



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

Item:	B-1
Minutes for:	12/21/16
Adopted:	10/18/17

December 21, 2016
6:00 p.m.

Council Chambers
City Hall

CALL TO ORDER

The regular meeting for 12/21/16 was called to order by Mayor Medellin at 6:00 p.m.

Mayor Medellin referred to their sweaters and ties. He thanked Council Member Rigby for keeping them in the spirit of the holidays and for asking those who would like to participate to wear an ugly sweater or tie. He noted that staff and Council participated and stated his appreciation. He added that he didn't want anybody to think gee whiz Mr. Mayor, maybe a little bit different dress next time.

ROLL CALL:

Present: Mayor Andrew J. Medellin
Mayor Pro Tem Cece Foley Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Donald E. Holley, District 6
Council Member Derek O. Robinson Sr., District 4
Council Member William Oliver, District 3
Council Member Charles F. Rigby, District 5

Others present were City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Planning Manager Chris Boyle, Battalion Chief Jim Forga, Commander Dino Lawson, and Procurement Services Manager Becky McCurdy.

INVOCATION: Pastor Lance Leach, Valley West Christian Center

Pastor Leach wished everyone a Merry Christmas on behalf of the Madera Ministerial Association and proceeded with the invocation.

PLEDGE OF ALLEGIANCE: Council Member 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.

Raymundo Maya, residing in Madera, California, stated he is disabled. He is here on behalf of his in-laws Gene and Mildred Atkins which had a fire. He went through all the resources, all the government programs

and he can't seem to get any assistance for their housing. He is asking for senior citizen housing for them until they get assistance to build their house again or whatever. He stated that they are displaced right now at this time and he would appreciate their help right now in assisting them to get proper housing.

Mayor Medellin thanked Mr. Maya.

Council Member Oliver asked that a member of staff meet with this gentleman and take down some of the pertinent information to see if there is any follow up they can do or with their sister Housing Authority agency, he would appreciate that.

Mayor Medellin directed his comment to Mr. Maya and stated that he actually spoke to the County today. He believes there was an email sent to Ms. Woodard but he didn't get a reply back from her. He also knows that their ex-Mayor and current Supervisor, Mr. Robert Poythress, knows of this matter and thinks he is trying to do what he can as well. Mayor Medellin stated there is no action they can take tonight. He stated his appreciation to Mr. Maya for coming down here. He asked, like Council Member Oliver suggested, if they can get Mr. Maya's contact information...

City Attorney Brent Richardson stated he thinks their Grants Manager already has that information.

Mayor Medellin acknowledged that was a great suggestion by Council Member Oliver.

Mayor Medellin asked if there is anyone else wishing to speak during public comment. No other comments were made and Mayor Medellin closed public comment.

PRESENTATIONS Recognition of the Partnership between Deutschlanders VW Club and the Parks and Community Services Department and the Presentation of Car Show Proceeds to the Madera Rescue Mission

Mayor Medellin invited Paul Yocum to join him at the podium. Mayor Medellin explained that this last summer, the Volkswagen Club had their car show at their beautiful Lions Town and Country Park. He noted that they did so with the intent of giving back to the community. They raised quite a bit of money. They had about 125 entrants from all over the western U.S. (United States). Mayor Medellin stated they are here tonight to say thank you very much for their partnership with the City of Madera and for what they are about to give to their local rescue mission.

Paul Yocum stated he is joined by their Vice President Steve (last name not given). They put on this show for one thing and that was to give back to the City in which they did it. They used to do it for Fresno. They went eight years there and gave over \$11,000 so far to the Poverello House. He stated that right now, as far as finding a park in Fresno was very difficult because their show kept getting bigger and bigger and bigger. This year, like the Mayor said, they had cars come from Nevada, Washington State, Oregon, and even as far as Mexico City made the trip. He stated that three days with a two year old in a car, they can imagine how tired they were when they got here.

Mr. Yocum stated that 100% of all the car show entries are going to the Madera Rescue Mission. Mr. Yocum presented the check for \$1,815 to the Madera Rescue Mission's representative.

Mr. Yocum stated that when they were looking for a new park to go into, Steve came to him and said, hey, how about let's try Madera, let's try this Lions Town and Country Pavilion. They went out there, fell in love with the park. It met their needs great. They talked to John Scarborough (Park Planning Manager) at the parks service and it was a breath of fresh air. He stated that the City opened its arms for them. They said come on in, we will even let you guys camp there overnight. Mr. Yocum presented the City Parks Department with a plaque for their appreciation and to say thank you for what they have done, and for their continuous support in the future.

Mayor Medellin and the Parks and Community Services Director Mary Anne Seay accepted the plaque.

Mayor Medellin noted that Ms. Seay has a wonderful team. He knows that she works with John Scarborough but it truly is a team effort. He noted that they agree that Lions Town and Country Park is a beautiful venue. They are so happy that the club chose Madera.

Mayor Medellin called on the City Clerk for a 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 item 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 First Amendment to the Memorandum of Understanding (MOU) with the North Fork Rancheria of Mono Indians, Exhibit 2 to the MOU was 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.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

- B-1 Minutes – There are no minutes for consideration.
- B-2 Information Only – Warrant Disbursement Report
- B-3 Bi-Weekly Water Conservation Report for 12/1/16 – 12/11/16 (Report by Dave Randall)
- B-4 Consideration of a Resolution Accepting Community Grant Program Funding from the Picayune Rancheria of the Chukchansi Indians and the County of Madera for Partial Funding of Phase II of the Soccer Field Lighting at Sunrise Rotary Sports Complex and Authorizing Amendments to Various City Budgets to Reflect the Grant Funding (Report by Mary Anne Seay)
- B-5 Consideration of a Resolution Approving the Master Agreement between the Madera County Transportation Commission and the City of Madera for the Fiscal Year 2015-16 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding (Report by Keith Helmuth)
- B-6 Consideration of a Resolution Approving an Agreement with Giersch & Associates Inc. for Professional Engineering Design Services for Sewer Main Replacements at Sherwood Way and Wessmith Way Near Lake Street, and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by Ray Padilla (Report by Wendy Silva)
- B-8 Consideration of a Minute Order Rejecting a Claim filed by Maria Chavin (Report by Wendy Silva)
- B-9 Consideration of a Resolution Approving Agreement with Omni Means LTD for Professional Project Development and Engineering Design Services for the Lake Street, 4th Street and Central Avenue Intersection and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Appointing Ramon Lopez Maciel as a Member of the City of Madera Transit Advisory Board (Report by Ivette Iraheta)

- B-11 Consideration of Resolutions Ratifying and Adopting 2016/2017 Community Development Block Grant Agreements for Services as follows: (Report by Ivette Iraheta)
- A. The Community Action Partnership of Madera County to Coordinate with the Fresno/Madera Continuum of Care
 - B. The Madera County Workforce Investment Corporation to Provide Scholarships for Adults Learning and Training
 - C. The Madera Coalition for Community Justice to Coordinate the Resilient Madera Program
 - D. The City of Madera Parks and Community Services Department to Provide Nutrition, Fitness, Recreation and Education Services to Seniors
 - E. The City of Madera Parks and Community Services Department for Various Centennial Park Improvements
 - F. CalFire to Purchase and Equip Fire Station No. 6 with an Emergency Backup Generator
- B-12 Consideration of a Resolution Authorizing the Mayor to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax (Report by Brent Richardson)
- B-13 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Mid-Management Employee Group Related to Requirements for Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-14 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and the Law Enforcement Mid-Management Employee Group Related to Requirements for the Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-15 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and Operating Engineers Local Union No. 3 Related to Requirements for the Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)
- B-16 Consideration of a Resolution Approving the Award of Contract for Pine Street–Pecan Avenue Median Landscape & Irrigation Improvements City of Madera Project No. ST 16-04, in the Amount of \$299,776.90 to Stockbridge General Contracting Inc., Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 15%, and Authorizing the Mayor to Execute the Contract on Behalf of the City

And

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2016/17 Capital Fund Budget for Pine Street–Pecan Avenue Median Landscape & Irrigation Improvements City of Madera Project No. ST 16-04, Appropriating RSTP Federal Exchange Funds for the Construction Contract, Contingencies and Construction Inspection/Management (Report by Keith Helmuth)

- B-17 Consideration of a Resolution Approving a Memorandum of Understanding between the City and the Catholic Charities Diocese of Fresno (CCDOF) for the City to Administer a Senior Companion Program (SCP) Utilizing Senior Volunteers and Authorizing the Mayor to Execute the Memorandum of Understanding on Behalf of the City (Report by Mary Anne Seay)
- B-18 Consideration of a Resolution Accepting a Permanent Utility Easement, Located North of Avenue 17 and West of SR 99, Offered by Horizon Enterprises, LP, and Authorizing the City Clerk to Execute a Certificate of Acceptance (Report by Keith Helmuth)
- B-19 Consideration of a Resolution Accepting a Permanent Utility Easement, Located North of Avenue 17 and East of SR 99, Offered by Zelman Madera LLC, A Delaware Limited Liability Company, and Authorizing the City Clerk to Execute a Certificate of Acceptance and Cause the Certificate of Acceptance to be Recorded (Report by Keith Helmuth)
- B-20 Consideration of a Resolution Accepting Pedestrian Easement Deeds at the Chateau at the Vineyards Subdivision, Offered by UCP Chateau Grove LLC, Authorizing the City Clerk to Execute the Certificates of Acceptance and Cause them to be Recorded (Report by Keith Helmuth)

Mayor Medellin asked if members of the Council wish to pull any items from the consent calendar for discussion, questions, concerns.

Mayor Pro Tem Foley Gallegos requested item B-15 pulled.

