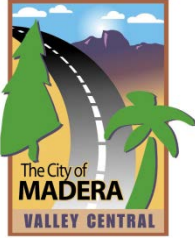


Item:	B-1
Minutes for:	10/19/16
Adopted:	08/16/17



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

October 19, 2016
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 10/19/16 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, City Engineer Keith Helmuth, Director of Human Resources Wendy Silva, Planning Manager Chris Boyle, Director of Financial Services Tim Przybyla, Fire Chief David Allen, Director of Parks & Community Services Mary Anne Seay, Public Works Operations Director David Randall, Community Development Director David Merchen, Procurement Services Manager Becky McCurdy, Grants Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Police Lieutenant Gino Chiaramonte, Park Planning Manager John Scarborough and Program Manager – Grants Patti Dossetti.

INVOCATION: Pastor David Votaw, Harvest Community Church

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

PUBLIC COMMENT

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

Mayor Poythress asked if there were any members of the public who would like to address the Council. No comments were made.

A. WORKSHOP

A-1 An Overview of the Madera County Economic Development Commission (Bobby Kahn)

Mayor Poythress stated they had the high honor of having a workshop this evening regarding an Overview of the Madera County Economic Development Commission.

Mayor Poythress announced that tomorrow is the Madera Economic Summit Luncheon at the Municipal Golf Course. It's a luncheon featuring Matt Taylor, State of California Legislative Analyst in addition to Tom Greci, General Manager of Madera Irrigation District.

Bobby Kahn, Executive Director of the Madera County EDC stated he is still a bit technology challenged as part of the older generation. Mr. Kahn thanked the Council for the invitation to come before them tonight.

Mr. Kahn stated that as Pastor Votow said, he is grateful to be in this great community of Madera. It's a pleasure to be presented with the honor of having the job that he has to run the Economic Development Commission and represent the County which is so near and dear to his heart.

Mr. Kahn stated he will give them an overview of where they are going with this presentation and then he'll answer any questions. Mr. Kahn stated they will go through their marketing missions, some economic development services they provide, some promotion material they have, promotions they do and some of the public service activities they provide as part of the Economic Development Commission.

Mr. Kahn stated that Attraction and Retention are two of the main areas of their work.

Mr. Kahn stated Attraction is the part of the work that is what the general public... He knows that for the City Council, the Board of Supervisors and the City Council of Chowchilla it is always at the top of their screen because it's the sexy part of their business. It's the new openings. It's the groundbreaking. It's the ribbon cuttings and all of the celebration of new businesses to Madera.

Mr. Kahn stated that to get to that, there is a lot of work that goes into it. Marketing Missions are something that they have undertaken over the last, probably 12 years. Marketing Missions are one-on-one meetings that they set up with major real estate brokers throughout the State of California and nationwide.

Mr. Kahn stated they have certain markets that they target. They refine those. They hit the greater San Francisco/Bay Area. They hit what they call the Sacramento Valley which includes Stockton for them. In the Southern California Region, they break that into two areas which are basically the Greater Los Angeles Area and the Orange County/Irvine/Newport Beach Area.

Mr. Kahn stated when they go into those areas they have pre-determined appointments. They will spend usually two to two-and-a-half days and in those two-and-a-half days they will cram about eight to 10 meetings into those time slots.

Mr. Kahn stated they will touch on trade show exhibits a little bit more but they also do trade shows where they represent the San Joaquin Valley and Madera County as a whole.

Mr. Kahn stated that they are very proud of their website. They have been able to re-design their website in the last couple of years. It is much more interactive, easier to navigate and represents Madera County.

Mr. Kahn stated one of the areas that gets a lot of hits is their Property Available. They have defined that into certain sections in Madera County where they can look in the City of Madera. They can look at the City of Chowchilla.

Mr. Kahn stated they have the County area defined by different regions. They made up the boundaries themselves and then gave them their own labels. Mr. Kahn stated they get a lot of phone calls off of that.

Mr. Kahn stated they also communicate with brokers that take listings in Madera County to funnel that information to them and they will post it on the website for free. Mr. Kahn stated that one of the things they make clear is that they don't compete with the brokers. Any leads they get off those hits, they funnel the information back to the brokers. They work side by side with the brokers. They don't want to get into the real estate brokerage business. They are partners with them and their services.

Mr. Kahn stated they also list incentive information on that and they also have real estate promotion material on that site as well that people can go to.

Mr. Kahn referenced Retention and stated they work very closely with all of their local manufacturers. He thinks there's not a manufacturer in Madera that would tell Council that they don't know their phone number, all of their first names and their phone number is probably on speed dial for most of them. Mr. Kahn stated any time that the local manufacturers have an issue whether it be with an expansion project or retention issue, the manufacturers are quick to call them.

Mr. Kahn stated he was out at the winery today for a completely unrelated issue and he was walking across the parking lot and all of a sudden he heard his name yelled out. A guy comes running over and wanted him to help him with some workforce issues. Mr. Kahn stated that on the spot, they made a couple of phone calls off his cell phone and connected him with the right people. So they got that issue, he doesn't know if they have it solved, but they have it at least being addressed.

Mr. Kahn stated that as the State and County Governmental Liaison, they do a lot of work at the State level as far as legislative work. They also work locally here with them. They are always in communication with them on issues that are pertaining to the City and it is the same thing in the City of Chowchilla or on the other side of the street with the County. Mr. Kahn stated they are continually meeting with City staff and trying to make projects work well. They are also trying to keep their businesses aware of any State, Federal or local issues that may affect their businesses.

Mr. Kahn stated small business gap financing is a revolving loan fund.

Mr. Kahn stated Incentive Advocacy is where they go out and they actually help their local businesses and new businesses coming in and letting them know of State incentives, PG&E incentives and any incentives that they can work out on the local levels.

Mr. Kahn stated that people don't understand how many requests they receive for demographic information. Everything from workforce information to travel time to regional workforce, commute patterns and so forth.

Mr. Kahn referred to the display and stated that their workforce partners are a very valuable tool to them to make sure they have information. They work side by side with the Workforce Development and they also work closely with the Department of Social Services. The Workforce Development is probably their closest partner in that arena.

Mr. Kahn referenced Public Policy Advocacy and stated they're just advocating for good public policy. If they see Councils or the Board of Supervisors and if they are taking an issue that they think will affect the business community in Madera County, they will usually try to evaluate that and weigh in on what their feelings are in that. The same way with State issues.

Mr. Kahn stated that Marketing Missions are one-on-one meetings. They also have a mail campaign that they do with their broker list that they've developed over the years. They contacted 850 real estate brokers through a direct mail and call campaign this last year. Mr. Kahn stated they had four Marketing Missions. They met with 33 brokers one-on-one and seven leads were developed out of these Missions.

Mr. Kahn stated they've found that people always talk about calling on businesses and trying to get businesses to come to their area and what they've found through trial and error, and learning from their

mistakes is that's a very tough arena to work in. The larger businesses keep their strategies very close to their vest. They don't want to share.

Mr. Kahn stated it's very hard to do an analysis of companies that are thinking about expanding or re-locating. The people that work the closest with them, that do that site location are big industrial real estate companies or commercial real estate companies if they are on the commercial side of the fence. Mr. Kahn stated that is why they developed such close relationships with them so that they know that when they are talking to somebody that's looking for a West Coast location, Madera County comes to the top of their mind.

Mr. Kahn referenced trade shows and stated they do work on a somewhat limited budget. Trade show's Process Expo is a national trade show that they've been attending over the past several years. That trade show now operates every other year. It operates in the odd years and is generally held in Chicago. It used to be partnered with Packaging and it used to bounce between Las Vegas and Chicago but Processing and Packaging split much to their chagrin so now part Process is just in Chicago every other year.

Mr. Kahn stated that the International Council of Shopping Centers is often referred to as ICSC. That's a national group. It's on the commercial side of the transaction. These are all retailers and they have three shows that they attend every year. They have a smaller show in Monterey and they have their major show in Las Vegas. The Monterey show is in March. Las Vegas is in May. That is their big national conference.

Mr. Kahn stated that if any of Council had been to that, there's about 50,000 to 60,000 people and it takes up the entire Las Vegas Convention Center. They will literally be worn out spending one day there. He worked side by side with a person there and on his Fitbit, they logged over five miles just walking between trade show booths.

Mr. Kahn stated that when they go to that show, they have to be prepared and they have to have appointments ahead of time. That show is so big that if they tried to do walk-up appointments they're just going to be spinning their wheels most of the time. They go in there pre-planned. They get a list of who is going to be at the show and they pre-set appointments for that as well. Mr. Kahn stated that show is the one where they will get all their major retail. Almost every retailer they can imagine is at that show. That gives them the opportunity to talk to the people at Costco, which they did last May, and to Target and several other of the larger retailers. They also talked to some of the smaller ones which they think will be a good fit for their area.

Mr. Kahn stated that the WestPack Trade Show is the biggest national trade show. It is held on the West Coast and they've been attending that for the last 14 years.

Mr. Kahn stated that Society of Industrial Realtors which they'll often hear him refer to as SOIR is national and state. They do the national once in while if it's close by and affordable. Their registration fees have gotten very expensive. Their budget....they don't really see themselves attending the national but they do attend the State events. Mr. Kahn stated they have two Chapters; one in Northern California and one in Southern California.

Mr. Kahn stated SOIR is a special designation. Not only do the brokers have to qualify through testing and interviews for that, but they also have to have a deal mix to qualify for that. The deal mix is very high. They have to be earning \$400,000. That's not gross commission income to the office. That's income to them. Mr. Kahn stated that is the cream of the crop. That is why they focus so hard on SOIR because they know they are talking with the Number 1 guys; the big hitters. Mr. Kahn stated they've generated over 1,000 business contacts and 27 leads as a result.

Mr. Kahn referred to the display and stated they have a Lead Management system where Julie Herd from their office uses to put in and track every lead that they have. They follow-up on that constantly. Mr. Kahn referred to the display that tells them where their leads are generated from. Go-Biz is the Governor's Office of Business and Economic Development. CCVEDC is the California Central Valley Economic Development

Corporation which they work very closely with in leveraging marketing funds. The blue part represents leads that are generated by work within their own organization.

Mr. Kahn referred to the display and stated they are some of the companies that have either moved into their area or expanded into their area. Paramount Farms is listed twice. The reason they are listed twice is because they did a stage development out on Avenue 7 and Road 13. Mr. Kahn stated they have been heavily involved in all three of the stages of work out there. Kahn & Dunlap who is the Site Manager out there, again this is a guy who has his phone on speed dial. If he is working, he expects him to be working. They never know what time of day, whether it be a Saturday, Sunday or evenings or whatever. He calls when he is working.

Mr. Kahn referred to the display and stated they are some of the developments that are active at this time.

