

Item:	B-1
Minutes for:	06/07/17
Adopted:	06/06/18

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

**June 7, 2017  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

The regular meeting for 6/07/17 was called to order by Mayor Medellin at 6:00 p.m.

**ROLL CALL:**

**Present:** Mayor Andrew J. Medellin  
Mayor Pro Tem Cece Foley Gallegos, District 1  
Council Member Jose Rodriguez, District 2  
Council Member Donald E. Holley, District 6  
Council Member Derek O. Robinson Sr., District 4  
Council Member William Oliver, District 3

**Absent:** Council Member Charles F. Rigby, District 5

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Planning Manager Chris Boyle, Commander Dino Lawson, Procurement Services Manager Rosa Hernandez, Division Fire Chief David Allen, Battalion Chief Jim Forga, Housing Authority Director Linda Shaw, Successor Agency Director Jim Taubert, Neighborhood Preservation Supervisor Viola Rodriguez, Neighborhood Preservation Specialist Steve Montes, Neighborhood Preservation Specialist Nick Salinas, Neighborhood Preservation Specialist Fabela Rodriguez, and Successor Agency Recording Secretary Claudia Mendoza.

**INVOCATION:** Pastor Joyce Lane, Glory of Zion Ministries

**PLEDGE OF ALLEGIANCE:** Mayor Medellin 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.

Ginger Govett referred to item C-1.

Mayor Medellin advised that is part of the agenda and they can discuss at that time. Mayor Medellin restated that public comment is for items not on the agenda.

Robert Bendorf stated he is the Marketing Development Manager for the HERO program in the City of Madera. He works with the City as well as many of the communities throughout the Central Valley. He referred to the handout distributed to the Council and explained that is what is considered a snapshot of how things have been going in the City so far. He noted that in 2014, the Council approved the HERO program. He added that one in six homeowners every year will have to make an improvement to their home that does affect their homes energy consumption. HERO gives them an option to finance those upgrades through a unique form of financing and it is really why in its uniqueness on why it has been approved in over 440 communities in California and used by over 96,000 homeowners. He noted that it is really because of the ease of use that comes with it and the protections that are in place. He referred to the numbers they are seeing that help provide a key noting that the green are energy efficient improvements having to do with most likely windows, more ac units; the orange being solar and the blue being water improvements. Referring to the numbers, he noted that they have just reached over 101 owners who have now used the program with 189 upgrades saving them over \$3.5 million in future utility bills which is a great thing to see and also creating a local economic stimulus and creating jobs in the Central Valley which is very important to everybody.

Mr. Bendorf referred to the other side of the sheet. They see the safeguards that are in place to protect their homeowners understanding that they get the final say. He noted that what is unique to HERO is that they don't actually pay the contractor until they've completed the project for the homeowner. There is an agreement there to get the project done in a timely fashion as well as disclosures and confirmed terms calls with the homeowner where everyone that does apply for the program actually has to speak to someone at HERO so they get a full understanding of what the program is and additional follow up for people that are over the age of 64 so they understand what exactly they are looking to do. He noted that some homeowners he has spoken with recently are very happy with how the program is going. A few in particular have actually improved windows saying that one word to describe...HERO is great...HERO program has been a big help to us...it got the project done very soon...it is an easy process. Mr. Bendorf stated that most of these are local contractors that are doing this work as well and all of those happy homeowners receiving a perfect 100% score on their satisfaction in recommending it to a friend or family member as well. He noted that he was very happy to see that. He used to work with Sonia Hall here. He advised that he doesn't have a direct point of contact but he did give his contact information to the City Clerk if they have any questions. He added that for those that he hasn't met personally, he has given his card at League of Cities meetings or things like that and they should feel free to reach out. He will make himself available.

Mayor Medellin thanked Mr. Bendorf for bringing this to them and encouraged him to keep up the good work.

Mayor Medellin asked if there is anyone else in the audience wishing to speak on items that are not on this evening's agenda. No other requests were made and Mayor Medellin closed public comment.

Mayor Medellin apologized noting that they are a little packed in here. He invited folks to view the meeting in the main lobby.

**A. WORKSHOP**

There are no items for this section.

Late Distribution Announcement Pursuant to Government Code Section 54957 – City Clerk Sonia Alvarez announced that a revised side letter agreement for agenda item B-13 was distributed to the Council this evening. For item C-1, a revised ordinance, a letter from the Leadership Counsel for Justice & Accountability, and a letter from the California Rural Legal Assistance were distributed to the Council this evening. Ms. Alvarez advised that extra copies are available at the podium for members of the public wishing a copy.

**B. CONSENT CALENDAR**

- B-1 Minutes – 8/03/16
- B-2 Information Only – Warrant Disbursement Report
- B-3 Bi-Weekly Water Conservation Report for 5/8/17 – 5/25/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution Approving the City's Participation in an Escrow Agreement for Source Code Protection for the City's Tyler Munis ERP Software and Authorizing the Mayor to Sign the Agreement on Behalf of the City (Report by Becky McCurdy)
- B-5 Consideration of a Minute Order Rejecting a Claim filed by Luis Bravo (Report by Wendy Silva)
- B-6 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and Operating Engineers Local Union No. 3 Related to Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Acceptance of the Construction of Pine Street – Pecan Avenue Median Landscape & Irrigation Improvements City of Madera Project No. ST 16-04 (Report by Keith Helmuth)
- B-8 Consideration of a Resolution Approving Agreement with Peters Engineering Group, for Professional Engineering Design Services for the Granada Drive at Howard Road Traffic Signal Project Number TS 17-01 and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)
- B-9 Consideration of a Resolution Approving Health, Dental and Vision Insurance Providers for Fiscal Year 2017-18 and Authorizing the City Administrator to Execute any Agreements or Related Documents (Report by Wendy Silva)
- B-10 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Law Enforcement Mid-Management Group Related to Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-11 Consideration of a Resolution Setting the Monthly Health Benefit Allowance for the City Council of the City of Madera (Report by Wendy Silva)
- B-12
  - A. Consideration of a Resolution Approving a Contract with MuniServices for Sales Tax and Business Licensing Services and Authorizing the Mayor to Sign the Contract on Behalf of the City; and
  - B. Consideration of a Resolution Authorizing the Examination of Sales or Transactions and Use Tax Records (Report by Tim Przybyla)
- B-13 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Mid-Management Employee Group Related to Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)

**MAYOR MEDELLIN ASKED IF MEMBERS OF THE COUNCIL WISH TO PULL ANY ITEMS FOR FURTHER DISCUSSION. NO REQUESTS WERE MADE AND MAYOR MEDELLIN ANNOUNCED THAT HE WOULD ENTERTAIN A MOTION FOR ACTION.**

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.

- RES. NO. 17-69      A RESOLUTION APPROVING THE CITY'S PARTICIPATION IN AN ESCROW AGREEMENT FOR SOURCE CODE PROTECTION FOR THE CITY'S TYLER MUNIS ERP SOFTWARE AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY
- RES. NO. 17-70      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND OPERATING ENGINEERS LOCAL UNION NO. 3 RELATED TO HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT
- RES. NO. 17-71      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH PETERS ENGINEERING GROUP, FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE GRANADA DRIVE AT HOWARD ROAD TRAFFIC SIGNAL PROJECT NUMBER TS 17-01 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
- RES. NO. 17-72      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING HEALTH, DENTAL AND VISION INSURANCE PROVIDERS FOR FISCAL YEAR 2017-18 AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AGREEMENTS OR RELATED DOCUMENTS
- RES. NO. 17-73      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE LAW ENFORCEMENT MID-MANAGEMENT GROUP RELATED TO HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT
- RES. NO. 17-74      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA SETTING THE MONTHLY HEALTH BENEFIT ALLOWANCE FOR THE CITY COUNCIL
- RES. NO. 17-75      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH MUNI SERVICES, LLC FOR REVENUE ENHANCEMENT AUDIT SERVICES, INCLUDING SALES AND USE TAX AUDIT SERVICES AND LOCAL TAX COMPLIANCE DISCOVERY AND AUDIT SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
- RES. NO. 17-76      A RESOLUTION AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS
- RES. NO. 17-77      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE MID-MANAGEMENT EMPLOYEE GROUP RELATED TO HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT

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

**C-1 Public Hearing and Consideration of Introduction of an Ordinance of the City Council of the City of Madera, California, Amending the Madera Municipal Code to Add Chapter 16 to Title IV Pertaining to Rental Housing Inspections**

Neighborhood Preservation Specialist Steve Montes stated that there are over 8,500 rental units in the City of Madera. They know through Housing Element data and Neighborhood Preservation observation and enforcement activity that a large amount of these units are in need of significant repair. He commented that the City has a significant interest in ensuring that rental housing remains a safe, sanitary, and desirable housing option for its citizens.

Mr. Montes commented that after the last workshop, staff was directed to meet some interested parties that wanted clarification on language contained in the proposed ordinance. He advised that the meeting between Mike Pistorosi, Greg Terzakis, Jim Taubert, Brent Richardson and himself ended with clarification and an ordinance that remained largely unchanged from the last workshop.

Mr. Montes stated that meeting also marked about 18 months of meetings and six hours of City Council workshops, and public comment with stakeholders and interested parties. He advised that while those 18 months of meetings and workshops have produced a narrowing between the views of proponents and opponents of such an ordinance, it is not likely that further meetings will bridge the remaining gap.

Mr. Montes stated that in the staff report they will find an outline of the major components of the proposed rental inspection ordinance. He offered to answer any questions.

Mayor Medellin asked if there are any questions for Mr. Montes.

Council Member Rodriguez referred to the proposed fees on the master fee schedule. He asked if they have a set amount and could that amount potentially increase.

Mr. Montes replied that the master fee schedule is subject to change from time to time as Council sees fit.

Council Member Rodriguez stated he noticed that the initial inspection could be up to three hours and wondered what that amount would be.

Mr. Montes replied that currently the Master Fee Schedule Code Enforcement time is listed at \$40 an hour. The maximum three hours would be \$120. He added that for any proposed change, they have taken into consideration what the change would be and then multiply by three.

Council Member Rodriguez asked if one could assume that is going to be the standard for all inspections. For example, if they go in there and inspect the house, would that be less than three hours. They are talking a maximum three hours. He asked that he run a typical inspection by them.

Mr. Montes replied that a typical inspection includes inspection and posting costs. That includes sending a notice, getting an inspection, if they have very minor issues or no issues, an inspection should be relatively quick. If they are charging three hours of inspection time, that probably means there are significant issues with the property.

Council Member Rodriguez stated so that it is clear to them, if he looks at a home that obviously doesn't have signs of being deteriorated or substandard. They go in there and do their walk and asked Mr. Montes if he thinks that is going to be more than an hour. His reason is that he is just concerned that they don't place a burden on...he doesn't know how to put it but that they really aren't trying to make money and it is rather doing what the program is intended to do and that is to try to address substandard housing.

Mr. Montes replied that it is a cost recovery mechanism so they are going to recover the costs that they are incurring. Initially they had proposed that there would be a registration fee. He noted that the feedback from their meetings...the registration fee was actually removed. What they are aiming for is the bad actors

that necessitate a longer inspection would pay correspondingly. If they have a good inspection, a quick inspection, then their costs would obviously be lower. He added that the inspection itself could be 15 minutes if they are talking about a notice and a couple of things. They are talking about relatively quick inspections when there aren't a lot of problems.

Council Member Rodriguez noted that he takes it that the three hours is put in place for additional time.

Mr. Montes replied that was a safeguard for the initial inspection. They got feedback and obviously they don't want to spend all day...give somebody incentive to be there longer than they need to so there is a cap on making sure that they aren't unnecessarily charging anybody.

Council Member Rodriguez stated he is just concerned that they are not taking their lunch during that inspection.

Council Member Oliver stated he is following up on some of the points that Council Member Rodriguez raised. With respect to fees, Mr. Montes had mentioned that Council has the discretion to raise those from time to time as per their Master Fee Schedule. He added that his question may be more for the City Attorney or for the City Administrator. He asked how they arrive to those fees when they determine the amount in the Master Fee Schedule. He just wants to make sure that this isn't necessarily an arbitrary amount. He asked what type of analysis goes into that.

City Administrator David Tooley replied that they do an analysis of the fully loaded hourly cost of employees and the hourly cost is a reflection of that analysis. He added that there is a legal requirement that there has to be a direct relationship between the fee charged and the cost of service.

Council Member Oliver referred to the 4-16.4, Entry and noted that there is a line that references inspection warrants having to go through a court of competent jurisdiction and asked that they elaborate on that. This is a question he received from several constituents and asked if it could be deemed an administrative proceeding for example at the City of Madera or if that is with say Madera Superior Court.

City Attorney Brent Richardson replied no and added that a court of competent jurisdiction would be Madera Superior Court and federal court would also have jurisdiction over them. He stated that the inspection warrant process is a state statutory process so that would go through Madera Superior Court. They have competent jurisdiction which means basically that they have jurisdiction over them.

Council Member Oliver stated that this is also an inquiry he received. If this program were to be passed and implemented, if the landlord were to want to be proactive and arrange that inspection at the front end or at the onset of an execution of a lease, could they work with this department to arrange that. He added that hopefully, at the beginning of the lease, it will also provide them additional documentation and backup, so to speak, on that particular lease agreement.

Mr. Montes replied that would be easier for the owner and for the City to do inspections when it is vacant. He added that rentals need to have inspections every three years so if it is easier for the owner to schedule an inspection when nobody is there, they don't have to worry about tenant, that is something that staff always wants to work with property owners and tenants to make sure that they get compliance. He added that compliance is the ultimate goal.

Council Member Robinson stated that when they sell a home, they do a thorough inspection and wondered what the City is inspecting.

Mr. Montes replied that they are inspecting violations of the California Health and Safety Code. He advised that there is a list: adequate sanitation; hot and cold running water; unit has to have a heater; can't have infestation of insects and rodents; structural hazards; all wiring, wiring that is dangerous so if it complied at the time of installation and it is still working properly, then it would not be a code violation; plumbing as well that even if it wasn't installed properly as long as it is working safely then it wouldn't be an issue; mechanical

equipment; faulty weather protection; accumulation of debris or hazardous materials, that would be in common areas, exit facilities as well as portions of the building that are used for living that are not intended for those occupancies.

Council Member Robinson asked if some of that is under OSHA (Occupational Safety and Health Administration).

Mr. Montes stated that it is the California Health and Safety Code 17920.3 and it actually has a list of items.

Council Member Robinson asked if they will fine the landlord.

Mr. Montes replied that if the City finds a violation of the Health and Safety Code, they don't get an immediate fine. Everybody has a right to due process. They would inform them of the violation. They would inform them of the actual code section that they are violating. They would inform of the corrective action needed and they would give them a 30-day notice of violation, and in 30 days, they would do a reinspection to verify that those violations have been corrected.

Council Member Robinson asked if the landlord can ask the tenant to take care of it, fix it or give them an eviction notice.

Mr. Montes replied that they can. If they have it in their lease agreement but for the City it is a civil issue. The City does not get involved in. The City just needs to make sure that the violation is corrected. Who corrects it is largely irrelevant but ultimately the property owner would be responsible for that correction.

Council Member Robinson commented that they can use that to evict them.

Mr. Montes agreed and restated that if they have it in their lease agreement their tenant would be responsible, staff would make sure that the violation was corrected but they would be able to go back in...

Council Member Robinson said you could go in and say...well you got rodents...so they can write a statement and say...ok, I can get rid of you then.

Mr. Montes questioned the Council Member's statement...they can get rid of them. Mr. Montes commented that they can't retaliate for filing a complaint.

Council Member Robinson stated that they don't have to retaliate; they can just use their report to get rid of them.

Mr. Montes commented that if the conditions were caused by the tenant, that is an issue. There could be a situation where there are problem tenants. He noted that problem tenants also have to be discouraged from destroying the owner's property. They are responsible beyond their deposit. So if they have a \$1,000 deposit on the property and they do \$2,000 worth of damage, then they would not get their deposit back and they would be responsible for the remaining balance.

Council Member Robinson stated if they can afford it noting that a lot of people live month to month, one paycheck to being homeless.

Mayor Medellin asked if there are any other questions for Mr. Montes.

Council Member Rodriguez stated this is in regards to the amount of rental units. He understands that there are 8,500 rental units. His thing here is data, data that can attribute that a lot of these substandard housing are rentals. He asked if this ordinance will give them the tool to be able to provide data as far as how many of their current rentals are considered substandard so in the future, if this thing does pass or not, how do they keep track of that for future council's to be able to see that hey, there is something in place to be able to track the rental stock, and what is substandard and what is not substandard.

Mr. Montes advised that currently they maintain a database. They track types of cases, the conditions that exist there, and they have a site history. So they would be able to keep data on that and especially if they are inspecting all rental units it stands to reason that they would be able to keep those statistics. They currently do not have a very accurate estimate of what it is would be considered substandard. They know through the Housing Element estimates that it is a significant number and through observation that it is a significant number but the exact number is something they don't have. This would provide a mechanism to track that information.

Council Member Holley stated they are talking about homes that were done back in the 70's. If he looks around Madera, that sounds like they are down on the southeast side of town. He wouldn't want to look at this ordinance and the first district they tackle is going to be the southeast side. He has had a lot of folks calling him and telling him how this would cause either their rent to go up or they would be subject to have to move. After hearing some of the people speak, he wondered what brought this to the attention that they would go with the standard of houses done in the 70's. He asked if it is all houses, are they just trying to bring the houses that have been here the longest up to standard.

