

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

Item:	B-1
Minutes for:	3/02/16
Adopted:	3/01/17

**March 2, 2016
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

The regular meeting for 3/02/16 was called to order by Mayor Poythress at 6:00 p.m.

ROLL CALL:

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

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Financial Services Manager Patricia Barboza, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Information Services Manager Ted Uyesaka, Procurement Services Manager Becky McCurdy, and Planning Manager Chris Boyle.

INVOCATION: Pastor Fred Thurman, New Life Assembly

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

PUBLIC COMMENT:

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

Lynn Cogdill, residing in Madera California, stated their little community on the block of 200 C Street has the homeless, the physically and mentally disabled, and the poor. He noted that life is hard when every day is a struggle for food, clothing and shelter yet they find common ground to become friends and wish the best for each other. And as each day passes, none of them want to fall or be forgotten. He commented that when the drug dealers and the customers invade such a small place of hardship and claim ownership, their wolfpack instincts take charge and they begin preying on the weak with no social responsibility, disregard to their internal and external surroundings, at non-verbal intimidation and blatant disregard for the safety of their kids, seniors, and families. He advised that it is now a prison camp atmosphere where the bars are inside and not outside of their homes. Their children and adolescents become latch key kids,

senior citizens become frightened to step outside of their apartment for a breath of fresh air, and parents guarding their kids as if they were in a war torn country while the drug dealer's customers are scoring day and night. They arrive on foot, on bicycles, cars and vans. They come as singles, couples, and couples with children in the back seat and even teenagers, coming to their block under the influence as they come and go as they please, and they act as though there is no other living soul that lives on that block except for the drug dealers. Mr. Cogdill noted that life is frail and it has just become a nightmare for the basic needs of survival running and pacing themselves across the Union Bank parking lot to go to the store for basic needs, constantly looking over their shoulders not knowing who these strangers are and will they inflict physical, verbal and emotional harm.

Mr. Cogdill stated that as a small community, they used social media and personally contacted these drug dealers. Once they realized that they were nationally exposed, they apologized and said it would stop. Six days later, their enforcer showed up at the apartment complex freely giving them their resumes with strong verbalization skills. He stated that at 8:00 a.m. the next morning it was business as usual. They were exposed again with vigor on social media and the Police Department was contacted. They came out, took license plate numbers, and a cry to their community for support was requested and they see some of them here tonight. He added that at 8:00 p.m. the same night, he was invited to a meeting by some of these individuals to go to the Arco Station on Avenue 17. He declined that offer and he still wondered who was going to pay for the coffee. Upon his return from Los Angeles on Monday, his neighbors and even the homeless have stated, it has been quiet over the last three days. They have seen an increase in the Police Department's presence and they say that with gratitude. In conclusion, Mr. Cogdill stated that it will take weeks for their kids to start feeling safe, months for the decrease in the anxiety of the parents, and noticeable change for their seniors to breathe the fresh air without fear. They have high expectations that the residents on the 200 block of North C Street will see an atmosphere of calm after tonight for a very long time because of the actions of the Madera City Police Department and the community banding together as a single unit. Mr. Cogdill stated he is proud to report to the Council tonight that they together have chased the drug dealers and their customers off their block and fled like cockroaches when the lights were turned on. He commented that their block wants to give a special thank you to City Councilman Derek Robinson, the Madera Police Department, and the Chief of the Police Department, and the community members across this City for their concern and support they showed on the social media and the ones that were here and the ones that came down to see what was going on to give them a peace of mind without fear from the drug dealers and their customers on their block. They have their block back now and they thank all for listening and for those who assisted in getting the drug dealers and customers off the 200 North C block in Madera, California. He thanked the Council.

Mayor Poythress thanked Mr. Cogdill and asked if there is anybody else.

Mike Fuller, residing in Madera, California stated he is honored to be here this evening to cordially invite them to a celebration of International Women's Day that will take place on Saturday, March 19, 2016, from 10:00 a.m. to 1:00 p.m. at Sierra Vista Elementary School. He advised that he emailed them a flyer for that event. He doesn't know if they saw, but he wrote a Valley Voices piece that was in Saturday's Fresno Bee. He sent them a link to that as well. He added that he must admit that it is shaping up to be a really great event thanks in no small part to Councilman Medellin's mom who is the keynote speaker this year. He witnessed her presentation last year at Parkwood Elementary along with Shawn Fleming, the County CAO Eric Fleming's wife. He was so impressed with their presentation that it inspired him to get involved. The event is in its 7th year and it has really grown quite a bit and they look forward to growing further. He also looks very much forward to seeing them there if they are available.

Mayor Poythress thanked Mr. Fuller and asked if there are any other speakers.

John Anderson stated he is not here to represent the Senator although he wants to assure them that the Senator is up there doing great things for them in Sacramento.

Mayor Poythress advised that he just saw the Senator today.

Mr. Anderson stated he attended a town hall meeting the other night that was put on by the Madera Police Department. Through his years he has gone to many of those. A lot of them are political, a lot of them are just there. He commented that this one wasn't that well attended. He would say maybe 50 or 60 people and there should have been 500-600. He advised that it was about active shooters and what they as the public can do to protect themselves, what they should be aware of and everything like that. He stated that it was professionally done. It was informative. He is sorry that the media didn't cover it a little bit better, directing his comment to Chuck Doud of the Madera Tribune. Mr. Anderson noted that he thinks there was some there from the Tribune. He just wanted to publicly commend Chief Frazier and his crew for putting it on. He knows Council Member Medellin was there and he thinks Council Member Holley was there too. He stated that it was well attended by the Council also. He just wanted to publicly say that they did a great job and if they want to move it around to other parts in their district or in the County he would be glad to help them set it up.