Mr. Kahn stated they have been heavily involved with the North Fork Mono Tribe project since day one before it was even made public. He has been involved with that probably over 12 years or close to 12 years.

Mr. Kahn stated the one that has been in the news a lot lately is Vulcan with the Austin Quarry. They worked very closely with them.

Mr. Kahn stated they have worked with both the Tesoro Viejo and Riverstone developments even though they are on the residential side. Riverstone has a commercial element to it. Tesoro Viejo has a commercial and a light industrial area. Mr. Kahn stated they have actually shown property out at Tesoro Viejo to potential industrial folks that are looking for that corridor out there.

Mr. Kahn referenced High Speed Rail with the Heavy Maintenance Facility and stated they have been one of the key players in the coalition between the two cities and the county.

Mr. Kahn stated they have been working with Chowchilla on their mixed used development by Pinbras and also on an industrial project that they help City of Chowchilla market.

Mr. Kahn stated that inter-locally with the City of Madera, they were heavily involved and are still heavily involved with the Love's Travel Center project and several other projects that are still churning out there.

Mr. Kahn referenced Other Marketing Activities and stated that as the Mayor said, the Economic Summit Luncheon is tomorrow. He hopes all of them can attend. Mr. Kahn stated that if they hadn't bought a ticket, they can still call Ms. Lois Leonard first thing in the morning, she might sound a little irritated but he'd make sure they get through the door.

Mr. Kahn stated that the State of the County Luncheon is something they've taken on as well. They thought it was something that needed to be done and nobody was doing it in Madera County so they've taken that task on.

Mr. Kahn stated they've held Eggs and Issues Breakfast Events where they have local elected officials come in and speak to smaller settings.

Mr. Kahn stated they handle ribbon cuttings and ground breakings. They are going to be handling one coming up and they've handled multiple ribbon cuttings and ground breakings in the past.

Mr. Kahn stated they work closely with the City. Mr. Kahn stated that at this point in time he just wanted to stop and say thank you to their City Administrator, their City staff, Parks and Recreation and all the City staff because when they do a ground breaking, they don't have chairs, they don't have tents, they don't have sound systems, they don't have podiums and they don't have all the resources and they lean heavily on the City to help provide those things. Mr. Kahn stated that Mary Anne Seay, Parks and Recreation

Director and her staff never miss a beat. They are always there. They are there ahead of time. They do a great job and it really makes their world a lot easier.

Mr. Kahn referenced website, property database and blogging and stated they are always updating their website on their properties and any other areas that need to be worked on. They are always adding and taking off properties if the properties have gone off the market. They don't want it to stay there and become stale.

Mr. Kahn referenced blogging and stated they are on Facebook, Twitter, Pinterest and any other medium that they have. Ms. Herd is out there making sure they are blogging something and putting themselves out there every day.

Mr. Kahn referenced E-BIZ and stated that if they are not receiving their electronic newsletter, if they give him a business card or send him an email, they will make sure they get on that. They send that out monthly. They don't want to be bothering them with an everyday or twice a week newsletter so they've chosen to go on a monthly basis to keep people informed of what's going on locally and they also throw in some State and Federal articles if there is something pertinent to their area.

Mr. Kahn stated their Annual Report is both printed and electronic. They try to switch away from some of the printed materials because it's expensive, number one and secondly, it costs a lot of money to mail it so they've cut their mailings down by about half and then they send the rest out electronically. That comes out once a year and it will be hitting the streets here any moment; their last year update.

Mr. Kahn stated the Real Estate Update Publication is a publication they do annually and what it does is a piece that the real estate brokers love. They put this out every year. It gives lease rates in the County, lease rate ranges, what the vacancies are, average household income, commercial leasing rates and anything else to do with real estate. They try to capture that in a tri-fold. When they go into their office, it's the first piece that they'll open.

Mr. Kahn stated he's already touched on Social Media.

Mr. Kahn referenced the California Legislative Trip and stated they partnered with that through the Central California EDC and they do that every March. This last year they met with 20 legislators. They try to meet with all the ones through the Valley and then key ones like the Chairperson of the Jobs and Economic Development Committee and other committees that they feel have an influence on economic development.

Mr. Kahn stated that some of the other activities that nobody really knows that they do, but are things that they have been assigned to or they keep picking up extra duties include the Comprehensive Economic Development Strategy also referred to as CEDS. It's a document that gives an overall view of Madera County and its economic status and where they are as far as education goes, schools, infrastructure needs and lack of infrastructure needs. It's a comprehensive report. Mr. Kahn stated that years back he had a Council Member ask him why they didn't have that online.

Mr. Kahn stated that document is a document they use for grant purposes. It's a document they have to have for the Federal Economic Development Administration (EDA) to qualify the cities or the County for EDA grants. Mr. Kahn stated they don't paint the picture real rosy because if they say this is how great they are, they'll ask why they need a grant. The document is very factual but it also points out where all their lacking infrastructure is throughout the different areas of the community. Again, if the City of Madera, the City of Chowchilla or the County want to apply for an EDA grant, it flows through their office. This document has to be current or they would not qualify for that grant. That is just something they take on.

Mr. Kahn referenced the Recycling Market Development Zone and stated that is something they don't hear about either but they track all the recycling that goes on in Madera County for CAL Recycle. They turn in a report to them every year.

Mr. Kahn stated they are also the Development Zone Manager for Madera County. Small businesses that are looking to buy equipment for recycling purposes can qualify for low interest rate loans. That flows through their office as well.

Mr. Kahn referenced the Revolving Loan Fund and stated he thinks a lot of them are aware of that. It is a small business loan fund. They manage that for both the County and the City of Madera. It's a very attractive loan for small businesses. There is a job creation element that is mandatory for that. Most of their loans are for \$35,000 to \$50,000. It is very good for small businesses that are trying to grow and expand. They go to the bank and the bank won't give them quite all that they need. They can go to them for secondary financing and their interest rates remain very low even though they are in a second position.

Mr. Kahn stated there is a new program that they've taken over. It was housed over in the County Engineering Department; they didn't want it. The Planning side of the County didn't want it. They couldn't find a home for it so guess where it landed; over with them. They are now the managers of the Madera County Energy Watch Program. Mr. Kahn stated this is another program for small businesses where they can qualify for audits. They go in. The company will give them an audit and tell them what upgrades they could make to their business and at that point in time they'll give them an analysis of how much it would cost to do those improvements and then they'll give them a side-by-side analysis of the return on investment. How long it would take them to save that money. Mr. Kahn stated that most of the time when they do that analysis, the business will make that money back in usually six months or less.

Mr. Kahn referenced the Greater Madera County Industrial Association and stated that several years back they lost the Executive Director that managed that. They came to them looking for help. They manage that for them. They do all their financials. They do all their meeting minutes and they do all their agendas and line up all their guest speakers for all their meetings. They do that at no charge to them which is saving them about \$4,800 a year and it's saved them from having to do a dues increase to their members.

Mr. Kahn referenced the Tourism Alliance and stated they are active members on that. In fact, Ms. Herd has been the Chairperson of the Pomegranate Festival. He thinks, this is her third year running. The activity that their staff is involved here locally in the community..... Ms. Leonard is also the Chairperson of the Mayor's Prayer Breakfast and has been for probably the last 10 years. They try to not only do their job but they try to involve themselves in the community.

Mr. Kahn referenced the Eastern Madera County Chamber Alliance and stated that is something they helped form with three Chambers in Eastern Madera County to bring them together and to work together. They are all small Chambers. So instead of them all trying to do small little projects, they try to bring it together. They were able to get a grant for them to help them market Eastern Madera County and it's helped promote economic development and job creation in Eastern Madera County. It's been very successful. It's a low key thing. It doesn't make a lot of news but they are making things happen up there.

Mr. Kahn referenced the California Central Valley Economic Development Commission and stated they heard him talk about that. That is a regional group; the eight counties of the San Joaquin Valley. They meet once a month. The Madera County Economic Development Commission pays the dues out of their budget on behalf of Madera County and they sit as the representative for Madera County.

Mr. Kahn stated that the thing about the California Central Valley Economic Development Corporation is that unless you are an umbrella organization of Economic Development, you cannot be a member of that. The City of Madera cannot join. The City of Chowchilla cannot join. The County of Madera cannot join. The City of Fresno can't join. It has to be an umbrella organization. They do a lot of work together. It's a great organization. They can leverage their marketing funds so instead of eight of them going to the same trade show, they all go together. They spend the money once and then the leads that come back go through a consultant. They are spread out to them so no one County gets to see them first. It's a very good way of leveraging marketing funds.

Mr. Kahn referenced the Wye Madera County Coalition and stated he touched on that. It's the Heavy Maintenance. It's a facility. They've been doing a lot of work on that. It's been very active the last four or five months. They also act as the Fiscal Agent for that group. He thinks they are making great progress. Council Member Oliver, Council Member Medellin and he sees Supervisor Rodriguez in the audience; they've all been very active as well as Mr. Tooley and the CAO from the County.

Mr. Kahn stated that just tooting their own horn a little bit: Over the last several years they've been recognized by the California Association Local Economic Development. It's their State-wide organization such as their League of Cities or the California Association of Realtors or so forth. Mr. Kahn referenced the display and stated they can see the good looking gentleman in the middle was there representing the City of Madera this last year when they received the Award of Excellence for the Freedom Industrial Park project.

Mr. Kahn stated that concluded his report. He stated he told staff they needed to include their photos in the presentation to dress it up a little bit; add a little pizzazz. Mr. Kahn stated they do so much. He is always the guy that is behind the microphone. He's always the guy that's out front at meetings like this and the Board of Supervisors but Ms. Herd and Ms. Leonard are really just the worker bees. They keep everything going, keep everything organized and he couldn't do this job without them and he owes them a debt of gratitude. He has been on the job officially this month for 14½ years. Ms. Leonard has been with him all that time except for one month. She came on one month after he did. Ms. Herd has been with him for eight years. So they have a solid team going and they just love what they do. Mr. Kahn stated he would answer any questions.

Council Member Oliver thanked Mr. Kahn for coming out and speaking with them. Council Member Oliver stated he definitely would like to see reports like this in the future especially bi-annually or so. He is just curious on what Mr. Kahn is hearing out as he is at these different trade shows. He asked what Madera's barometer was for doing business here. He asked what some of the impediments are that folks may share with him as far as locating here into town or into the community.

Mr. Kahn stated he was going to address that on two sides of the equation. There's the industrial side and the commercial side.

