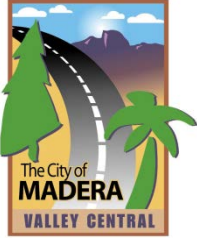


Item:	B-1
Minutes for:	08/03/16
Adopted:	06/07/17



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

August 3, 2016
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 8/03/16 was called to order by Mayor Poythress at 6:00 p.m.

ROLL CALL:

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

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Business Manager for Parks and Community Services Mark Etheridge, Grant Administrator Ivette Iraheta, Grants Program Manager Jorge Rojas, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, Fire Chief Nancy Koerperich, Division Fire Chief David Allen, and Battalion Chief Matt Watson.

INVOCATION: Pastor Tim Echevarria, New Harvest Christian Fellowship

PLEDGE OF ALLEGIANCE: Mayor Poythress led in the Pledge of Allegiance.

PUBLIC COMMENT:

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

Bill Jones, residing in Madera, California, stated he is here tonight to say thank you. He addressed this Council several months ago on a problem with the septic behind Lowe's. He is happy to say, because of Councilman Andy Medellin, that the problem has been taken care of. He added that not only did the City come in and cut down all the trees, noting that the green palm that was there now is almost dried up, and with them worrying about the Zika virus now, he thinks that is one less worry that they have to contend with. Again, he wants to thank Councilman Andy Medellin for his help in getting that septic tank taken care of and the City Council for backing him on it.

Ron Montoya, residing in Madera, California, stated he comes before the Council on behalf of a lot of his neighbors who are on a fixed income, veterans, retired, first-time homebuyers, not from Madera, and they came here with the intent of affordable housing. He advised that they were blessed with their first home and then they find out they are living in a Mello-Roos District. He noted that a lot of people are looking at him like what's going on, what's Mello-Roos. He advised that they did their research. Their neighborhood, along with the Cantera neighborhood, are the only ones taxed a CFD, a Community Facility District tax. He noted that is on top of their property tax, on top of the supplemental tax and when you do your research, this has caused people to lose their homes and it is because of the deal between KB Home and the City back in 2007. He stated that they are crucifying the new homeowners in this district.

Mr. Montoya stated that Council Member Holley came to their home a couple of nights ago. There were more than 20 people there and Council Member Holley heard the stories. Mr. Montoya added that a lot of his neighbors are on a fixed income and it kind of humanized their frustration. He thinks Council Member Holley can attest and he had no clue this was going down. Mr. Montoya stated he can tell them that with more bonds on the horizon, it is not that they don't support police, fire, schools, they simply can't afford it. His neighbor is on a fixed income. Two of his neighbors that are here are on a fixed income and they would like this issue to be put on the next agenda. He stated that it is a CFD tax that they pay for. He pays \$1,100 on top of his property taxes, on top of supplemental tax. He can bring them receipts and anybody who would like to look at this assessment...a lot of his neighbors were surprised that they live in a Mello-Roos District. He stated it is a CFD tax that nobody seems to know except the people who helped close this deal. Mr. Montoya commented that they would appreciate if this would be on the next agenda item. He added that if not, if they run for City Council themselves, they have until August 12th to file their papers.

Mayor Poythress thanked Mr. Montoya and asked if there are any other members of the public who wish to address the Council.

Manuel Gomes, residing in Madera, California, stated that he just wanted to take a brief moment to come down here and thank the Council, and also thank the City. He stated that he and his good friend Nick Landeros came together and started a project to support their local law enforcement. They saw how the emotions were running high across the country and they wanted to make sure that it would never escalate to that level in this City especially in a city with a community so close and a community that works so well with law enforcement. They came up with an idea, due to their trade, to come up with these shirts. Through social media and through some of their friends and other local businesses, they have been able to raise funds for Madera Police Department and whatever they feel the money can be well spent. He thanked everyone for all their support because it has been overwhelmingly positive. He added that there is one thing he has really learned from this experience is that they have a really, really close community and they also have a really, really good relationship with their law enforcement whether it is Madera PD (Police Department), Sheriff's, or Highway Patrol. He advised that tomorrow morning they would like to invite the Council to Coffee with a Cop on Howard at Starbucks. They will actually be presenting the Madera Police Association their first check, first donation to the police officers so they can do with as they see fit. He thanked everyone for being so positive and for coming together as a community. They have now also received phone calls from other neighboring cities who want to do similar projects and want their help to start it up.

Mayor Poythress thanked Mr. Gomes and asked if any other members of the public wish to address the Council. No other comments were made.

Mayor Poythress called on the City Clerk for an announcement.

City Clerk Sonia Alvarez announced that extra seating is available in the lobby for members of the public standing and added that they will be able to see and hear the meeting from there.

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 C, Hearings, Petitions, and Bids, item C-1, subject matter is consideration of calling an election for a proposed transactions and use tax, an email from Pam Hill was distributed to the Council this evening. Ms. Alvarez announced that extra copies are available at the podium for members of the public wishing a copy.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

B-1 Minutes – 5/4/16

B-2 Information Only – Warrant Disbursement Report

B-3 A. Consideration of a Resolution Ratifying and Approving an Agreement with the Fresno-Madera Area Agency on Aging (FMAAAA) for Fiscal Year 2016-17 for **Adult Day Care**, Ratifying Participation in the Program Effective July 1, 2016 and Authorizing the Mayor to Execute the Agreement on Behalf of the City

And

B. Consideration of a Resolution Ratifying and Approving an Agreement with the Fresno-Madera Area Agency on Aging (FMAAAA) for Fiscal Year 2016-17 for **Site Management**, Ratifying Participation in the Program Effective July 1, 2016 and Authorizing the Mayor to Execute the Agreement on Behalf of the City

And

C. Consideration of a Resolution Ratifying and Approving an Agreement with the Fresno-Madera Area Agency on Aging (FMAAAA) for Fiscal Year 2016-17 for **Transportation Program**, Ratifying Participation in the Program Effective July 1, 2016 and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Etheridge)

B-4 Consideration of a Resolution Appointing Donald Horal to the Board of Trustees of the Madera County Mosquito and Vector Control District (Report by Sonia Alvarez)

B-5 Consideration of a Resolution Approving Madera County Center for the Arts Funding (Report by David Tooley)

B-6 Consideration of a Resolution Approving a Reimbursement Agreement with Kevin Weaver for Sidewalk Repair at 3149 Tragon Drive and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Dave Randall)

B-7 Consideration of a Minute Order Accepting the Surface Seals at Various Streets City Project No. ST 16-01 and Authorizing the Recording of the Notice of Completion (Report by Keith Helmuth)

B-8 Consideration of a Resolution Calling For and Giving Notice of the Holding of a General Municipal Election to be Held November 8, 2016 for the Election of Certain Officers of the City of Madera for Council Districts 2, 4, and 6, and the Mayor of the City of Madera Elected At-Large; Requesting Consolidation Thereof with the Statewide Election; and Requesting that the Madera County Clerk Render Specified Election Services (Report by Sonia Alvarez)

- B-9 Consideration of a Resolution of the City Council of the City of Madera to Summarily Vacate Excess Street Right-of-Way on South 'H' Street between the 9th Street Alignment and Madera Avenue (Report by Keith Helmuth)
- B-10 Consideration of a Request to Schedule Public Hearing for Appeal of a Planning Commission Decision (Report by Chris Boyle)
- B-11 Consideration of a Resolution of the City Council of the City of Madera Approving Amendments to and Adopting the City Investment Policy (Report by Tim Przybyla)
- B-12 Consideration of a Resolution Approving a Capstone Sponsor Agreement with Brigham Young University Idaho "BYUI" for the Development of a Drone for Use in Video Inspection of Sewer Lines and Authorizing the Mayor to Execute the Agreement (Report by Dave Randall)

Mayor Poythress asked if there are any items on the consent calendar that a Councilperson would like to have pulled for further discussion or elaboration. No requests were made and Mayor Poythress announced that he would accept a motion for action.

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

- RES. NO. 16-113 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FISCAL YEAR 2016-17 FOR ADULT DAYCARE, RATIFYING PARTICIPATION IN THE PROGRAM EFFECTIVE JULY 1, 2016 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-114 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FISCAL YEAR 2016-17 FOR SITE MANAGEMENT, RATIFYING PARTICIPATION IN THE PROGRAM EFFECTIVE JULY 1, 2016 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FISCAL YEAR 2016-17 FOR THE TRANSPORTATION PROGRAM, RATIFYING PARTICIPATION IN THE PROGRAM EFFECTIVE JULY 1, 2016 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING DONALD HORAL TO THE BOARD OF TRUSTEES OF THE MADERA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT**
- RES. NO. 16-117 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2016-2017 BUDGET APPROPRIATING FUNDS TO SPECIFIED ACCOUNTS FOR FUNDING OF A FEASIBILITY STUDY FOR THE PROPOSED MADERA COUNTY CENTER FOR THE ARTS AND RESCINDING RESOLUTION NO. 15-49**

- RES. NO. 16-118** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT WITH KEVIN WEAVER FOR SIDEWALK REPAIR AT 3149 TRAGON DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**
- RES. NO. 16-119** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS OF THE CITY OF MADERA FOR COUNCIL DISTRICTS 2, 4, AND 6, AND THE ELECTION OF MAYOR AT-LARGE TO BE HELD IN THE CITY OF MADERA ON NOVEMBER 8, 2016 AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DATE; AND REQUESTING THAT THE MADERA COUNTY BOARD OF SUPERVISORS AUTHORIZE THE MADERA COUNTY CLERK TO RENDER SPECIFIED SERVICES TO THE CITY OF MADERA RELATING TO THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION**
- RES. NO. 16-120** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, TO SUMMARILY VACATE EXCESS STREET RIGHT-OF-WAY ON SOUTH 'H' STREET BETWEEN THE 9TH STREET ALIGNMENT AND MADERA AVENUE**
- RES. NO. 16-121** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE NOVEMBER 2014 CITY OF MADERA INVESTMENT POLICY AND ADOPTING THE AUGUST 2016 CITY OF MADERA INVESTMENT POLICY**
- RES. NO. 16-122** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING APPROVAL OF A CAPSTONE SPONSOR AGREEMENT WITH BRIGHAM YOUNG UNIVERSITY - BYU FOR DEVELOPMENT OF A SEWER VIDEO INSPECTION DRONE AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT**

Mayor Poythress announced that with the approval of his colleagues, he would like to bring item E-1 forward and discuss it right now. There were no objections.

Mayor Poythress called item E-1 for discussion.

E-1 Discussion and Request for Direction on Capital Project PK-00057, Fresno River Trail, MID to Schnoor, North Bank

City Administrator David Tooley stated his report this evening will be brief. He announced that the record should reflect that the report that has been provided to the City Council has also been provided to impacted residents. He advised that the report provides staff information as well as letters and pictures provided by the residents themselves. Mr. Tooley noted that this evening, the Council will need to consider at a minimum three things: the potential public good created by the project; the neighborhoods reasons for opposition including but not limited to privacy and security concerns; and the time, complexity and expense of the proposed projects.