Council Member Rodriguez requested item B-4 pulled.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER RIGBY, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-4 AND B-15, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

- RES. NO. 16-193 RESOLUTION APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MADERA FOR THE FISCAL YEAR 2015-16 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE FUNDING**
- RES. NO. 16-194 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH GIERSCH & ASSOCIATES INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR SEWER MAIN REPLACEMENTS AT SHERWOOD WAY AND WESSMITH WAY NEAR LAKE STREET, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-195 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AGREEMENT WITH OMNI MEANS LTD. FOR PROFESSIONAL PROJECT DEVELOPMENT AND ENGINEERING DESIGN SERVICES FOR THE LAKE STREET, 4th STREET AND CENTRAL AVENUE INTERSECTION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-196 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPOINTING RAMON LOPEZ MACIEL AS A MEMBER OF THE CITY OF MADERA TRANSIT ADVISORY BOARD**
- RES. NO. 16-197 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY**

**DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE
COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY**

- RES. NO. 16-198** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COUNTY WORKFORCE INVESTMENT CORPORATION**
- RES. NO. 16-199** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COALITION FOR COMMUNITY JUSTICE**
- RES. NO. 16-200** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT**
- RES. NO. 16-201** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT**
- RES. NO. 16-202** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING AND APPROVING A 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH CALFIRE**
- RES. NO. 16-203** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.**
- RES. NO. 16-204** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE MID-MANAGEMENT EMPLOYEE GROUP RELATED TO REQUIREMENTS FOR WAIVER OF PARTICIPATION IN HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-206** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND OPERATING ENGINEERS LOCAL UNION No. 3 RELATED TO REQUIREMENTS FOR WAIVER OF PARTICIPATION IN HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT**
- RES. NO. 16-207** **A RESOLUTION APPROVING THE AWARD OF CONTRACT FOR PINE STREET-PECAN AVENUE MEDIAN LANDSCAPE & IRRIGATION IMPROVEMENTS CITY OF MADERA PROJECT NO. ST 16-04, IN THE AMOUNT OF \$299,776.90 TO STOCKBRIDGE GENERAL CONTRACTING INC., AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 15%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

- RES. NO. 16-208** **A RESOLUTION APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2016/17 CAPITAL FUND BUDGET FOR PINE STREET-PECAN AVENUE MEDIAN LANDSCAPE & IRRIGATION IMPROVEMENTS CITY OF MADERA PROJECT NO. ST 16-04, APPROPRIATING RSTP FEDERAL EXCHANGE FUNDS FOR THE CONSTRUCTION CONTRACT, CONTINGENCIES AND CONSTRUCTION INSPECTION/MANAGEMENT**
- RES. NO. 16-209** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CATHOLIC CHARITIES DIOCESE OF FRESNO (CCDOF) FOR THE CITY TO ADMINISTER A SENIOR COMPANION PROGRAM (SCP) UTILIZING SENIOR VOLUNTEERS AND AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY**
- RES. NO. 16-210** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A PERMANENT UTILITY EASEMENT, LOCATED NORTH OF AVENUE 17 AND WEST OF SR 99, OFFERED BY HORIZON ENTERPRISES, LP, AND AUTHORIZING THE CITY CLERK TO EXECUTE A CERTIFICATE OF ACCEPTANCE**
- RES. NO. 16-211** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A PERMANENT UTILITY EASEMENT, LOCATED NORTH OF AVENUE 17 AND EAST OF SR 99, OFFERED BY ZELMAN MADERA LLC, A DELAWARE LIMITED LIABILITY COMPANY, AUTHORIZING THE CITY CLERK TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND CAUSE THE CERTIFICATE OF ACCEPTANCE TO BE RECORDED**
- RES. NO. 16-212** **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING PEDESTRIAN EASEMENT DEEDS AT THE CHATEAU AT THE VINEYARDS SUBDIVISION, OFFERED BY UCP CHATEAU GROVE LLC, AUTHORIZING THE CITY CLERK TO EXECUTE THE CERTIFICATES OF ACCEPTANCE AND CAUSE THEM TO BE RECORDED**

Mayor Medellin called item B-15 for discussion.

B-15 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and Operating Engineers Local Union No. 3 Related to Requirements for the Waiver of Participation in Health Benefits and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)

Mayor Pro Tem Foley Gallegos noted that this is something that they are considering to waive benefits for their Operating Engineers Local Union No. 3 (OE3). She received an email saying that OE3 is representing their City employees but their City employees were never contacted on this item and asked if they were a yea or nay for this. She has concerns. She is reading that they don't have anyone in place to represent but to make a change in their contract, it should be given consideration from the employees that work for them. She would like to pull this from the agenda and go back to their employees and see if this is something that they want and not just have an organization, OE3, making decisions for their employees.

Mayor Medellin stated that is understandable and that is a good question. He advised that there was a follow up email. He is not sure if she got it from Wendy Silva (Director of Human Resources) that explained some of the things. Before they choose to do that, they should hear from their HR Director and maybe she can better explain.

Director of Human Resources Wendy Silva stated that the City cannot get involved in the relationship between the employees and who they have selected as their representative. She knows that the group, OE3, has fallen out of favor with the group. Unfortunately, Operating Engineers was elected in as the representative and until there is a vote and someone else is elected in, they are the representative that they have to deal with. They can't talk to anyone else. They can't circumvent them and go directly to the employees or to another group that is representing the employees. She stated that is governed by the Meyers-Milias-Brown Act which lays out exactly what the City has to do in negotiations. Until such time that there is a different exclusive representative, Operating Engineers is the group that the City can speak with on matters related to the General Unit and that is the only group that they can negotiate with.

Mayor Pro Tem Foley Gallegos stated she understands that but the representative didn't talk to any of their employees. There are supposedly five that are still with OE3 and those employees were not even contacted. She has a concern with that representative making a decision for their employees that they didn't speak to.

Ms. Silva restated that they as the City cannot get involved in the relationship between the representative and the employees they represent. She added that different groups have different rules on how they represent people. She knows, from the beginning when OE3 was voted in, there were always concerns about who got to vote and who didn't but that was who they selected as their representative. At this point, they, the City, can't do anything about that and they also can't tell them how to manage the relationship between the union and the people they represent.

Mayor Medellin stated that is something they can initiate obviously so the best advice is for them to reconsider their representation on their end.

Ms. Silva agreed and stated that they have their own counsel that is helping them look at options. She restated that the City can't be involved in that process.

Council Member Rodriguez asked how many employees the union represents.

Ms. Silva replied, give or take about 120.

Council Member Rodriguez stated that Ms. Silva mentioned that there was a process that they have to go by so that they can deselect this current representation. He asked how the process works; do they just have to vote their other organization out and vote somebody back in so that they can have a say so when it comes to negotiations like this.

Ms. Silva replied that there is a process that the City has to follow called the Labor Relations Resolution and it governs a lot of things. One of those is how votes occur and when they can occur, and there is a filing period when those can be requested. She stated that there was a filing period March of last year before the MOU (memorandum of understanding) expired and there was not a request for a vote at that time, and a request was filed later after the filing period. Essentially, they missed the opportunity to change their representation at that time. They have to wait for the next window to hold a vote under the rules.

Council Member Rodriguez asked when that window is.

Ms. Silva replied that will be March of 2018.

Council Member Rodriguez noted that is quite some time away.

Ms. Silva stated that is governed by the length of the MOU that they voted to adopt.

Council Member Rodriguez stated that in between this time, these one hundred and some employees don't really have a say so as far what they would decide to do as far as negotiations, or in this case, bargain with the respective organizations.

Ms. Silva stated that it is difficult for her to answer that because, like she said, she can't govern the relationship between OE3 and their membership. She doesn't know how much outreach they are or are not doing. She knows there are employees that have come to her and said, we don't hear from them. And like she said, they have their own outside counsel that is trying to help them with that. She said she is sorry that that kind of answers his question but kind of not. There is nothing else she can do on that matter.

Council Member Rodriguez stated that is fine. He just thinks similar to what Councilwoman Gallegos had mentioned as far as the fact that they have so many employees but yet they have no say so on what they can bargain for and what not. He noted that is somewhat disturbing as well but obviously there are legal matters here, contracts and they have to abide by them. He just wanted to get the answer to that.

City Attorney Brent Richardson stated that they do have the ability to bargain but it is through OE3. He added that the City's hands are completely tied. That is just the way it is and there is really nothing legally the City can do about that.

Mayor Medellin thanked Ms. Silva.

Mayor Medellin called item B-4 for discussion.

B-4 Consideration of a Resolution Accepting Community Grant Program Funding from the Picayune Rancheria of the Chukchansi Indians and the County of Madera for Partial Funding of Phase II of the Soccer Field Lighting at Sunrise Rotary Sports Complex and Authorizing Amendments to Various City Budgets to Reflect the Grant Funding (Report by Mary Anne Seay)

Council Member Rodriguez stated that back in 2014, it looks like this grant was supposed to be done so that they could get the lighting for that soccer field. He understands that in between that time obviously the Rancheria suffered some hardship so they were disfranchised. He asked if in between that time did the City at all plan to supplement for that or did they have to wait until these grants became available. He asked if they have any other source of funds to be able to move this thing forward instead of delaying for such a long time.

Director of Parks and Community Services Mary Anne Seay replied yes and yes. They originally applied for a Chukchansi grant in 2012 for about \$196,000 of which they received \$85,000. This is one of many grant requests, partnership endeavors to get full phase of the addition of the soccer field, the booster pump, the lighting, the parking, curb/gutter, fencing, potentially a bathroom completed. They got the \$85,000 which wasn't even enough to make acquisition of the lighting system so they wrote an additional grant to Kaiser Permanente for \$15,000. They were able to package enough resource to get pricing from the industry leader in lighting and they made acquisition. She stated that those light poles are now in the City corporation yard. They do have \$350,000 in developer impact fee revenue assigned to this project along with \$67,000 in CDBG (Community Development Block Grant) funding. They are waiting for the Engineering team to give them an engineer's estimate so that they can begin progress.

Ms. Seay stated they have also applied for left over residual funds from Prop 40 from several years ago that were unspent that went back into a pool for eligible agencies. They made application for additional resources to kind of blow this project up and even add some additional amenities. They will be finding out about that in early summer. Right now with this \$52,000, they have roughly \$470,000 and they are waiting for engineer's estimate to see how and when they can get started.