Mayor Poythress thanked Mr. Anderson for those comments and asked if there are any other members of the public who wish to make a public comment.

PRESENTATIONS Proclamation Recognizing March as Youth Art Month

Mayor Poythress stated that they were going to have a presentation recognizing March as Youth Art Month. He noted that they are still working on that art piece that they would like to present so they are going to pass until later on.

A. WORKSHOP

A-1 Madera Police Department Annual Report (Report and Presentation by Steve Frazier)

Mayor Poythress announced that right now they have an opportunity to receive a presentation by Police Chief Steve Frazier to discuss the Police Department Annual Report.

Chief of Police Steve Frazier advised that the Council has before them the hard copy of the book which is a frame(able) worthy copy. He wanted to come up and say he only offered Mr. Anderson \$10 for that speech. He is very appreciative that he did that and he is sure it will cost him a lunch or something.

Chief Frazier stated he got some good advice last week. He has some new administrators. He has Lieutenant Select Giachino (Gino) Chiaramonte. He advised that Lieutenant Chiaramonte tapped him on the shoulder and said that he wanted to step in and do this presentation so they are going to allow him to do that. He is prepared to kind of show them the good and bad, walk them through that, and answer their questions.

Lieutenant Chiaramonte thanked the Council for giving them the time to present some of the statistics that came across. He advised that the Council has annual reports so they can follow along. He noted that they are not exact. His presentation is going to be a quick snap shot of what they are presenting. He advised that what they are here to present is their statistics from the year 2015.

Lieutenant Chiaramonte commented that with this, the first snap shot they are going to see is of the FBI (Federal Bureau of Investigation) crime data, the UCR (Uniform Crime Reporting) data. That is the reportable data that they are mandated to report every year. In looking at it, not everything is positive in the statistics realm. He advised that one of their biggest issues in 2015 is the year Prop (Proposition) 47 was fully enacted. It occurred in 2014 but 2015 is showing it through their statistics. When they look at their homicides, they may have gone down. They have gone down minor. He explained that the number of them goes down 50% but it is a small number. He advised that those are all gang related. All three of them have ties to gangs. One of those, just two year's prior, they had in excess of 10 shootings at that specific residence. They did everything they could to get him assistance. He wanted nothing to do with it and he succumbed to his injuries in 2015.

Lieutenant Chiaramonte moved over to robbery and advised that it is an increase of 22. He noted those are some difficult statistics because they are talking about violent crimes, crimes against persons. He commented that with the addition of aggravated assault and the extreme increase, one of the things to understand about aggravated assault is the attachment to domestic violence there. It is not just a random person on person but it is also including domestic issues that occur including domestic violence. With the release of a lot of these personnel back to their streets, this is going to be one of those crimes that does increase. He stated that violent crime overall rose dramatically but a lot of it had to do with domestic violence issues. He advised that was 65% of that aggravated assault.

Lieutenant Chiaramonte advised that burglaries didn't go up much. They actually decreased minor. He referred to larceny vehicle theft noting that it is going to be one of their biggest struggles. It is their largest increase. He added that there is one small attachment to the vehicle theft increase and that is the mandatory reporting of attempted vehicle thefts. He advised that also got included in 2015; that is something new. He stated it is minor. It is not going to be the hugest portion of that stat. If he could do anything regarding vehicle thefts, it would be to ask Honda to recall all 1990 model Honda Accords or Civics. He stated that it is almost a free pass.

Lieutenant Chiaramonte stated that the second portion of that is that they have continually requested the public to not leave their vehicles unattended when warming up. He stated that is the second most common reason. They just had two stolen yesterday in their vehicle log and they were both warming up. If they could continue to get out to the public hopefully they can reduce those. He stated that the property crimes overall, the increase is all related to vehicle theft and 10851's (Vehicle Code) for the majority of those numbers.

Lieutenant Chiaramonte referred to calls for service and advised that there is a general increase going up but this year had a pretty major increase of 10%. He stated this really hurts the department and it's service related delivery because this year alone in 2015 was probably one of their lowest with personnel on the streets whether it be due to long term injury or some positions that were not staffed in four. Now they are still kind of in that same place for 2016 but there is a light at the end of the tunnel with some of them in training.

Lieutenant Chiaramonte noted that with that comes their response time. Their response times are not any faster than the year prior. They have actually gone backwards. They are a little over a minute slower on their Priority 1 calls which are the in progress calls. Priority 2 would be a traffic accident; an urgent type call but not a crime in progress call. A Priority 3 would be subject to something like something occurred the day prior; a burglary where no person is present, a vandalism, some type of larceny.

Lieutenant Chiaramonte stated that when they review kind of where a lot of their time gets taken up on patrol, they look for the top ten calls for service. In 2014, their top call for service was actually a self-initiated call for service which is a check subject. That is where the office is getting out of the patrol vehicle and trying to proactively combat crime. He advised that overall the top ten calls for service have not changed much. He noted that they may have changed order and they may have increased or decreased but the ten stay the same except for in 2015, fights dramatically increased in the response to fights. He advised that in 2014 there were 777. It wasn't even on the map of top ten and then in 2015 increased to 1,072 which is almost an 800% increase which kind of goes in relation to their statistic regarding aggravated assaults which they saw a few slides earlier.

Lieutenant Chiaramonte stated that one of the things they are going to see is a decrease in self-initiated field activity. This has to do with some of their staffing issues and something that has been brought up before regarding their 19% free time to proactively do things compared to what they are trying to get to which is a 45%. It is them backfilling those positions and getting some of those long term injuries hopefully will help that but those are some of those decreases that they will be seeing in 2015.

Lieutenant Chiaramonte added on a positive note, so far traffic has been the shining light for them. He stated that almost everything, but bicyclists under the age of 15 being injured in a traffic accident, has

decreased and that one stayed pretty much the same. It increased by one. He noted that they have decreased in dramatic numbers. Total fatality injuries with victims went from 2013 to 134 as they can see, 2014 down to 86 and even cutting that down in 2015 to 58. He stated that all those down the board had decreases in statistics.

Lieutenant Chiaramonte stated he doesn't want to leave completely negative here because they have to figure out what they are going to do, look forward, and look ahead. They are going to continue to expand their community outreach. They are seeing great gains out of that. They are partnering with the Parks Department for their first summer camp. They are just groundbreaking on that. Parks has approved a week in late July that they are going to work together with them to put this on.

Lieutenant Chiaramonte stated that neighborhood watch is still a key component. He advised that Christina Herrera with Neighborhood Revitalization is here. They have 26 active and over 60 in the works. Regarding social media, that is their greatest outreach by their Police Department through Facebook noting that it truly is. They are starting to get more and more into videos and get within YouTube. They also took the Council's suggestions and went with livestream for the first time last week. They had some hiccups but there were some great responses.

Lieutenant Chiaramonte advised that lastly, they are going to try to expand their current programs. One is Learning with the Law which is really investing in their youth, investing in their children. They are going to see great gains in their years to come from those. He referred to Coffee with a Cop which was done once but they are now going to attempt to try and push that at every four to six weeks with their next one coming at the end of March.

Lieutenant Chiaramonte stated that their efforts as Police Department are to reduce crime and make this a better, safer place to live. That is their end goal and that is always going to be their main focus as a Police Department. He stated that with that he is going to conclude and see if there are any questions he can possibly respond to. He knows it will take them a little bit to go through book.

Mayor Poythress asked if there are any questions of Lieutenant Chiaramonte regarding the presentation or any of the material.

Council Member Holley stated he called the Chief the other day and he was like John Anderson, he thinks the Police did a real great presentation of the response shooters the other night. He learned so much in hearing that. It really made him feel that they are getting involved. He knows the schools might have that video but what he would like to see in the future, and hopefully they can do that, is go to people and really let them know what is going on, how they can really save lives if it actually happened. He noted that looking at a video sometimes it just tells you what happens at a video or what they could do, but actually taking kids or schools and showing them what really goes on and how they can be safer, would really be a great avenue to their City.

Lieutenant Chiaramonte thanked Council Member Holley.

Mayor Pro Tem Rigby stated he was not in attendance for the city hall. He was one of the ones streaming. He wanted to try it. He was actually recruiting. He was at a basketball game with headphones in listening, watching and participating so every now and then he would shoot a text over to Council Member Medellin and he was like, hey, has it started, what happened, where did they go. But, he thought it was great for what it was, understanding it was the first time so he thinks stick with it, stay with it. He had several responses from him of people that also streamed in so they were kind of connected together. He thinks it is vital that they do that and continue. He thinks that is the right avenue. That is his feedback to keep it up.

Lieutenant Chiaramonte stated his appreciation for Mayor Pro Tem Rigby's feedback.

Council Member Medellin agreed with Mayor Pro Tem Rigby and added that he had no problem taking his calls, whatever it took to get that message across. Council Member Medellin added that he has expressed

this to the Chief before, taking a proactive role is vital. He noted that the Chief has expressed this to him before as well as the rest of their Council. The last thing they want to have is a candlelight vigil. They are doing everything in their power to prevent that candlelight vigil and coming together as a community for that particular reason. He stated that the proactive role is like the information videos, the town hall meeting's impact, getting into their elementary schools whether it be graffiti or reading to those kids and having that impact is huge. Like John Anderson said, it was a little disheartening to find out that there are only 50 or 60 people at their town hall meeting when they are really trying to save lives but they will stick with it. He absolutely agrees. They will go neighborhood by neighborhood, school by school, continue to be proactive. He stated that obviously AB (Assembly Bill) 109 and Prop 47 has made that very difficult for them but the last thing that they will do as a community is give up. He thanked Chief Frazier and Lieutenant Chiaramonte on the great presentation who is up with Lieutenant Brian Esteves. They did a fantastic job.

Lieutenant Chiaramonte thanked Council Member Medellin.

Mayor Poythress referred to cars warming up and stated he bets, every morning when he goes running, he could steal at least one car, maybe two because it is amazing. He sees pickups and things. They are just sitting there warming up and he could just pop in. He will know where to look, come to my house.

Council Member Medellin stated he is trying to get rid of his car so...that is why he is advertising. He will give his address later.

