



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

Item:	B-1
Minutes for:	01/06/16
Adopted:	11/02/16

January 6, 2016
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 1/06/16 was called to order by Mayor Pro Tem Rigby at 6:00 p.m.

ROLL CALL:

Present: 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

Absent: Mayor Robert L. Poythress

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, 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, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, Division Fire Chief David Allen, Commander Dino Lawson, and Public Works Administrative Analyst Jason Rogers.

INVOCATION: Pastor Roger Leach, Valley West Christian Center

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

PUBLIC COMMENT:

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

No comments were offered.

Late Distribution Announcement

City Clerk Sonia Alvarez announced that pursuant to Government Code Section 54957, members of the public are advised that documents related to the following agenda items were distributed to the Council less than 72 hours before this meeting:

Under Section C, Hearings, Petitions and Bids, item C-3, subject matter is a resolution approving an amendment of the Land Use Element, a letter was received from Leadership Counsel for Justice & Accountability and distributed to the Council this evening.

Under Section E, Administrative Reports, item E-3, subject matter is scheduling of a public hearing, a staff memo and a letter from Bruce Evans, legal counsel for appellant, were distributed to the council this evening; and item E-4, subject matter is an update on proposal submitted by Triton Flight for Heroes, a revised report and agreement along with a business plan submitted by Triton Flight for Heroes 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.

PRESENTATIONS **Proclamation Recognizing the Fresno Madera Continuum of Care Homeless Point-in-Time Count**

City Clerk Sonia Alvarez announced that representatives from the Community Action Partnership of Madera County (CAPMC) requested the item pulled from the agenda. The item will not be heard this evening.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

B-1 Minutes – 7/1/15

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Resolution Approving a Memorandum of Understanding for the General Bargaining Unit between the City of Madera and Operating Engineers Local Union No. 3 and Authorizing the City Administrator to Sign the Memorandum (Report by Wendy Silva)

B-4 Consideration of a Resolution Approving Compensation Ranges for Part Time Positions of the City of Madera Due to a Change in the California Minimum Wage (Report by Wendy Silva)

Mayor Pro Tem Rigby asked if there is anything on tonight's consent calendar that needs to be pulled for further discussion. No requests were made.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 16-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A MEMORANDUM OF UNDERSTANDING FOR THE GENERAL BARGAINING UNIT BETWEEN THE CITY OF MADERA AND OPERATING ENGINEERS LOCAL UNION NO. 3 AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE MEMORANDUM

RES. NO. 16-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING COMPENSATION RANGES FOR PART TIME POSITIONS OF THE CITY OF MADERA

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

C-1 Public Hearing and Consideration of Introduction of an Ordinance Amending Title IV: Chapter 15: Medical Marijuana, of the Madera Municipal Code to Provide Compliance with the Medical Marijuana Regulation and Safety Act

Planning Manager Chris Boyle stated this is an ordinance text amendment to amend Title IV of Chapter 15, their medical marijuana ordinance, to align itself and to provide compliance with the Medical Marijuana Regulation and Safety Act. He advised that it is a recently adopted law by the State. He noted that it really is broken into three discreet pieces of legislation. AB (Assembly Bill) 266 provides for a dual licensing structure where the City has the ability to license the medical marijuana types of businesses while at the same time the State also has licensure as well. He added that one cannot occur without the other so there is a dual licensing process that is aligned with AB 266. AB 243 establishes a regulatory and licensing structure for cultivation sites specifically and those are monitored under the Department of Food and Agriculture. Finally, SB (Senate Bill) 643 establishes a criteria for licensing of medical marijuana businesses, it regulates physicians, and it recognizes local authority to levy taxes and fees.

Mr. Boyle provided a quick overview of the new State legislation cumulatively. Local prohibition or regulation – City's may prohibit or regulate medical marijuana businesses within their jurisdictions and local authority remains intact under the new law. Second, is that all medical marijuana businesses --that would be dispensary sales, delivery services, cultivation, transport, distribution-- all of those components of the medical marijuana industry must have a State license remembering also that there also must be a local license. Third, a medical marijuana business in any city may only operate if it has the permission from the State as well as permission from the City. Fourth is enforcement - revocation of local permission to operate means that a medical marijuana business must terminate operation, remembering that there is dual licensure, if local jurisdiction revokes the allowance for medical marijuana, then the State must also revoke and the State law also provides for civil penalties for operating without a State license.

Mr. Boyle advised that two areas require immediate attention from local governments. The first one is that jurisdictions that currently ban or that may wish to ban deliveries or mobile dispensaries should be aware that under AB 266, they will need to have an ordinance in place that affirmatively identifies and prohibits this activity. The second would be that AB 243 contains a provision stating that cities that do not have an ordinance regulating or prohibiting cultivation by March 1, 2016 would lose the authority to regulate or ban. In other words, there would be a loss of the dual licensing component. He noted that the author of the bill does state that they have agreed to prepare a fix it legislation but, they (the City) is advised to be safe to enact emergency ordinances by the end of February which is why he is here before the Council today.

Mr. Boyle referred to the City's current ordinance which is borne out of the prior State Code and it provided for indoor cultivation of no greater than 100 square feet. That was for medical purposes only and it was within certain parameters: 2,000 feet away from schools, family daycares, and parks. He advised that the map they are looking at shows that there are certain areas of the City that met those parameters and as long as you did have a card for medical marijuana consumption and you only practice indoor cultivation, and odor did not move across and over and outside of your property, then you would be in compliance with the City's current code.

Mr. Boyle advised that their new ordinance specifically prohibits the following activities: It prohibits commercial cannabis activities of all types in all zones within the City; prohibits all deliveries of medical cannabis whether the delivery originates or terminates within the City; prohibits all activities for which the State license is required under the Medical Marijuana Regulation and Safety Act; and finally, it prohibits all cultivation of cannabis for non-commercial purposes, even for medical purposes, in all zones of the City. Mr. Boyle advised that the ordinance as written is consistent with the State law.

Mr. Boyle stated that Staff and the Planning Commission recommend that the City Council consider this information together with testimony provided at this public hearing and introduce an ordinance amendment amending Title IV, Chapter 15, Medical Marijuana in its entirety. Mr. Boyle stated that completes his presentation and offered to answer any questions.

Mayor Pro Tem Rigby asked what comes first in the process, a State license or a City license.

Mr. Boyle replied that it really is a dual process noting that the State can't issue a license without local authorization. He advised that the City ordinance essentially says they can't license so hence, the State can't license as well.

Mayor Pro Tem Rigby asked if this protects the City from interstate licensing. For example, say someone came from Colorado with a state license from Colorado, would that be an acceptable state license that they would be able to pursue a local license.

Mr. Boyle responded no and advised that licensure would be through the City of Madera in conjunction with an associated state permit but in this case, all activities associated with marijuana are proposed to be prohibited within the City so, a Colorado license would not have any bearing.

Council Member Oliver asked Mr. Boyle, to the best of his knowledge, are there any medical marijuana commercial businesses in the City limits today. If so, how many? Where might they be located?

Mr. Boyle replied to the best of his knowledge, he is told by individuals that there are dispensaries within the City limits. Out of curiosity, even today, he went surfing and he believes that perhaps those individuals are correct but, he does not have any legal marijuana dispensaries operating within the city limits of the City of Madera.

City Attorney Brent Richardson stated, through the Chair, that basically the City of Madera currently has what they call a permissive zoning ordinance. In other words, they would actually have to get a use permit to do anything outside of what is already allowed. Since that is not allowed, they would have to get a use permit from the Planning Commission to do that and that has never been done. He explained that basically, this new law came in and said, we don't care if you have a permissive zoning ordinance. That is not going to be good enough. If you want to effectively ban it, then you actually have to have an actual express ban. He noted that is why a lot of cities are going to this.

Mayor Pro Tem Rigby asked if there are any other questions for Mr. Boyle. No other questions were asked.

Mayor Pro Tem Rigby opened the public hearing. No comments were offered and the public hearing was closed.

City Clerk Sonia Alvarez read by title the introduction of an ordinance.

ON MOTION BY COUNCIL MEMBER MEDELLIN, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED, AND THE INTRODUCTION OF AN ORDINANCE, ITEM C-1, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.

INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA DELETING CHAPTER 15 OF TITLE IV OF THE MADERA MUNICIPAL CODE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 15 TO TITLE IV PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER

C-2 Public Hearing and Consideration of Adoption of a Resolution Approving an Amendment of the Land Use Element of the General Plan to Provide Specific Changes to the Land Use Map Necessary to Provide Consistency with the Zoning Ordinance as Required by Law

Planning Manager Chris Boyle stated this item is a General Plan amendment that would bring about zoning consistency. He advised that it is really a first step in their move towards updating their zoning ordinance. They can call it a house cleaning measure for that matter. He noted there are certain clerical errors within

their current General Plan that they would like to clean up in advance of moving forward with updating the zoning ordinance and land use map within their zoning ordinance.

Mr. Boyle shared some examples of the errors. For example, many of their ponding basins aren't called out as resource conservation zones. They have some subdivisions in the City that for one reason or another were developed with a greater density than the General Plan land use designation allowed. He noted that is probably the preponderance of the changes that are before the Council. He referred to the screen which shows the gated communities along Sunset that have a medium density but are actually developed in a low density General Plan land use designation and conversely, in their southwest quadrant, they have an entire subdivision, over 100 lots, that has a medium density when really it is a low density type of land use. He added that they have some clean up items in their downtown area; things like parking lots that are City owned and for one reason or another, they have a bank that is in a low density General Plan land use designation for residential development.

Mr. Boyle stated that generally, the changes before the Council tonight are clerical and housecleaning in nature and they are excited to clean up the map in advance of bringing a zoning ordinance before the Council. He noted that there are two small exceptions to the rule. He referred to the screen noting that the two black circles on the map delineate two neighborhoods on either end of their downtown core. He added that immediately north of us, they have a high density residential subdivision per their current General Plan but this neighborhood very much so is a medium density in nature and to protect its character, they propose to lower its density to medium density. He advised that there is overwhelming support from the neighbors to their immediate north. To the south, they proposed a residential General Plan land use designation about eight years ago when he first came to work in the City. He noted that the development that was really spearheading that never occurred. Consequently, they are returning that neighborhood to its original commercial General Plan land use designation.

Mr. Boyle stated that staff and the Planning Commission recommend that the City Council consider this information, together with testimony provided at the public hearing, and adopt the resolution approving the General Plan amendment. Mr. Boyle advised that concludes his presentation and offered to answer any questions the Council might have.

Mayor Pro Tem Rigby thanked Mr. Boyle and asked if there are questions from anyone on the Council.

Council Member Medellin stated he would just like to recognize the letter they got from Leadership Counsel. He didn't know if staff had any comment regarding that letter.

Mr. Boyle replied that will be addressed in the next item.

Mayor Pro Tem Rigby opened the public hearing. No comments were offered and Mayor Pro Tem Rigby closed the public hearing. He announced that he would entertain action on the resolution.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-2, RES. NO. 16-03 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.

**RES. NO. 16-03 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING AN AMENDMENT OF THE LAND USE ELEMENT OF THE
GENERAL PLAN TO PROVIDE SPECIFIC CHANGES TO THE LAND USE MAP
NECESSARY TO PROVIDE CONSISTENCY WITH THE ZONING ORDINANCE
AS REQUIRED BY LAW**

**C-3 Public Hearing and Consideration of Adoption of a Resolution Approving an
Amendment of the Land Use Element of the General Plan to Provide Compliance
with SB 244, Requiring the City to Identify Disadvantaged Unincorporated
Communities Located within the City's Sphere of Influence and Analyze
Infrastructure Deficits**

Planning Manager Chris Boyle stated this is General Plan amendment 2015-03 which looks to provide for compliance with SB (Senate Bill) 244. He advised that SB 244 was adopted in 2011. He noted that it really provided for three directives that need to be addressed within individual land use elements of general plans. They would need to be addressed within the subsequent Housing Element cycle. As they know, they recently adopted the Housing Element, and in response to that, they moved forward to provide for compliance with SB 244.

Mr. Boyle stated that the three components are as follows. Cities must identify and describe each island community or fringe community as defined that exist within that city's sphere of influence that is a disadvantaged unincorporated community. He explained that disadvantaged unincorporated communities are those communities that have a median household income of 80% or less of the State's median household income. The second item, with cities having done that analysis and identified disadvantaged unincorporated communities, cities must include an analysis of water, wastewater, storm water drainage and structural fire protection needs or deficiencies for each of the identified communities in the land use element. Finally, cities must include an analysis in the land use element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible.

Mr. Boyle stated that staff's analysis identified four fringe communities. They are Madera Acres, Vista Grande Acres, Parksdale and Parkwood. Of those four communities, Madera Acres did not qualify as a disadvantaged unincorporated community because its income was greater than 80% of the median household income for the State of California. Therefore, staff analyzed three disadvantaged unincorporated communities: Vista Grande Acres in the northeast quadrant of the City's sphere; and Parkwood and Parksdale which abut to the City limits on its southeastern corridor.

Mr. Boyle explained that when they look at their analysis, they really focused on a recently completed 183 page document that provided an analysis of the capacity as well as the condition of infrastructure within both Parkwood and Parksdale. He noted that it looked at wastewater, storm drainage, sewer and water deficiencies as well as deficiencies both in the infrastructure itself and within capacities. When it came to Vista Grande Acres, remembering that Vista Grande Acres is a rural residential neighborhood that is on individual well and septic, there really wasn't any real public infrastructure there at this present point and time. The area relies solely upon individual private drainages, individual septic, and individual well.

Mr. Boyle referred to the Leadership Counsel for Justice and Accountability. He noted that they made four points and three of them are worthy of discussion this evening. Regarding the fourth one, he advised that they would always look to partner with other agencies in identifying funding mechanisms.

Mr. Boyle stated that the first one is a statement that the amendment does not provide analysis of water and other infrastructure capacity needs of the community of Vista Grande Acres. Mr. Boyle noted, after identifying that it was private infrastructure, the City did go and look to identify whether or not there were any infrastructural problems out there. He advised that there are about 230 parcels that make up Vista Grande Acres. In speaking with the County's Environmental Health Department, they advised that they have had four inquiries for new well permits within that area so less than 2% of the area they could identify had any water infrastructural deficiencies that the City could discern knowing that it is not public infrastructure and without a door to door survey, they couldn't discern any greater detail than that. But, he thinks that having four out of 230 parcels does a pretty good job of identifying that there aren't any deficiencies at this present time in that rural residential disadvantaged unincorporated community.

Mr. Boyle, stated that second, the letter states that the wastewater capacity in the community of Parksdale is deficient however, it does not offer any potential actions that could be taken to cure this deficiency. He noted that within the Parkwood and Parksdale water, sewer, and storm drainage infrastructure study prepared by Akel, there is a long discussion about not just the present condition but, the long term solutions in terms of providing solutions for both capacity and for the actual maintenance of the infrastructure that is there. He is not sure whether the Leadership Counsel had access or was able to research the document but, the deficiencies within Parksdale were clearly identified and the solutions are also identified within that document.

Mr. Boyle, stated that third (in letter), the amendment does not describe that due to drought conditions and reliance on groundwater, the community of Parkwood experienced a water emergency in 2014 and was connected to Madera's water system. Mr. Boyle explained that the purpose of the analysis wasn't really to look at or analyze what was admittedly a temporary solution but, the study itself does do an outstanding job of looking to identify how to permanently resolve Parkwood's problems with looped water systems and the like to provide not just reliable water but reliable fire flow to the community so they (the City) felt that their analysis was strong in looking for compliance with SB 244.

Mr. Boyle stated that staff and the Planning Commission recommend that the City Council consider this information together with testimony provided at the public hearing and adopt a resolution approving the recommended amendment to the land use element of the General Plan.

Mr. Boyle advised that concludes his presentation and offered to answer any questions.

Mayor Pro Tem Rigby asked if any other Council Members have questions for Mr. Boyle. No questions were asked and Mayor Pro Tem Rigby opened the public hearing. He asked that anyone approaching the podium please state their name and address for the record.

