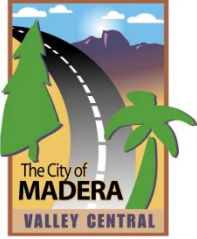


Item:	B-1
Minutes for:	09/07/16
Adopted:	06/21/17



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

September 7, 2016
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 09/07/16 was called to order by Mayor Pro Tem Rigby at 6:04 p.m.

ROLL CALL:

Present: 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
Council Member Cece Foley Gallegos

Absent: Mayor Robert L. Poythress

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 Chris Boyle, Director of Financial Services Tim Przybyla, Unit Fire Chief Nancy Koerperich, Battalion Chief Matthew Watson, Director of Parks & Community Services Mary Anne Seay, Public Works Operations Director Dave Randall, Community Development Director David Merchen, Procurement Services Manager Becky McCurdy, Grants Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Police Lieutenant Gino Chiaramonte, and Deputy City Clerk Zeldia Leon.

INVOCATION: Mr. Alan Shearer, St. Joachim Church

PLEDGE OF ALLEGIANCE: Mayor Pro Tem 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, he as Mayor Pro Tem 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 Pro Tem Rigby asked if there were any members of the public who would like to address the Council.

Chris Powell on behalf of Vulcan Materials Company stated he would like to speak regarding Item D-3. Mr. Powell stated that he understands there is no public comment intended on that item, but he would happily wait until afterwards if the Council preferred.

Mayor Pro Tem Rigby requested that Mr. Powell take advantage of these three minutes.

Mr. Powell stated they just found out about this item being placed on the agenda. Mr. Powell stated that apparently Mr. Hale requested that this item go on so he could talk about the Austin Quarry project.

Mr. Powell stated that as the Council may know the Austin Quarry project and the Aggregate and Mining project in Madera County was approved by the Planning Commission on July 19th and it's subsequently been appealed and there will be a hearing on September 12th which is Monday.

Mr. Powell stated that Mr. Hale will likely tell Council that there's going to be catastrophic water supply impacts, catastrophic traffic impacts and that the EIR is insufficient, but he just wanted to point out that those are all based on mischaracterizations and are not true at all.

Mr. Powell stated they would like to ask that Council take no action before hearing the full side of the story that led to the approval of the project until it was appealed and finally, Mr. Powell asked that Council consider the source.

Mr. Powell stated that MOC (Madera Oversight Coalition) & Shimmick Construction both appealed and they've been working hand-in-hand to oppose the Austin Quarry. Shimmick Construction Company owns Madera Quarry and they are currently the sole producer of aggregate within this county and they've been fighting hard to keep their monopoly. MOC previously sued Madera Quarry to stop that quarry and actually in fighting against the quarry said that the Austin Quarry would be a better project actually; it's in the right place, that's a good a project but now they've changed their tune and are fighting against the Vulcan project. Mr. Powell asked that Council consider the source and he'd like Council to consider their side of the story before Council takes any action on this. Mr. Powell stated he would be in attendance if they had any questions.

Bruce Grey stated he is a resident of Madera County and he is the President of MOC (Madera Oversight Coalition). Mr. Grey advised that as was stated falsely that MOC sued Madera Quarry when it was going through is totally false like a lot of other statements that are being passed around. Mr. Grey stated MOC had nothing to do with the lawsuit in Madera Quarry.

Mr. Grey stated it was he and his wife and they established case law on water against them and they joined with the neighbors and formed Bate Station Neighbors and fought it for eight years and he really doesn't know what to say about the gentleman who is trying to bring Madera Oversight Coalition down. Mr. Grey stated they are there to represent the public and they have no agenda insofar as they are doing their own thing.

Dylan Miracle stated he loves Madera South High School. Mr. Miracle stated that might sound a little contradictory since he is wearing all blue. Mr. Miracle stated he enjoys spending his free time painting, hiking, taking photos and wrestling. Mr. Miracle stated he also likes to pretend he knows how to play ukulele. Mr. Miracle stated he has time for about one-fifth of what he mentioned.

Mr. Miracle stated now to talk about Madera South High School. Mr. Miracle stated last weekend, the one that just passed over Labor Day, they had Sadie's on Saturday which had 200+ participants which was a very good thing for them because last year they had to postpone Sadie's and they didn't actually have it due to financial reasons and lack of participation. Mr. Miracle stated they had it at Black Bear's with numerous activities and appropriate dancing.

Mr. Miracle stated they had an NAACP Rally which some of Council may know is the National Association of Advancement for Colored People. Mr. Miracle stated 15,000 kids went to Madera South High School and they hosted with Madera High School to teach them a little bit about education and to encourage them to stay in school.

Mr. Miracle stated they are currently working on a School News. There used to be a School News for Madera High School and he thought it was called "Blue Tune" or something of that sort and he is currently building a team that knows how to edit videos and stuff; he is not very savvy in that aspect but he is getting people that know how to do that so they can form a School News.

Mr. Miracle stated that they will have a Friday morning Match-up on Friday for a promo for the Hoover football game and CBS 47 comes at five in the morning which is super early especially for him and CBS 47 records them and they act like they are not tired at all and they're super pumped for the game. Mr. Miracle stated they are pumped for the game but they are super tired.

Mr. Miracle stated they recently had Club Fair two weeks ago. Club Fair is not really a fair; they kind of promote school clubs around campus and they encourage all clubs to go out and basically encourage kids to join. Mr. Miracle stated it's a cool thing for kids to see what other clubs are because not everyone knows that there's a Black Student Union, Tennis Club and things of that sort.

Mr. Miracle stated that they had B95 go to their school for a lunch time. That was pretty cool; it got the kids involved and stuff.

Mr. Miracle stated they have Power of Purple every Friday. They started this the first Friday of school and Power of Purple is a day on Friday where they all wear purple and it encourages the kids to have school spirit and they award the top three members for each class that has the most school spirit.

Mr. Miracle stated that girls' tennis won against Hoover recently a couple of days ago.

Mr. Miracle stated that girls' golf placed second in a mini-tournament.

Mr. Miracle stated that unfortunately boys' football and the girls' volleyball lost yesterday but because they are Madera, they lost in humility so hopefully they will learn from that.

Mr. Miracle stated that he's sure Madera High has done this also but they gave all their students planners, binders and tabs to kind of keep them a little bit more organized. The planner tells them how to create goals, not that kids really think goals are cool but at least they have an idea or opportunity to do so.

Mr. Miracle stated their ASB (Associated Student Body) Team, about six of them, went to the Fresno State Summit which was like a leadership camp with about 100 kids from around the valley and a couple from outside the valley from like San Diego and up north but it kind of taught them outside of the box leadership skills and stuff they wouldn't normally get in school.

Mr. Miracle stated the last thing he was going to talk about was Campus Clean Up. Mr. Miracle stated he believed it was every lunch time but if not then at least three times a week. Mr. Miracle stated they encourage clubs to sign up and clean up campus so they keep the seagulls from eating their food and pooping on them.

Justin Patterson, Madera High's ASB President stated they have a lot of exciting events coming up for this year but stated their year really started in the summer when they went to a leadership camp in UCSB and they learned vital leadership skills that they could bring back to their campus.

Mr. Patterson stated that when they came, they had Link Crew Freshman Orientation that's when about 80 of their students have a class that helps bring Freshmen into their campus life and it just gets them comfortable at their school and that is what their goal is mainly.

Mr. Patterson stated the Back to School Icebreaker Dance was a big hit. Mr. Patterson stated that maybe 200 people attended, they had four vendors and they got a lot of great feedback from that.

Mr. Patterson stated Tyler Durman is America's number one speaker and he went to their high school last week and he talked about being in other people's lives and looking out for not only yourself but the entire school.

Mr. Patterson stated that another thing that is coming up, that is always a big hit, is Breaking Down the Walls where they tell people that they are not alone so they can have somebody to lean on if they need it.

Mr. Patterson stated that their Homecoming is coming up on Saturday the 23rd and they would like to see Council there. Mr. Patterson stated Council is personally invited to the Homecoming Game.

Mr. Patterson stated that if Mr. Miracle needed any help with Blue Tune, they would be happy to hit them up.

Mayor Pro Tem Rigby asked if there was anyone else who would like to address Council. Mayor Pro Tem Rigby reminded everyone to state their name and address and to hold comments to three minutes.

Bob Winslow, Board Member of the Madera County Historical Society stated they have the Old Timer's Day activities coming up in about two-and-a-half weeks with the culmination on Saturday the 24th of September with the parade and the activities in the park.

Mr. Winslow stated this is the 85th year of the Old Timer's Days and they have had a Western Wear costume competition/contest between the City and the County and they are going to do that again. Mr. Winslow stated he will have some notices that he'll bring over that can be passed around for all the City employees; County is on board also. Mr. Winslow stated the City has been really, really active in that and they have won the last several years in a row and hold on to the trophy and they will see how it goes. Mr. Winslow stated he is retired from the County but the City has been great.

Mr. Winslow stated they will have a parade on September 24th, Saturday and activities in the park and they will also distribute some of those badges so those that want to stay out of jail on that week of Tuesday, Wednesday, Thursday because they'll have the Hoosgow out there, they'll have that available too.

Mr. Winslow stated it is the 85th year and hopefully everybody will be involved and have a good time and maybe out there on Saturday for the parade and activities in the park and the whole works.

Mr. Winslow thanked Council for their support and stated they always appreciate that.

Mayor Pro Tem Rigby closed the Public Comment portion of the meeting.

ANNOUNCEMENT

Mayor Pro Tem Rigby called on the Deputy City Clerk to make the late distribution announcement.

Zelda Leon, Deputy City Clerk 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 D, Written Communications, Item D-3, a presentation by David Hale regarding the Austin Quarry. An email from Mitchell Chadwick was distributed to the Council this evening. Extra copies are available at the podium for members of the public wishing a copy.

Mayor Pro Tem Rigby thanked Ms. Leon.

A. WORKSHOP

- A-1 Discussion and Request for Direction Regarding the Draft City of Madera Landscape and Irrigation Ordinance (Report by Dave Merchen)

Dave Merchen, Community Development Director stated this was a workshop where they will review and ask for some direction regarding the Draft Landscape Ordinance that's been reviewed once by the Planning Commission earlier that summer. Mr. Merchen stated there was one optional element of the ordinance which the Planning Commission took significant exception to; they had some opposition to it and rather than funnel that ordinance as drafted straight to Council for consideration, he thought it would make sense to back track a little bit and look at what brought them here and some of the alternatives they have in moving forward.

Mr. Merchen stated the impetus behind the local ordinance is the adoption of the MWELO (Model Water Efficient Landscape Ordinance) that was adopted by the State in 2015. Mr. Merchen stated the purpose of the MWELO is to indicate or confirm that water is limited across the state and to reinforce the point that landscape irrigation uses lots of water, too much water he thinks the State would really say and that therefore landscape irrigation needs to use much less water. Mr. Merchen stated the MWELO adopted by the State is a conservation based ordinance. It really forces local agencies like the City of Madera to use less water in its approval of landscaping but it doesn't really address the ramifications of those design changes on local neighborhoods and that's where the local ordinance comes into play because what they end up with in terms of landscape compliant, irrigation compliant landscaping may not be very attractive.

Mr. Merchen referred to the display and stated those were the arguably compliant front yards with the tall concrete, all dead grass and dirt, lava rock with a few plants, grass, hay, a little bit of ground cover, dead grass and weeds; his lawn looked like that for a long time last year.

Mr. Merchen stated they then start to move towards a designed drought tolerant scheme. Mr. Merchen stated what they are really hoping to point folks towards as they comply with MWELO are designed yards that add value to neighborhoods and increase property values rather than detract from them. Mr. Merchen stated those were all designs that vary in their expense and their complexity that they would point out as being solid examples.

Mr. Merchen stated the homes aren't either bad or good or from the City of Madera; he didn't look to point those out, but a range of homes from lower value to higher value homes. He has lots of examples of positive drought tolerant landscaping.

Mr. Merchen stated the draft ordinance would apply to landscaping that is added from new homes, non-residential landscaping when site plan review is required, new pool construction which is a requirement directly out of the State code, and renovated landscaping where 500 square feet or more of landscaping is changed out.

Mr. Merchen stated that it's the last category that the Planning Commission really had some concern with. Mr. Merchen stated it is not a mandatory element where a permit would be required or compliance within MWELO is triggered and that is really where the consideration by the Planning Commission focused. Mr. Merchen stated he would come back to that in a little bit.

Mr. Merchen stated that the draft ordinance would require Landscape and Irrigation Permits to be submitted and obtained when those triggers that he just described are in place and would require compliance with City Landscape Standards. Mr. Merchen stated the standards according to this draft ordinance, would be set by separate resolution of the City Council and they've attached a draft set for Council review as part of this workshop. Mr. Merchen stated any set of standards that the Council deems appropriate could be adopted as long as they are compliant with the State. Mr. Merchen stated they can be changed from time to time by resolution as the community standards change.

Mr. Merchen stated the standards do have to incorporate the State requirements. Mr. Merchen stated that 2,500 square feet or more requires a very detailed submittal package that has to be prepared by a registered landscape architect. Mr. Merchen stated this is a big deal, it is not cheap, it is not fast, it's quite burdensome. Mr. Merchen stated that when they are less than 2,500 square feet it can be streamlined. There's a specific

provision for streamlining where 2,500 square feet or less exist. Even then it's still reasonably complex but it's doable for the homeowner who has the time and patience to wade through it.

Mr. Merchen stated that in any case, natural grass and turf are extremely limited.