Mayor Poythress stated what he has noticed and what he appreciates so much about what is going on in terms of efforts with their Police Department and other departments is that, there are times, not in this organization but in other places, where he knows they are lacking. It would be nice to have more boots in the ground and so forth to address certain things but it is not like a status quo type of thing. They've got a very professional department that is moving forward in spite of who they've got. They've got a great crew and a great quality professional organization. He thinks that because of that, he believes that when they more than likely move forward with promoting a measure to increase funding for safety services, this is going to really help support those efforts with what is going on. They can say, look what we've got going on with these great efforts. Look what more could be accomplished. He commended staff and encouraged them to keep up the great work.

B. CONSENT CALENDAR

- B-1 Minutes – 8/19/15
- B-2 Information Only – Warrant Disbursement Report
- B-3 Weekly Water Conservation Report - 2/15/16-2/21/16 (Report by Dave Randall)
- B-4 Consideration of a Resolution Approving an Agreement and Contract with AT&T for Leased Fiber Services to Provide the City of Madera High Speed Data Services between all City Buildings and to the Internet, and Authorizing the Mayor to Execute the Master Agreement and the Network On Demand Contract, and Authorizing the City Administrator, or Their Designee, to Approve Proposals and Scopes of Work as Contemplated in the Agreement (Report by Ted Uyesaka)
- B-5 Consideration of a Resolution Approving an Interlocal Agreement for Cooperative Purchasing between the City and BuyBoard National Purchasing Cooperative and Authorizing the Mayor to Sign on Behalf of the City (Report by Becky McCurdy)
- B-6 Consideration of a Resolution of the City Council of the City of Madera Approving the Submittal of a Functional Classification Change for Local Streets and Roads to the State of California, Department of Transportation (Report by Keith Helmuth)

- B-7 Consideration of a Resolution Approving the Compensation Range for Part Time Soccer Officials (Report by Wendy Silva)
- B-8 Consideration of the City of Madera Investment Report for the Six Month Period Ending December 31, 2015 for Approval and Acceptance (Report by Tim Przybyla)
- B-9 Consideration of a Resolution Approving the Award of Contract for Knox Park Rehabilitation City of Madera Project No. PK 59, in the Amount of \$195,612.98, Including Additive Alternate No. 1 in the Amount of \$22,248 and Additive Alternate No. 2 in the Amount of \$30,104.08, for a Total of \$247,965.06 to Witbro Inc., dba Seal Rite Paving & Grading Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 5% as Approved by the City Engineer and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Keith Helmuth)

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

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

- RES. NO. 16-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A MASTER AGREEMENT AND A NETWORK ON DEMAND CONTRACT WITH AT&T FOR HIGH SPEED DATA SERVICES BETWEEN ALL CITY BUILDINGS AND TO THE INTERNET, AND AUTHORIZING THE MAYOR TO EXECUTE THE MASTER AGREEMENT AND THE NETWORK ON DEMAND CONTRACT, AND AUTHORIZING THE CITY ADMINISTRATOR, OR THEIR DESIGNEE, TO APPROVE PROPOSALS AND SCOPES OF WORK AS CONTEMPLATED IN THE AGREEMENT AND CONTRACT.**
- RES. NO. 16-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING BETWEEN THE CITY AND BUYBOARD NATIONAL PURCHASING COOPERATIVE AND AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY**
- RES. NO. 16-22 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE SUBMITTAL OF A FUNCTIONAL CLASSIFICATION CHANGE FOR LOCAL STREETS AND ROADS TO STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION**
- RES. NO. 16-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE COMPENSATION RANGE FOR PART TIME SOCCER OFFICIALS OF THE CITY OF MADERA**
- RES. NO. 16-24 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR KNOX PARK REHABILITATION CITY OF MADERA PROJECT NO. PK 59, IN THE AMOUNT OF \$195,612.98, INCLUDING ADDITIVE ALTERNATE NO. 1 IN THE AMOUNT OF \$22,248 AND ADDITIVE ALTERNATE NO. 2 IN THE AMOUNT OF \$30,104.08, FOR A TOTAL CONTRACT OF \$247,965.06 TO WITBRO INC., dba SEAL RITE PAVING & GRADING, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 5% AS APPROVED BY THE CITY ENGINEER AND**

**AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF
THE CITY**

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

**C-1 Second Reading and Consideration of Adoption of an Ordinance Rezoning
Approximately 600 Properties Encompassing Approximately 490 Acres of Land
Located in and Near the Community of Parksdale (County Service Area #3)
Immediately East of the City**

Planning Manager Chris Boyle stated staff and the Planning Commission continue to recommend adoption of the ordinance rezoning the subject properties. Mr. Boyle stated that completes his presentation and he would be happy to answer any questions they might have.

Council Member Holley asked Mr. Boyle if he received the letter from Ed McIntyre to expand that.

Mr. Boyle replied that he did receive the email today as it relates to Mr. McIntyre's concerns that were expressed at the last public hearing. He supposes that the best approach to an expansion of the boundary would be at LAFCO as LAFCO would make the decision as to the ultimate boundaries for annexation.

Mayor Poythress asked if there are any other questions or comments. No questions were asked and Mayor Poythress asked for title to be read.

The ordinance was read by title by the City Clerk.

**ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER HOLLEY,
FURTHER READING WAS WAIVED, ITEM C-1, ORD. NO. 930 C.S. WAS ADOPTED UNANIMOUSLY
BY A VOTE OF 6-0.**

**ORD. NO. 930 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA
AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING
THE SPECIFIC PARCELS IDENTIFIED WITHIN EXHIBIT "A"**

**C-2 Second Reading and Consideration of Adoption of an Ordinance Amending Section
1310 of Chapter 3 of Title X of the Madera Municipal Code Pertaining to Action of
Appeals of Planning Commission Denials**

Planning Manager Chris Boyle stated that staff and the Planning Commission continue to recommend adoption of the subject ordinance. He advised that completes his presentation and offered to answer any questions.

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

**ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER,
FURTHER READING WAS WAIVED, AND ITEM C-2, ORD. NO. 931 C.S. WAS ADOPTED
UNANIMOUSLY BY A VOTE OF 6-0.**

**ORD. NO. 931 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, AMENDING SECTION 1310 OF CHAPTER 3 OF TITLE X OF THE
MADERA MUNICIPAL CODE PERTAINING TO ACTION ON APPEAL OF
PLANNING COMMISSION DECISIONS**

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Presentation of the Mid-Year Operational Budget Report and Consideration of a Resolution Authorizing and Approving Amendments to the City of Madera Fiscal Year 2015/2016 Budget

City Administrator David Tooley advised that Mr. Przybyla is not present because he is engaged in some professional training. He noted that as Mr. Przybyla completes this unit of his professional development, he is going to be in a position to take his CPA (Certified Public Accountant) status from inactive to active. He thinks that is certainly an advantage to the City. Mr. Tooley stated that because he is married to a CPA, he thinks those kinds of things are important. He thinks it is an advantage to the City and he would hope that they would congratulate Mr. Przybyla when he returns.

Mr. Tooley advised that Mr. Przybyla has provided the Council with an executive overview of the mid-year budget update. He will further summarize that and then they will respond to any questions the Council might have.

Mr. Tooley stated he is not sure which one of them is living under a lucky star but, they should please continue doing so. They are having an exceptional year financially, notwithstanding the fact that there have been a lot of waves along the way. They have added something in excess of half a million dollars to the City's General Fund budget. That is represented by a \$370,000 legal settlement. They have added \$100,000 for consideration of a performing arts study. There is going to be a need for an additional election with regard to a council position. He stated that in spite of that, if they continue on their current trend lines and all of their operating assumptions remain the same, they will do better than break even. That doesn't happen that often given this set of facts. He advised that they had unexpected revenues of \$400,000 from ERAF (Educational Revenue Augmentation Fund). He stated that every year the State takes a certain amount of money that would otherwise go to local government in support of education. They operate on the best estimate available. This year there was enough money returned to local government that they got a \$400,000 bump. He advised that is not going to happen every year.

Mr. Tooley stated that in addition, they are going to be up about \$300,000 because the Triple Flip, noting that he would use the technical term, it was a Ponzi scheme, implemented by the State to get around some constitutional requirements. He advised it is finally going away. There is a true-up taking place and they are up about \$300,000 there.

Mr. Tooley stated they are doing exceptionally well in the current fiscal year. He needs to give them a cautionary tale and that cautionary tale is that next year is going to be uncertain. One of the struggles they have had in the current year's budget is that, notwithstanding the fact that they received approval from the Federal government for use of Block Grant funds on their Code Enforcement and their Graffiti Abatement activities, they came back and tried to deny the City's use of funds in the current year. They think at this point they have beaten back that challenge but their ability to do so in future years quite candidly, it is going to go away. At some point and time they are going to have to find an additional \$500,000 to inject back into their operational budgets. He advised that they are not going to lose that \$500,000; the feds are just going to give them additional limitations on how they use it. They are going to want to see the City use it on sticks and bricks projects like streets, water, and sewer in the census tract areas that are eligible. They think they have a solution to address it for operational needs for perhaps the next one or two years, but they are still working on that and that is going to be a significant challenge in next year's budget. He stated there is a \$500,000 issue there.

Mr. Tooley stated this is not a discussion for tonight but there is an ongoing tax sharing negotiation taking place between the City and County. He advised that the County remains intent on having the City annex Parkwood. If they annex Parkwood, there will be an additional expense, minimum of \$600,000 just for

police service. He noted that if that takes place, he is not going to be able to balance the budget for them. He advised that is a strategic decision that they are going to have to have some candid discussion about.

Mr. Tooley advised that they have a 3% cost of living adjustment for all of their bargaining units in next year's budget. That represents approximately \$370,000. Their budget going forward is based on an assumption that they will have about a 2½% increase next year and the year thereafter with regard to the revenue curve. He doesn't know how to call that for them. They are still a flattening of their sales tax collections. If they look at the stock market as often as he does, he doesn't know how to call it. What he can tell them is, noting that this is a truism that really defines a lot of their budget, from one year to the next, California is the last in and the last out of any recession or recovery that takes place; and the Central Valley is the last in and last out in California on any recession or recovery that takes place. He noted that they may lag one, two, or three years behind the national curve. Increasingly, the Central Valley is becoming its own microcosm and sometimes they begin to buck the national trend. He stated that the two things that they should be thinking about are that if the casino project begins next year, it may or may not, that is a \$250 million project that puts money back into their local economy. He added that it is 800 jobs. He asked, will the casino move forward. He doesn't know.

Mr. Tooley stated they've also got a fuel stop; a fuel stop project that would pump about half a million dollars a year into their budget and asked, will that move forward. He can't give them any clear direction at this point and time. What he is telling them, the long and short of it is that there are a lot of moving pieces and he is going to take a fairly conservative approach in terms of what they do particularly with regard to the General Fund budget moving forward.