Mr. Kahn stated that on the industrial side, most of the concerns they have are usually workforce concerns and cost of power. There is nothing they can do about cost of power. Mr. Kahn stated that what they've done is adjusted some of their marketing materials to represent the workforce area. They want them to understand that they are a regional workforce here. They can't just look at Madera County and say you have 152,000 people in Madera County so they are not sure they can handle their workforce needs. They've never had a workforce problem in this county. They've always been able to fill everything from the biggest need down to the smallest need for anybody coming in so they've been able to try to combat that. Power is out of their hands although they do have, with PG&E, an Economic Development Rate for somebody new coming in.

Mr. Kahn stated that on the commercial side, the biggest impediment they have there is their demographic. Their average household income is something they are always trying to overcome and trying to convince the retailers they are a stronger community than what sometimes appears on paper. So those are two of the biggest impediments they have.

Mr. Kahn stated that another issue that they have is not an impediment right now but one of the bigger issues they have right now in the industrial side is their vacancy rate is so low. On one side that is good. Their buildings are all full. Mr. Kahn stated their businesses are doing well but on an economic development side, when they don't have any buildings to show and they get proposals in for 50,000, 100,000, 200,000 square feet and they have nothing to provide them other than build-to-suit opportunities, it's a hard sell.

Mr. Kahn stated they tell them they can do build-to-suits and they can build 100,000 - 200,000 square feet in six months but Madera is unique in the fact that they can do that. They've proven they can do that.

Almost any other jurisdiction in the State couldn't make that claim. They've done it. They have a track history but these guys that are in Northern California, Southern California or sitting in the Mid-West, Chicago or on the east coast, they've been to California before and they don't believe anybody in California can build anything in six months.

Council Member Oliver asked if the vacancy is still at about half-a-percent (0.5%). Mr. Kahn concurred.

Council Member Oliver asked if he was seeing any interest from the building community as far as spec buildings.

Mr. Kahn stated they've seen a little bit from Span Construction. He meets with King on a regular basis and he keeps talking about but hasn't pulled the trigger. They've been out marketing that. The SOIR guys up in the Northern California Chapter have been pounding that for him and when he goes up there that's something he's been pushing really hard. They're starting to get his message so hopefully they can get a little bit of something going on.

Council Member Oliver referenced Freedom Industrial Park and stated that obviously they are very proud of that Industrial Center and proud to join him and their team at the CALED Awards. Council Member Oliver asked what type of interest was he receiving from folks with respect to.....

Mr. Kahn stated they've had a pretty strong flow of inquiries on that. Unfortunately, they haven't been able to announce any. He knows they have negotiations going on with Span Construction right with two other companies that are still at the confidential level. Mr. Kahn stated they had one company that the Mayor brought to them that they marketed hard not only for that park but other areas in Madera. They zeroed in at the end on that park. He thinks they'd be at that park if it wasn't for a piece of property that came up for sale immediately across the street from their existing facility. It almost made no economic sense to not buy that property and just expand over across the street. Mr. Kahn stated that to answer his question, he would say it has been relatively strong.

Council Member Oliver referenced Business Retention Efforts and stated that obviously he knows that they're always a phone call away and available to assist. Council Member Oliver asked if they were conducting any proactive outreach especially with businesses they feel might be poised for expansion or maybe to realize some vital incentives. Council Member Oliver asked what incentives are typically overlooked by a lot of businesses that they as Council Members could help inform or share information about.

Mr. Kahn stated they are constantly proactive. Again, the GMCIA (Greater Madera County Industrial Association) is like a mini Chamber of Commerce. Only industrial people can belong to it. Mr. Kahn stated they don't want any bankers and stated no offense to Mayor Poythress. They don't want any staffing people. They don't want any insurance salesmen. They go there, they meet and they talk about industrial issues. That puts them in front of that group every month. So they are sharing their issues with them and they are always out calling on them.

Mr. Kahn stated they have an expansion project right now. They're working with a local company that has asked to be confidential at this time but it would be a substantial expansion project if they can get the right site for them. That's been a little bit of an issue that they're overcoming. Mr. Kahn stated they have narrowed it down so they are locked in to one landowner and they're trying to see if they can get him to agree to sell the property.

Mr. Kahn stated they've helped numerous companies with expansion projects. Old Castle Precast is an example. They started off with one division out there and they can see that they've got that whole facility full now.

Mr. Kahn stated they've helped Azteca Milling on several avenues. They've helped Evapco on more than one occasion. They helped ADS on their project. Mr. Kahn stated he is sure he is leaving some out. They are constantly on top of that. They call on businesses regularly.

Mayor Poythress asked if there were any questions or comments.

Mayor Poythress stated that for reference, Council Member Medellin serves on the Board representing the City and he serves on the Board representing the Madera Chamber of Commerce so the City has a lot of representation there and they are well led in that effort by Mr. Kahn.

Mayor Poythress stated that he thinks during the recession times there were a lot of anxious people and where are the jobs and so forth but a year and half to two years ago the news came out that Madera County was one of the or the fastest growing manufacturing market for a small market in the nation.

Mayor Poythress stated the jobs were occurring; it's just that it wasn't any big company coming in and so forth. There was a lot of expansion going on. Paramount did come in but suddenly it was just like whoa and so thanks to Mr. Kahn and a lot of the efforts that they can see that are behind the scenes that aren't really aware to a lot of people. Mayor Poythress stated great job to Mr. Kahn and his team.

Mr. Kahn thanked Mayor Poythress.

Mr. Kahn stated that one of the things that gets overlooked somewhat too is that Economic Development doesn't start on a project today and then six months from now it's finished.

Mr. Kahn referenced the Mono Tribe as an example and stated that's been a 12 year project.

Mr. Kahn stated the Zelman project which he thinks some of them, most of them know about didn't occur but he has about six or seven years of blood, sweat and tears involved in that project as does the City staff. Mr. Kahn stated they all have the scars to show for that one. Mr. Kahn stated he is confident that someday that's going to happen.

Mr. Kahn stated there are a lot of projects that they work on that either don't come to fruition for some reason or they're shortlisted and they work like crazy to make them be the site that is picked and then they are not the one that is picked but it doesn't mean that it was from lack of effort. Mr. Kahn stated it's usually because of something like a power issue or some other issue and sometimes they've lost projects just because the guy that is going to be running the facility was the decision maker and he wanted to live in Visalia rather than Madera. So they've got those issues. They never know how a decision is going to be made but there is a lot of time and effort put forth in those types of jobs as well.

Council Member Medellin stated that was a good point. Council Member Medellin stated that sometimes as a Council they are graded by the number of Targets or In-N-Outs that they have in the City and it's certainly not for lack of trying.

Council Member Medellin asked that Mr. Kahn share some of the stories that he's shared with them as Board members on what that criteria is because if it was up to them, obviously, they would have those retail stores here.

Council Member Medellin stated the things that are beyond their control like the demographics and median income are simply especially since the recession.... It's been a very cut throat business to try to get people to come not only to Madera County but counties up and down the State of California. Regulations play a role as well especially with industry. It's been very difficult. Council Member Medellin asked again, for just some of the criteria or some of the things that some of these big stores or retail chains are looking for.

Mr. Kahn stated that shifting over to that side of the equation.... Like he said, there are two sides. They have the industrial side and then the commercial side and a lot of people lump all that together but it is two very distinct, different markets or different areas of real estate.

Mr. Kahn stated that on the retail side and that is the side that they know as a Council person that is what everybody wants. When they come up to them, they don't come up to them and say we want this glass facility out there at Deerpoint. They come up to them and they want an In-N-Out. They want a Starbuck's.

Mr. Kahn stated that when he first came and took this job, there was no Starbuck's in Madera at all and the first thing somebody told him was if he got a Starbuck's in Madera, you're golden, you're good forever. Now they have two or three of them and people are still on his back. Memories are short but anyway, it's just humor. It's what you see.

Mr. Kahn stated that going back to his question. They look at areas like population. They look at household income.

Mr. Kahn stated they are working with one right now where they had to do a report on new housing starts. So what they did, with the help of City staff which again he can't praise their staff enough on how they assist them..... He knows that when the phone rings for Community Development Director Dave Merchen, Planning Manager Chris Boyle, City Engineer Keith Helmuth and Chief Building Official Steve Woodworth and they see his phone number on there, he thinks they shiver because they know something is coming their way.

Mr. Kahn stated they put together a report and they not only talked about the housing starts but they talked about how the infill is filling up. That is going to be pushing some of the subdivisions that were on the books that never came to fruition at the time of the recession. So those new subdivisions are going to start popping out.

Mr. Kahn stated they don't just send them a report that says here's how many building permits were pulled last year. This is how many were pulled in 2016. They want to go beyond and paint a better picture because that is what they are looking at. They want to see the growth of the City. They want to see the potential. They want to see what's happening in this County and the positive influences that are happening.

Mr. Kahn stated he talked to Applebee's several years back and they were negotiating on a site here in Madera and the guy was just talking to him and said one of the things they are very careful about, where he's asking him advise on was where they should put that building. They want to put it where the town is growing and they want the growth to continue towards them. They don't want to invest \$5 million and then have the City grow away from their location.

Mr. Kahn stated those are all things they're looking at.

Mr. Kahn stated he met with the Target real estate manager for the western United States last May and the good news is they met one-on-one and he told him that if it was up to him, they would have a Target store in Madera. He said Madera needs a Target store and he said he is convinced of it and he knows it would do well. He said he can't convince the people back in his home office.

Mr. Kahn stated that as they sat down. They developed a strategy. They talked about the Love's Travel Center. They talked about the Casino. The talked about some of the other things that are happening in the City and out on that Avenue 17 corridor. He said to meet again when the Love's starts breaking ground and the Casino starts breaking ground. So they just decided that no matter what they are just going to meet again at the end of the year and talk about what's happening and give him a fresh update. He wants bullets that he can use to convince his people.

Mr. Kahn stated they have areas like minimum population. Sometimes they go talk to somebody at these companies and they'll ask how many people are in the community. The City of Madera has 62,000 and they'll say they don't look at anything under so many.

Mr. Kahn stated he talked to IKEA just for fun. He knew they weren't going to touch the area but they told him they'd have to have 2 million people. Mr. Kahn told him they could be the center of the San Joaquin Valley and how is that.

Mr. Kahn stated those are some of the criteria. Some of them are attainable through work and stretching and doing market surveys and drive time surveys for them. Other ones, they know they just can't come close to what they want.

Mr. Kahn stated they are welcome to stop by any time or if any of the Council Members want to go on a personal tour. Mr. Kahn stated he can't necessarily get them in the facilities but they can certainly drive them around, show them and discuss what's going on with some of the manufacturers. Mr. Kahn stated if they have any questions about certain particular areas of the City or the County, they can certainly do that for them. They are happy to do that. Mr. Kahn thanked the Council.