Robert Fuentes stated he is an attorney with Leadership Counsel for Justice and Accountability and he resides in Fresno. He came prepared to go over the entire substance of the letter that they provided earlier today but, it looks like Mr. Boyle did a very good job of addressing those points and responding to them, and they appreciate that. They also appreciate the work in general of the Madera Planning Department in conducting the analysis of disadvantaged unincorporated communities. For those who do not know what they do, they are based in Fresno but they work with, and in many instances, legally represent a number of disadvantaged unincorporated communities throughout the San Joaquin Valley. They are co-sponsors of SB 244 so it is their goal to help jurisdictions including the City of Madera comply with the statutes requirements and to also ensure that the basic service and infrastructure needs of disadvantaged communities are met.

Mr. Fuentes stated, as he mentioned, it seems like most of the points from their letter were already addressed so the only other thing he will add is that they want to emphasize also that due to the drought, the State Water Resources Control Board is currently and specifically prioritizing water consolidation projects throughout the State. They are working with a number of jurisdictions in applying for that funding. He stated that they would be happy to assist with applying for this funding if the City so desires. He thanked the Council for consideration of their comments and stated his appreciation. He added that if either the Council or members of their staff, or the Planning Department would like to follow up to go over either the content of their letter or anything else related to the implementation of SB 244, they would be happy to do that.

Mayor Pro Tem Rigby thanked Mr. Fuentes.

Mayor Pro Tem Rigby asked if any other members of the public would like to address the Council at this time in regards to item C-3. No other comments were made. Mayor Pro Tem Rigby closed the public hearing and brought the item back to Council for discussion and/or action.

Council Member Oliver thanked Mr. Boyle for a job well done. He is certainly appreciative of both the City and County's efforts to jointly participate in the infrastructure study of Parksdale and Parkwood.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-3, RES. NO. 16-04, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.

RES. NO. 16-04

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE
GENERAL PLAN IN ORDER TO PROVIDE COMPLIANCE WITH STATE LAW**

SB 244, WHICH ADDRESSES DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN THE CITY'S SPHERE OF INFLUENCE

Mayor Pro Tem Rigby suggested that staff maybe will pursue connecting with the Leadership Counsel on more funding for items such as this in the future.

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Weekly Water Conservation Reports

Public Works Operations Director Dave Randall stated what the Council has in their package is a little bit of a different format change. They are trying to make this a little simpler noting that they might be getting tired of seeing the same old graphs. They are trying to suggest that maybe during the winter months they don't need to take up the Council's valuable time during Council; they will just make it a consent item if the Council so desires. Otherwise, he enjoys standing up there.

Mr. Randall stated that the report indicates that they had a fairly good week. They were up to 25% in water conservation. For the month of December it was 20% and overall, they are still at 27%. He noted that this is sort of consistent with what the State is doing. He advised that yesterday, the State Water Board (Board) released an article that talked about their findings noting that they did 20% as well down from 24% in October. They (the Board) acknowledged that this was sort of their expectation. They are still at 26 point something percent overall since June so they are still calling it a win. Mr. Randall advised that the City sort of feels that same way. While sometimes they don't like to see that they are not at 28%, they recognize that that's the reality of the weather and the usage patterns that go along with fall and winter usage.

Mr. Randall advised that enforcement has been pretty much the same; a little bit less during the holidays. He noted that there are not too many people having too many problems. He stated that it is very consistent that people are being cooperative with the process. They are not seeing any problems.

Mr. Randall offered to answer any questions. He noted that he would like to end this for a time and they would return with reports in the spring after they go back to their spring watering schedule.

Mayor Pro Tem Rigby asked if there are any spikes or changes in the public's response to the plans they have set for them to come in and get stuff for indoors like the toilets or shower heads. He knows a lot of people have kind of been off during the holiday season and maybe some more people are home for DIY's (do-it-yourself).

Mr. Randall replied not particularly. He advised that the most interest is actually in the outdoor stuff, timers, lawns and stuff, and that is not completely dead but, they still have some interest. They do have some pending but, it is not at the same rate. They are working to bring one or two other elements to the Council. One of the things that they do still have going on during the winter is their leaks. They get reports of that through their software and they send out notices to people telling them that it appears that they have a leak. If it shows that there is a constant usage of water 24 hours a day that means you've got a toilet that is running or something else going on. What they find is there are some people that simply don't want to put out the cash to make those repairs so they are looking at a program that can help with that either through a loan or through some rebates to try to encourage those leaks to be taken care of. Other than that, they are just continuing with the rebates that they currently have.

Mayor Pro Tem Rigby commented that they also have a new sign outside.

Mr. Randall agreed that they have the new signs up. He advised that they need to be changed this week. They found they didn't have the correct numbers. There is always something but, they will be changing the numbers on a regular basis.

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

E-2 Administrative Report Requesting Council Direction Regarding Housing Authority Police Officer

Chief of Police Steve Frazier stated the PowerPoint will synopsize the report the Council has in front of them. He advised that historically they have had a Housing Authority officer starting back in 1992. Typically when they have had those assignments, they made those assignments within existing resources. They have always been able to do that in the past. He added that the Housing Authority has paid in the past 75% of the officer's salary but, they have received 100% of the officer's time. He noted that the Housing Authority tenants basically have demonstrated with past surveys that they have been satisfied with the services provided by the Housing Authority officer and any time that they have an officer that can go through and vet the process for placing people, get to know them, and they have a resource to call and ask for by name, typically, they find that they have a higher satisfaction with that process.

Chief Frazier stated that their current situation is that they have no vacancies. To let them know, at the conclusion of the recruitment that they did this summer, they have hired four recruits. They started in the academy yesterday but with those four recruits, they have filled all of their vacancies. With those four recruits and long term injuries, they have eight officers that are out of patrol, that are not available to provide service to this community. Right now it would be outside of paying overtime. It would be very difficult for them to make an assignment outside of either hiring an additional officer or paying overtime if they were just to move forward with existing resources.

Chief Frazier stated that the report outlines five options. Option 1 is allow the department to hire an officer and agree to the 75/25% split with the officer working 100% of the time for the Housing Authority when funded at the 75% level. Option 2 is allow the department to hire an officer. The officer works 75% of the time for the Housing Authority and 25% for the Police Department (PD). The breakdown of hours would be 1560/520 hours, 39/13 weeks with the PD. Option 3 is allow the department to hire an officer and ask the Housing Authority their ability to fund an officer at the 100% level. He is sure the Council have all recognized that the Housing Authority Director Linda Shaw is here and is available for questions if they have any. Option 4 is that the Council has no desire to over hire and asks the department to staff the Housing Authority position within existing resources. Option 5 is do nothing, the Housing Authority officer provides no value.

Chief Frazier stated that staff's recommendation is that the Council allow the City to over hire and then choose option one through three in order to facilitate providing the Housing Authority an officer. Chief Frazier offered to answer any questions.

Mayor Pro Tem Rigby stated, so they are clear, though they are calling this position a Housing Authority officer, they would have all of the jurisdiction that a regular officer would have.

Chief Frazier replied yes. They will be a City of Madera Police Department employee who will be contracted out to the Housing Authority. He advised that the City has two similar contracts right now in which Officer Reyes here is assigned to the school. They have two MUSD (Madera Unified School District) school officers that are contracted to provide service to the school as a School Resource Officer. This would be similar in nature to that.

Mayor Pro Tem Rigby asked if there are any questions for Chief Frazier.

Council Member Robinson stated he likes number one or two.

Council Member Medellin thanked the Chief for the report. He thinks the need in the value, they all understand is huge. The connectivity that they have with their Housing Authority residents and having that

confidence knowing that they have an assigned officer is great. He stated, as he said, the value is difficult to put a price on. He provided a little history. He stated that they had an officer. Their past executive director removed that position. He added that they have had their interim executive director that tried to bring that position back. As they all know, Linda Shaw, their new Housing Director has hit the ground running and in past discussion with her, she too sees the need and the value of having an assigned officer but, it does boil it down to budget. As he said, Ms. Shaw has only been with them for a couple of months but, she has agreed to be here to maybe shed a little light on, he thinks, option 3 and confirm to the Council that option 3 with 100% funding from the Housing Authority (Authority) is feasible. He noted that Ms. Shaw is still working on her budget as well as a few other things so she wanted to make sure that that was something that the Authority could do. If Mayor Pro Tem Rigby doesn't mind, he would like to call their Housing Director Linda Shaw forward. He added that she might be able to further discuss and answer any questions the Council may have.