Mr. Tooley advised that they will note that there are two additional positions recommended at this time in the General Fund. He is going to seek the Council's approval this evening but, he is only going to fill one, again subject to the Council's approval, until he has a better sense of what their revenue picture is going to look like. He advised that these are the positions that have to do with their social media and community engagement. One is a technical position that actually produces the videos they have seen for the City. The other one would be the person who engages the public, manages the activity, and increasingly he is beginning to understand that management of their social media program is going to require a full time position. There is simply going to be no way around it. Mr. Tooley stated what they have done in the short term, noting that they will recall that they have talked about this at the beginning of the fiscal year, is that they have done this on a shoestring. They have done it with their existing staff and a part time position. They have so used the hours in that position that they are going to have to go full time or simply stated, that person can't continue to provide the number of hours because there is a limitation on part time hours so they are going to have to create the full time position in order to maintain the program that they have. They started their video and media program as, it seemed like a good idea, let's try it. They all recognize it is a runaway success. There is no turning back. He commented that the millennials on the Council who told him they ought to be doing this, they were kind of right.

Mr. Tooley switched to the Enterprise Funds. He explained that the revenues they see, they think are probably understated. They think they will exceed that but, they would like to see a full year of stabilized collections before they start projecting what it is going to be from one year to the next. A major component of the rate increases was an expectation that they were going to do a lot of capital projects having to do with the water supply this year so they are requesting two additional positions there because, if they are going to make that curve over the next three year period, it is going to take additional warm bodies on staff to complete the engineering process. He stated that even if they use external engineering services, there is still a requirement for care, custody, control, and review by their internal staff and that is going to come down to boots on the ground in the Engineering Department.

Mr. Tooley stated he is cautiously optimistic. They have exceeded their expectations in the current year but he wants to proceed with some caution the next two years. He stated he would be happy to answer any questions that the Council might have and to the extent that he can't, he has a safety net with Patricia Barboza (Financial Services Manager) here and some of the accounting staff.

Mayor Poythress asked if there are any questions regarding the budget and Mr. Tooley's discussion. No questions were asked. Mayor Poythress stated he thinks it was well laid out. He thinks he hit the good, bad, potential issues and some of the trap doors, that term that Mr. Tooley likes to use noting that he likes that term, that they might be looking at down the road. He added that it was a really good presentation.

Mr. Tooley stated that in conclusion, there are lots of moving pieces but if they follow their trend lines, if they follow their traditional expenditure pattern, they are going to be above the line on the revenue side on the General Fund. They've got four months left so knock on wood, whoever is living under that lucky star, please don't move.

Mayor Poythress thanked Mr. Tooley. Mayor Poythress stated if there are no other comments, he will accept a motion for approval.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM E-1, RES. NO. 16-25 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

RES. NO. 16-25 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2015/2016 BUDGET

E-2 Consideration of a Resolution Amending the City of Madera Classification Plan and Setting the Rate of Compensation for Certain Classifications

Director of Human Resources Wendy Silva stated there is nothing spectacular on this item. They just had to put it after the mid-year budget because it was contingent upon whether or not that mid-year budget was going to be approved. She advised this item contains the job descriptions and pay rates for Communications Specialist and Communications Manager. It also includes an updated job description for Senior Civil Engineer. Ms. Silva offered to answer any questions about the specifics of those she could answer those if they like.

Mayor Poythress asked if there are any questions for Ms. Silva. Mayor Poythress noted it was a great presentation and if there are no questions for Ms. Silva, he would accept a motion for action.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM E-2, RES. NO. 16-26 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

RES. NO. 16-26 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE EMPLOYEE CLASSIFICATION PLAN ADOPTED BY RESOLUTION NO. 00-13 AND SETTING THE RATE OF COMPENSATION FOR CERTAIN CLASSIFICATIONS OF THE CITY OF MADERA

E-3 Consideration of Introduction of an Ordinance Amending Subsection E of §2-2.305 of Title II of the Madera Municipal Code Relating to Civil Service and Exceptions to the Competitive Service

Director of Human Resources Wendy Silva stated there are certain positions in the City, specifically mostly department heads that are considered at will and they are not subject to the civil service system. She advised that this item would include the new position of Communications Manager as an at will position. She stated that this is consistent with her research into how other sort of PIO (Public Information Officer) positions are handled in other cities.

Mayor Poythress asked if there are any questions for Ms. Silva. No questions were asked and Mayor Poythress asked 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 MEDELLIN, FURTHER READING WAS WAIVED, AND ITEM E-3, INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

INTRO. ORD. INTRODUCTION OF AN ORDINANCE AMENDING SUBSECTION E OF §2-2.305 OF TITLE II OF THE MADERA MUNICIPAL CODE RELATING TO CIVIL SERVICE AND EXCEPTIONS TO THE COMPETITIVE SERVICE

E-4 Consideration of a Minute Order Approving the Madera County Economic Development Commission 2016/2017 Annual Basic Service Level Budget

Bobby Kahn, Executive Director for the Madera County Economic Development Commission (EDC), stated this is their annual budget review and request before the Council. This is according to the joint powers agreement that is entered into between the County and the two cities. They have to come before each body and have the basic service level agreement approved prior to March 31st, thus they are here tonight.