Mr. Tooley stated that the report is complete in all respects save one, and that save one is that they received some additional information this week that will impact their decision making process. He advised that for something approaching 18 months, they have been in the process of trying to acquire two outlots in the

river area that are necessary to construct the project. He stated that those are in tax default and they are attempting to acquire them from Madera County. He advised that on Monday of this week, the City received a letter from Madera County that clarified their process. It is going to have to go through what is characterized as a Chapter 7 Tax Sale. He advised that the soonest that could take place would be November. He commented that has a couple of defined impacts on the potential project. The first is that it pushes back their critical timeline on the project. If the soonest they can get the project is November, it is unlikely that they can complete some parts of the project in time to make use of the grant funds they have received. They stand to lose a minimum of \$313,000 in Bicycle Transportation Account (BTA) money and there is a possibility that they could lose \$519,000 in CMAQ (Congestion Mitigation and Air Quality Improvement) funding. He noted that has everything to do with the timing of the project. Secondly, they could backfill the project with other money. However, if they attempt to acquire the property in November, they are going to have to pay for all of the taxes and liens that are against the property and those surely exceed the probable value of the property.

Mr. Tooley stated that if for any reason they decide to proceed with the project this evening, he needs to advise the Council that they are going to have to take a step back, they are going to have to take a deep breath, and they are going to have to reassess which funding sources they want to use on a project. They stand to lose potentially \$832,000 in grant funds. He noted that the current estimate on the project as a whole is just north of \$1.1 million. Mr. Tooley offered to answer any questions.

Mayor Poythress asked if there are any questions. No questions were asked.

Mayor Poythress announced that they do want to hear from the public. He mentioned for the record, in the report, they received correspondence from Mr. Alioto, Katie and Jordan Gong, the Massetti family, Ramirez's, Mrs. DeGroot, Mrs. Margot Sciacqua, Mrs. Bellew, Kathleen Lopes, Nell Begley. He thinks that is it as far as correspondence but, it looked like it contained quite a bit of people up and down the street.

Mayor Poythress opened up the item for those who would like to make a comment on this particular item. He asked that comments be kept to three minutes or less noting that would be wonderful. He added that there are probably going to be some folks that have similar types. He mentioned that all the letters were in opposition to the project. He asked that they keep that in mind and invited them to feel free to come to the podium, state their name and address.

James Massetti, residing in Madera, California, stated he is the contact person between City staff and the concerned citizens that would be negatively affected by this proposed walking/bike trail. He noted that the 16 residences expressed their concerns and those concerns have been compiled by Joe Alioto. He thanked the Council for their concern on this. He introduced Mr. Alioto.

Joe Alioto, residing in Madera, California, stated that his remarks may take just a little longer than three minutes but, he is summarizing remarks that were put together by all of his neighbors. He is speaking for the whole group so it may take a few minutes more than three.

Mayor Poythress stated that when he is hearing from the Mayor of San Francisco, that is a good thing.

Mr. Alioto commented that he is in remarkably good shape for his age. Mr. Alioto, residing in Madera, California, thanked the City Council for the opportunity to speak this evening. He advised that he is speaking on behalf of the owners of 16 homes on Trevor Way and Trevor Court who are on the north bank of the Fresno River. He asked the residents, and any other supporters who are here tonight, to raise their hands. He thanked them.

Mr. Alioto stated they are concerned with the Department of Parks and Community Services proposal to add a walking / bike path behind their homes on the riverbank. He stated that they represented the first group of households from families raising young children to retirees. They all enjoy the peacefulness and friendliness of the community they live in. They purchased their homes, whether it was from the original developer as long as 20 years ago or as a resale as recently as this year, with the understanding that there

would be no development on the Fresno Riverbank. When their homes were built, there was an easement requirement that prevented them from putting permanent structures on the outer portion of their yards in the Fresno River encroachment easement. Thus, they all own unfenced property that would be directly adjacent to the walking/bike path with no buffer or protection. Their homes all have wrought iron fences that allow them to see through their unfenced property. They all developed their backyards and landscaped their property behind their wrought iron fences with the expectation that no development would take place in the riverbank.

Mr. Alioto stated that in the last month or so they became aware of a plan by the Department of Parks and Community Services to extend the Fresno River Trail from Schnoor Avenue to the MID (Madera Irrigation District) North Bank and to the north/south trail behind Montecito Park to West Cleveland Avenue. They have, as a neighborhood group, studied this proposed project. They unanimously oppose this project for the following reasons. They have security concerns. He stated that the establishment of a trail adjacent to their unfenced property will increase foot and bike traffic and increase the risk of burglary, vandalism, noise, and unauthorized use of homeowner's property. He added that the neighborhood has already had several burglaries with access from the riverbed and the existing north south trail behind Montecito Park. They have had children who have been scared by people climbing their wrought iron fences. He noted that some residents are retired, widowed and/or live alone. He commented that an open path adjacent to their backyards will just invite the public into this area and make them unsafe.

Mr. Alioto stated that they have privacy concerns. He noted that the proposed path next to their backyards takes away the privacy they currently enjoy and will allow anyone accessing the easement to see into their backyards and directly into their homes. He advised that the easement also includes a built up berm for flood control. He noted that this elevated area overlooks their yards and further precludes any chance of privacy in their backyards. He added that many of their homes have pools and/or spas and they would be virtually open for public viewing.

Mr. Alioto stated that their titles do not allow for permanent structures in the easement. This means they have unfenced property open to the public's thoroughfare. He stated that there is already an existing trail that does what the new proposed trail is designed to do. He noted that the north/south trail behind Montecito Park is already connected to the Fresno River Trail on the south bank of the Fresno River by an access point at Dutra Court, Dutra Way, and North Schnoor Street. He added that their homes were built with this pathway as the expected connector on the north side of the river. He asked that they note that the paved trail ends at Dutra; not at the river, the current paved trail. They believe that the new proposal creates a redundant trail to the existing trail and this is a poor use of funds allocated for this type of project. They would rather see these funds used to create new parks or trails that do not duplicate existing resources.

Mr. Alioto stated that they have some engineering and safety concerns. They believe that the intended trail will be constructed on a sloping portion of the riverbank. This will require leveling and may require retaining walls. This construction will be more expensive than developing a flat parcel of land. Mr. Alioto stated this is somewhat puzzling in that Madera is almost 100% flat land. They are concerned that the construction on the riverbank might weaken the bank and impact their homeowner's safety. He stated that the riverbank berm was built up prior to their homes being built for flood protection. They are concerned that the construction could compromise their flood protection.

Mr. Alioto stated that they have liability concerns. They would like to know who will be responsible when trespassers come onto their property and are injured in some way. They would like to know who will be responsible when trail users damage the riverbank, their landscaping or their homes. They believe the peacefulness and serenity of their neighborhoods will be severely compromised. He noted that the neighborhood is currently quiet and serene. He added that constant traffic on the trail will eliminate that. He commented that the activities that they enjoy in their backyards such as gardening, reading, swimming and grilling will no longer be as relaxing as they are conducted with an audience.

Mr. Alioto stated that they have some maintenance and sanitation concerns and asked will the City routinely pick up trash on the walking/biking trail to ensure that it won't be a source of trash in their yard. They have

some environmental concerns. He commented that many types of wildlife live in the immediate area and may be endangered. He advised that the San Joaquin Kit Fox that is endangered has been seen in the area. Hawks, possums, coyotes, skunks, jackrabbits have all been seen in the area.

Mr. Alioto stated that they have concerns about the value of their property. He noted that the original owners of these homes paid a premium for the riverbank lots. They are concerned that the proposed path will reduce their property values and make their homes more difficult to resell.

Mr. Alioto thanked the Council for hearing their concerns. He noted that as the Madera citizens most negatively impacted by this proposal, they strongly request that the Fresno River Trail Extension from Schnoor Avenue to the MID North Bank Phase I Project be discontinued and not go forward.

Mayor Poythress thanked Mr. Alioto and asked if there are any other members of the public who would like to address this issue or speak on any related matter.

Mike Pistorosi with DMP Development stated that he has an issue similar to what Mr. Alioto is talking about. Mr. Pistorosi stated that when the new river trail was developed from Sunset to Riverview Drive, it passed behind a set of apartments that he owns. He had asked at the time if something was going to be done regarding lighting and the issue, and he was told by the City Engineer that there was no money available to light the trail. They are experiencing now the problems that these folks are concerned about. He believes the Council may have all received an email that he sent out. He has a video that he just got on his cell phone. He won't bother them with it tonight. He will email it to them tomorrow showing that meth use has increased. He added that the residents of the Vista del Sol Apartments are now concerned for their safety. They are asking him to construct a block wall now because they are concerned with people who are traveling up and down this trail. So he can understand certainly what these folks are talking about because he is a victim of it already and so are his 200 and some odd residents of the Vista del Sol Apartments, and he is not sure how to solve the problem. He has threatened to put up his own lights but then he found out that if he put up nuisance lighting, he can have problems with that. He has asked the City Engineer to see if he can find some additional funding for lighting to light that trail at night and hasn't had a good response recently from Mr. Helmuth. He restated that he can certainly understand what these folks are talking about and sympathize with them. He doesn't have a dog in the hunt regarding living along the river but, he is just here to bolster their argument. He thanked the Council.

Mayor Poythress thanked Mr. Pistorosi and asked if there are any other members of the public who wish to address this issue. He thinks Mr. Alioto and Mr. Pistorosi kind of covered a lot of ground. There were no other comments and Mayor Poythress closed the public comment on this particular item and brought it back to Council.

Mayor Poythress stated he knows they have a couple of Council Members who visited with the group, he believes, Council Member Foley Gallegos and Council Member Medellin. He asked if they would like to weigh in on this particular issue since they had a chance to go into more discussion.

Council Member Medellin thanked the residents of Trevor for having them come over, welcoming them to their home, and expressing their concerns. Council Member Medellin noted that as Mayor Poythress said, he along with his colleague Council Member Gallegos as well as Mr. Tooley (City Administrator) were invited to hear these concerns and see firsthand for themselves what those concerns are like. In the spirit of National Night Out and with what they are trying to do with the community, is start a relationship and this was exactly that. They came to City Council, expressed their concern, invited them as City Council to hear them and he wants to sincerely thank them for having them come over.

Council Member Medellin stated that some of the concerns they have already heard these evening so at this time he will give his opinion. He wants to address a couple of concerns but first, he wanted to ask Mr. Tooley about transferring some of the money. He thinks that question came up with, it is money that could possibly be used elsewhere. One of the concerns came up that evening. He asked Mr. Tooley to address that.