Linda Shaw, Housing Authority Director, stated she believes that bringing on a community policing program and a police officer dedicated to the Housing Authority is really, really important. She asked for their support of option 3. That is the option she is in favor of not only to demonstrate how much they need the officer but to also say that they are willing to put their best foot forward and say this is important to them. She stated that option 3 requires that the Housing Authority pay for 100% of the officer's time. She has looked in the last two weeks, after she spoke with Chief Frazier about this, to see where they could manage that within the budget. She has talked to several of the Council Members individually and gotten support for the notion that they need to have an officer in place. They still have to do correct inquiries. The inquiries she is getting in tells her nothing about potential applicants that they are asked to house. Ms. Shaw added that she still has problems, as recently as last week, with a tenant just firing a weapon in the parking lot. She still has problems with drugs as it happens to be nationwide. She has found a place where she can manage that budget and pay for that position through by shutting down a lot of the outsourcing to vendors that they do. She noted that they do a tremendous amount of that to the tune of \$800,000 in the last eight months. She commented that there is room to play with here in terms of meeting that commitment. She wants to assure them personally that it can be done and hopefully the Council will allow it to be done.

Mayor Pro Tem Rigby thanked Ms. Shaw.

Council Member Medellin thanked Ms. Shaw. He stated, to add to that, Ms. Shaw has done a fantastic job over the last couple of months. She has been doing some immediate rearranging and for her to reorganize and find some of these funds to completely fund that officer, he thinks logistically makes the most sense not only for the Housing Authority and for the Police Department but, as they all know through their neighborhood watch, having that officer there on the grounds and interacting on a first name basis again brings a huge value.

Council Member Oliver stated he would like to echo Council Member Medellin's sentiments and he agrees that Ms. Shaw has done a fantastic job. He thinks this position will also provide a great investment to the adjacent communities where their housing units and developments are. He thinks that that is going to be a really great asset for the City, for the Housing Authority, and for their neighborhoods moving forward. Council Member Oliver stated his support for option 3.

Council Member Holley stated he concurs with everything they said.

Council Member Robinson agreed with number 3 as well. He added that when he was a youth, his mother had a large family and he was raised partly in public housing. He has some family members currently in public housing. He knows that they need to be protected because if you look at projects like in Oakland, back in the 80's, it was rampant with all types of crimes. He thinks that would be a plus so that people can at least sleep at home without worrying about crime and make their neighborhoods that much better.

Mayor Pro Tem Rigby stated he believes staff has direction and asked if they need to take a vote.

City Attorney Brent Richardson stated that staff is just looking for direction.

E-3 Consideration of a Request to Schedule Public Hearing for Appeal of a Planning Commission Decision Denying Entitlements Necessary for the Establishment of a Convenience Store

Planning Manager Chris Boyle stated staff has prepared an administrative report which requested for a January 20th appeal hearing to hear an appeal of the Captain Mart and Wireless entitlements that recently were before the Planning Commission. He noted that in lieu of receipt of the request to extend that hearing to an April date and waive the requirement to be heard within the 60 day timeframe, staff would support a scheduled hearing of April 6, 2016.

Mayor Pro Tem Rigby stated he is fine with that.

Council Member Oliver stated that works for him.

Council Member Holley asked if the request was from the applicant.

City Attorney Brent Richardson replied that it was kind of a joint request between staff and the applicant. There is some language that will be brought to the next meeting, a slight amendment, as they saw, he thinks, in the memo from him (Mr. Richardson). In order to facilitate getting that change through, that basically will gear decisions on appeals a little more towards the larger council body. He advised that it would take that amount of time basically into March until the thing is effective so they figured the first April meeting would probably be the next appropriate one. In order to do that, noting that there is actually a provision in the code that says that you basically have to hear the thing and decide by a certain timeframe, they had to essentially get a written waiver of that and the appellant has done that. He restated that it was essentially a joint deal the City suggested and they agreed.

Mayor Pro Tem Rigby stated that is a little housecleaning first and then they will be able to hear that.

Mr. Richardson agreed. He thinks it is actually better all the way around and the existing wording is really kind of an old throwback to the old five member council format.

Council Member Medellin stated he agrees. Now that they are a seven member Council, it is prudent to do that and he appreciates Mr. Lateef being here and being understanding of that.

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

Mayor Pro Tem Rigby announced that he would entertain an action on item E-3 for the postponement of the public hearing to April 6, 2016.

COUNCIL MEMBER HOLLEY MADE A MOTION TO ACCEPT THE MOTION TO MOVE THE HEARING TO APRIL 6, 2016. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROBINSON AND WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. ABSENT: MAYOR POYTHRESS.

E-4 Update on the Proposal Submitted by Triton Flight for Heroes, Inc. to Conduct an Air Show at the Madera Municipal Airport

And

Consideration of a Resolution Approving a Revocable Use Permit to Triton Flight for Heroes, Inc. to Conduct an Airshow at the Madera Municipal Airport and Authorizing the Mayor to Execute the Permit on Behalf of the City

Public Works Operations Director Dave Randall stated this item is coming back to the Council. They previously heard the presentation. Council direction was given to work with the applicants, define some of the terms, and to seek a business plan from Triton. Mr. Randall advised that the staff report includes the business plan as it recently was distributed. He added that staff sat down with internal staff and found what

resources the City had that they could provide. They spoke with Triton as to what their needs were so they have identified those and articulated them clearly. He advised that Triton does have more needs than the City has capacity. He noted that the City can't provide some things. This is an all in kind participation; there is no cash in the deal. For example, the City can't do things such as ambulance service because the City doesn't have ambulances. He added that the County has agreed to participate. They have not articulated an exact methodology of participating but, as they get to that point, they may see some relief of some of the City's burden. They may not. He noted that there may be other services that the County provides. He stated that it does represent a considerable expenditure of City staff time. It is a little under \$50,000 but, they most certainly feel confident that the City can provide the services as discussed.

Mr. Randall advised that before the Council tonight is basically a use permit that will sort of memorialize that agreement and give them the ability to move forward then Triton can make more finite decisions and get people to make commitments. He advised that is sort of what Triton is seeking this evening. He noted that Triton representatives are here this evening to answer any questions. Mr. Randall offered to answer any questions as well.

Council Member Oliver stated that the initial amount was for around \$50,000 and that is now decreased to about \$44,000.

Mr. Randall replied that the main change probably is that they got some better numbers from Fire. The old numbers just has a ballpark figure of some of the values. He commented that some of them really are sort of subjective issues. For example, they don't actually go out and rent the fire trucks so telling you how much it is worth a day is sort of hard to say.

Council Member Oliver referred to police and fire staffing based on the estimates that they are providing and obviously past shows, and asked, if that number happens to be significantly less, are they going to relieve some of the folks. He asked if there is a way to recalibrate that or are they kind of sticking with the ten or however many police officers in preparation of those attendees.

Mr. Randall replied that is the commitment the City has of what it has available. If for some reason their demands reduce, they can size down. He noted that police officers are basically working on overtime so it is easy to tell them don't come in. He added that is the same thing for Public Works staff. It is not like they have extra people lying around. He noted that they run pretty lean so most of their assignments are mission critical and they can't necessarily take them off. When they have seasons like this rain, it is hard but, they have to move things around. There is not a lot to play with there. He stated that means a lot of the things that are done like this are overtime expenditures. They do have budgets for those but not endless budgets as the Council knows.

Joe Conway with Triton Flight for Heroes stated if they can provide some reports on advance ticket sales, if that helps out. He added that there is no way to know how many people will walk up on a Saturday and Sunday and buy tickets so they don't want to get stuck behind the power curve on having the proper authorities there.

Mayor Pro Tem Rigby opened the item up to Council for questions.

Council Member Oliver asked Mr. Conway to elaborate a little bit. He knows the last time Mr. Conway was here he talked about commitments, talked about going to the County. He noted that obviously they have an updated business plan as far as the non-profit organization with which this air show will fall under. He asked Mr. Conway to elaborate and provide the Council with a little bit of an update from the last time he was here as far as where things are on his end and maybe any additional information he can provide.