B. CONSENT CALENDAR

- B-1 Minutes – 6/15/16
- B-2 Information Only – Warrant Disbursement Report
- B-3 Weekly Water Conservation Report 10/3/16-10/9/16 (Report by Dave Randall)
- B-4 Consideration of a Minute Order Rejecting a Claim filed by Abelica Sanchez (Report by Wendy Silva)
- B-5 Consideration of a Resolution Approving Submission of an Application to the State Department of Parks and Recreation for Grant Funds Relating to Madera Sunrise Rotary Sports Complex (Report by Mary Anne Seay)
- B-6 Consideration of a Resolution Approving Additional Part Time Positions and Supplies for the Infrastructure Condition Assessment Project and Amending the Fiscal Year 2016-17 Sewer Budget and Appropriating Funds to Specified Sewer Fund Accounts (Report by Dave Randall)
- B-7 Consideration of a Resolution Authorizing Participation in the State Interagency Intercept Collections Program and Authorizing the Mayor to Execute the Intent to Participate and Any and All Documents Necessary to Facilitate Participation in the Program (Report by Brent Richardson)
- B-8 Consideration of a Resolution Approving Attorney-Client Fee Contract with the Law Offices of Gregory L. Myers and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Brent Richardson)

Mayor Poythress asked if there are any items on the consent calendar that a Council Member would like to have pulled for further discussion. No requests were made.

Mayor Poythress asked for a motion for action.

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

- RES. NO. 16-163** **A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING SUBMISSION OF AN APPLICATION TO THE STATE DEPARTMENT OF PARKS AND RECREATION FOR YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT FUNDS RELATING TO MADERA SUNRISE ROTARY SPORTS COMPLEX**
- RES. NO. 16-164** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA MENDING THE FY 2016/17 ANNUAL BUDGET TO INCREASE EXPENDITURE ALLOCATIONS IN THE SEWER FUND BUDGETS TO INCREASE THE ALLOCATION NECESSARY FOR THE INFRASTRUCTURE CONDITION ASSESSMENT PROJECT**
- RES. NO. 16-165** **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING PARTICIPATION IN THE STATE INTERAGENCY INTERCEPT COLLECTIONS PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE INTENT TO PARTICIPATE AND ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE PARTICIPATION IN THE PROGRAM**
- RES. NO. 16-166** **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN ATTORNEY-CLIENT FEE CONTRACT WITH THE LAW OFFICES OF GREGORY L. MYERS AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

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

There are no items for this section

D. WRITTEN COMMUNICATIONS

- D-1 Consideration of a Request from the Madera County Public Health Department for Appointment of Council Members to Serve on the Communities of Excellence Needs Assessment Group for Tobacco Control (Mayra Miranda)

Mayra Miranda with Madera County Public Health Department stated she just wanted to talk to them a little bit about Communities of Excellence. It is something that the Madera County Tobacco Control Program does every three years. It is a systematic assessment of tobacco control related needs and to assess the capacity of their community. It helps the program set priorities as well as develop a meaningful plan of action to address tobacco related issues and needs in the community.

Ms. Miranda stated that she and her colleague Debra thought that since they've worked so well with the City, they would like to invite the City to participate in this community needs assessment. They are asking for a two meeting commitment. One is the assessment phase. The other is the priority setting phase. Ms. Miranda stated they would really love City input just to continue the partnership. Ms. Miranda stated she would be happy to answer any questions.

Council Member Oliver stated he doesn't have too many questions. He just wanted to thank Ms. Miranda and Debra for being very proactive and for engaging their Council. Council Member Oliver stated this group is obviously very important to their community.

Council Member Oliver stated he wanted to make a suggestion as far as appointees to serve on this body if it was ok with the Mayor. Council Member Oliver stated that although he would love to participate, his 9:00 a.m. to 5:00 p.m. job would keep him from doing so, but he does know that a big part of their effort essential to it is their young people and the impact that tobacco related issues might have on their students. He would suggest the three individuals that work with the youth on a day-to-day basis and that would be

Council Member Foley Gallegos, Mayor Pro Tem Rigby and Council Member Holley if they would be interested.

Mayor Poythress asked if there was a measure of interest from the three individuals that were mentioned; Council Members Holley, Rigby and Foley Gallegos.

Council Member Holley stated he is already on the Board. He has been working there for the last couple years that they started.

Mayor Poythress stated that was one.

Council Member Foley Gallegos stated she's seen the lady's presentation and it's great and she would love to be on the committee.

Mayor Pro Tem Rigby stated they should sign him on.

Council Member Medellin stated he would like to take a few minutes and thank Ms. Miranda and Debra for being there. They have some valuable information that they can use, not only as a Council as a City, but as a County because this information does not stop at the City line. It does not stop at the front door of a convenience store or of a school. This is a growing issue with large concern. He, too, thanks them for being there and including the City in their efforts and applaud their efforts for what they've done so far.

Ms. Miranda stated they would be in touch then and asked how that works.

Mayor Poythress stated she would just reach out to the three individuals that were mentioned. Mayor Poythress stated she could probably work through the City Clerk to contact them.

E. ADMINISTRATIVE REPORTS

E-1 Discussion and Consideration of Potential Consolidation of the Parkwood Water System with the City of Madera Water System; and

Consideration of Authorization, by Minute Order, for the Mayor to Sign a Letter Directed to the State Water Resources Control Board (Water Board) Stating the City's Intent to Negotiate a Consolidation Agreement with the County of Madera and the Water Board Addressing the Parkwood Consolidation Project; and

Direct the City Administrator to Work with Madera County and Water Board Representatives to Negotiate Terms of a Consolidation Agreement for Consideration by the City Council (Report by Dave Randall)

Dave Randall, Public Works Operations Director stated they are back again talking about Parkwood.

Mr. Randall stated Council probably knew that the State has desired for quite some time for the City to take Parkwood under their wing and consolidate it with the City. Previously, they'd talked quite a bit with the State. They had some low interest loans that they were offering but nothing really jelled. The City and County have been talking about incorporation and other issues that they share in Parkwood for some time but that has been an on-going process.

Mr. Randall stated that for anybody who doesn't know, Parkwood is in the southern portion of the City. It is contiguous with the City. It is right off Highway 145 and Pecan Avenue.

Mr. Randall stated that within the Parkwood area there are two particular facilities that are important.

Mr. Randall referenced the display and stated they can see a tie where they City can provide Parkwood water. In the past when they've run out of water they can provide it. They obviously have plumbing mains that go around the perimeter as well as so it would be a fairly reasonable way to consolidate. Mr. Randall stated the existing facilities on the site are shown in the center.

Mr. Randall stated originally, Parkwood had about three wells and they have deteriorated over time. They are down to one minimally producing well. They more recently put in a 250,000 gallon above ground tank to help with some of the demand and fire service issues and that has helped them.

Mr. Randall stated what has changed is SB 88 got approved in 2015. That authorizes the State Water Board to order consolidation of a system where there is a disadvantaged community that is failing to produce adequate water and there is an adjacent viable water system, which is what they have here.

Mr. Randall stated that last December, the State requested that the City and County voluntarily negotiate it and as they know they have been talking for quite some time and they continue those talks. In June, they received another letter from them directing them per the new SB 88 to negotiate with the County and try to come to a consolidation agreement within six months. Mr. Randall stated they continued their discussions with each other and the State met with the County and they came and met with them as recently as August 22nd. They have a lot of things they agree on. There are a lot of details obviously to be addressed.

Mr. Randall stated the State held a public meeting with the Parkwood residents and talked to them a little bit about their needs. That was last September 14th. He believes they had two Council people in attendance.

Mr. Randall stated in general, the basic concept is a "no harm, no foul" premise. The State is willing to fund improvements that need to be made to bring the Parkwood system up to speed. Mr. Randall stated that in the City's negotiation with the County, they jointly previously funded a study that looked at not only the water but the sewer, the streets and all the infrastructure there. In that study, water improvements were over \$2 million so it is a considerable amount of investment. Again, the basic assumption is that the State will be able to provide the funding so that those improvements can be made so that if the City were to take it over, it wouldn't be a liability.

Mr. Randall stated the devil is in the detail. The particulars on how you do that is important. They want to make sure that things actually happen. It's a great idea but getting it across the goal line is a little different. What they want to do is come up with some points about what they want to make sure they get in an agreement. Mr. Randall stated they were going to go over them real quick.

Mr. Randall stated first of all, the system wouldn't be consolidated until after the improvements are in. Just having the funding in place is a good idea and they know where there is some funding but it doesn't get them across the finish line. Things can happen during construction that change the game. The whole rafter beginning can go wrong so part of it is they want to make sure is they'll be glad to take it over when they actually get there.

Mr. Randall stated secondly, all the improvements need to meet or exceed the City standards. If they put things in at a lower standard, it can increase their operational expense and they don't want to have somebody with a lower service, lower pressures or lower expectation of services. They want to make sure it's the City's standards not just a general State or County standard.

Mr. Randall stated the point is they need to do it so it doesn't affect their service level. This shouldn't adversely impact them so that there's more demand on the surrounding neighborhoods. Currently, they can serve them but it does have some stress to their system when they do that. The provisions that are already in place and are moving forward with the State and the County would alleviate that. They are moving forward with efforts to put in another well so that would be the type of thing they want to make sure actually happens so they are not stuck with one well that has some problems.

Mr. Randall stated that when they do combine the systems, they want everyone to understand that it is not going to be a step-child or something that is differential. They become a rate payer just like their other rate payers. They're coming in without a liability so they don't owe them anymore and we don't owe them anything more.

Mr. Randall stated the rates would be the same rates their current payers pay. Right now, Parkwood pays \$27.06 a month for a Single Family Residential plus they pay an additional \$7.00 for capital replacement. That is for both sewer and water. The City's rate is \$23.10 so they are not too far apart but it doesn't look like if they brought it in to their side it would likely be more. Although, that is quite a way down the road so rates can go back and forth.

Mr. Randall stated obviously, it's not just that the system is there but they don't want to assume any significant debt or liability so that is why they are talking about improving the deficiencies. They don't want to see some operational expenses that suddenly build up and next thing you know they have a negative or debt service that they have to pick up with it.

Mr. Randall stated obviously, they need to be able to access that system and work on it and they need to have the ability to go and make repairs, etc. without having to re-pave somebody's street other than what you normally do. You always have to patch. Unless annexation were to happen to occur with it, this deal isn't based upon that, but if it happened to occur with it they would need the easements and things necessary so they can get in and provide the services.

Mr. Randall stated lastly, they want to make sure the State is a party to the agreement. They don't want to get down the road and find out that the City and County agreed but the State's got a different rule today or they're not going to see it that way and they don't care what they say but they don't get this. They all need to be on the same page and they believe they are going that way. So far, he can say that the County and the State have worked in a good faith effort but good faith really should result in good documents.