City Administrator David Tooley stated there are five sources of funds for the project as a whole and in some cases the funds are absolutely lost. In some cases, particularly the CMAQ (Congestion, Mitigation and Air Quality), they could be reassigned to another agency or they could be reassigned back to the City in which case, they could be used on another kind of project. He noted that there are some CMAQ Lifeline funds that can be reassigned to another City project so to answer the questions briefly, the answer is yes, no, and sometimes.

Council Member Medellin stated that is understandable and thanked Mr. Tooley for that. He thinks that is kind of where they were going a couple of days ago when they met. That being said, they have a number of capital improvement projects throughout the City that they can focus their attention on. He does want to say this, and he explained that evening, Vision 2025 was put in place for a particular reason, as well as their Parks Department and their Master Plan, and he wants to thank Mary Anne Seay (Director of Parks and Community Services) and her department for doing a wonderful job with their river trail. He commented that it has been able to promote walkability which is what their Vision 2025 actually says. He added that from the west side of town or the east side of town, literally taking out the other side of the tracks and making them one City is what they were trying to accomplish and he thinks they have done that. That is what they are trying to accomplish here but in doing so, they also found out that these are the only residents that they have impacted, the folks in Trevor where this will actually abut against their backyard. Council Member Medellin stated that they do have an existing trail that is used frequently. In his opinion, he thinks that a trail that is used more often is a benefit. As far as security, without lighting as Mr. Pistoressi said and nobody back there in these dark areas, who knows what is going on. With strollers, and dogs, and people walking, that is exactly what they are trying to accomplish but, he prides himself on listening to what the folks have to say and he tries to put himself in their situation. If he lived in that neighborhood, how would he be impacted and he can honestly say he doesn't think he would be in favor of this trail to abut up against his particular backyard. He was hoping that they could possibly use these funds elsewhere to continue the trail behind Montecito Park on Granada. If that is possible, he is sure that they will look into that.

Council Member Medellin referred to the expense and stated that because not all the money is subsidy, they will have to spend a lot of time and money of their own. That being said, his recommendation is that they do not continue with this project.

Mayor Poythress asked if any other Council Members would like to weigh in on this particular issue.

Mayor Pro Tem Rigby thanked again the residents of Trevor for coming and reaching out to the City Council. He thinks that that is exactly the type of thing they like to see from neighborhoods and he values their opinion immensely. He advised that he doesn't live near where they live so to hear those opinions and then also from his colleague Council Member Medellin, it helps to enlighten. He also wants to thank Ms. Seay and Parks and Recreation for continuing to strive towards their 2025 Vision of making Madera a walkable City.

Mayor Pro Tem Rigby commented that his family benefits from those trails. His sons benefit from those trails. His wife benefits from those trails; happy wife, happy life. He commented that it is overcrowded and he has seen what good those trails can be. He added that it is because of those trails that they actually hosted the very first 5k run in the City of Madera which has helped raise nearly \$60,000 for the Madera Rescue Mission and the Madera County Food Bank. It was birthed on that trail by a running group known as Finishers. He noted that the trail is a complete asset. He stated that it is disheartening to believe that an algorithm for building trail brings in crime and juvenile delinquencies and bad things is sort of what they have. He would hate for that to be echoed throughout Madera if they build a trail, bad things come with it. He doesn't think that is the case. He lived at Vista del Sol for three and one-half years. He can attest to breaking up several drug deals that happened on the basketball courts where he lives. He was the top apartment back there so safety for him and his family has always been an issue at Vista del Sol. However, he would agree with Council Member Medellin, seeing that the property acquisition will not work in favor with them in the critical timeline with the grant funding. He would implore his colleagues to consider taking a step back at the project as a whole. He thinks there are other areas that can use their staff that work so

diligently on the projects that they are given. He personally would like to see the connection happen underneath the railroad tracks closer to the east side. With that, he thinks that this project just doesn't seem to have the legs that it once did perhaps when it was originally presented.

Mayor Poythress stated he has a couple of questions noting that they are more staff related questions. He noted that this is called Phase I of the north side of the Fresno River. He asked if Phase II would be from MID to Granada along the north side.

Parks and Community Services Director Mary Anne Seay stated that internally they have not referred to the section in question as Phase I. They have always just referred to it as the North Bank West of Schnoor, kind of directionally.

Mayor Poythress asked if that whole half mile section would be considered the North River Project.

Ms. Seay agreed and clarified that is one of the four projects. The next one to go, what is kind of the sticking point with the property acquisition is the undercrossing on the north side. She advised that is the next project that would need to come out the gate. She commented that the project in question today would be the second. She doesn't think they have determined the order of the third and fourth but, she would assume that Cleveland toward the river would be the third phase.

Mayor Poythress stated Cleveland to the river and then it could hit west along the north bank behind the Montecito Court to Granada. He noted that is feasible.

Ms. Seay agreed.

Mayor Poythress stated he likes that idea. The second thing is just something he wants to bring up tonight because several people have actually approached him about it over the last week in fact, several today because they brought this subject up. It was the bridge over the Fresno River on Granada. He commented that a lot of people talk about how narrow it is, how it is difficult to navigate and especially, he thinks, on the east side, it is really narrow and on the west side, it is not quite as narrow. He typically runs on the other side but still, people talk about how narrow it is and they don't want to take their kids and whatever and go across. He asked if there is anything that could be done, and this is probably more of an engineering type question, short of adding another pedestrian bridge because, he knows that would be very costly. He asked if there are some like amendments/attachments, something that could be added to the Granada Bridge.

City Engineer Keith Helmuth stated they have been aware of the concerns with the Granada Bridge for some time of course. What they are looking into currently is the possibilities of either adding on to the bridge or doing a pedestrian crossing through a grant that they have yet to identify. He stated that adding on to the bridge sounds simple but, it is not necessarily simple. He does actually have somebody in the office now that has a little bit of expertise on that. He hasn't necessarily heard real positive thoughts about adding on to the bridge. They may be heading towards a possibility of looking at a pedestrian bridge if they can identify those grants. He has walked the bridge in the past and noted that it feels uncomfortable when you walk on it. You don't really want to be there. The best he can say right now is they are exploring it. It is an expensive option either way. He advised that one of the things they had been looking at was to go ahead and get kind of federal government sufficiency rating on it that would allow them to apply for bridge replacement funds. He stated that hasn't worked out for them in terms of getting that so they are more or less looking for a grant.

Mayor Poythress stated then it is some kind of attachment or amendment to the bridge or whatever. It is something that, from an engineering standpoint, may not meet the test of durability or safety or something.

Mr. Helmuth replied that structurally it may not be that simple to go ahead and add on.

Mayor Poythress stated he gets it. He added that the only other thing is that it was brought up again tonight about the light issue. He stated that again, it is all part of this walkability and so forth. He would like to see at some point taking a look at that.

Mr. Tooley stated he received a copy of the email today as well. He noted that it is a funding issue. He is going to assemble staff tomorrow and they are going to do a review, see where they are and what the alternatives might be. He thanked Mr. Pistoresi for again bringing it to their attention.

Mayor Poythress stated with that, along with input from his colleagues and input from the most important people in this room, their citizens, he asked if it is fair to say that at this time they will delete that portion of any future project taking the trail on the north side from Schnoor to the MID. He asked if that is fair.

Council Member Medellin stated that Mr. Alioto's words were to discontinue. He would say they would discontinue.

Council concurred.

Mayor Poythress thanked everybody. He commented that this whole process was done in a very congenial, respectful... He just loves the connections and the dialogue that took place on this particular issue. He thanked them again and everybody who has been involved in this process.

Council Member Medellin commented that he thought Mr. Pistoresi was going to volunteer to pay for the bridge.

Mayor Poythress moved on to the next item.

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

- C-1 A. Consideration of a Resolution of the City Council of the City of Madera Calling for and Giving Notice of the Holding of a General Municipal Election to be Held on November 8, 2016 to Present to Voters a Measure to Levy a Transactions and Use Tax of One-Half of One Percent as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; Requesting Consolidation thereof with the Statewide Election to be Held on the Same Date; and Requesting that the Madera County Board of Supervisors Authorize the Madera County Clerk to Render Specified Services to the City of Madera Relating to the Conduct of the General Municipal Election;**

And

- B. Consideration of Introduction of an Ordinance of the City of Madera Enacting a Transactions and Use Tax to be Administered by the State Board of Equalization, Upon Adoption by the Voters**

City Attorney Brent Richardson stated before the Council tonight are two items. They have a resolution before them and then an ordinance. By way of background, as the Council may recall, it is about a year ago when staff brought an item to Council trying to determine interest in placing a half cent tax measure on the ballot. At that time, the Council did express interest. In February of this year, the Council retained a consultant to determine basically the feasibility of such measure by doing some initial polling, etc.

Mr. Richardson stated now that that has been determined to be likely feasible, are the mechanisms for putting that on the ballot. The first is the resolution which actually calls for the election to be consolidated with the countywide election and directs the City Clerk to actually coordinate with County staff in getting that onto the ballot. He added that it includes the language for the ballot measure, that type of thing. It

also attaches the ordinance that will need to be adopted which will actually effectuate the tax measure. He advised that the ordinance is actually the second item and that will need an introduction.

Mr. Richardson stated that typically, when they introduce and then approve an ordinance, it is effective 31 days after adoption. In this case, it is only effective after approval by a majority of the voters at the general election.

Mr. Richardson stated that before the Council, they basically have the resolution calling for the election and putting certain things in place that need to happen to see that that gets done. Then they will need to also introduce the ordinance. He advised that Mr. Tooley and also the consultant are available for questions if any.

Mayor Poythress asked Mr. Tooley if he has any comments he would like make at this time.

City Administrator David Tooley stated he would gladly yield the microphone to the Council ad hoc committee who has helped craft the measure that they will consider this evening. If the Council has any specific questions of him, he would be happy to answer.

Mayor Poythress asked for members of the ad hoc committee to raise their hands. He noted that it is Mayor Pro Tem Rigby and Council Member Medellin and asked if either one or both would like to comment on this particular item.

Council Member Medellin stated he yields to the Mayor Pro Tem.

Mayor Pro Tem Rigby stated that when they had the opportunity to sort of sit back and reevaluate some of the things that they knew they needed improvements on in their City, it came to the conclusion that they were actually victims of their own success. Moving through the time period of the great recession they are slowly coming out of as a nation, City staff did a phenomenal job of working under the budget that was given to them and able to deliver services that the City would otherwise never have seen a change in essentially. Having never laid off a police officer through that time and really having made minimal changes to service deliveries made by all of the City staff and all the agencies that are operating within the City budget, it came to the conclusion that they were still operating under that budget 10 years later. He noted that this was becoming problematic as they began to look at different things that were happening in Sacramento that really unfortunately, as a City, they had no control over. He commented that as Proposition 47 was applied to the State legislature and several others that released a lot more prisoners back into the public sphere. Looking at several of the different things that they have been dealing with recently with infrastructure needing to be repaired, as many of them are aware of what took place at the intersection of Howard and Schnoor, they thought it was timely to send out a poll which was conducted by partners.

