to School Program. He noted there were at least 200-300 kids up at 6:00 a.m. this morning from McNally Park to Sierra Vista School. He stated that was a good event.

Council Member Holley stated his main challenge here today is to all their Council Members and to their City. As they know, he is a part of the Big Brothers Big Sisters Program and they do need big brothers and big sisters. They ask themselves all the time, what else can I do? He noted that kids are important to them and that is what we say. They can adopt a kid for 40 minutes a day on their lunch hour and become a part of the Big Brothers Big Sisters Program to where that kid will know that they really care about his future. He added that he is also a part of the mentor program for the schools to where he has five students at Millview, five at Sierra Vista, and five at Parkwood. They sit down and find out what these kids needs are. He added that everybody has kids at home but, when you reach out to another child and talk with them and share what you do, like they do on Civic Day, that is important but, to have lunch with a kid once a week, means a whole lot to these kids. He restated that the Big Brothers and Big Sisters are really trying to find more mentors to fill some of those roles.

Council Member Rigby asked if that is 40 minutes a week; not 40 minutes a day.

Council Member Holley replied yes. It is one day a week and that is 40 minutes for lunch.

Mayor Poythress thanked Council Member Holley for that outreach and that report.

Council Member Medellin stated that he along with Mayor Poythress serve on the Transportation Commission and it seems like every month they meet and Yosemite Avenue comes up that it is in a state of disrepair. He advised that they had the opportunity to meet with Caltrans and a few folks, and he shared with his colleagues a couple of days ago that he thinks they are on the bottom of the list and where they are right now is in the next two years. He thinks they are possibly going to do a one inch overlay. But, he is asking to see if there is more they can do in the future. Instead of putting a band-aid on Yosemite every ten years or so, if they can possibly do a study on enhancing Yosemite and not just putting a band-aid on it. He advised that he would keep them in the loop as to where they are with that.

Council Member Medellin reported that today at the Economic Development meeting in Chowchilla, Ed Gonzalez, the Superintendent of Madera Unified gave a really good report. He noted that it was great to collaborate with their education system and how that relates to their economic development. He advised that the theme over the last couple of days has been working together and collaborating. He thinks that is very important.

Council Member Medellin reported that he had a chance to sit down with the Parks and Community Services Director Mary Anne Seay. He noted that she did a wonderful outreach effort yesterday at the John Wells Center for a proposed Centennial Park. He asked her to speak just a little bit noting that she did some wonderful outreach to the folks in the neighborhood for the proposed playground that is universal for all kids whether they are special needs kids or not. They had a chance to sit down on the design work and what they thought was priority and things like that.

Mary Anne Seay, Director of Parks and Community Services, thanked Council Member Medellin for bringing that up. They had a nice meeting last night. They invited parents through their Facebook program and they invited some of the neighbors by just going out and passing out flyers and encouraging them to come. She noted that this is going to be an amenity right across the street from them so they wanted them to have a say as well. She advised that what they did is that they had blown up size renditions of what features could look like and then there were 19 different amenities. She gave a little speech about it and then the designer came in talked about each amenity, and every participant whether they were youth, noting that their Youth Commission was also there, whether a child or a parent or a neighbor, each got nine colored dots, three of each color. She advised that green means we really, really, really want this amenity; yellow means we want this amenity; and red means we really don't care about this amenity. She noted that everybody was encouraged to take their time after they heard the presentation and kind of go through the 19 different amenities and carefully place their dots. She added that staff, along with the designer, were able to get a lot of good feedback from not only parents of special needs kids but special needs kids themselves and residents from the surrounding neighborhood; and, just kids from the Youth Commission. They really felt like it was a good time for folks to come together and provide input for a future project.

Council commended staff.

Council Member Medellin stated he put all nine of his dots on restrooms noting that is how important restrooms are out there. They really, really have to have it.

Council Member Medellin commented that Freedom Industrial Park was mentioned. He thinks most of them were there. He noted that it was a wonderful feather in their cap. It is a great way that they collaborated together with Span Construction, the City of Madera, and Economic Development to bring in Deerpoint Group that he thinks is going to bring in between 80 and 100 jobs when they do the ribbon cutting and there is more to come. He stated that it is great for the City of Madera.

Mayor Pro Tem Oliver reported that he had an opportunity last week to help kick off the Second Annual Manufacturing Day which is helped put on by Madera Compact. It was held at the Madera Center and there were over 120 students from area high schools interested in careers in advanced manufacturing. He noted that there was a lot of excitement. He added that it was really neat to see a lot of these kids that are going to be putting a first step forward as far as a future potential career and hopefully those are possibilities

made available because of Freedom Industrial Park and other manufacturing opportunities in their back yard. He stated it was a great day.

Mayor Pro Tem Oliver reported that this last week he held a couple of mobile office hours; one this afternoon at City Hall and on Sunday at the Bridge Store. He noted that the Bridge Store event was a great success. Noting that he is echoing Council Member Holley, he made it known that although it was just him there, all of Council were there and he would certainly relay all views and concerns to his colleagues in those respects to districts. He advised that he had over 30 conversations with folks and these are folks going through during their weekly shopping, errands and after church. He thinks he has an action item list of about 20 things to follow up on and do. He stated that it was very rewarding; people were very, very engaged. He thinks it was a good opportunity to highlight a locally owned business like the Bridge Store and the Nishimoto family. He restated that it was a great success and he enjoyed it a great deal.

Mayor Poythress commented that is taking the Council to the streets.

Mayor Pro Tem Oliver agreed.

Mayor Poythress reported that he was able to join Council Member Robinson and the City Administrator David Tooley at the League of Cities meeting last week. There were a couple of really good sessions he attended. One of those was the main speaker who talked about Millennials, Baby Boomers, Gen Xers, Gen Edgers and so forth, and how people relayed and how people can better understand each other within an organization. He advised that there were examples given where there might be a manager who is a Baby Boomer but they are dealing with Millennials and Gen Xers, and maybe it is somebody at a certain age. You might say jump and I'll say how high. The Millennial will say, why should I jump? He noted there are all these differences that they need to understand about each other.

Mayor Poythress reported that he also attended the Fall Policy Conference for the Regional Policy Council today at the Tenaya. He recalled, and if the keynote speaker at noon didn't talk about Boomers, Millennials, Gen Xers, and Gen Edgers, so he really received a dose of that. He noted that it was really, really good information. He thinks it is important to understand those generational differences. He added that it really helps them to work better within the organization if they know those things.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session for one item pursuant to Government Code Section 54956.9 (d)(1) to discuss conference with legal counsel, existing litigation, as described under item G-2.

The Council adjourned to closed session at 7:34 p.m.

G-2 Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9

One case: City of Madera v. Roy Roberts et al.
Madera Superior Court Case No. MCV062827

G-3 Closed Session Report – City Attorney

The Council returned from closed session at 8:10 p.m. with all members present.

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

ADJOURNMENT

The meeting was adjourned by Mayor/Chairperson Poythress at 8:11 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/Secretary

ROBERT L. POYTHRESS, Mayor/Chairperson

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA