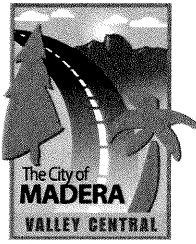


Item:	B-1
Minutes for:	11/04/15
Adopted:	8/17/16



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

November 4, 2015
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 11/04/15 was called to order by Mayor Pro Tem Oliver at 6:00 p.m.

ROLL CALL:

Present: Mayor Pro Tem William Oliver
Council Member Charles F. Rigby
Council Member Sally J. Bomprezzi
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.

Absent: Mayor Robert L. Poythress

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Grant Administrator Sonia Hall, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Procurement Services Manager Becky McCurdy, Planning Manager Chris Boyle, Public Works Administrative Analyst Jason Rogers, Parks Planning Manager John Scarborough, Recreation and Community Programs Manager Ozzie Naranjo, Fire Chief Nancy Koerperich, and Division Fire Chief David Allen.

INVOCATION: Pastor Fred Thurman, New Life Assembly

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

PUBLIC COMMENT:

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

Bob Reyes, Interim CEO President of the United Way Fresno Madera Counties, thanked Council Member Derek Robinson, who also serves on the Board of Directors for United Way, for inviting them to come here this evening just to introduce themselves. With him tonight are two of his senior managers Vice President of Resource Development Susan Baseen, and Vice President of Community Impact May Gnia Her. He noted that everyone is kind of familiar with the United Way. They were invited by United Way Worldwide

to fill a void in Madera County. After working with Worldwide, they accepted the responsibility of trying to develop some programs that will help out in Madera County. They have programs obviously that they have done for years. They have 92 years in Fresno County and this is their first in Madera County. He added that a lot of what people think about United Way in Fresno County is that they are the conduit for raising money that goes to community organizations. Last year they raised about \$1.7 million that went directly to community based organizations that are their partners in Fresno County. They would like to be able to do the same thing in Madera County as they start to develop their programs here.

Mr. Reyes noted that there are two of the programs that they have that the City would be interested in. One is their Volunteer Income Tax Assistance program. They call it VITA for short. He advised that they do have some VITA sites here in Madera County. He explained that it is free taxes that they do for anyone, family or individual, making less than \$58,000 a year. They processed 7,000 tax returns last year and returned over \$11 million in tax refunds saving about \$6.7 million in tax preparation fees.

Mr. Reyes advised that the other program they would like to bring into our community is the 211 program. He noted that everyone is familiar with the 911 emergency number. 211 is non-emergency. They connect people with social services so if you are in need of rent assistance, food, shelter, those are their top items that people call about. They are applying with the California Public Utilities Commission in order to serve Madera County. Hopefully they will be approved at the beginning of 2016. They served over 40,000 phone calls last year in their service area. They serve both Fresno County and Stanislaus County noting that they have an agreement with them. They have 1,100 programs representing 400 agencies. They connect people with the services they need. They are kind of like the bridge.

Mr. Reyes stated that, in a nutshell, is what they do as the United Way. All of the money that comes to them through Madera County, they are setting aside for programs in Madera County. They just wanted to make sure that the City is aware of that. That is basically what they do. He added that he wants to give a shout out to Mary Anne Seay. She is his former English student from a long time ago. He was her 7th and 8th grade honors English instructor. He added that it is always nice to see his former students who have done really well. He commented that she was very, very bright when she was his student and he is sure she is doing a great job for the City. Mr. Reyes thanked them.

Council Member Holley welcomed Mr. Reyes and added that Madera had a United Way before. Their executive director was Barbara Roach who served here in Madera. He noted that she did a great job with the program. He is glad to see it come back to Madera.

Mr. Reyes stated they were asked to see if they could help serve in this area and they said yes. He thanked him for welcoming them.

Council Member Bompreszi commented that to access rent assistance, people would just have to dial 211 but it won't be available until after the first of the year.

Mr. Reyes stated that is correct if they want to use just dialing 211. He asked Ms. Her for the toll free number.

Council Member Bompreszi advised that she works at the Catholic Church and they get requests on a daily basis for rent assistance.

May Gnia Her, Vice President of Community Impact, replied that they currently have a toll free number for their residents here in Madera County and it is (866) 559-4211.

Council Member Rigby stated he knows this is the public comment section but maybe he can request for staff or the City Clerk to maybe have the United Way return for a full on workshop. He advised that he has several questions of his own but, he doesn't want to take up any more of their public's time during this session.

City Clerk Sonia Alvarez advised that she would arrange that.

Mayor Pro Tem Oliver thanked Mr. Reyes for the information.

Mayor Pro Tem Oliver asked if there are any other members of the public who wish to address the City Council at this time. No other requests were made.

PRESENTATIONS 2015 Active Transportation Program Grant Award

Mayor Pro Tem Oliver invited Sonia Hall, Interim Grant Administrator, to join him at the podium.

Mayor Pro Tem Oliver commented that they are proud to announce that they are in receipt of a significant portion of money from the State Active Transportation Program Grant Award. He explained that it is going to go a long way in helping to promote and increase walking and bicycling in their community. He knows specifically, projects and areas like the Fresno River Trail Project, will be benefitted greatly by helping to provide the missing link over Gateway and over the Union Pacific (UP) Railroad near Sharon Avenue near the drive-in. He knows residents in that neighborhood are excited about that betterment. They have asked about it many times at neighborhood watch and other activities. Mayor Pro Tem Oliver asked Ms. Hall to tell them a little bit more about these grant funds including the amount and what it is intended to do.

Sonia Hall, Interim Grant Administrator, stated that this is a grant through Caltrans. She noted that Caltrans previously had several different grant programs, Safe Routes to School and other different grant funding, and they decided to put all of their grants into one Active Transportation Program (ATP) Grant. She added that this is a highly competitive grant. She stated that for the City of Madera to receive this is quite an honor and it goes to show that the staff here was able to come together as a team and put together a very competitive application. She advised that the City, she believes, is to be awarded this grant in the 2016 cycle. She explained that the grant funds go into different cycles and advised that some of the awardees that receive these grants won't receive them until 2017 or 2018 but, Madera is of the first cycle to receive these grant funds. They are hoping to be able to start this project as soon as the grant funds are received. She congratulated the City and the staff who work so hard to put this together.

Mayor Pro Tem Oliver thanked Ms. Hall. He added that although Daniel Abdella is not here today, they are certainly appreciative of him for all of his hard work that went into this grant application. He thinks they submitted the application in May so to turn that around in such a short amount of time is certainly reflective of both he and his department, and Ms. Hall's efforts. He restated that they are really appreciative of that.

INTRODUCTIONS David Allen, Division Chief

Mayor Pro Tem Oliver invited Fire Chief Nancy Koerperich to come up and introduce a new member to their Cal Fire team here in Madera.

Fire Chief Nancy Koerperich stated that it seems like just a few months ago that she was able to bring their newest Division Chief before the Council and that was Ron Eldridge. She advised that Chief Eldridge had the pleasure of being promoted in his position so they did get a new search going for a new Division Chief and she would like to introduce him.

Chief Koerperich stated that Chief Allen has almost 30 years in the department. She noted that he has worked in San Diego for most of his time but, it is beautiful Madera so you want to leave San Diego to come here. She noted that she is just going to say that is her recruiting; that is how she gets that done. She has known Chief Allen for a very long time. He has worked in their Municipal Department as well as their Wild Land Department. He has both sides of that as well as being a law enforcement officer. She added that in San Diego he ran their Aviation Program, the Fire Prevention Program, and the Camps Program with their inmates so Chief Allen brings a wealth of knowledge to their little town here. She is very proud to be able to call him one of their Division Chiefs for Madera/Mariposa/Merced.

Division Chief David Allen stated that Chief Koerperich is right noting that it was her politicking in recruiting to get him to come to Madera. He is looking forward to it. He is looking forward to working with the City

and the County together and bringing at least the fire service all together under one umbrella; same mission, same objectives at the end of the day. He added that it has been fun so far. He has had meetings with a few of them in the room already so he is looking forward to it.

Council Member Holley stated he would like to introduce another City staff that is going to be welcomed to Madera.

City Attorney Brent Richardson advised that he can mention it but he can't do a full blown introduction.

Council Member Holley introduced Linda Shaw who came all the way from the other side of the world to join them as their new Executive Director for the Housing Authority. Some of them have already met her and if not, they would just like to welcome her to the City. He added that she will be back next week to give a bigger presentation. He just wanted everybody to get to know her and see who she is.

Council welcomed Ms. Shaw.

Mayor Pro Tem Oliver called on the City Clerk for a late distribution announcement.

City Clerk Sonia Alvarez announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda item were distributed to the Council less than 72 hours before this meeting. Under Section B, Consent Calendar, item B-9, subject matter is a resolution approving settlement and release agreement. Ms. Alvarez advised that the report and supporting documents were distributed to the Council this evening. She announced that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

A-1 Update on City Maintenance of Landscape Maintenance Districts

Director of Parks and Community Services Mary Anne Seay stated that tonight they are going to give the Council an overview of the status of the Landscape Maintenance District (LMD) Program. She advised that over the balance of the last couple of years they have been before the Council with several items. They wanted to come before the Council to let them know where they are. They made some pretty significant decisions in the spring last year and they wanted to make sure that Council is aware of where they were and where they are, and a little bit about where they are headed. She stated they will be talking about the following: LMD Program Defined very briefly; Service Delivery Shift; and Looking Forward.

Ms. Seay advised that a landscape maintenance district, as they know, is a special assessment district above and beyond one's annual property tax that is established to fund landscape assessment zones. They have about 80 of them in the City of Madera and each of those are funded at a different rate: separate and apart from each other; part of what makes up the whole program. Ms. Seay stated that details of the zones and their corresponding assessments are tracked in the annual Engineer's Report that is put together by the City Engineer Keith Helmuth and his staff, and adopted by the Council each year. She noted that staff identified, during the process in the last couple of years, that about 60% of the zones within the 80 zone program were under-assessed. Ms. Seay advised that zones accepted before 2002 were built without automatic escalators in place and the ones that were built after 2002 have those automatic escalators in place to account for cost of living increases and increasing costs of doing business. She noted that as costs continued to climb, those earlier zones stayed static and that is where they ran into the trouble that they addressed in the spring the last few years.

Ms. Seay advised that in the spring of 2014, not this last spring but the spring before, Proposition 218 elections were held so that property owners could vote yea or nay on whether or not they wanted to increase their assessments. She noted that 23 of the 31, 218 elections that were held that year voted down the increase of assessments. She added that it should be noted that the majority of the property owners in the 31 zones that voted, did not participate in the election process. She advised that the consequence of that election was a reduction in service levels for maintenance in the 23 zones that voted down the assessments.

She added that the Engineering Department did notify all parcel owners that the election was coming and also notified them that service levels drops would be the result of a failed vote. Ms. Seay noted that still, staff and Council felt like they could increase their role in educating folks about 218 elections and they worked hard in the subsequent spring to educate folks about the 218 hearings in the spring of 2015.

Ms. Seay commented that the City was under contract with a landscape maintenance vendor at the time that the first service level reduction hit. The contractor didn't have the capacity to have 80 different zones with 80 different funding levels, and to spread that hit out evenly across the year. She noted that some zones had maybe, 10% underfunded while other zones could have been 300% underfunded. As a result, some of the maintenance actually seized as early as November of last year and then they kind of tailored it starting in November, some fell off in January, and other zones fell off later in the year.

Ms. Seay stated that in the spring of 2015, as residents started to see the results, staff and Council heard repeated concern both here and in Council Chambers, on the phone, through emails, and private conversations. She noted that the community certainly expressed their concern about the appearance of the public right of way, the condition of it. She added that everyone agreed that it was not a look they aspired to have. As she mentioned earlier, they committed to spending off hours to educate the public on the process and again, in 2015, they had a Proposition 218 election. They had 36 zones participate in the election; four were pulled for various reasons. Of those 36 zones, 23, again, failed to pass and even with the increased marketing attention, an overwhelming majority of the residents didn't participate in the process.

Ms. Seay commented that prior to the second 218 election, the City Council directed the Parks and Community Services Department to take over the landscape maintenance responsibilities in each of the zones effective July 1. She advised that some of the key factors that led to the decision to shift the work from vendor to internal forces was that this would add a level of predictability to the process. She noted that bidding work out, the numbers could shift. They were on a schedule of putting that out to bid about every three years so bringing the work in house does add a level of predictability to their work. She added that private contractors, as she alluded to earlier, are unwilling and unable to administer these differing levels of funding coming from 80 different zones. She noted that it is also very difficult for a private business to be successful if they are relying on resources that are subject to such drastic change year in and year out. She commented that City staff can more effectively manage the reduction in service and can better schedule part-time labor force to perform seasonal work. For example, as soon as these leaves get picked up, they will have fewer folks on the crew. Ms. Seay stated that it was their team's perception that internal forces could be more closely managed and staff believed that this increase in control and kind of daily hands on effort would result in a higher level of customer satisfaction.

Ms. Seay commented that at the April 15th Council meeting, staff immediately began several different processes at the same time. One was to recruit, hire and train the workforce and the other was to assemble all of the equipment materials that were needed to perform the work. She advised that the letter to the landscape contractor was sent immediately thereafter indicating the City's intent to terminate the agreement effective June 30th also.

Ms. Seay stated that City workforces, despite not having everybody onboard, the City workforce proudly took over the landscape maintenance duties in the program on July 1st. She noted that they probably read in the staff report that although they didn't have everybody hired yet that those staff members that are paid for out of the general fund were allocating their time to the zone program.

Ms. Seay commented that within days of crews taking over this work, literally within days of them taking over the work, the complaints began to wane. She advised that the LMD crew is comprised of two full-time staff. They have a Lead Worker and a Park Worker III but she would be remiss if she didn't acknowledge the hard work of John Scarborough and Hector Sanchez who really, without their efforts, they would not have seen this degree of success. They have what they feel is a cracker jack team that are working very, very well together and it certainly passes the eye test as she makes her way through town in comparison to last year. If they can use the amount of public complaints as a measure, and they do, they feel that so far they have experienced a fair degree of success.

Ms. Seay stated that upon first taking over the maintenance zone, staff began kind of systematically going through all of the irrigation systems and they found a lot of interesting things. She didn't even think that could be possible. When she says that, she is pointing to a root that is inside of an irrigation pipe; a lot of broken heads; a lot of leaking pipes and root damaged pipes, malfunctioning controllers have been diagnosed. She noted that staff has been really, really good about thinking about how to do it within the resources that they have. Instead of racing out and buying a brand new controller, there are several that can be repaired so they can get maybe four of them done for the price of buying one new controller. They are doing a lot of innovative things to keep things running.

Ms. Seay commented that it should be noted again that they are doing this work to the available funding level. For example, if "zone x" voted down the increase and they are underpaying, they are getting the service level that they have voted to receive. Ms. Seay added that again, it depends, some of them were slightly decreased, others were significantly decreased so staff has taken a lot of time to look at each zone and figure the best schedule. Some have moved to every other week. Some have moved to once a month. Everything is dependent on that specific funding level in each of the zones.

Ms. Seay advised that management is very closely monitoring the program. She noted that it was part of their decision making process, as they were recommending potentially taking over the zones, that a really positive by-product of the City taking over the maintenance in the zones would be that they could more accurately understand the actual cost of doing that work. In addition to fewer complaints and increased efficiencies, they are gathering that data to really build true time accounting of materials and time that will set their future assessment rates. She added that while some elements of the new tracking system are still yet undeveloped, they are making headway every day.

Ms. Seay referred to the display showing a before photo. She commented that the Council saw the bad ones yet this isn't even one of the really bad ones. She then displayed a photo after their crews have been through. Ms. Seay played a short video on landscape maintenance. Ms. Seay stated she would like to briefly thank Joseph Carrello who is on their team. He is helping them capture what they do in video format which is a way many people are coming to get information whether it is to educate people about what they are doing. To market their programs they are starting to create a lot of video by direction. She commented that Mr. Carrello has done a phenomenal job so far so they appreciate that.

Ms. Seay stated that looking forward, staff will continue to refine the processes. As she said, they have developed some systems and they are going to continue to use, particularly this first year, as a way to gather the data that they need to accurately determine what those future assessment levels will be. She advised that schedules including the tiered service levels and frequencies that she talked about are being refined. They are learning every week and staff out in the field is learning how they can be more efficient. They actually think that there will be some zones that it ends up that their assessment costs can be less than they are currently.

Ms. Seay commented that staff will assess needed irrigation system repairs. She noted that they saw that there were some problems and they will make those changes as the budgets allow and as the irrigation system controllers fail, where budgets allow, again, they will repair or replace those.

Ms. Seay referred to plant material that has died, noting that they have experienced some plant mortality. They are going to replace that with drought tolerant plants or mulch or something else that requires less water. For now, that brings them to the close of just an overview of where they are. She advised that Park Manager John Scarborough and Parks Supervisor Hector Sanchez are working in the zones every day and any one of the three of them can answer any questions that the Council might have.

Mayor Pro Tem Oliver thanked Ms. Seay. He stated that he thinks the video kind of ties it up nicely in that during this process, during the LMD elections, he thinks they learned very quickly that the community had a much greater appetite for information and transparency. He added that the Mayor challenged them to make an unprecedented effort both as a Council and staff, and other leaders to go out across every quarter of the City and to convey the information at hand, and also to collect input and folks opinions. Mayor Pro

Tem Oliver asked Ms. Seay if she recalls how many events they actually held during that time at the various school sites and public venues.

Ms. Seay replied that she is not sure. She thinks there were about 10 to 14.

City Engineer Keith Helmuth stated he is struggling with it too but Ms. Seay is probably right.

Ms. Seay advised that she doesn't have an exact number but she remembers there were at least three or four weeks where there were a good couple two and three a week. For some reason she wants to say 14 but she can't get to 14 in her mind.

Council Member Medellin stated he thinks they had at least two per district and some even had three so 12 to 14 was the minimum.

Mayor Pro Tem Oliver stated that he thinks if they had what they see now, today, and after this transition, he thinks it would have been a much different discussion and he thinks it taught them a lot so he was really appreciative of that. He knows for himself, he received a great number of calls and complaints and he hasn't received any to date. He is not sure about his colleagues but he would just like to congratulate staff for helping them adapt and move forward especially during the very warm summer heat during that time.

Ms. Seay stated that Hector Sanchez has done a phenomenal job as has John Scarborough. She added that they really are to be commended.

Mayor Pro Tem Oliver commented that he likes that they are going to move forward and hopefully look at areas where they can improve. He knows that before tonight's meeting he received an email correspondence with some questions with regard to this program. He personally has not had a chance to read it so he might ask staff at a point in the near future to respond in writing to that constituent.

Ms. Seay agreed.

Mayor Pro Tem Oliver asked if any other Council Members have questions for Ms. Seay.

Council Member Rigby stated obviously more money would make things a little easier. Council Member Rigby directed his question to Mr. Scarborough and Mr. Sanchez and asked if there are any other obstacles in the field that haven't been brought to Council's attention that they are seemingly hitting out while they are out. He stated that obviously, Ms. Seay has done a phenomenal job of showing the Council sort of the overview and the highlights of what is good and great. He kind of wants to know what is not so good and what is not so great if that is available tonight.

Park Manager John Scarborough stated, he thinks, as most people in the room are aware, the landscape maintenance zone program as a whole is very complex. He noted that it is actually a great question. One of the things, and he thinks that Mr. Sanchez will agree, that they are currently struggling with and frankly have struggled with since the program was born, is that each landscape maintenance zone has a specific boundary. They try to take those boundaries and then draw maps that accurately reflect the area that is to be maintained. He noted that it sounds pretty simple and nothing could be further from the truth. He advised that they run into situations where developments are built in phases. As an example, just right down the street they have the worst example which is Zone 10. He noted that there is a 10A, 10B, 10C, 10D; it goes all the way to 10I. Mr. Scarborough stated that as the first zone and the surrounding landscaping is built obviously, 10A is responsible for that maintenance. As 10B comes in, they build some additional landscaping and then they share some of A, and then as C comes in, they share some of A and B, and they have their own. When it is all said and done, they have a bunch of land with overlapping responsibilities and frankly, to a large degree has led them to where they are. They have contractors that come into town and staff hands them a stack of maps, about this thick (demonstrating thickness), and they say, here is the property that you are supposed to bid on. He added that in order for the contractors to effectively bid that they need to be able to split out the A and the B and the C and D, and that sort of thing, and these are properties that they have never even seen. He commented that staff has always suspected

that the bid prices were maybe not exactly reflective of what the actual work is. He stated that is one of the benefits to the City taking over this work and that the City has a better understanding of anybody as to what is actually out there; what is A, what is B, and what is C.

Mr. Scarborough stated, to finally answer the Council Member's question, they bring staff on and they give them the maps. They treat them sort of as contractors. They expect them to be able to record their time when they are working in a certain zone. If they replace a sprinkler head, write down a sprinkler head, you put it in 10A, that sort of thing. Mr. Scarborough noted that the guys literally can be walking down the sidewalk and they are, I'm in 10A, now I am in 10B. It took them a long time, and to be honest, staff is still working on it every day to train, teach, and make staff aware. They have to be aware of where they are every minute of every day because it changes and literally will change with just a couple of steps. Mr. Scarborough stated, as Ms. Seay had said, they put processes in place to record time and materials and that sort of thing but, they have the bones of this system and he thinks they are doing a really good job of recording when guys are working in a zone. They have to continue to refine that and part of that is to make sure that staff understands where they are and accurately record, for example, wait a minute, you weren't in B, you were in A, I saw you, you need to make sure that that time goes over there. Mr. Scarborough acknowledged that it is a big challenge. It is something he thinks is going to continue into the future but they are up for it. They are very aware of it and it is something that they talk and preach to staff all the time.

Council Member Medellin requested an update. They had talked last time about some existing medians. For instance, on Howard Road between Granada and Schnoor, taking out some of the sprinklers and putting in the bubblers and things like that. Also, for future reference, Ellis Overcrossing, 4th Street, and also the new industrial park that they just built. He wondered what their plans are for upcoming landscape.

Mr. Scarborough noted that it sounds like three separate questions. The first one is the median islands within residential neighborhoods. As an example, Westberry, the one that Council Member Medellin has spoken to on Howards, any median island that had turf in it and usually had trees as well, as a result of the Governors Emergency Water Conservation Ordinance, the City was not allowed to water those median islands. They could water the trees; they can't water the turf. He noted that it was a perfect storm because they were right in the middle of this zone, zone decisions made and work starting to come over to staff when they decided that they have to turn the water off, the grass can die, we are not willing to let the trees die. What they did is that they devised a plan to go citywide and convert the sprinkler systems in all of those medians over to drip systems. They put that plan into place simultaneously with taking over the zone program. It probably took them two/two and one-half months and actually, the very last medians, the ones on Westberry were done via volunteer efforts. They were finally able to round up a big group to help them finish that last piece. He commented that it is an extraordinarily successful program. He advised that there are communities where they just turned the water off. They didn't have the resources to convert to drip and they lost their trees. He doesn't think the City has lost any. He gave kudos to Mr. Sanchez and the staff.

Mr. Scarborough commented on Freedom Industrial Park. They brought an item to Council, he thinks it was last November/December where they talked about a demonstration water conservation project. He noted that Council approved this item. Staff's intent in their presentation to Council at the time was to landscape the 4th Street median islands which go from Lake Street to about "I" Street and the Freedom Industrial Park median islands in an extraordinarily drought tolerant manner basically reminiscent of a desert scape. He believes the 4th Street Median Project is out to bid right now.

Mr. Helmuth stated that it is.

Mr. Scarborough noted that they are going to see some progress there pretty quick. Regarding Freedom Industrial Park, not yet. He spoke to the designer the day before yesterday and they are getting close.

Mr. Helmuth commented that Freedom is on hold until the 4th Street goes forward so they can see what the cost of 4th Street is and then revisit their funding availability.

Mr. Scarborough stated that their commitment to Council was, as these projects start to go in, is to come back to Council and give them comparison numbers on what the initial costs to install are, basically, their

old pallet versus the new. They are going to ascertain what maintenance costs will be going forward. Obviously, they think with the new pallet, maintenance costs will be a lot lower.

Mr. Scarborough referred to the Ellis Street Overcrossing. He advised that it is kind of an interesting situation. His understanding is that the highway divides City and County.

Mr. Helmuth agreed.

Mr. Scarborough stated that the east side is County, the west side is City. He advised that on the west side, they have water in place and pipe in place so that they could plant trees. He thinks there are four planters on the west side. On the east side, they have no capability to currently get water there. They can go ahead and do the west side but in their internal conversations they thought, well we do one side and then two or three years later we come and do the other side; it never looks right. Their thought was to hold up but obviously they will do whatever Council directs.

Council Member Medellin stated he was just curious. He saw that something was capped out there and it is basically just a box waiting for...

Mr. Scarborough stated those are the bubblers that were installed as part of the project but unfortunately there is no infrastructure on the east side to actually plug in to the system. He advised that staff even had a conversation about trying to work an agreement. There is a property owner at the bottom of the east side. They talked about trying to work something out and it just comes with too much risk. They thought well, we will just see what happens.

Council Member Medellin stated he was just looking for an update. He thanked Mr. Scarborough and stated his appreciation.

Mayor Pro Tem Oliver asked if there are any other questions. No other questions were asked. He thanked staff and stated his appreciation for the thorough report.

Mayor Pro Tem Oliver asked Ms. Seay if she has any other last comments before they move forward.

Ms. Seay replied no, thanked Council and stated staff's appreciation.

B. CONSENT CALENDAR

- B-1 Minutes – 6/03/15
- B-2 Information Only – Warrant Disbursement Report
- B-3 Consideration of a Resolution Consenting to the Assignment of Design Services Agreement for Sewer and Storm Drain Projects from AECOM USA to AECOM Technical Services Inc. and Approving Amendment No. 3 to the Design and Services Agreement (Report by Keith Helmuth)
- B-4 Consideration of a Resolution Approving the Master Agreement between the Madera County Transportation Commission and the City of Madera for the Fiscal Year 2014-15 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding (Report by Keith Helmuth)
- B-5 Consideration of a Minute Order Approving a Request for a Cooperative Work Agreement (CWA) for the Bicycle Transportation Account Project BTA1011-06-MAD-01 for the Fresno River Trail Undercrossing at Gateway Drive and UPRR and Authorizing the City Engineer to Execute and Submit the Request on Behalf of the City (Report by Keith Helmuth)
- B-6 Declaration of Surplus Property (Report by Becky McCurdy)

- B-7 Consideration of a Resolution Accepting Improvements for Will Gill Subdivision (Report by Keith Helmuth)
- B-8 Consideration of a Resolution Approving an Agreement with Mead and Hunt, Inc. for Professional Services for the Development of the Madera Municipal Airport Disadvantaged Business Enterprise Plan and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Dave Randall)
- B-9 Consideration of a Resolution Approving Settlement and Release Agreement and Authorizing the Mayor to Execute the Agreement (Report by Brent Richardson)

Mayor Pro Tem Oliver announced that they have a request from staff to pull item B-9 for consideration following closed session.

Mayor Pro Tem Oliver asked if there are any other items that Council would like to pull for further discussion or consideration. No other requests were made and Mayor Pro Tem Oliver stated he would entertain a motion to approve the consent calendar excluding item B-9.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-9, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR POYTHRESS.

- RES. NO. 15-220 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA CONSENTING TO THE ASSIGNMENT OF THE DESIGN SERVICES AGREEMENT FOR SEWER AND STORM DRAIN PROJECTS FROM AECOM USA TO AECOM TECHNICAL SERVICES, INC. AND APPROVING AMENDMENT NO. 3 TO THE DESIGN SERVICES AGREEMENT**
- RES. NO. 15-221 RESOLUTION APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MADERA FOR THE FISCAL YEAR 2014-15 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE FUNDING**
- RES. NO. 15-222 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ACCEPTING IMPROVEMENTS FOR THE WILL GILL SUBDIVISION, AND AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE**
- RES. NO. 15-223 RESOLUTION APPROVING AN AGREEMENT WITH MEAD AND HUNT, INC. FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE MADERA MUNICIPAL AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

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

There are no items for this section.

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Progress Report on Housing Related Parks Program Grant Funding

Parks and Community Services Director Mary Anne Seay stated this report is designed to update the Council on the Housing Related Parks Program (HRPP) Grants and Related Projects. She advised that they had some original proposals and due to some unforeseen circumstances although, that is not entirely true, some of them they are kind of forcing and some weren't. They had to make some changes so they want to update the Council on the Knox Park Project and the inclusive play feature.

Ms. Seay stated that in January of 2014 and 2015, noting that staff worked with the Grant Administrator at the time Daniel Abdella, staff submitted Housing Related Parks Program Grants to the California Department of Housing and Community Development (HCD) for resources to build parks or park related projects. They were successful with in both cycles. She advised that they are formula based grants. They received \$731,250 in the first cycle and \$95,000 and some change in the second for a total of \$826,250. Ms. Seay realized that she never corrected that figure and it is a little bit more than that but, it is very close.

Ms. Seay stated that the original plan was to rehabilitate Knox Park located at "A" and Knox Streets, and to build a second park and adjoining amenities near the Sherwood Avenue and "D" Street ponding basin. At one time, and Council Member Holley can attest to this, Knox Park was a viable recreation space used by the neighborhood when it wasn't under water. She added that the 2.09 acre facility is actually counted in their park inventory as green space. As she drives by, and Mr. Scarborough drives by, they see a sign on the facility that says keep out. It is fenced but, they can see soccer goals in there. It has always been something that has been on the to do list. They wanted to build a two tiered park with the bottom tier obviously being used as a ponding basin would not be accessible during the winter or when it is being used for stormwater retention. She noted that the upper tier however, would be a year round amenity.

Ms. Seay stated that the ponding basin at Sherwood and "D", noting that these are the original concepts, is a large ponding basin that has a nice perimeter of wide areas of turf and an adjoining vacant parcel of land not quite an acre but almost. Staff envisioned this as a facility where they could encourage particular plant life which would also encourage wildlife; that they could build a perimeter walkway, even an observation deck and signage because they anticipated certain birds and other interesting creatures for kids and families to look at. They wanted to build a small park on the almost acre parcel of land next to the facility.

Ms. Seay advised that they have had to redefine those projects as a result of these unforeseen impacts. She advised that Knox Park is, as they know, a stormwater retention basin. She added that the master plan for stormwater indicates that that ponding basin needs to increase its capacity to be able to handle 20-acre feet of stormwater. She noted that it is listed in the master plan that it currently holds 16-acre feet. In working with Public Works and Engineering, staff accommodated for that. It was in the scope of work when they took on the project. One of the first steps that the design engineer took when they took on the job, was to survey the site. After doing so, the design engineer determined that it is about 9-acre feet of capacity. She along with Engineering staff, City Engineer Keith Helmuth, and Odell Engineering sat down quickly and they decided that the most prudent course of action would be to separate the projects into two phases. Phase 1 being the upper tier and Phase II being the lower tier that they would hopefully be ready to get the facility ready. They still haven't given up on the hope of turning that into useable greenspace because it is a neighborhood that could sure use it. Ms. Seay advised that they needed to phase it for two very specific reasons. One is that the funding is not sufficient to increase the capacity of the ponding basin to the degree that they now have to increase it. Second, the timelines with this funding source are just way too tight for them to engineer around the new problem. She advised that there are solutions. They believe they can get there. She added that it was too risky to keep their eggs in that same basket and proceed with the timelines being as tight as they are on the project.

Ms. Seay stated that Phase I, as she indicated, is the upper tier which will include new landscaping, recreation elements, seating, trash receptacles, overall aesthetics, and wrought iron fence. There would

be a four foot fence on the corner for safety for kids and then at some time in the future they would make the basin into a useable park space. Ms. Seay commented on the design. She indicated before that they are working with Odell Engineering and the design is at 60% complete. She advised that the design includes amenities and she wants to point out that the design includes amenities that were purchased with the help of the Public Works Department and the Grants Department with other funding sources. She noted that there is a Recycled Beverage Container Grant and a Tire Derived Product Grant that they were able to purchase the fall surface from the Tire Derived Product Grant and then also the play structure itself is made out of recycled beverage container as are some of the other pieces of furniture and trash receptacles.

Ms. Seay referred to the display, noting that it is kind of hard to see, but, if they can put themselves at the corner of "A" and Knox, they can see that the triangle on the corner represents the tier that they are talking about, and the amenities/embellishments that they are going to make now.

Ms. Seay stated that they brought the Sherwood and "D" Project to Council back in April. They were hoping to acquire the property adjacent to the land to build this facility. The property owner indicated that he wasn't willing to sell the property at the amount that was five times more than its current assessed value so they brought a series of options back to the Council. She advised that one of the reasons that this inclusive play feature at Centennial Park landed on their list, and landed so highly on their list, is that they have other funding sources that they can also pair with it. One is the Fansler Foundation Grant that they received. She noted that this keeps the Development Impact Fee (DIF) revenue that they have earmarked for completing the parking lot, curb, gutter, fencing at Sunrise Rotary Sports Complex intact and they wouldn't have to take money from DIF to move it to finish the project. They liked being able to work with these other funding sources. In total, they have the Housing Related Parks Program funding from 2014 and 2015, the Fansler Foundation resources of a little north of \$67,000, Recycled Beverage Container Grant at \$30,000, Tire Derived Product \$51,940, and then they also have another application in for more fall surface from Tire Derived Product Grant. They are hopeful that they receive at least part of that funding. As a nice gesture, the Mayor connected Parks and Community Services with the local Madera Realtor's Association who is applying for a grant from the National Association of Realtors. They like this project and they are working with the City.

Ms. Seay stated that a comprehensive inclusive play structure is more than just about accessibility. They talk about accessibility. It is the easiest part of this project to talk about. They are building a play feature where every kid in Madera, irrespective of their physical limitations or cognitive limitations, can have active access to this facility. She noted that sometimes they fail to talk about the importance of outdoor play for every kid irrespective of their needs. She added that every child needs to have those experiences to grow, to learn, to negotiate. They need the social and cognitive, and sensory motor skills that you learn in play for development. They do have a number of play features scattered about Madera. All of them are ADA compliant and she says that confidently. To the letter of the law, they are ADA compliant but to the spirit of the law, she can stand before them and say, if I had a child who was in a wheelchair, it would be really difficult for him or her to participate on that play feature, and they can do better than that. Ms. Seay commented that knowing the importance of play features and outdoor play, and connecting with other residents, they felt it was really important. She referred to the display and stated she included this picture because, how can you not smile when you look at that face.

Ms. Seay showed an early rendering of the facility. To kind of orient them, she stated that the black hatched walkway that goes across the road is actually going across the parking lot in the Youth Center. She noted this is just to the north side of Youth Center building. She commented that one of the things they did is recognize that the community really needs to be connected to this project, not just that they need to inform them about it. They wanted people to be a part of selecting what type of amenities they want to see in their parks. They've had a few interactions with neighborhood residents. They invited the neighbors around the park to come. They invited their partners from Madera Special Needs Program and they have presented to the City of Madera ADA Advisory Board. They have also made the renderings available at their Special Needs Indoor Soccer Program for all the parents to be able to comment; to let them know which amenity they think they need. She advised that in a perfect world, they would be able to have it all but they are not. In an effort to demonstrate their commitment to working with the community and getting their input, Joseph Carrello, with the Parks Department, built this. *Ms. Seay played a video.* Ms. Seay thanked Mr. Carrello.

Ms. Seay offered to answer any questions.

Mayor Pro Tem Oliver stated he personally does not but, he does appreciate a very thorough report and he really does appreciate all the efforts that went into soliciting all public input and ideas, and moving this project forward. He hopes it is a litmus for how they go about these types of projects in the future and obviously leveraging different sources of monies as well.

Mayor Pro Tem Oliver asked if any members of the Council have any questions for Ms. Seay.

Council Member Medellin stated he would like to echo those sentiments. He commented that Ms. Seay and her staff have done a wonderful job and outreach not just recently but with the landscape maintenance districts and zones. That has always been something that the Council preaches up here is to reach out the community, and more recently, with Centennial Park. He noted there was a lot of involvement, so much so that they even got a neighborhood watch meeting out of it, somebody that lives across the street which he thinks is going to happen this Friday. He commended Ms. Seay and her staff, including those present, for doing a wonderful job.

Ms. Seay added that one of the constituents that introduced herself to the Council Member and staff that day noticed some running water last weekend. The constituent contacted Council Member Medellin who in turn contacted staff and they got it dialed in and fixed, and it was kind of a neat by-product of that.

Mayor Pro Tem Oliver stated that if there are no other questions or comments, they will go ahead and move on to item E-2.

E-2 Weekly Water Conservation Reports

Jason Rogers, Administrative Analyst for the Public Works Department, stated for the weekly water report they have three weeks of water reports for them. As far as water conservation savings, Mr. Rogers advised that in the week ending 10/18/15, they were at about 25%; for the week ending 10/25/16, they were at 20%; and ending on Sunday, 15%; which gives them a total October conservation of about 23%, and a total cumulative to date conservation rating of 27.9%. He noted that is kind of right there at that 28% of where they should be. He added that they are seeing that conservation number go down lower as they go into the winter months. He noted that it is a little bit surprising as well considering that compared to 2013, they were about eight degrees cooler than what they were in 2013. They are not quite sure what the reason was for the decreased water conservation.

Mr. Rogers advised that as far as service requests, they have had 84 public service requests in the last three weeks in regard to water wasting. 20 leaks were reported as well and all were repaired within three days. They had 204 violations issued with the majority of those being first violations and just a few being second violations. They didn't have any third violations during this period so they are seeing some improvement on that.

Mr. Rogers commented that staff provided outreach to the swap meet, the Soroptomist Club, and several schools where they went out and visited and educated the public. He added that as far as rebates go, 23 people have successfully completed the rebate program for a total of \$8,500 in rebates. He advised that about \$8,000 of that is for turf replacement. They have 14 people right now currently enrolled in the program for an additional \$6,600 in rebates and once again the majority of that is turf replacement as well. He stated that one seems to be pretty successful in catching on with people.

Mr. Rogers offered to answer any questions.

Mayor Pro Tem Oliver stated he understands that the State recently issued their first set of fines, he believes, of water districts. He thinks they were targeting Southern California, the Coachella Water District and Beverly Hills. He asked if anyone wants to elaborate.

City Attorney Brent Richardson replied that all he knows is, he believes, that it was \$61,000 in total. He believes it was against Beverly Hills. Mr. Richardson added that there were a couple down in that Riverside area, in general Indio, but, they were all kind of down in that area. He noted that it wasn't \$10,000 a day, he doesn't believe.

Mr. Rogers commented that it was about three separate districts and it was \$61,000 to each one of them; not the \$10,000 a day. For those districts, they probably are not going to sweat that fine too much.

Mayor Pro Tem Oliver asked that they correct him if he is wrong. He thinks this is a State mandate that within 48 hours of a rain, folks are precluded from watering.

Mr. Rogers agreed and noted that was part of Governor Brown's State mandate.

Mayor Pro Tem Oliver added that as part of their enforcement activities and outreach materials that go out to remind folks of that fact especially as they have already had a few rains this season. He noticed a few lawns that were getting watered the next day. He thinks it would be an important fact to note.

Mr. Rogers agreed. He added that they have talked a bit in Public Works as well, using Facebook to notify residents, at least, who are connected that way that once it does rain that 48 hours after the rain to not water their lawns.

Council Member Rigby stated, since Mr. Rogers segued into social media, that he is curious that seemingly, the last three weeks, there were 133 first time offenders and he thinks that is a lot. He noted that seemingly is a spike from what they have been seeing over the last several months. He is curious as to, sort of, what are Public Works' plans within the near future to get this information available to the public, PSA's (public service announcements). He knows staff is in the schools and asked what sort of material is being used; being sent home. If they couldn't maybe help in some way, if there was a partnership that needs to be made with staff to get some of this information off the ground. He noted that it seems to be dragging. They have been talking about it for a while. They want to get information out. They want to get it out; they want to get it out. He noted that it is just not getting out.

Mr. Rogers replied that they have been trying to increase public awareness through getting out to the schools, getting out to the swap meet and trying to get out to various service clubs as well. Additionally, Parks has been very helpful as well. They have a larger audience on Facebook. They have been posting information on there for Public Works as well. He believes the Public Works Operations Director Dave Randall has been talking to the Council about using Joseph Carrello from Parks to create some videos so they can post to social media and try to get that message out there more. In the meantime, it is staff trying to get out there, talk with residents and try to get that engagement going so that they can educate people.

Council Member Rigby stated, just as a follow up, he might recommend that maybe even picking strategic locations where perhaps some of these first time offenders are being, so more so than not, and partnering with the neighborhood watch programs. He knows that he wouldn't mind seeing a representative from Public Works coming out to some of their neighborhood watch programs and just kind of reiterate what is available, what is being done and maybe talk a little bit more about the consequences. He commented that just in the last couple of neighborhood watch meetings that he has been to, off the record, off to the side, he has had several conversations with residents that are, yo man, I got this ticket. He would strongly suggest maybe taking advantage of that platform that has been available and maybe they can reiterate that to Mr. Randall but, perhaps creating some type of neighborhood outreach committee or team that staff in the Public Works office rotates every so often. His guess is the most they would hit is two to three neighborhood watch meetings a month.

Mr. Rogers agreed and stated he would definitely take that back to Mr. Randall. He thinks that is an excellent idea moving forward.

Council Member Bomprezzi stated she thinks it was either Saturday or Sunday's paper where they posted all the different/various cities and where they are at. It said that the City had missed their goal when indeed

they haven't missed their goal. They were at 29.7 and their goal was 28. She asked Mr. Rogers if he happened to see that.

Mr. Rogers responded that cumulatively they are right at that 28% mark but the state still wants to see them meet that 28% goal monthly as well. So, if they don't hit that goal monthly, then they consider you meeting cumulative but not meeting the monthly goal.

Council Member Medellin stated he saw that too and it didn't put them in a good light. He thinks sometimes it is that confidence factor. It rained the other day so they are out of the drought or when they post that they did meet their monthly so then, I now can personally water a little bit extra; a little bit of that on the residents hurt them.

Mr. Rogers added that they are not the only City; most cities around didn't meet the State requirements. He noted that it just gets a little bit harder as they move further on into fall and winter because water usually is reduced anyways as a part of the season and then it just gets harder to try to find some of those areas to reduce.

Mayor Pro Tem Oliver asked if there are any other questions. No other questions were asked.

Mayor Pro Tem Oliver thanked Mr. Rogers.