Mayor Pro Tem Rigby stated that over 500 voters were polled and the information that came back was helpful. It was a resounding support that not only do potholes need to be fixed but, that the citizens of Madera would like to see public safety helped financially and resources given to public safety financially. After much deliberation with not only his colleague but several others on the ad hoc, they came to the conclusion that a half a cent increase in sales tax would best benefit several of their agencies. One of the things that it would do is that it would ensure putting more boots on the ground for their Police Department. They are talking close to 13 new officers that could be added to their force because of this increase in sales tax. Not to mention being able to build a new state of the art fire station on the north side of town which would cut down response time by their Fire Department to anywhere in the City by nearly a minute and one-half to possibly two minutes which is an incredible amount of time and quite frankly, that is his life that they are coming after. He will take those two minutes gladly. He added that is not to mention those other areas that they would be able to better serve their City with, with this increase.

Mayor Pro Tem Rigby stated that when you look at the half a cent increase, it is incredible to him and he thinks to several people in this room that it would come to no surprise, the amount of sales tax that is lost to the Fresno/Clovis area just in shopping alone. He would say close to 75% of the people that live in the

City of Madera are already paying more than this half a cent sales tax by shopping at their Costco's, Target's, and eating out in other places in Fresno/Clovis. It would benefit him to know that what little change is happening to their sales tax, if all that money is being funneled back into programs such as public safety, programs such as fire, he thinks that is something that the City would agree would best benefit everybody.

Council Member Medellin asked how he adds to that noting that Mayor Pro Tem Rigby said it all. He would like to thank his colleagues for unanimously deciding to get them to this point. Recognizing what Mayor Pro Tem Rigby just said and the need in the City of Madera, he came on in 2011 when they were still in the budget crisis. The theme then was, we are doing more with less. And without having layoffs, he thinks Mr. Tooley and the City staff should be proud of that but, one thing they still did regardless was they provided service to the City of Madera. But, they are reaching a point now to where Prop 47 and AB 109 is, no pun intended, handcuffing them and making their job here to keep citizens safe difficult, and the community deserves better. He noted that for every \$100 you spend whether it be in Fresno or Madera, \$100 you spend here in Madera, it will be an additional fifty cents. It will be an additional fifty cents for 12 new officers.

Council Member Medellin stated that they recently did a poll with TBWB. He thanked them for being here and added that it is a great partnership. In that poll, people have spoken. "Provide quick response to 911 emergencies." "Reduce gang activity." "Hire additional police officers." "Provide services for youth and teens to keep them off the street." He added that not only another fire station but a manned fire station with a truck and personnel. These are things that the people have spoken here in Madera. He is proud to be at this point and he is very proud to put this on the ballot and give the citizens of Madera what they deserve.

Mayor Poythress asked if there are any other questions/comments from his colleagues. He added that if not, he would like to hear from their consultant at this time. He would like to kind of hear methodology, how they came to the conclusion to go this direction, polling results, things of that sort. He added that there may be questions for the consultant.

Charles Heath with TBWB stated they have been working for the last several months with the City to (a) evaluate the feasibility of a half a cent sales tax proposal, to measure the communities priorities in terms of potential uses for those funds, and also to begin the process of educating and informing the community about some of the funding needs that exist here in the community and how these dollars might be used if the voters do approve a modest increase in the sales tax.

Mr. Heath stated that the centerpiece of their feasibility assessment was conducting a statistically reliable survey of their voters. This is a process that they go through in any community where they are contemplating putting a measure on the ballot in order to understand the community's priorities and sensitivities. He can say that looking at surveys of this nature for communities all over California, they found extraordinarily strong support here for the concept of making investments in a variety of different public programs but clearly, there was a priority placed on public safety. They found that 69% of their voters would be inclined to support a measure that would increase the local sales tax by one-half percent after voters heard clear descriptions of some of the programs and services that would benefit from those dollars and potential arguments in favor that they might hear over the course of the campaign, support actually rose to 72%.

Mr. Heath stated that what they are contemplating here is what is characterized as a general tax measure that would require a simple majority vote of the public. With that 69% to 72% support, they are well above that simple majority threshold required for passage so they feel quite confident that the measure is feasible. They have taken the findings from that survey in addition to the conversations that they have had with City staff about how they would want to structure the measure, build in accountability provisions and whatnot, and that led to the drafting of the resolution and ordinance that the Council has before them here tonight.

Mr. Heath stated that they also sent out a communitywide informational mailing about this issue inviting the public to participate in this meeting here tonight so that it would be an open, inclusive, and transparent process. If the Council should choose to move forward with placing this measure on the ballot, they would

do a subsequent mailing to the community to announce the Council's action and inform the public of what they would be voting on this November.

Mr. Heath advised that is a brief summary of the process and he would be happy to answer any questions.

Mayor Poythress stated he recalls when Mr. Tooley brought up and they discussed a potential sales tax measure last year and he knows that it was the discussion, and he thinks the desire of Council at that time was that it was a measure that would be heavily weighted towards safety services, fire, police; things of that sort. Since that time there has been a little bit of a shift to maybe more of an open type of general tax. He noted that it would certainly be easier to pass but, he guesses his concern is...he needs to sell this thing. That is the bottom line. He is not going to vote for something here tonight if he is not fully 100% behind it, if he can answer questions. He knows some of the questions he is going to get. People are going to say, well how do you know the money is going to go towards safety services? How do you know this? What is going to happen in 10 years? He just can say, well you just have to trust us because he is not going to be here in 10 years probably, who knows, maybe but, they don't know if their City Manager is going to be here. He probably won't. He is going to win the lottery. They look at the entire staff here and the institutional knowledge and the reasons for passing this thing can be gone. Then they have a whole new set of characters that say, ok, we've got this money coming in, we're going to shift it here and here and here. He guesses what he needs to know is what are the safeguards to ensure. He sees this language here in the resolution but is it binding. That is what the public is going to want to know. What is it? How can I sell this thing and really show these safeguards whereas on a safety tax, it goes to safety. It's got to pass by two-thirds but there is no shifting money here and so forth. That is his question.

Mr. Tooley asked to answer in relevant part here. He thinks their selling point is contained in the survey that they had done. As a Council, they are going to demonstrate that they are going to be responsive to what the Council wants to see. He commented that the survey clearly demonstrates a desire to focus on public safety activities. He added that there are other activities identified in the survey but nonetheless, public safety is rather clearly the highest priority. He advised that nothing limits future council's from making changes in direction and that is probably reflective of the fact that probably over time, the City's needs may well change. He stated that the Council, as the elected officials, ultimately make the decisions and they have the authority. Mr. Tooley stated that he is going on the record now telling them that the recommendation from staff in their 2017/2018 budget, it is going to heavily weight the use of these funds towards public safety. He advised that it will focus on additional police resources. It will focus on accelerating the construction and operation of a new fire station, and if they follow those recommendations, the first three to five years of that funding is going to be largely spoken for.

Mayor Poythress asked for confirmation that there is no sunset for this particular sales tax.

Mr. Tooley replied that there is no sunset contained in the measure.

Mayor Poythress asked if there are any other comments or concerns. He asked if he is the only one that has this concern. He can't believe he is not but maybe he is.

Council Member Oliver stated he also shares the same concern. He wishes that in California it was the opposite whereas, if it was a specific tax and they knew where it was going, it would be a 50 plus 1 which would make more sense but in this case, it is the opposite. He absolutely agrees and shares some of the Mayor's concern as well but deep down, he is going to look down at what do we have today. He thinks what they found is that they have a Police Department among other public safety units that have heeded the call to engage their community, who have got out of their patrol units and walked the streets and have gotten involved in neighborhood watch and is part of National Night Out. And, they have done this with few and limited resources. He thinks what they found is that the community is receptive to this. Not only are they receptive, they are buying in and they want to take ownership of their Police Department of their City. He was pleased to see the polling results and pleased to see the community's positive reaction towards a measure like this but he has to tell them, it was not a surprise because they have already been sitting on that data which is rooted at the neighborhood level through neighborhood watch and over 70 neighborhoods

that they have engaged throughout the City. He thinks ultimately, the measure of this success is going to be on them to ensure that they are accountable to the public and that they are willing to face the music. They are willing to face the music at the neighborhood level. His hope is that, they don't want to put the cart in front of the horse necessarily but, there would be nothing from keeping them let's say next year for example, if this were to pass, of supporting a resolution that might refine some of those future, maybe looking at or placing some assessment as to the progress or the proceeds, how they have been utilized. He asked Mr. Tooley if there would be anything keeping them from looking at some changes in that respect.

Mr. Tooley stated that Council Member Oliver raises some excellent points. He commented that there is nothing that ever limits them from providing additional structure to their budget. There is nothing that ever limits them from looking for additional assessments of success. If this measure is successful, those are exactly the kinds of things that he thinks the Council might want to explore.

Council Member Oliver stated he thinks that they should and he shares the Mayor's point. They can't control what the Council will look like four or eight years from now. He can say that he is 100% confident in this body right here and he knows that their intentions are pure and their efforts are genuine and that they have the best interest at hand. He could take that to the bank all day long. He would support moving forward with this measure. He would like to see a discussion following this to see how they can, not necessarily refine it as far as the scope of police or fire or infrastructure, but how they ensure greater taxpayer transparency and accountability. But, he doesn't want to compromise if from possibly being perceived as a special tax by providing that structure here at the onset. As much as he would like to, he would not want to compromise that effort.

Mr. Heath stated that many of his clients that have pursued general taxes of this nature go through the process of adopting on an annual basis an expenditure plan for these funds so there is a document, in addition to their normal budgeting procedures, that lays out for the public here is how these additional funds are being utilized.

Council Member Oliver states he thinks there is a great avenue to do that and that is through their neighborhood teams. Many who organized last night are part of National Night Out. He thinks they are already doing that today. That is something they can look at implementing in the future.

Council Member Holley stated they said a mouthful. He commented that being in Madera for a long time and being a part of National Night Out last night, he had a lot of people really for the first time getting together in their neighborhood wanting to do something exciting to help Madera out. Their concerns are safety. They hear more about safety than they do about anything else. He added that fires are starting to become a real thing to talk about because of what has been happening throughout their county. He commented that if they don't step up as a Council, support their law enforcement or Fire Department, their safety avenues, they are just wasting their taxpayer's time because they thrive on the Council to get them the right quality of safety and things throughout their City. He feels that they've done a good job of getting a consultant to come in and feed them the information and the tools that they need to work with. If they don't go forward with it, then they are wasting more time than they did money.

Council Member Robinson stated they have the finest police officers and they need to back them because every day they go out on patrol, they don't know if they are coming back to their families. They need tools in order to do the job. They live in a dangerous time now. There is terrorism all over the place. He added that you think of Paris, then you think of San Bernardino and Merced also. Then you think of the fire danger. That is another reason why they need another fire station so response time is shortened. He stated he is in favor of this sales tax because right now, Fresno is draining them dry. They are building a remarkable building downtown now. They are changing everything around. They have a lot of activities coming up for their citizens and we need to have money here so that we can put Madera on the map. He wondered how are you going to have somebody think about moving to Madera if you have a crime problem or road problems. That is why he drives a jeep so if he hits a pothole. It reminds him of his military days.