Mr. Montes replied that it would eventually be all non-exempt housing. The implementation is going to be at 1970 and then they are going to roll forward until all non-exempt properties are under inspection. He stated that it is a matter of logistics. They can say they are going to go and inspect every single property every year but are they going to be able to do that; probably not so they have to start where they know the issues are. He noted that pre-1970 is not just on the eastside. It is on the west side. His house was built in '54 so his house would qualify if it was a rental.

Mayor Medellin asked if there are any other questions for Mr. Montes. There were no other questions and Mayor Medellin opened the public hearing. He called on Ms. Govett who has been waiting patiently. Mayor Medellin also announced that anyone else wishing to speak after that may raise their hand or mosey over to the podium. He advised that he will ask for name and address of speakers.

Ginger Govett, residing in Madera, California, stated she is a local realtor and property manager addressing them on behalf of the Coalition of Affordable Housing Advocates, property owners and property managers who had retained Coleman & Horowitz Attorneys at Law. She noted that all of them in this room are aware of the housing crisis that swept their nation back in 2008. She stated that the Central Valley, including Madera was hard hit. Many homes were sold to investors as they were willing to pay cash, remodel the homes, and rent them out for decent returns on investment. She stated fast forward to the present time. Their State of California, including Madera has a shortage of housing inventory. She stated that rents have not kept up with the pace of increased values over the past few years hence, the return of investment for investors buying rentals has substantially diminished. She added that rental homes that were purchased at lower price points and used as rentals are not being sold at higher price points to first time homebuyers. She commented that rental homes are not returning to the rental pool. Ms. Govett stated that a rental home purchased at a lower price point in 2008 provided for a return on the investment for the property to be used as a rental.

Ms. Govett stated that as prices have increased, and the rental is sold for a higher dollar amount, an investor does not view the property as a good candidate for a rental in regards to return on investment. With this added layer of government and regulatory environment, this will only increase the transfer of rental homes being sold to first time homebuyers. She added that supply of affordable rentals will be reduced. She stated that the demand for rental homes means increase in rents. Of the remaining homes that do stay as rentals, the increase of cost of compliance will be passed on to the tenant via rent increase.

Ms. Govett stated that the City of Madera will no longer be known for affordable rental housing. She noted that yesterday by email, the Council received a letter from their legal counsel which outlines the main reasons the proposed rental inspection ordinance should be opposed. As written in the letter, at its core, the proposed ordinance is a system that subjects single family homes and rental units to ongoing registration, certification, owner inspections, city inspections, and a series of fines and penalties for any

infractions. After their evaluation of the proposed ordinance, it is concluded that the new laws are neither a practical, economic, nor safe legal way to achieve the stated purposes.

Ms. Govett stated they humbly ask that the Council carefully consider the evaluation of the proposed rental inspection ordinance performed by Coleman & Horowitz, Attorneys at Law. Ms. Govett stated at this time she is presenting many signatures from the Coalition of Affordable Housing Advocates, property owners and property managers who oppose any rental inspection ordinance. Ms. Govett thanked the Council for their time and consideration.

Council Member Oliver stated this is with respect to the economics of the housing stock and asked if there is a demand for such a housing product that may be offered at a certain price point but may not have all the amenities that they might deem meeting health and safety and sanitation requirements in code as outlined by the state, should that transaction occur because of that supply and that demand.

Ms. Govett stated she is not sure she understands his question. She asked if he is asking that the property that is being sold is not up to standard.

Council Member Oliver stated that the property that is being listed or is available for rent. He noted that let's say that it may not meet some of the codes as required by state law as far as safety and health concerns and sanitation, but if there is a demand for that product, let's say at a lower price point, should that commercial transaction occur.

Ms. Govett answered that it should not until... it's got to be habitable. She added that it's got to be safe to live in. To a property manager talking with a property owner, they walk through the home. They look at things. As a real estate broker, and they are thinking of using it as a rental, they walk through. They look at those things. They have inspections done.

Council Member Oliver stated that he is thinking of the private market place. If there are no brokers, property management or realtors involved although they would encourage that they are, in the private market place, in the economics of this housing stock, should that transaction occur if that particular unit does not meet basic health and safety codes as outlined by the State of California.

Ms. Govett stated that whatever occurs should occur because both parties are in agreement. Whatever that situation is... a person is not forced to rent a home so if they see that it's not what they think it should be, then they shouldn't apply to rent it. No one is forced to rent a property that is not pleasing to them.

Council Member Oliver asked what if they have children.

Ms. Govett restated that they are not required, they are not forced to rent a property if it is not pleasing.

Beth Maree, residing in Madera, California, stated she is also the AE (Association Executive) of the Madera Association of Realtors but she presents tonight on behalf of the community. They have been working with Mr. Montes since May of 2016 on this ordinance. She stated that unfortunately there are still some issues she would like to bring to the floor.

Ms. Maree stated this ordinance is supposed to eradicate the blight of property but worse than that, she believes it is going to cause human blight, homelessness. She noted that rents in Madera are already high. She commented that people take whatever they can get even if it stretches their budget. She advised that right now a one bedroom apartment is \$890 a month and that is not going to work for a family and the predominant populations in Madera are families.

Ms. Maree stated that this ordinance will push all the fees down to the tenant punishing the innocent victims of the slumlord's crimes and pricing them out of the market. In addition, she believes it is prudent to listen to the Constitution. She stated that the Fourth Amendment states that the right of people to be secure in their house against unreasonable searches shall not be violated but upon probable cause. She noted that

there are certainly slumlords in Madera and their properties need to be repaired. She added that there will be many tenants with no complaints whose privacy will be invaded punishing the majority for the bad behavior of the few. She added that the Fourteenth Amendment states that no state shall make or enforce any law which shall deny to any person within its jurisdiction the equal protection of its laws.

Ms. Maree stated that the result of the ordinance will be that there will be two classes of residents in Madera. There will tenants and homeowners. She added that the renters will be treated like second class citizens where their rights and privacy can and will be violated by the City. She stated that many of the blight homes are not even rentals and yet they have blue tarps on the roofs and falling down fences. She wondered what can be done about those.

Ms. Maree stated she would offer her solutions. First, they want to applaud the City's recent education campaign. They are willing to participate and support in the effort including tenants' rights and responsibilities as well as training people on affordability of homeownership in Madera. They would like to encourage the City to give it more time. She stated that the education process of teaching tenants what they can do when they have a bad situation in their home has just started. They haven't even had the time to see the fruition of that come to Code Enforcement yet.

Ms. Maree stated that second, they have in place an ordinance that with minimum adjustments could eliminate the slumlord issue without harming every tenant in Madera. They met with the City Council Members and the City Attorney some time last year. At that time, the City stated that the present ordinance does not work because it has a cap of \$100 per violation. Ms. Maree stated their suggestion was that the City eliminate that cap and set it up so if a property is visited more than once, the fine would go up also for every subsequent violation until the property is repaired. Not that it would be reset to \$100 when they kick the tenant out and then the City comes back which is the way it is right now so until the property is repaired or they could put a lien on the property if the fines go unpaid. At that time, the City Attorney said that was a viable option. They request that this ordinance, based on that consideration, and that other attention is brought to the subject tonight be tabled and that the present ordinance augmentations be considered thereby protecting tenants' rights without penalizing them as second class citizens.

Mayor Medellin asked if there were any questions for Ms. Maree. No questions were asked.

Leticia Robles, residing in Madera, California, stated she will try to keep this brief. She moved to Madera 14 years ago with her husband who was in the service for 25 years. He passed away. They were homeowners. She lost her home when he passed away so she along with her two children relocated to the City. She was desperate. She needed a place to live with her two kids since they lost the home they had here in Madera. She moved in to where she is at currently. She paid her deposit. Did everything she needed to do. She signed her lease agreement. There were some issues at the time of the walk in that she noticed needed to be addressed. She addressed them and was told by the landlord that she would get back to her in regards to the repairs needed. One of the repairs is that she didn't have hot water upstairs. The plumbing was not working correctly but she said it happened periodically because it was an old building. Second was the electrical fuses on her stove. Every time she would try to cook on her stove she would get shocked or it would burn out. The last thing that really threw her through for a whirlwind was the football player at night, the rats. She is not talking mice; she is talking rats. They were actually playing football up there in between the walls and everywhere, absolutely everywhere. She did everything that she could to keep it clean. She did anything she could do to help. She would give her mousetraps and said if she kept her garage door closed which was damaged because it doesn't close properly, and she said if she stopped coming in and out of her garage maybe the rats won't come in. She kind of just got upset and she tried to address it every time she turned in her rent which was \$945 a month. She would put a note on there, photocopy it, take pictures of everything she saw and she would email them and get no response. Finally the landlord said if she didn't like it that she could find somewhere else to go. Unfortunately she doesn't so she started doing her research and looking into what as a renter she has rights and why isn't this place being inspected. She found out that the majority of the people that live in her apartment complex are minorities, Hispanics that are afraid of being intimidated and being homeless. Unfortunately she is in that position right now but she is in fear that if she says who the owner is, she will be evicted with her two

children. She doesn't think she has asthma and she has some medical issues. She contacted PG&E because her PG&E was sky way. The owner declined cooperating, letting them come in to weatherize her apartment. The owner told them that she didn't want them on the property so she has done everything in her power to try to eliminate the problems at her expense. She is at the point where else does she go. She is asking that the City, please, if there are people that are being intimidated, they shouldn't, they have rights, they work. She works a full time job. Her kids work a full time job just so they can have food on the table and have adequate hygiene. She just thinks that it is a shame that when they go out for help there is no type of protection for people that are renting. She is not out here to make money. She is not out here for nothing. She is looking to relocate but unfortunately the owner is the type of person that is uncooperative that she probably won't get her deposit back. Right now she has a fan that doesn't work. She still has the rats. She still doesn't have hot water. She still can't use her stove and she still pays \$945 a month. She doesn't know and wondered where does she go from here. She thought she would bring that to their attention in regards to this ordinance that she thinks...there are some really serious problems out there and some people won't come forward but she will because somebody has to be the voice for them. She might get evicted. They might see her homeless so buy her a cup of coffee.

Mayor Medellin thanked Ms. Robles.

Mike Claiborne stated he is an attorney with Leadership Counsel for Justice and Accountability. They submitted a letter in support of the rental ordinance which he thinks they referenced earlier. Mr. Claiborne advised that Leadership Counsel is a non-profit that works in the San Joaquin Valley with low income communities some of which are here tonight, members of Lideres Campesinas who they work with and a couple of which will speak in favor of the rental inspection ordinance.

Mr. Claiborne stated before he gets into his points he will address a few comments made by previous speakers. One, he would highlight again that the first speaker maintained, he thinks, correctly should be habitable and safe for everybody that lives in them. Second, he thinks there is a false choice between a lack of affordable housing which admittedly is an issue and making sure that the housing that is available for rent is safe. They can do both and they should both. He thinks the rental inspection ordinance is a good way to start to address substandard housing. As to the Fourth Amendment issue, that issue came up when Fresno recently considered a rental inspection ordinance similar to the one that is considered today, at that time, as an attorney he looked it up, the Supreme Court in 1968 held that rental inspection ordinances are constitutional, compliant with the Fourth Amendment especially when as here there is a provision that says that a warrant needs to be obtained if there is no consent. He stated that there is no Fourth Amendment problem here. Finally, he would address the point that the last speaker just made. One of the reasons inspections are required is that tenants are afraid of retaliation and they are afraid for good reason. He noted that people deserve safe housing but if they complain to a landlord there is a good chance of retaliation in certain cases especially if it is substandard housing and a lot of people don't take those risks so without an inspection program, they don't know what housing is substandard and they can't fix the problem. They can't make sure that children live in safe conditions so rental inspection is really important.

Mr. Claiborne stated that with that said and their strong support, they do have a few improvements that they suggested in the letter. The first one is the implementation plan starting with housing built earlier than 1970 he thinks is not adequate. Housing built 45 years ago is just as likely to be substandard as housing built 47 years ago. He stated that is still old housing and he thinks that maybe they prioritize based on the age of housing but they shouldn't limit the City's ability to inspect homes built in the 70's, 80's or 90's.

Mr. Claiborne stated that second, they think that the exemption of 10 year old property is a little too long. He added that third, self-certification is more of a drafting issue but it doesn't specify whether self-certified properties will be inspected 10 percent per year or 10 percent over what time period and they also think that the percentage should be a little bit higher maybe 20 percent.

Mr. Claiborne stated the fourth, in terms of amount of notice provided to landlords, 30 days, Fresno did 14 days for notice. He thinks that is probably a little more reasonable although it is a small point. Regarding

transparency, they think that the ordinance should require that information be provided in both English and Spanish given the large Spanish speaking population in Madera. Finally, they are happy that there are displacement provisions to protect renters who are displaced because they live in substandard housing that is ultimately condemned but they think that those provision should be mandatory rather than permissive.

Mr. Claiborne stated that in conclusion, really their main issue is the implementation schedule but they would like to register their strong support for what the Mayor and City Council are considering and hope that it passes.

Council Member Holley stated that Mr. Claiborne brought up a good point and that lady just came up here and gave them her story. He asked Mr. Claiborne what he would do in that situation. How would he help her?

Mr. Claiborne replied honestly, as an attorney, he has been presented with that choice. It is difficult to provide advice to speak up to be honest depending on the situation obviously. But, even if there is clear evidence of substandard housing, the risk of retaliation is so great that there are times that he has advised people not to speak up and honestly that is heartbreaking. He added that people shouldn't have to live in substandard housing for fear of being kicked out of the only housing they can afford, the only housing that they live in. He thinks it is a really high risk that people shouldn't have to face.

Council Member Holley asked Mr. Claiborne again how he would help her noting that was his question.

Mr. Claiborne stated in his position often times he can't help. He thinks that housing inspection is a great way to address that problem because people face choices that they shouldn't have to face.

Council Member Holley stated he answered it and thanked him.

Mayor Medellin thanked Mr. Claiborne.

Maria Rubio was assisted by a translator. Good evening my name is Maria Rubio. The last time I was here I spoke about my case, the treatment I am receiving at the current apartment that I live in. Now because I have called the City and reported some issues the owner is kicking me out, giving me 90 days to do so with the excuse that he is going to remodel only my unit even though there are three units that are also needing remodeling. For me this is really frustrating not only for me but also my husband, my kids and the reason why is because we have to go out and spend our time to find other houses. That is time gas and even our health is impacted by this. We know that several Section 8 houses are difficult to find, they are hard to find. This same frustration is passed on to our children and affects their health as well. It is not right that just because I made a complaint to fix some of the issues, that they are kicking me out. They are not listening to me. They don't listen and for this reason I am also being kicked out. I would like that this ordinance pass because the abuse on renters and their families is great. It is really high and we suffer from it because this is abuse for the simple reason that we want to live in healthy homes. Also there is a part of the ordinance where it states that the City may help for financial help in case a resident is displaced they would help financially. I believe this should be a requirement. This should state the City must help out those that are displaced because of these reasons. The reasoning is because a lot of the renters don't have money for the down payment or to move so I really hope that this ordinance moves forward. That's it and thank you so much for listening.

Council Member Oliver stated that the Executive Director of the Madera Housing Authority is in attendance. He thinks it would be advantageous to perhaps connect with each other and share some information in the event that the Housing Authority might be poised to assist her.

The translator stated they would love to connect and talk more.

Mayor Medellin thanked Ms. Rubio.

Greg Terzakis stated he is the Senior Vice President with the California Apartment Association (CAA). They are here in support of the ordinance as it is written. As they spoke at the workshop, they believe that there are really three classes of landlords: those who are good, those who need education, and those who aren't going to do the right thing unless they are absolutely forced to. They believe in working with City staff, and by the way it has been a real pleasure working with their staff, that this ordinance addresses the issues that are caused by slumlords, if to use the "s" word. Their concern is that the ordinance not unfairly penalize property owners and managers that are doing the right thing. He speaks on behalf of their members. He doesn't speak on behalf of the multi-family housing in the industry in its entirety. Their membership has a code of ethics. He believes that if every owner and manager in the City of Madera adhered to those ethics, they wouldn't all be here tonight. They wouldn't need an ordinance but unfortunately, that is not the case.

Mr. Terzakis stated he wanted to point out a couple of things. One, he does like the fact that in working with City staff, he believes Council Member Robinson talked about the code. He stated that there is Civil Code 1941.4 which are the affirmative obligations of the owner or manager to provide the property. He added that there is also section 1941.2 which speaks to the obligations of the tenant and that is also something that they think is very important that there are times when it is the behavior of the occupant that causes the problems. He stated that is not in every case by any means but there needs to be some sort of ability for an inspector to be able to look at a property and understand that if there are, as an example, insect infestation and there are four weeks of pizza boxes in the living room, there may be a correlation between the actions of the tenant and the problem. They also think that in doing this, they are going to get an understanding of exactly the scope of depth and breadth of the problem. They can't fix, they can't measure and as soon as this is done, they believe that they will segregate the good actors from the bad. They would be happy to work with the City as they are in the City of Fresno on education with tenants and property owners and managers so they both know what their obligations are. That will allow City staff to concentrate on the owners that absolutely refuse to do the right thing. They so talked about the discourse on inequality; the perfectibility of man. They would love that. They would love the fact that if everyone did the right thing but sometimes they won't unless they are forced to. They believe this ordinance deals with that issue in an effective way.