Mr. Randall stated what they are asking for tonight is a minute order to authorize the Mayor to sign a letter identifying the City's intention to negotiate an agreement and to direct staff to work with the County and the State to negotiate it based on what staff has presented in the report.

Mr. Randall stated he would answer any questions. He stated they also have representatives from the State; Cathy is here and Phil from the County is there as well if Council has questions for them.

Council Member Medellin stated that Mr. Randall mentioned consolidation would not happen after all repairs are made so in the event the State does not provide full funding and asked if he was to assume that the County will then pick up whatever is left. Council Member Medellin asked if that was the agreement.

Mr. Randall stated that is the basis. They're suggesting that they negotiate. Staff is asking Council for direction on what the basis is and staff is saying that should be the deal point.

Council Member Medellin stated he agrees. Council Member Medellin asked how this affected the City's conservation efforts with the State. Moving forward they can have a very wet year or if they tend to have a couple more dry years with the State tightening the belt on conservation efforts. This now throws a monkey wrench into their 2013 water usage.

Mr. Randall stated they do adjust their number based upon population and if they do an annexation but the ratio probably is going to be nearly the same. The numbers will come up. They obviously, will have to produce more water if they have more customers. Mr. Randall stated that right now they don't have a conservation requirement as they know but very likely that will come back maybe in February or March.

Council Member Medellin stated this isn't necessarily an annexation per say just yet, this is.....

Mr. Randall responded that it isn't but that it would be a part of their water system. It is an annexation into the system but not incorporation into the City.

Council Member Medellin responded so long as that was defined.

Council Member Foley Gallegos stated she had a couple of questions. She asked how many gallons this well was already pumping for their City residents.

Mr. Randall asked if she was referring to the well in Parkwood.

Council Member Foley Gallegos stated the well that they were going to hook up to Parkwood.

Mr. Randall stated it is not just a well; it's a system. Right now, they have one point of connection. All the wells work together so there is not a particular amount of water that is flowing. Right now, he believes and maybe Phil can verify this, he thinks their well produces in the range of maybe 600 gallons per minute; that type of capacity. That's why they are putting an above ground tank. It may actually be lower than that. He doesn't want to throw stones but that is not a very good producing well.

Council Member Foley Gallegos stated that what Mr. Randall is saying is that it is not going to affect the pumping for their City residents when they hook up with Parkwood and the water pressure is not going to be affected.

Mr. Randall responded in the negative and stated that was based on the fact that they are going to add a well. Now a well, depending on how it comes in, can range in its production. 600 would be way low. It would probably more likely be around 800 to 1,200 gallons per minute. It would be nice if it was 2,000 but there are a lot of different variables and they have to study locations. They'll do a hydrology study as to where the best place to put it in their system is, etc.

Council Member Foley Gallegos asked if they come up with a second well, who was going to maintain that; the City or the County.

Mr. Randall stated if they're consolidated that.....

Council Member Foley Gallegos stated that would be the City. She asked if they have the manpower to maintain another well or are they looking to hire someone else.

Mr. Randall stated that going from one more well probably wouldn't create that much of an increase. They have larger long-term infrastructure goals which include above ground tanks for the City. There are a number of things but it wouldn't....and again, more people means more revenue. In that revenue is the money for staffing so while it's a relatively small increase, it's not un-mitigated by the revenue they receive from their rate payers.

Council Member Foley Gallegos stated Mr. Randall spoke about the decisions that are being made with their committee and their staff. She asked who of City staff is on the committee.

Mr. Randall stated that obviously, they have City Administrator David Tooley, Community Development Director Dave Merchen, himself, City Engineer Keith Helmuth and they draw from anybody. Mr. Randall stated Finance Director Tim Przybyla will often give them good financial information. They are a great team. They collaborate quite well.

Council Member Foley Gallegos stated she knows the County has their Sewer Water operational person involved in this. She asked if the City had theirs involved in that also.

Mr. Randall responded affirmatively that Water & Sewer Operations Manager Danny Martin is involved as well.

Council Member Holley asked how far away they were in obtaining this district.

Mr. Randall stated the process can take quite some time. Not so much where concepts might not jelled a lot quicker, but working through grants particularly state grants can be quite long. Probably, one of the first things that they'll be doing will be a study the State will want before they give them construction grants. That study is probably at least 18 months then they'll have a construction grant. Probably 36 months. Mr. Randall stated they can see quickly that they're talking maybe as much a five years out before they're likely to take over control and care of the system.

Mayor Pro Tem Rigby stated that once improvements are made, the delivery of the services will not be considered inadequate any more. Mayor Pro Tem Rigby asked if the State Water Board would still ask or request that the City take on Parkwood as being deemed inadequate.

Mr. Randall stated that is part of the discussion that they need to have with the State. It's one of those chicken and eggs things. You fix the problem so it's no longer a problem but you wouldn't go there if you didn't fix the problem so....

David Tooley, City Administrator stated that his understanding is that their ability to access the financial assistance is contingent upon so once they start down this path they should do so in good faith.

Mayor Pro Tem Rigby stated he agrees and mentioned for the record that with SB 88 and the State Water Board making it very clear that they would like the City to cooperate with the County, he finds it within the best interest of the City that they do so now before the State comes in and does it for them. It is nice to have a seat at the table to be able to discuss the parameters in which this decision needs to be made.

Council Member Oliver stated if there is outstanding capital debt with Madera County Maintenance District 19, he imagines it would be the responsibility of the State or perhaps the County to address that. He asked if there had been any commitment so to speak.

Mr. Randall stated he doesn't think they've gotten down to those details. They've talked in general about those issues. They've asked some questions about there being any major outstanding debt and that hasn't been totally clarified. They don't believe there is a major issue. Mr. Randall stated that again, they are talking grants. They are not talking loans.

Mr. Randall stated they want to make sure that point is settled because if they run operating losses for five years, he doesn't want to take over something when there's no reserves left. Maybe they are in arrears. Maybe they start taking loans from their other districts. They don't want to be there. Mr. Randall stated he thinks that is something that makes sense and they just have to make sure that is part of a detailed comprehensive agreement.

Brent Richardson, City Attorney stated the statutory scheme actually contemplates that there won't be an impact to the rate payer necessarily. If they did assume a debt that would obviously mean there would be an impact to the rate payers so he thinks part of the whole process is going to involve resolving that in some form or another without the City picking up the tab before it finally happens. That is actually in the language of the statute.

Council Member Oliver stated he thinks so long as there is no new net cost on City rate payers and with the deal points they've outlined here, he thinks it is prudent and pragmatic to come to the table and negotiate or discuss with their County and State colleagues. He would like to recognize Supervisor Rodriguez who is there today with his Chief of Staff, Letty Gonzales. Council Member Oliver stated he knows Supervisor Rodriguez has focused a great deal of effort toward Parkwood and Madera County Maintenance District 19 and he is confident that with Supervisor-Elect Poythress that they'll be able to have two great partners to work with the City to continue to foster that dialogue.

Mayor Poythress stated his confidence will be rewarded.

Mayor Poythress asked if and when Parkwood becomes a part of the City of Madera water system, will they be subject to the same water restrictions and so forth and water patrols.

Mr. Randall stated that would be something they would ask to stipulate. He doesn't think it's difficult to do. There is a little bit of an issue in terms of..... Their authority is through the Police powers. That is a legal thing they've been talking a little bit about but the intention is right. He doesn't think it's a policy problem but they have to figure out how they can make that work legally.

Mayor Poythress stated that if there were no further questions, he would ask for a motion for action.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM E-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

Mayor Poythress stated that it also asked for direction to direct the City Administrator to work with Madera County and the Water Board. Mayor Poythress asked if that was part of the motion or if it that was a separate motion.

Mr. Tooley stated it sounded like a legal question but absent that, yes he understands he should go do it.

E-2 Request for Direction Regarding the Preferred Method for Providing Landscape Maintenance Services to Median Islands and Other City Facilities; and

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

John Scarborough, Park Planning Manager stated he doesn't do this often enough to get used to it, so he is nervous and asked that they bear with him.

Mr. Scarborough stated they were going to talk about median islands and City facilities' landscape maintenance. Mr. Scarborough stated they've had talks similar to this in the past. This particular situation is slightly different and he hopes he can do a good job in demonstrating what the differences are in order to lead them to the proper decisions.

Mr. Scarborough stated staff presented an item at the September 7th Council meeting requesting approval to enter into an agreement with Evergreen Lawn Care & Maintenance Company to provide landscaping maintenance services to City medians and facilities. Facilities are areas such as City Hall, the Frank Bergon Senior Center, the City corporation yard; that sort of thing.

Mr. Scarborough stated Council requested staff analyze additional information relative to different service delivery methods and present them at a subsequent meeting. Mr. Scarborough stated staff has analyzed two distinctly different service delivery methods and is seeking Council direction.

Mr. Scarborough stated that the decision point or business decision before Council that night is whether to contract out landscape maintenance services or assume control of maintenance activities utilizing the Parks and Community Services Department staff. Within the two models, various factors were analyzed including cost, quality control, risk management and community impact. Each alternative has distinct advantages and disadvantages.

Mr. Scarborough stated an RFP or Request for Proposals for landscape maintenance services was circulated and responses received by staff. Six responses were received. One firm was local to Madera. An additional local contractor had expressed interest early in the process in submitting a bid but ultimately

did not. The six contractors passed the initial review and were passed along to the Rating Committee. The committee rated the submittals using the following criteria of personnel, experience, approach to work, references and ultimately, the cost to do the work.

Mr. Scarborough stated proposal costs range from approximately \$161,000 per year to \$362,000 per year. The submittals demonstrated strengths and weaknesses of the various companies. As an example, while the low bidder scored well based on cost only, they scored quite poorly in the areas of references, approach, etc. While the high bidder scored poorly based on cost, they scored well in the areas of personnel and experience but required sections of the RFP submittal were missing.

Mr. Scarborough stated that after careful consideration, the review panel scored the bid proposals as follows: Evergreen Lawncare and Maintenance - #1, All Commercial Landscape Maintenance - #2, Jakusz Property Maintenance - #3.

Mr. Scarborough stated that from a strictly financial prospective, it is typically more cost effective to outsource landscape maintenance in the public right-of-way. This is usually due in part to the high cost of equipment and facility acquisition and maintenance. Working in median islands and other areas within the right-of-way presents risk to staff. Contracting out this work effectively transfers these risks from the City to the contractor. Minimum oversight is usually required in this scenario. This will result in staff being able to focus in other needed areas such as park maintenance, tree care and capital improvement projects. In this scenario, the costs are fixed and predictable for the life of the contract.

Mr. Scarborough stated paying contracts to perform this work could potentially result in the loss of local tax revenue in the form of annual fees paid to contractor. Contractor's employees may reside in communities other than Madera potentially resulting in a loss of sales tax revenue. Response times to emergencies and quality control can suffer. This is specific to each individual contractor. It is not the case across the spectrum of professional companies.

Mr. Scarborough stated all cities have had experience with contractors doing sub-standard work. In those cases, they require a lot of staff oversight.

Mr. Scarborough stated there are several benefits to keeping landscape maintenance services in-house. Chief among them, is increased quality control. Local control of the workflow will also likely result in faster response times in the event of an emergency. Internalizing this work may increase the chance that Madera citizens would be employed and may provide a positive benefit to the local economy. These benefits are difficult to quantify as it is unknown how many new employees may actually reside in Madera. At a minimum, staff sees a potential for improved commitment to service and community pride.

Mr. Scarborough stated the high cost of equipment acquisition and the fact that nearly all start-up costs will be borne by the General Fund is a significant down-side to internalizing this work. The Parks Maintenance Division currently lacks space to expand these maintenance activities. This is physical space meaning areas to park trucks and house staff and that sort of thing. Keeping the pool of part-time employees full of qualified potential employees requires significant effort from the Parks' administrative team and the Human Resources Department.

Mr. Scarborough stated significant oversight by administrative staff will likely result in the reduction of time currently devoted to other activities such as capital projects and grant opportunities. Other departments such as Fleet, Human Resources and Finance will likely be impacted as well.

Mr. Scarborough referred to the display and stated it was a cost comparison. He didn't know if they wanted to go line by line. He stated he has a couple of slides after this that breaks down what is on the page. Mr. Scarborough stated if everybody was good with it, he'd just jump to those and he can always go back to this.

Mayor Poythress stated they were good because everybody thoroughly examined this last week also.

Mr. Scarborough stated he was sure there are a lot of questions and they want to get to those.

Mr. Scarborough stated that if internalizing operations, staff estimates first year start-up and operating cost to total approximately \$351,000. These costs are made up of staff hours and associated benefits; what they call a fully burdened rate, fuel, maintenance supplies and the cost of acquiring the new equipment to successfully perform the work. Costs drop significantly in year two to approximately \$270,000 then begin to rebound in years three through five to \$276,000, \$287,000 and \$320,000 respectively. Cost in future years are estimates as many factors can and likely further negatively impact the estimated cost for each year. Some of these are increases in CalPERS, medical benefits and increases in the minimum wage.

Mr. Scarborough stated the cost in the first year of the proposed contract and each subsequent year up to five years is \$176,640 a year. Mr. Scarborough stated these costs are fixed and predictable. Although very small increases or decreases can occur due to natural disasters, accidents and other factors.

Mr. Scarborough stated the FY 16-17 adopted General Fund budget has an operating loss of approximately \$1.4 million. While City staff are working to reduce this number, contracting this work is less likely to exacerbate this situation beyond what is already known and predicted in this year and coming years. Mr. Scarborough stated he would answer any questions.

Council Member Foley Gallegos stated that in the Salary and Benefits section it indicates \$86,000 and asked if that is for two full-time people or one.

Mr. Scarborough stated he doesn't have that chart in front of him. He stated that this is a totalization. Mr. Scarborough stated that if they look in year one, the \$222,018 is a totalization of full and part-time.

Council Member Foley Gallegos asked how many full-time were they looking at.

Mr. Scarborough responded there were two and then two full-time equivalent of part-time which really ends up being about four part-time people. The reason that it works out that way is that with their part-time people are limited to 1,000 hours per year so it ends up being about four people.

Council Member Foley Gallegos asked if they were looking at a team of six.

Mr. Scarborough responded affirmatively and stated that not all at the same time because in order to get through a year they have two full-time people and two part-time people in the first six months of the year and then in the second six months it would be the same scenario. It is six people but not six people year round.

Council Member Foley Gallegos asked if this team will be working together like their other teams are on the zones.

Mr. Scarborough stated this is a completely different program. They don't want to intermix them. Mr. Scarborough stated this is actually what he alluded to early on. The fact that this scenario is a little bit different than what they've discussed in the past. The example that he was referring to is the zones. The zones is a complete different animal in that the people that receive the benefit pay for it. This is different in that the people that receive the benefit kind of pay for it but it all gets channeled through the General Fund. Mr. Scarborough stated zones would be separate. This would be a stand-alone program although it would have an impact on the Parks' Leadership Team.

Mr. Scarborough stated that the way that they currently have it set up is that they have two Park Worker III employees which are in the middle of their ranking group. They are high level enough that they can direct staff but not so high that they start to get in the supervisory areas. Mr. Scarborough stated they will rely on their existing Park Supervisor to help direct traffic to some degree. They need to minimize that to the

greatest degree possible because he is pretty stretched right now. He is doing some work in the zones and then obviously their parks maintenance activities continue to grow every year.

Mr. Scarborough stated that in fact they are getting ready to grow again now. They have five capital projects that are just about to be completed. Four of which they will be taking over internally and maintaining. That is the Laurel Trail, the Successor Agency's Riverwalk project, the Knox Park project that they just dedicated last week and the new Centennial Park project.

Mr. Scarborough stated that the last two projects are interesting in that they have playground components and restroom components. Those in their book are some of the highest level work they do. They touch those every day whereas median islands and that sort of thing they can go weekly.

Council Member Foley Gallegos asked him to help her understand. She asked if this team of six are going to work together on these properties.

Mr. Scarborough responded affirmatively and stated they are a team but they will leave in separate vehicles and go to different areas in town. They won't all go to the same site together.

Council Member Foley Gallegos stated she looked at some of the sites. The Mexican American Center on Columbia Street; \$250 a month for a little area. The West Side Youth Hut; \$300 a month which it really doesn't need that much for that. The Mainberry, 3rd and Westgate; \$1,300 a month for a drip site; the median islands. They're all drip and there's nothing really to be maintained on there but they are going to be paying a contractor \$1,300 a month for something that is not maintained. The Police Department has a little bit of grass, one tree, a few plants; \$230 a month. That's a lot. Maybe if they hit it once a month and in the winter seasons she doesn't see it. The Ren Way cul-de-sac; \$170 a month and the residents say they see the company there maybe twice a year if they are lucky and here they are paying the company \$170 a month. That is her concern there.

Council Member Foley Gallegos stated that a lot of the properties that are listed here, in her opinion she doesn't see that they would need two full-time people to run that. She stated if that was the case and they cut down this amount they would be pretty close to the bid amount the contractor Evergreen Lawn Care & Maintenance, Inc. came up with.

Council Member Foley Gallegos stated if they look at the capital outlay for the second, third and fourth year they're not putting any money into that which saves the City almost \$175,000 in those three years without coming up with capital outlay and she included the increase in the salaries for the three years.

Council Member Foley Gallegos stated if they could have Campfire go out and do one of these she would just love to give them the check but that's impossible.

Council Member Foley Gallegos stated she just can't see the City contracting out for properties that don't need maintenance every month like the median islands at \$1,300. The drip water sprinklers don't need to be repaired, nothing needs to be mowed or edged. They have a tree service that takes care of that. She is not clear on that and asked that Mr. Scarborough help her understand that.

Mr. Scarborough stated that the first couple of facilities that she mentioned, the Mexican American Center, Youth Hut all have something in common; it's turf. Whenever they have turf particularly at a visible facility like the Youth Hut it needs to be touched nearly weekly.

Mr. Scarborough stated where they can get away with differing levels of service are specifically just planter beds and they can do things such as controlling weeds through chemical control or chemical applications, trimming shrubs and they don't have to necessarily come back for a month with one caveat and he'll get back to that.

Mr. Scarborough stated that in regards to turf, everybody who has a yard knows that they pretty much have to mow it weekly. The sprinklers are a problem. If you don't mow it weekly, and they've experimented with this and it's been something he's been doing this for 30 years and he's seen it time and time again, the first thing they hear is to go to every other week on turf and that will save them 50% of the cost or 50% of the time or what have you. It doesn't work that way and the reason being is that if you skip a week, when you come back there's nearly twice as much work to do. So whereas it would take 30 minutes to unload the mowers and blast through a lawn and everybody loaded back up and go, now it ends up taking 45, 50 minutes or whatever and when they're talking about an industry where minutes count, that's substantial.

Mr. Scarborough stated the other caveat is the irrigation systems. People see the drip lines in the median islands and the dead grass and they believe there is nothing to do there. They did it that way for a reason. There were other communities that permanently retrofitted their median islands at great cost and great effort and the City needed to do it quickly and they don't know what is on the horizon and so they thought let's get this thing done as quick as they can with the least amount of effort and money spent. So they put the drip tubing in and frankly it's been a great success.

Mr. Scarborough stated the beauty of the way they did it is now they have the option of either going back to the old school way which likely is not going to happen or ultimately they can make it permanent.

Mr. Scarborough stated one by-product is that the drip line is relatively fragile and he does continue to get a fair number of calls where every time the gardeners go out they hit an emitter or they bump a tube and they cut a tube or what have you and the water is blowing all over the place.

Mr. Scarborough stated that everywhere there's an emitter there's a big green spot. Grass grows a foot tall in a week's time and so all of those things still need to be addressed. It's not quite the level of service that it required previously but it still needs to be serviced.

Mr. Scarborough stated there are some median islands where there are no green spots. The reason being is those are islands that the City maintains and their staff as opposed to going out and weed eating those green spots down are spraying it. So they just get a car and drive by and they spray it and it turns brown like everything else and you can't tell where the emitters are.

Mr. Scarborough stated lawns are tricky and there is still a fair amount of work that is required within the median islands.

Council Member Foley Gallegos stated \$1,300 a month for those islands is..... She asked how they made the contractor accountable such as in the Ren Way cul-de-sac. They've been seen twice in a whole year where the City was being charged \$170 a month.

Mr. Scarborough stated they have in instances where they've demonstrated the contractor has not performed satisfactory. The current contractor, the one they are trying to replace, they withheld payment to the contractor and they have records that demonstrate that. As far as the cost for the individual piece of land within the bid, the contractors when they bid look at this as a package and staff does try to break it up and there are a couple of reasons they break it up.

Mr. Scarborough stated their intent was to help local contractors that didn't have the resources to take on the whole thing as a project and be competitive in one area and for the City to award a portion of it. It's a business decision that the contractor makes; that this is the bottom line to perform all this work in the City of Madera. Staff does not have the ability to go back and say this one is too high. If they did, staff would likely find that there are several that are probably too low because they miscalculated square footage or what have you but they hope that at the end of the day it all equals out.

Council Member Medellin stated there were a couple of things that Mr. Scarborough could help him out with. Earlier Mr. Scarborough had said oversight is minimal but yet with the contract he said they had problems with in the past. Council Member Medellin asked if that was because the oversight was so

minimal that they didn't really keep on top of their poor quality. He's assuming that it probably falls on Mr. Scarborough personally as far as oversight and that he's spread very thin.

Council Member Medellin stated he wants to talk a little bit about oversight but at the same time he wants Mr. Scarborough to throw in the answer to fixed costs because he thinks there are a lot of variables in the landscape maintenance; broken sprinkler heads or broken pipes. Roots get into the pipes. Council Member Medellin asked if it was the responsibility of the City or do they pay the contractor for additional work that is done.

Mr. Scarborough stated he would address the first question first. In his tenure here they've had three different contractors. Two were doing zones. One was doing the medians. Two of the three contractors were bigger companies, fully capitalized and well trained staff. They required very little oversight on the City's part. They are a dream for staff frankly. Once they get out and get established and they know the route and they know what they're doing, staff doesn't have to babysit them; best case scenario.

Mr. Scarborough stated the contractor that they currently have now started out ok and then started to slip and he thinks there are reasons for that, obviously. Contracting is a competitive business and they have to hit the numbers right and if they don't hit them right, they have to make it up somewhere. They are under contract with them.

Mr. Scarborough stated obviously it is time consuming and expensive to replace a contractor particularly in this situation where it can take staff three or four months to get somebody back on-line. What they've done recently is do their best to hold them accountable. They basically went through the same practice in the zone situation and they were able to get them to minimum standards but it took a lot of work for staff to get them there. In that situation there are a number of people within the department and other areas as well that would be negatively impacted.

Mr. Scarborough stated they hope when they go through the RFP process that they do a good job of making sure that they get somebody that is competent because their goal is to have the people that they don't have to babysit. They feel confident that the group that staff currently recommended meets that standard.

Council Member Medellin stated that brings him to his next question. Obviously, the City either hires the wrong people or they just told them what they wanted to hear in the beginning and then failed them. That is why he brought up the question of oversight. He can appreciate criteria for hiring somebody that is not solely based on money.

Council Member Medellin stated that with the deficit before them, to him it is about money. They have to save everywhere they can especially in this particular department with making the City look beautiful. He thinks there is a way to do that by getting the best bang for their buck but again being a good steward of the taxpayer dollar, they have to save everywhere they can.

Council Member Medellin stated that being said, he would really like to see...and he knows the City Attorney is going to give him the eye in a minute...he would really like to see better outreach to the local vendors. If it is not strictly about money and they can hire people that do business in the City or County of Madera and they live here in the City and County of Madera, they can contract out and at the same time know that they have a vested interest in this community and will make sure the quality is up to standard. He doesn't know if they are missing the boat on those efforts or why they are not even giving them a bid but he thinks it would be safe to assume that being a part of this community they will make sure that quality would be number one.

Mr. Scarborough stated he could share a couple of things that may help. Number one, the sheer magnitude of the work scares off some of the local companies. The people they have bidding from other areas are typically the big dogs. As he had mentioned before, the companies they worked with previously were fully capitalized, full staff, new equipment and that sort of thing.

Mr. Scarborough stated staff mirrors their thoughts. Obviously, they want to support local at every opportunity. It is important to note that he had a casual conversation with the contractor they are recommending. They shared with him that they have approximately 20 people on their staff that live in Madera. Mr. Scarborough thought that was interesting. Not that it really matters because if they live here they are going to bring their paychecks home but he just happened to ask the question of is it possible that they would be deployed to work on their own streets and they responded it was very likely. Mr. Scarborough stated this particular company covers from Bakersfield to Modesto so they are large.

Council Member Medellin stated one last thing on the RFQ, the criteria is in there that it's not based solely on price. That they have this....

Mr. Scarborough responded affirmatively and stated it is five; cost, personnel, approach to work, experience and references. They are all weighted a little bit differently so they do their best to pick the best fit for the community and they think that helps them to do that.

Council Member Robinson stated he saw a report that in a city, they hire unemployed homeless people in order to give them a chance to work and have some self-respect and he can find out about that program and let them know about it. In the meantime, staff can start phasing out turf on smaller islands like using underground drip line for the trees to maintain them and using crushed granite rock. Phasing out the smaller ones over time then that reduces the amount of money that they spend every year. It will make it more manageable using drought tolerant plants; California natives.

Mr. Scarborough stated he agrees and stated they are actually working on all of those things as they speak.

Council Member Robinson stated like on 4th Street and Mr. Scarborough responded exactly.

Mayor Pro Tem Rigby stated he agrees with Council Member Medellin. Mayor Pro Tem Rigby stated Mr. Scarborough did a great job tonight. He opened his eyes.

Mayor Pro Tem Rigby stated he loves what they did with the RFP package by splitting it up and allowing for a little more competition. Kind of open it up for the little guy, if you will, if he wanted to come in and get a bite of the pie. Mayor Pro Tem Rigby stated he wished more local vendors would have taken the opportunity to have done so but for whatever reason they didn't. He hopes that the Parks and Community Services Department would continue to submit RFP packages that exemplify the example that they have there tonight.

Mayor Pro Tem Rigby stated he would like to remind his colleagues that if they are going to internalize in the future they need to make sure they are ready to do so. The reason they internalized the zones was because technically the zones are being funded by 80 different funds. If they want to internalize then they need to look at where they are going to keep machinery.

Mayor Pro Tem Rigby asked how much space the City has if they were to buy new lawnmowers, new trucks, some of the machinery, some of the capital stuff that they have here.

Mr. Scarborough stated they put him on the spot because he'd like to say zero. They are really hurting for space. The Parks Division has exactly zero square feet of covered parking space. It's been nice the last couple of years when they didn't have any rain because their fertilizer didn't get wet. It's the first time in a number of years that all their stuff didn't get wet. The rain is great but it comes with a down side as well.

Mr. Scarborough stated that with the addition of the zone program they work in a very old small facility. They do their best to make it fit their needs. Their yard space is a cut off corner of the corporation yard and they are continually being challenged as the Solid Waste Division is growing and the Public Works Department is growing and they're growing. They are just busting at the seams all over. Mr. Scarborough stated he says zero; they don't have much.

Mayor Pro Tem Rigby stated there's not much and hyperbole understandably doesn't necessarily need to be used here but again as much as he wishes they could internalize, it just seems to him that the best decision for the City right now is to be fiscally responsible with what resource they do or don't have.

Mayor Pro Tem Rigby stated he appreciates their efforts in bidding this out but it just seems to him that the right thing to do right now would be to go with an outside vendor.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM E-2 WAS ADOPTED BY A SPLIT VOTE OF 6-1. ROLL CALL: AYES: COUNCIL MEMBERS HOLLEY, MEDELLIN, OLIVER, RIGBY, ROBINSON AND MAYOR POYTHRESS. NOES: COUNCIL MEMBER FOLEY GALLEGOS.

RES. NO. 16-167 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AWARD OF THE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR DOWNTOWN, MEDIAN ISLANDS AND CITY FACILITIES IN THE AMOUNT OF \$176,640.00 TO EVERGREEN LAWN CARE & MAINTENANCE, INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Mayor Poythress stated that the meeting had gone on a little longer than he anticipated and there were some folks in attendance that were there for Item F-1 and if it was ok with his colleagues, he like to go to that item as he didn't know how long Item E-3 would take. No comments were made.

F-1 Consideration of a Resolution Commemorating the November 1984 Violence in India as Sikh Genocide (Report by Mayor Poythress)

Mayor Poythress stated he had a number of friends there that evening. He has known some of them over 20 years and they've had a chance to discuss the history of Sikhism and India, and a lot of the culture and history.

Mayor Poythress stated this is a resolution recognizing an event that occurred in 1984 where many Sikhs were killed and a lot of folks were displaced. It was a great tragedy.

Mayor Poythress stated there have been a number of cities throughout the valley such as Bakersfield, Fresno, Kerman and Stockton that have also passed similar resolutions. He believes Fowler passed a similar resolution last night. He was asked to present this also this evening.

Mayor Poythress stated that before he asks a representative to say a few words on behalf of this resolution, he believes Council Member Medellin would like to.....

Council Member Medellin stated he too has had a chance recently to meet with some of the gentlemen here and he's had a chance to do a little history and a little reading on what happened in 1984. It was very tragic.

Council Member Medellin stated he doesn't think this evening is about pointing the finger or turning back the clock. He thinks it's about being recognized. Their Indian community here in Madera is certainly growing not only in the last 30 or 40 years but if they look at just the last 10 or 15 years; growing immensely.

Council Member Medellin stated they are certainly a large part of the community. They're woven into their fabric whether it be in their agricultural community or business community. They are a part of this community and he thinks the resolution tonight is a part of healing not just recognizing but healing.

Council Member Medellin stated he would certainly support the resolution and thanked them for being there that evening.

Mayor Poythress asked Varinder to address the Council and give his name and address for the record.

Varinder [Name not stated.] thanked Mayor Poythress for helping them bring this resolution in front of the community and this Council meeting.

Varinder stated this issue is an important piece of Sikh history which they feel should be written accurately to reflect what actually happened in the dark time when thousands of followers of the Sikh religion were hunted and slaughtered. Varinder stated all of which happened under the watch of key Indian government officials. Young Sikh men and their families were murdered in broad daylight falsely accused as being separatists or activists who the police officials stated were killed in the line of fire when men and children were kidnapped and tortured until their families could pay a ransom or bribe corrupt officials to get their loved ones home.

Varinder stated they believe the 1984 Sikh Genocide needs to be highlighted by their local governments so that they may bring this important piece of history to higher levels of their government and eventually to the United Nations.

Varinder stated they are proud of their local city governments in approving similar resolutions in the City of Fresno and the City of Kerman, Stockton and Fowler as stated earlier.

Varinder stated they are available to answer any questions and if Council would like, they can provide resources upon request.

Varinder thanked everyone for their time and he thanked his local Sikh community in coming together in bringing attention to the Sikh Genocide of 1984. He stated God Bless them and God Bless America.

Simmer Sadank from Madera stated the Indian government tried to bury this event for a long time. In 32 years, there were 10 commissions and no justice was delivered. More than 3,000 people were dead and they were very well organized. The government official, even the Minister and Cabinets were having a voting list to pinpoint the Sikh houses so they can make max damage in the minimum time.

Mr. Sadank stated all Sikhs even kids and adults from age 3 years to 60 – 70 years old, they were all dragged from the houses and guided by the police officers and women were raped and they were killed by putting a burning tire on them.

Mr. Sadank asked them to imagine how the people died and the government support those burning thousands of people alive on the road and the bad part was that the family members were not allowed to pick up their dead bodies. Next morning, again, city cleaning people came and they collect all the bodies in the dump trucks and there was mass cremations. Mr. Sadank thanked Council to proving this as a genocide.