Council Member Rodriguez asked when they anticipate having this project completed.

Ms. Seay replied that would be a question for the Engineering Department. They have been meeting with them, telling them what they would like to see in terms of curb, gutter, fencing, grading, etc., additional landscape, lighting and they are waiting to get the engineer's estimate. That is the first step and then they need to see how long it would take. With the funding they have, they may have ample funding to go ahead and begin construction. She stated that the booster pump and the soccer field that exist there now was all a part of one big project. When they entered into the recession in 2008, the developer impact fee revenue that they were counting to make this package whole just wasn't there so instead of making the public wait for a project, they put the soccer field in with staff resources. They added the booster pump which made them more water efficient in the entire park. They are kind of phasing things in as they get resources. She advised that the next thing is to get the poles put in, light to the fields, and of course parking is very important in that area as well.

Council Member Rodriguez stated he was meaning to catch her before she got in here to ask her that question. He apologized for catching her off guard.

Ms. Seay replied that is what they are here for.

Mayor Medellin stated they are very appreciative to the Picayune Rancheria for giving \$52,000 and change to help complete that project. He noted that both the Adopt a School and the Madera County Food Bank each also received a \$25,000 grant from them. They gave over \$1.2 million to help the City and County of Madera grow. They are appreciative of that and that money will be well spent. He thanked them.

Mayor Medellin stated he would entertain a motion on items B-4 and B-15 if there is no more discussion.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEMS B-4 AND B-15, RES. NOS. 16-192 AND 16-205 RESPECTIVELY, WERE ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-192 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ACCEPTING COMMUNITY GRANT PROGRAM FUNDING FROM THE PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS AND THE COUNTY OF MADERA FOR PARTIAL FUNDING OF PHASE 11 OF THE SOCCER FIELD LIGHTING AT SUNRISE ROTARY SPORTS COMPLEX AND AUTHORIZING AMENDMENTS TO VARIOUS CITY BUDGETS TO REFLECT THE GRANT FUNDING

RES. NO. 16-205 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND THE LAW ENFORCEMENT MID-MANAGEMENT EMPLOYEE GROUP RELATED TO REQUIREMENTS FOR WAIVER OF PARTICIPATION IN HEALTH BENEFITS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT

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

C-1 Public Hearing, Second Reading and Consideration of the Adoption of an Ordinance That Would Approve and Adopt a Development Agreement Between the City of Madera and Love's Travel Stops and Country Stores for the Madera Travel Center Project

Community Development Director David Merchen stated this is the second of two separate actions that are required in order to adopt a development agreement for the Madera Travel Center Project. He explained that the ordinance under consideration was introduced at the December 7th meeting.

Mr. Merchen stated that they went over the basics of a development agreement at the last meeting so he won't dwell on that a lot. As a reminder, a development agreement is a legal contract between the developer, owner and the City. He stated that the primary purposes are to lock in the rules and regulations that apply to the project, the Travel Center, and to provide an infrastructure reimbursement mechanism.

Mr. Merchen stated that the Planning Commission reviewed and recommended approval of the development agreement (DA) in November. They want to note that this recommendation reflects direction from the City Council subcommittee consisting of the Mayor and Members Holley and Rigby as well that did quite a bit of leg work and homework to help direct the terms for this agreement.

Mr. Merchen stated that the Travel Center is located at the corner of Avenue 17 and Freeway 99. He advised that it includes the components shown on the screen, the heart of which is the Travel Center itself which is truck and automobile facilities, retail, convenience, restaurants and the like. There is also a tire center proposed for customers and for the general public that might need some help coming off the freeway.

Mr. Merchen stated that the public improvements that are required to serve the project site are pretty extensive and really, he believes, are the heart of this development agreement and why they believe as staff, is appropriate here. He stated he would provide some illustrations to kind of give them a sense of what the improvements that are the subject of this DA, how they relate to other properties and why it makes sense to kind of go into a special reimbursement component.

Mr. Merchen stated that in terms of a sewer line, they can see that there is a pretty extensive sewer line that comes up from the south right about the Ellis Overcrossing and extends all the way up to Avenue 17 past the site. He noted that is a considerable length of improvements beyond the project site.

Mr. Merchen stated that with regard to water, they are talking about the development of a new water well site. They acquired that property at one of their earlier meetings. It is also the extension of a very large water line all the way up Sharon Boulevard, following Avenue 17 and through what they call the Madera Town Center Property which is the Zelman owned property. He noted that earlier on their consent calendar, the easement to place that water line was accepted so they are in great shape there.

Mr. Merchen stated that storm drainage is primarily along the project frontages. They will note that it does accommodate runoff from the project site which is the west side of the Sharon Boulevard alignment as well as all of the property on the east side. It also begins to accommodate all of the Avenue 17 street improvements. He noted that along that, primarily located along the frontage, it does prepare some additional property for development.

Mr. Merchen stated that street improvements also include widening Avenue 17 that will be a six lane section when it is developed. He noted that the Travel Center will develop its project frontage to a full three lanes plus a right turn lane.

Mr. Merchen stated that Sharon Boulevard is a new arterial street that will be constructed to a four lane standard, and two traffic signals will also be developed as part of the project. He stated that what looks like a fairly innocuous improvement when he shows it on the screen is the widening of the freeway off-ramp to include an additional dedicated right turn lane. He commented that has proven to be both an expensive improvement as well as something that creates some sensitivity for scheduling and timeline because it has to go through Caltrans. Those who have been with the City for a long time, they have heard all kinds of stories about getting anything done through Caltrans is always an adventure. He noted that it is proving to be that way here as well.

Mr. Merchen stated that when they add the cost of those improvements, they are estimated, at this point, to be a little over \$8 million plus the cost of a water well. He thinks they talked about it at the last meeting. That water well can run anywhere from just over a million dollars to close to \$3 million. They won't know that until they kind of get into it and see what design kind of considerations and treatment requirements are going to be in place. Mr. Merchen stated that the reimbursable components of that, which are the

improvements that go beyond a developers typical frontage requirement is about \$6.8 million plus the cost of that water well. He added that in all cases water wells are considered reimbursable no matter what developer builds them.

Mr. Merchen stated that what is probably the key element, other than the reimbursements for the development agreement, are its term. They worked with the developer to give them a term which would allow them some flexibility to get started, to kind of deal with those Caltrans uncertainties but also to provide a sense of urgency that they needed to move quickly in order to maintain the benefits of the development agreement. What is called for in the recommendation is a 36 month term in order to submit building permits for Phase I which is essentially everything except the restaurant and the RV (recreational vehicle) and boat storage. If they meet that, they get an additional year to actually pull those permits to have them issued. If they meet that then they get one more year to obtain occupancy on Phase I. He stated that within five years, under this DA, either it will be done and dead because they didn't meet the terms or it will be completely active, live occupied and then a 20 year term would kick in for the development agreement.

Mr. Merchen stated that during the term of the development agreement, the development requirements wouldn't change. That is another benefit of having this kind of agreement. It provides the certainty that factors that can affect development aren't going to change too much over time.

Mr. Merchen referred to the development exaction, which essentially they will call fees, fee like requirements, won't change. They do provide for subsequent development approvals to be granted so should something new come up, they need to add a building or they need to modify something for unknown reasons, a development agreement provides that opportunity. It shows them what can be done and what can't.

Mr. Merchen stated that the agreement specifies all of those public improvements that he described and illustrated. He advised that those will all be done prior to occupancy of a building and first phase. He commented that all of those improvements go in before the project starts.

Mr. Merchen stated that the historic pedestrian plaza, which is an open space and kind of community gathering location which is right at the corner of Sharon and Avenue 17, will also be developed with Phase I.

Mr. Merchen stated that the fee credit and reimbursement components are maybe the most significant part of this development agreement for the developer. He noted that the agreement calls for fee credits to be provided for development impact fees against the same type of improvements. What essentially that means is that sewer impact fees are credited against sewer line cost, water impact fees against water cost, but they don't do any cross credits of one type of improvement against another type of fee kind of thing.

Mr. Merchen stated that the recommendation is that water well costs will be reimbursed upon completion and acceptance of the water well. That will probably be amongst the first improvements that is put in. Those will be reimbursed right up front.

Mr. Merchen stated that other offsite improvements would be reimbursed up to about a \$6.8 million max. He noted that only actual costs would be paid and only up to that max. So if the costs are \$10 million, the City's cost is still capped at \$6.8. If improvements come in at \$5 million, then the City only pays \$5 million.

Mr. Merchen stated that for the reimbursements that do come in cash form, the recommendation is that they be phased. He advised that the first million dollars would be provided at completion and acceptance of the improvements. He stated that is largely the existing balance of development impact fees that are in place. Again, they have categorized that they have a limited amount of development impact fee revenue for a water line and they would apply those against the water line cost and so forth so that everything stays in its category.

Mr. Merchen stated that about \$4.2 million would be provided in reimbursements after one year of operations for the Travel Center so they are up and operating. They have proven themselves to be viable. After that one year anniversary, they get another \$4.2 million. He stated that is primarily going to be to offset transportation and traffic improvement related costs and those are special transportation revenues. That is why that number is fairly specific because those were the revenue resources that were coupled together to be able to provide lump sum reimbursements.

Mr. Merchen stated that the remaining amounts would be reimbursed in annual payments starting after the second year of operations.

Mr. Merchen stated that the lump sum payments that he described which is the well, the first million, and the \$4.2 million essentially would be handled like a standard CIP (Capital Improvement Project). Those are kind of standard revenues for the most part for capital improvement projects. He noted that they did make special care as they looked for available funding that they wouldn't cause any significant damage to scheduled capital improvement projects. They were able to do that through a little bit of shifting of funds and applying some unanticipated revenues. They look great from that perspective that if they go with this plan as he described, there wouldn't be any CIP projects that they would have to take out or significantly delay. He noted that is a positive as well.