Mr. Merchen stated that the draft standards would allow for 25% max of total landscape area be grass which is out of the State code. Mr. Merchen stated that was somewhat the best case scenario. The local recommendation is that 50% of front yards be greenscape planter areas so that they don't put in all concrete or rock. Within those planter beds, 50% of the area should be covered at maturity so again, those planter areas should build out with fresh foliage.

Mr. Merchen stated that one street tree plus one additional tree should be required and again that's out of the State code. Mr. Merchen stated no bare dirt area should be allowed in publicly visible areas so essentially in their front yard and maybe in the side yard if they are a corner lot. Mr. Merchen stated that what is behind their fence out of public view in their back or side yards is generally not as big of a deal.

Mr. Merchen referred back to the question of renovated landscaping and why it might make sense to include that landscaping and at some level in an ordinance require a permit.

Mr. Merchen stated people would question why they have to comply when their neighbor doesn't. Just because they have a pool or they've got a new home, they have to install all the drought tolerant stuff and get a permit while the neighbor just replaced 600 feet of fescue and put a koi pond in or something farfetched and he didn't have to get anything. Mr. Merchen stated that's the equity question. "Why do I have to be drought tolerant and my neighbor doesn't?"

Mr. Merchen stated it's also harder to cheat the system and by that he means without including renovating landscaping, there's little disincentive or discouragement of an owner who chooses to get his permit finalized by installing some bark and a few plants and then the next weekend he's got a \$10,000 full grass sprinkler system going in with nothing to stop it. Mr. Merchen stated that's a problem he's not sure how to get around. Mr. Merchen stated it's a difficult question and he doesn't know how often it would come up but that's one of the reasons why inclusion of this landscaping should be considered if not included.

Mr. Merchen stated there's no incentive to invest towards drought tolerance and to look towards the long term establishment of that conservation culture in Madera. Mr. Merchen stated that this is this idea that we do live in a desert, we are in a drought, we don't control our water destiny and we don't have enough water to do what we have historically done. Mr. Merchen stated these are reasons why it might make sense to include renovating landscaping if there weren't counterbalancing thoughts.

Mr. Merchen stated that clearly there are balancing thoughts as to why it maybe doesn't make sense to include this kind of landscaping as a permit requirement. Mr. Merchen stated that right off the bat what they all get is the idea of over-regulation and the feeling of "Really, the City's going to tell me I've got to get another permit for my grass?" Mr. Merchen stated that's a real issue that he knows staff and Council deal with on a regular basis; the question of do they really need another law, do they need another rule.

Mr. Merchen stated that certainly the requirements would add a cost and be more burdensome to owners and that burden would be heavier on the lower income folks in the community. Mr. Merchen stated it may also dampen interest in renovating. Folks would just say they don't want to deal with it, they don't like the drought tolerant stuff and they are not even going to put that investment in their yard. Mr. Merchen stated they've even heard the concern that drought tolerant renovations would conflict with established neighborhoods. Statements such as all the neighbors have grass, that's what they do in their neighborhood and they don't want to install rock, bark and native grasses.

Mr. Merchen stated there is also the question of enforcement ability which is do they really have the staff time to be chasing folks that are changing their yards.

Mr. Merchen stated that in summary, MWELO compliance is required today. Those standards that the State adopted are required today, they are implemented today. Mr. Merchen stated the Planning Department is generally front and center in terms of ensuring that where a State requirement requires a fully designed, architect submitted plan that those are coming in. Mr. Merchen stated that most of the homes are production homes and they are hiring architects to do model compliant model plans which makes a lot of sense.

Mr. Merchen stated that the ordinance that has been drafted balances conservation with design themes and somewhat ensuring that while saving water, they are also trying to add value.

Mr. Merchen stated that a very important point to note that including renovations is not mandatory; it's an optional element that was pointed out to the Planning Commission that notation that renovations were optional; did not carry day. Planning Commission was still concerned about being clear that the mere suggestion that staff include renovate landscaping was something that they didn't want their recommendation associated with; so let's be clear there. Mr. Merchen stated that finally a separate resolution would set the standards that would need to be implemented ultimately as well as to set a permit fee which could be anywhere from zero to whatever actual cost turned out to be; a couple hundred bucks max probably.

Mr. Merchen stated they could give staff any direction that Council feels is appropriate. Mr. Merchen stated staff has laid out three potential options. One is just that Council tells staff it's good to go as is; kill the draft. The MWELO would still be in effect so that staff implements the State standards. Number 2 is that Council could schedule the draft ordinance for consideration with or without any changes Council might deem appropriate including the renovated landscaping issue or Council can send it back to the Planning Commission with changes suggested by Council that might be appropriate but that Council still wants to get the Planning Commission's recommendation before proceeding.

Mr. Merchen stated he would answer any questions and take any feedback from Council on the information he presented or anything else related to this issue.

Mayor Pro Tem Rigby thanked Mr. Merchen for the presentation and asked if there were any questions on tonight's workshop.

Council Member Oliver asked what the timeline was for making a decision; what is the State's deadline for the City at this time.

Mr. Merchen stated that the way they worked so far is the State allowed local agencies to adopt local versions of the MWELO by the end of last year or the State's Model Ordinance would become effective. The City did not adopt a local ordinance so the State's ordinance is effective in Madera today and so the City is treating it as law so the City is not in any time constraints to adopt a local standard because that really just enforces the design issue.

Council Member Oliver asked for clarification on the staff report. Under the landscape standards, they have markings that indicate what is a State requirement and what is not a State requirement. Council Member Oliver stated they mention the 50% coverage at maturity being a State requirement as well as the street tree plus an additional tree onsite on a residential parcel. Council Member Oliver stated that on the staff report it lists it as a non-State requirement and he just wants some clarification.

Mr. Merchen asked that Council Member Oliver tell him again specifically and he will see if he can recall.

Council Member Oliver stated that Number 8 indicates that one street tree plus one additional tree is required. He thinks it is listed here as a non-State requirement and then in addition to Number 7 as far as planter beds having a 50% coverage.

Mr. Merchen stated that the 50% coverage at maturity is a local recommendation. It is not a State requirement. Mr. Merchen asked Chris Boyle, Planning Manager if he remembered if the one plus one tree was a requirement or if it was a local recommendation. Mr. Merchen stated that the Planning Manager, Mr. Boyle indicated that the one street tree plus one additional tree is not a State requirement, it is a local requirement.

Council Member Oliver asked if the design themes and standards have been presented to the City's Beautification Committee to review maybe some sample standards or maybe generate some ideas as to their input or feedback before putting together a new policy or guidelines.

Mr. Merchen stated he is not sure they have gone through the Beautification Committee. He does know they've worked with the Parks Department on the standards themselves but he doesn't know, can't confirm that they've worked with the Beautification Committee.

Council Member Medellin stated that Mr. Merchen mentioned costs from zero to a couple of hundred bucks; that's kind of ball-parking it and asked if that cost is related to staff time and regulation or where would that cost come from.

Mr. Merchen stated that would just be the cost of handling a permit which would be, again they would have to figure out exactly what that would be but somewhere in the range of a couple hundred dollars of max cost but if Council will recall from their discussion of fees, they can set that fee anywhere from the maximum cost and zero depending on how they want to treat it.

Council Member Medellin stated that Mr. Merchen mentioned incentives earlier and he wanted to know if Planning Commission touched on incentives or how much of a role did incentives play with the residents who are willing to comply with issuing a permit and actually having an incentive to do so versus another regulation.

Mr. Merchen stated it didn't really come into play. The question of incentives was less about, for instance, the City's Rebate Program and more about the question of whether there is an incentive or disincentive to make an investment. Mr. Merchen stated he didn't know if he was saying that clearly enough. They are not talking about a cash incentive; they are talking about whether there is motivation to comply or not comply.

Council Member Medellin stated that on the surface, he is not a fan of more regulation. He is not a fan of another fee. He is not a fan of another permit. Council Member Medellin stated they fought this on Planning for a number of years on just what is considered landscape and drought tolerant landscape and having to come into City Hall and the people who do comply versus the people who don't and having to have another filing cabinet for more permits and again it's only as effective as how they are going to police it and now people are pointing a finger and it just causes that disruption so he wasn't saying he had an exact direction. He feels where the Planning Commission is coming from but on the surface he is not a fan of more regulations for their community.

Council Member Holley stated they talk about doing this and he asked if it was in all areas of the City or do they have certain areas that have to be doing because if they look at what they are talking about doing, down in the southeast side of Madera, this won't work. Council Member Holley stated they have folks out there that he knows can't afford to keep this kind of stuff up. Council Member Holley stated they shouldn't make a law that they have to do it. He thinks that's going to be a whole lot of folks sitting here with their Council Members every night asking them why they did this.

Council Member Holley asked if this is for certain areas where they are building new homes and their lawns are dying which is no fault of theirs or is it still something that the State decided the City has to do and that's what they live for. Council Member Holley stated he is not in favor of making somebody go out and spend \$200,000 - \$300,000 just to do a front yard when the backyard is not going to be in compliance.

Mr. Merchen stated that where the State makes it mandatory, which is new construction, new homes in any part of the City, it is required so there's no distinction between components of the City or one housing tract versus another.

Council Member Oliver stated he thinks his colleagues have raised some good points. Council Member Oliver stated that he would want to define what renovation means. Council Member Oliver asked if that meant ripping out their Bermuda and putting in Fescue or what does that truly entail and when does it spark it and at the same time he thinks they should maybe dedicate a little bit more time as far as the design themes and standards.

Council Member Oliver stated he certainly wants to lean on the City's subject experts in the Parks Department but he would like to engage some of their appointees on the Beautification Committee. Council Member Oliver stated that to be quite honest he feels like a fish out of water; he does not have a green thumb so to speak so it is hard to visualize that based on what's depicted on paper.

Council Member Oliver stated that he wouldn't say to completely discontinue work on a local ordinance. He thinks they want to seek designs that are aesthetically pleasing. Council Member Oliver stated they also recognize that it's already hard enough for residents to stomach a lot of the changes that are coming down the pipeline from Sacramento so he wouldn't quite abandon their work on a local ordinance, he'd like to see a little more fine tuning, maybe engaging some additional folks including the Beautification Committee as well as others and he might move forward without adopting what's been presented today and in the interim move forward with the State's mandatory requirements.

Council Member Medellin stated he would concur with that recommendation.

Mayor Pro Tem Rigby stated he seemingly agreed with his colleagues. Mayor Pro Tem Rigby stated that off the top he is not in favor of yet another permit especially with so many changes that have taken place within their City just with the utility bills and some different things that have happened most recently.

Mayor Pro Tem Rigby stated he doesn't think killing this is the answer either. It seems to him that the MWELo standards are sufficient for now.

Mayor Pro Tem Rigby stated he would agree with Council Member Oliver's suggestion of pulling in the Beautification Committee. Mayor Pro Tem Rigby stated that from what he's heard, John Scarborough and his team along with Ms. Mary Anne Seay, Director of Parks & Community Services have done a phenomenal job as they've they seen with the beautification of 4th Street and their drought compliancy. He thinks the Beautification Committee best represents the community. Mayor Pro Tem Rigby stated they might even be able to open up some general discussion with perhaps a town hall meeting or maybe get some better feedback from what the public feels on this situation. Mayor Pro Tem Rigby stated it is his recommendation that they move forward with those options and in the meantime they would comply with MWELo standards for the time being.

Mr. Merchen stated he appreciated their input and he thinks he's getting a feeling as to what the consensus is. Mr. Merchen stated that for the time being staff will pull this back out of the process and not schedule it for consideration of introduction and staff will go back in the near term and work with the Beautification Committee and get some feeling for some public input and if within a few months it looks like there's some community desire to see the balancing of, staff might bring it back before Council in a modified format. Mr. Merchen stated that for the time being, he thinks staff hears Council's direction and they will implement the State standards and go from there.

Council thanked Mr. Merchen.

B. CONSENT CALENDAR

- B-1 Minutes – 11/18/15, 6/01/16
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution Adopting the City of Madera Conflict of Interest Code and Repealing Resolution No. 14-158 and All Resolutions in Conflict Herewith (Report by Sonia Alvarez)
- B-4 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 Authorizing the Chief of Police to Execute all Documents Necessary to Accept the Donation (Report by Steve Frazier)
- B-5 Consideration of a Resolution of the City Council of the City of Madera, Approving a Triennial Disadvantaged Business Enterprise (DBE) Goal of 13% for Federally-Funded Transit Projects, FFY 2016/17, 2017/18, and 2018/19 (Report by Keith Helmuth)
- B-6 Consideration of a Resolution Approving an Agreement with Live Oak Associates, Inc. for On-Call Professional Environmental Services to the City of Madera for Routine Maintenance of City-owned Bridges along the Fresno River (Report by Keith Helmuth)
- B-7 Declaration of Surplus Property (Report by Becky McCurdy)
- B-8 Consideration of a Resolution Approving Award of the Agreement for Landscape Maintenance Services for Downtown, Median Islands and City Facilities in the Amount of \$176,640.00 to Evergreen Lawn Care & Maintenance, Inc. and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by John Scarborough)
- B-9 Consideration of a Resolution Authorizing Amendments to the FY 2016-2017 Budget Appropriating \$26,592.04 from the Funds Designated for Golf Course Emergency Repair Account to Capital Outlay Equipment Replacement in the Golf Course Fund for Repairs to the Golf Course Water Well (Report by Mary Anne Seay)
- B-10 Consideration of a Resolution Approving an Agreement between the City of Madera and Kings View - Skills4Success Program for Occupation and Use of Facilities at the John W. Wells Youth Center and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Etheridge)
- B-11 Consideration of a Resolution Ratifying and Approving an Agreement with Madera County to Provide Dial-A-Ride Transit Services to County Residents for Fiscal Year 2016-17 and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Ivette Iraheta)
- B-12 Consideration of a Resolution Approving an Agreement with RNL Interplan, Inc. for Professional Architectural and Engineering Services to the City of Madera for Construction of the New Transit Operations Facility Project (Report by Keith Helmuth)
- B-13 Consideration of a Resolution Approving an Agreement between the City of Madera and Thales Consulting, Inc. to Prepare and File the City's Financial Transactions Report, the Financing Authority Special District Report, and the Annual Transit Report for FY 15/16 and Authorizing the Mayor to Execute the Agreement (Report by Tim Przybyla)

- B-14 Consideration of a Resolution Approving an Agreement to Forego Exchange of Property Tax Revenues Between the County of Madera and the City of Madera for the Madera Unified School District Annexation (Report by David Merchen)

Mayor Pro Tem Rigby asked if there were any items on the Consent Calendar that a Council Member would like to have pulled for further discussion. Council Member Foley Gallegos asked that Item B-8 be pulled for further discussion.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDER, EXCLUDING ITEM B-8 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 16-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE CITY OF MADERA CONFLICT OF INTEREST CODE, AND REPEALING RESOLUTION NO. 14-158 AND ALL RESOLUTIONS IN CONFLICT HEREWITH

RES. NO. 16-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING A TRIENNIAL DBE (DISADVANTAGED BUSINESS ENTERPRISE) GOAL OF 13% FOR FEDERALLY-FUNDED TRANSIT PROJECTS, FFY 2016/17, 2017/18, AND 2018/19

RES. NO. 16-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH LIVE OAK ASSOCIATES, INC. FOR ON-CALL PROFESSIONAL ENVIRONMENTAL SERVICES TO THE CITY OF MADERA FOR ROUTINE MAINTENANCE OF CITY-OWNED BRIDGES ALONG THE FRESNO RIVER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

RES. NO. 16-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AMENDMENTS TO THE FY 2016-2017 BUDGET APPROPRIATING \$26,592.04 FROM THE FUNDS DESIGNATED FOR GOLF COURSE EMERGENCY REPAIR ACCOUNT TO CAPITAL OUTLAY EQUIPMENT REPLACEMENT IN THE GOLF COURSE FUND FOR REPAIRS TO THE GOLF COURSE WATER WELL

RES. NO. 16-140 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND KINGS VIEW SKILLS4SUCCESS PROGRAM FOR OCCUPATION AND USE OF FACILITIES AT THE JOHN W. WELLS YOUTH CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 16-141 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING THE ONE YEAR FY2016-17 AGREEMENT WITH THE COUNTY OF MADERA FOR DIAL-A-RIDE SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 16-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH RNL INTERPLAN, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF MADERA FOR CONSTRUCTION OF THE NEW TRANSIT OPERATIONS FACILITY PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

RES. NO. 16-143 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND THALES CONSULTING, INC. TO PREPARE AND FILE CITY'S FINANCIAL TRANSACTIONS REPORT, THE FINANCING AUTHORITY SPECIAL DISTRICT REPORT, AND THE ANNUAL TRANSIT REPORT FOR FY 15/16 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

RES. NO. 16-144 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT TO FOREGO EXCHANGE OF PROPERTY TAX REVENUES BETWEEN THE COUNTY OF MADERA AND THE CITY OF MADERA FOR THE MADERA UNIFIED SCHOOL DISTRICT ANNEXATION**

B-8 Consideration of a Resolution Approving Award of the Agreement for Landscape Maintenance Services for Downtown, Median Islands and City Facilities in the Amount of \$176,640.00 to Evergreen Lawn Care & Maintenance, Inc. and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by John Scarborough)

Mary Anne Seay, Director of Parks & Community Services asked if Council had a specific question.

Council Member Foley Gallegos stated she is coming in to the Council a little late because this was approved in May 16, 2016. Council Member Foley Gallegos stated the report was wonderfully done; she read it, sat on it, thought about it. Council Member Foley Gallegos stated the company, Evergreen Lawn Care & Maintenance is a reputable company from Clovis; she looked them up, studied them.

Council Member Foley Gallegos stated she knows they have to approve it because it's been there and it needs to go but it's a three year approval so as a Council Member she would maybe think about approving it for a year but asked if they could visit it and maybe look at hiring more Parks' staff.

Council Member Foley Gallegos stated if they had Parks' staff running their zoning, this would be 40 different areas and if they did 4 of the areas, 5 days a week, they could do 20 of the lots and they're looking at a 2 week rotation and the money stays here with their City employees that bring back the tax dollars to their City.

Council Member Foley Gallegos stated they have accounting people already, they have supervisors, they have the experience, she's just wondering if staff could look into that and maybe look at that option in the next year even though she knows they have to approve this and get this running because they have landscape that needs to be taken care of but that was a question that she had.

Ms. Seay stated they've analyzed each piece of landscape they maintain from the golf course to their parks to landscape maintenance zones and as they've noted, they have changed their service delivery plan to better meet the needs of the public and to do things more efficiently.

Ms. Seay stated they've determined over time that the median island program and the items before the Council tonight are best served by outsourcing those. Ms. Seay stated they can certainly look at that again if that is Council's direction. Ms. Seay stated there is one minor clarification for Council; the responses were received by City staff on May 16, 2016 however the City has not entered into a contract with anybody.

Council Member Foley Gallegos asked if they were here approving a 3 year contract to June 19, 2019.

Ms. Seay replied affirmatively. Ms. Seay stated that is a standard term primarily because firms need to gear up for that additional work, they need to hire a workforce, they need to purchase new equipment and a one year term usually isn't enough of a window of opportunity for them to make their money back.

Council Member Oliver stated he understands that this particular contractor wasn't the low bid for this procurement and asked that Ms. Seay explain a little bit as to the evaluation process and the technical criteria that the City looks at and make any suggestions.

Ms. Seay stated they had six responses. The lowest bid is not necessarily the only criteria that they use. When they send the RFP out, they have a list of criteria that includes lowest bid which is obviously very important to them and other factors such as experience, personnel, approach to work and responses from other people who have done business with them, basically reference checking so they put those things in balance and they determine what is the best value for the City using the internal team.

Council Member Oliver stated that lastly, he knows they went out on March of 2016 and he imagines that if they amended those terms it might require a new procurement which may delay that process. Council Member Oliver stated he understands that the previous contract provider has been doing a month to month service since June of 2016 and asked if there is an estimation as to how long that might be if they were to for whatever reason table it and extend another procurement and what would that timeframe look like.

Ms. Seay stated that if Council tabled it and took a deep hard look at bringing the work internal and did that analysis, she doesn't have a best guess. Ms. Seay stated that analysis could take in order of magnitude three to six months and then gearing up to do that work would be...they just have their feet underneath them now after the change they made to do landscape maintenance from last year so part of it is bandwidth of their existing staff pushing beyond what can be managed so there would need to be quite a few people hired to supervise new programs.

David Tooley, City Administrator stated he'd like to add something to the conversation. Mr. Tooley stated that most of the Council would recall that the City took over the landscape maintenance zones last year. Mr. Tooley stated they are paying a premium price for that. Mr. Tooley stated the analysis there determined that using in-house staff was actually more expensive per unit than going out to the private sector, however the City made that choice one, because they wanted to improve the quality of the work product and second of all, he thinks there was an implicit recognition of what Council Member Foley Gallegos speaks to; that they'd like to see the City's money stay in town.

Mr. Tooley stated he thinks Council has a decision point this evening. Council can choose not to engage the best, the most qualified and lowest respondent this evening and then direct staff to go back and re-evaluate that over the longer term. Mr. Tooley stated his hesitation in doing so is that they are still going through the learning curve on the landscape maintenance zones or in the alternative, Council can engage the company, and he clearly understands Council's interest, and staff would begin that evaluation, look at economies of scale and the next time this comes back to Council, staff can proactively address that. Mr. Tooley stated the decision point this evening is accept the recommendation in front of Council or direct staff to go back and staff will do the analysis for Council; it's just going to take some time.

Council Member Medellin stated that is the point he wanted to talk about. Council Member Medellin stated that it's his understanding that Ms. Seay does annual evaluations of anybody the City contracts out to because based on the criteria, that is not necessarily just the lowest bidder. Council Member Medellin stated if he remembers correctly, they want the best quality of work for the community so Ms. Seay or her staff evaluates annually as to if the company that the City hired are providing that service if not then they bring it back before Council if Ms. Seay feels that is a service that they are not providing. Council Member Medellin asked Ms. Seay if that was correct.

Ms. Seay replied affirmatively. Ms. Seay stated if they felt that the contractor was significantly under-performing, they would bring that back for Council consideration.

Council Member Medellin stated he thinks there are a couple of instances in the past that it wasn't detrimental but he thinks it was brought up by people in Neighborhood Watch as well as a few phone calls into her department saying "what gives" and then they kind of rectified the situation and when it came down

to re-bid or re-evaluate they took that into consideration if that's somebody they wanted to re-hire or not. Council Member Medellin stated it was just clarification.

Council Member Foley Gallegos stated she needed one more clarification. Council Member Foley Gallegos stated that in the Parks Department, they have seven full-time workers and asked how many part-time workers they have to do the zoning and the parks in the City.

Ms. Seay stated they have, counting John and Hector, two full-time in the landscape maintenance zone with about 4.5 part-time; that's just for the landscape maintenance zones. Ms. Seay stated they have seven in the Parks Division to maintain the parks and...she's not going to guess on the number of part-time/FTE.

Council Member Foley Gallegos asked Ms. Seay to just estimate.

Ms. Seay stated that she would be guessing and she could surely get Council Member Foley Gallegos a number if she gives her a second to go through them in her mind. Ms. Seay stated there are 13 full-time in the Parks Division and some combination of 4.5 FTE in landscape maintenance zones and around six or seven in Parks Maintenance.

Council Member Oliver stated he thinks there are some really great questions raised and thanked Ms. Seay for her feedback and her insight. Council Member Oliver stated he does think it might be prudent to do a follow-up analysis and take a look at this and the economies of scale and especially since they may be entering into the Fall season and so perhaps with changing weather, services won't be as intense so to speak so maybe that'll provide a little bit of a time period to evaluate this and as well if they were to bring back this item in the future, he thinks it would be helpful to maybe provide additional information on the evaluation criteria so Council sees where those companies measure so to speak so he might provide that recommendation and table this item for future discussion.

Council Member Holley stated that even if they enter into an agreement they could always cancel that agreement of termination within 30 days of a notice so they are not bound to stay there the whole three years.

Ms. Seay stated they do have an exit clause....

Mr. Tooley stated that the City Attorney was looking it up to see if they have something other than a cancellation for cause; he's not sure if there is one in this agreement.

Council Member Holley stated he was looking at it there on "Termination of Convenience" so it does show that the City has a 30 days written notice contract for termination as a fault.

Mr. Tooley stated that for the record, the City Attorney indicated that was correct.

Council Member Medellin stated that he certainly doesn't mind doing the analysis and going into this 110% wholeheartedly rather than go into this a little haphazardly and then decide it's not something that they want and then cancel within 30 days. Council Member Medellin stated he doesn't think that is good business.

Council Member Holley stated he was just looking at the alternative of it that when she has it they have to stay there three years and honestly they don't have to so that was the reason he brought that up.

Mr. Tooley stated that Council Member Medellin raised a good point. Mr. Tooley stated he would suggest to the Council that as a matter of good faith they should not enter into an agreement with an anticipation of cancellation.

Mr. Tooley stated the biggest test they have in front of them is looking at the City's landscape maintenance zones and matching up their maintenance cost with what they charge the zones. Mr. Tooley reminded Council that staff discussed with them that this was going to be more than a one year process. Mr. Tooley

stated this would add an additional layer of complexity, however if that's where the Council wanted to go, staff was good with that.

Mr. Tooley stated the anticipation would be that they continue with a month to month contract and staff would take the time necessary to give Council a good work product in response. Mr. Tooley stated he just couldn't promise Council a definitive timeframe this evening.

Mayor Pro Tem Rigby stated he would entertain action on Item B-8.

Council Member Medellin stated it sounded like Council would want to table this particular item and bring it back to Council once they had the analysis or more information.

Mayor Pro Tem Rigby asked the City Attorney if this was an item that would need to be voted on if tabled.

Mr. Richardson stated Council could vote to pull the item from the agenda; he'd move to pull it from the agenda.

Council Member Medellin stated that was his motion and so don't make him look bad.

Mr. Tooley stated that realistically the bids would not be good long enough for staff to do the analysis so his anticipation is that they would have to re-bid.

COUNCIL MEMBER MEDELLIN MADE A MOTION TO TABLE CONSENT CALENDER ITEM B-8. THE MOTION WAS SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS AND WAS APPROVED BY A SPLIT VOTE OF 4-2. ROLL CALL: AYES: COUNCIL MEMBERS OLIVER, FOLEY GALLEGOS, MEDELLIN, ROBINSON. NOES: COUNCIL MEMBER HOLLEY AND MAYOR PRO TEM RIGBY. ABSENT: MAYOR POYTHRESS.

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

C-1 Consideration of a Resolution Approving an Application to Transfer Interest in Card Room Operations License (Report by Tim Przybyla)

Tim Przybyla, Director of Financial Services stated that Lucky Tree Entertainment had submitted an application for the transfer of interest in a card room and if Council approves this application, the applicant's would still have to go through the process of obtaining a Business License, a Card Room Operating License and a Use Permit before they can commence operations and conduct card room gaming activities within the City of Madera.

Mr. Przybyla stated the Chief of Police completed a full investigation and found that the applicants are in good standing.

Mr. Przybyla stated the applicants wish to transfer interest from the Primavera Pool Hall and Café which has a license to operate two tables. Mr. Przybyla stated in the past La Primavera Pool Hall and Café had two operating card table licenses which have since been suspended by choice of La Primavera Pool Hall and Café due to the cost of maintaining the licenses.

Mr. Przybyla stated the applicant has filed an application with the State of California Gambling Control Commission and received an approval of Sale Agreement and Initial State Gambling License subject to conditions provided by the Commission. Mr. Przybyla stated a copy of that is included in the report as an exhibit.

Mr. Przybyla stated the Madera City Council can at its discretion either conditionally grant or deny applicants such as this one based on the financial stability of the applicant, conviction of criminal offenses as noted in

6-3.0 or by investigational report by the Chief of Police or any other information deemed by the City Council to be matters of necessary inquiry.

Mr. Przybyla stated he has reviewed the financial statements that have been presented by the applicants and determined that their financial status appears to be sufficiently strong.

Mr. Przybyla stated staff has also met to discuss the merits and concerns related to this application and have not identified any matters that preclude the applicants from eligibility for approval of the application for transfer of interest in a card room operations license.

Mr. Przybyla stated the Council's approval or denial of this application would be the first of several steps for the applicants to complete before they can obtain a card room operating license and a use permit to operate a card room and conduct gaming activities within the City of Madera. Staff recommends Council consider adopting the resolution approving this application.

Mr. Przybyla stated he would answer any questions. Mr. Przybyla stated that Mr. Boyle, Planning Manager has dealt with the applicants extensively and is also available for any questions Council may have. Mr. Przybyla stated that some if not all the applicants are in attendance this evening should Council have any questions for them.

Mayor Pro Tem Rigby asked if Council had any questions for Mr. Przybyla; no questions were asked.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 16-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN APPLICATION FOR TRANSFER OF INTEREST IN CARD ROOM BETWEEN LA PRIMAVERA POOL HALL AND CAFE AND LUCKY TREE ENTERTAINMENT, INC

D. WRITTEN COMMUNICATIONS

- D-1 Consideration of a Written Request by the Original Madera Kiwanis Club Seeking Council Approval to Cover the Cost of Police and Public Works Fees in Conjunction with the Old Timers Day Parade (Report by Steve Frazier)

Giachino Chiamonte, Police Lieutenant stated that September is parade month and this will be one of three parades in September. Lieutenant Chiamonte stated the one in front of Council is for the Old Timer's Parade on September 24th that Bob Winslow, Board Member of the Madera County Historical Society spoke about earlier and Cliff is here also representing.

Lieutenant Chiamonte stated the request is for use of City services, Police and Public Works during that parade and stated that Council's consideration is requested.

Mayor Pro Tem Rigby asked if Council had any questions for Lieutenant Chiamonte; no questions were asked.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

- D-2 Consideration of a Written Request by the Madera High School Seeking Council Approval to Cover the Cost of Police and Public Works Efforts in Association with Their Homecoming Parade (Report by Steve Frazier)

Giachino Chiaramonte, Police Lieutenant stated that this is similar in nature. It is a parade for the Madera North High School. Lieutenant Chiaramonte stated the parade is for a Homecoming on September 23rd.

Lieutenant Chiaramonte stated the request is for use of City services, police officers and Public Works.

Mayor Pro Tem Rigby asked if Council had any questions for Lieutenant Chiaramonte; no questions were asked.

Isaac Lopez stated he is the new Activities Director at Madera High School. Mr. Lopez stated this is a request for their annual parade, as Maderans know and he has come to know quickly, is a community rich in tradition and that is one of the reasons that he proudly displays blue and probably why the other young man was wearing blue as well.

Mr. Lopez stated he is super excited. He can't thank Council enough. He's only been here a few weeks and he feels like everyone has welcomed them with open arms and this is one thing they just mentioned.

Mr. Lopez stated this is parade month and they are excited about it. Mr. Lopez stated there will be hundreds of people; it's going to be organized chaos but it's going to be awesome. Mr. Lopez stated the elementary school kids, he just got some emails that day, are excited and looking forward to it, the ASB (Associated Student Body) kids are working hard and football, pep and cheer are all excited. Mr. Lopez thanked Council for taking them into consideration and they look forward to serving them right.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM D-2 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

Mayor Pro Tem Rigby requested that Item D-4 be moved before D-3 recognizing that Ms. Shaw is already in attendance.

D-4 Request from the Housing Authority of the City of Madera for a Letter in Support of the Pomona Ranch (Linda Shaw)

Linda Shaw stated that she would like to request that the Council approve Mayor Poythress' signature on a letter to the Office of Migrant Services (OMS). Ms. Shaw stated that as Council knows from previous meetings that they've had at the Housing Authority (HA) that HA have sent a request for OMS to allow HA to house eligible homeless people to live at the Pomona Ranch Apartments.

Ms. Shaw stated they have not heard anything back from OMS and she thinks they are either trying to figure out how to answer them or they realize that this is a statewide issue rather than just a City of Madera issue which is appropriate.

Ms. Shaw stated that she would like the Mayor's signature on the letter as it alludes to the fact that he is speaking on behalf of the Council. That is why they are there tonight; to ask for Council support in sending such a letter.

Council Member Medellin stated that actually they are a trend setter. Council Member Medellin stated this is a statewide and national problem. He thinks that what Ms. Shaw and her department are doing by taking unused housing for approximately five months and opening that up to homeless for shelter during the winter time sounds simple and easy. Council Member Medellin stated he thought they would be responsive a whole lot sooner. He thanked Ms. Shaw for her efforts and agreed that Council should send this letter.

Council Member Oliver thanked Ms. Shaw for her follow-up and follow-through in engaging their elected officials on the State and Federal level which he thinks is important and they don't do often enough. He just wanted to praise her for following-up and having subsequent meetings. Council Member Oliver stated he knows this is an idea, although in its infancy, but one folks are pretty excited about and more than proud

to place their name behind and support. Council Member Oliver stated he just wanted to thank her so much for following-up and following-through and taking action.

Mayor Pro Tem Rigby stated he wanted to echo those sentiments exactly. Mayor Pro Tem Rigby stated he knows it is a pilot project and it's not going to come without its bumps and bruises but he values her efforts and he would gladly support his signature being supported by Mayor Robert Poythress.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-4 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

D-3 Presentation by David Hale Representing the Madera Oversight Coalition on the Austin Quarry Proposed at the Intersections of State Routes 145 and 41

David Hale stated he is with the law firm of Cazano, Whitson, Hale and they handle almost exclusively municipal agencies. Mr. Hale stated they are the City Attorneys for a number of cities just like Madera in the State of California and also he represents a number of Joint Power Authorities.

Mr. Hale stated the reason they wanted to talk to Council is that he represents the Madera Oversight Coalition and they understand there is some interest on part of some of the Council Members in regards to this mining quarry and the potential impacts that this quarry will have. Mr. Hale stated that Council will see a number of statements made of how he's going characterize this project so he'll let the Council decide when he's done whether he's mischaracterized it or not.

Mr. Hale stated that essentially this is an 11,000 page EIR (Environmental Impact Report) that is 10 volumes long. Mr. Hale stated that within that document there are six Unmitigated Significant Environmental Impacts. Mr. Hale stated they have done a Statement of Overriding Considerations and he is sure Council is familiar with what that is. Mr. Hale stated there are six additional Cumulative Unmitigated Environmental Impacts for a total of 12; that's huge.

Mr. Hale stated this project is about a 670 acre open pit mine and the mine is about 350 acres more or less and it's 400 feet deep.

Mr. Hale stated that the Madera Quarry which has been mentioned here has a 900,000 tons per year capacity; this is 2.5 million.

Mr. Hale stated that of the last five mines that have been approved in the last eight years, none of them with the exception of one mine by Vulcan, comes anywhere remotely close to that; most of them are below 1,000,000 tons per year or 1.25 million tons per year so there are going to be impacts related to this project.

Mr. Hale stated that the particular EIR states that they are going to see 816 one-way truck trips so functionally there's a little over 400 round trips of trucks. Mr. Hale stated the way they come up with that number is essentially an averaging. Mr. Hale stated what they do is and he is going to use his Traffic Engineer; he's a much more intelligent guy than he is when it comes to traffic but he uses a football stadium. Mr. Hale stated 40,000 people in a football stadium that show up on any given night; they have 10 home games, that's 400,000 people in those 10 games; you take and divide that by the number of operating days of 250 days and you get 1,600 people. Mr. Hale stated not to apply those numbers to this project because they don't correlate. Mr. Hale stated the point he is trying to make is that when you take an averaging like that, you don't show peak demand.

Mr. Hale stated mining quarries don't operate in a static situation where they pump out 816 trips per day. Mr. Hale stated they have an expert who has submitted a report; a man by the name of Freeman who has articulated that based on product demand, they can be operating at two, three and 400% capacity.

Mr. Hale asked what did that mean to Council. Mr. Hale asked that Council refer to the documents he has just handed them and look at the last page at the Cumulative Year 2035 Lane Geometry chart. Mr. Hale

asked that Council look at the far left hand side at the Tozer and 145 intersection. Mr. Hale stated the graph indicated that because of this project there are traffic impacts and the number of trucks that are going the City's way using their numbers is about 102 trucks so that necessitates mitigation to that intersection.

Mr. Hale asked if that intersection was going to be getting mitigated. Mr. Hale stated that during the public hearing in his initial briefing he'd proposed that Vulcan consider doing those mitigations to significant intersections and other highways within Madera County and do a reimbursement agreement with the County. Mr. Hale stated that the response by Vulcan in Volume 10 was that they couldn't make them do that because of the United States Constitutional taking cases of Dolan and Nollan.

Mr. Hale stated that functionally they pay their fair share and that is less than 10%; it is very, very minimal and it goes into a pot and it sits there. Mr. Hale stated that if the County comes up with other appropriate revenues sometime in the future then ultimately that might get mitigated.

Mr. Hale stated that within the EIR in terms of his interpretation, there's nothing in there that shows an absolute assurance that these mitigations will ever happen. Mr. Hale stated they have other mitigation that they're doing that will happen immediately adjacent to the entrance of the mine but that really doesn't affect them.

Mr. Hale stated that the particular diagram clearly shows the City has trucks going their way. Mr. Hale asked is it 102 or could it be four or five or even more. Mr. Hale stated that mining quarries ship their trucks and their loads depending upon who asks for it.

Mr. Hale stated that another one of the things that they'll find in the EIR is they're 24/7; it is not during the day, it's going to be in the middle of the night. Mr. Hale stated Caltrans happens to do most of their projects on 99 at night. Mr. Hale stated he traveled to the City of Tulare where he happens to be the City Attorney and there's a lot of development going on down there and when he goes back from a City Council meeting at 10:30 at night, he hits traffic because he is going through construction and there's all kinds of trucks all lined up.

Mr. Hale stated those trucks have to get there and the only way they can get there if there's a road project that's north of Madera is straight through their city either on Highway 145 or Cleveland Avenue; those are essentially the two ways they're going to get there. Mr. Hale stated they may very well have significant amount of truck traffic going through the City in the middle of the night. Mr. Hale stated they think it's an issue; they think it should be an issue to them.

Mr. Hale stated the number of trucks will be 102 if they use their numbers; based on their experts if they're operating at two, three and 400% capacity and if in fact they have significant load demands that's a much greater percentage than 12.5% heading in the City's direction; they may have hundreds of trucks going through the town and doing so in the middle of the night. Mr. Hale stated they think it's a significant impact, they think Council will get calls from their constituents, they think that's going to be a problem.

Mr. Hale stated they'd talk about noise for a minute. Mr. Hale stated there is no noise based on their expert analysis, there are no noise analysis done on Cleveland Avenue and Highway 145 in their town. Mr. Hale stated there are virtually no residential neighborhoods other than maybe on Avenue 12 which they think is also an issue except in their town and as they go down Highway 145 and as they go down Cleveland Avenue they're going to create a significant amount of noise. Mr. Hale stated that noise will exceed the General Plan Noise Element of the County but that's their personal opinion and the opinion of their experts.

Mr. Hale stated that at the end of the day, they think there will be significant truck traffic issues for them, they think there will be significant noise issues.

Mr. Hale stated they talk for a moment about safety. Mr. Hale stated one of the comments made during the Planning Commission hearing when they ultimately approved this project was that, he believes, the attorney for Vulcan got up and said that this is a fabulous project and one of the reasons it's so fabulous is

it sits right on two State Routes; State Route 145 and State Route 41. Mr. Hale stated that in his opinion he didn't really do his due diligence because both of those roads are incredibly dangerous roads.

Mr. Hale stated he pulled data from the Traffic Incident Officer from the Madera Office of the Highway Patrol who does essentially keeps records on fatal accidents from the BNSF Railroad on Highway 145 to 41 and where 41 crosses the river in the County Line to Road 200 there were 73 fatal accidents since 1993. Mr. Hale stated if they took all of eastern Madera County roads, all of them, from the BNSF Railroad to their eastern border, they had 37 in that same period of time.

Mr. Hale stated that essentially on those two roads, he hasn't driven it yet so he's going to estimate so don't hold him to this number, Mr. Hale stated it's probably about 40 miles of roads. Mr. Hale stated those two roads represent about 40 miles; represent about 198% of the fatal crashes in this County. Mr. Hale stated their constituents will drive those roads just like they do who live out in the County.

Mr. Hale stated there is virtually no mitigation; in the EIR they will ultimately mitigate the impacts of throwing potentially hundreds and thousands of trucks on those roads that ultimately will never be mitigated. Mr. Hale stated sure they pay their fair share but their argument to him was that they couldn't make him do more because of the Constitution. Mr. Hale stated that first of all he doesn't think Nollan and Dolan even applies here because it only applied to actual physical exactions, they don't apply to non-dedication conditions of permits but he won't even go into that; bore them with that. Mr. Hale stated the fact is they are claiming they can't be made to do more so they won't.

Mr. Hale stated they can say he's mischaracterizing the EIR; he doesn't think so. Mr. Hale stated they are going to suffer with significant impacts out in The Ranchos and many, many, many other areas which he won't bore them with that evening but for the purposes for the City of Madera and he's kind of fond of cities since he happens to be a City Attorney for many of them, he thinks they have an issue.

Mr. Hale asked why is he there tonight. Mr. Hale stated they have a meeting that starts at 9 o'clock in front of the Board of Supervisors this next Monday on the 12th; they would like if there is interest on the part of any of them, he knows this evening is not an action item and they can't formally take an action but they can certainly call, they can certainly write letters and they can certainly make personal appearances to voice their opinion. Mr. Hale stated if they think this is a great project that certainly is within their right to think so but if they have concerns like they do, to their constituents, to their safety, to the truck traffic that is going to go through their town, they would ask for Council's assistance in voicing their concerns to the Board of Supervisors either on or before the 12th.

Mr. Hale stated he was available for any questions; no questions were asked.

E. ADMINISTRATIVE REPORTS

E-1 Weekly Water Conservation Report for August 22nd through August 28th

And

Consideration of a Resolution Approving an Increase in the Amount of Rebate Awards for Water Conservation Measures (Report by Dave Randall)

Dave Randall, Public Works Operations Director stated that the weekly average went up slightly to 23 and today he got last week's numbers and it went up to 24 so at least they are doing a little better. Mr. Randall stated they obviously didn't make the 26% goal but they did improve a little bit. Mr. Randall stated they are still far behind what they were doing last year and he thinks that's just reflective of the general public sentiment and sort of de-emphasization of what the State's been doing.

Mr. Randall stated that to that end they've been reporting that they've turned in their figures to the State for self-certification of their goals and they finally have affirmed that the State's conservation goal for the City

of Madera is zero. Mr. Randall stated it doesn't mean they don't have any restrictions it just simply means they won't hold the City to a conservation number but the City still has to abide by the State's prohibitions; they can't water turf and medians, etc. Mr. Randall stated that it doesn't change the reality that they live in; they are still in a drought, they still have a water table that is not producing the same amount of water it used to.

Mr. Randall stated the State's not done; they will be coming back in January to revisit this issue so they could be back in January with new conservation measures mandated by the State once again. Mr. Randall stated he doesn't have a crystal ball and he can't tell Council what the State is going to do but for right now they have sort of backed off and they are not asking the City to make a certain goal.

Mr. Randall stated staff realizes that a lot of other jurisdictions have released some of their restrictions, have gone back to allowing people to do more watering and what staff has seen is that their water conservation has fallen back and they are not making any progress. Mr. Randall stated staff doesn't think that's really a prudent thing to do, to lose that momentum and potentially have to turn around and ramp back up after the State asks them to change again; it would be very difficult. Mr. Randall stated they have invested a lot in trusting their community, educating them and putting in rebates so they hope they can stay that course.

Mr. Randall stated they still aren't in a place where they can really handle the consequences. Mr. Randall stated before they started doing conservation and before the drought started they were pumping about 24 million gallons a day at peak periods. Mr. Randall stated right now they're down to 16 and a half million gallons a day as their peak but their capacity to produce water is only at about 20 so obviously if they went back to their old ways they'd be in trouble; they'd have low pressure issues, etc. Mr. Randall stated part of that has to do with the fact that their aquifer isn't what it was back then, it doesn't translate water as fast, their wells don't produce the same volumes and at the same rates that they used to.

Mr. Randall stated the City has a longer term plan to try to address that and be more effective and efficient in how they produce water. Mr. Randall stated it involves the building of a 7 million gallon above-ground storage unit. Mr. Randall stated rather than having a lot of wells to handle just the peak periods, they have a large storage unit, they fill that up during the off peak periods and electricity is cheaper and not everybody is taking a shower and then when they have their peak demand that allows them to do that.

Mr. Randall stated that to some degree they do that now with the City's tower; it is 1,000,000 gallons and when they have their peak demands, it depletes but they fill it back up by morning. Mr. Randall stated this will just make a little more elasticity, allows them to be a little more cost effective in not having to have so many wells and sort of creates the demand on a more constant basis.

Mr. Randall stated Council could most certainly look at some other alternatives. Mr. Randall stated normally in December they go to winter watering one day a week, some communities say no to going down to one, they could stay the course and just stay at two days a week so nobody would have to switch or remember what day they water or don't. Mr. Randall stated during the winter they don't have the peak demand issue; that is just a conservation measure to try to make their goals and since they don't have those, they're not as pushed although they still want conservation, they still need to be sustainable as a community.

Mr. Randall stated lastly they had suggested that they might increase some of the rebates that they offer. Mr. Randall stated they've had fairly good participation but not really what they thought they would get; surprisingly it hasn't tapered off completely either. Mr. Randall stated people tend to continue to participate to some degree but they are thinking they might be able to get a little more participation if they sweeten the deal a little bit so they've proposed a few things here: turf from 75¢ to \$1, toilets from \$50 to \$75, drip systems from \$30 to \$50 and allowing people to...a lot of people only do the timer so they'll split that out at \$30, clothes washer from \$50 to \$75, dishwashers from \$35 to \$50, smart timers from \$100 to \$150 and the mulch, nobody seems to be able to use that much mulch so they'll leave that alone.

Mr. Randall stated that was the proposal before the Council and they've prepared a resolution if Council chooses to enact that. Mr. Randall stated he would answer any questions and asked that Council consider enacting the resolution if Council feels it is appropriate.

Council Member Medellin stated not too far off topic but a couple of things; one on participation. Council Member Medellin asked if there was a way to track how they are being approached by the community and the residents. Council Member Medellin asked if it was online, phone calls or were they walking in. Council Member Medellin asked if Mr. Randall had an idea to kind of maybe better help Council as to where those efforts are being....

Mr. Randall asked if that was in terms of rebates and Council Member Medellin responded affirmatively.

Mr. Randall stated he can find out from his staff. Mr. Randall stated he didn't know that answer but they would look into it and see if they could track it.

Council Member Medellin stated it was just out of curiosity and asked if it was online, did they need more efforts online to help with that or if it's by phone; he's just kind of curious.

Council Member Medellin stated Mr. Randall had been talking about the wells and asked Mr. Randall to give them a very quick or brief synopsis on the condition of their wells, any maintenance and what it looks like.

Mr. Randall stated that as they know, they have 16 wells; they lost one the year before that won't recover; it's just too old, it's not going to happen.

Mr. Randall stated they have three wells that have bottomed out; there's more depth and it's fairly unlikely they'll be able to deepen them economically so their production is limited because they can't drop the bowls and make more efficient. Mr. Randall stated he thinks they can be resizable, sometimes they can put BFDs (backflow devices); they can do some other things but they have some limitations there.

Mr. Randall stated last year they brought Well 18 online and that's been a big help.

Mr. Randall stated currently they are getting the Water Quality Control Board to test Well 27; that is a high producing well that they have out on Pine Street and Industrial Avenue that generates 1,100 gallons per minute that had a problem, he won't go into the technical problems, that's been resolved so it's been off line for five years and they hope to bring it online next month or the month thereafter depending on how the testing goes.

Council Member Medellin thanked Mr. Randall and stated it was a nice presentation.

Council Member Oliver stated that real quickly, he would certainly be open to the suggestion and later, more cooler months this year to extend their two day watering a week period. Council Member Oliver stated certainly Maderans have definitely heeded the call to conserve; they've taken it seriously. Council Member Oliver stated he thinks if they look back at the data and their water usage even before the mandated conservation requirements, Maderans oftentimes used a lot less water per capita compared to other cities and municipalities in their region so it's something they take seriously, that they practice, and he would definitely consider bringing back or sustaining the two day a week later on this year.

Council Member Oliver stated that real quickly on the Incentives Program, he sees that grey water systems are missing. Council Member Oliver stated initially they had included that and asked what was; did anyone....

Mr. Randall stated they haven't struck upon a program that really has worked. Mr. Randall stated they had some initial what they thought was going to be good traction; it hasn't really borne too much fruit. Mr. Randall stated they still have a list of things they want to try. Mr. Randall stated the Water Conservation

Unit as they know, they increased the staff, they transferred people over from Billing Utilities and they do all the ons and offs now. Mr. Randall stated it has sort of jelled and they're hoping they will now be able to make a new effort to provide some new alternatives because it's been a year since they sort of did these and it's time to go back and see if they can't find some new blood, some new incentives. Mr. Randall stated he thinks there are some opportunities out there, some people, GBS and others have expressed willingness to work with them. Mr. Randall stated they've been looking for the low hanging fruit but they haven't been able to steal an idea from another city yet but they may just have to figure it out themselves.

Council Member Oliver stated he would be encouraged to see what other ideas and applications people are utilizing. Council Member Oliver stated he knows that before, folks had shared with him their use of hot water re-circulator pumps and that's definitely been wise so maybe even looking at an open category where they really measure what the gallons of water saved are to kind of equate whether or not they could incentivize that but he would certainly support the increases and he thinks they should encourage co-branding with GBSes and the Home Depots and Lowe's to really promote that certain appliances or applications are City incentivized programs and he thinks it would help both leverage their program and provide for good partnership with those folks as well.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM E-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

**RES. NO. 16-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
INCREASING THE AMOUNT OF REBATE AWARDS FOR WATER
CONSERVATION MEASURES**

E-2 Discussion and Request for Direction on Use of Mello Roos Financing Tools (Report by David Tooley)

Mayor Pro Tem Rigby stated that looking at their agenda, he is well aware of Item E-2 and the importance that it has to many people in the crowd that evening. Mayor Pro Tem Rigby stated that in order to assure that it gets his undivided attention, he called for a five minute recess and they would reconvene.

Hearing reconvened at 7:38 p.m.

David Tooley, City Administrator stated that at the Council meeting held on August 3rd, Council heard a request for an agenda item from Mr. Ron Montoya. He and his neighbors live in the Orchard Point Subdivision which is a KB Development. Mr. Tooley stated that the development is unique in Madera in that it is subject to two Mello Roos financing districts. Mr. Tooley stated that staff's understanding is that Mr. Montoya and his neighbors would like to see a reduction in the taxes they pay as a result of those two Mello Roos financing districts.

Mr. Tooley stated that staff had hoped to have a representative of the District Administrator that evening; they were unable to be there but staff has provided Council a limited scope report. Mr. Tooley stated staff will do their best to answer any questions. Mr. Tooley stated the report has been provided to Council and to Mr. Montoya and rather than hearing him talk about what they've already read, he will yield the microphone to Mr. Montoya and see what they can do in terms of response to the neighborhood.

Ron Montoya stated he really wanted to thank all his neighbors for trusting them and getting the word out. Mr. Montoya stated that some of the neighbors thought they were nuts; completely out of their minds when they told them about their mortgage going up \$500 in one month. He greeted his neighbors and stated his appreciation to them for coming.

Mr. Montoya stated they love their neighbors and in all of this process, he wants to start off with is they can buy a house, you can buy this, you buy the upgrades but you can't buy your neighbors and he's only been there two years.

Mr. Montoya stated he moved here in 2007 because of his kids. Mr. Montoya stated he doesn't have any family here, now he met his wife, now she packed up in her gated community, it's in Madera, met all those families there. Mr. Montoya stated maybe one of them or two of them are actually born and raised in Madera.

Mr. Montoya stated they chose to come to Madera for affordable housing and now there's a general consensus that they feel misled and they weren't given proper disclosure of this Mello Roos CFD tax, not only one but two and he wants to share with City Council proof on what his neighbor came up to him a few months ago and he really thought she was nuts; like \$500 and then it hit them so he wants to give some documents. Mr. Montoya stated it is his May statement showing that his payment went up \$500 the following month.

Brent Richardson, City Attorney advised Mr. Montoya that if he provides it to the Council, it's public record.

Mr. Montoya responded that it was fine.

Mr. Richardson stated he was just letting him know.

Mr. Montoya stated the first document is his May statement and his mortgage is \$1,272 with change. Mr. Montoya stated the second page is his June statement and it is \$1,972 in one month. Mr. Montoya stated the Mello Roos CFD, they all feel they were ambushed with this, nobody disclosed this, he knows it is the responsibility of the builder but they have several questions, they're peppered with several questions. Mr. Montoya stated this happened to several of his neighbors. Their payment is going up \$500. Mr. Montoya stated they signed a fixed rate; whatever their agreement was, that was their payment; all of a sudden, bam.

Mr. Montoya stated that City Councilman Donald Holley had no idea they were paying this. Mr. Montoya stated that Max Rodriguez who is out in the back had no idea they were paying this. Mr. Montoya stated their attorney stated wow, what a mess. Mr. Montoya stated their attorney cannot find the disclosures in their title documents.

Mr. Montoya stated he was going to hand over their supplemental tax to the Council. Mr. Montoya stated that on the supplemental tax form, they don't see a CFD on there and they're wondering why the City of Madera is being so stealth about this, why the City is not disclosing this to them; there's a lot of unknowns and when they tell families that they signed that document, they moved to Madera and get a great deal on a house but then six months or a year later.....

Mr. Montoya stated that had he budgeted for a \$1,972 mortgage, he would have a lot more options; he would be Rob's neighbor; he would have been Rob's neighbor.

Mr. Montoya stated that fortunately, he and his wife both work. Mr. Montoya stated his neighbors aren't so lucky, his neighbors are Veterans, his neighbors are on fixed incomes and they moved over here from the Bay Area with the intent of buying affordable housing.

Mr. Montoya stated he was with his neighbor yesterday and she is so reluctant to come, she's manic, she's paranoid, she's fearful of losing her home and her 72 year old husband has now taken a part-time job cleaning offices; they're from San Jose. Mr. Montoya stated these are the stories that hopefully his neighbors share with Council.

Mr. Montoya stated they are simply asking for a motion for tax relief from the City of Madera. Mr. Montoya stated they are working with an attorney; they hope it doesn't get that far but they are all on the same page, there's a general consensus there that they were misled; they weren't given proper disclosure before they signed the dotted line.

Mr. Montoya stated they chose to buy another home in Madera for affordable housing and that's the honest truth.

Mr. Montoya stated that in his research, the document he was going to show Council, Resolution 06-276 back in 2006. Mr. Montoya stated what a coincidence that Rob's not there because on that document, Rob passed and adopted the CFD that was approved by 61 voters and now they are wondering...61 voters, what was the back end deal. Mr. Montoya asked if the 61 voters were homeowners in their development, were the 61 voters just the developer, were they given an allocated vote, allocated number of votes because of how large the property was. Mr. Montoya asked if those voters are not a part of KB Home Benchmark community, how was that fair; how was that fair. Mr. Montoya stated this was passed and adopted by Rob who coincidentally is not there and that was why they were there. Mr. Montoya stated they are trying to be amicable about this, he was hoping actually for a magnanimous response from Rob but unfortunately he was not there.

Mr. Montoya stated that on August 1st, most of his neighbors who are there were at his house. Mr. Montoya stated it's just heartbreaking that Mr. Max Rodriguez and City Councilman in their district weren't aware of this; they had no explanation and they want answers and another thing is, he hoped he doesn't feel like he's droning on but this is a serious cause. Mr. Montoya stated they had to seriously take a pause because his homeowners are literally saying they are going to walk away, some are saying they are going to sell, some are saying they can't rent their house because who can afford a \$1,700 rent to make their mortgage. Mr. Montoya stated they are all in a pickle there but they hope they can work together.

Mr. Montoya stated that when all this went down in 2006, did number 06-276, the Clerk is directed to make a tax lien accordance provision to Section 3114.5 based on the Streets and Highways Code. Mr. Montoya asked if that was ever done. Mr. Montoya stated there are a lot of questions there and they hope they get some answers but he hopes they get some empathetic answers first.

Mr. Montoya stated that was pretty much his presentation and that they do have several speakers who would like to share their frustration.

Mrs. Montoya stated she just wanted to mention that they did have a meeting at their house at the beginning of August, she believed. Mrs. Montoya stated that Mr. Holley was there, Max Rodriguez and the County Assessor and they appreciated them coming because Gary Svanda shared a lot of information with them that they weren't aware of; they were starting to do research. Mrs. Montoya stated they appreciated them coming to their home. Mrs. Montoya stated they had quite a few neighbors, maybe 40 people in their living room and they appreciated them taking the time but what they are there to do is figure out how to fix this.

Mrs. Montoya stated they've met with their own personal attorney. Mrs. Montoya stated they would all have to pay for an attorney and they've done that themselves just to make sure they know what they're talking about. Mrs. Montoya stated they've also read the response; they understand that and they do know that they can bring it to Council's attention which she had the feeling Council didn't really know about this. Mrs. Montoya stated they didn't or they would have never bought there.

Mrs. Montoya stated all of them have put a lot of money into their homes; they bought everything local there. Mrs. Montoya stated they are all hardworking, their community is beautiful.

Mrs. Montoya stated they actually represent Cantera too so they have a Cantera homeowner there because it's affecting all of them now. Mrs. Montoya stated it was kind of slowly trickling down; it doesn't hit everybody at the same time so when their neighbor went to them, it didn't affect them yet so everybody was starting to get hit in different ways. Mrs. Montoya stated that have other neighbors around the block and theirs is exactly like theirs.

Mrs. Montoya stated it's gone up so much there's no reason to stay there, they won't stay, they have to sell and they don't have a choice; why would they pay that much.

Mrs. Montoya stated their attorney and other people that they know that do understand them; they're paying three times the amount of what other people pay and there's no reason. Mrs. Montoya stated they also have she believes it's \$70 for landscaping and other things that are supposed to be included in their development; that's on top of everything else. Mrs. Montoya stated they don't get anything for that; there's no incentive for them to stay.

Mrs. Montoya stated that information was never disclosed to them, they have all gone through their paperwork and they all met with the same people. Mrs. Montoya stated KB Homes Cantera was actually starting to tell some people now because they know that they've caught on so there's something not right and they will go after whoever they need to but it would be helpful if Council could do that for them as the City saying they didn't represent them when they were selling those new homes to all of those people who have come from different states, different city and have put a lot of money into the community.

Mrs. Montoya stated that was what she would like to say and she was sure they had a couple others that would like to say something.

Ron Carnegie stated he is a Veteran and he recently moved to Madera because he fell in love with the place; it was his first home and he was proud of it then all of a sudden it went up \$500 and Council can't imagine the amount of stress that came upon him and his family.

Mr. Carnegie stated they are young homeowners, they were proud to get their house, they love their neighborhood and they asked these questions. Mr. Carnegie stated he made sure it was not a balloon tax, he made sure it wasn't these other things, was there anything else that would make the payment go up and they said no, no, no and all of a sudden Ron went knocking on his door asking if his house payment had gone up \$500 and he told Ron no, that he was crazy and then it just happened.

Mr. Carnegie stated they are now seeing For Sale homes in their neighborhood and it's heartbreaking.

Mr. Carnegie stated it is his first City Council meeting and he likes the cohesion, he likes that everyone can go there and they are just looking for Council's support because this is not right. Mr. Carnegie stated they have people on a fixed income and he doesn't know what to tell his neighbors; it's not right.

Council Member Holley stated he had a question for Mr. Carnegie. Council Member Holley asked if the \$500 that went up, that he was talking about, was monthly or yearly.

Mr. Carnegie stated it is monthly; \$532 so his payment went from \$1,200 to \$1,700 something. Mr. Carnegie stated it hurts and he looked into becoming an Uber driver now to help out because they can't imagine the amount of stress and it's just out the blue.

Mirna Garcia stated her story is just like theirs. Mrs. Garcia stated she is a first buyer and she had no idea about..... Mrs. Garcia stated she asked about tax when she signed with KB Homes because of experience of her family members and friends. Mrs. Garcia stated they asked her to make sure her loan is not floating and make sure her loan is fixed so she made sure to ask all those questions. Mrs. Garcia stated the main question she had was would her payment be the same for the next 30 years and they said yes so they went through the process.

Mrs. Garcia stated she was 27 when she bought her house with her husband and then early this year her neighbors went to her door, it was her other neighbors and one of their payments went up \$240. Mrs. Garcia stated the next month her other neighbor went and her payment went up \$180. Mrs. Garcia stated the neighbor whose payment went up \$240 is a Veteran and he is on a fixed income and he purchased his home, she believes in April 2014. Mrs. Garcia stated her other neighbor purchased his home two months after which was June 2014 so two months after her first neighbor's mortgage went up and then it was theirs so then they asked her when she'd moved in, she moved in in October 2014.

Mrs. Garcia stated that exactly four or five months after theirs, her payment went up \$100; it wasn't like theirs, like that's a lot of money but she is also on a fixed income, she has two kids, she works full-time, she goes to school, she's trying to get her Bachelor's, she's on her last year, her husband is also in school and working, they have their kids in school, they love Madera.

Mrs. Garcia stated they moved from Fresno due to the houses being so expensive over there so they moved to Madera, they do not mind the driving, they are actually enjoying the City, they enrolled the kids in baseball, they have the kids in karate, everything is staying local, her money is staying in Madera, she does her groceries here and everything.

Mrs. Garcia stated she wouldn't like to leave Madera but she's at the point where if this doesn't get fixed she is going to have to put her house for sale because this time it was only \$100, she doesn't know if in six months it's going to go up another \$100 or suddenly \$500 so she would like them to answer some questions; the questions she has are the same questions Ron had. Mrs. Garcia thanked Council.

Council Member Oliver asked that when Mrs. Garcia mentions "they" would that be in reference to the homebuilder, a realtor.....

Mrs. Garcia stated it was KB Homes. She did all her paper with them and she financed with them.

Mayor Pro Tem Rigby asked that it wasn't a realtor; it was KB Homes.

Mrs. Garcia responded affirmatively that it was KB Homes.

Someone from the audience stated they have realtors on site.

Council Member Medellin asked that along those same lines, when Mr. Montoya says that either they or the community were misled and information was not disclosed, is that who they are talking about.

Someone from the audience replied affirmatively.

Council Member Medellin stated it was just so he had his notes straight.

Leah Robles stated she is a licensed realtor and she did represent her husband in the purchase of their home in the neighborhood. She too, knowing their income status, did come to Madera for the affordability of the housing.

Mrs. Robles stated they looked into it and decided this was somewhere they wanted to continue to grow their family and to become part of the community. Mrs. Robles stated she asked the questions specifically regarding the supplemental tax or any additional taxes that would affect them in the future because she had the experience of clients buying in other areas of Fresno and she tells them upfront and forward that they need to look into the supplemental taxes and any Mello Roos or any other taxes so she upfront asked that question. Mrs. Robles stated she told her that might not stop them from moving there unless it was an excessive amount but they did need to look into it and be informed and they did need to prepare for it.

Mrs. Robles stated she was told the supplemental tax would be a minimum because she even asked for the price of her lot so she could calculate that supplemental tax herself. Mrs. Robles stated the agent for KB told her there was no need to do that because the title company would estimate it and they would try their best so they pay it up front with their initial closing cost. Mrs. Robles stated the agent for KB told her it was already known and it was calculated in the money there coming forward. Mrs. Robles stated she said that was a good thing to know because they were there with all of their money, all their savings, they wanted to know that was what they were paying. Mrs. Robles stated she was told not to worry about it that everything was fine.

Mrs. Robles stated they got the supplemental tax, \$1,800, ok you know, alright and talked to Ron, same thing \$1,800. Mrs. Robles stated they didn't say anything about that then but now this \$500, if she is going to have a \$2,000 mortgage, she is going to take herself, her business and her family to Fresno or to Clovis because they came to Madera for it to be affordable.

Mrs. Robles stated they have two daughters in college, two in elementary school and one in high school so that's a lot of money and they attend the Madera Community College and they all go to school in Madera. Mrs. Robles stated they like the other people in their neighborhood shop here. She bought her car here. Mrs. Robles stated they intentionally try to put their money back here because they want Madera to do better things for the community.

Mrs. Robles stated they want a Costco or a Target. They want better things and they know that in order to have that they have to spend their money here so she goes out of her way, she works all over the valley, but she goes out of her way to do her shopping and do everything here because this is what they call home and this is where they live. They do have a great community of people as neighbors, so they don't want to move. Mrs. Robles stated that for \$2,000 a month they are going to have to move because it only makes sense. Why do the commute? Why would her husband have to drive an hour every day when he could drive 15 minutes and they could have a \$2,000 house payment at that price?

Mrs. Robles stated they would just like Council to consider it and maybe they could utilize some of that tax relief for their community and assist them in staying as a member in Madera.

Abel Hernandez stated he called Suzanna from KB Homes today and he wanted to know about this tax and she told him, she's the realtor from KB Homes, and she is the one that sold him his house, she told him that she had not heard of any tax like this. Mr. Hernandez stated if she doesn't know about this tax, there's no way he could know about this tax or his neighbors.

Mr. Hernandez stated he began to look at his bills and there is nothing showing different in his bills. He is not affected by it for some reason so he had decided that since he wasn't affected by it, he wasn't going to come because it's not affecting him. Mr. Hernandez stated he realized that his neighbors are being affected and that does affect him and so he is there today because of his neighbors.

Mr. Hernandez stated they have been talking about this and his little girl overheard them talking about this and her best friend lives right over on that side a block away and she's concerned now because that is her best friend. She's worried so this is really hurting the community, this is hurting Madera. Mr. Hernandez stated they have decided that regardless if he is affected or not, if his neighbors are affected and are going to be hurting that way then he's going to move too because he doesn't think it's fair that his neighbors should go through that and he shouldn't when he is also in the KB neighborhood. Mr. Hernandez stated it might affect him later; he doesn't know; he has not seen any effects of it yet.

Mr. Hernandez stated he loves Madera. He was born in Madera. He was born in the Madera Community Hospital. Dr. Wyte was the doctor that delivered him. Mr. Hernandez stated he has seen Madera grow. He has seen numerous schools such as the Nishimoto. He used to work for Sonny Nishimoto. Mr. Hernandez stated he's seen churches. There are several good churches in Madera such as Valley West, River Worship Center and many other ones. Mr. Hernandez stated he likes the community and he loves his neighbors. His neighbors are constantly walking, there's a park there and everyone gets to talk to each other. Mr. Hernandez stated he just wants to say that he feels it's completely unfair and he was there representing his neighbors. Mr. Hernandez thanked Council.

Amber Rodriguez stated she is a neighbor of Ron's and Leah. Mrs. Rodriguez stated that she and her husband bought a home; it will be three years November of that year. Mrs. Rodriguez stated they have not been affected by that tax but they are very afraid. Mrs. Rodriguez stated they both work full-time. She has one daughter. She commutes to Fresno every day and she is just very afraid to lose her home. Mrs. Rodriguez stated she has two disabled parents that live with her and they pretty much live off her. Mrs. Rodriguez stated she is afraid and just like the gentleman before she is there representing her community.

Mrs. Rodriguez stated her daughter is very happy in Madera. She goes to middle school in Madera. Mrs. Rodriguez stated she comes from Los Angeles and this is all new to her. Mrs. Rodriguez stated her husband wanted to live in Fresno and she said let's go further, let's go to a smaller town somewhere where her daughter could grow, somewhere where she could be proud of the town where she grew up in and this is not ok with them.

Mrs. Rodriguez stated she's more afraid of the effect after to have to take her daughter again, move her again, move her disabled parents and she's just afraid and she's not ok with this; she's not ok with the fact that they were not told this ahead of time.

Mrs. Rodriguez stated this is their first home, her husband and she, he's a correctional, they're trying to grow as professionals and this would just be a setback for them.

Mrs. Rodriguez stated they are afraid and they hope they as the City can help them and have some answers for them because all of them are just afraid to lose their homes.

Mrs. Rodriguez stated they pay \$1,400, if they had to pay \$2,000, she wouldn't do it, she would just go back to Fresno, find a smaller town where she can have her daughter grow up and somewhere where she could basically afford. Mrs. Rodriguez stated there is no way she's going to pay more than \$1,400, she can't; she can't afford it.

Mayor Pro Tem Rigby asked Mr. Montoya if there was anybody else who would like to share.

Marie Jones stated she lives on the Cantera side of the tracts next to the KB Homes. Mrs. Jones stated it's basically the same kind of story as everybody else. Their payment went up as of August 1st, it does take a hit on their budget; they do have young kids that want to be in sports, want to do extra activities, after school things. Mrs. Jones stated it is kind of hard to pump an extra \$300 to \$500 whatever that may be to try to keep the kids happy doing what they want to do.

Mrs. Jones stated it affects them in the way that they thought the same thing; if they wanted to have....., not be house poor and stay in a community.

Mrs. Jones stated she grew up here, she wasn't born here but she graduated from Madera High so she was happy here, her whole family lives here, they wanted to stay local because of them, because of the family but a lot of times they did consider a house in Fresno but because of the cost where they wanted to keep their budget they decided it was easier here, it was more house for their money basically so when they got the hit last month they asked themselves if they were happy there now.

Mrs. Jones stated it was now going to be that the budget was tight again and that's not what they wanted it to be. They did not want to have to struggle to try make things happen in other ways. Mrs. Jones stated it was basically the same kind of story. They were never told. She was never told about it. She never asked because it wasn't something that she knew about, the district tax.

Mrs. Jones stated she knew, of course everybody knows there are property taxes involved when they buy a home, that's natural, that's normal. Mrs. Jones stated other than that they told the lady at Cantera that they wanted to stay within that budget per month so that they could be comfortable there and she said ok then this is the house they can buy. Mrs. Jones stated they did, they went everything. Mrs. Jones stated the worksheet that was given never mentioned anything about this extra tax coming up beside their regular property taxes, their insurances. All of that was upfront in the worksheet but nothing about a tax going to hit them. Mrs. Jones stated they've only been in their house a little over a year and a half and to get the hit like that, it hurts and it hurts the families all around.

Mrs. Jones stated she doesn't know too many of her neighbors yet that have gotten hit with it. She's sure it is trickling down. Mrs. Jones doesn't know if the rest of them whether they're..... and maybe others are ok with it. She knows they're still getting to know their new neighbors at this point so they don't know too

many of their stories either on her side; the Cantera side. Mrs. Jones stated she believes she is the only one there today on that side of the building line but she was notified and she thought she was the only one until she talked to her next door neighbor. Mrs. Jones stated they haven't got their hit yet but they got the letter saying that was what they are going to be paying and it's just hard on a monthly budget to try to kick out that extra \$500.

Mrs. Jones stated she doesn't know too many people in Madera that have that extra money just petty cash in their pockets to say there you go. Mrs. Jones stated she just wants to see if Council can help, just give them a little help somewhere.

Council Member Oliver addressed Mrs. Jones and stated she'd mentioned the payment went up in August and asked how long Mrs. Jones owned her home there.

Mrs. Jones replied that'd been there just over a year and a half; they moved in end of January 2015.

Council Member Oliver asked prior to that it just came out of nowhere.

Mrs. Jones replied that yes, they got the letter in July so they got a month warning basically that they were going to get hit with the extra money as of August 1st so if they want to stay they're going to have to cough up that extra money to stay in that house or reduce your house down or something; they don't even know where to go right now, they don't know if they get a 1,000 square foot house to afford or do they have enough rooms for each of their kids to stay comfortably.

Council Member Oliver stated he could tell her as she's mentioned there's probably not a whole lot of folks that have that \$500 laying around, he knows he doesn't and he knows most of his colleagues don't either so they're empathetic.

Mrs. Jones stated they could understand \$50, that's something she was sure people...but when they get hit with a good \$500 more and not even enough notice to budget that extra money to come out, that's what hurts. That's why she thinks they're just basically feeling blindsided by the whole thing and the fact that the builders never mentioned that they were going to pay that much eventually. There was never a warning about it either. Not like they were eventually going to have to take this money from them because they want to do so and so stuff with the community. They didn't know.

Mayor Pro Tem Rigby asked if the letter came from KB.

Mrs. Jones stated the letter actually came from her mortgage company saying that she needed to pay that extra amount, she could pay in one chunk amount which she doesn't have \$3,000 also just to give the mortgage company to put in her escrow, no she doesn't have that just laying around either.

Council Member Oliver asked out of curiosity who the title company was.

Mrs. Jones stated she used US Bank mortgage which was actually sold to them after they moved in so it starts with of course.....

Council Member Oliver stated he is trying to track the similarities between the shared realtor to maybe the.....

Comments were made from the audience. [Inaudible]

Mrs. Jones stated that she thinks they all have different because they always sell the loan to somebody else once they start with them. Mrs. Jones stated the builder, the loan officer lady was there at the home site to where their office is so they are the ones of course doing all the paperwork first for them. They tell them that is what their monthly payment will be, sign, there you go but never warned them at all that they'd get hit that big at all in any way so they're upset.

Comments from the audience. [Inaudible...Mello Roos district...]

Mayor Pro Tem Rigby apologized and stated they are very interested to hear from the audience and directed them to please approach the microphone. Mayor Pro Tem Rigby stated they have to get this on record, that state law requires it and if they want to address Council then they should just step up to the mic.

Mrs. Jones stated she would pass it on and thanked Council for their time.

Mrs. Montoya didn't identify herself. Mrs. Montoya stated they were told by the County Assessor that they live in a Mello Roos district. Mrs. Montoya then addressed Council Member Holley asking, "Right, Mr. Holley?" Mrs. Montoya stated they were told that is why it's happening. She stated what happened is it wasn't disclosed to any of them. She stated that in 2006 Mr. Poythress voted this in so there was a vote back in 2006 when none of those homes were built to agree it was going to be a Mello Roos district so that's why it's the way it is. Mrs. Montoya stated there aren't any questions of why, they know why, he told them why but they weren't aware and she's happy Suzanna told him today that she didn't disclose any of this to them because legally that's what they need so that's great that she said that to him because she's admitting it was not disclosed to them and that's not legal to do that. Mrs. Montoya stated they know that for a fact. They met with their attorney so they would like for Council to fight for them as their representatives because that would make it easier on all of them. They would like Council's support in that way.

Mr. Montoya didn't identify himself. Mr. Montoya asked if there was anybody else who would like to come up and speak, share their frustration and kind of humanize their concern. Mr. Montoya stated he appreciated all of them coming up. He knows it's tough to get up in front of everybody. He really values their time and they have dinner tonight. He stated they get it but they cannot buy neighbors and they really appreciate it. This shows City Council that you cannot buy your neighbors.

Mr. Montoya stated they're asking for some tax relief, they hope it happens soon and hopefully Mr. Holley can make a motion today and they can all go home.

Mayor Pro Tem Rigby thanked Mr. Montoya and asked him to remain close in case any of his colleagues had any questions for him however he didn't have to stand.

Council Member Holley stated he wanted to recognize Max Rodriguez, their Supervisor for District 4 in the audience and his assistant. Council Member Holley stated they did meet with them and he was still puzzled about the overall price of this happening.

Council Member Holley stated his concern is he knows this is happening to different people and this district but it's not happening to everybody. Council Member Holley asked if anyone had a total or done research on how many might be affected by this.

Mr. Montoya stated that many of them have called their lenders and lenders don't have any answers. Mr. Montoya stated that if he can go under that assessment, under that CFD there's an 800 number that they've all been given. What happens is the County farms it out and then they are the ones that disclose this information and that's why they're there but that's their question too. Mr. Montoya stated it is \$500 a month, they times that by 12 and that's \$6,000 a year.

Council Member Holley stated it was \$6,732.

Mr. Montoya thanked Council Member Holley. Mr. Montoya stated they all know this started in 2006 with the help of Rob and it won't mature until 20 years from this date so this is a 30 year Mello Roos tax so they're there for the next 20 years so. Mr. Montoya stated if they don't do anything now most of those neighbors are going to pack up and leave and it's going to be vacant like it was vacant for many years.

Council Member Medellin stated that first of all he really wants to thank Mr. Montoya for representing his neighborhood. Council Member Medellin stated it obviously comes at a price and he can tell not only by him but by everybody there that it's had a pretty negative effect on everybody. They are away from their family, the stress. He's sure there have been some sleepless nights. Council Member Medellin stated it's taken a toll and he's taken the lead on that and he personally wants to thank him and thanked everybody for being there.

Council Member Medellin stated that Mr. Montoya had called him months ago about some oil in his neighborhood, regarding one of the trucks that had left some oil so he happened to drive over there and he can say that neighborhood is definitely a neighborhood of choice.

Council Member Medellin stated he can tell just by driving around how much they care about their neighborhood and he's talking about appearance only. Council Member Medellin stated he just drove through and drove around that one particular time and now he comes before the City Council and obviously show how much they care about one another and those are neighbors and Maderans they can certainly appreciate, really they can.

Council Member Medellin stated he wished it was under a better circumstance but unfortunately that is what brought him before them there today.

Council Member Medellin stated that in his opinion when they run for an elected office they inherit what's happened in the past. Council Member Medellin stated it is unfortunate but when they run for office that's what they do, they don't start from that day forward, they inherit what has happened in the past.

Council Member Medellin stated there is nobody up in the dais that was there in 2006 that can answer those questions and there are a lot of questions that he thinks they cannot answer tonight unfortunately.

Council Member Medellin stated he thinks they have multiple questions as far as who's been affected obviously there's nothing across the board; a cookie cutter thing that was done that they can put their thumb on.

Council Member Medellin stated Mrs. Montoya was right, it's not why they're doing this, they know it's a Mello Roos and there's some variations to that so what he was going to suggest was that they as a Council help them find more answers and get to the bottom of how this is affecting them. He thinks they owe them that much.

Council Member Medellin stated he doesn't think they can answer those questions tonight. As they know, it's going to take some in-depth research. It is going to take maybe some phone calls.

Council Member Medellin stated that Mr. Tooley had mentioned at the onset that there was representation that they tried to get there this evening and unfortunately maybe it was short notice, they couldn't get that representation. Council Member Medellin stated he's assuming they will continue to try and get somebody that can help with these questions that they have.

Council Member Medellin suggested a meeting with staff, Mr. Montoya and one or two of the neighbors so they can sit down and address the issues one by one and hopefully find some answers and possibly an outcome to this unfortunate event.

Mr. Montoya stated they had hoped Rob would be there because in the research, he knew, he'd done his research and he knew this is why you run for public office. This is the part of budget politics that gets nasty and that is why people get so inflamed because people who adopted and passed these measures are not here.

Council Member Medellin stated he understands that and he doesn't mean to cut Mr. Montoya off but in 2006 Rob was one of five that were there, he's assuming they were all there, but they are here now.

Mr. Montoya stated he had been hoping Rob was there too.

Council Member Medellin stated he understands that but...

Mr. Montoya stated what a coincidence.

Council Member Medellin stated Mr. Montoya's already made his point and he thinks they'll move forward from here on what they can do to best help the community; that's really what he's saying.

Mr. Montoya interjected, "move forward".

Council Member Medellin stated exactly, exactly.

Mr. Montoya asked who was going to take the lead, who was going to spearhead it from City Council to get in touch with them.

Council Member Medellin responded that if they could hear from their City Administrator first and then maybe they'll get to that point.

Mr. Tooley stated he thinks there are a couple of things Council would like to pursue and let him suggest a starting point.

Mr. Tooley stated the District Administrator can provide a lot of information to the residents that they don't have that evening. Mr. Tooley stated they saw one example where the cost to the resident was going up \$500 a year not \$500 per month so he can't connect the financial dots.

Mr. Tooley stated he thinks everybody in the room would like to have some specific information about their specific home so rather than make them use the 1-800 number, Mr. Tooley suggested they bring the District Administrator here. They can meet either as a group or individually. They'll see how they work that out but let's start out by getting Council some good information. Good information always leads to good decisions. Mr. Tooley stated he would see that as a first step.