Mayor Poythress asked if anybody else wanted to say something.

Kalid Chaudry of Madera, California stated he is there for Measure K. He is supporting Measure K and there's a change of heart not change of mind because of Council Member Medellin and their Police Chief and that is why he is supporting it though he has reservations about it.

Council Member Holley stated they are not on that section of the agenda.

Mayor Poythress stated they had Public Comment. Mayor Poythress advised Mr. Chaudry that they would wait until Council Reports and then he would call him back up because this is that agenda item. They have to finish this one up.

Mr. Chaudry asked if they don't like him.

Mayor Poythress stated yes, but that had nothing to do with it.

Mr. Chaudry stated Bobby did not like money changers. He said that. He didn't want on the Board. Mr. Chaudry stated they should listen to Thomas Jefferson.

Mayor Poythress stated Mr. Chaudry is a citizen and it has nothing to do with what they think about him.

Mayor Poythress stated he would accept a motion for action.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY MAYOR PRO TEM RIGBY, ITEM F-1 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-167 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, COMMEMORATING THE NOVEMBER 1984 VIOLENCE IN INDIA AS SIKH GENOCIDE

E-3 Consideration of a Request to Appoint Three Council Members to Serve on a City Council Ad Hoc Subcommittee to Negotiate the Terms of a Proposed Development Agreement for the Madera Travel Center Project (Report by David Merchen)

David Merchen, Community Development Director stated they've identified that there is an existing Council Sub-Committee working on the North Fork Casino Tribal MOU and there is overlap with issues related to the Casino's MOU and this potential Travel Center development agreement.

It is their observation that it might benefit to have the same committee work on the development agreement but that is certainly up to the Council as a whole.

Mr. Merchen asked if the Council needed any background on the Travel Center project or what a development agreement is or could be, he'd be happy to discuss it.

Mayor Poythress asked if there were any questions for Mr. Merchen. None were asked.

Mayor Poythress stated there was a request in case someone didn't want to continue to participate on this sub-committee. He does see there is a recommendation to keep the existing Council members. Mayor Poythress asked if everybody wanted to continue.

Council Member Medellin stated he does.

Mayor Pro Tem Rigby stated he does also.

Mayor Poythress asked Council Member Holley if he wanted to continue to be on the sub-committee.

Council Member Holley asked if this was the same one as for the Casino.

Mayor Poythress responded that it was.

Council Member Holley stated ok.

Mayor Poythress asked if Council Member Holley would like to remain on it.

Council Member Holley responded affirmatively.

Mayor Poythress stated it looked like they had their Ad-Hoc Committee.

F. COUNCIL REPORTS

Mayor Poythress addressed Mr. Chaudry and stated it looks like the third time's the charm. They'll move on to Council Reports. It looks like there is nothing in Mr. Chaudry's way now.

Mr. Chaudry thanked Mayor Poythress. Mr. Chaudry stated he just spoke about it. He had reservations because it was an open ended slush fund that can spend on anything the City desires. It contains little guarantee that their tax dollars would go for increase police or fire services. This means more money in the hands of politicians and more waste with no end in sight.

Mr. Chaudry stated Bobby was there earlier so he took credit for everything here. Mr. Chaudry stated he didn't talk about infrastructure here which is the government's job. Infrastructure means there should be three lanes Highway 99. Smaller towns have three lanes Highway 99 going through those towns. He didn't talk about that.

Mr. Chaudry asked about fire protection here in this town. Bobby didn't talk about it.

Mr. Chaudry asked about police. Their crime rate is up 47% from the last year.

Mr. Chaudry stated this is the government's job. Government's job is not to call Target or Costco. Their job is to clear infrastructure and people show up. That's how it works.

Mr. Chaudry stated let's go further. He stated that instead of charging them half a percent, increase the tax base or consider at least Sin Tax. Sin Tax means charging cigarettes more tax or alcohol. He stated alcohol is more of a culprit than anything else. Mr. Chaudry stated they are missing on legal marijuana sales tax. They should go for that.

Mr. Chaudry asked why Administration salaries too. He asked why they shouldn't be paying also if they are paying.

Mr. Chaudry stated there were a few more things.

Mr. Chaudry stated policemen shouldn't be attending or going after frivolous calls and then doing paperwork. For example an elderly woman's trashcan escaped and cops show up there. Another example was on October 1st, Saturday night at 11:00 p.m; one ambulance in front, then there was a fire truck and then were three squad cars. Mr. Chaudry asked what was that really out of Creekside Nursing Home.

Mr. Chaudry stated they have to bring more efficiency plus reduce paperwork. Paperwork is costing a lot of money. For example if any kind of paperwork which is not going to make to the court system, why do paperwork anyway for policeman. They hate paperwork. You know that.

Mr. Chaudry stated those are his concerns so please work on expanding tax base. Bobby took credit but he never talked about it. He had wanted to ask him some questions. Mr. Chaudry thanked everybody and asked if they had any questions.

Council thanked Mr. Chaudry.

Council Member Robinson stated that he attended the South San Joaquin League of City in Delano last week.

Council Member Robinson stated that recently along with the Mayor he attended the ribbon cutting for Extreme Dance located on Country Club Drive.

Council Member Foley Gallegos stated she was the recycling person on Saturday. They had their Waste Tire Amnesty event happening. They collected some huge tires. They have a new company that they are working with so they had some restrictions. They were out there moving tires. People were coming in with truck loads and trailers. It was really exciting. She didn't get a count on how many were collected that morning.

Council Member Foley Gallegos stated she had to leave because she went to the Used Oil Filter Exchange event that they had at Auto Zone. They exchanged 146 filters this time. Last year it was 37. They did really well.

Council Member Foley Gallegos stated Mr. Randall and his staff did a great job on those and Code Enforcement on the Tire Amnesty. They are great programs. It really cleans up their City and makes things look really good.

Mayor Pro Tem Rigby stated he spent his weekend going door-to-door knocking and giving voters more information so that they could hopefully get a better idea for what Measure K is and he had a good time bonding with his dad doing that. They covered a lot of neighborhoods. It was a beautiful day. There were a lot of people outside working in the yard. He thinks he got two new Neighborhood Watch groups started out of it. They'll see.

Council Member Holley stated he didn't do a lot. He rested. He stated that on Saturday he went out on a block party on J Street. Council Member Holley stated he might have a Neighborhood Watch with them. That's their second block party but they haven't joined the Neighborhood Watch Program yet.

Council Member Holley stated that they failed to remember, he thanks their City staff and Parks for opening up Knox Playground. That playground has not had a dull moment since they opened it. He rides by and kids are just playing every day.

Council Member Holley stated that his new motto that he came up with that he wants Ms. Seay to buy this one is they always say "Parks Make Life Better". He has a new one for Ms. Seay and it is "Parks Make Madera City Better".

Council Member Medellin stated last Tuesday the Police Chief and the Police Department put a town hall meeting. An informative meeting, not only on Measure K but on a lot of propositions and measures that will be before them on the ballot.

Council Member Medellin thanked Mr. Chaudry for being there. Working together is how they get things done. Council Member Medellin stated Mr. Chaudry's comments were duly noted not only last week but this evening and he looks forward to more comments and more people attending those town hall meetings expressing their concerns for the City of Madera. Mr. Chaudry is absolutely right. They need to work together. It is not about any one person patting themselves on the back. It is a team and group effort and he looks forward to continuing to work together.

Council Member Oliver stated he has a new saying as well. It is "Madera Momentum". He joined his colleague, Mayor Pro Tem Rigby and others knocking on doors for Measure K as well and it was a great opportunity to hear from voters and their constituents about items outside of just that local funding initiative.

Council Member Oliver stated he thinks they will have a new Neighborhood Watch on Meadowrest Way and Pheasant Run. There seemed to be a lot of positivity and a sense of momentum that even voters had shared.

Council Member Oliver congratulated Mayor Pro Tem Rigby on being selected as "40 under 40" by Business Street. Each year they select 40 rising young professionals for their work ethic and work in the community, both from the public and private sector. Mayor Pro Tem Rigby was recognized this year with that honor.

Mayor Poythress stated last week he had an opportunity to attend the quarterly EDC meeting in Chowchilla. That was a lot of good reports. This afternoon Council Member Medellin and he attended the monthly MCTC (Madera County Transportation Commission) meeting and had a chance to get an update on transportation projects in the County.

G. CLOSED SESSION

Brent Richardson, City Attorney announced that Council will adjourn to closed session in several items.

The first is Item G-2 is Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) in 1 matter. Item G-3 is Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9 in 1 matter. That is Junaid Lateef v. City of Madera. Item G-4 and Item G-5 are personnel evaluations. Item G-4 is for City Clerk and Item G-5 is for City Administrator. G-6 is Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6. The representatives and organizations are as set forth in the agenda. Last but not least is Item G-7 Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. The property and negotiators are as listed on the agenda.

Council adjourned to closed session at 8:03 p.m.

- G-1 Closed Session Announcement – City Attorney
- G-2 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case
- G-3 Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9

One case: Junaid Lateef v. City of Madera
MCV 072672
- G-4 PERSONNEL EVALUATION – Pursuant to Government Code §54957

Position: City Clerk
- G-5 PERSONNEL EVALUATION – Pursuant to Government Code §54957

Position: City Administrator
- G-6 CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: David Tooley and Wendy Silva

Employee Organizations: General Bargaining Unit
Mid Management Group
Madera Police Officers' Association
Law Enforcement Mid Management Group
Management Employees

G-7 Conference with Real Property Negotiators - Pursuant to Government Code Section 54956.8

Property: 1 Parcel

Adamas LLC APN 038-040-004
Agency Negotiators: David Merchen, Les Jorgensen
Negotiating Parties: Ed & Gail Hanhart McIntyre and Adamas LLC
Under Negotiations: Price and Terms

G-8 Closed Session Report – City Attorney

Council returned from closed session at 9:30 p.m. with all members present.

Mr. Richardson announced that Council adjourned to closed session in several items.

First being Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code §54956.9(d)(2) in 1 matter. No reportable action was taken. Conference with Legal Counsel – Existing Litigation pursuant to (d)(1) of Government Code §54956.9. No reportable action was taken. Two personnel evaluations pursuant to Government Code §54957. One for the City Clerk. One for the City Administrator. No reportable action was taken in either of those. Conference with Labor Negotiators pursuant to California Government Code Section 54957.6. No reportable action was taken. Lastly, Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. No reportable action was taken.

ADJOURNMENT

The meeting was adjourned by Mayor Poythress at 9:32 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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



SONIA ALVAREZ, City Clerk



ANDREW J. MEDELLIN, Mayor



Prepared by:
ZELDA LEÓN, Deputy City Clerk