Mr. Conway replied that they give a presentation before the County Board of Supervisors (Board). He advised that they were very receptive and very open to helping as much as they can. He added that the Board did give the permission to have their staff contact the City staff, get together and try to figure out how they were going to be able to help. He noted that they were talking recently with Jason Rogers (Public Works Administrative Analyst) who advised that the City had not heard anything from the County yet. Mr.

Conway stated he called Robert Jeffers over at Supervisor Rick Farinelli's office. He advised that Mr. Jeffers profusely apologized that they had kind of dropped the ball on starting that motion and getting together with the City. He added that Mr. Jeffers assured him that that was happening at this point and time, that they were going to help expedite whatever they could, whatever the City needed and figure out how the County could provide service to the City because, they are very interested in doing so.

Mr. Conway stated they have continued to talk to potential sponsors for the air show. He noted that it has always been on a contingency basis that they don't have anything signed sealed yet so, they need to be cautious of how they are talking to the people that are going to make this thing happen for them. He added that they get calls every day. In fact, he got three today from people that want to come back to Madera, fly the show and be a part of it. They were here in 2009 or 2010 and saw how well it was run. They enjoyed it and they want to come back. He advised that he is having to put the brakes on them as well until they get things figured out.

Council Member Oliver stated, as he mentioned last time regarding air shows, he thinks they all have a connection to an air show. They have either attended as a child. He has fond memories. He knows for himself, with his father who they lost last year. One of his profound memories is going with his father to the 2010 air show. He thinks for himself there is no doubt that an air show can be a great value to their community if not for just to showcase their great City and to celebrate aviation in Madera. However, looking at everything in totality, he thinks they have to look at the whole proposal and he is going to be honest. He thinks that if this was proposed as a for-profit, black and white, it's a business relationship, he thinks he would see it one way. He thinks if it was a non-profit geared towards the promotion of aviation perhaps through air shows, he could see it that way. He noted that this is being pitched as an air show that essentially is falling under the umbrella of a veteran's benefit organization. At least once a year they have many different non-profits come here into City Hall and pitch their non-profits, their programs or services for what they call CDBG (Community Development Block Grant) money and often times those are for applications as low as \$5,000. The City looks at past performance and future potential. He asked Mr. Conway if he can elaborate and confirm to the Council for example, if he takes the \$200,000 plus in proceeds that is going to go towards veterans, their families and medical need. He asked how Mr. Conway can ensure that.

Mr. Conway replied that they have to take his word as the executive director, his passion for what they are trying to do here, why they are putting on this air show, putting the effort, the time, the money, the volunteers and all of effort that they are doing. They have tried now for several years to get themselves into the position where they have a corporate jet aircraft to fly that mission. They back peddled out of that. They went back and said, we are going to walk, we are going to jog, we are going to run. He stated they need to make sure that they have events like an air show here that could put a lot of money into their pockets if it is done properly. They want to make sure that when they do that they raise a lot of funds for that. They will sit back with groups like the Veterans Airlift Command who currently has about 75 different missions that are being unfulfilled for families that need to travel back and forth across the country for just the purpose they are talking about. They work with Walt Fricke at the Veterans Airlift Command. They say, hey look, we just raised \$200,000. We know that we can do 10 missions with the \$200,000. Let's start picking missions and let's start flying. Mr. Conway stated they are not going to have paid employees within Triton Flight for Heroes so what they are looking to do is put 100% of any of the proceeds that comes into Triton Flight for Heroes directly into the mission. They will have some administrative costs for letters that are sent out for support, for stamps, for things like that. He advised that it is going to be a very small amount of money and they even try to deal with people on sponsorships for those types of things.

Council Member Oliver stated he doesn't doubt Mr. Conway's intent and heart for this mission. He knows looking back, 2009/2010, Mr. Conway has partnered with other non-profit organizations whether it is with Valley Veterans and their magazine or Valley Children's Hospital, and he thinks that is commendable. He noted that in the updated business plan that they received, Mr. Conway makes mention of an establishment of a for-profit which Mr. Conway just referenced. He asked Mr. Conway to share the status there. From what he read, is that without the for-profit, being able to procure a corporate aircraft whether it be by purchase, donation or by lease, it would be difficult to then utilize the proceeds.

Mr. Conway replied that they have to understand that Triton PEO is the for-profit parent. He noted that it is not apparent where they are connected as far as the business. He stated that Triton Flight for Heroes stands alone as a California 501(c)(3) organization so Triton PEO has made a commitment of people, staff, personnel, and money on a yearly basis to make sure that they are going to be able to fulfill their mission. He stated they are the group that is providing a tremendous amount of assets, people. The services that they are needing right now as far as producing any of the documents that they are providing for, for the City, for the County or for anybody else, so as they continue to grow as a professional employer organization and gain more doctors groups and do their business, it is only going to enhance what they are going to be able to do for them on a yearly basis. He noted that Triton PEO has made the commitment to them as a stand-alone 501 (c)(3) that when we grow and they grow, their responsibilities and their money coming to them will also increase. So, they know as long as Triton PEO is doing well, which they are and they are growing rapidly, Triton Flight is going to be in a good position. That kind of goes back to where they want to be here on a yearly basis. They want to make sure that they are out there with a title sponsor. He added that Triton PEO wants to become that title sponsor on a yearly basis. They want to be the ones that sit there and say, right after the next successful air show, we are going to commit "x" amount of dollars for the next budget so you can go out and start planning and doing a better job the next time. They had that commitment from Triton PEO. He trusts them, he believes them. He has been around them for a while so he has to take their word for it right now.

Council Member Medellin stated, just on the heels of Council Member Oliver's request, Mr. Conway's intention is commendable. He does question personally the benefit that is a little more local for Madera County and their veterans. He thinks the flight for people to have a non-stop, one-way flight to see loved ones is great. He thinks it is out there. They don't have a plane secured yet or a pilot. Some of the logistics are kind of on the backburner until they get money but, they have a large problem, not just countywide, but nationwide with homeless veterans, veterans with medical needs, children of veterans, and jobless veterans, and again specifically here in Madera County. With the number of people that Mr. Conway proposes that are going to come to this event, he certainly would like more so than Mr. Conway's word, something in writing that would show just how much he cares about their veterans here locally. Not to beat a dead horse but, he kind of wants to follow with Council Member Oliver and what he is after and what Mr. Conway does propose in writing for their local veterans here in Madera County.

Mr. Conway agreed and added that they certainly can provide that for the City. When they talk about the mission at Triton Flight, they always talk about local, regional, and national outreach so that has been in their mission statement and it has been what they intend to do. He added that the big mission that they initially wanted to fulfill because it is a need out there and an itch that is not being fulfilled, is the long distance haul. But, as they are transitioning an aircraft to and from different locations, they are going to be working with different organizations to find out who may need a ride even if it is a short ride from San Francisco down to Madera or Fresno so they will be reaching out. People will know that they have an aircraft on the ramp. They will be able to call them up. If they had the time and if they had the airplane and the crew available to help out with something that somebody needs on a local, regional or national level, they will take that up with the board and act quickly because that is typically something that needs to happen in a timely fashion and they can make it happen. It is not that they are going to stick strictly to a long haul where they say, look, if it is not 2,000 miles we are not going to worry about it. When they talk about this air show and they talk about getting involved with the local chamber of commerce, other non-profit organizations, when they talk about how they want to grow from the local level, reach out into the valley, Central Valley Air Show, reach out to California, reach out beyond that, they are not going to turn their backs on anybody. He can certainly put that down in writing and sign it for him.

Council Member Medellin asked if this is something that Mr. Conway sees as a long term commitment; a 5 or a 10 year agreement.

Mr. Conway replied he would like to see it for 15 or 20 years. This is something he wants to do here. He wants to do it for a long period of time and he wants to build the relationships with the individuals and the companies that can make it happen; absolutely without question.

Council Member Robinson stated that the Fresno Naval Air Guard has an F-16 fighter with the City emblem on the wing. He asked Mr. Conway if he has notified the commander there noting that he is from Madera.

Mr. Conway replied that they have not spoken yet to the International Guard in Fresno. That is on their list to do and since the F-18's from Navy Lemoore have already agreed, if they have a show, they will be flying their show for them. They will need the support of the Fresno International Guard. He advised that his father was a Squadron Commander at the International Guard in Fresno for many years. They moved to Fresno in '67 because of the guard so he grew up as a guard fan. Now that they are flying the F-15 Strike Eagles, that is an aircraft that can actually land in Madera. They have talked to a few of the pilots but not the command leadership yet about actually having one of the F-15's possibly on static display here so the Fresno International Guard, the Army International Guard, the AVCRAD (Aviation Classification Repair Activity Depot) Center out at the airport will be front and center as much as they would like to be.

Council Member Robinson asked if they will have helicopters also.

Mr. Conway replied that they will have helicopters as well. In 2010, they had the 129th Air Rescue Squadron, the "Helo" Squadron out of Moffett up in San Francisco. They will be coming down again if they have an event. They are also going to do some civilian helicopters and they actually mentioned that again with fire that they truly would like to get a skycrane helicopter out here. He added that is a wicked looking beast.

Council Member Robinson asked if they will have the air force and navy recruitment.

Mr. Conway replied yes. He has already spoken to all of the local recruiters. He has already offered them a free space to come out and distribute and type of material they want to do. He has also elaborated that they can bring out any type of equipment that they want to show off and they can have as much ramp space as they need for that.

Council Member Robinson added that maybe they can get the boot camp to come out there.

Mr. Conway replied as long as he doesn't have to exercise with them that is fine.

Mayor Pro Tem Rigby stated that undoubtedly he would love to see nothing more than an airshow here in the City of Madera for long periods of time. He too shares several of the concerns that his colleagues do in regards to the funding, specifically funds that will be raised. He asked Mr. Conway if they do or do not have this airplane.

Mr. Conway replied that they do not have the airplane.

Mayor Pro Tem Rigby asked if there is a magic number of sponsorships, noting that Mr. Conway had mentioned earlier that they have sponsors lined up that they are just waiting for someone to say yes.

Mr. Conway replied yes.

Mayor Pro Tem Rigby referred to Mr. Conway's comment that he has gone to the County and they have said yes. He asked how much money the County is willing to help out with.

Mr. Conway stated that the County has not told them that and the County said they would work with the City on that.

Mayor Pro Tem Rigby noted that the City hasn't been contacted and asked if that is correct.

Mr. Conway replied he is unaware of any contact at this point. He was told by the Chief of Staff... Mayor Pro Tem Rigby stated he is letting Mr. Conway know that the City has not been contacted.

Mr. Conway acknowledged Mayor Pro Tem Rigby's comment that the City has not been contacted.

Mayor Pro Tem Rigby stated that Mr. Conway also talked about getting involved with the Chamber of Commerce and asked if there is anything monetarily that they are willing to help out with.

Mr. Conway replied that until they have approval to do the show, they have not spoken to them.

Mayor Pro Tem Rigby asked for confirmation that sponsors are not going to give them money until the City gives them money.

Mr. Conway replied it is until they get signed off on a show, yes. He added that there is a lot of effort and time that goes into meet and greets, sitting down with people, talking about sponsorships, and what performers they may want to sponsor to come to the show. He noted that is a tremendous amount of time and effort to put into it without knowing whether or not they are going to be able to do it.

Mayor Pro Tem Rigby commented that the last time Mr. Conway was here, Mayor Poythress had mentioned that he would have liked to have seen a business proposal. He noted that Mr. Conway made it available which he appreciates very much so. He was reading over that business proposal and he didn't really see the breakdown of funds that would be allocated to the veterans, how that works, what that process is. He believes that number is estimated somewhere around \$20,000 per flight or equates to a family or one ticket. He really doesn't know. He asked Mr. Conway to elaborate a little bit more on that breakdown. He asked if he missed it in the business proposal.

Mr. Conway commented that if it was not in the business plan itself, it was in the original PowerPoint presentation and information. For example, if they raised \$200,000 with this particular show and they have a cost of \$20,000 per, that is going to be 10 flights.

Mayor Pro Tem Rigby asked Mr. Conway to break that down for him; we have a charter plane, we got a...

Mr. Conway stated for example, right now, an organization like Clay Lacy Aviation down in Van Nuys who is a friend of Triton Flight for Heroes, has a corporate jet aircraft. They would go to him and say ok, we've got "x" amount of dollars, we don't have our own aircraft yet so to fulfill the mission that we are going to fly, we need to come to you as a corporate jet owner and actually charter that aircraft out. He would either give them a great rate to do it or he will charge them the full rate. Mr. Conway stated he has to assume that he is going to charge them the full rate until they get something better. The more money they save on dealing with different aircraft owners until they get their own airplane, he may be able to get 12 or 15 rides for people out of that \$200,000. It all depends on how they negotiate with them, who owns the aircraft, and how they have to make a presentation.

Mayor Pro Tem Rigby stated that would be their first stop so to speak.

Mr. Conway stated absolutely and until they get their own aircraft, they are going to be chartering an aircraft, paying for that, and providing that service as quickly as possible.

Mayor Pro Tem Rigby asked that Mr. Conway correct him if he is wrong that all proceeds from this airshow will go towards flying veterans and their families from all over the United States but hopefully, maybe specifically, the Central Valley.

Mr. Conway replied they would like to, yes. To answer the first question yes, the proceeds of this show are going to go to their mission in flying those families. He added that those families will need to be picked from a group and a list of families that need the help at a particular point and time so they can make sure that they are accommodating them as necessary.

Mayor Pro Tem Rigby stated he is just kind of curious regarding the sponsors. He noted that Mr. Conway undoubtedly has them lined up so he has already started doing some of his footwork as he mentioned earlier, sitting down and shaking hands. He is kind of curious why they wouldn't want to donate without the City saying yes to this airshow. Why wouldn't somebody want to say let me help you buy this airplane? Let's help you get this airplane in the Central Valley now.

Mr. Conway replied that the sponsors for this particular air show are not going to be the ones that are going to buy this aircraft. They are working with doctors' groups in the Fresno and Clovis area. He noted that the doctors' groups are going to want to buy that airplane and they are going to want the depreciation off that airplane. They are going to turn around and lease that aircraft back to them for say \$1 a year so they will get the full depreciation of the airplane and then Triton Flight for Heroes, with the funds they raise from events like the air show and/or people that want to donate to their mission, they will operate the aircraft. They will crew it, operate it, insure it. They will do everything that needs to be done to it. He added that they may take that airplane and put it onto a Part 135 charter which is a Federal Aviation Administration charter and that will raise funds for the aircraft, help pay for the aircraft and then they can use it for their mission part of the time during the month. There are a lot of different options to do it but just so they understand, unless there is a secondary deal with any potential sponsors for this air show, they will not be buying an aircraft for them. They will only be participating to sponsor the event to raise funds for the mission out of this local area.

Mayor Pro Tem Rigby thanked Mr. Conway for clearing that up and stated his appreciation. He asked what is keeping sponsors from sponsoring right now.

Mr. Conway replied that it is him. He wants to make sure that they can do what they say they are going to do and produce an air show. They have gone out. They have talked to a lot of people that are sitting back. For example, Clawson Honda has said, what can we do out there because what we can do out there is going to be based on whether or not you can do it and how we can do it. He says, let me get the permission to do it. I am going to come right back into your office and we are going to make some sort of a deal. We are going to figure out a sponsorship dollar and what you want to do at that show, whether you want to bring cars out and do test drives or ride quad runners and move dirt around and do those types of things. He referred to Metal Militia, the motorcycle guys who have said, look, we need some planning ahead of time so we can't make any plans with you and set any dates aside until we know you have permission to do the show. He noted that they have made a tremendous amount of calls. There is a tremendous amount of people that are sitting back there waiting for them to have that permission, to have the airport, to have the show, to have the support. Once they have it, it is going to be a matter of making those phone calls and go, let's get into the meeting, let's get it done and lets rock and roll.

Mayor Pro Tem Rigby agreed and asked if there is a targeted amount maybe that Mr. Conway has in his head.

Mr. Conway replied that he believes the working budget right now is around \$272,000 and change.