Mr. Terzakis stated they do oppose any audibles called tonight. They support the ordinance as written and as was submitted. To Council Member Holley's point regarding inspection of property, when they worked with the City of Fresno on this and this was an issue that went on for 18 months there were a few criteria that they used ultimately to determine how best to address this issue. One was property age. One was the number of calls on the property from code enforcement. Another was the number of calls for service from public safety and fire and the fourth was the proximity to public schools. Those were the areas where they concentrated on first.

Mr. Terzakis directed his comment to Council Member Rodriguez and stated that he shares his concern that this cannot be a profit center for the City. He feels confident in working with staff and some of the Council Members he has spoken to on the phone, that the real direct costs are passed on and in the future, if the fee schedule were to be revisited, their support would be conditional upon what those fees were whether or not they wanted to move forward with it. As it stands now, the assurances that CAA has been given it would be essentially a direct passthrough and not a profit center, which again completely de-incentivizes the program and creates a problem there with inspecting properties that may not need to be inspected because it happens to be a revenue generator. Mr. Terzakis offered to answer any questions.

Mayor Medellin asked if there are any questions for Mr. Terzakis. No questions were asked. Mayor Medellin stated he appreciates Mr. Terzakis' experience and insight he brings to the table and meeting with the City on multiple occasions and thanked him.

Mayor Medellin asked if anybody else would like to speak.

Mira Torres stated she owns Realty World Real Estate Professionals located at 413 W. Yosemite Avenue. She is a realtor and she is the Government Affairs Director for Madera Association of Realtors. She advised that part of the conversation was about the supply. She stated that if they have enough housing for their

tenants, and believe her that all the realtors want everybody to live in adequate, safe housing. That is their goal but in order to invite developers to come into Madera and putting the ordinance out there for them to know about, is that gonna give them incentives to come and build in Madera. They need to be able to just really focus on a proactive move and visionary to Madera. If they can build additional housing that will accommodate the one bedroom, two bedroom, and three bedrooms, people will not accept living in substandard housing. They do need to go ahead and target these individuals properties that have these conditions and fix them. She just really feels that there's got to be a different vehicle to focus, really gear into these problematic properties because everybody needs and should live in safe housing. She is a parent and she would never allow her children to live in a house that is unsafe for them. They would just continue looking until they can find something that is adequate and safe. Sometimes they need to be able to look for resources and that is where you go to the Section 8 housing for some of the people that are in need of that or what else can they do as a community, as a City. For them to be able to comply with the need of housing for their young adults for their families and for their elderly. They need to be proactive in being able to really solve the problems that are coming and in addition to let's focus on getting the properties in good repair and safe and identifying that that is not the only thing that they need to work on. They need to be able to build additional housing for purchase and many, many for residential rental housing as well. Even if it is going to be the single family and/or the multi-family units, they just need to be able. They have lots of land. They need to be able to entice and invite their developers to be able to build that and to be able to invite the community that they want Madera to attract. They want to be able to attract everybody because they want to be a welcome to Madera proactive move. They as realtors want to be able to be part of that just like they are having their visionary meeting that's coming up next week in addition to a lot of other programs that they are working with the City. She highly recommends that they really focus on the workshops and the outreach to the community to be able to really reach out to their tenants and educate them about the responsibilities and of course their rights. If they are living in substandard housing, she would be the first one to say...let me help you with that...let's go and talk to that landlord...or let me take you to the City entity, the Code Enforcement that is already in place...for them to be able to get that situation resolved because they do have something in place right now with the City of Madera which is their Code Enforcement. She stated that a lot of these problems that were identified at the beginning of the presentation when it was first initiated by Steve Montes...those photos were taken by one of their City staff that were invited into the home. If they can really educate their tenant community and let them know that it is ok for them to come up and it is ok for them to follow through with that and then just be able to have a safety net as the community for their residents to be able to get that adequate housing that they are talking about. Ms. Torres stated that the solution is the supply because nobody is gonna want to choose this really nice looking property for this not so looking property as long as they are compatible in price. She stated that it only makes sense.

Ms. Torres referenced setting policy whether it is the Code Enforcement or any other policy, policy she believes that it should be transparent, easy to interpret and again easy for people that come after them to be able to follow and for the true intent of that policy. She noted that it is important that what is a problem today may be shifted a little bit 10 years down the road and they need to be able to adjust with that change to be able to see that they are adequately really embracing the problem and considering all the solutions to be able to really target and really work on that one identified problem and not really work on putting a blanket on a lot of the others that is going to take more time than just really focusing on the ones that they need to focus on. Ms. Torres offered to answer questions and thanked the Council. No questions were asked.

Luis Candelario stated he is a Real Estate/Broker Associate with Century 21 and he called each of the Council earlier and left either a message or spoke to them. He sees some pretty serious flaws with this mission statement called the purpose statement and findings. He thinks the rest of the stuff is really irrelevant if they really think/look at it. He stated that first of all, it is on there that they have 8,500 rental housing units. If they say 10 percent of these renters came in and said that they had issues with their rentals that is .1 percent if they calculate it. He stated that 1 percent of tenants have problems with the housing that is here in Madera. The next part of the mission statement, the purpose and findings statement, according to them is preventing or eliminating slums and blight addressing community development needs, have a particular urgency because rental housing often deteriorates over time which is obvious noting that

rental housing does but again, this is .1 percent of all the renters that are actually complaining. They have a Code Enforcement already so he doesn't see why they would need to implement something like this because it seems like they are just creating another agency to oversee another agency, more bureaucracy spending more money when they could actually be using that to be more useful to other purposes to actually going after these rental units that actually do repairs and helping them bring them up to code or helping the people that are actually renting and that are in a situation like the lady that was here earlier.

Mr. Candelario stated that it goes further to say that routine inspections need to be conducted. Again, more fees, more red tape. He thinks this purpose and findings is really thinking that rental is inelastic. People, if they are renting and all of a sudden they get hit with a bill, the landlord, they are going to go ahead and pass it on to the renter and the renter is not going to be able to pay it so they are going to have to leave and it is creating more red tape, more people. In reality it is really disrupting the community more rather than helping it because of the simple fact that this could be creating more red tape for the good landlords out there, for .1 percent of the renters that have issues with their rental unit. They are stating that they are going to be able to provide a reasonable guarantee. He doesn't think that is true.

Mr. Candelario referred to the question asked by Council Member Oliver that should people be forced to buy something essentially, paraphrasing, but should people be forced to buy something that is substandard. He noted that real estate or really anything, it is an agreement between two people. He has been in this business for nearly about 20 years and he has shown houses to clients and he thought to himself this house is no good for them...this house is really ugly...it has this that the other whatever. Before he know it he had to shut up because they really loved the house. They were like this is their dream house and he was really shocked but that was kind of like two years into the business and he realized, he was like there are people who have different ideas then he does. There are people who have different ideas of standardization than he does and as a government body, they are going to get into something that could possibly violate some people's rights in some way just simply because they are going to be setting standard for somebody...if they like 10 pizza boxes in their house, hey unfortunately that is the way they like to live. And if it is affecting the rental unit then obviously that is no good but he was just addressing that point there.

Mr. Candelario stated that a really important note is that Fresno City passed their ordinance by a vote of 4-3. It still wasn't unanimous. It wasn't like all seven of them said heck ya let's do this so that is something to take into consideration.

Mr. Candelario stated he would like to touch on the first attorney that talked about false choice of affordable housing. He is paraphrasing again. He doesn't think that is necessarily true because there is affordable housing out there. People have to make to work. They can't also try and make Madera a welfare city and try to provide every single thing to some people. They have to give them some sort of incentive to be able to work, to be able to be proud of possibly trying to own something or be proud of taking care of rental units they are renting.

Mr. Candelario referred to the points heard that they are afraid of retaliation. He stated that it's true but he thinks that goes in anything. He thinks if you are an employee and you want to be a whistleblower, you might get retaliated on too. He doesn't know how necessarily that can come into play here noting that obviously there is a risk. There is a risk to say...hey, you know what my house is in substandard condition.

Mr. Candelario referred to the point where they want to track some of these but there is no reference in here that says there's this amount of percentage of properties that's substandard; it's just a blanket statement...there is blight in the City of Madera as if the City was falling down and that is not true.

Mr. Candelario stated there are other things that they could use money for in the City of Madera like the old downtown districts, in their streets, making the City really big. One of the things he thought about was that they have to try and bring more businesses. They have to try and attract them and they are not going to be able to do that by implementing things that are going to be restricting businesses from coming in. He likes going to Walmart but Target has a lot of organic stuff that he likes and he has to drive 15 minutes out there and people are going to do those same decisions if they don't have that type of economy here and

this is going to through a lot of red tapes for a lot of the good landlords out there and again it is less than .1 percent of the rentals that are out there that are substandard according to them and that would be as if 10 of them came in today and he thinks maybe three of them came in.

Mayor Medellin thanked Mr. Candelario and stated that his numbers are a little skewed. It is not less than .1 percent and the Fresno City vote was 5-2 not 4-3. Mayor Medellin thanked Mr. Candelario for his comments.

Council Member Oliver stated he has one other item to clarify with respect to his comments. He understands that people have different standards as far as what is habitable and whatnot. He thinks the follow up question was should that transaction occur, if there are knowingly children involved, should those children be subject to units of squalor.

Mr. Candelario replied he thinks it depends on the person purchasing it.

Council Member Oliver stated for rent and he would assume that if Mr. Candelario were the agent on that deal, it probably wouldn't happen.

Mr. Candelario agreed and stated when you are buying a property, you have an appraiser, inspection...

Council Member Oliver restated for rent.

Mr. Candelario replied if the person is gonna go out there and sees that it is substandard, if it is substandard to them, then they should not but what he may deem as substandard may not necessarily be substandard to another person.

Mayor Pro Tem Foley Gallegos stated that Mr. Candelario has been in the real estate business for 20 years and asked him to confirm.

Mr. Candelario replied yes.

Mayor Pro Tem Gallegos commended him for his passion about this ordinance. She stated that the real estate community and City staff have been working on this for over a year. She asked him if he attended any of those meetings.

Mr. Candelario replied he did not.

Mayor Pro Tem Gallegos thanked him.

Mayor Medellin called for the next speaker.

Mike Pistoresi with DMP Development stated he is going to make an emotional appeal to the Council tonight and that appeal is let's make Madera a better place to live. He is tired of seeing substandard housing in Madera. Between himself and his partner, they control 600 units in the City of Madera. None of them are substandard. They feel that there are two classes of landlords: those who care and those that are only here to profit and just care about the rate of return, don't care about the community, they don't care about their tenants, they don't care about their properties. He stated that this ordinance will help clean that up and the landlords who are not conscionable in the way that they run their business... there have been comments made by various realtors, not tonight, but there have been comments made by various realtors...oh they'll leave town...good. He stated get them out of town; they don't need them. They need to improve this community. He has lived here all his life. He has watched things deteriorate in town and granted things do deteriorate over time but let's clean this City up, let's help make it a habitable place with safe, clean housing. He added that Ms. Torres commented about people coming into town and making investments in the community and building more apartments, if the demand is there and the returns are there, it will happen. Mr. Pistoresi stated that is all he has to say and offered to answer questions.

Mayor Medellin asked if there are any questions for Mr. Pistoresi. No questions were asked and Mayor Medellin thanked Mr. Pistoresi.

Ubaldo Garcia, residing in Madera, California, stated he is a licensed architect. He has several friends and clients in the audience. He wants to disclose that he is not here to express any of their interests except his own. Sitting here listening to both arguments and previous arguments that he has had with many different people, he feels that this ordinance is a very sharp double-edged sword but looking at the pros and cons and the facts, he will give them the reason why he personally believes that this ordinance should be passed. He wants to say that none of them, when they walked into this building, made a conscience decision whether to enter or not. The reason they did that is because when the building was built there was a licensed architect that put his name and his license on the line and there was somebody that verified that this building was safe to occupy. It met life, health and safety. That is basically what it means. Mr. Garcia stated that every commercial building and office space in the City of Madera gets inspected by the City of Madera. He believes the Fire Marshal does. When they walk into a house that has never been inspected, how do they know if they are not a professional in building or anything like that, if you are just a kid that graduated from high school, you're 18 years old and you are putting your money down for renting an apartment, how do you know simply having your child sitting in the living room where there is an exposed electrical outlet could potentially kill them if the receptacle is not protected by an AFC receptacle. That is something that would cost somebody's life. Mr. Garcia stated that he knows for a fact that this ordinance is going to cost money. He also owns rental property so personally for him as well. None of his are in a blight. He is sure there are some issues. There is litter. The only thing he asks of the Council Members is that they don't set this in granite for ever and ever. They should come back and revisit this on a three month or six month or whatever basis, version 1.1, 1.2. The ordinance has to indicate whether the violation is oriented for the tenant or the landlord because there are some really bad tenants out there and there are some good ones. There are also some really bad landlords and he has seen it. They need to protect those people that either don't speak the language, don't understand the law or just simply don't have the time. It is their duty whether it costs money or loses profit. If people want to leave out of town or investors so be it. He will be more than happy to buy as many properties as they throw out there. They just have to do the right thing even if it costs money. They need to set up a record to where landlords that have a good standing record have priority. They should think about the staffing issue because 8,500 units...say every unit took one hour to inspect that will be four people full time just in one year lapse so it would take one year just to inspect those 8,500 units. Mr. Garcia commented that the problem right now is there are a lot of people flipping houses so tenants are getting evicted for no reason at all and they are having to accept even those that speak English and understand a part of the law, they are having to accept substandard because there is nothing out there. He has lists of people in his phone of people that call him every month or every other week just looking for units and it is bad but the City could do something about that with maybe lowering permit fees or things like that but that is a completely separate issue. When it comes down to it, they need to provide safe, habitable homes. That doesn't mean pretty. It has nothing to do with amenities. He stated that these are just basics running water, doors that open and close, windows that are not broken, roofs that don't have a tarp, electrical that is working those such things. They are not asking for anything special. He hopes they pass the ordinance and offered to answer questions.

Mayor Medellin asked if there are any questions for Mr. Garcia. No questions were asked and Mayor Medellin thanked Mr. Garcia.

Mayor Medellin asked if anyone else wishes to speak.

Joanna Torres, residing in Madera, California, stated she is going to be very brief because a lot of the men before her did very good points. She just wanted to let them know that she continues to support a rental inspection ordinance. She added that everyone deserves to live in healthy and safe homes and this ordinance will ensure that.

Mayor Medellin asked if anyone else wishes to speak.

Martha Garcia, residing in Madera, California stated she never rented a house. She owns her own house. She has some students from Madera High School that sometimes say...oh we live in this house and the bigger rats like this size and where do we go. She noted that they don't have papers. They are illegal and sometimes their parents are so afraid to go and complain to somebody because they are going to throw them out like the other lady. She thinks, if nobody has to fear that you're doing the wrong thing, you don't have to worry about it. People need to have somebody to go check and inspect every house. She thinks it's something humanity for people. She commends all the people that are in real estate and they make money by selling houses and they probably have so many houses. She asked what is this problem; give a little bit. If they have nothing to fear why do they have to worry about it. She thinks here in Madera they are finally doing the right thing. Worry about the community, the people. They don't have to worry what kind of people is...what kind like the mister said over here...well it is standard for everybody. She stated that well it is not her standard why is it standard for them. They are talking about humanity about people no rats...no some kind of inhumanity thing. She thinks all the real estate people some day they made money about those people too. She asked that they give a little bit to the community to make it better is a good start. She commends for each of them to pass this law.

Mayor Medellin thanked Ms. Garcia.

Connie Neal, residing in Madera, California stated she has lived on one block in Madera since 1963. She has seen the deterioration. They mentioned a while ago about these substandard housing being by schools. She is half a block of the ones she is talking about for Madera High. She stated that Madera High students come to these substandard houses and buy drugs morning, noon and night because the landlord doesn't care. As far as cleaning the place, in between tenants, as one is slamming the door going out another one is bringing them. They don't care if they have rats and they have babies in there. She asked if they can imagine their baby sleeping in a cardboard box and a mouse or a rat eating its toes. That's how these people live and they are afraid to speak up because they are not from this country and it is a person of their own nationality that is raping them. They need to get this town back in order. This town used to be a nice town and as she told Steve (Mr. Montes) today, Madera is the county seat of Madera County. She would rather go to Chowchilla or Raymond. They have better housing and stuff than we do. They take care of their people. People from out of town are buying these slumlord houses because the word is...oh, Madera is a cheap area...pick it up for nothing...make a bunch of money off it...they're not gonna do anything in Madera. Ms. Neal stated they are not like Fresno. They are not like these other towns. She stated they have problems over there. They've had people living in houses for months. No running water. No electricity. There is nothing that code can do. They can't get in there. This code they have right now is not working. They've got to come up with something else where the code inspectors can go in and see what actually is in these houses. She stated that now it is up to the tenant which they're scared to death. And do they think a slumlord is gonna let them in the house to investigate it, no. She stated there was one where the lady complained and she is moving out. He already had one moving in. She complained to the Code and he told him, you cannot rent, I'll bring in another renter until you get this up to code. What did he do, he didn't answer the Code Inspector's call and ignored him. She noted that they got in there and he apologized that he had to bring in a renter to make the repairs to have the money. She stated he's got five shanties right there, 500 bucks a pop. She stated that is just part of his little domain here. She noted that these people are living in there and it hasn't been brought up to code. She stated this is totally ridiculous and there are a lot of houses that are new that are run by slumlords. They don't care. She commented that a lady had a house burn down not too long ago here in Madera; it was full of marijuana grow. She's the landlord. She has the right to go in there and inspect. Property management has the right to inspect. She has a marijuana grow in a rental next to her with cameras on the fence and all that and there were little kids sleeping in tents in the backyard. She stated that these slumlords are more interested in putting money in their pocket and not improving those houses for those people. Everybody is a human and they all deserve the same right to live in decent housing. She hopes they pass this.

Luis Candelario asked to make a rebuttal.

Mayor Medellin asked Mr. Candelario to limit his time because he doesn't want to have this a personal rebuttal back and forth.

Mr. Cadelario stated he wanted to touch on the basis that people do need to be able to live in a nice comfortable home. He noted that again, they are arguing from the extremes in some cases and he doesn't know that this is necessarily the solution here. He thinks this is creating a little bit more red tape. There are a lot more avenues that people can go to really complain about landlords that have substandard housing but he just doesn't think that this is the place. He would like for them to vote no.

Mayor Medellin asked if anyone else would like to speak. Mayor Medellin reminded all that this is public comment and he is opening up to the public. He will close public comment when the last person speaks so there would be no more comment after that.

Naomi Stevens, residing in Madera, California stated she has lived all over California in her life. She has lived in different kinds of rentals. She sacrificed and bought a little house in 1977. She loves her little house but it has been a disaster. No one's addressed what people around these slum houses and apartments deal with especially since 2008. One little house was sold to a flipper. That person made money, flipped it. The minimum was done before they made these transactions and then when the bottom fell out of everything, the last guy standing was holding this little house that had been flipped over and over so he rented it out. As far as she knows, he lives in LA (Los Angeles). She never sees him around. She added that it has significantly decreased her life, liberty and happiness living next to it and dealing with everything. She quit calling Code Enforcement a long time ago because they can't go into a yard to check out what she is talking about. They can't go into a house so that is the way it's been.

Ms. Stevens stated that as far as encouraging developers and others to come into Madera she wondered who wants to come and develop when it is such a shantytown. She added that there are so many things that could be done to make this place pretty again and aesthetics have value. She would be willing to bet that none of them live in a house that is substandard, put up with substandard housing next door to. She added that sometimes when she is going over to the cemetery to pay respects to friends and relatives, it is like a different world from where she lives and over there are like two different countries. She noted that it is so pretty and lush. All the yards are well maintained. Nice homes. She doesn't know how many meetings she went to when they were trying to get their area redeveloped or saved. There were so many different meetings and it is still kind of pretty shabby looking. Regarding the house next to her, Ms. Stevens stated that the last owner did some painting on the fascia board because it was cracked and peeling and ugly. It needed to be scraped and painted. She added that he didn't bother to do it on the side that faces her so when she is standing at her kitchen sink, she has this horrible view.

Ms. Stevens stated that if people keep up with their rentals and they don't all have to go downhill; maybe they do but they don't have to. If they keep it up they don't have to worry about anything. She stated that the people that don't keep them up need a little reinforcement. Ms. Stevens thanked the Council.

Mayor Medellin thanked Ms. Stevens.

Mira Torres, business owner at 413 W. Yosemite Avenue, stated when she came up the first time, she mentioned that they do care for Madera. They are the realtors. They are accessible to all residents including the tenants and of course, all homeowners. They do highly advocate for property rights just like the lady that just spoke. She stated that yes they do care about her neighborhood. They care for every single neighborhood in this community. One of the many things they do with the City is they put a lot of volunteer hours into meetings and really decision making with their community leaders to make sure that they are moving in the right direction so they honestly do care about what is going on. Ms. Torres stated that she really felt offended by the comments that...I don't know about your realtors...what you're doing...because they have been really involved in the policy making or planning of this ordinance and many others such as neighborhood watch and so many other positive community things that are going on. Not only does she invite all the realtors, but she invites the entire community to come together because together they are going to build a better Madera and make an existing better Madera. She stated it is not about you and us. It is not like that. It is about them coming together, really working together on this. She stated that the realtors really are here to advocate for all property rights and they want to make sure that they are

respected. They also want to make sure that when the policy making is being made that it is transparent and that it is not going to cause all of these effects that are going to create additional homelessness or it's going to create additional problems. Ms. Torres noted that the inadequate housing issue is identified and it is taken care of. They are just thinking that it is a different vehicle that they need to take to get there but they still want to accomplish the same thing. She just wanted to make sure that all of the people understand that that's what they are here for today, for the entire community not for the realtor community only. Ms. Torres spoke in Spanish to the audience. Ms. Torres stated they are here for the entire community as realtors and also to work in conjunction with all of their City and County officials to be able to make a better Madera. Ms. Torres thanked the Council.

Mayor Medellin thanked Ms. Torres.

Angelina Garcia, residing in Madera, California, stated she is the manager of 76 apartments. She hopes they pass this. Her reason is that there are a lot of landlords that don't do what they are supposed to do. For example, they find out that they have like 13 apartments with bedbugs. Her boss told her they have to spray all of them because then it is going to be infested. One is going to pass it to the other one and another one so they did and this was a big investment for her boss. He was investing a lot in this and it was good. She noted that the thing is that they start having a lot of potential tenants saying that...you know what, I need to get out where I live because they are infested of bedbugs...they are full of roaches...we are living in a really bad situation. So, she is stuck with thinking ok they are not doing their job and now this person is coming to apply in this apartments. They already invest a lot of money and make sure that nobody has bed bugs and now she is trying to apply here and bring the bed bugs here. She noted that it is a chain. If the Council doesn't pass this, what will happen is that they are going to suffer; the people that do the right thing, they suffer from the people that don't do the right thing. She can see the little babies full of bites. They did the right thing. She stated that if the rest of the people don't do the right thing, they suffer from that. She asked that they please pass it.

Mayor Medellin stated to Ms. Garcia that it took a lot of courage for her to come down here and speak and thanked her for her comments.

Mayor Medellin asked if anyone else wishes to speak.

Ginger Govette, residing in Madera, California, stated she is coming back to the podium speaking to them as a landlord. She is a landlord. She had a situation with a tenant. Their lease agreement stated no pets; very clearly, agreed upon, signed by the tenant. When she made arrangements to do a periodic inspection on a home she owns, there was so much destruction done because they brought a pit bull into the property, a new puppy. If it had been under a rental inspection ordinance and the timing of it is that the City is ready to inspect her property, they could walk in and look at her property and say...why are you allowing your property to be like this for your tenant. If the timing would occur like that when in actuality, her property was in mint condition and now she's got quite a bit of money to spend to repair it. She stated that they damaged the siding on the outside of her home. She understands they've got issues with substandard. She does know that for Madera they have a very small percentage. They don't have 8,500 units of substandard housing. She stated that there is a different vehicle. There is another way to go at this than punishing everybody.

With the assistance of a translator, Maria Rubio stated if we stay quiet we are teaching our children to not speak up when these injustices are being done and that is a question she has, should we teach them that, should we teach them to stay quiet when there is obviously an abuse happening and for those reasons she urged the Council to pass this ordinance.

Jim Taubert, Executive Director for the Successor Agency to the Former Madera Redevelopment Agency, stated he couldn't possibly add to the body of information they've gotten tonight. He stated he wanted to bring out a couple of points. He thinks what this is about is establishing standards they want in their community and about improving those standards. He stated that there were percentages used about how many of these 85 units are considered to be substandard. He noted that in 2009 the City did a study, hired

an outside consultant and they identified 1,400 units that were in need of major rehabilitation. They identified 54 units that were considered delapidated but occupied. He stated those are the standards they find acceptable. In 2009, and without this ordinance, they continue to find that as acceptable today. Finally, they have to talk about keeping Madera affordable. They keep Madera affordable by encouraging substandard housing and not just the substandard housing. Again, he would encourage their unanimous support of this ordinance.

Council Member Oliver stated he has a follow up question on economic development and site selection and comparing Walmart versus Target. He noted that Mr. Taubert used to hold a position as director of their Economic Development Commission. He asked if he can elaborate in his experience as to what are some of the factors that go into site selectors, decision making when looking to locate into a community.

Mr. Taubert replied that when he was doing this in the 80's it was a different day and they didn't have a lot of the regulations that they have today which makes it more difficult today. But as far as their site tour, when they had location people here, they took them down Mainberry to show the quality of the housing. He noted that it wasn't just industrial land they were buying, they were buying into Madera. He added that it is very difficult to sell a community. He commented that every community has industrial land; what differentiates them is the quality of the remainder of their community in addition to the industrial sites. He would suggest today that if they did a citywide survey of their housing conditions that they would probably come up with a little higher number than came up in 2009. He doesn't know if that totally answers his question.

Mayor Medellin asked if there is anybody new that hasn't spoken before to come forward. No other requests were made and Mayor Medellin closed public comment. He brought the item back to Council for further discussion or question that they may have.

Council Member Rodriguez acknowledged the presence of their community leaders, their real estate community, their staff and those that came up and spoke in regards to this ordinance. Whether they support it or not, he wants to acknowledge that and thanked them for being here.

Council Member Rodriguez stated that over the last couple of months, some of the staff here and some of his colleagues, with the collaboration of their Real Estate Association, have come together to try to find solution for their current issue that they face which is their substandard housing. He wants to believe that they definitely made some ground there. They had some common goals in mind and some of those goals where to try to make Madera better. He noted that some of the elements in this ordinance were drafted because of the input that their local realtors have put together. He commended them for that because it is because of them that were here; because of them they are able to address the issues that they currently face here in their community. They want to acknowledge that. He really wants to thank them because in those meetings he learned a lot not only from their staff but also from them. What are the issues that face investors coming into Madera? They have to take that into consideration when drafting this ordinance. He offered kudos to them for really helping the City in drafting this. He stated that the one thing they couldn't agree on was the ordinance. Obviously if that didn't go through, that was the main issue but everything else, he thinks they are all in agreement that they wanted to benefit Madera in a very positive way. He thinks being here today demonstrates that they all have that same common ground that they want to make a difference in making their City better.

Council Member Rodriguez stated that he knows that passing this ordinance will definitely be a financial burden for some. He has to consider that because in the position that he sits in, he is in the real estate community. He has been in lending for the last 16 years and he holds personal relationships with some of them here and some of them he doesn't. So he knows what that entails. When he looks at them, when he sees them, when he goes to their luncheons, they all look at him. He wants to believe that they supported him based on his sincerity and that genuine aspiration to try to make Madera better. He hopes that whatever happens today that they still have that support to try to make their community better.

Council Member Rodriguez stated that one of the things that he noticed in Madera is that there is a disparity. There is a disparity in wealth and people don't see that; big disparity in wealth from the east to the west and it is always known because they are divided by a highway. But, those people that live on the east have less of equity, less wealth that they can transfer to their families because certain properties bring down those values. A lot have fled from there and moved to better locations and as realtors they all know that it's all about location. He stated that there is no reason why these people should not have that same opportunity to share that wealth. They can't do that if they don't address the issues at hand and those issues are the issues of substandard housing. As a real estate professional, it really hurts him. It is painful enough to sit up here and try to make a decision that would go against his professional views. But as a policy maker, he has to make that decision, that tough decision, that they instilled in him so that he could make Madera a better community. He hopes that he can still count on their support when they try to go forward and move this community forward. He noted that that disparity that exists, they can make it better by providing a better Madera, addressing the issues at hand and allowing those people to also have those same equalities that other people share. That's why he is in support of it. Although it hurts for some of them to hear that from his position, he has to support something that is going to move them forward. He understands the fees, he understands, that is why he questions that. He can assure them that he will have a watchful eye on this ordinance and at any point that it becomes such a burden to a lot of these good actors, then they can rest assured that he will be the first one to voice that out. He is there for them. He is there for the community and he hopes, and he wants to encourage his colleagues, to also support this. They should do it collectively. They are a body that wants to help move this community forward and he hopes that his colleagues also share the same sentiments that he does. He thanked them for their time.

Council Member Will Oliver apologized if he goes off track. He has about eight pages of notes and comments that he has taken from the great public testimony on both sides that they've received tonight. First he wants to state that they should be routing for their realtors success because their success, he thinks, is a good reflection and, he thinks it serves as a pulse of their local economy and how well their community is doing. He has no doubt whatsoever, and he would encourage that these real estate professionals have more work and are able to assist more people as they look to buy a home or rent a property because he trusts that they would help assist those people to make sure that they are doing their due diligence and make sure that it is a fair shake. Council Member Oliver stated he agrees with many of Ms. Torres' comments and he is appreciative of their efforts but what he thinks angers him so much is those who aren't here tonight because those who have the most to lose tonight, those who are going to be impacted the most tonight by the subject ordinance are those who are not even here, those who care less, those who aren't going to invest in their community... and simply are not here because they're not interested, they're not invested unlike the people that are here tonight whether they are for or whether they are against. He stated first, that angers him the most and he thinks they have to be mindful of that as far as the intent, he thinks the purpose and the focus of this subject ordinance.

Council Member Oliver stated that with regard to education and outreach, he absolutely agrees. He thinks that there were some great ideas raised as to how they can help assist in that regard. He thinks they have to be partners in that effort whether it be with the Realtor's Association or members of other stakeholders. However, he has to point to an example that they face each and every day through neighborhood watch. They have over 80 neighborhoods that have assembled at some point or another. Working with their Police Department (PD), working with their Realtor's Associations, their Revitalization Department and often, even if they have gone to that neighborhood three, four, or five times, oftentimes he thinks the biggest issue that they face is they're unlikely to call. And they have tried three, four, five, six times going back to a neighborhood with their beat officer speaking the same language that they speak. He noted that these are difficult challenges to bridge. There is no doubt about it. He agrees that education and outreach is central and it's paramount but it is not the only answer either. He thinks that their neighborhood watch efforts and he thinks that if they were to ask Chief Frazier, their PD and their Revitalization Team, they could attest to that and that is something they have to continue to work on.

Council Member Oliver stated he thinks that tonight's discussion serves as a call to action. It serves as a call to action to them as Council Members and as Commissioners on the Housing Authority. They have to make more affordable housing available. They have to make more housing available to their citizens

regardless of their income. He thinks this should serve as a call to action and at the same time, he doesn't know that they can afford to wait.

Council Member Oliver stated that as he is sitting here time, he was trying to reflect on finding the right words and going through all his pages of notes and he can't help to think of probably one of his idols growing up and still to this day, Robert Kennedy. As a matter of fact, this is almost to the day, the 49<sup>th</sup> year of his assassination and he said about change and about progress, paraphrasing...progress is a nice word but change is its motivator and there is no shortage of opposition or uncertainty when it comes to change. He stated that is inherent with the issues that they face in their community. He thinks that central to the discussion that they are having tonight but he thinks in this case, it would behoove them if they did not walk towards those challenges. They are not 100% sure as to what they are going to face. There are certainly going to be a lot of stubbed toes. There is going to be a necessity for adjustments and improvements but unless they take that step forward, they're not going to know. And in this case, as far as opposition it's been a good thing. It's been a great thing. He added that as a matter of fact, those that may not have shared the same interest or seen eye to eye with their staff and other stakeholders who have been driving this, come from a really good place and despite their opposition, they come back to the table each and every time and that should be celebrated because that is good policy making inherently. That he commends of the Realtor's Association, their real estate and development community for taking those steps forward despite the uncertainty and not knowing what's going to come down the pipeline. He appreciates that relationship and that partnership and he can guarantee them that the currency that has been built up over the last 12 or 16 months, however they've been looking at this ordinance, is not going to go away. It is going to build from here. He added that this Tuesday they have a great workshop together on the Vision 2025 project, one that he cares deeply about.

Council Member Oliver stated he is going to go back to the first workshop they had. He shared a story about a resident, a couple of blocks away from where he lives on Austin Avenue, two days before Christmas received a phone call from Fire Department saying they recently responded to an inquiry from an out of town property owner who was concerned with fumes that were emanating from her home. She wasn't sure exactly who was in there or what was happening. She thought to the best of her knowledge it was leased to her daughter. They went in that home. They found no running water, no electricity. They found high levels of carbon monoxide. They found makeshift piping installed from the stove to the living room window because they had to provide ventilation of the homemade fireplace that they created in that stove and there are children present there. Their Police Department got involved, Code Enforcement then got involved, kids had to be entered into CPS (Child Protective Services) custody two days before Christmas. He said at the first workshop if this is the answer what is the question. He pivoted back. He did not mean to put people on the spot as far as follow up questions and whatnot but he inherently means that this goes beyond a transaction of a tenant or a landlord. They have to think of those who are most vulnerable and those who really haven't had a voice throughout this whole time. He wondered who is that eight year old to call if they are subject to squalor. Are they going to call the Code Enforcement Officer? No, let alone a police officer, probably not. But they are not going to slice and dice whose responsibility that was whether it was their parents which maybe it was, whether it was the landlords; maybe they contributed to it. He commented that there is inherently an issue. He doesn't care if there are two children that lived in that household on Austin Avenue, he thinks it's worthwhile. He really does appreciate again, the discussion. He thinks they have to be proactive and face the challenges that fail to evade them. He thanked all in attendance whether they are for or against especially those who took on the courage to get up there and to speak whether they speak English or Spanish. That was very bold. He stated his appreciation to those that share a difference of opinion. He wants them to know that they are going to continue to work together and they are going to do some really great things.