Mr. Merchen stated that the cost in excess of those lump sum payments would again be reimbursed through a portion of the City share project generated revenues. Those are sales tax and transient occupancy tax or hotel tax. They think about four to six years of payments depending on the ultimate cost of the improvements would be about what it would take to get those improvements fully reimbursed.

Mr. Merchen offered a couple of last points. They believe that the cost of the outside improvements would make the project infeasible without the special reimbursement program. He stated that the reimbursements are structured in a way that sales tax and transient occupancy tax doesn't fully transfer to the developer. The City would always get 50% of the taxes generated so there is always a net positive coming to the City.

Mr. Merchen stated that appropriate triggers are in place to ensure that the project is developed within a reasonable time frame. It can't drag on and keep blocking up the property without developing.

Mr. Merchen stated that finally, a substantial benefit is received by the City through the installation of infrastructure, generation of sales tax and transient occupancy tax, and the employment opportunities there that will be generated.

Mr. Merchen stated that the project and the development agreement are consistent with the General Plan and the Zoning Ordinance, the California requirements of CEQA. He noted that California environmental requirements have all been met and the kind of underlying point is that this is not a typical tool. This is not something that they've seen since 2006. That was the last time the City adopted a development agreement but it is a good tool where the circumstances call for it and they believe in this case that the circumstances do call for it. And that absent this kind of tool, they wouldn't be able to see this project go at least not at this time at this location.

Mr. Merchen offered to answer any questions and when they are done with those, to recommend that they open the public hearing.

Mayor Medellin agreed that it is a great tool and it is a little out of the box thinking so to speak but it is investing in infrastructure so he totally agrees. He commended Mr. Merchen on a great presentation.

Mayor Medellin asked if there are any questions for Mr. Merchen. No questions were asked and Mayor Medellin announced that this is a noticed public hearing and asked if there is anyone in the audience or proponents of the project wishing to speak or show their sweater or anything like that to please step forward.

Mayor Medellin stated to the first speaker that he is in the top three for ugly sweater.

Ken Van Dyke stated he is with Love's Travel Stops and Country Stores and resides in Utah. He won't tell them how he kind of heard about this and he thinks it's great that the spirit comes out here. He heard through the grapevine that this was going on so he pulled this out of the box. He noted someone is wearing suspenders. He was a little bit worried. They had a little bit earlier meeting for this issue that Mr. Merchen mentioned about Caltrans. He will maybe touch on it for a minute. He was peeking in to all the windows because he didn't know it was really a joke or not to see if anyone was really dressed up. He stated but look at you, and he is bringing his lights next time. He noted that is pretty cool.

Mr. Van Dyke stated he would be glad to answer any specific questions they have about Love's or their project. First of all he would just like to take a minute to say the appreciation they have as developers, Love's Travel Stops. He has been with them 20 years and when he started in '97 they had 38 travel centers and as of last Friday, they opened five on one day and they have 408. There is no doubt in his mind that they provide the best travel stop business in the country.

Mr. Van Dyke stated he deals with a lot of municipalities and he would just like commend the Planning and especially City staff of being unbelievable to work with. The last two years, he doesn't think there would be an exaggeration, it is hundreds of hours that they have worked on all of this and they are almost there which he is grateful to have that happen. They have one more little hurdle that Mr. Merchen mentioned about Caltrans. That little issue he is hoping isn't a deal breaker but he will keep his fingers crossed a little longer until they feel a little bit better about it but they sure hope that they come around to continuing to work with them because they have put in a lot of time and a lot of effort into this project.

Mr. Van Dyke stated that he also thinks that if they sign on the dotted line and get all this done, that their \$15 million investment for just what they do, on top of about \$8 million, is a lot but he thinks it is going to provide the City with a lot of things that the City needs, the infrastructure. He felt optimistic that it will allow others to want to come to that area because as a developer, the first thing that he looks at is do they have utilities, wherever he stops. He is working on 28 projects in California, Oregon, and Washington alone and that is always the first thing that he looks for because it is kind of important so they really have gone a long ways in working out of the box to try to make this happen.

Mr. Van Dyke stated they really want to be here. Love's is a great company. He thinks they will never ever regret voting for them if they do, and he hopes they do. They are a family owned company if they are not familiar with them out of Oklahoma City. He loves working for them. He has been with them for a long time. They are a great family owned business even though they will be probably \$15 billion in sales nationwide this year. He just got back from Oklahoma City and spent the evening in the Love's home which he still can't believe they open up to such a rowdy bunch like they are but they do and they are great to work for. They give back to the community in a big way wherever they're at. He thinks the City will be proud to call them neighbors and he thinks they will have a facility that they will be proud of when they see it. They really do a good job.

Mr. Van Dyke asked if there are any specific questions. If not, he will end with a thank you.

Mayor Medellin asked if there are any questions.

Council Member Rodriguez stated that aside from wearing the ugliest sweater, hoping he is in the top three also...he thinks they are excited to have that Love Center. He asked, now that energy is becoming such a big play in states, California for example, how Love's mitigates for costs of energy, solar. He stated this is a question that was probably brought up by one of the Council Members here last meeting that they had. As far as like projects within their development, is there solar involved. Not to say anything for this particular development but future developments, they never know. He asked how important solar is becoming in their line of work there, especially energy.

Mr. Van Dyke stated he didn't make the seventh meeting. He had other commitments that he couldn't get out of so he is not exactly sure what they discussed. He noted that all this is important to them because

they are in the industry of energy with diesel and gasoline but they also know the impacts of all that they do. They've got RV boat storage, and self storage buildings that they are starting to do all over the place. In Las Vegas, Nevada, which isn't too far if they ever wander that way to go make a whole lot of money at the casinos, here shortly they will see an all solar paneled RV boat storage building that will be within one year paying for itself in energy efficiency. They are looking at all those things. He noted that a lot of questions come up about the electric charging stations and stuff. They are going to have some here. He can't say that that is really a big part of what they do because its average time is only 5.30 seconds just about for someone to come in and get what they want at a convenient store so you are not going to get a whole lot of charging going on from there but they are going to provide what they are required and have been asked to do. As far as any of the energy things, he thinks they will find that their buildings are energy efficient. They are using all up to code or better for windows and insulations and those kinds of things. Hopefully that kind of answers his question.

Council Member Rodriguez stated that it does. He is just curious. He thanked Mr. Van Dyke and stated he appreciates the comments.

Mr. Van Dyke stated that Love's also just recently bought Trillium CNG so that is a big move for them. He kind of missed the multi-million dollar deal. They just bought that company out. They do own that out of their Houston office. They are going to have a connection CNG (compressed natural gas) throughout the United States and they will be the first to have the most CNG filling stations of any travel center in the company here real soon.

Mayor Medellin thanked Mr. Van Dyke. He also thanked him for his kind words and appreciation towards City staff. Mayor Medellin stated they think they are pretty great too.

Mayor Medellin asked if there are any other questions or discussion about this particular project.

Mayor Medellin stated that this is a second reading and consideration of an ordinance and asked for title.

City Clerk Sonia Alvarez asked Mayor Medellin to close the public hearing for the record.

Mayor Medellin stated if there are no other members of the audience wishing to speak then he will close the public hearing.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED, AND ITEM C-1, ORD. NO. 938 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD 938 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AND ADOPTING THE DEVELOPMENT AGREEMENT BETWEEN LOVE'S TRAVEL STOPS AND COUNTRY STORES AND THE CITY OF MADERA

C-2 Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines

City Attorney Brent Richardson stated this is an item they are kind of familiar with. They have four liens they would like to place to secure unpaid code enforcement fines. They are asking for Council approval after the public hearing.

Mayor Medellin asked if there are any questions for Mr. Richardson. No questions were asked and Mayor Medellin opened the public hearing.

Louise Cvrljak, residing in Madera, California, stated she received a notice in 2013. She stated there was a fence panel on the porch. They are at the house every day. They work at the house so they put the fence panel, they were doing some construction, they put that there. They got this notice. She called up the phone number on the bottom, spoke to a Valerie, something like that. Told her we'll move this, what do we need to do to take care of this and have it re-inspected? They did what they needed to do. She thought it was re-inspected. They didn't hear anything again. She thought they were good.

Ms. Cvrljak stated that on January 9th, she received the same exact notice about the wood panel in the fence. She just thought it was some type of repeat or...it was the same thing so she called and told her that was long gone and taken care of. That same day she received something about restoring landscape, regular watering, that type of stuff. She stated that the grass was cut. If they received this notice, they cut the grass and maintained it. She stated that yes it is dirt. They are in a drought. They didn't really take care of the lawn that much. They just kept it down to dirt. She always made phone calls when they received these and living in Fresno, in the county, if she ever did get grass notice or something like that, she would just call, tell them they took care of it, they would drive by and that was it. She kind of thought that is where she stood with the City. This is back in 2014. Then November 29th she received a letter saying she has unpaid citations and a potential lien on the house. She was here to see if there is any way to come to some other resolution for this. She knows that there are administration fees and people send out letters. She is not denying the fact that they have some effort in this but it is a lot, a lot of money for a family. She wants to see if there is something they can do to reduce it.

Mayor Medellin asked if she met with someone from Code Enforcement.

Ms. Cvrljak replied that she never met, always phoned.

Mayor Medellin asked if that was the explanation as to why she got the citation and things like that. He asked when they met, what was that discussion about.

Ms. Cvrljak replied they never met.

Mayor Medellin corrected himself and stated when they spoke.

Ms. Cvrljak stated she received one of these notes in the mail and then said, oh boy, we need to move that panel so they would move the panel. She would call up and say, we did what we needed to do, are we ok and she thought they were ok. She didn't know that she needed to proceed farther with...

Mayor Medellin commented so there were no other emails or things like that. It was just over the phone.

Ms. Cvrljak agreed.

Mayor Medellin stated that obviously she is getting notices when the City sends her things.