Council Member Oliver stated he thinks they all support an airshow and more importantly, he thinks they need to look at a lot of different ways they can use the airport with the amenity that it is to showcase their City. He added that obviously, not having the pro forma for Mr. Conway's non-profit to solicit \$50,000 in in-kind donations, for the City, it is a business decision and the City has to hedge their bets to hope that that money is going to go towards the benefit that Mr. Conway says that it will. Council Member Oliver added that however, he is encouraged by the County wanting to participate. He tuned in to their meeting. It sounded like there was wide consensus that they wanted to hold hands with the City and doing the air show which, he thinks they all agree, would be a regional benefit. He is also encouraged by Mr. Conway's past partnership with other not for profit organizations so he does not doubt Mr. Conway's intent or his mission. He thinks not having a little bit of the previous experience or success through Triton Flight for Heroes just makes it more difficult. He thinks this also presents an opportunity to foster goodwill in Madera. He asked Mr. Conway if he would consider, in lieu of not having much activity with his non-profit up until this time, or pro forma to work off of, would he consider committing let's say 25% of ticket proceeds at the door to a non-profit organization in town or to a veterans organization like Honor Flight or perhaps work with the VFW or American Legion. He asked Mr. Conway if he would ensure that a portion of the money will go directly towards a veterans benefit organization and while Mr. Conway's fledging organization takes off and while money comes in, next year he can come back to the Council and say, look, we committed "x" amount of dollars from our proceeds to the Honor Flight or to whatever organization might be, we have this amount of proceeds that we are looking at affording "x" amount of flights for these military and their families. Council

Member Oliver commented that he can tell Mr. Conway that that would rest much more comfortably with him this time next year, hopefully before then when Mr. Conway pitches the Council again. He asked Mr. Conway if that is something he would be willing to entertain.

Mr. Conway agreed and added that he thinks, along those lines, something they will be doing is that they could, as a non-profit organization, get temporary liquor licenses and do a lot of the stuff themselves. What they do is that they pull in volunteer groups in the area that are non-profit. They work the booths. They get a percentage of the proceeds and that is a way that they can reach out and help different non-profit groups put money in their pocket and they get to come out and be a part of the show.

Council Member Oliver stated he was assuming that would happen just based on past performance, past air shows, that was his assumption. What he is kind of looking for is that Mr. Conway wants a commitment from the City, \$50,000, is a business decision. He noted that is a large amount of money. From that, he asked Mr. Conway if he can commit to the City, in writing, that he will dedicate a certain percentage of proceeds, let's say out the door or whatever it might be, to go towards a not for profit that they collectively agree on would be...

Mr. Conway replied that he can certainly take that to his board of directors and come up with a number that they can try to reach and see what is agreeable.

Council Member Oliver stated that at the end of the day, he thinks the proceeds, and he doesn't doubt Mr. Conway's intent, if the proceeds are generated to go towards veterans and families in need, he stands by Mr. Conway with that sentiment. He thinks that in this first year the City can help him get some leg so to speak, but at the same time, help some organizations in town and foster additional goodwill for this air show.

Mr. Conway replied that he would be more than happy to look into that.

Council Member Medellin restated Mr. Conway's comments: his own airplane, crew, has to be operational, insurance, \$200,000 for 10 or 12 flights. He asked Mr. Conway if he has made this pitch, noting that he thinks he asked him before privately, to go to a commercial airline company and say this is what we are doing. He thinks they can buy a heck of a lot more than 10 flights with \$200,000 for families and really be at the ready anywhere with major airport or even small airport and a heck of a lot more flights than 10 or 12. He understands there might be layovers or they don't leave immediately but, he is starting to think, with the number of families that may need their one airplane, that may happen anyway. So, to kind of get this off the ground, no pun intended, early using a commercial airline and getting discounted, free tickets or something to a family that is in need, it is still at no charge. It is still a service that they are providing yet you are providing this nationwide to a lot more families than 10 or 12.

Mr. Conway replied number one, the airlines will not give them free tickets.

Council Member Medellin stated or discounted tickets or whatever. He is just asking Mr. Conway if he has gone down that avenue.

Mr. Conway replied that all of the major airlines, there is not a current major airline right now that will get them a discounted fair. In fact, almost all bereavement fares for the airlines are non-existent at this point and time. They just won't do it. He added that they are making tremendous amounts of money. They are not doing the same things that they used to do and when they start talking about having to get a family to and from, when they start talking about getting a person with an amputee situation, a wheelchair situation, when they start talking about them needing the personal assistance and the aid, a lot of the time, they can't get through TSA and even get to their airplane. Mr. Conway added that TSA right now, for the folks that they are talking about helping, it is a problem; it really is.

Steve Herz, Grounds/Operations Director with Triton, referred to the comment made by Council Member Oliver. He wants to make one point that none of the City funds are dispersed to this cause until the week before if at any point in time.

Council Member Oliver stated he understands.

Mr. Herz stated, their legwork, with the go from the City and the support, gets them to the place they need to be in the sponsorship levels and everything else because, as Mr. Conway told them, they are basically being held back on what they are trying to accomplish. He then directed his comment to Council Member Medellín. The other thing that is not being talked about is that they eliminate the TSA, they eliminate the difficulty of the disabled person trying to go through the public process of air transportation, the gate where they don't have any assistance down to the gate, the lack of the airline employee helping them. Now they have the difficulty of getting on the aircraft. Mr. Herz noted that they are providing the personalization that the Honor Flight, who will get 130, 150, 180 veterans all at one time, hats off to them noting that he appreciates that, but they are looking at a bulk movement where this is personalized. They've got two to three family members. If that person needs the assistance to get back there, and this is not only for the person that is having the surgery or had the surgery, it might be just an uncle or it might be the disabled person that needs the help doing it so this is a more specialized personalized form of what they are trying to do and again, directing his comment to Council Member Oliver, they are dealing with the City's commitment to them. It gives them the green light to go because if they now have to try to disperse or share...they have the desire to do so as was evident in the previous air shows but, at this point, they are kind of focused on getting themselves going.

Council Member Oliver stated he understands that.

Mr. Herz commented that he doesn't mean that to sound selfish but...

Council Member Oliver stated he is just trying to help them and say let's get some experience and quite frankly where he has a disagreement is he doesn't think their mission needs the air show. He thinks their mission, standing on its own, is an admirable one and he thinks it is one that would be attractive and lucrative for any dollars whether it be personal or corporate dollars.

Mr. Conway stated he thinks they do need a big event like the air show because, as they get their local and regional relationships built up over the years, they have no idea what wonderful relationships and partnerships and help is going to come out of that so having an event that brings that many people together, over the course of the year when they are talking to as many people as they are talking to, they get to meet some people that can really make a difference. That is exciting for them and that is why for him, to put in the time and the effort to go and meet and greet and do things he needs to do as the executive director, he is excited about it.

Council Member Medellín asked that they just understand that \$50,000 or \$40,000 or whatever the City puts in, these are monies out of their general fund that they are going to take from their Police Department, from their Parks Department; they are just doing their due diligence.

Mr. Conway acknowledged Council Member Medellín's comment.

Council Member Medellín asked them to just understand that the City is turning over every stone doing what they feel is best for their community and for their taxpayer.

Mr. Conway agreed and added that the Council wouldn't be doing their job if they weren't asking all the questions.

Council Member Medellín thanked Mr. Conway for understanding.

Mayor Pro Tem Rigby stated, if he is correct, they are discussing a revocable use permit and asked what the stipulations are under this revocable use permit. He stated that maybe the City Administrator, Mr. Tooley could help him understand a little bit.

City Administrator David Tooley yielded the microphone to the City Attorney.

City Attorney Brent Richardson asked what exactly is the nature of the question.

Mayor Pro Tem Rigby asked what is the stipulation of this specific revocable use permit. At any time, does the Council pull this permit if one of them isn't happy, if all of them aren't happy, do they sit down, do they set stipulations prior; what exactly is this revocable use permit.

Mr. Richardson advised that he needs to look at the actual revocation provisions in here.