Council Member Donald Holley stated he doesn't want them to applaud for him. He just wants them to listen. He came here with a mindset of something he didn't like. He wasn't agreeable with. He fought with it and then he got to thinking to about 20 years ago, maybe a little longer, he met Jim Taubert. He came to the southeast side of Madera. It was all tore up over there. It was ugly. It didn't look like he wanted to be in that kind of environment. He told Mr. Taubert... Jim, don't come over here and mess up my neighborhood. He isn't going to tell them what Mr. Taubert told him. But as he looks over there and he looks at the

development and how it has changed and how the houses look and how beautiful they are and how people have taken pride in most of them and then there are a few that don't want to do anything and he asks himself...and just before he got here, he had a meeting with one of his colleagues. They were talking and he fought against this. He's met with several people. He was really hurt, does he want to see this. He doesn't want them to have to look at a homeless situation and when he hears folks from Fresno talk to him, he gets bored because he sees what Fresno had. They had more homeless folks than we ever want to talk about but they don't have housing for them but to come here and tell him how Madera should look doesn't please him. But, he is concerned about Madera. He has been here all his life and he isn't going nowhere. He said that here to make a decision to care about what goes on in Madera. He didn't take this job lightly. He took this job because he is concerned not why people talk to him or what he sees as he goes around the City. He goes up and down Yosemite. That was a place...he walked up and down that street seven days a week, maybe eight hours a day. He was a shoe shine boy. He saw more of Madera than any of them probably would ever believe a young man could see. He started when he was six years old and ever since then Madera has been his heart. He grew up with a lot of friends going to school and he never thought about being in a political situation until he got into the Planning Commission. He got to thinking...what do I want Madera to really look like...what voice would I make to help his colleagues make Madera a better place to live and have people to bring jobs here...how can we face that...what can we do about it. He got deeper into it. He went to the County and he saw a bigger area. Then he thought about the Council where he could really make a decision to help those to help themselves. When people cry out, what can I do to make the City livable. He stated this is what it's about, people coming together. They're never going to always agree but they should never all disagree. What do we want? How do we look at this? How do we feel? They can say they don't want it. He is sure it's going to cost somebody some money but he would rather see a safe environment in his City than let somebody just keep doing what they want to do.

Council Member Holley stated that if a lady tells him she's got 100 bed bugs in her house, he knows what she's talking about because those things are not pretty. But if they've got a landlord that doesn't want to fix it, that's sad. But when they've got one that wants to fix it then that's a man who took pride in his community. He took pride in his property. When they look at this, what do they really want. Do they want to keep looking at this, keep saying ok it is gonna go away...no it's not because they have been at it for over 40 years and it hasn't gone away. He asked how do they fix it. This is an ordinance that he feels really had beat him up, tore him apart. He still really wasn't knowing how to say this but he thinks it helps them. He thinks they can get there. It might take a little while. The reason he asked the question about what side of town they would really base this at, it's all over. It's not just on the southeast side. He rides around Madera. It is everywhere now but like he was saying, Jim Taubert did a great job on the southeast side which he has done in other communities. He doesn't want to see that neighborhood go back to where it was when they were little kids. When they start something, let's finish it. He feels that they are going to get somewhere and this is the best way they can get there by setting rules and regulations to people. What really hurts is that a lot of these folks that own these homes today, have moved away and left their property to them. They've got to face the blight in this City. He has a lot of his friends that lived on the southeast side that own all these properties over there and none of them are here in Madera today but the tenants are here facing this reality of trying to get things fixed. He stated that you have to bring a landlord from LA to Oakland or whatever to come down here to try to fix your property and the next day he is gone. Those are his viewpoints. He thanked the realtors. He knows they did a great job and he supports them but he thinks they need to get further from where they are to fix up Madera.

Mayor Pro Tem Foley Gallegos stated her three colleagues have said a lot of what she wanted to say. She is going to be very brief because it's been a long night. First off, she loves Madera. She loves representing it and she would thank the realtors and their builders who are investing in Madera and staying here. That means a lot to her. They have a lot of investors that have rentals that do not live here. And like Ms. Stevenson said...you could be a property owner and you have to be terrorized by rentals that are substandard living next to you. They had at Madera High School a drug bust in a home that was a rental property. The investor in that home does not live here. Never came around. Just collected rent through the mail. There were children in this house and the neighbors next to this rental kept calling in. Code Enforcement did what they could do but only from the outside. There was no running water. There was no

electricity on. It was just not needed for these people to live like that. She stated that this investor got word of his home being in the newspaper about not taking care of it and now has moved out those renters, done beautiful things to the property. The neighbors are ecstatic because like Ms. Stevenson, they have an older little home in this area, if they know where Madera High is. They're not going anywhere. They are going to stay there for a long time. they love Madera. For her as an educator, she does see children with bed bugs all over their legs and she hears the kids say well my parents can't afford to have it taken care of and the landlord won't do anything. She sees it from a councilperson, as an educator, to a person who goes to neighborhood watches and hears what neighborhoods are saying, and the people in their community are saying.

Council Member Foley Gallegos stated she held a workshop town hall meeting with her constituents in District 1 because she has been really torn with this. She got a lot of input. She has been on the eastside and seen those homes like Councilman Oliver is talking about. She stated they need to do what is best for their community like stated by the Council Members here. She stated that what's best not just for their community but for their children because those are the ones that are going to lead Madera when they're no longer here. They want to tell them what's best like speaking up and saying what's right or wrong. As parents they are the models for their kids and if they don't go out there and say things, what are they telling them, that its ok to live like that. It's ok to do the things that their landlords are doing to them. She thanked them for their time and effort and for coming tonight and sticking around noting that it is a real important issue. She thanked them for being a part of this.

Council Member Robinson stated he has been going for it, against it, for it, against it. And he said...well going to have to pray about it...I'm going to have to come here and listen to everyone, the pros and the cons. He knows they need adequate jobs, affordable housing but they also need immigration reform and water and jobs so their citizens can afford decent housing which leads to homeownership. But, they need to build additional housing because the need is more than the supply. If their immigrant population had the assurance that they wouldn't be deported because of their status then they would be emboldened to report problems associated with their housing as well as crime directed against them.

Council Member Robinson stated that the water crisis has been devastating in their area. The community landscape has deteriorated because of the lack of water which has eroded housing prices and the appearances of the neighborhood. Plus they had Parkwood that needed to be placed on City's well system. He added that the aquifer is being depleted. He stated that maybe they need more HERO programs to bring housing up to code, PG&E, even OJT in the military, on the job training for their tenants to learn basic home improvement. He saw a woman on YouTube who built a two-story house just by looking at YouTube. When he had to work on his car, he went to YouTube to learn how to do basic work on his automobile. He stated that it also takes tenant to make steps to improve their situation. If they have rats, then get dCON. They need an ordinance that has to focus on the bad actors. They can streamline. They know who they are. Instead of penalizing all the landlords as a whole. They need a hotline to report inadequate housing to ensure life, health, and safety. They have a lot of people that are hoarders. They can't even get into their room. They've got so much stuff piled up to the ceiling. When it comes down to it, they need some guidelines in order to reform their inadequate housing. It might not be perfect but he thinks they can constantly work on it to improve it so he is for it.

Mayor Medellin stated that in the spirit of time he will just make a brief statement. He thanked everybody for being here this evening. He wants to go back over the last 18 months for the number of meetings they had privately, for the workshops they've had publicly, for the phone calls, the texts, the emails from everybody concerned. When he ran for office years ago that was really something that he wanted to do is be the link in communication. Cooperation and collaboration was what he said when he ran for office. He noted that it's not always peaches and cream but just the fact parties are willing to sit down and get together is a great thing. He stated he applauds and thanks each of them for coming down here and reaching out to them and amongst themselves because as Councilman Oliver said is all that does is strengthen them as a community.

Mayor Medellin stated that although this is challenging, it has been difficult. He noted that there is always a silver lining and there's always opportunity. He really truly believes that what they have before them this evening, and in subsequent years to come, is a golden opportunity because everybody who did speak here today one, has agreed that they do have a substandard housing problem. He stated that nobody has ever told him that they do not have a problem and two, every had said... I'm here because I want to make Madera better. He encouraged them to take that opportunity and continue that dialogue, continue to work together, and continue to make Madera better because the people that are in this room, and for those who are watching the livestream and couldn't make it, there is a large number of people who really, truly want to make Madera a better place to live. As elected officials they have taken an oath and he personally has taken an oath to do whatever he can to represent over 63,000 people in the City of Madera. He too has seen homes that children do not deserve to live in. He has seen the impacts at Madera Unified. He has seen the impacts with people who live next door to those people and it is horrendous, it is horrible. His measuring stick that if he or his mother or grandmother, if he would not allow them to live there, why should he allow anybody else to put up with such horrible standards. He won't go on with the details about its not been effective in the past. They have tried and for years, he believes all they have done is become a community that has invited that slumlord. They invite that type of condition because they have not done enough to say enough is enough. He personally will take this opportunity to move the needle and make Madera that community that everybody in this room wants to live and he thinks this is that first step. He really truly does.

Mayor Medellin stated he has heard testimony this evening that talks about high rents. To be quite honest with them, when it is a return on investment or affordable housing, how does that equate to low standards. To him that does not and as Mr. Pistoresi said, if somebody says you know what then I won't invest in Madera, he agrees. There's the door, good riddance because they have a number of people in Madera that have like Mr. Pistoresi and Mr. Brar, that have invested in Madera. They see the value of investing in Madera and will continue to invest in Madera. He has said his peace and thanked them all for being here not just this evening but in all the meetings they have had in the past and as Council Member Rodriguez said, he hopes that they continue to work together and keep that dialogue open.

Mayor Medellin called for title.

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

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, FURTHER READING WAS WAIVED, AND ITEM C-1, AN INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE MADERA MUNICIPAL CODE TO ADD CHAPTER 16 TO TITLE IV PERTAINING TO RENTAL HOUSING INSPECTIONS**

Mayor Medellin called for a short recess at 8:18 p.m. The meeting was called back to order at 8:23 p.m. with all members present. Absent: Council Member Rigby.

**C-2 Second Reading and Consideration of Adoption of an Ordinance of the City Council of the City of Madera, California, Amending Portions of Chapter 5 of Title IV of the Madera Municipal Code Pertaining to Taxicabs**

Neighborhood Preservation Specialist Nick Salinas stated his presentation will cover items C-2, C-3, and C-4 but they will the necessary breaks to accept the proper motions.

Mr. Salinas stated that this originated due to an applicant looking to obtain a new taxi business license and permits. During that time they found the ordinance was somewhat flawed as there was irrelevant titles and other issues that didn't align with the process. At that time, management gave direction to staff to look

revamping the whole ordinance also with an emphasis on increasing safety and to streamline the process. Mr. Salinas reviewed the major changes as it applies to the ordinance. Live Scan will be required for the Police Department. There will be a need for a two-year Department of Transportation Health Screen for each of the drivers. They will take a look at a 10 year DMV (Department of Motor Vehicles) printout and with an approval, they will issue an ID (identification) card to the drivers approved to drive the vehicles.

Mr. Salinas stated that on the City's end, the department manager has been changed to City Administrator or his or her designee. They removed the Certificates of Public Convenience and Necessity. After talking to the City Attorney, they decided that that portion usually pertains to items that are relevant to liquor licenses. They thought in this case that it wasn't necessary so they removed it. They will also require that the taxi meters are verified by the County Weights and Measures in which they will be inspecting. They will also have each of the vehicles be inspected by a local certified Bureau of Automotive Repair inspector.

Mr. Salinas stated that internally within the department, they will do a quality vehicle inspection which will look over the major components like the ac (air conditioner) to make sure that the windows can be defrosted if needed, that the seatbelts operate properly with locking mechanisms and that the doors open and lock freely. Mr. Salinas offered to answer any questions.

Mayor Medellin asked if there are any questions for Mr. Salinas. No questions were asked.

Mayor Medellin stated that although this is not a public hearing he will ask if there are any questions or comments for this item. No questions were asked and Mayor Medellin brought the item back to Council.

Mayor Medellin called on the City Clerk for title.

The ordinance was read by title by the City Clerk.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED, AND ITEM C-2, ORD. NO. 941 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**ORD. NO. 941 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 5 OF TITLE IV OF THE MADERA MUNICIPAL CODE PERTAINING TO TAXICABS**

**C-3 Public Hearing and Consideration of a Resolution of the City Council, of the City of Madera, California, Adopting an Increase of Rates of Fares Pertaining to Taxicabs**

Neighborhood Preservation Specialist Nick Salinas stated that in revamping the ordinance, they took the initiative to meet with the local cab owners. Upon their meetings, they found that there was need to increase the rates of fares identified by the cab owners. He advised that the last increase was in 2003 so over the course of 14 years they felt that it was time to take a look at this.

Mr. Salinas stated the ordinance states that an increase of rates may be issued by the City Council which will need to show consistency with increase in the consumer price index. He explained that a drop charge is for the first mile when you get into a taxi vehicle is \$2.75 for the first mile. Thereon after it's \$2.50 and the wait time is 25 cents per wait time minute if you are at a stop light, stop sign or the vehicle is not moving. He took a look at local valley cities, a total of nine as displayed. They originally had a higher proposal looking at the numbers collectively averaging the median. He advised that the current taxi cab owners are in support of the current proposal at \$3.15 for the drop, \$2.60 per mile and 41 cents per wait minute. Mr. Salinas stated that staff recommends that the Council move to adopt the resolution increasing the rates of fares. He offered to answer any questions.

Council Member Oliver asked if there is any element of local jurisdiction for Uber, Lift, or other ride sharing on what they charge.

City Attorney Brent Richardson replied that is all within the CPUC (California Public Utilities Commission) and noted that the state decided to take that into their own jurisdiction some time ago so it is hands off for the City.

Mayor Medellin asked if there are any other questions. No other questions were asked.

Mayor Medellin announced that this is a noticed public hearing and asked if anybody in the audience wishes to speak on this item. No requests were made and Mayor Medellin closed the public hearing and brought the item back to the Council.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, ITEM C-3, RES. NO. 17-78 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**RES. NO. 17-78            A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, ADOPTING AN INCREASE OF RATES OF FARES PERTAINING TO TAXICABS**

**C-4      Consideration of a Resolution of the City Council of the City of Madera, California Adopting Taxicab Permitting Fees and Other Changes to the Master Fee Schedule**

Neighborhood Preservation Specialist Nick Salinas stated that per the ordinance, there are going to be some new steps taken by the department in which they implemented some cost recovery steps. The taxicab business permit fee is a new fee which is introduced. They are proposing that at three hours of time. That will give them the time to take the application, conduct background, verify that the vehicle was in fact taken to a certified Bureau of Automotive Repair inspection and also issued proper permits.

Mr. Salinas stated that the second fee will be the taxicab vehicle inspection fee introduced at one hour of time. That will be the department physically looking at the vehicle and also making a determination if the vehicle is safe to be on the road and issuing a permit if need be.

Mr. Salinas stated that including these fees they decided to also update the rest of the fees within their department being that the hourly base rate is being proposed to be increased from \$40 to \$60, they pretty much replicated that in terms of the hours taken for each of the steps throughout the other operations of their department. Mr. Salinas stated that staff recommends that the Council adopt the resolution approving the new fees and changes in the Master Fee Schedule. He offered to answer any questions.

Mayor Medellin asked if there are any questions for Mr. Salinas. No questions were asked.

Mayor Medellin asked if anybody in the audience wishes to speak on this item. No requests were made and Mayor Medellin brought the item back to Council.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY MAYOR PRO TEM FOLEY GALLEGOS, ITEM C-4, RES. NO. 17-79 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**RES. NO. 17-79            A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, ADOPTING TAXICAB PERMITTING FEES AND CHANGES TO THE MASTER FEE SCHEDULE**

**C-5      Public Hearing on Objections to Weed Abatement and Consideration of a Resolution of the City Council of the City of Madera Authorizing the City Administrator or Designee to Abate Weed Nuisances Existing within the City**

Neighborhood Preservation Specialist Fabela Rodriguez reported that on March 13<sup>th</sup>, weed abatement inspections were conducted on 373 vacant lots. Such parcels were found in violation of the weed abatement ordinance. She advised that on April 30<sup>th</sup>, 45-day notices of violation were delivered through certified mail stating the violation, corrective action, hearing date, and the deadline of May 14<sup>th</sup> to comply. She added that during this time an ad was submitted to the Tribune listing the requirements, deadline, and her contact information for those with questions or concerns. She noted that ample time was given to comply as extensions were also issued to those who requested one.

Ms. Rodriguez stated that reinspection's were conducted from May 15<sup>th</sup> – 19<sup>th</sup>. At the time 68 properties were found in violation as shown on Exhibit A. She added that that number has now reduced to 67 due to one burning due to the dry vegetation. She noted that property owners were contacted through telephone and others via mail to inform them of the existing violation and abatement of the property was not brought into compliance by the hearing date. As she mentioned before, overgrown vegetation causes blight in their City but it constitutes a major fire hazard. She advised that just this past month they've had two fires within the City.

Ms. Rodriguez stated that notices have been sent and ample time has been given to all property owners to comply. Unfortunately, the 68 properties have not. She is now here to ask for Council's authorization to conduct an abatement on these properties.

Mayor Medellin asked if there are any questions for Ms. Rodriguez. No questions were asked.