Ms. Cvrljak stated she has these three and that letter saying to be here tonight. Ms. Cvrljak stated they bought this house. She thinks it was an unoccupied house for several years. It was occupied by who occupies houses that are empty. It had graffiti everywhere. It was torn up, dry wall. It was a complete disaster and it is a clean, habitable house now.

Council Member Rigby stated he just wants to make sure that he has the timeline correct. He noted that her first letter was received for this fence post, or what have you, and she said 2000 and...

Ms. Cvrljak replied 7/5/2013.

Council Member Rigby asked when the second letter came in.

Ms. Cvrljak replied 1/9/2014 with the same corrective notice action. She noted it looks like a duplicate of it.

Council Member Rigby asked if she in fact did make the correction notice and she...

Ms. Cvrljak replied yes. That is why when she saw fence panel, because it is a fence panel, you either move it or you don't.

Council Member Rigby noted that she said a third letter.

Ms. Cvrljak replied that the third letter was restore landscape and plant material to good condition, provide regular maintenance to landscape and plant materials, provide regular watering, cutting, pruning and mowing of landscape received also on 1/9/2014. That is all she has.

Council Member Rigby stated he is assuming that the remaining unpaid amount of money of \$1,870 is due to the letter sent to her in 2014 in regards to landscaping and asked if that is correct.

Ms. Cvrljak replied yes she thinks so.

Council Member Rigby asked when she was calling Code Enforcement who she was speaking to.

Ms. Cvrljak replied a Valerie.

Council thought it has to be Viola (Viola Rodriguez, Neighborhood Preservation Supervisor).

Ms. Cvrljak replied that's it.

Council Member Rigby asked what her suggestions were.

Ms. Cvrljak replied it was to take care of it.

Council Member Rigby asked that once she took care of it who she called.

Ms. Cvrljak replied it was her again. She would always answer the call.

Council Member Rigby asked if at any time Ms. Rodriguez lead her to understand that she had not met the requirements that she thought she had met.

Ms. Cvrljak replied no.

City Attorney Brent Richardson asked if he could shed some light on that. He noted that the letter Ms. Cvrljak is referring to, going by the dates mentioned are all citations. Some of them do list a wood debris on the front porch but all of them also reference the vacant property registration which was not done. Part of the corrective action is to get the property registered which apparently was never registered. He noted that is a requirement under the vacant property ordinance.

Council Member Rigby asked Mr. Richardson to help remind him what the procedure is. He asked if at any time the address 415 N A Street would have been given a hearing through this process.

Mr. Richardson replied that all the citations have an advisement on them that they are all appealable within 15 days. He noted that it says it right on the citation in bold print and it was on every single one of them.

Council Member Rigby asked if it is including the landscaping one in 2014.

Mr. Richardson replied exactly noting that it is the same form that they always use.

Ms. Cvrljak stated she is not denying that that is not there but she made the phone calls and she thought it is just the fence post or grass. She didn't know that she had to...it seemed so formal for something like that. She stated that she and her husband work in Fresno and Madera daily so they are at the house. It is kind of their second stop house so it is not vacant.

Council Member Rigby thanked her for answering his questions.

Mayor Medellin called on Mayor Pro Tem Foley Gallegos.

Mayor Pro Tem Foley Gallegos stated her questions got answered. Council Member Rigby asked the questions that she was going to ask.

Council Member Rigby asked Mr. Richardson if this is something they could work with individually because he really wished Ms. Rodriguez was here.

Mayor Pro Tem Foley Gallegos advised that Ms. Rodriguez is on vacation.

Council Member Rigby stated he knows she is on vacation.

Mr. Richardson replied that the only option, noting that it is a debt to the City and his take has always been that debts to the City without some sort of justification, if they reduce it, it is essentially a gift of funds issue.

Council Member Rigby stated he understands that. He is not trying...

Mr. Richardson stated that if they would like to vet it out with Ms. Rodriguez or have her take a look at it, they could pull this particular property from the approval tonight and just reschedule it.

Council Member Rigby stated that by no means is he suggesting that they change the amount of money owed or exclude this ever being paid at all. For clarification, he would value the opportunity to have Ms. Rodriguez address Council or maybe perhaps they could put this on the agenda for...

Mr. Richardson replied that they will bring it back at the next meeting that they can and reasonably notice it. They are required to put out a new notice. If it is not the next meeting then the one after that. If their intent would be to pull that off, then just in any motion approving this, make sure they identify that 415 N A Street is eliminated from the exhibit.

Council Member Rigby stated that being they are still in public hearing, he won't make a motion right now.

Mayor Medellin asked if there is anyone else in the public wishing to speak regarding this item. No other comments were made and Mayor Medellin closed the public comment and brought the item back to Council for any further discussion or comments.

Council Member Rodriguez asked what the appeal process is whenever the notice was received from the property owner.

Mr. Richardson replied that they will contact the City. His paralegal will typically make arrangements with the Administrative Hearing Officer. About monthly, the officer will hold a day of hearings so she will schedule those with him. They will get notice of when that is but it has to be requested and under the City Code, it has to be done within 15 days of the citation.

Council Member Rodriguez stated that during these times when the property owner received multiple citations at that time and period, for every single citation, they had the opportunity to appeal.

Mr. Richardson replied exactly noting that it is on every citation that they have to appeal within 15 days. It is in bold print right down there at the bottom. All they do is just request an appeal and they set that up.

Council Member Rodriguez stated he is not sure if Code Enforcement is here but in Mr. Richardson's experience typically with these appeals he is sure they reach some type of agreement or accordance where maybe that fine might be a little hefty or they might be able to negotiate something, or is this something...

Mr. Richardson replied that typically either the citation was justified or it wasn't. Usually as far as any type of workout arrangements, that is usually done through some sort of payment arrangement through Finance if the fine is upheld.

Council Member Rodriguez stated that by the time that comes to Council for approval, justification must have been provided.

Mr. Richardson replied that they vet them out before they bring them to the Council typically to make sure all the paperwork has been in place. This is merely to place a lien on the property so, outside of a foreclosure sale or something like that, they would have to take care of it at a regular sale just to secure the debt that is owed if they remain unpaid.

Mayor Medellin asked if there are any other questions. No other questions were asked and Mayor Medellin announced that he would entertain a motion.

COUNCIL MEMBER RIGBY MADE A MOTION TO APPROVE ITEM C-2 AS PRESENTED, EXCLUDING THE PARCEL NO. 007-032-015 (415 N A STREET) UNTIL FURTHER CONSIDERATION CAN BE CONSIDERED BY COUNCIL UNDER THE DIRECTION OF CODE ENFORCEMENT, SPECIFICALLY MS. RODRIGUEZ. THE MOTION WAS SECONDED BY MAYOR PRO TEM FOLEY GALLEGOS AND RES. NO. 16-213 AS STATED, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-213 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT ADMINISTRATIVE FINES.

C-3 Consideration of a Resolution Approving the First Amendment to the Memorandum of Understanding between the City of Madera and the North Fork Rancheria of Mono Indians of California

Community Development Director Dave Merchen stated that the City and the North Fork Mono Rancheria (the "Tribe") entered into an MOU (Memorandum of Understanding) in 2006 concerning the development of the would be casino north of the City limits and sort of cattycorner from the travel center that they looked at earlier. He noted that after taking quite a bit longer than anybody expected, the Tribes plans have morphed a little bit to a plan whereby the facility would be developed in phases and the first phase would be quite a bit smaller than they had believed previously at least when they all entered into the MOU in 2006.

Mr. Merchen stated that as a result of those changes, the Tribe came back and requested that the City consider modifying the terms of the MOU so that some of the contributions that were called for in the original agreement would be pushed back sort of after year seven, to use a real kind of general description. He stated that essentially what that does is that they have a lot more flexibility in their financing, in their funding structure after the first few years, and it makes it easier to make their project work if they pay less upfront and more on the backside.

Mr. Merchen stated that the City Council appointed a subcommittee consisting of the Mayor and Members Holley and Rigby to take a look at the proposal and to essentially help identify any of the funding elements that were important to provide upfront, priorities that probably shouldn't be changed or shouldn't be changed very much versus those elements where they had more flexibility. As a result, of those discussions and negotiations, the MOU in front of them is the recommended draft.

Mr. Merchen advised that the individual elements of the changes are outlined in the report and the MOU so he is not going to describe those in any more detail but he would be happy to answer any questions the Council may have on those. He stated that essentially they do what he described. He added that there is some clean up language that clarifies some of the terms and updates, the information to reflect current conditions but, primarily the effect of the terms are just simply push some of the payments back into future years so that it is a little bit more financially feasible for the Tribe to construct the facility, get it operating, get their revenues flowing.

Mr. Merchen stated that the timing of the City/Tribe MOU Amendment 1 is coincidental with some of the news items they may have heard recently about a State Appeals Court Ruling. He noted they may have some curiosity about the timing or whether that ruling has any effect on this MOU amendment. He stated that the short answer is that it is just a matter of coincidence in terms of the timing. They have looked at the potential relationship between the ruling and this MOU amendment, and if they don't find, the City Attorney can expand on this if they like, that there is any substantive detrimental impact to the City, the City isn't damaged in any way, if they choose to proceed with entering into the MOU amendment at this time, even in light of the ruling that has come out. Mr. Merchen advised that the Tribal representatives are here and they would be happy to answer any questions about the recent ruling, the MOU, or the relationship between the two.

Mr. Merchen offered to answer any questions.

Council Member Rodriguez referred to the recitals, Part F. He thinks Mr. Merchen mentioned this and read that... the Tribe remains committed to making the contributions set forth in the MOU but has asked the City restructure the timing of certain contributions to reduce the amount of contributions during the time when the interest incurred on the debt is at a highest and the revenues from the project are at the lowest. He asked if revenues aren't high for this project then will the contributions not be made. He asked how long that period is.