Mr. Conway offered to answer. He advised that what the revocable permit is, is a timeline from when the Council approves any funds going into what Triton is going to try to do and what they say they are going to do. As they go line by line on the revocable permit, there are timelines that they (Triton) has to fulfill certain obligations. They have to work with the County. They have to work with the City. They have to close roads. They have to show that they have a traffic plan in and out. They have to show they have an operation plan for the ramp. They have to show that they have the FAA closing the airspace the way they are supposed to do it and they have to provide information in a timely fashion so anybody that wants to review it, they are doing exactly what they said they would do to make sure that this is a safe, well run event and there is not going to be anything missed. So, that is what basically the revocable permit is. It is a timeline. It is things that they have to follow. They have to provide all the insurance information. They have to make sure that all the people that should be on the insurance waivers are on those waivers. They have to make sure that the City has all the bios, all of the information for Triton's ramp bosses, their air bosses so that the City can look at that or anybody else that wants to look at that, knows that they've got the right people in the right places and they are doing it within the right timeframes. He advised that is what the revocable permit, in his opinion is, it is a timeline to make sure things are correct.

Mr. Richardson replied that in looking at it there is actually no cut off as far as the revocation. There are just numerous conditions that have to be met any one of which failure to do would be cause for the thing not too issue. He added that one thing the Council might want to think about, referring to Councilman Oliver's suggestions as far as some sort of percentage allocation to a separate charity, should the Council wish to have something like that, they could also, he believes, put it in there as one of the provisions.

Mayor Pro Tem Rigby asked if they would amend that tonight, a provision.

Mr. Richardson replied that they would just have to get it on the record and they could amend it. They would change it and then actually retype it before it was signed.

Council Member Medellin suggested to possibly wait and see. He thinks Triton is on the County's agenda for the end of the month. If he is not mistaken, noting he could be wrong, but maybe they could work out a couple of the details and offers that Councilman Oliver had presented as well as wait for the County Board of Supervisors and see what they bring to the table.

Mr. Conway stated that Robert Jeffers from Supervisor Rick Farinelli's office said that they were done with Triton. They had given permission to speak to the City. He had not heard about being on their agenda for another meeting. If Council Member Medellin has heard that, he (Mr. Conway) has not. He will need to contact them.

Council Member Medellin asked that he contact the County since he heard it directly from Mr. Jeffers.

Council Member Robinson asked what the timeframe is. They need plenty of time to plan this and get it rolling.

Mr. Conway replied yes sir.

Council Member Robinson stated he doesn't want to delay them.

Mr. Conway stated they had hoped to start rock and rolling tomorrow.

Council Member Holley stated he looked at this and he looked at all the numbers. He is looking at what it will bring to their City. They are just thinking about what they can spend out but not looking at what can come in. He sees a lot of revenues that are going to come in to the City, different hotels, different gas stations. It might uplift their City from all around of people coming to see what Madera has to offer. He added that some attracting things like this he thinks, they need to look outside of what they are doing as a Council to help someone as an avenue of what they are helping on the outside that they don't see. They haven't had an airshow here in so long that the attraction will bring a lot because he has been around and listened to a lot of folks talk about different air shows, what they like about it, how it was back in the day. He thinks it is something that is well worth their investment. He believes they are going to get a lot out of it but, he would like to see these guys go forward. He noted that nothing can happen until the Council gives them an ok to what they can do. If it can't happen, then they won't be out of anything.

Mayor Pro Tem Rigby thanked Council Member Holley.

Mayor Pro Tem Rigby stated that tonight they are considering a resolution for the revocable use permit to Triton Flight. He kind of agrees with Council Member Medellin. He would really like to see a little bit more conversation going back and forth between County and City especially monetary. He would hate to put the City in a position to where everybody says, yes this sounds great but the City is the one that is fiscally responsible for everything. He thinks if this is going to benefit as many people as they honestly believe it can, that several entities should be jumping onboard with this and not just giving the nod and passing the buck so to speak. He would be willing to maybe restrain from a dollar amount that would be given to this event barring communication with the County and possibly even maybe the Chamber of Commerce and the City of Chowchilla. He is not really sure if that is even what they are doing tonight.

Council Member Oliver added that Mr. Conway also mentioned speaking to his board of directors to talk about the possibility of making a financial commitment with ticket proceeds to a not for profit for a veterans organization. He imagines they would probably need a week or so to have those discussions.

Mr. Conway stated he would imagine he can do it quicker than that. He would have to see what they think. He added that certainly is not something that has come up in any of their discussions about putting their time and effort into that. They know that they raised a lot of money in the past for different organizations and there are ways to do that throughout the air show industry. They have picked local charities in the past. He noted that there is no reason to think that they wouldn't do the same and benefit some local charities. He has to see their comfort level on saying that they are going to give a specific amount to that. He would think that they would need to evaluate how the show did and take a look at the numbers and make that decision at that point and time.

Council Member Oliver stated he agrees with Council Member Medellin. He would be in support of tabling this discussion. He added that Mr. Conway has an opportunity to meet with his board of directors. The City has an opportunity to receive some feedback from the County and maybe they can revisit this in a couple of weeks.

Council Member Medellin stated he thinks it would be prudent and the right thing for the City to do.

Mr. Tooley stated he would like to check in with the City Clerk. He knows time is of the essence for the proponents.

Mr. Conway agreed.

Mr. Tooley asked if the Successor Agency has a meeting scheduled sometime between now and the next Council meeting.

City Clerk Sonia Alvarez replied yes, they have one scheduled next Wednesday.

Mr. Tooley commented that potentially, if all of these issues could be addressed, would the Council be amenable to adding this to that Successor Agency meeting for discussion.

Council Member Medellin agreed if all these issues could be addressed.

Mr. Tooley stated best case is that they could be back in a week if they can complete and get the information the Council has asked. That is the only suggestion he could add to the discussion.

Mayor Pro Tem Rigby replied he thinks that is a great solution for the time being and he thinks all on the Council would entertain that opportunity to discuss this at the next Successor Agency which would be approximately a week from today.

Mr. Conway asked how that is going to be affected if the County Board of Supervisors is going to have them on an agenda later in the month.

Mayor Pro Tem Rigby stated that the City basically has a week to reach across the street and find out a little bit more of what their yes we support this actually really means; concerns of dollars and cents.

Mr. Conway thanked Mayor Pro Tem Rigby for clarifying that.

Mr. Richardson added that he can reach out to Claudia Mendoza, Recording Secretary for Successor Agency, and pretty much have this exact item put on their agenda so that the Council can bring it back up for consideration if they want.

Mayor Pro Tem Rigby asked if they need a motion to do that.

Mr. Richardson replied no.

Mr. Conway asked when he speaks to the County, is there anything the Council would like for him to talk to them about or was this something that the City is going to handle on their own. He asked how he can help.

Mayor Pro Tem Rigby stated it feels like the City would be in contact with the County well before Mr. Conway is being that he is possibly scheduled for the end of the month. He thinks Mr. Conway can just rely on the City and then maybe call his County friends and say, why haven't we been contacted yet.

Mr. Conway advised that they will get a call.

Mayor Pro Tem Rigby stated his appreciation to Mr. Conway for his patience and his understanding. He added that their mission is admirable and something that he personally truly wants to support. He hopes they can come to a bottom line and gets this moving forward.

Mr. Conway stated that he does understand the concern and questions so not a problem.

F. COUNCIL REPORTS

Council Member Robinson reported that on the 17th he had a meeting with the Rancheria Council, the Mono Indians Rancheria, and they are feeling confident that they will have their casino starting pretty soon. He asked them what they can contribute to the community by uniting with United Way. He was concerned about gambling fever and people are spending all of their money gambling instead of paying for their rent and food for the kids. They said, oh yes we are looking for it, referring to a non-profit where they can donate. He added that Chukchansi has their name right there on the baseball stadium in Fresno and it is not benefitting us.

Council Member Robinson reported that he handed out food at the Food Bank along with Council Member Medellin. He added that they have a need here in this community. They need to find ways for jobs, housing, and safety.

Council Member Oliver commended Mayor Pro Tem Rigby on a fine job and added that he made it look too easy.

Mayor Pro Tem Rigby stated his appreciation.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

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

The Council adjourned to closed session at 7:35 p.m. ABSENT: Mayor Poythress.

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

G-3 Closed Session Report – City Attorney

The Council returned from closed session at 7:44 p.m. ABSENT: Mayor Poythress.

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

ADJOURNMENT

The meeting was adjourned by Mayor Pro Tem Rigby at 7:44 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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


SONIA ALVAREZ, City Clerk


ROBERT L. POYTHRESS, Mayor