Mayor Medellin announced that this is a noticed public hearing. He asked if there is anybody in the audience wishing to speak regarding this item. No requests were made. Mayor Medellin closed the public hearing and brought the item back to Council.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, ITEM C-5, RES. NO. 17-80 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**RES. NO. 17-80            A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING THE CITY ADMINISTRATOR OR THEIR DESIGNEE TO ABATE WEED NUISANCES EXISTING WITHIN THE CITY OF MADERA**

**C-6        Consideration of a Resolution Approving Amendments Regarding Health Benefits to Employment Agreements with the City Administrator, City Clerk, City Attorney, Executive Director of the Successor Agency to the Former Madera Redevelopment Agency, Planning Manager, Grant Administrator, Director of Community Development, Public Works Operations Director, City Engineer, Director of Parks & Community Services, Chief of Police, Chief Building Official, Information Services Manager, Director of Financial Services, and Director of Human Resources**

Director of Human Resources Wendy Silva advised she is available for questions. She added that there is an announcement that must to be read.

Mayor Medellin asked if there are any questions for Ms. Silva. No questions were asked and Mayor Medellin announced the following: If approved the proposed amendments to the listed at will employment agreements will modify the City's contribution to health benefits for the 2017/2018 plan year.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, ITEM C-6, RES. NO. 17-81 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**RES. NO. 17-81            A RESOLUTION APPROVING AMENDMENTS REGARDING HEALTH BENEFITS TO EMPLOYMENT AGREEMENTS WITH THE CITY**

**ADMINISTRATOR, CITY CLERK, CITY ATTORNEY, EXECUTIVE DIRECTOR OF THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY, PLANNING MANAGER, GRANT ADMINISTRATOR, DIRECTOR OF COMMUNITY DEVELOPMENT, PUBLIC WORKS OPERATIONS DIRECTOR, CITY ENGINEER, DIRECTOR OF PARKS & COMMUNITY SERVICES, CHIEF OF POLICE, CHIEF BUILDING OFFICIAL, INFORMATION SERVICES MANAGER, DIRECTOR OF FINANCIAL SERVICES, AND DIRECTOR OF HUMAN RESOURCES**

**C-7 Consideration of a Resolution Approving a Master Tax Sharing Agreement between the City of Madera and the County of Madera**

Community Development Director Dave Merchen stated this is a resolution considering the adoption of a Master Tax Sharing Agreement (TSA). Mr. Merchen provided a background on the function of a TSA. He advised that state annexation law requires that the City and County reach agreement on property tax disposition when a property annexes. He stated that is basically who gets to keep what amount of property taxes; who gets to keep the increase in property taxes over time after property is annexed. Mr. Merchen stated they can either be done on a case by case basis which takes a fair bit of time or it can be done through master agreements which streamline annexation processes by essentially applying a formula to all the annexations that occur after a certain date.

Mr. Merchen stated that if a master agreement is proposed, it is pretty typical that the property tax issue and any other issues that the two parties feel like they want to include whether it is directly related to annexation or just a matter of interest between the two parties could be included.

Mr. Merchen provided background on the history of the TSA between the City and the County. He advised that the most recent long term agreement was a 10 year agreement that expired in 2014. There was a one year interim agreement that lasted for the calendar year of 2015. He stated that the City and County both expressed some interest in long term agreements and there has been, he doesn't want to say continuous, but, at least an on again off again continuous negotiation since the 10 year agreement was set to expire in 2014. He added that finally their subcommittee of Mayor Medellin and Councilman Oliver were able to negotiate terms that were acceptable to both parties and got them to the finish line.

Mr. Merchen stated that the term is a three year agreement. There are also two potential one year extensions. He stated that the County would retain the base property tax for annexed properties. That has been essentially the same for twenty-some odd years. Regarding increases in property tax that would occur after annexation would be split 50/50. He noted that is the same as previous long term agreements.

Mr. Merchen stated that the County would receive three percent of the sales tax generated within the City limits. He noted that the County has always received, at least in his 25 year experience with either the City or the County, a percentage of sales tax. He commented that this year the agreement would change that from a number that was 6.75% of the sales tax in the prior agreement down to 3%. He stated that change is due to some offsetting provisions which he will describe. Mr. Merchen stated that the City will provide police service in Parkwood. He advised that was a request made by negotiating Supervisor representatives and also, to some degree could be argued serves the City's interest, is that crime in Parkwood directly affects the City so there was kind of a logical connection there. He added that the agreement also provides that the City would pay about \$50,000 annually for the Madera Branch of the County library system. He stated that those two items together, the Police in Parkwood, and the \$50,000 are roughly comparable with the previous figures. He stated there was not an intent to make it exactly an even-steven kind of approach but it is comparable he would say.

Mr. Merchen stated that the agreement also covers development matters. He noted that development projects within the City's urban growth boundary would be referred to the City so the referral policy in there. He stated that the projects that are not consistent with the City's General Plan or there are projects that the City wants to try to annex but LAFCO for whatever reason says no, then none of those projects get

developed so they don't end up getting projects that are not consistent with their planned development in the Sphere of Influence.

Mr. Merchen referred to the Urban Growth Boundary displayed. He advised that it is adopted in their General Plan and shown as the bright pink boundary. It really includes all of the developed area and all of the areas that are likely to be developable within a pretty robust time frame. He noted that this is the area where infrastructure can be extended within their future growth area and be in compliance with their General Plan.

Mr. Merchen stated that in terms of land use, also a Sphere of Influence expansion is anticipated through the Tax Sharing Agreement that will roughly coincide with the Urban Growth Boundary. He displayed a diagram showing the proposed Sphere of Influence that the City and County negotiating teams have agreed to. He noted that it is the bright blue line shown around the outer perimeter. He stated it is the same as their growth boundary except that it excluded the Pilot Truck Stop area which the County is very sensitive about being a large sales tax generator as well as the southside of Avenue 12 around the interchange. While that is not a current tax generator, they kind of wanted there to be an ability for that area as it develops for that not to be entirely within the City limits.

Mr. Merchen stated that the terms of the agreement would, if approved, be suspended, noting it is his simplified term, if LAFCO for any reason doesn't approve the new Sphere of Influence within specified timelines. He noted that the reason for that is they will all have agreed to this in terms of the City and County if the Council adopts it. He advised that the County adopted it yesterday. But, LAFCO is a separate agency legally and even though they are appointed members of the City and County and one at-large member, technically there is no limitation on anybody on that LAFCO board voting in a way that doesn't coincide with these agreements. He commented that this term essentially says that if the Sphere doesn't get approved like the agreement says it will be, then the City doesn't provide police, they don't share sales tax or property tax, they don't pay for the library and so forth.

Mayor Medellin stated all bets are off.

Mr. Merchen stated it gives the City some protection in terms of everybody doing what they're supposed to do.

Mr. Merchen stated the recommendation is to approve the resolution adopting a Master Tax Sharing Agreement. If approved, staff would begin to coordinate with LAFCO regarding the preparation of a Municipal Services Review (MSR) and an application to amend the Sphere of Influence. He added that they would work on getting that done as quickly as possible. Mr. Merchen offered to answer any questions.

Council Member Holley asked when the Sphere of Influence was last updated.

Mr. Merchen replied that he believes the last time the Sphere was updated was approximately 2004. That was the last time a Municipal Services Review was completed and LAFCO approved the sphere expansion to encompass all of the State Center Community College planning area. Only about half had been included previously.

Council Member Holley stated he remembers he was a Planning Commissioner at the time.

Council Member Rodriguez stated he knows this is a three-year term with possible extensions. He asked if the terms can be changed after the expiration of this agreement. If asked, if the City is providing municipal services whether it be Police Department, what have you, at what point is that going to be considered a full annexation to the City. If so, any time in the future whereby they no longer have to abide by those terms of the agreement. He noted that it is not that he's not trying to be a good neighbor with the current County but how long can this go on.

Mr. Merchen replied that he thinks there is at least two and maybe many more good answers to that question. He stated that any time the two parties decide that they want to change the terms, they can change terms noting that would obviously require the consensus and a vote of both parties. He commented that the question about annexation of Parkwood is a related but separate question. He advised that the process of annexation is kind of a multi-step process. He noted that the City controls only a limited portion of that process and then it has to go to LAFCO for approval of the actual annexation. Up until all parts of that process is completed and an annexation is recorded, then it is not part of the City and any services that the City provided would be by contract or by an agreement such as the one they are talking about here. They can take bits and pieces of time if they determine its in their interest and the County wants that but actual annexation requires a very formalized process and recordation with the State.

Council Member Rodriguez stated they have to abide by that agreement and he knows that with the extensions of that and wondered if it is probable that they will continue in that pace or at some point will that decrease especially a portion of the tax base it shows there. He asked if that is standard for something like this.

Mr. Merchen asked if any particular element of...

Council Member Rodriguez stated just the property tax base on these homes or this service.

Mr. Merchen stated that without arguing necessarily the merits of the tax sharing proposal noting that he has not reviewed a substantive number of other city and county tax sharing agreements but it is pretty typical for cities and counties to negotiate that the county keep a percentage of their sales tax. He added that some they've seen are substantially higher than this in terms of what the county keeps. Some may not be as high. He noted that the County retains the base property tax which is the property tax that is collected up until annexation occurs. He stated that the been the prime term of a master agreement for at least the past two 10-year agreements plus the one year interim. He commented on could it be changed in the future and stated that it absolutely could. It is just a matter of agreeing between the two parties.

Council Member Rodriguez stated he guesses what he is trying to get at is, because there's negotiations, that the deal here obviously must be fair for the City. That is what he is getting at. They do have a good agreement right, that benefits the City and not so much where they have a deficit over these services that are provided.

Mr. Merchen stated he thinks some would argue that the sign of a good agreement is when both parties are equally unhappy. He suggested that maybe the two subcommittee members would be the best to comment on that.

Mayor Medellin stated they could answer that and added that normally it is a 10-year agreement and in the past, it has always been a 10-year agreement. Part of the reason they did a three year was almost for that reason to kind of let's see what sticks first... let's not put a 10-year time limit on it...we can come back and revisit with the option of a couple of extensions.

Council Member Rodriguez stated that is what he was referring to that they didn't shoot themselves in the foot later on.

Mayor Medellin stated he and Council Member Oliver want to think they didn't.

Mayor Pro Tem Foley Gallegos thanked Mayor Medellin and Council Member Oliver for sitting on negotiations with the County. She knows it hasn't been easy and she's not sure if any other staff was on there with them but thanked them for their time. She asked Mr. Merchen to go back to the slide with the library with the \$50,000 they are recommending. She asked what that will be used for.

Mr. Merchen replied that in the general description was that the County representatives felt strongly that the City should contribute towards the operational cost of maintaining the Madera Branch library because it served primarily Madera residents.

Mayor Pro Tem Foley Gallegos agreed and stated she has had a lot of residents question the hours noting that they close at 6:00. She stated that people aren't even off work at six to take their kids to go or to study. Since the City is contributing she asked if there is some way they can mention to look at changing the hours.

Mayor Medellin stated that is a really good point. He noted that in Mr. Tooley's (City Administrator) last academy, it was actually brought up about the County library closing at such an early hour. He thinks with the completion of this tax sharing agreement, and it has been a year and a half / two years in the making, he thinks their colleagues across the street would certainly be open to some of those suggestions that a lot of the people in their Citizen's Academy as well as themselves that might suggest extended hours would benefit everybody in the City.

Mayor Medellin thanked Councilman Oliver, Mr. Merchen, Mr. Tooley, City Attorney Brent Richardson, Chief of Police Steve Frazier for sitting in on countless meetings of negotiations and really hammering this thing out. He added that it certainly wasn't easy and he thinks that is a fair assessment if both parties are unhappy, then that's probably... He thinks they both walked away with maybe a head scratcher but he thinks it is fair and equitable and besides the dollars and cents, he thinks it is a good move in working together with the County, he thinks they are going to find here in the near future, this year anyway, that there will be some other issues that they will continue to work with the County. He thinks this is a good step in the right direction.

Council Member Oliver stated he could definitely echo the Mayor's comments. He appreciates the opportunity to serve on this ad hoc committee. It was definitely a challenging and a learning experience to say the least. He thinks they certainly all walked away with a win on this and more importantly, he thinks this was a really great step forward between City and County relations to show that they are capable of getting some things done. In terms of economic development, he thinks, with the proposed sphere of influence changes, he thinks, he doesn't want to call it a game changer, but he will say that it is a very good thing for the City. He thinks it will also allow for orderly residential development to occur incrementally and responsibly and, he thinks it is pragmatic and forward thinking looking at some of the areas in the future that are most likely going to be required to eventually fall into City limits so he thinks it was pragmatic in the introduction of some public services. He stated his appreciation for the team effort. He stated his appreciation in working with the County across the street to get this done. He thanked them again for the opportunity.

Mayor Medellin stated that if there is nothing else he would entertain a motion.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-7, RES. NO. 17-82 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER RIGBY.**

**RES. NO. 17-82            A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A TAX SHARING AGREEMENT BETWEEN THE CITY OF MADERA AND COUNTY OF MADERA**

**D.     WRITTEN COMMUNICATIONS**

There are no items for this section.

**E.     ADMINISTRATIVE REPORTS**

**E-1 Request for Direction Regarding a Proposal by Sohan Samran for Extra-Territorial Sewer and Water Connections in Conjunction with the Expansion of the BAPU Almond Facility at 24341 Avenue 14**

Community Development Director David Merchen stated this is a little unusual. He doesn't know that they have brought particular kind of item before the Council, at least not for a long time. He advised that the basic request is from BAPU Almonds, the principal of which is Sohan Samran, is for an extra-territorial service connection for sewer and water. He noted it is in conjunction with a business expansion proposal. He stated there are a variety of unique characteristics about this particular proposal in comparison to the things that they typically see.

Mr. Merchen explained that a typical extra-territorial service request would be when a home outside the City limits that happens to be along or near a City water line and the well goes dry, they come to the City and say...hey can I connect to your water line instead of putting in a new well. In that case it benefits the City to some degree by avoiding another well and the owner at the same time and go forward in that way. He stated this is not that by a long shot; not that it doesn't necessarily have its own potential advantages.

Mr. Merchen stated that the site in question is a little over five acres. It is on the northside of Avenue 14 or Howard Road along the City's west edge. He noted that the slide kind of demonstrates the relationship between the 5 ½ acre site and the City limits. He stated that the yellow line hugs the property and the yellow line here is the City limits. They can see that five acre piece is kind of chopped out of the City. That occurred when the neighboring property to the west, which is the Santa Barbara Estates Subdivision, one of Mr. Pistoresi's projects was annexed into the City several years ago. He added that LAFCO would have included the almond business but the owner at that time objected, LAFCO relented and left them out which created this sort of hopscotch pattern.

Mr. Merchen stated that the proposal is in conjunction with the business expansion. The site, as it currently sits, looks something like this. He noted that the aerial photo might be a few years old but he thinks it is pretty similar to this. He did flop the orientation so the right side of the screen is Howard Road. He advised that it has something like three warehouses and some accessory buildings and a lot of area for outdoor storage at present. What the owner would like to do is add another four warehouse buildings, an office building and parking along the Avenue 14 frontage. He stated that the existing outdoor storage, which is kind of on the top left hand corner of that picture, would be retained. He noted that it is a fairly substantial expansion of the operation. He is not sure that they would be able to get much more on the site after this occurs.

Mr. Merchen displayed the site plan. He noted that the parking and office may stick out a little easier on this if they are looking for how the configuration works.

Mr. Merchen stated that some of the unique standards in addition to the fact that this is for a business expansion is that most of the applications that they see for extra-territorial services are along County roads where there aren't public improvements. In this case there is kind of a class of what they call a sawtooth pattern where this is kind of looking from the west to the east along the Avenue 14 frontage and they can see that the parcel where the power pole is, is the BAPU Almond site and it lacks typical urban street frontage improvements, lacks the outside travel lane, curb, gutter, and sidewalks, streetlights, hydrants and obviously power poles are in the wrong location to accommodate all of those things. Mr. Merchen stated that in terms of things that the City would see as an urban footprint extends, none of those have occurred on this particular site.

Mr. Merchen advised that another unusual thing here is that there is a General Plan conflict. The parcel in question shown by the flashing blue area. He stated that most of the surrounding area is all designated for low density residential in the City's General Plan. There is a limited exception in that the red area is where the mini storage is just immediately to the east of the site. Mr. Merchen advised that the existing almond facility and its expansion would not be considered compatible with a low density residential City General Plan designation. So they've got a conflict there that currently exists and would not get better as the results

of an expansion of it would occur. He noted that in this case there might be an inclination to say well let's re-designate that property if the almond company is a good use; let's just re-designate the property. He stated that unfortunately the surrounding properties are mostly developed so the existing residential uses in the area are more than a paper designation. There are existing homes and folks that live in those homes so it's not a simple paper change. It would be much easier if it were.

Mayor Medellin asked if the County's designation also residential.

Mr. Merchen replied that it is. He was about to note...the other tempting thing that he would have thought normally, they're talking about the City but this is in the County, what's the County General Plan say. He commented that the County General Plan matches the City's in this case in that the County also calls for low density residential use on the property. Their process however is much different. They don't require a General Plan conformity determination prior to development so this expansion could go forward in the County even though their General Plan doesn't provide for it. That's just how that process works in the County. It is helpful in some circumstances but not so much in others.

Mr. Merchen stated that a request for services to facilitate a development project would typically trigger an annexation requirement from the City. They like development. They like urban development to occur. Their General Plan says in a typical good governance, good development policy suggests that when development occurs that annexation occur simultaneously. In this case, City related costs and development standards are not favorable to the owner. There would be some costs involved to bring the site into current City standards if that was required.