Mr. Merchen replied that the MOU has a 20 year term and under the revised contributions schedule, those revenues would be contractually made. The revision to the contribution schedule is requested as a result of, noting that he will have the Tribal representatives explain that in more detail, but essentially it is a reflection that they have less flexibility up front because they are paying a lot more for essentially their loan for their financing. They don't have as much flexibility to make payments to non-project direct costs but after that first few years, their financing can change or expected to change and they have a lot more flexibility/contributions on the back end. What they see in the recommended MOU amendment, those payments would stick. Those would be contractually in place but, the proposal is in place because they needed a little bit more flexibility.

Council Member Rodriguez asked what contributions specifically they are talking about when it comes to that timing.

Mr. Merchen stated that there are a series of contributions that were called for in the original MOU. The ones that they are proposing to change are shown in Exhibit 1, which is the last page of the original contract. He noted that there is a series of recurring and non-recurring payments. For instance, the non-recurring payment for a specific plan was originally called for, he thinks in year two, and it was going to a single payment of \$200,000. Now the proposal is to push that back to start in year three and to be provided over a series of five years. He noted that the amount is the same but it is spread out over a longer period and starts a little later than it would have. He stated that is the kind of change that is proposed. He added that the public safety training is another similar proposal where it went from, he thinks a lump sum or maybe two payments to a series of five payments that is start in a later year.

Council Member Rodriguez stated that at the overall 20 year term, those amount will always be there. It is just a matter of that they are spread out throughout that 20 year period.

Mr. Merchen stated that is correct noting that he should have articulated that better. He commented that when they add up the total contributions over the 20 year term, that total is the same as the original MOU.

Mayor Medellin stated it is cognizant of the fact that obviously it has been a long time coming and understanding that they don't have the financing and the money that they did before. To get the doors open and to allow them to start to make a little bit of money, it seemed that the subcommittee as well as staff was aware of that fact that they can push some of these payments off for a few years. He stated that there is a list. He is not sure if he got it but contributions such as to their downtown, to youth activities, obviously to public safety, and the list goes on and on. He noted that those contribution totals will not change, it is just when they pay is what they decided.

Council Member Rodriguez stated that was the only concern he had. Looking at the list and the exhibit, he did see the amounts at the end and again, with the contractual MOU that they had, he just wasn't sure if that was going to affect anything that they had going especially like in this case downtown or public safety for that matter. He stated that it looks like they will get that money at some point but in some of these cases might not be for the first couple of years.

Mr. Merchen stated that is exactly correct.

Mayor Medellin stated that is a good point and asked if there are any other questions for Mr. Merchen.

Mayor Medellin invited representatives from the Tribe to come forward if they would like. He asked that they state their name and address for the record.

John Mayer stated he represents the North Fork Rancheria of Mono Indians as their Tribal counsel. He thanked the Council and stated his appreciation for the opportunity to be here this evening for them to consider this. He wanted to give a shout out to the staff and to the subcommittee for their work on this. They were very helpful.

Mr. Mayer commented that, as Mr. Merchen explained, they entered into an MOU in 2006 with the City. They started this project in 2004 and never ever anticipated it would take this long. He stated that the environmental impact statement (EIS) that analyzed the project, analyzed a much larger project that they had anticipated in negotiating this MOU. They now are in a position, in order to build this project, it is going to have to be built in phases because of the very high predevelopment costs that the Tribe has incurred. What they did is that they went to the City and yesterday they went to the County and they agreed as well to just extend out non-essential payments such as the public safety payments for impacts to public safety all remain the same. He noted that these were just basically more in the line of charitable giving that most tribes would give on a piecemeal basis. They've committed to those payments. He added that it also provides a little more flexibility with a couple of those charitable payments in which really the City didn't have a need for that specific area for payments in because of the 11 years that have passed. They also affirm that the MOU remains in effect.

Mr. Mayer stated that as they know, they first anticipated their compact, an agreement between the state and the Tribe. First Governor Schwarzenegger signed a contract with the Tribe then Governor Brown did. They got that through the legislature once the land was in trust. He advised that has been overturned by referendum. They have since negotiated again with the state. He noted that they couldn't enter into an agreement with the Tribe because of the referendum but the terms if they look at what they call secretarial procedures are very similar to what was in the terms of the compact. He stated that the City of Madera agreement is actually expressly incorporated into those secretarial procedures and needs to be abided by not only pursuant to the terms of the City MOU but also to the secretarial procedures. He added that the state is going to be the primary regulator of those regulations that are in the procedures.

Mr. Mayer fast forwarded to today. He stated that a week ago they were celebrating about being ready to break ground. They received a very negative decision from the 5th District Court of Appeal. He stated that it is no surprise that they will be appealing that to the Supreme Court. They think there is a decent chance

that the Supreme Court will look at this because it directly conflicts with a decision made by the 3rd District Court of Appeal a couple months ago in another case.

Mr. Mayer stated that what he really wanted to tell them is that the project continues to move forward. They've been doing work on the design and development, the engineering, different traffic studies, different things that would need to be implemented when they are ready to go. He stated that this is a setback but the project is moving forward and they wanted to let the Council know that.

Scott Nielson stated he is an Executive Vice President in the Chief Development Officer Station Casinos. They've been working partnering with the Tribe since the beginning of the project. He just wanted to introduce himself and say hello to everyone. He also wanted to thank staff and the subcommittee for working so hard on putting this together, listening to the presentations that they had and responding as they have done. He commented that it has been very helpful and they appreciate it.

Mr. Nielson stated he wanted to reiterate as well that it was important to the Tribe to have these payments remain in the amounts that they are in the agreement but just to be given a bit of breathing room on the front end of the project in terms of when the payments would be made. He also wants to reiterate that they are committed to the project. They have suffered a setback mostly in terms of delaying the project unfortunately but, they are still very committed to moving forward and they look forward to breaking ground as soon as possible. He offered to answer any questions.

Mayor Medellin asked if there are any questions for Mr. Nielson or Mr. Mayer.

Council Member Oliver stated that in previous times when he has had the opportunity to meet with folks from the Tribe, they have definitely emphasized the importance of working with their local community. Although he understands that this MOU may not be the proper vehicle with which he asks this question, he would just like to see if they can elaborate or comment as far their commitments in the future to ensure local hires of residents in Madera as well as procurement for services, equipment, supplies, construction materials among their local businesses.

Mr. Mayer stated that is an excellent question. He commented that the 2004 County MOU has a requirement that they will be hiring, he can't remember the percentage, but there is a certain percentage of Madera County residents. He noted that in the City MOU there was also a requirement of a certain percentage of local hires. He stated that the Tribe, which is comprised of over 2,000 tribal citizens, many of them live in Madera and the immediate region; and employing those folks and local citizens here is what this project is. He added that initially it will be about providing jobs. In terms of hiring, for the construction phase, they have an agreement with the project labor agreement that they are bound by. He noted that is with the local Fresno, Madera, Kings, Tulare Union Building Trades. On the employment for permanent workers, as they have said, they've got certain goals to meet pursuant to both of the MOU's and there will be several training programs for local residents to learn. He stated that obviously there is no economic incentive to bring people from outside. They want people here. He added that this area has an educated workforce. They are excited about it and they think they provide some great service because of it.

Mr. Nielson added that they will be providing both a job fair and a vendor fair as they get closer to hiring for positions and also looking for vendors to fill certain roles. As a course of practice for them, they always look to local community for hiring. He noted that obviously there will be a few people that they will have to move in that have expertise in the casino industry but they certainly also train most of the team members, as they call them, from the local area.

Council Member Oliver encouraged as much coordination with various organizations like their Economic Development Commission which works with their existing business community which could possibly serve as a great expansion opportunity for many of their small businesses. Council Member Oliver stated for clarification that he understands the elements in this agreement with respect to the County agreement and asked if there is any language that specifies some of those local hiring percentages or is that going to be depicted in the project labor agreement, or has that been ironed out. He knows at one point he heard 50%

County residents and perhaps a number around 30% of City residents. He wants to know if that still exists today.

Mr. Mayer replied that for the employment it is already in the original MOU. On the construction hires, they are bound by the PLA (Project Labor Agreement) and they will be hiring as many people locally as possible. One of the things that you run into in a project of this size and this complexity and this expensive is that you go out to borrow \$200-\$300 million from a bank, you have to get that thing built quickly and having a sufficient labor pool is really super important with the experience necessary. They intend to hire as much locally but he can't guarantee that in all cases that will be the case because it will depend on what the economy is doing right now if the electrical workers have better higher paying jobs in San Jose at the time because the economy is booming, those kinds of things. He commented that they are clearly committed to that and as an assurance, it is obviously cheaper for the Tribe to hire locally than bringing people in so they are going to strive for that. He noted that the Tribal Council has always had that direction because these are two governments but they share the same folks.

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

Mr. Merchen added that the original MOU specifies that the County's MOU provides... a goal of 50% of new hires be County residents to the extent permitted by law...that the Tribal work in faith with the City to employ qualified residents in the City...the goal will be 33% of new hires from the County being residents of the City to the extent permitted...and that they will offer training programs to assist City residents to become qualified.

Council Member Oliver thanked Mr. Merchen for the clarification.

Mayor Medellin stated his appreciation to the Tribal representatives and staff, and asked if asked if there is anyone else wishing to speak.

Elaine Fink stated she is Tribal Council for North Fork Rancheria and with her is Gary Walker also with Tribal Council. She resides on Poy Aw Now Road in North Fork, California. She stated that Poy Aw Now is the word in their language for her great-grandmother Julia Capps' place or area. She commented that a long time ago in their language for each person's area, there was a specific Indian name so you would say that you are going away to Poy Aw Now saying you were going to Julia Capps' place. She says that because she wanted to let everybody know that Madera County is their home. Before there were state lines, county lines drawn, the Indians were all over the place but then they were centralized here is this area. She stated that the City is their neighbors. They are all neighbors. They want to do what is best for Madera. They want to see the growth. They want to see the economy. They want to see employment rise; all of that. They are committed and she just wanted to make that statement.