Council Member Medellin stated he understands time is of the essence because until they get to that point those bills are still rolling in and expecting them to pay this money that is difficult for anybody to shell out. Council Member Medellin stated they will do their very best to get this done as quickly as possible.

Mr. Montoya asked if they had a timeframe of meeting with the City Manager.

Mr. Montoya also asked that the next time they are on the agenda that they be one of the first ones.

Council Member Medellin stated they do have an order in which they do things and they will certainly take that into consideration knowing that.....

Mr. Montoya stated it was a request.

Mr. Tooley stated he assumed Mr. Montoya was going to act as lead for the neighborhood.

Mr. Montoya stated he would be happy to.

Mr. Tooley stated what he thinks they will do is first thing tomorrow they make a call to the District Administrator, they find one or more dates that will work for them where they can dedicate a day or two visits. Staff will coordinate with Mr. Montoya and obviously the City can provide a meeting place.....

Mr. Montoya interjected that they can do this at his house and all the neighbors can go over.

Mr. Tooley stated whatever works best for the neighborhood, that's what they will plan to do.

Mr. Tooley asked Council if there was other direction they would like to provide that evening in terms how they want to approach the request.

Mayor Pro Tem Rigby stated he thinks he has as many questions as the homeowners do and he personally would like to hear from the District Administrator before they try to move forward. He or she will be able to get them going in the right direction.

Mayor Pro Tem Rigby stated he agrees with Mr. Montoya as well as all the homeowners that time is of the essence and stated that he values Mr. Tooley's cooperation in trying to make this happen as quickly as possible as well as any other staff members that may find themselves working on the matter.

Mayor Pro Tem Rigby thanked Mr. Montoya for representing his neighborhood essentially his family and for those that spoke tonight and even those that didn't, he thinks the message was very clear and he knows he looks forward to cooperating with them to do as much as they can.

He thanked Mr. Montoya for his service and to all the others for choosing their City. Mayor Pro Tem Rigby stated it is within their best interest to try to get them the proper answers they've been trying to get for the last several months.

Mr. Montoya thanked Mayor Pro Tem Rigby and asked if he'd like his number.

Mr. Tooley asked if they had Mr. Montoya's number. Mr. Tooley advised Mr. Montoya that they had his number. Mr. Tooley stated that one of things that Mr. Montoya could do that would expedite this was to provide staff with the addresses of those folks that have already contacted him. Mr. Tooley stated he can front load the District Administrator with those addresses and they can be prepared to have that very specific discussion.

Mr. Montoya asked if once they met they would be on the agenda item again.

Mr. Tooley stated that, again, Council makes those kinds of decisions but that he would assume that some of that would take place.

Mayor Pro Tem Rigby stated there would be some type of follow-up and suggested that Mr. Montoya connect with Mr. Tooley as they close the meeting tonight. They do have a couple of other items on the agenda but again thanked Mr. Montoya and ladies and gentlemen for again sharing their unfortunate event.

Mr. Montoya thanked Council.

E-3 Request for Direction on Council Participation in Old Timers Day Parade

And

Consideration of a Minute Order Authorizing the Mayor to the Sign Hold Harmless Agreement or Related Documents (Report by Sonia Alvarez)

Sonia Alvarez, City Clerk stated that as noted earlier in the meeting, the Old Timers' Day Parade is scheduled Saturday, September 24th.

Ms. Alvarez stated that Council has traditionally participated with an entry in the parade so tonight she requests direction on whether Council would like to participate again and if so, the parade coordinators now require that they sign a Hold Harmless Agreement to participate. Ms. Alvarez stated the City Attorney had reviewed the document.

Ms. Alvarez stated they don't have to share tonight the entry itself that they would like to use for the parade but to feel free to contact her any time in the next couple of days by email or coming by the office.

Ms. Alvarez stated they've used police vehicles, fire trucks and vehicles from car dealerships so if Council had any ideas they'd like to share and they'd like staff to try to pursue then of course staff would follow-up on that.

Mayor Pro Tem Rigby stated he might make a recommendation. Mayor Pro Tem Rigby stated last year he had the honor of being escorted by their Police Chief and he would definitely love to be associated with that again. Mayor Pro Tem Rigby stated that Council Member Oliver and he actually forewent their seatbelts and walked the length of the parade to pass out candies, business cards, stickers and he doesn't know, he thinks he ended up giving a dollar to a guy, a very persistent young man. Mayor Pro Tem Rigby stated he is not saying his Council Members would have to walk.

Council Member Medellin stated he would not be participating with the Council. He will have his own entry in the parade.

Council Member Foley Gallegos suggested going with their Code Enforcement like they did on National Night Out in a vehicle from Code Enforcement.

Ms. Alvarez stated they can absolutely make that happen if.....

Council Member Holley stated he would take whatever means available but he isn't walking.

Ms. Alvarez stated whatever the Council decides to do.

Mayor Pro Tem Rigby stated he is not picky. His son would like a fire truck but if Code Enforcement is.....

Ms. Alvarez stated they might be able to do a little variety. They were great suggestions and staff would follow-up on that part of it. Ms. Alvarez stated it sounded like they wanted to participate and requested a motion to approve the minute order.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, ITEM E-3 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

F. COUNCIL REPORTS

Council Member Robinson stated he went to the Lifetime Achievement Awards along with everybody else.

Council Member Robinson stated he then met with Congressman Costa and took a tour of the airport.

Council Member Robinson stated he was contacted about the bike trails by one of his constituents. The constituent's daughter was having a problem riding her bike to Desmond Middle School because the police said she couldn't ride on the sidewalk so he met with the Manager, he met with Max Rodriguez to see about painting some lines for the bike lanes.

Council Member Robinson stated he attended the Board of Supervisor's meeting that morning where he told the Board of Supervisors that he knew they couldn't repair the road because oil revenues are down, gas and all that but that they could paint lines for the bike lanes.

Council Member Robinson stated he had a lunch with Ron Manfredi at Maya Restaurant on Yosemite Avenue.

Council Member Robinson stated he attended the President Advisory Board for African American Student Success at Fresno State where they're trying to get all the leaders in the black community to help black students to be able to succeed so that was a plus right there.

Council Member Robinson stated he attended the Labor Pancake Breakfast in Fresno for the Laborers and they took pictures. Council Member Robinson stated Henry Perea and Congressman Jim Costa were there. Council Member Robinson stated there were a lot of families and there were a lot of kids running around.

Council Member Robinson stated he had a Conservancy for the San Joaquin River and they discussed the San Joaquin River concerning the Vulcan Material Gravel Mining lease. The lease is going to be up next year and they have five years to restore the grounds for the habitat for the plants and animals again and that's probably why Vulcan is looking towards Highway 41 and 145.

Council Member Foley Gallegos stated she attended, along with a couple other of her colleagues, a Neighborhood Watch on Orchard Avenue. Council Member Foley Gallegos stated there was a great turn out. They had Officer Valdez give some information and Lacy from the Police Department and Christina Herrera from Code Enforcement did a great job. Council Member Foley Gallegos stated they gave them their positive feedback but Councilman Medellin stepped up and talked about their half-cent tax that was really important; that they need to pass.

Council Member Foley Gallegos stated she got to meet with Chris Boyle, Planning Manager for a few hours to get some feedback and information about the Love's Travel Center which was enlightening so she understands what is happening and where they are going with that.

Council Member Foley Gallegos stated the best part was going on an inspection with Steve Woodworth, Chief Building Official to Planet Fitness; what a beautiful facility that is going to be. Council Member Foley Gallegos stated the Superintendent was down from Florida and Council Member Foley Gallegos got to meet her, Rachel and Rachel is very impressed with the Building inspection team and they work so well, very professional and Rachel said that they would come to Madera any day and build something in the City again and that was just wonderful to hear.

Council Member Foley Gallegos asked Rachel if she was going local and Rachel stated she is. Council Member Foley Gallegos stated that was nice to hear. Council Member Foley Gallegos stated Planet Fitness is building two more in Fresno and they are going to stay around here for a while. Council Member Foley Gallegos stated Planet Fitness is opening hopefully on September 23rd; they're shooting for that.

Council Member Foley Gallegos stated she'd like to thank Mr. Woodworth for taking her on that inspection and meeting those people. Council Member Foley Gallegos stated Planet Fitness also had two project managers there so it was a good day for her and Mr. Woodworth to be there.

Council Member Foley Gallegos stated they also went over to Dollar Tree and saw that building is almost up and running; they are pretty well ready to go.

Council Member Foley Gallegos thanked Mr. Woodworth and Mr. Boyle.

Council Member Holley stated they left out the most important part of that speech which is the new elementary school that's going to be built on Road 28 and Avenue 14; the Virginia Rose Elementary School. Council Member Holley stated a lot of the Council Members were there; probably all of them and the Mayor and that was one of the exciting things that's going to be happening in their City. Council Member Holley stated it is supposed to be up and running in July so that's going to be a treat.

Council Member Holley stated he attended the award ceremony for all the new alumni's, to see Jim and all the others being honored.

Council Member Holley stated the greatest part of his last week was an adventure. He spent it in Austin, Texas. Council Member Holley stated Council didn't sound surprised.

Council Member Holley stated he had a chance to visit the capital of Austin. The capital was made just like theirs in Sacramento. Council Member Holley stated the Austin, Texas City Council Hall was "wow".

Council Member Holley stated that when Madera starts working on their new one, he sure has some ideas because it was fantastic. Council Member Holley stated everything is in-house, everything is done and it's a big state and the city as well.

Council Member Holley stated he had a chance to visit some of his family back there in Texas that he hadn't seen in probably 10-11 years but the weather is not like Madera's. He was glad to be back in Madera. Council Member Holley stated he doesn't know how Texan folks put up with the weather; it's humid. Council Member Holley stated he did have a good time.

Council Member Holley stated he's back and back to work.

Council Member Holley stated he had his first Big Brother Big Sister luncheon with his little lunch buddy today. Council Member Holley stated if Council is not part of that program, they need to get involved.

Council Member Holley stated he is still working with the Boy Scouts so if Council has any kids that want to be part of Boy Scouts they should come on board.

Council Member Holley stated that other than that, everything has been running good.

Council Member Holley stated he told everybody in Texas about Madera and they asked where was Madera so he had to let them know it was California and he hates to use Fresno for a landmark but he had to.

Council Member Holley stated everything went well.

Council Member Medellin stated he had nothing to report.

Council Member Oliver stated he had nothing to report.

Mayor Pro Tem Rigby stated he'd like to remind everybody this is Madera District Fair week in the City of Madera and for each of Council to be involved. Mayor Pro Tem Rigby stated if they are interested, their one and only Council Member Oliver will be judging the Rib Contest on Saturday at 5:00 p.m. he believes so if they want to see Council Member Oliver with his barbecued face....

Mayor Pro Tem Rigby stated his wife sent him to look high and low for perhaps someone interested in judging the salsa contest on Sunday afternoon; perhaps there's a dignitary who would like to volunteer their time.

Mayor Pro Tem Rigby stated he would also like to congratulate the Parks Department as Centennial Park is coming along and looking incredible. Mayor Pro Tem Rigby stated he's had a chance to go over there a couple of times. His son is chomping at the bit to get in there and play and he knows Adoptive Soccer is taking registrations. Mayor Pro Tem Rigby stated he's really excited to see how that goes and the participation that comes of that and so again kudos to Mary Anne Seay, Director of Parks and Community Services and her team as they continue to build their special needs community and serve them so well.

Mayor Pro Tem Rigby encouraged everyone to go to the Madera District Fair.

Mayor Pro Tem Rigby stated that last but never least he'd like to take the time to go on record and state his condolences towards the Rearing family. Mayor Pro Tem Rigby stated Chuck Reiring was just a pivotal member of their community; not only was he a Sheriff but just a great guy. Mayor Pro Tem Rigby stated

Mr. Reiring was actually a Cub Scout leader of his and anytime a fallen police officer of their City goes down it tugs at his heart. Mayor Pro Tem Rigby stated he went to school with Mr. Reiring's son, Chuck. Mayor Pro Tem Rigby stated the Reiring family was more than involved with their City and different programs within their City and so if Council got a chance to just send happy thoughts and good vibes to their family, it would be greatly appreciated.

G. CLOSED SESSION

Brent Richardson, City Attorney announced that Council will adjourn to closed session in two items. The first item is Conference with Legal Counsel in Pending Litigation pursuant to Government Code §54956.9(d)(1); one case is listed and the second item is Conference with Legal Counsel in Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2); one matter.

Council adjourned to closed session at 8:39 p.m.

- G-1 Closed Session Announcement – City Attorney
- G-2 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1): 1 case:

Lesia Chambers WCAB No. ADJ 9999708
- G-3 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case
- G-4 Closed Session Report – City Attorney

Council returned from closed session at 8:59 p.m. will all members present.

Mr. Richardson announced that Council adjourned to closed session in two items the first being Conference with Legal Counsel in Pending Litigation pursuant to Government Code §54956.9(d)(1) in one matter and Conference with Legal Counsel in Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) in one case and stated that no reportable action was taken in either matter.

ADJOURNMENT

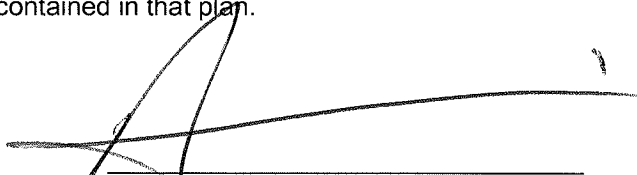
The meeting was adjourned by Mayor Pro Tem Rigby at 9:00 p.m.

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



ANDREW J. MEDELLIN, Mayor



Prepared by:
ZELDA LEÓN, Deputy City Clerk