Mr. Merchen stated that there are also land use conflicts which add concern on, he thinks, everybody's part and they add to the complexity of whether any project should go forward whether it is in the City or the County; in his opinion, they should add that concern.

Mr. Merchen stated that the owner has not been interested in annexation. They've encouraged that in the past. He doesn't know if it was this owner or a previous owner that declined to be annexed when the Santa Barbara Estates Subdivision was annexed to the west. He added that the owner has described his intent to move forward with the business expansion regardless of whether the City provides services. He noted that this isn't necessarily the question of well if the City declines to provide services then this thing is just gonna sit. If they are true to their word then their proposal would be to leave here if the answer is no. He is not suggesting that it has to be or that it should be for that matter. He commented that their proposal would then be to go to the County and develop the property with the expansion on a well and septic system as it is currently developed.

Mr. Merchen stated that's sort of this question about how are the communities best served and squarely down the middle is why this is in the Council's hand without a firm recommendation or without an agreement in their hands because he thinks there is a reasonable argument that could be made that if this project is going to be developed, it is probably better developed with City services even if it's not in compliance with the City's General Plan.

Mr. Merchen stated that the other side of the argument he thinks is a real one too is that if the City endorses a non-conforming General Plan determination that ultimately gets worse or affects people in a negative way more than they are now, then the City is just party to a bad situation getting worse and they should stay away from that. He doesn't know how to weigh those circumstances. It is very much a policy judgement call on the Council's behalf, because he is inherently by training a land use planner, he would probably tell that he leans to looking at what their General Plan says but that statement shouldn't be viewed as a hard recommendation that that is what they need to do because he thinks it really is truly a judgment call and there are values on both sides of that equation.

Mr. Merchen stated the options are to direct staff to prepare an agreement for consideration. He noted there are four terms there. Those are recommended terms but they're not all absolute required. If they're provisions that they'd like to see added or subtracted that certainly can be done. The second option is to

just decline to provide the services and encourage the owner to consider an alternate site that doesn't necessarily put either agency or the owner himself into a box of future compliance issues.

Mr. Merchen stated that there are probably other options. He'll acknowledge that he and Council Member Oliver spoke earlier who had some ideas that are potentially worth noting. It just goes to demonstrate that there is not a clean simple answer here. He offered to answer any questions.

Council Member Holley stated that whether the City agrees to this or not, they could still develop it either way and asked if they can do it under the County plan.

Mr. Merchen replied yes.

Council Member Holley asked if he would have to do the improvement on the street side of it when he does it or he can just...

Mr. Merchen replied that it is staff's understanding that the County would consider the project as a building permit and it would probably not trigger in the County compliance with the City's development standards for street frontage so probably not.

Council Member Holley stated so if he got approval through the City then he would have to.

Mr. Merchen replied if the City Council would allow that it would depend on the terms Council sets.

Council Member Rodriguez stated he knows that this is going to be brought before the Council to give direction but in Mr. Merchen's professional opinion, he mentioned that it doesn't really meet the General Plan use so he is asking for direction but he wants to hear from Mr. Merchen what his recommendation is. Council Member Rodriguez stated he is not the professional here, Mr. Merchen is and he is asking for his professional opinion.

Mr. Merchen stated he appreciates Council Member Rodriguez's question. He thinks what he said a moment ago is really kind of where he lands that if pressed against the wall and asked for a recommendation he would say go with your General Plan...that's what you've identified as the policy document. If they had to make a General Plan conformity finding they would not be able to make one for this project so the safest position from that perspective would be that services might be allowed for the property but for that particular non-conforming project it wouldn't be allowed.

Council Member Rodriguez stated that if they went for that alternative, Mr. Merchen said that could potentially open up for additional type of permits similar to this that could potentially go against what their General Plan use is. He clarified that Mr. Merchen had mentioned that if they allow for conformity, does that open up for future similar like situations like they have here in front of them. What he means by that is based on Mr. Merchen's opinion and recommendation going against that would open up other similar like properties to ask for similar services.

Mr. Merchen stated the thinks that is a fair statement that if the issue of General Plan conformity is taken in general terms or in loose terms, folks are going to see that and ask for the same privilege both within the City and outside of the City. He thinks they see that pretty regularly. As soon as somebody gets something, the next guy wants the same something too.

Council Member Rodriguez stated that is kind of what he is concerned about.

City Attorney Brent Richardson stated that the agreement that was just approved is part of the tax sharing agreement. It does now give them some kind of formal oversight for lack of a better term as to General Plan conformity as to projects in their sphere but outside of the City limits. He asked would it not be time to weigh in and exercise that.

Mr. Merchen stated he hates to be the pointy headed planner in the room because usually that is Chris Boyle's job. He explained that the way the tax sharing agreement works, the referral policy only applies to urban development projects. He added that because this is only a building permit, it would not be classified as an urban development project.

Mayor Medellin commented to the City Attorney that that is a good point.

Council Member Robinson stated he was concerned about the complaints from the residents. They build more storage facilities and increase workload, more noise, dust. That is similar to Thrive Gym, their complaints about parking and noise.

Mr. Merchen replied that that is one of the concerns that is reasonable to have. He would say that it is a good reminder for him to mention that there is no public notice, no public participation process for an extra-territorial service agreement so there has been no notification to the neighborhood about this request. They've heard anecdotally that some neighbors have concern about noise, dust and odor but he can't say that they've heard that directly or that they have solicited input because there just isn't a process unless they direct one.

Council Member Oliver asked if there is a representative.

Mayor Medellin invited Ubaldo Garcia to speak and thanked him for coming up earlier and sharing comments with the Council.

Ubaldo Garcia, residing in Madera, California, stated he is the architect representing the member. He advised that he would start by giving a little bit of history on the property and everything that has gone in through this process. He knows, it sounds like this is kind of a Mexican standoff. He assured them it is not like that. He wants them to know.

Mr. Garcia stated that back in 70's or 80's, the facility was opened by MT Trading which used it for a similar use, sorting almonds. He explained that what basically happens is that the almonds get harvested, hulled, cracked and shipped to this facility where they are sorted depending on size, texture, color, imperfections and all those things. That is basically all that happens on this facility. They come on this little conveyer. They drop from basically a funnel, air gets blown through them, leaves blow off and a little bit of dust, they fall and they get sorted out by size. They get dropped into bins according certain specifications.

Mr. Garcia stated that this owner purchased the property in 2012 after the City annexed Santa Barbara Estates which is where he lives. He noted that the owner was not involved with any of this prior to that and the owner is a farmer and has no idea how codes or zoning or general plan...all of that is Chinese to him. When he purchased the property, he didn't hire somebody to verify that the zoning and the General Plan conformance was appropriate for this use. All the owner knows is that the business was profitable. He needed it because he and his brother owned thousands of acres in Madera County so they needed a way to move their product. He added that most of their sales happen from international buyers. He commented that the reason for his expansion is because they just keep growing and growing. He noted that the almond industry in their county has been very prosperous so what they see in his site plan is the expansion of storage buildings. They're not actual processing or anything like that. They are strictly storage. He asked why and stated it's because almond prices are fluctuating so much that they need to have the ability to hold on to the product for maybe a month or a year or two years because you could lose millions of dollars basically overnight.

Mr. Garcia stated that the owner would also like to consolidate all of his outside offices. He's got little manager's offices all over the County. He would like to bring all of his farm operation into this 12,000 square foot office which would also serve to entertain his international buyers. He basically picks them up at the airport in a limousine, brings them in, shows them Madera what a wonderful place. They are basically a window to the outside world. That helps him develop better relationships and if the buyer has a great time, he is probably likely to bite in the future. Having said that, he does want them to know that the City's

General Plan does not conform for the use but the zoning is in conformance. He commented that the zoning for this parcel in the County is for light industrial so he is doing this by right. He is not doing, like he said, a Mexican standoff.

Mr. Garcia stated they have had friendly conversations with staff about becoming part of the City. He added that staff has expressed that this is outside of the General Plan, its outside of the zoning, it doesn't work, it's going to create dust, noise and they basically said...there is no way you can get the General Plan amended or changed to light industrial for all those reasons. But, what he wants them to know is that they are not conducting an experiment. It's not like it's a vacant piece of land and they're basically going to throw this use to it without knowing what's going to happen. He stated that right now, the facility is in full function. It is being operated. It does have dust because there is gravel and there is open dirt which they are planning on paving. He noted that everything that is drivable is going to be fully paved. As far as noise, the only noise that will be generated will be by the shaker that is currently in operation today and it has been in operation for the last 20-30 years so if anybody would have complained about the noise, they would have made complaints already. Mr. Garcia stated that as far as the odors, the only thing they could smell is maybe almonds. Other than that there really is no odor concern.

Mr. Garcia stated that the owner expressed that he would like to have water and sewer connection just for reliability and conformance. He commented that having a septic system within a stone throws of somebody's house is not a good idea especially where there is a public well nearby. He advised that the owner did offer in good will, they spoke with the City Engineer Keith Helmuth, about improving the street. Even if they don't allow for the sewer and water connection, he still would like to have that maybe depending on the cost obviously. The way that he sees this problem is kind of like the chicken and the egg. Which one came first? He stated that in reality, if you reason, it doesn't really matter. Thank goodness for both. They have chickens and they have eggs. Mr. Garcia stated that whether they allow the sewer and water connection or not or guide staff to look at the possibilities, the owner reasons that he is in his right to develop the property for his full use. He is still going to comply with standards of life, health, and safety. If he is noisy, he is going to quiet down. If he is dusty, he is going to bring the dust down. He is not going to become a nuisance. If he does become a nuisance, he is at risk of being kicked out of there.

Mr. Garcia stated that they did consider, under staff's guidance, to look for another parcel but the problem is that he is so vested into this property. He loves the location. He paid a lot of money for it so at this point his options are very limited from a financial standpoint, from a personal standpoint, from any standpoint you can think of, he has considered all of the concerns and he made a decision to move forward based on those assumptions. He added that the owner was concerned about the neighbors and he has been working with neighbors to alleviate their concerns which is why they haven't reached the department or any departments that he is aware of. Mr. Garcia offered to answer questions.

Council Member Oliver thanked Mr. Garcia for the explanation of the project. He noted he is kind of piggybacking off of Council Member Rodriguez's comments and questions. He stated that precedent definitely comes into mind. He knows that they have required projects who are much further away from City limits to go through the annexation process to ensure orderly and sound development and for all of the above reasons so precedent is a primary concern for him in future decisions and folks who have gone through that process, are currently in the queue or will have projects in the future.

Council Member Oliver referred to the site plan that he saw briefly and asked, as far as the eastside, what the setback is between one of the proposed facilities and the adjacent residential property owner. He noted that it looked pretty tight. He doesn't think its zero lot line but...

Mr. Garcia replied 20 feet.

Council Member Oliver stated they have proposed three or four 10 or 12,000 square foot.

Mr. Garcia replied there are four buildings that are 12,500 square feet each and then the office building itself is about 12,000 square feet as well.

Council Member Oliver asked Mr. Garcia to explain to him as far as operationally what the impetus is to not have one consolidated contiguous facility and have separate warehouse facilities. He is sure it has to do with the operations, storage.

Mr. Garcia replied that in the Building Code, you are allowed so much square footage per building type so if they had a huge building, he doesn't know if Council Member Oliver is familiar with Tesla Gigafactory, you need all kinds of fire suppressants.

Council Member Oliver stated if that was it, this thing would be approved.

Mr. Garcia agreed and stated this guy is creating a lot of jobs. He gives him a thumbs up for that. He does walk around that neighborhood at least once a week. He has never heard him operate past six. He has never heard any noise. The only noises he hears out there are the people that are trying to play those drums and guitar players but that's it. As far as noise there's not much.

Council Member Oliver asked so there won't be any other commercial element to this. They are only going to be processing the almonds and nut products through BAPU Farming and not any other customer or client.

Mr. Garcia replied he believes there are some other customers. He wished they would have attached the operational statement. He commented that it fully explains that they usually have two truckloads per day. Truck comes in, delivers the material or comes in empty and takes it out. That's about the traffic they see plus employees which are a single shift.

Council Member Oliver asked how many truck trips a day.

Mr. Garcia replied two commercial trucks not counting UPS or FedEx.

Council Member Oliver asked what about UPS or FedEx.

Mr. Garcia replied that it is whatever mail comes in and out. These guys deal in thousands of pounds not in boxes.

Council Member Oliver stated his appreciation for that information. For him again, precedent is sitting at the front of his mind. At the same rate, he would be much better equipped to make a decision if he had the operational statement, if he had some comfort knowing there was some due diligence and review through site plans and whatnot at their staff level to kind of vet it so to speak. Even if they went through a hybrid agreement or whatever it might be, they still want to make sure that they are ensuring some basic actions. Before things get too far along, if there are opportunities for refinements to take into consideration some of those public safety concerns that may come up, he would much rather get ahead of that early on before making a decision up here tonight and then for him to go and do whatever it is. He thinks they would all be better served between the applicant and the City if they had an opportunity to maybe sit back down at the table with the anticipation that ultimately annexation may occur in part because of precedent, that is important. He asked if that would be something that...

Mr. Garcia replied absolutely and added that the owner was in full support of becoming part of the City noting that he really doesn't understand what that means but he did want to become part of the City. Mr. Garcia commented that when they met with staff, they basically told him that there's no way. If he does become part of the City, they would basically have to leave.

Council Member Oliver stated he understands that and he can't speak to those previous discussions. What they are looking at today is potential extra-territorial service agreement including several different items. He doesn't think he is in a position today to make a decision based on these potential items. He kind of wants to evaluate all options whether it is full blown annexation, being up to City codes and standards or

something in between but still consider some additional... He asked Mr. Merchen if there is an opportunity to look at some refinements.

Mr. Merchen replied that from staff's perspective they would be happy to work on site plan revision or to conduct something that looked like a site plan review under the City's process. He stated that at this point it is sort of up to the applicant in terms of their willingness to engage in that process. He noted that it is an odd situation, as he thinks he has said multiple times. They would be making it up as they go to some degree. He thinks they could get potentially more comfortable with a site plan but the underlying land use designations, unless those change, they would still run into that particular problem. So, they could bring something back with the applicant's willingness to engage in a site plan evaluation then maybe a refined site plan, maybe it doesn't need any refinements. He doesn't know because they haven't looked at it from that perspective. That is just not something that they really have done in these kinds of requests.

Mayor Medellin stated that without annexation they have nothing enforceable.

Mr. Merchen stated, if they say for instance, that they are just going to set aside the General Plan question and there is an interest in approving an extra-territorial agreement for a particular development that looks a particular kind of way and has particular kind of frontage improvements that are constructed along with it, those things could all be wrapped into an agreement and it could be a contingent service agreement. He asked the City Attorney to correct him if he is saying anything that is too far outside the lines.

Mayor Medellin stated he sees what Mr. Merchen is saying but at the same time, they would be supporting a non-conforming use.

Mr. Merchen commented that is the lingering issue.

Mayor Medellin apologized to his colleagues. He knows they want to ask some questions. He shared with Mr. Garcia that he personally has fielded a number of questions that he talked to Mr. Samran about. He mentioned that thank goodness they got a lot of water and rain this year but there was flooding that occurred in a number of homes but, he does believe that he took care of it. There were issues with swimming pools, plant life that died and things of that nature that in all honesty, all they can do is refer them to County Code Enforcement.

Mr. Garcia asked if it was due to runoff from the property.

Mayor Medellin replied no, it was noise, dust, clean my pool, pay for somebody to clean my pool and almost immediately the dust from almonds, from the dumping of the almonds. If you look at the overhead, he thinks there's at least two or three pools on both sides. For the record, he has to say that he personally has fielded a number of questions or concerns over what is existing now. He is certainly in support of what Mr. Samran is going to do. He has seen the elevations of his 12,000 square foot office building it is gorgeous and he can appreciate what he adds to the City and County of Madera as a business man. But as he heard before, they represent everybody and right now, the only people they do represent are the three surrounding sides. He asked what the condition of the well is. He is assuming that without City services that is what they would use.

Mr. Garcia responded the City well. He added that there are existing employee restrooms which are operated on septic system which is fully functional as well.

Mayor Medellin stated that the current office is that adjacent home.

Mr. Garcia replied that there is actually an office in the rear of the property. It is about 2,000 square feet; small office.

Council Member Rodriguez commented that Mr. Garcia lives in the surrounding area and Mr. Garcia agreed. Council Member Rodriguez stated one of his concerns is the economic obsolescence that exists

because of an external business such as this. He noted that obviously that is a site you have to see, noise that you have to hear. He asked Mr. Garcia, in his professional opinion, that brings down values of the surrounding community there and does he feel that is the best use of that land especially when the General Use Plan is calling for low density residential. He asked if he heard that correctly and Mr. Garcia replied yes. Council Member Rodriguez asked if Mr. Samran would consider a different location. He knows there's probably logistics on it and there is money involved there obviously having to purchase a property. He knows that the City has perfect ideal space for that in their industrial zoning area that are more appropriate for that. He believes that even more of those businesses are starting to pop up and he thinks there is one now that is being built out by the airport. He asked Mr. Garcia that as a property owner would that be his concern having to have that behind his fence would somehow...