Mayor Medellin thanked Ms. Fink and asked if anyone else wishes to speak. No other comments were made and Mayor Medellin brought the item back to Council for any other questions, comments concerns. No other comments were made and Mayor Medellin announced he would entertain a motion.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-3, RES. NO. 16-214 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-214 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MADERA AND THE NORTH FORK RANCHERIA OF MONO INDIANS OF CALIFORNIA

Mayor Medellin thanked the Tribal representatives for being here.

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Consideration of a Resolution Approving Additional Water Conservation Rebate Programs

Public Works Operations Director Dave Randall stated tonight they are bringing two additional rebates to their existing rebate programs. He advised that both rebates are for graywater systems. They are systems that take water from sources such as laundry and utilize it for outside irrigation. He explained that the two rebates are basically a division between sort of the technical aspects. One set of rebates is what a homeowner might do on his own on a Saturday going out to a hardware store and getting some parts and working on his own. He stated that it is the type of project that does not require a building permit. They have put together, in addition to the rebate, a guide that sort of shows you what you need. They worked with the local hardware store here to get a parts list. If they price that out, it runs them about \$120. He stated that would basically put in a diverter in the plumbing necessary to take it from their laundry facilities, run it out through a wall and then disperse it into their yard. He added that there is a guide that tells them what they need to do to try to make that work and what not to do. Mr. Randall stated that the rebate proposed is 85% up to \$200. He noted that they can have more sophisticated ones and added that how much yard they want to take care of can drive that price up but, they thought that was a good medium price range.

Mr. Randall stated that the second type of rebate is the more complex one which can range. He noted that anytime they change the plumbing of their home, they will have to get a plumbing permit so they put that in a separate category. He explained that that can be something fairly simple or it can be something quite complex. He noted that there are homes that have systems that store water, that treat the water, that do all sorts of things. He stated that one of the issues with graywater on the simpler systems is that they can't store it. He commented that the material in that water will go bad and then you have problems there. He advised that on some of these other systems, some of them don't do that. They are just more distribution systems. They can be as simple as that parts list only they will have to cut into a wall for some plumbing interception. He advised that whenever they have to do that they will have to go to the Building Department. He noted that they will work with those people to get the appropriate parts. They will inspect the work and again, they are offering a rebate of 85% of the cost up to \$1,000 which is the same as they offer for turf replacement. Mr. Randall added that systems can really range. It can be a low end system or they can spend several thousand dollars on a high tech super graywater system but, they felt that sort of gave people an opportunity to consider including graywater as part of their water conservation efforts. Mr. Randall offered to answer any questions.

Council Member Rigby asked Mr. Randall to explain how one might go about getting the graywater system. He knows he has had several friends of his who are in the process of or recently installed graywater systems. He asked if this is something that will be available to somebody who might bring a receipt from say a year ago. He would hate to...

Mr. Randall responded that they have not made that retroactively. They have done that consistently on all of the rebates. They have to have a point and time somewhere when they start doing that.

Council Member Rigby stated he understands.

Mr. Randall added that they do put a caveat in the application. They ask for some photographs. They do that because they want to make sure that people sort of understand what they are getting into so that they're not inadvertently opening up a can of worms they don't understand....oh by the way, did you realize that you actually do need a building permit. They do that as sort of an initial thing and then based on the City information, they may actually go out and do an onsite inspection. He stated that again, that point is not to catch anybody at anything but just to make sure that what they are doing is not going to be a problem and that they can be successful. He noted that that is not always required. It would just be dependent on how

much information they give the City. They are not trying to make it so people have to have a whole set of plans and a bunch of knowledge. This should just be...I am doing this this weekend...this is what I plan to do and I am going to give you my receipt from everything...we will pay you your 85%. They are trying to keep it fairly simple, very straightforward for anybody to use versus the other side...we've got to get all those plans and get it right. He noted that Building knows all the real things that have to be looked at or won't be any health issues that would result from things like that.

Council Member Oliver asked what the estimated cost and time to process is for building permits.

Mr. Randall deferred to the Chief Building Official.

Chief Building Official Steve Woodworth replied that it is going to depend on the cost of the plumbing. They have set plumbing fees but they would have to have a submittal from the customer to figure out what those fees would be. They don't just have a blanket fee for plumbing. It depends on how much is involved with that. They take it case by case basis.

Council Member Oliver asked what he estimates the timeline to be in his experience.

Mr. Woodworth replied two to three weeks max for a review for that simple process.

Council Member Oliver stated they have talked about graywater systems before during their rebate discussions. He is just curious if any other plumbers, contractors have emerged that are interested or that have installed some of these systems. As they've mentioned, the last thing they want is people trying to MacGyver it themselves and create a disaster. He asked if anyone has locally...

Mr. Randall replied that they haven't found anyone that really got too excited about it. He noted that the way these rebates are set up though, if a local plumber wants to install the simple system for the...say they have an enterprising young plumber that needs some more work, he can charge for the parts and labor just like anybody else. It is a bill that will come to the City and the City will pay up to \$200 on that 85% range. He noted that there is opportunity there for them but no one's sort of jumped in and said...yeah, I see that as a hot market, I want to put a business plan based on this.

Council Member Oliver asked if the diverter is something they can go down to GBS and buy there.

Mr. Randall responded yes. He added that the City has a complete parts list and that all came from a local hardware store that he wouldn't name.

Council Member Oliver stated he knows they probably have a long list of requests for videos but, he thinks that this particular rebate program would be a great example to do a demonstration video perhaps in the spring geared up for summer so that maybe when folks are coming through the door filling out this permit or signaling that interest that City follows up with them and try to do a little demonstration so people can see some great examples.

Mr. Randall agreed that it would be a feel good moment.

Mayor Medellin agreed that is a great point and asked if there are any other questions.

Council Member Robinson stated that it would great because during the drought they had the median strips. They were complaining about the trees dying. If they can get some citizens to collaborate with the City, they have their graywater going right to the median strip for the trees. He stated that it is not good for the grass but for trees and bushes.

Mr. Randall commented that they never know. Someone may have a unique way to get to that. He noted that graywater is a great source to try to capture and as water gets more expensive and they get more pressure to conserve hopefully, they will see more cutting edge concepts. He added that they may have

noticed the water report in their consent item. There is a slight dip but, they are still up in the 20's so they are seeing conservation but, everybody would like to see that go up. They probably have seen the biggest political push sort of ebb but he thinks depending on what happens this winter, they may see a renewed interest from the state. When that happens, they will be back talking to the Council.

Mayor Medellin stated he likes that out of the box thinking, something to help.

Council Member Rodriguez referred to the concept of graywater and asked if it has sparked a lot of interest. He noted that another question that Council Member Oliver brought up is the cost so up to \$1,000. He asked what the cost of the permit, the cost of the inspection and what have you, would be. He asked if it really becomes a rebate or more of a cost to do this. He stated that the water preservation is something much bigger but, do they see a spark of interest in the community wanting to go this route.

Mr. Randall replied that in terms of the simple systems, he thinks there is a core of people that have interest in being minded to the preservation of water. For those people, it is something doable so when they provide them with a mechanism and some instructions, he thinks those people can make that happen. He noted that the other end is a little harder when they talk about the more sophisticated systems particularly when they start looking at what the rate of return on their investment is. He stated that there are a lot of companies out there offering systems. They are not flying off the shelf. He commented that it is hard to make the pencil sometimes. They never know, rebates such as the City's or maybe the state will come up with them, may help subsidize that issue. He added that as the technology grows, it may become more cost effective or as water goes up in price, it may have a better possibility. He noted that they have had interest from some of the local builders who have looked at them and they know about them but, there hasn't been a marked push into that market. It would be helpful if they could get them with something like this to start to offer this amenity when someone is having a home built or consider it but, he thinks that is going to take some time or just the construction industry become more comfortable with it and see some more success stories.

Council Member Rodriguez stated he is glad the City is taking that initiative to push for that incentive. He thinks that incentive would help in the cost of possibly the permits and inspections and what have you. At least they get them going and possibly find a different way of trying to preserve water and this would be a great way of doing so. He thanked Mr. Randall for the presentation.

Mayor Medellin stated he thinks Mr. Randall brings up an interesting point. They are looking at individual homeowners right now with trying to give them some sort of incentive to do so but, as they develop in the City of Madera, that they can offer those developers on the front end before the home is built either those incentives or rebates, he thinks, is what they really need to look at. He added that of course, those developers would love any kind of incentive that the City has to offer but, as that happens and they grow as a City, he thinks it is part of smart growth. He thanked Mr. Randall and stated his appreciation.

Mayor Medellin stated if there are no further questions or comments he would entertain a motion for action.

ON MOTION BY COUNCIL MEMBER RIGBY AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM E-1, RES. NO. 16-215 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-215 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ADDITIONAL REBATES FOR THE WATER CONSERVATION REBATE PROGRAM

E-2 Consideration of a Resolution Amending the City of Madera Classification Plan by Addition of a Tyler Munis Implementation Project Manager Job Description and Setting the Rate of Compensation for the Position

Director of Financial Services Wendy Silva stated this item is a request for an internal position that would be dedicated as a full time project manager on the Tyler Munis Implementation Project. She commented

that the Project Manager role was initially filled by Ted Uyesaka, the Information Systems (IS) Manager, and if they called him today, he would tell them that it was a real big struggle to both manage the project and be the IS Manager at the same time. She noted that Mr. Uyesaka succeeded because he had a long tenure with the City that he had a lot of background that helped him do some of this but. it was getting harder and harder.

Ms. Silva advised that they do have an internal project team that consists of David Tooley, David Merchen, Tim Przybyla, herself, and Mr. Uyesaka was on that. She noted that is more of a policy level integration of the product team. What they need is a project manager. She advised that that individual's role includes contract administration, holding the vendor accountable, holding internal staff accountable, advocating for the City with the vendor when they are not getting what they need or maybe they need more than they initially thought they did; working out all of those issues.