Council Member Foley Gallegos stated she would just like to chime in with her colleagues and say that this last week she did a 12-hour ride-along with their Police Department, Sergeant Foss. Like they say, they are doing a lot with less. They have probably six officers in the night patrolling their whole City. They are huge. That's not a lot of officers and they do such a great job. She was remarkably impressed. Her eyes were opened; what an experience to have that opportunity. She thanked Chief Frazier for allowing that to happen. With this half cent sales tax, she is for because it is the best thing for their City. They have a total, stating don't quote her, 70 officers on their force for a town of 64,000. If they look at the surrounding towns, the number of police officers that they have compared to their residents is much greater than what we have so she commends their police force for doing the things that they do with the more calls that they get, the more citizens and the things that they have going on, and response time is efficient. They are there. She has heard from some of the communities that, "I've called and the officer was there before I knew it." "Before I could get out the door, he was coming around the corner to waive them that this was the house." Council Member Foley Gallegos commented that she would like to commend that this sales tax is so important not only for their police officers, their fire. She stated that for National Night Out they had a fire truck come in to Trevor. That is where they live. They were scheduled to go to several residences that night but a major fire came and they were just wiped. All that they do, she totally appreciates protecting everyone around their City and making it the best that they can be. She is totally in support of this.

Council Member Medellin asked Council Member Foley Gallegos if she did the whole 12 hours.

Council Member Foley Gallegos stated she did 7:00 at night to 7:00 in the morning and it was wonderful.

Council Member Medellin stated she set the bar high.

Council Member Foley Gallegos stated she had a great team that night. She commented that Sergeant Foss' team is amazing.

Council Member Medellin agreed and added that they are all fantastic.

Council Member Medellin stated he just kind of wants to set the record straight that they are transparent and they have been and they are every year. They just had a five meeting budgetary process where they broke it down where they are open to the public and their books are open. They should be held accountable. He noted that they bring up a good point because whether they are here or not, he thinks that should be a message to the community that when you are going to elect somebody to office, this is what or whom you are electing, somebody who understands what is happening in our community so he thinks that would be a great question to ask. But to Council Member Oliver's point, he is certainly in agreement that if they can have some sort of addition to next year, he would be happy to explore those different options.

Mayor Poythress referred to the expenditure plan that he brought up and asked if that is something that is approved after the measure passes; something like this.

Mr. Tooley replied that in most cases, it would be done as part of their regular budget process. If they are going to pass a special tax with a two-thirds vote margin, there is usually an expenditure plan that goes with that. In which case, sometimes a citizen review panel will hold you to that particular standard. Mr. Tooley stated that in our case, with a general tax, it falls back on the City Council and he would anticipate some discussion about how they designate use of funds and how they measure the impact of those funds noting that is just good management.

Mayor Poythress noted that everybody is in agreement. They are looking to pass something for public safety. In his case, he wants to make sure it goes to public safety. That is why they engaged in this thing in the first place, a year ago whenever it was. That is just his biggest concern and that is why it is with a general tax like this that is easier to pass. It is still that element of what is going to happen. He asked how they are going to remain disciplined. In the next few years, he has no doubt that they are going to maintain that discipline but again it is the future, what is coming up in 10 years, 15 years?

Council Member Medellin stated, crystal ball.

Mr. Tooley stated he will be taking that chip about winning the lottery. That sounds real good to him. He is onboard with the Mayor on that.

Mayor Poythress stated that because of the importance of the subject and so forth, he would like to open this up to the public for any comments that people would like to make. He would like to keep them to three minutes or less.

Mayor Poythress opened the item up to the public.

Bill Jones, residing in Madera, California, stated that the Mayor hit the nail on the head. When he first read the publication that the City was going to come up with a special tax, he did a backflip. As Past President of the Lion's Club and Past Post Commander of VFW 1981, he said he would work his behind off to see that this is passed but then, he got to the last statement number eight: potholes, roads, and other things. He is with Mayor Poythress, make it a special tax, and as it has been reported, 69%-72% of the people are behind it. You only need two-thirds vote for a special and then you know the money is going where it is supposed to go. He commented that at any given time of the day, their Police Department does more with less. They are lucky to have ten guys on duty if they are not on leave, sick or this kind of thing. For as large as they are, they ought to give them a standing ovation for what they do because they do one hell of a job noting that is marine guttural. He is with him 100%. If they pass a general then it can be used for other things and that he doesn't want to see. He will work his behind off to see that it is defeated. If they make a special for law enforcement, for safety, he can guarantee they will get enough people out on the road to work this thing to make sure it passes.

Mayor Poythress thanked Mr. Jones.

Bill Hill, residing in Madera, California, thanked the Council for letting him speak. He stated that just to set the record straight, his son is a police officer with Madera. He referred to Council Member Foley Gallegos' comments where she gave a real good speech a minute ago when she said there were six officers from 7 to 7. He noted that five of them are in the building right now so he hopes that the one that is out on the street is doing a good job. He hopes what he says here tonight will not affect his son's ability to do his job.

Mayor Poythress asked what his name was again.

Mr. Hill told him to remember his first name Robert. Mr. Hill stated he is all in favor of it. They got an email and he appreciates Mayor Pro Tem Rigby sending a response back on that. He is not against it. What he thinks is they took a basket and they went to every department in the City and threw something in it and that is where it is at. If you are going to call it safety, and you really want it to be safety, then consider the Police Department, the Fire Department, take care of their needs that will take care the City of Madera to make this a better place. He noted that they brought up about the sink hole. In his knowledge, they have had about two sink holes in Madera in the last 40 years. They have had potholes. There is a difference between a pothole and a sink hole but, they are important. But, if they don't make this place safe, get their insurance rates down, then nobody is going to want to come here because it just won't be a safe place to live. He is in favor but, he thinks what they have said is if you make it specifically or all of them go on the record, raise their hand, swear to God that they'll keep that money to go directly to these items first that they said they'd do; the nine police officers, or 12 or 13, whatever it was, nine firemen, the fire station, the things like that otherwise they will go out and hang themselves if they don't stick to their word. But he thinks that is what the majority of people think that they won't stick to their word and they have a historic, in this country, of oh we are going to do this, we are going to be transparent, and that lasts for about a month and then it is oh we are going to take the money shift it over here to make something work. He asked that they stick to what they say they are going to do and take some of those things out of the basket, get rid of them, and just take care of the need first and foremost of the Fire Department, Police Department in the City of Madera.

Mayor Poythress thanked Mr. Hill.

Dan Foss, Sergeant and President of the Madera Police Officer's Association (MPOA), stated he did not plan on getting up here but, he noticed that there was some talk about the general to the special which obviously he thinks it doesn't affect anybody really more than his department and the Fire Department. He completely respects and understands what they are saying as far as making a special so that the funds do go to the Police Department guaranteed but, he does want to say...he has been on the board with the Association now close to 10 years. The reason he is totally fine with a general election is kind of two-fold. For him, he has complete faith in which way the funds are going to go from the Council. He has no fear whatsoever that if they say the funds are going to go towards the Police Department that is where they are going to go. He really doesn't think, even though the risk is very small, the risk is even necessary to go that way because they have so much faith in where the funds are going to be spent. He really believes that they will go to the department and the Fire Department. Sergeant Foss stated that in his mind, their job is to serve the community and if there is an emergency that comes forward and there is something major that needs to be fixed or something comes up where they do need funds, if it is the general measure, then those funds can be spent on emergency situations. He stated that the Police Department, above anybody else, they understand sacrifice. They understand what that means so if they have to tighten their belt for a year or two so that those funds can be spent where they need to be spent for the community, they understand that. So, he does hear Mr. Hill, especially what he was saying with across the nation people are very afraid. They don't trust their government officials sometimes. He stated that they have no fear of that here. He has full faith that if this passes, on either a special or general, he feels like the funds will be spent appropriately, responsibly and in the right place every time. He commented that it probably sounds a little bit taboo coming from himself but, he almost leans toward the general just because he does have such faith in their elected officials and their leaders of the organizations here at the City that if the money is an emergency and needs to be spent on something else temporarily, they have to look out for everybody in the community. Like he always says, they are all in the same boat. This is just one big ship, the City of Madera. If they've got to plug a hole here, they have to plug a hole here. When times are good, of course he wants and he thinks, it is very important that the Police Department and the Fire Department gets the funds so they can make this place the best place to live possible. He is fully in support obviously of a special but even a general. He has no fear that the funds will be spent responsibly.

Mayor Poythress thanked Sergeant Foss and asked if any other members of the public wish to address this item.

Chief of Police Steve Frazier stated the Mayor's question came up and he doesn't think it was really answered. They have kind of talked around this a little bit. He wants to say that they, the Police Department, the Fire Department, and he won't speak for them besides they are all sleeping anyway...

Fire Chief David Allen made a comment from the audience regarding going on a 24-hour ride with them.

Chief Frazier replied that you can't sleep 24-hours. Chief Frazier stated, to address the Mayor's question, noting that is the question because he lives in the City of Madera and he is going to be taxed by that. He realizes that his department will hopefully receive the benefit of that. He realizes that sounds kind of self-serving but, that gets addressed by...they have made recommendations to the Council. If they follow the recommendations or they enact those recommendations that means 13 boots on the ground. It means a building, an engine, and nine firefighters. If they follow that, they will use up the tax proceeds and those will be then spent for those items moving forward. So there isn't a surplus of tax to spend elsewhere if they follow those recommendations. He stated that this Council has made that commitment to follow the recommendations so the money is going to be encumbered moving forward. They hope that their tax base grows significantly down the road and their \$3.5 million becomes \$10 million because of all the retail but, at this point in, this juncture, if they follow those recommendations, the money is going to be encumbered and there won't be a surplus left to spend elsewhere because they've got a building, they've got 13 officers and it is important enough. He knows they all realize that and that margin for error for a special tax scared him. He knows that other folks on this committee, it was a little scary for them too. He noted that it is important enough for them to pass. That margin of error was just too close and it is too important of a vote

for them to have such a close margin. He realizes a special tax goes this way but what if it doesn't pass. He noted that Mr. Tooley (City Administrator) has said, and he thinks very appropriately, we get one bite at the apple. If they fail to reach two-thirds, then their bite was in vain. They felt with the 50%, their margin was large enough that they felt confident that that would pass and with this board, this Council, who they have worked so well with has told them...we have recommendations. The money will be tied up and it will be spent if they follow that route. He thought that kind of addressed what the Mayor was asking.

Mayor Poythress thanked Chief Frazier noting that he did answer it and that is the first time he has received an answer this evening.

Mayor Pro Tem Rigby commented that the Chief hit the nail on the head. He was actually going to chime in because he too wanted to answer sitting as the ad hoc. He stated that this was probably the item that they wrestled with the most. Undoubtably, these are the finances they would like to see coming to the City so they could operate with but again, as they heard their officer say, that is what makes Madera special. The fact that they are all in this together. His wife often says, which child get the most love. How do you love more than one child and it is the child that needs the most love at that moment. Knowing that right now public safety, fire, they need this. They wrestled with it. What is the correct way and since they are just being candid and frank, they were scared of that margin of error and if he can convince the gentleman that lives on Harvard that undoubtably, they wanted this to be a special tax but, that margin of error becomes very small and they cannot let this one slip through them. As a City, they cannot let this initiative not get passed and if they stay at two-thirds vote, all it is going to take is a small margin of people that say no more taxes, no more new monies added and then all of a sudden they don't get to resource the men and women that need the resource the most in a time such as this where they need that resource the most.

Mayor Pro Tem Rigby stated that he understands where the Mayor is coming from completely but, the reason they went to that general tax was because they don't want to miss it and just like Chief said, if they take the recommendations from their public safety officers and use them accordingly, eight to 10 years down the road coming in, this will be his second year now serving as a City Council, and one of the things he holds highly is knowing how they maintained the delivery of services through that recession. That is something that he doesn't want to compromise so he holds that as a feather in his hat. He doesn't want to be the one that has to let go of police officers. He will fight to make sure that the ones that they hire stay on there and he can only assume that whoever is elected 10 years from now would want to hold that same accountability to the City. Once they bring on 13 new boots, once they bring several new firefighters, he would hate to be the one that says, I'm not going to pay for them anymore and he doesn't think that that person exists in their City.

Mayor Poythress asked if he is saying that they are going to get the love in 10 years too.

Mayor Pro Tem Rigby replied that he hopes so. He hopes there is enough love for everybody.

Council Member Oliver stated, for frame of reference, he believes when they looked at the polling results, although it came in at 69%, the margin of error was about 4%, plus or minus 4%. That was concerning for him. Just for those who are here, he asked what the City's track record is of trying to pass these measures in the past and if they have ever tried a 50+1 or a two-thirds public safety tax, and if so, what was their success or lack of success.

Mr. Tooley replied that they attempted to pass a public safety tax twice. He asked Chief Frazier to refresh his memory on it being a special tax.

Chief Frazier replied from the audience that it was.

Mr. Tooley stated that the first time they missed by 100 votes. The Council made some adjustments the second time around and they missed by a larger margin the second time around so they are 0 for 2.

Mayor Poythress added if he recalls, back then, there wasn't a whole lot of support from the City Council sitting at that time as far as taking part in leading the charge.

Mr. Tooley replied that his memory is less precise so he would yield to the Mayor's memory on that particular item.

Mayor Poythress referred to the vote of November of '04. He joined the Council a month later but, the campaign was that fall and he doesn't recall one city council member leading the charge, being involved.

Mr. Tooley added that a number of staff members actually walked door to door, and at this point, he can't recall a council member doing that.

Mayor Poythress stated that in this particular case there are going to be a lot of Council Members out there leading and involved in that.

Council Member Medellin stated, like he said before, he wants to thank his colleagues for being in total agreement and unanimously getting them to this point. He thanked Mr. Jones and Mr. Hill for their comments. He stated his appreciation and for Mr. Hill's son's service to the City of Madera. He further stated that he appreciates their passion. He hopes that they will help the City with that passion and they know which direction that they want to go. They all want the same and that is for this to be the best City to live in. He plans on spending hopefully, the next 4 ½ years here maybe more but, he will go on record tonight saying that he fully intends to abide by these recommendations and spend that money for their police and fire.

Mayor Poythress stated that is what is so cool, that all of the other Council Members agreed the same way.

Mayor Poythress asked if there are any other comments, questions or points. No other comments were made and Mayor Poythress announced that they have two items to consider and stated they would start with item C1A.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY MAYOR PRO TEM RIGBY, ITEM C1A, RES. NO. 16-123 WAS ADOPTED UNANIMOUSLY BY A VOTE 7-0.

RES. NO. 16-123 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 TO PRESENT TO VOTERS A MEASURE TO LEVY A TRANSACTIONS AND USE TAX OF ONE HALF OF ONE PERCENT, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DATE; AND REQUESTING THAT THE MADERA COUNTY BOARD OF SUPERVISORS AUTHORIZE THE MADERA COUNTY CLERK TO RENDER SPECIFIED SERVICES TO THE CITY OF MADERA RELATING TO THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION

Mayor Poythress moved to item C1B and called on the City Clerk for title.

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

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY MAYOR PRO TEM RIGBY, FURTHER READING WAS WAIVED, AND THE INTRODUCTION OF AN ORDINANCE, ITEM C1B, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

INTRO. ORD.

INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ENACTING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, UPON ADOPTION BY THE VOTERS

C-2 Public Hearing and Consideration of a Resolution Confirming the Assessments for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H,10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C,26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 and Authorizing the City Engineer to File the Diagram and Assessment with the Auditor of Madera County

City Engineer Keith Helmuth stated that on an annual basis, the Engineering Department prepares an Engineering Report to address expenses and funding of landscape maintenance districts. He advised that the report addresses the City's landscape and lighting assessment districts within the City of Madera. He commented that by now this is sounding exactly like two weeks ago and it will go that way for just a little bit.

Mr. Helmuth stated, as noted in the staff report from the last Council meeting, this Engineer's Report maintains the assessments that were implemented in last year's 15/16 report as the Parks Department continues to assess the reasonable assessment for each zone. He advised that this assessment period includes such factors as new hires and drought impacts that might unduly be impacted by a single year review. He noted that staff has applied a cost of living adjustment to the zones where landscape covenants allow for adjustments using that. He advised that is based upon inflationary factors but only if projections indicate it was warranted. He stated that such adjustments occurred in 21 zones.

Mr. Helmuth stated that the report also does several things as part of the management of the various zones. Those include adding additional districts to the Engineering Report that did not exist in the previous year. He noted that no districts were added last year. It also updates exhibits and assessments to reflect parcels that may have been divided or merged in previous year. He noted that no parcels have been merged or divided.

Mr. Helmuth stated that on July 20, 2016, the City Council approved a resolution of intent to levy and collect annual assessments for zones contained within the Engineer's Report. He advised that as part of that resolution, it was resolved that this public hearing would be convened and to allow for public comment of the Engineer's Report and findings contained therein.

Mr. Helmuth stated they are asking that the Council consider the testimony presented, if any, and determine that the assessments are appropriate and that the resolution should be adopted. Mr. Helmuth offered to answer any questions.

Mayor Poythress asked if there are any questions for Mr. Helmuth. No questions were asked and Mayor Poythress opened the public hearing. No comments were made and Mayor Poythress closed the public hearing.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM C-2, RES. NO. 16-124 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-124 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR BENEFIT ZONES 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H,10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C,26-D, 27, 27-B, 28, 28-B,

**29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51
LANDSCAPE AND LIGHTING FOR FISCAL YEAR 2016/2017 AND
AUTHORIZING THE CITY ENGINEER TO FILE THE DIAGRAM AND
ASSESSMENT WITH THE MADERA COUNTY AUDITOR**

C-3 Consideration of Introduction and First Reading of an Ordinance Amending Certain Sections of the Madera Municipal Code Pertaining to Water Regulations

Public Works Operations Director Dave Randall stated before the Council is a first reading and an ordinance related to water regulations. He advised that there are 10 minor changes. He noted that this isn't a substantive policy issue; this is more of a housekeeping issue. He commented that the changes really don't have any large consequences but, they are things that they need to take care of to try to make their operations more effective and efficient.

Mr. Randall stated he will run through these fairly quickly and noted that the report and ordinance details have the exact language as well. Mr. Randall advised that the first section talks about exceptions. He stated that in their ordinance there is a provision that calls for, when they issue a correction to something, that people can be given a 10-day notice or a warning citation. He commented that there are exceptions to that for things that aren't warranted. He explained that when you are watering on the wrong day, giving you a 10-day notice to fix that doesn't really work. He noted that this sort of clarifies that and provides the language that says, no that doesn't count. It is clarification.

Mr. Randall advised that the second one is tampering. It makes it illegal and enforceable that you can't pull the wires off your meter or otherwise try to cut off the lock or do other things that people sometimes will do.

Mr. Randall referred to opening of valves. He noted that surprisingly people sometimes like to go out on the street and mess with the City's valves. He commented that is not a good thing but unfortunately, the City's methods to deal with those people is a bit encumbered. It would have to go through a very long process as a misdemeanor. He explained that this makes it simply an infraction that they can cite for and hopefully deter people from doing those things. He stated that it doesn't happen too often but, it does give them a tool.

Mr. Randall stated that there is a current provision that actually doubles the fees if you have service outside of the City. He advised that is not legal. It is not enforceable so they are eliminating it because it is redundant.

Mr. Randall referred to leaks and stated that if you have a leak on your property, you are responsible to take care of that and to abate it. They can't just leak water forever.

Mr. Randall referred to emptying of pools. He advised that the current language has a vague phrase that is called frequent emptying of pools so they defined that. He commented that it is a minimum of 250 gallons and no more than once between May and August.

Mr. Randall referred to water sales. He advised that they have had a longstanding policy that says if you are doing construction outside of the City, we won't sell you water to go water down your dust problems. He added that they will see tankers with meters on them for projects that are occurring in the City but, this clarifies that it is only for use in the City.

Mr. Randall stated that there is a section that speaks to fines in Chapter 5 and it is in conflict with the overall section of the Municipal Code that deals with fines. They are eliminating this so that the language is in conformity and it doesn't conflict.

Mr. Randall stated that last, this specifies that you can't connect water from your house to your neighbor's house. He advised that this has been done in the past and sometimes it happens from State divisions and different things and just says, well you have to remedy that.

Mr. Randall stated, as they can see, they are fairly innocuous but, they do help them operate a little bit better. Mr. Randall offered to answer any questions.

Council Member Holley stated something bothered him because a person came to him the other day. He asked how people are cited when patrol sees a violation. He wondered if staff stops and talks to them or do they go back to their office after they have taken a picture and mail them a citation.

Mr. Randall replied that most of the time they talk with people. They don't after dark. There are some security issues but, the general practice is to talk. He added that most of the time they don't even cite if they can talk and get people to understand that is the best thing. In some cases, there have been instances where people have not been talked to for whatever reason but, there are always some extenuating circumstances. He advised that it is not required but, it is the intent because talking to people does more than the citation does. Talking to people to get their cooperation is really how they educate and make the public aware of what they are trying to do.

Council Member Holley stated that the reason he brought that up is that he had a gentleman approach him the other day as he walked through a store. The gentleman showed him a video that his sprinkler had broke and one of the City's conservation officers rolled by and took a picture, didn't stop and talk with him, and he saw it on the video. Next thing you know, he got a fine. Council Member Holley commented that the gentleman is appealing it which is what he told him to do because he doesn't think that is the way they operate. He just wants to know if that has happened to more than one constituent or it just happened at this particular.

Mr. Randall commented that he doesn't know all the facts for that situation and that is not typical. He noted that there may be something else. This may be a repeat offender. Mr. Randall added that there may be other extenuating circumstances. He noted that it may be that they did it wrong but, that is not their normal practice. He restated that their practice is quite the opposite. Again, it is the contact they make with people that really has effect. It is not the fine. He noted that they are not generating enough to make a difference. They are creating goodwill and education; that makes a difference.

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

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

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY MAYOR PRO TEM RIGBY, FURTHER READING WAS WAIVED, AND ITEM C-3, THE INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING PORTIONS OF CHAPTER 9 OF TITLE I AND CHAPTER 5, OF TITLE V OF THE MADERA MUNICIPAL CODE RELATING TO WATER REGULATIONS

C-4 Public Hearing and Consideration of a Resolution Adopting the Community Development Block Grant 2016/2017 Action Plan, Approving Allocations and Authorizing the City Administrator to Sign the Certifications

Grant Administrator Ivette Iraheta stated this is the final Council hearing for the City's FY 2016/2017 CDBG Action Plan. Ms. Iraheta announced that at this time she would like to offer translation to those who may

require it. Ms. Iraheta made the announcement in Spanish and asked if anyone needs translation to please let her know at this time. No requests were made and Ms. Iraheta continued with her report.

Ms. Iraheta stated that the primary purpose of tonight's meeting is for Council to approve final allocations for Community Development Block Grant (CDBG) funds for 2016/2017 programs and projects, consider a resolution adopting the CDBG Action Plan 2016/2017, and authorization for the City Administrator to sign the required certifications.

Ms. Iraheta stated that Council will be approving an allocation of \$847,853 to fund the various projects and programs that were submitted for Council's consideration during the July 20th Council meeting. She advised that a spreadsheet before the Council details those allocations. She noted that given the broad scope of the grant, CDBG awards have the potential to advance an extensive number of the Vision Plan's objectives. She added that upon approval of the Action Plan, staff will submit it to HUD (U.S. Department of Housing and Urban Development) and then make awards to the various organizations and City departments. Ms. Iraheta stated this concludes her presentation and offered to answer any questions.

Mayor Poythress asked if there are any questions for Ms. Iraheta. No questions were asked and Mayor Poythress opened the public hearing. He advised that they do have the allocations that they worked through at their last meeting for Administration, Public Services, and Capital Projects / Public Improvements. He added that rather than going through each particular item and each particular agency, he opened it up as a whole because he believes there is probably not going to be a lot of comments in particular from probably many of the applicants.

Elizabeth Wisener with the Community Action Partnership stated with her are two women who reside at Shunammite Place who wanted to come and personally thank the Council for their continued support of the Community Action Partnership's application.

Pamela Ash stated she wants to let the Council know that she has a learning disability and she really does appreciate this program. It has given her such gratitude in her heart that it continues. She doesn't know where she would be at today if it wasn't for this program. It has helped her grow character. It has helped her get back into the community, to serve the community. She added that this year she finds that she wants to study more to provide more for herself so she can be more of a maintenance person because she has just taken on a janitor position and she feels like it could grow so she wants to school. She stated that because of all this program has done for her, that has helped her with her self-esteem and the meaningful care that staff has had and they are tough. They have taken care of them and they have helped them grow in many ways. She thanked the Council for the program.

Mayor Poythress thanked Ms. Ash.

A woman by the name of Angie (last name not clear in recording) stated that she will forever be grateful that she has been blessed with the opportunity to become a resident of the Shunammite Place. For the past several years she was homeless in combination of poor decision making, her contributing factors beyond her control, and living with a disabling condition. She found herself stuck in the circumstances of being homeless, going from place to place but, always having a safe location where you can sleep, eat, bring all your belongings and where you are allowed to just be for several hours. She added that in a state of survival truly known only by those from experience and misfortune, she was trapped in a cycle of perpetual homelessness. She knew that the only way for her to ever put an end to this cycle would require a lot of help and a lot of it. She added that homeless shelters, food kitchens, and those helped for immediate needs but, she needed more. She stated that there really weren't many options that provide for long term assistance that would enable her to address and solve problems that had compounded over the years to the point of becoming huge obstacles. When she learned of the Shunammite Place, she knew it was her last and only option to turn her life around. She advised that Shunammite provides her with permanent housing and so much more. She added that the women that work at Shunammite work as a team with each resident teaching them to take proactive roles with any and all needs they have. She stated that they are advocates for all residents. She added that Shunammite Place is a program providing permanent

housing. She stated this is most beneficial because they can stay indefinitely so they are not restricted or compromised by having a future of completion or termination date.

Mayor Poythress thanked her.

Council Member Holley thanked Ms. Wisener for the wonderful job she has done. He had a chance to go to their National Night Out last night. She showed him her office space and residents. He really saw the smile on the ladies faces how they care about where they are living and somebody gave them another chance. He stated that his hat goes off to her from the City of Madera that she puts her heart into it and that is what it is about. It is not about just doing something, it is about having a care. As part of this City, he is glad that they are able to help them continue that care with them.

Ms. Wisener thanked Council Member Holley and added that it is the City's contribution and their support that makes this possible. She commented that it is making a difference in lives one life at a time.

Mayor Poythress thanked Ms. Wisener and asked if any other members of the public wish to address this particular item. No other comments were made and Mayor Poythress brought the item back to the Council.

Mayor Poythress asked his colleagues if there are any changes that anybody sees that need to be made from the allocations that were discussed and decided on from their last meeting. No comments were made and Mayor Poythress stated he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-4, RES. NO. 16-125 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-125 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016/2017 ACTION PLAN, APPROVING ALLOCATIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE CERTIFICATIONS

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Discussion and Request for Direction on Capital Project PK-00057, Fresno River Trail, MID to Schnoor, North Bank (Report by David Tooley)

Item E-1 was heard earlier in the meeting immediately following the consent calendar.

E-2 Weekly Water Conservation Report – 7/18/16-7/24/16

Public Works Operations Director Dave Randall referred to the staff report and advised that the Council can see that they are at about 22% which obviously is a little lower than their 28% goal. Overall, if they look at the graph, they're not doing quite as well this season as they did last. He thinks a lot of it has to do with the public's momentum. There has been a certain "disfocus" if you would on it so they sort of need to stay the course in terms of their conservation efforts. Mr. Randall advised that the State has certified the numbers that the City gave them for their own supposedly self-determination of goals. He advised that the City is still trying to get a definitive response to them on what that is actually going to mean to the City. If they do the numbers dis-empirically, it is a zero percent goal but, they don't think they are going to let the City get away with that. He advised that is sort of what is going on. They are trying to focus more a little bit on the education and outreach because it is going to take the public's partnership to make this thing sort of stick. Mr. Randall offered to answer any questions.

Mayor Poythress stated that he read an article, within the last day or so, that statewide this is the trend. So it is not just Madera and he thinks it is probably just that focus. Last year they'd hear it just about every day in the news and about every day there was some article about it and now it is not. Out of sight out of mind. Mayor Poythress commented that the good news, at least, is that they still have some savings over 13. Mayor Poythress thanked Mr. Randall for the report in keeping the Council informed.

E-3 Consideration of a Resolution Establishing an Advisory Committee to Participate in Joint Meetings with the Advisory Committees of the Madera Unified School District and the County of Madera

City Administrator David Tooley stated that the resolution before the Council for consideration would create a Tri-Agency Committee. He advised that the committee and all its members have no authority. They have no ability to require any action by the respective agencies. He advised that the agency would exist for the sole purpose of discussing items of mutual interests and bringing recommendations back to their respective bodies.

Mr. Tooley requested Council approval of the resolution and the appointment of two Council Members to serve in that regard. He offered to answer any questions.

Council Member Medellin stated he thinks it is a great idea to work together with their County Board of Supervisors as well as Madera Unified. He advised that is exactly what they are trying to do is try to go in the same direction. He has actually served with his colleague Councilman Oliver on the Facilities Commission at Madera Unified as well as the Robotics Advisory Team and the new M Line. Council Member Medellin stated that he would respectfully ask that he be part of this advisory committee.

Council Member Oliver stated he would definitely like to echo his colleague's comments. Last night was the first night that their School Board Trustees as well teachers and principals participated in National Night Out. He thinks that is an effort they should continue noting that that partnership is paramount. If selected, he would be willing to put his name forward and serve the Council on that committee as well.

Mayor Poythress stated that they have two volunteers and that is the request.

Mr. Tooley stated this is the adoption of a resolution and a minute order to appoint the two Council Members to serve on the committee.

Council Member Holley asked if they need an alternate.

Mayor Poythress replied that probably not but, if somebody could not serve...he noted that it doesn't ask for an alternate.

Mr. Tooley replied that there is no requirement in the resolution before the Council and he is not sure that there would be any limitation on the Council creating an alternate if they so chose but, he would defer to legal counsel.

City Attorney Brent Richardson replied that he was just trying to look at the resolution noting that it just says a three member committee, the two Council Members and the... He stated that there really is no prohibition against an alternate.

Council Member Medellin stated that if for some reason they would not be able to make it permanently, he is sure they can come back to the Council at that time and request somebody to fill that position.

Mr. Tooley stated that while legal counsel starts looking at it, he kind of slows down his presentation because he could be wrong.

Mr. Richardson stated they are good.

Mayor Poythress stated that with that and since they have a couple of folks that put their name out and are willing to serve, he will accept a motion for action.

MAYOR PRO TEM RIGBY MADE A MOTION TO ACCEPT THE PRESENTED RESOLUTION WITH THE APPOINTMENTS OF COUNCIL MEMBERS ANDY MEDELLIN AND WILL OLIVER. THE MOTION WAS SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS AND ITEM E-3, RES. NO. 16-126 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ESTABLISHING AN ADVISORY COMMITTEE TO PARTICIPATE IN JOINT MEETINGS WITH THE ADVISORY COMMITTEES OF THE MADERA UNIFIED SCHOOL DISTRICT AND THE COUNTY OF MADERA

E-4 Consideration of a Resolution of the City Council of the City of Madera, California Supporting the Display of the National Motto – In God We Trust – in the Madera City Council Chambers

City Attorney Brent Richardson stated that at the July 20th meeting, Pastor Roger Leach made a presentation to the Council regarding the possibility of display of “In God We Trust” which is the national motto in Council Chambers. He noted that Council, at that time, expressed an interest in actually going forward with supporting such an idea. He advised that the resolution before the Council basically supports the idea of permanently displaying it, it actually directs that it will be permanently displayed in the City Council Chambers, and it also directs staff to work with various community organizations to both seek funding and design input as was proposed during the presentation. Mr. Richardson added that it also directs that staff will bring back, once the design is flushed out, to bring back the design input for Council consideration and approval.