F. COUNCIL REPORTS

Council Member Robinson reported that he participated in a neighborhood watch at Sherwood Square along with Mayor Pro Tem Oliver.

Council Member Robinson reported that he attended the celebration of Juan Felipe Herrera who is the United States' new Poet Laureate at Fresno State.

Council Member Rigby reported that he had the opportunity to celebrate their newest official neighborhood watch neighborhood which is the South Lake Street Neighborhood Watch. They were there last Thursday presenting them with their certificate as well as their first neighborhood watch sign which will be located at the park area on the corner of Lake Street near "A".

Council Member Rigby reported that he spent Saturday night with the Madera Ministerial Association as they hosted their annual Nigh Light event at the Madera Fairgrounds. They saw close to 4,000 community members come in and were served with food and games for kids. He advised that it was absolutely free as the Madera Ministerial Association once again just knocked it out of the park. It was just a great time and it was good to see his counterpart, Council Member Robinson, with his daughter. They could tell it was late because she wasn't happy she had to go. He believes bedtime was near. He added that it was good to be out there.

Council Member Holley reported that yesterday he was able to go to Bakersfield and attend the 4th Annual San Joaquin Housing Program that they put on. He advised that for all that are concerned with housing, there is a lot of grant money that is coming down the pipe for the Central Valley and that is what they were focusing on, what goes on from Kern County all the way up to Merced County. He restated that there is a lot of grant money out there. There are a lot of resources that people don't know about that is out there. They have an office right there in Merced that is taking grants for people for first time housing and small businesses as well.

Council Member Holley reported that last Saturday, he along with Council Member Medellin attended the Parkwood Neighborhood Watch. If they want to see something done for a neighborhood, it is like a horseshoe and they used a whole horseshoe for their neighborhood so it was really nice. He added that a few of the other neighborhoods he attended were in Parkwood as well and one over in the new KB Homes off of Olive. He noted there has been a lot going on; keeping them going so it is a good thing that they have a policy, if one is there they are all there. He loves that.

Council Member Medellin stated there was a block party where he along with Council Member Holley got to partake in a little bit of food on that day. When he says a little bit he means they ate a lot.

Council Member Medellin stated that obviously community outreach is huge. He thinks that is kind of the theme and neighborhood watch is a large part of that. He wasn't with his daughter at Night Light. There were a lot of people. He was with his son. Council Member Medellin stated he wants to commend Chief of Police Steve Frazier who was out there on a Saturday night greeting everybody at the front door along with Sheriff Jay Varney and that sent a strong message. He thanked Chief Frazier for being there and having donuts. He doesn't know what message that sent but that was on the Chief. He added that Chief Frazier was there with his son who is 20/21 years of age and he thinks he absolutely loved it. Again, he encourages community involvement and neighborhood watch. It is a huge part of who they are and what they do, and whatever message they have, they can't do it alone so that engagement is very, very important.

Mayor Pro Tem Oliver reported that he had an opportunity to attend the graduation ceremony for PG&E's Pathway Program for local veterans. He noted that it started with over 500 applicants and they put forward 17 graduates. He advised that it was the first of its kind in that these folks aren't just going to go out and work as lineman positions or in technical jobs but they are going to work as customer service representatives. There were a handful of folks from Madera. He has to give credit to Elaine Craig with their local Madera Workforce for playing a big role in helping process those folks and she received a lot of praise there. He commented that it was a successful deal. Their CEO and President Tony Earley was present and he is also a veteran. They look forward to continuing that program. Council Member Oliver stated he is excited that they will be able to put forth many other local veteran candidates.

Mayor Pro Tem Oliver reported that he attended neighborhood watch with their Sherwood Team with Council Member Robinson. He advised that it was the second meeting but he thinks it also offered a sobering assessment from Officer Vasquez who is the local beat officer. He noted that a week after the first meeting that they had, they had at least over 50 people in attendance, there was a string of seven burglaries in the neighborhood and not one was called in in time. So, Officer Vasquez's message, he thinks was made quite clear but he thinks that as they move forward and double down in their community outreach efforts, they have to wrack their heads a little bit as far as how they can get that message across in creative, anonymous calling; you are not going to be in trouble if you call in and inform law enforcement of suspicious activities. He noted that with their talented team of videographers on staff and with their PD (Police Department), he thinks that they can maybe look at some options and creative messaging in ways that they can get that point across.

Council Member Holley reminded everyone that this Saturday is the Pomegranate Festival. He didn't see any heads shaking so they all must be asleep by now. He asked that they go out and try to attend. He added that it is one of the great events that they put on that the City can be involved in. It doesn't cost them anything to go in but if they like pomegranates, there are all kinds of ways they can eat them.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session in two matters pursuant to Government Code §54956.9(d)(2) to discuss anticipated litigation in one matter as described under item G-2; and pursuant to Government Code §54956.9 (d)(1) to discuss existing litigation in one case as described under item G-3.

The Council adjourned to closed session at 7:25 p.m. ABSENT: Mayor Poythress.

G-2 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case

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

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

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 7:51 p.m. with all members present. Absent: Mayor Poythress.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code §54956.9(d)(2) to discuss anticipated litigation in one matter as described under item G-2 and reported that no reportable action was taken; and pursuant to Government Code §54956.9 (d)(1) to discuss existing litigation in one case as described under item G-3 no reportable action was taken.

Mayor Pro Tem Oliver announced that they would return to item B-9 of the consent calendar.

B-9 Consideration of a Resolution Approving Settlement and Release Agreement and Authorizing the Mayor to Execute the Agreement (Report by Brent Richardson)

Mayor Pro Tem Oliver stated that if there are no other questions or comments, he will entertain a motion for action.

On motion by Council Member Rigby, and seconded by Council Member Bompreszi, RES. NO. 15-224 was adopted by a roll call vote of 5-1. AYES: Mayor Pro Tem Oliver, Council Members Rigby, Bompreszi, Medellin, Robinson. NOES: Council Member Holley. ABSENT: Mayor Poythress.

RES. NO. 15-224 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SETTLEMENT AGREEMENT AND RELEASE WITH ROY ROBERTS AND DAVID ROBERTS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

ADJOURNMENT

The meeting was adjourned by Mayor Pro Tem Oliver at 7:54 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.


SONIA ALVAREZ, City Clerk


ROBERT L. POYTHRESS, Mayor