Mr. Kahn provided a quick summary. They will see that there is somewhat of a significant change in the budget this year. He stated that the basic service level agreement for the City of Madera is approximately \$16,000 higher than it was last year. This is not an increase to their budget but it is a reorganization of the population figures that are accurate and reflect the current population base of both the cities of Madera and Chowchilla, and the County of Madera. What they did is they used the Department of Finance figures for May of 2015 which are the most current figures that they can get their hands on. Then they also aligned the formula with the Madera County Transportation Commission and talked with them on how they approach their funding. What they do, noting that has been the EDC's standard, is back out the prison population of Chowchilla prior to their funding. Mr. Kahn stated they have always backed out the population of Chowchilla before they figured their percentage on how much they request from them.

Mr. Kahn stated that all in all, the figures have changed with the County paying 54% to now 49%; the City of Madera 43% now compared to 39.17%; and the City of Chowchilla is now paying 8% versus 6.83%. He added that their budget is pretty much the same, almost identical to last year. He advised that there are no salary increases for anyone at this point in time. Regarding salaries, they gave a 2½% last year noting that was the first increase that he gave to the staff which is only two people and since 2007 his salary has been the same. They are keeping that flat for this year. He advised that concludes his report and offered to answer any questions.

Mayor Poythress stated he guesses there is no increase in the chairman's salary.

Mr. Kahn replied that they are thinking about a substantial, maybe 100% like two times whatever he is making now.

Mayor Poythress stated two times zero.

Council Member Medellin stated there will still be the same coffee and cookies though; noting that stays the same right.

Mr. Kahn replied that as long as their budget is fully approved they will still have six cookies of which their chairman usually eats four.

Mayor Poythress stated it is a tough meeting. He has to be nourished.

Mr. Kahn stated it is like his dad used to say, there was a big family of seven, we only had four pork chops, the only thing I have to say is the two I ate were delicious.

Mayor Poythress asked if there are any questions for Mr. Kahn. No questions were asked and Mayor Poythress announced he would accept a motion for approval.

COUNCIL MEMBER HOLLEY MADE A MOTION TO APPROVE THE MINUTE ORDER APPROVING THE MADERA COUNTY ECONOMIC DEVELOPMENT COMMISSION 2016/2017 ANNUAL BASIC SERVICE LEVEL BUDGET. THE MOTION WAS SECONDED BY COUNCIL MEMBER OLIVER AND ITEM E-4 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0.

Mr. Kahn stated that last night at the State Center Community College District Board of Trustees meeting they did vote to place a \$485 million bond on the June 7th ballot. They will be back in an official capacity, wearing a different hat, asking for support of that bond.

Mayor Poythress stated Mr. Kahn is going to be pretty busy over the next couple of months.

Mr. Kahn stated it has already been busy.

Council Member Oliver asked June election.

Mr. Kahn replied yes. They purposely moved to get off the November ballot.

Mayor Pro Tem Rigby stated they will have the money by the fall semester.

F. COUNCIL REPORTS

Council Member Robinson reported that last Monday he attended the Sister City event in Fresno noting that he can't pronounce the name of the French City. He met the Mayor and the Deputy Mayor and it was a nice occasion.

Mayor Poythress asked if they had croissants or something like that.

Council Member Robinson added that John Anderson also attended.

Mayor Pro Tem Rigby stated not only did he have the opportunity to stream the town hall meeting put on by the Police Department, he also spent much of his week with Saleh Alhomedi and Christina Herrera from Neighborhood Revitalization touring Madera. They stopped off at Sierra Vista Elementary School and did an anti-graffiti rally for third graders there.

Council Member Holley if it was without him.

Mayor Pro Tem Rigby agreed. He also had the opportunity to join the noon time Rotarians at the Madera Municipal Golf Course where they just soft-launched their blue stripe initiative. It is the opportunity that they are going to go throughout the City of Madera, under the umbrella of Love Madera in partnership with Neighborhood Revitalization, and paint their curbs blue with a red stripe to show solidarity to the men and women first responders who on a daily basis put their lives on the line to serve and protect their City.

Council Member Holley reported that he had a fun day. As they know, he is still a mentor. Today he had the chance to go to John Adams School to read to some third graders and that was exciting. Then he jumped over to Sierra Vista and got down to a lower level of kindergarteners. He wanted to tell them about kindergarten advising that you better have a book that they are ready to listen to otherwise they will lose all 28 of them. He watched them do everything but listen to this book. When they got through, they wanted to know how old he was, what color his hair was, how did he... He added that they have some questions for you so be surprised of your future children coming up.

Council Member Holley commented on something that is coming onboard and he thought he should share right now because he might not get to share before it happened. He has been appointed to the Big Brothers

Big Sisters Board for Madera County so that is another avenue. For him to be there, they had to move the meeting from the third Wednesday to the fourth Wednesday so he patted himself on the back. That is how bad they wanted him. As he says all the time, Big Brothers Big Sisters is something that they all need to somehow try to find a way to get involved because what is out there right now, their kids need someone with a great sense of humor and a nice personality to teach them the right way to go. Last week, as a mentor, they took 27 kids bowling. They had never bowled before in their lives and that was fun trying to show them how to bowl. They had to put up the gutter lanes so now when he goes, he knows how to make sure he gets some pins knocked down. He just goes to pull up the stripes so the balls don't go in the gutter. He stated it was so much fun watching them interject in something that they never did before. Those are the kinds of things he likes doing. He knows he gave up the Jesse Owens Games. This is the month he would be kicking off but he found another game to get into so still dealing with kids.