Mr. Richardson stated that in researching the issue, he found that it is more than acceptable as long as it is not done for religious purpose. He added that actually honoring the national motto is perfectly acceptable under applicable case law.

Mayor Poythress asked if there are any comments or questions for Mr. Richardson.

Mayor Pro Tem Rigby stated his appreciation to Pastor Leach for bringing this before the Council. He offered, if it is of any assistance, he would love to be a part of the process in coming with an element of design be it here or at the County. He would like to be a part of that or make himself available to Pastor Leach and his team that is working on this.

Mayor Poythress asked if don't they work together and isn't this like a staff meeting.

Mayor Pro Tem Rigby stated that it was mentioned earlier that they are all a family.

Mayor Poythress stated Mayor Pro Tem Rigby is showing the love.

Mayor Pro Tem Rigby stated that is what he is doing; love wins.

Pastor Leach and a few others made comments from the audience. [recorder did not pick up dialogue]

Mayor Poythress stated that if there are no other comments he would accept a motion for action.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM E-4, RES. NO. 16-127 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO - IN
GOD WE TRUST - IN THE MADERA CITY COUNCIL CHAMBERS**

F. COUNCIL REPORTS

Council Member Robinson stated they had a very good time at National Night Out Against Crime. He visited about five different locations and made some new friends.

Mayor Poythress stated that is hard to believe that Council Member Robinson would be making new friends. Everywhere he goes, it is his swearing in thing. He's got about 40 people there. He commented that everybody likes Council Member Robinson.

Council Member Foley Gallegos stated she has a lot but, she will be brief. First she would like to commend Dave Randall, Public Works Operations Director. She got to meet with his department heads at Public Works and really sat down with the head of the Water Department to see their concerns and they are taking care of them with their water issues. She is really proud to say that they have a strong staff that are handling that. She was also invited to their luncheon. She attended that and met several of their City workers in the streets and the roads. That was really nice to have been invited to.

Council Member Foley Gallegos reported that she did a ride-along with John Scarborough, Parks Manager, and went through the zonings that they kind of approved today and learned about. They saw some of the park improvements that they're making and doing in their City.

Council Member Foley Gallegos reported that she did the 12-hour shift with Sergeant Foss. She stated that it was eye opening and she commended them. She has gone on and on and on to say that they get out of the car and they have no idea what they are coming up against. A couple of times Sergeant Foss was like, come on come on Cece, come on out and she was like no, he's making me nervous, I'm staying in the car. She stated she commends them and it is hard. They have good instincts knowing exactly what they are kind of up against. She was surprised at first but then she thought as a teacher, she kind of knows what she is coming up against with a student such as a police officer kind of has that background to know what they are going to come against when they have somebody they are pulling over.

Council Member Foley Gallegos said she would like to thank Madera Police for the Council's shirts for National Night Out. She noted that they were beautifully designed and printed. She got compliments from all the community, hey why didn't I get a shirt, can I get a shirt. She said, I'll find out, I'm not sure.

Council Member Foley Gallegos said she has been really busy in the City. She still has some more departments that she has to meet and make some time to do the 24 with the Fire Department.

Council Member Foley Gallegos invited the Council to attend an event on Monday morning where Council Member Oliver will be speaking to all the Madera Unified School District certificated and classified staff. She is not sure on the exact time but Council Member Oliver probably knows.

Mayor Poythress asked what Council Member Oliver is going to talk about.

Council Member Oliver stated he is figuring it out.

Council Member Foley Gallegos stated Council Member Oliver is probably going to talk about how he grew up in Madera and the influences he had through Madera Unified K-12, and what he is doing now, his responsibilities, and his position.

Mayor Pro Tem Rigby stated he is going to have to go to that.

Mayor Poythress stated to Council Member Foley Gallegos that he is a little disappointed in how slow she have been getting involved within the City and meeting departments.

Council Member Foley Gallegos stated she asked Sergeant Foss if they pulled straws and he got struck with her, is that how it worked that he got the smaller straw. He then asked her why she picked that shift. She told him she is a night owl. She loves being up during the night and that is how he kind of got her and not anyone else that got her on that shift. She kind of gave Chief Frazier an open window but, she said she wanted to go on the night one. She thanked them for their support and Sergeant Foss for putting up with her for 12 hours.

Mayor Poythress joked that Sergeant Foss had to take a couple of days of leave after that but other than that...

Council Member Foley Gallegos stated that she thinks that they actually had a three or four day after that.

Sergeant Foss responded yes from the audience.

Mayor Pro Tem Rigby stated that is a tough act to follow. He wants to echo sentiments that he thought their National Night Out again went tremendously well. They cannot begin to say enough good things about how it went although he would like to have a hot dog count as to who had the most. He still thinks Council Member Medellin wins.

Council Member Medellin said yes and questioned the Chief who responded eight from the audience. He told Chief Frazier that he got him. He then asked Chief Frazier how many slices of pizza.

Chief of Police Steve Frazier replied from the audience with a list of the foods he ate.

Mayor Pro Tem Rigby stated that he spent last week partnering with Public Works and their Neighborhood Revitalization Program with the river clean up and the process that they began with their new kind of collect and receive program of the homeless camps that they are seeing pop up all over the neighborhoods. Specifically, they targeted the river underneath the Lake Street Bridge right next to the Fire Station. That was an incredible process so he was there Tuesday to post, to inform the residents that they would be coming in on Saturday for clean up and that is exactly what he did. They got there at 7:30 Saturday morning. He had his gloves, his jeans and they got to clean up partnering with several of the young people that have been prosecuted through the County court system and are volunteering their time and efforts to help clean up. He commented that it is an eye opening project to say the least. He will save a few of his comments for their next meeting with Neighborhood Revitalization. He stated it was a great experience and he would definitely ask his Councilmen and women to get an opportunity to go and see firsthand how it works, the interaction with those who are homeless and it is eye opening.

Council Member Holley stated he is not getting involved with no interactions. He has enough interaction.

Mayor Poythress asked Council Member Holley if his shirt is the organic shirt.

Council Member Holley stated he has done so much in this City. It just makes him think. He is glad to see these young folks have the energy. They make him feel good because if one does it, they all do it.

Mayor Poythress agreed.

Council Member Holley stated he has to give his hats off to the City of Madera. He thinks they did a wonderful job for their National Night Out. He has seen new people come onboard in different districts saying this is my first time and I am glad to do this so they introduced them to how they become, have block parties and stuff. He stated that everything has been going good. He thinks they did an awesome job.

Council Member Holley reported that he has taken on a new role. He hates to tell them all that again but, he has joined Boy Scouts. They are called the Thunderbirds. He is their Membership Chairman. He stated that they know what that means. He has some flyers that he would like to pass to his colleagues and even some for the audience.

Council Member Medellin stated he thought Council Member Holley said he was a boy scout.

Council Member Holley replied that he was years ago.

Council Member Holley stated that they are taking on membership. If they have any kids, and this is also for girls. He stated that it is just wonderful what they are doing at their City.

Council Member Holley reported that he will be out of town between the 30th and Labor Day Weekend because he gets to join his other group CAPMC (Community Action Partnership of Madera County) to go to Austin, Texas. They are having a board conference back there. He said that it has been good to be a part of all these different organizations to where they get to find out what is going on in other cities, in other states and bring it back to their City to give some good thoughts and good ideas.

Council Member Holley reported that he also attended the meeting mentioned earlier by Ron Montoya regarding Mello-Roos. He stated that a lot of things that were said didn't really happen the way it really started out. He was glad that Gary Svanda, County Assessor, was there to explain a lot of this stuff but, sometimes people sign things that they don't really know what they are signing and later on down the line they find out it is not really what they thought it out to be. He talked to the City Administrator Mr. Tooley yesterday and just let him know that he was there, that he was at the meeting, and that it was interesting but the way they proceeded didn't really come out the way this started out. He acknowledged that there were some angry people but, that is something they will have to deal with later and he did invite them to come to Council with an agenda item to talk about it if that is what they want to do.

Council Member Holley stated that other than that, he has just been rolling along, school is going to start next week and he gets to go back to his lunch buddy program. He is still part of the Big Brothers, Big Sisters so he is still trying to get all his colleagues to get involved. He added that he is still a mentor for the NAACP (National Association for Advancement of Colored People) so he will have time to visit a Council meeting now and then.

Mayor Poythress thanked Council Member Holley for including them in his schedule.

Council Member Medellin stated that National Night Out was a huge success because it was about relationships, cooperation, and collaboration. Tonight the theme is obviously that they are very grateful and thankful for the men and women of their Fire Department and Police Department so obviously they know how the Council feels. As Mayor Pro Tem Rigby said, it is who needs the love right now. He just wants to take a quick second for the staff that they see here in front of them from Engineering to Parks and Planning and Public Works and IT (Information Systems). He thanked staff very much. He stated that sometimes it is not as sexy as need be but, they do a fantastic job. They are a team here; the City of Madera is a team. He is sure he can speak from his colleagues when he says thank you as well for their dedication and service.

Council Member Oliver thanked staff as well, their City team for a very successful National Night Out. He had the opportunity to visit five neighborhoods in his district. He stated that one of their neighborhood block parties was held at the Bridge Store. He commented that currently there are two videos circling around the internet. One is of him doing Zumba dancing which is absolutely terrifying and the other is of Officer Rosel doing a breakdancing competition with a neighborhood kid. He doesn't know who won in that competition but, their community certainly wins every time when interactions like that happen. The thing is that it is not exclusive to National Night Out or rare for this department; it is just who they are and that could be said for all of their public safety units. Again, he just wanted to thank staff and again their City team for making it a

great success. He thinks it was 43 neighborhoods that were organized this year so perhaps next year they will be shooting for the big 50. He thanked everyone again.

Mayor Poythress thanked Council Member Oliver.

Mayor Poythress reminded everyone that arriving on the 14th of this month will be a delegation from Yilan. It will be the mayor and a few others, and he thinks a small musical group. They will be with them from 8/14/17 through 8/17/17 culminating with their attendance at the City Council meeting on the 17th. He thinks there will be a short reception or something afterwards. He is looking forward to that.

Mayor Poythress announced that they would now move to closed session.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

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

The Council adjourned to closed session at 8:05 p.m.

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

One case: Junaid Lateef v. City of Madera
MCV 072672

G-3 Closed Session Report – City Attorney

The Council returned from closed session at 8:20 p.m. with all members present.

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

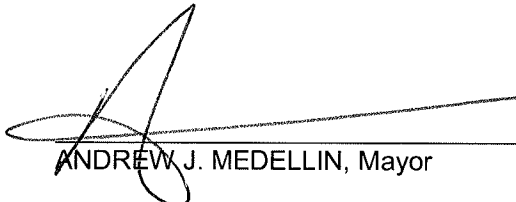
ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 8:21 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