Mr. Garcia stated his concern and observations from a neighbor that if that building was behind his property, he would be really concerned just because he sees a gigantic building. He chose his property facing west which is going to be open land for a while; it's going to be homes pretty soon. He commented that when you buy a house with an existing building on it, you know that the building is there. When you buy a house with a vacant lot next to it, the only thing you can look forward to is the General Plan and the zoning. That is what they can imagine will be there if they really look into that. He stated that the people that live there right now know it's there and is in full operation so they experience all of the concerns that were brought up. He commented that from the land use of the property, the owner does have several thousand acres within the vicinity. He actually has a big parcel down on Avenue 14. He just loves the convenience and the location of this parcel. He is in love with it. They looked into other places and if he was to build this in the County like the other almond processing plant just down the street, he wouldn't even have to deal with anything. He could just put gravel down, call it a parking lot and build as big buildings as he wanted but he likes this neighborhood. He likes the convenience of his employees having a three minute commute. Most of his employees live, not in that neighborhood but within the neighborhood. Mr. Garcia stated that all of these things have gone through his head and that is what he has decided to move forward. He is going to put a substantial investment into this property.

Council Member Rodriguez stated that is what kind of triggers him to ask the questions is because of the General Plan Use, and Mr. Garcia, mentioned it himself that vacant land could potentially be residential and asked what would motivate a developer to come in and really invest a lot more into the community to bring these residential units knowing that there is this. He doesn't want to say it's an eyesore but, could be potentially for some residents. He asked that he forgive him when he says that. He doesn't mean to say an eyesore but for some people, that could become a factor in the value of the home. That's his only concern. He asked the question because Mr. Garcia, living next to that community, would want to know if he brought that into play.

Mr. Garcia replied that he thinks it's an eyesore now the way that he's operating. He is so limited on storage that he's had to put all those bins just stacked up and the dust problem is only because he's having to dump some of the almonds outside because they are getting dust on them. If he was able to bring in the shipments and put them inside of a building immediately as they show up, he wouldn't have that problem. That sorting would happen indoors with a filtration system indoors. That way he wouldn't have to do any of the outside stuff that he's doing.

Council Member Rodriguez noted that Mr. Garcia mentioned that he purchased that in 2012. He asked staff what was existing prior to 2012 and was it a similar/like business.

Mr. Merchen replied yes.

Council Member Rodriguez stated so he just took over a processing plant, he is assuming.

Mr. Merchen stated he is not sure if anybody in the room can confirm but he believes that the use and the buildings are virtually the same today as they were in 2012.

Mayor Medellin stated MT Trading and Mr. Merchen confirmed.

Council Member Rodriguez asked if the City at some point before that transaction, title exchange or purchase really stressed out the General Plan use and what the City really wanted to do with that. He asked if the City has considered, he doesn't know, maybe purchasing. If this is something of an interest for the City in the future, is it even an option.

Mr. Merchen replied not really. If there are particular targets of opportunity that the City becomes aware of and for any reason that the Council wants to go after acquisition for any purpose, that is something that might be considered. But, as a general rule, this wouldn't be the kind of thing that...

Council Member Rodriguez stated that is appealing to the City.

Mr. Tooley commented that if they were going to acquire property, it would be for a defined public purpose. He doesn't find a public purpose here. If they were going to acquire property for economic development, they would purchase property that did not have the conflicts that have been identified through this discussion. He noted that it is within the Council's purview to purchase a property but it is difficult to see a set of circumstances that the City's interest would be served.

Council Member Rodriguez thanked Mr. Garcia for answering his questions.

Council Member Robinson asked Mr. Garcia what volume of water is needed to wash the almonds.

Mr. Garcia replied nothing for the almonds. It is all air. He stated that the only water and sewer connection needed are for the office which would only employ about 10 or 12 people.

Council Member Robinson asked if there are any rodent or insect infestations.

Mr. Garcia replied none that they are aware of. He stated there might be some small mites but he is not really familiar with the food processing part of it but as far as he knows, they get the almonds from the hauler, bring them there and sort them out. He doesn't believe they could have any pests.

Council Member Robinson asked if the trucks have a trailer also.

Mr. Garcia replied yes. The truck come in and pulls in and out, and turns around within their facility.

Council Member Holley asked Mr. Merchen if this is still part County property.

Mr. Merchen replied that the entire property is in the unincorporated area of the County.

Council Member Holley stated that they can still build on that without even coming to the City.

Mr. Merchen replied yes.

Council Member Oliver thanked Mr. Garcia for being patient with them and being here for this entire time. Speaking for himself, before he can make a decision, he'd have to have a little bit more information as far the plans they have for that project and some of the other outstanding questions and concerns that they've expressed. His recommendation tonight would be to table this discussion to maybe allow the opportunity for Mr. Samran to sit back at the table with staff and maybe think aloud a little bit more. He personally would not be in a position with the information provided to make a decision or provide direction.

Mr. Garcia stated his understanding.

Mayor Medellin stated he thinks that would be a wise choice. He thinks they are doing everything, doing their due diligence as well as Mr. Garcia and Mr. Samran. He agreed there are some missing pieces to the puzzle that he thinks he would like to see as well.

Mr. Garcia commented that when the Council gets directed to seek available options and staff works on the available options and writes up an agreement, both parties have to agree and asked if that is correct, the City and the owner. If either party decides not to move forward, then the deal is off and asked if that is correct. What he believed when he came in here is that the staff was asking Council to give direction. He asked if that is something that they need to work on or is it something that is completely off the table. They've already met with staff and he thinks they made their point very clear that they would leave it up to Council because it wasn't in their power. They are more than happy to sit with staff again to re-discuss it.

Mayor Medellin stated that is what Council's direction is and he doesn't want to speak for Councilman Oliver but he thinks maybe a little more information. They've spent a lot more time with staff than maybe with the Council and he thinks they are doing everything they can within their power to see if there is an avenue. He noted that it's certainly no promise but this isn't a line in the sand if that is what he's asking.

Mr. Garcia stated no and noted that he is just trying to understand the process. They would go back to staff, come up with a game plan and come back to Council for approval.

Mayor Medellin stated there were a few requests by himself and Councilman Oliver that they would maybe like to see. They would certainly direct staff to meet directly with staff and they can get together with that.

Mr. Garcia agreed.

Council Member Rodriguez stated he hears what Mr. Garcia is saying and yes, he thinks he has already sat with City staff and they've kind of drawn up a game plan and this is why it's here so he asked that question earlier and he posed that question to Mr. Merchen because he wanted to know Mr. Merchen's professional opinion and he gave it to them. His thing is, if that's how the City feels about future land use, his recommendation would be that they go with what Mr. Merchen brought before them. He stated that there are some questions and maybe holes that need to be filled and that potentially could be a discussion that he can have with staff but at this point he thinks, with the exception of Councilman Oliver and Mayor Medellin, he feels pretty comfortable with the recommendation given earlier.

Mayor Medellin asked which recommendation that is.

Council Member Rodriguez replied that they follow the General Land Use. Not to say don't allow but obviously this doesn't meet with the conformity of what the City has in plan.

Mayor Medellin stated that option two is to direct staff to prepare a letter to the owner indicating that the City's sewer and water services are not available to the site and encouraging the relocation of a different site.

Council Member Rodriguez stated that the other two options presented to the Council...

Mayor Medellin stated or there could be an amendment to number one. He noted these were four suggestions that they could possibly amend. He is just not in a position this evening to say yea or nay without some of the information and he would look for. He stated that he is certainly not in support of a non-conforming use. He said that earlier. He made his bones on Planning Commission and the General Plan is the bible as Mr. Garcia knows and that is something that they can certainly amend but this is what their City is going to look like over the next 10 or 20 years so to provide services to a non-conforming use is something this evening that he is not prepared to support but he still thinks there might be some information that if they were to come to an agreement, Mr. Garcia had mentioned that Mr. Samran is certainly willing to improve curb and gutter or frontage. There might be some other things that would justify getting to where they want to be.

Mr. Garcia agreed that he showed interest in that.

Mayor Medellin stated again, he is not promising but he just thinks there might be another couple of rocks they can overturn to then make a decision.

Council Member Rodriguez stated he respectfully will have to agree and if that is currently how Council Member's feel than he would agree that they can either table this or just maybe have additional discussions and see how they can improve this.

Mayor Medellin stated he thinks they can come back in the next 30 days possibly.

Mr. Garcia stated the sooner the better noting that time is of the essence.

Mayor Medellin stated he understands.

Mayor Medellin stated that at least in a July meeting.

Council Member Oliver stated that works for him.

Mayor Medellin asked if there is any further discussion. No other comments were made and Mayor Medellin asked Mr. Merchen if he was ok with that.

Mr. Merchen replied they will do their best.

Mayor Medellin thanked Mr. Garcia.

## **E-2 Presentation of the Preliminary City of Madera Internal Services and Special Revenue Fund Budgets for Fiscal Year 2017/2018**

Director of Financial Services Tim Przybyla stated this is the final preliminary budget as described by the Mayor. He advised that the total available revenue for the special revenue funds is \$13.67 million and total expenditures are \$13.65 million for the special revenues. He noted that Measure T Gas Tax and Local Transportation funds have a significant impact on the City's operating budget. During FY 17/18, \$1 million from Gas Tax and \$1.75 million from Measure T will be transferred into the Public Works Department for various street repairs and maintenance which are run through the General Fund. Mr. Przybyla stated that a major expenditure in the General Development Impact Fees is \$1.3 million for a new ladder truck in FY 17/18's proposed budget.

Mr. Przybyla stated that funding from the Department of Housing and Community Development is approximately \$900,000 to provide assistance for manufactured housing purchases, rehabilitation of owner occupied residences and first time home buyer down payment assistance.

Mr. Przybyla stated that under the internal service funds, they have Fleet, Facilities, Maintenance and Technology funds which provide and charge for services to all City departments that benefit from their services. He advised that the internal service funds are not always expected to balance current year revenues and expenditures and in total the internal service funds project a \$61,000 deficit in FY17/18. Mr. Przybyla stated that concludes his presentation.

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

Mr. Przybyla stated this is informational only. All of the preliminary budgets have now been presented. They now know what the different types of pieces of the budget are like and they will speak in detail at the budget workshop on June 19<sup>th</sup>.

Mayor Medellin thanked Mr. Przybyla.

## F. COUNCIL REPORTS

Council Member Robinson reported that he attended the League of Cities Golf Tournament in Dinuba.

Mayor Medellin asked how they did.

Council Member Robinson replied he was partnered with Frank Gonzalez, the Mayor of the City of Sanger. They came in midway but he did knock in like a 25-foot putt. He added that it was 18 holes and it was free.

Council Member Robinson reported that on Saturday, along with Councilman Holley, they attended the Big Brothers Big Sisters Fundraising benefit at Habit Burger at Manchester Mall in Fresno.

Mayor Pro Tem Foley Gallegos thanked Chief Frazier, Commander Lawson, Officer Keiser, and Paige Gacayan for their Citizen's Academy that they graduated. It was a job well down. She added that everybody seemed to have gotten a lot of kicks from not many getting tasered this time. The next class they will taser a little bit more.

Mayor Pro Tem Foley Gallegos gave a shout out for the medallion medals for attending the class. She has to let them know that they got those from County Fire but they don't have one for their City. She just wants to put a shout out for that one.

Mayor Pro Tem Foley Gallegos thanked Neighborhood Watch Code Enforcement for going out to the County and opening the first Neighborhood Watch at Berenda School. They are going to get those up and running and that was really exciting to see that night.

Council Member Holley stated, as Council Member Robinson said, being at the Big Brothers Big Sisters function at the Habit, they wouldn't believe it. That was their first opening and they opened their doors for Big Brothers Big Sisters for three hours and all the proceeds raised in those three hours went to Big Brothers Big Sisters. There were over 300 people there and the sandwiches are off the hook. They've got to check it out.

Council Member Holley reported that also this morning he had the opportunity to get up semi-early to go to the John Wells Center and see Kopi there. He was watching it on tv and he said, there's somewhere he's supposed to be. So he jumped up, went out there and he was still out there talking with staff and the race car drivers. They did a great interview.

Council Member Holley stated he then turned around and saw the great health fair that the City put on this morning. He thinks they did a wonderful job of letting folks know about their health concerns. He commended Wendy Silva, Director of Human Resources, and her staff for a great job.

Council Member Rodriguez reported that he was on vacation and had the opportunity to visit the Grand Canyon. It was a great sight to see. He encouraged them to see it if they haven't been out there. He said it was totally amazing. It is something he never thought he would see.

Council Member Rodriguez stated that it is unfortunate that the other members of their community were not here, but he did want to say that he does have 1,001 things to do other than be here. Today his son was playing in a final elimination AAA National Little League Tournament and obviously they lost but he does want to say that they won the AAA National Little League Championship. They went on to battle the American League for the City Championship and American Pacific Mortgage, his company that sponsored it, won the championship. They then were qualified for a tournament. They did their first game yesterday and they won that at Sunnyside. They came back to Madera and obviously they lost to the team that they beat at the City's championship. He forgets the name of that business. He has never participated in Little League. He always passed by, seen the cars there and he always thought man, why do parents do this, why are they out there so late, it's nine o'clock, they should be home, kids should be in bed. But, after enrolling his son, and just knowing that there were these activities available here for the City of Madera, it

is very great. He found out that the City of Madera has its own baseball league too, t-ball and asked if that is what it is. He didn't know that all these things existed but it would be great to get together with these organizations and formulate something that...he thinks this is something big and it brings a lot of people together. He commented that baseball has always been an American sport, a national sport and now he is into it. He would hope that all these other people would have stayed around here to listen to that.

Council Member Rodriguez reported that he also had an opportunity, because of that win, they visited the John Wells Youth Center. They were able to rent out the swimming pool area. He wants to send out kudos to Mary Anne Seay, Parks and Community Services Director, and her department because just driving by there and looking at what's available, when he first went there for the ribbon cutting of it, he was just amazed that he was getting close to elected so he didn't pay a lot of attention to a lot of the little things that are around there and he had so many other things on his mind. He really wants to say that that park is amazing. He would hope that the City of Madera at some point would consider facilities like this in other sectors of their community and be able to duplicate the same type of facility that they have there. He knows that is a long ways from today but hopefully in the future, that could be a discussion they can have.

Mayor Medellin commented that he knows what a family man Council Member Rodriguez is and there is nothing more important than your family and to miss that game, to be here at this Council meeting, really shows his sacrifice to the community. He knows it was. He has seen plenty of ballgames and his heart sometimes is not here, it's with family. He thanked Council Member Rodriguez for his service and for being here. He noted that every meeting is an important meeting but especially this one. They appreciate him being here and missing his son's game. It is unfortunate that they lost but he is young and there will be a lot more games.

Council Member Rodriguez stated they've got the trophy in their office.

Council Member Oliver asked Council Member Rodriguez if he said he rented out the Swimming Pool Park.

Council Member Rodriguez replied he believes the organization.

Council Member Oliver kidded that was all the noise complaints he got.

Council Member Oliver stated his appreciation to everyone for sticking around and being here. He wanted to give some recognition and kudos to the Madera Tribune for their special series on ending sex trafficking in Madera. He thought it was particularly eye opening and alarming, very concerning. He noted that there were some uncomfortable facts that were reported on but he appreciates that series. He doesn't know that he has any answers or solutions but he thinks it might be something to look at as far as like a Blue Ribbon Commission or something like that that may be able to look at some of those issues. He thanked them for their advocacy there.

Council Member Oliver thanked Sonia Alvarez, City Clerk, for helping him with a last minute request last week. He stated that the Parent Institute for Quality Education held an event at Washington Elementary School. They graduated over 30 parents who have gone through training and leadership development at Washington School. He was scheduled to be there to speak but unfortunately, he had a conflict. The City Clerk at the last minute helped him to deliver some certificates and at least have some presence there. He thanked her for doing that.

Council Member Robinson stated that his son is in the audience. He just graduated from St. Paul Minnesota with a Geology degree and he has served on the USS Stennis Aircraft Carrier in the Nuclear Engine Department. He is proud of him.

Council Member Robinson stated that his daughter has been selected as Sherman Thomas Student of the Year.

Mayor Medellin thanked Council Member Robinson's son for being here and noted that Council Member Robinson at least owes him dinner or something for bringing him to this particular meeting to say the least.

Mayor Medellin stated that he too wants to add kudos to the John Wells Center and their new Centennial Park that played host today to KMPH 26 and Kopi does a fantastic job highlighting Madera and the many wonderful things they have here and the people that are in it. He commented that Kopi is just a great guy. They got some great exposure this morning. It is a gorgeous park as always. He thanked Ms. Seay for that.

Mayor Medellin thanked his colleagues for their diligence and their hard work over the last week or two or three where they fielded a number of calls, a number of texts, town hall meetings, and they responded. And as he said in his speech earlier, he thinks that's what they are about. They are transparent, they're accessible and that's how they get things done here in Madera. His hat's off to each and every one of them for fielding all these questions and concerns, and also to staff. They do such a wonderful, fantastic job. Their doors are always open and they make it easy for them to get questions, and they all work together as a team. He knows they're Madera Proud and they work as a team. He has no doubt that the City Clerk would have been there for everybody not just Councilman Oliver.

Council Member Holley expressed prayers to an officer and glad he's ok.

Mayor Medellin stated he was just getting ready to go there. He noted that it's part of the job when you wear the badge. He expressed thanks to all the men and women in blue. He stated that it's been handled well when somebody goes home at night saved, that's the big picture. He asked that they give everybody in the department their appreciation and thanks.

**G. CLOSED SESSION**

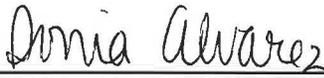
There are no items for this section.

**ADJOURNMENT**

The meeting was adjourned by Mayor Medellin at 9:52 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