Council Member Holley asked everyone to pray for the Davis family. Tomorrow they will be putting Pastor Morris Davis away. He is a long pillar of Madera. They are having his service tomorrow at 11:00 a.m. at Mt. Zion Baptist Church.

Mayor Poythress congratulated Council Member Holley on his appointment to the board.

Council Member Medellin asked if Council Member Holley was going to tell them how old he is. He was waiting. He added that it doesn't take a kindergartener to ask him that; he has been asking him for a long time.

Council Member Medellin stated he just wanted to take the opportunity to thank Saleh Alhomed, Christina Herrera and their team for Neighborhood Revitalization. He noted that it is a huge part of this community to have neighborhood watch again working together with their Police Department. That is exactly what it is, it is a partnership. He knows they are up to almost 60 neighborhoods. He is looking forward to NNO (National Night Out) again this year because again that partnership between City Hall, Police Department and their community is vital. Again, they are knocking on doors. They are calling people. They are working tirelessly and as a matter of fact, his neighborhood will have their first tomorrow.

Council Member Oliver reported that he attended the Police Department's town hall. It was a great, informative presentation on active shooter scenarios. He is really appreciative of the efforts to try an alternative medium with the live streaming so he looks forward to see how that is able to take off. He agrees with their department's comments, obviously the numbers suggest that they do face great challenges but he thinks they can all agree that there is an undercurrent of positive momentum and energy that exists in their City and that is something he thinks they are going to take to a whole new level.

Council Member Oliver reported that he attended a neighborhood watch meeting with their Harding Street team. They are located in a cul-de-sac essentially just adjacent to the drive in so it is a stone throw away from his neighborhood. He advised that this was their first meeting. They had about 15 or 20 people in attendance, a lot of little kids but fortunately with the assistance of their Public Works Department they were able to put out some lighting. He noted that when you get out, especially to a lot of these neighborhoods that are aging in infrastructure, you realize the great deficiencies that they have. This particular neighborhood was pitch black. A lot of these folks have essentially been with the lights out for a very, very long time and that is something that they are hearing more and more at neighborhood watch, the grocery store at the Bridge Store. He thinks it is so great with Revitalization's help, their Police Department and their City team that they are providing an avenue to collect that input, to collect those concerns, and their insight but it is striking especially when you see little kids out there in pitch black. He was really appreciative that they were able to get that going. He looks forward to leveraging a larger community block party with their Sonora team and he just looks forward to a lot of good work ahead.

Mayor Poythress reported that he was in Sacramento all day today attending the Regional Policy Council annual lobbying trip. He advised that it is an eight county coalition of transportation agencies and council of governments. They lobby as a group. They represent four million people. They have common interests such as the widening of six-lane(ing) of Highway 99 and trying to find ways to fund these improvement

through Cap and Trade, and STIP (State Transportation Improvement Program). Right now there are three proposals for funding roads. He advised there is the Governor's Plan, there is the Assembly's Plan, and then there is the Senate's Plan. They all vary in different types of ways to utilize funding. They are just saying that they would like to see a reliable source of funding. They would also like to make sure that in the future that there is not a diversion of funds, which would be the truck weight fees. He noted that it was put into the General Fund to pay for the transportation bond but the average person in the street believes that there is this gross misallocation of funds and that the Gas Tax is also being diverted. He stated that it really is not but, that is the perception of the street so they said to get credibility, to get increases passed, they need to overcome that. He was joined by the MCTC (Madera County Transportation Commission) Director as well as Brett Frazier (Madera County Supervisor). They had a good trip.

Mayor Poythress stated there are certain departments from the City that are a little bit higher profile in terms of being out there and on the street and so forth but, he also wants to recognize the entire City team for all their great work. He knows that a lot of times they don't see things, what is going on with the Planning Division or Engineering. They heard Public Works. They've got Ted Uyesaka, Parks and Recreation. They've got the great HR (Human Resources) team and there are other departments. He would just like to recognize all of them for their great work. It takes a team and their input is phenomenal and it is necessary and they appreciate all their hard work.

Council Member Holley welcomed the new Deputy City Clerk Zelda Leon. He mentioned that the City Clerk doesn't have to work that hard any more.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session in two items: pursuant to Government Code §54957 to discuss a personnel evaluation as described under item G-2; and pursuant to Government Code §54956.9(d)(2) to discuss conference with legal counsel as described under item G-3.

The Council adjourned to closed session at 6:58 p.m.

G-2 PERSONNEL EVALUATION--Pursuant to Government Code §54957

Position: City Attorney

G-3 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 7:21 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code §54957 and reported that the council appointed an ad hoc committee consisting of Mayor Poythress and Council Member Holley to meet with the City Attorney.

Mr. Richardson announced that the second item was a conference with legal counsel in anticipated litigation, significant exposure to litigation pursuant to Government Code §54956.9(d)(2) in one matter and reported that no reportable action was taken.

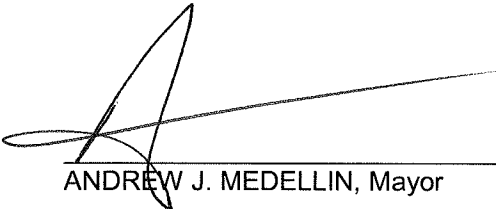
ADJOURNMENT

Mayor Poythress wished everybody a great evening and adjourned the meeting at 7:22 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