Ms. Silva stated that once Mr. Uyesaka had submitted his resignation because of the opportunity he had at Community Regional, they explored the option of contracting out. They had several firms that said...hey we can do this for you. Then when they got to the numbers, the quotes came in about \$400,000 to finish the project. They had a little sticker shock and they fell back and regrouped and said...that is not really going to happen...that is not a great recommendation to make to Council. They said, how can we do this internally because as Mr. Uyesaka experienced, it is really hard to do the full time job you already have and add in a job that is really a second full time job especially on a project that is estimated to last about three years. She commented that you can do that in short bouts but, you really burn yourself out when you are doing it over a period that long.

Ms. Silva stated that they talked about having a dedicated project manager internally and then using some backfilling through out of class assignments meaning giving someone an opportunity to try a classification in the Civil Service System that is maybe not their normal job, it is maybe a higher skill set, it is something that they can learn to do so it helps them out and it helps the City out. They estimate, looking at compensation for the project management position, base salary for that is around \$81,000 and total comp, that is all the salary benefits, retirement, etc., is right around \$133,600 for that. She stated that is a little bit cheaper than that \$400,000 contracting out option.

Ms. Silva stated then there would be that trickledown effect of the out of class assignment. She advised that some of those are going to have to be salary savings because the out of class may be at a lower step than the person that was budgeted in the position. Eventually they might get down to some additional part time hires at the entry level.

Ms. Silva stated that the item before them tonight is to request approval of the specific job description for the project manager. She noted that the position is specific to the implementation project and will cease to exist once they get through the implementation and they sign off on all the documentation with that vendor that yes the project is complete. She added that it will be a temporary out of class assignment and once the project is complete, everyone would then shuffle back down to their usual and customary job that they have under the civil service system.

Ms. Silva stated that if approved, they will move as quickly as possible to fill this and then post the out of class assignments. They will give people an opportunity to express their interest and then any necessary budget adjustments, once they figure out who would get what assignment, they would bring with the midyear budget. Ms. Silva offered to answer any questions/concerns.

Mayor Medellin commented that what she is saying is that Mr. Uyesaka is sorely missed.

Ms. Silva said she could tell them that while Mr. Tooley was gone, she got IS and she gave it back to him when he came back to work. She acknowledged that they miss Mr. Uyesaka a lot.

Mayor Medellin agreed that they do as an employee and as a person. He asked if there are any questions. No questions were asked and Mayor Medellin announced that he would entertain a motion for action.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM E-2, RES. NO. 16-216 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES NO. 16-216 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 THE TYLER MUNIS IMPLEMENTATION PROJECT MANAGER

E-3 Request for Direction Regarding Council Meeting Scheduled 1/18/17

City Clerk Sonia Alvarez advised that they have four Council Members scheduled to attend the League of California Cities New Mayor and Council Members Academy January 18th through the 20th. Ms. Alvarez advised that they have a regular council meeting scheduled January 18th and with four members out they will not have a quorum.

Ms. Alvarez requested direction to cancel that meeting. She added that at this time they do not anticipate a need to schedule a special meeting in place of that but, if in January they determine that there is a need, then they can schedule accordingly.

Mayor Medellin stated that is what he would like to do. Right now there is nothing pressing for the 18th and rather than reschedule, if it is a light schedule, and they do have a meeting on the 4th so at that time, if there is something pressing that comes up that they will need a special meeting, they could announce it then. He asked if that would ok.

Ms. Alvarez replied that is correct.

Mayor Medellin asked if Council has anything to add and if they are ok with that.

Council concurred.

F. COUNCIL REPORTS

Council Member Holley thanked the Redevelopment Agency for coming out to school last week and giving out coats and jackets to all the little kids.

Council Member Holley reported that he and two of his colleagues had a chance to go to Mid Valley Disposal's luncheon. He thought that was very neat. He added that it was way out in no man's land. He wished everybody a happy holiday season.

Council Member Oliver reported that yesterday evening the Madera Young Professionals group got together. They had another networking mixer at the Madera County Courthouse Museum. In preparation of that event, they discussed, as a group, different agencies or organizations that are doing good work that they would like to showcase or highlight at those mixers. He commented that at yesterday's event they had Kirsten Gross with the Madera County Animal Shelter give a presentation as to the services that they provide, pet adoption, especially during the holiday season. He actually got a chance to take the opportunity to tour the animal shelter with Ms. Gross. He thinks the last time that he had been there was probably in elementary school during a class tour but, he would have to say that he was very impressed and walked away very informed. He noted that although it is a County facility, he did learn that roughly one-third of the animals that they intake at times come from the City limits and there is also a great degree of coordination with their Animal Control staff at the PD (Police Department). He commented that Ms. Gross shared some interesting data and feedback as to their local efforts with kind of the changing how they approach community and feral cats. By decreasing the intake of those animals, they have been able to achieve a 90% rate where they are able to re-home or rescue those animals which technically defines them as a no kill shelter. She proudly shared that they have been able to achieve that over the last three months. Council

Member Oliver stated that it was also kind of strategic too. He has been thinking about getting a new dog for his mom so he used it as an opportunity to check out the grounds there. He just wanted to highlight that because he was really impressed and he thinks that definitely at neighborhood watch they often times bring in their Animal Control officers to speak with the neighbors in their neighborhood watch teams. He thinks it would be advantageous to include representatives of their shelter as well to provide some helpful tips especially during the cold winter months. He stated that it was very, very educational.

Mayor Medellin advised that he would move to the Mayor's appointments first and then he will give his report.

F-1 Mayor's Appointments to Outside Boards

Mayor Medellin thanked his colleagues for taking his call over the last couple of days and discussing the appointments over the last few years. He thanked them so much for their time on serving on these boards. He commented that some people think that the Council meets two or three times a month when in fact, they have additional meetings and additional things that they do. Mayor Medellin made the following appointments.

COMMITTEE	APPOINTMENTS
Central California Women's Facility (CCWF) Citizens Advisory Board And Valley State Prison (VSP)	Primary: Derek Robinson Alternate: Donald Holley
Madera County Local Child Care and Development Planning Council (LPC) Steering Committee	Primary: Jose Rodriguez Alternate: Donald Holley
Community Action Partnership of Madera Co. Inc. (CAPMC)	Primary: Cece Foley Gallegos Alternate: Jose Rodriguez
Madera County Economic Development Commission (EDC)	Primary: Charles Rigby Alternate: Cece Foley Gallegos
Madera County Transportation Commission (MCTC)	Primary: Andrew Medellin Primary: Will Oliver Alternate: Charles Rigby
San Joaquin River Conservancy	Primary: Will Oliver Alternate: Derek Robinson

[continued on next page]

<u>City Selection Committee Appointments</u>	
The Mayors of Madera and Chowchilla serve on this committee. The City Selection Committee is administered by the Madera County Clerk of the Board. The City Selection Committee meets as needed to make appointments to LAFCO and SJVAPCD Citizen Advisory Committee.	
LAFCO – Local Agency Formation Commission	Madera City Primary: Andy Medellin (term ending 1/31/20) Chowchilla City Primary: Waseem Ahmed (term ending 1/31/20) Alternate: Richard Walker, City of Chowchilla (term ending 1/31/20)
San Joaquin Valley Air Pollution Control District Citizen Advisory Board (SJVAPCD)	Primary: Dennis Haworth City of Chowchilla Council Member (term ends 1/31/19)
<u>SJVAPCD Special City Selection Committee</u> – Valley-wide Special City Selection Committee is charged with making appointments of city representatives to the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) Governing Board.	
SJVAPCD Special City Selection Committee – The valley-wide Special City Selection Committee is charged with making appointments of city representatives to the SJVAPCD Governing Board.	Primary: Derek Robinson Alternate: Will Oliver
San Joaquin Valley Air Pollution Control District Governing Board (Currently there are no members of the Madera City Council serving on this due to the SJVAPCD’s rotational process.)	Council Member David Ayers, City of Hanford (term ends 12/31/17) Note: Appointments are made by the SJVAPCD Special City Selection Committee. (SJVAPCD Central Region – Small City Rotation)

Mayor Medellin thanked the Council Members for accepting the appointments and for their service. He added that a thank you was mentioned before with a couple of subcommittees which consisted of himself with Councilman Rigby and Councilman Holley. These were for a couple of issues like the Love’s Travel Center as well as the casino. They put in quite a bit of time but nothing like what their staff has done and this is above and beyond. There were some thank yous and appreciation at the podium so he would like to extend that appreciation to all staff for everything that they do all year long and their dedication to Madera. He stated that as a token, Mayor Clause has brought some coffee cups that say Madera Proud because regardless of where they live, they all work here in Madera and he can tell by working with each and every one of them that they are very proud to work here in Madera. He asked that they drink with pride. He noted that what they put in it is entirely up to them and expressed a thank you very much for everything they do, a Merry Christmas and Happy New Year.

Mayor Medellin stated that he also provided a tumbler that says Madera Proud to his colleagues and what they put in it is entirely up to them. He thanked them for their time served on the Council. He stated that sometimes it is a thankless job and working with each and every one of them, he can appreciate their efforts and he knows how proud they are to serve the City of Madera. He stated that it is just a small token of his appreciation. He wished them a Merry Christmas and Happy New Year.

Mayor Medellin called for closed session.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session on two items pursuant to Government Code Section 54956.9 in one case as described under item G-2; and pursuant to Government Code Section 54956.9 in once case as described under item G-3.

The Council adjourned to closed session at 7:46 p.m.

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

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

G-3 Conference with Legal Counsel – Existing Litigation. Subdivision (d)(1) of Government Code §54956.9

One case: Junaid Lateef v. City of Madera et al
1:16-at-00828

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 8:41 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session on two items pursuant to Government Code Section 54956.9 in one case as described under item G-2 and reported that no reportable action was taken; and pursuant to Government Code Section 54956.9 in once case as described under item G-3 and reported that no reportable action was taken.

ADJOURNMENT

The meeting was adjourned by Mayor Medellin at 8:42 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

