

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

May 4, 2016  
6:00 p.m.

Council Chambers  
City Hall

### **CALL TO ORDER**

The regular meeting for 05/04/16 was called to order by Mayor Poythress at 6:00 p.m.

### **ROLL CALL:**

**Present:** Mayor Robert L. Poythress  
Mayor Pro Tem Charles F. Rigby  
Council Member Donald E. Holley (Arrived 6:08 pm)  
Council Member Andrew J. Medellin  
Council Member Derek O. Robinson Sr.  
Council Member William Oliver

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Parks and Community Services Mary Anne Seay, Director of Human Resources Wendy Silva, Chief Building Official Steve Woodworth, Information Services Manager Ted Uyesaka, Planning Manager Chris Boyle, and Commander Dino Lawson

**INVOCATION:** Pastor Tim McGraw, Yosemite Christian Center

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

### **PUBLIC COMMENT:**

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

Mary Diebert, PG&E representative, residing in Madera, CA notified the Council that this is her farewell. Isaias Franco will be the new PG&E representative. Ms. Diebert gave thanks for the last 8+ years that she's worked with staff and stated that it's been great. She will continue to report street lights for the town of Madera. Ms. Diebert stated that she has taken a strictly agricultural role as an Account Manager. She is still in town and she will still help Mr. Franco with local things and working with their division team to help keep Madera number 1. Ms. Diebert stated that she will still be helping Christina Herrera in RDA (Successor Agency to the former Redevelopment Agency) with reporting street lights and helping out with the shoes and those type of things.

## **PRESENTATIONS**      Recyclers of the Year Award

Mayor Poythress stated that they have an opportunity for a presentation this evening and invited Annette Kwock who was formerly with the City of Madera and is now with Mid Valley Disposal.

Annette Kwock introduced her bosses, Shaun Kalpakof and Jeremy Gorman. Ms. Kwock stated that this is the fun part of her job. They will talk about the two business that received "Recyclers of the Year".

Ms. Kwock stated that there is a small tortilla factory in Madera. La Rosa Tortilla factory is located on Nobel Street and they began in 2008. The business currently has 85 employees and average 20,000 tortillas a day. Ms. Kwock gave a brief overview of the facility. They have friendly hard-working staff. The site has (2) 6 yard recycle bins, a food waste bin and grease recycling which is serviced once a week. Ms. Kwock congratulated the City of Madera's Small Business Recycler of the Year, La Rosa Tortilla. Ms. Kwock stated that Madera Unified School District (MUSD) will receive a \$2,500 donation in La Rosa Tortilla's name from Mid Valley Disposal next week at the MUSD Board meeting. Raul Orozco, General Manager of La Rosa Tortilla was asked to come to the front of the room.

Mayor Poythress presented Mr. Orozco with a plaque on behalf of the City of Madera and Mid Valley Disposal for their efforts and for the benefit of City of Madera and the school district.

Annette Kwock announced that the Large Business Recycler of the Year award went to Pacific Gas and Electric (PG&E). Ms. Kwock stated that PG&E was incorporated in California in 1905 and is one of the largest combination natural gas and electric utilities in the United States. The company is based in San Francisco and is a subsidiary PG&E corporation. They have approximately 20,000 employees who carry out their company's primary business. Ms. Kwock gave an overview of PG&E's Madera office which is located on Airport Drive. They have a recycling bin at the end of each desk. They have a tiny trash can (as everything else should be recyclable). They have a large roll-off bin for metal, blue bin for office recycling, 2 large roll-offs for cardboard and wood. Treated wood gets sent to a facility. Part of their recycling efforts include asking her to "tailgate" and to instruct their workers on the best way to divert. Ms. Kwock congratulated City of Madera's Large Business Recycler of the Year, Pacific Gas and Electric and stated that Madera Unified School District (MUSD) will also receive a \$2,500 donation in PG&E's name from Mid Valley Disposal. Richard Garcia, Yosemite Division Senior Manager; Mary Diebert, Customer Relations Manager and Thomas Vaughns, Facilities Services Senior Manager were asked to come to the front of the room.

Mayor Poythress presented Mr. Garcia, Ms. Diebert and Mr. Vaughns with a plaque on behalf of the City of Madera and Mid Valley Disposal with special thanks from Madera Unified School District.

Annette Kwock thanked the Council for giving Mid Valley Disposal the opportunity to present the Recyclers of the Year.

### **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      Weekly Water Conservation Report 4/18/16-4/24/16 (Report by Dave Randall)

- B-4 Consideration of a Resolution Approving the Award of Contract for Centennial Park Inclusive Playground City of Madera Project No. PK 61, in the Amount of \$289,545.31 for Base Bid, and Including Additive Alternate No. 1 in the Amount of \$11,760.00, Additive Alternate No. 2 in the Amount of \$4,905.61, Additive Alternate No. 3 in the Amount of \$3,653.97, Additive Alternate No. 4 in the Amount of \$3,098.55, Additive Alternate No. 5 in the Amount of \$3992.80 for a Total Contract of \$316,956.24 to Truxell & Valentino Landscape Development Inc, Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 10% as Approved by the City Engineer 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 2015/16 Budget for the Centennial Park Inclusive Playground Project City of Madera Project No. PK 61 (Report by Keith Helmuth)

- B-5 Consideration of a Resolution Approving the Award of Contract for Surface Seals at Various Streets City Project No. ST 16-01, in the Amount of \$301,400.35 for the Base Bid, and Add Alternate No. 1 in the Amount of \$140,819.50, for a Total Contract of \$442,219.85 to Talley Oil Inc, Authorizing Construction Contingencies of Up to 20% and Construction Inspection and Management of Up to 5% as Approved by the City Engineer, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Keith Helmuth)
- B-6 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving the Submission of Documents to Expedite an Award of FY 2015-16 California Transit Security Grant Program Proposition 1B Funds and Authorizing the City Administrator to Execute for and on Behalf of the City of Madera Any Documents or Take Actions Necessary for the Purpose of Obtaining Financial Assistance Provided by the California Governor's Office of Emergency Services (Report by Sonia Hall)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by Sally Frazier (Report by Wendy Silva)
- B-8 Consideration of a Minute Order Rejecting a Claim filed by Dennis Thurston (Report by Wendy Silva)
- B-9 Consideration of a Resolution Approving an Agreement with Devastating Pyrotechnics, LLC for Operation of the 2016, 4<sup>th</sup> of July Fireworks Show and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)
- B-10 Consideration of a Resolution Renewing an Agreement for Network Services with Comcast Business Services LLC and Authorizing the Mayor to Execute the Agreement and Authorizing the City Administrator, or their Designee, to Approve Proposals and Scopes of Work as Contemplated in the Agreement (Report by Ted Uyesaka)

Mayor Poythress asked if there are any consent calendar items that a Council person would like to have pulled for further discussion. Seeing none, Mayor Poythress asked for a motion for action on the Consent Calendar.

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

**RES. NO. 16-55      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR CENTENNIAL**

PARK INCLUSIVE PLAYGROUND PROJECT CITY OF MADERA PROJECT NO. PK 61, IN THE AMOUNT OF \$289,545.31 FOR BASE BID, AND INCLUDING ADDITIVE ALTERNATE NO. 1 IN THE AMOUNT OF \$11,760.00, ADDITIVE ALTERNATE NO. 2 IN THE AMOUNT OF \$4,905.61, ADDITIVE ALTERNATE NO. 3 IN THE AMOUNT OF \$3,653.97, ADDITIVE ALTERNATE NO. 4 IN THE AMOUNT OF \$3,098.55, ADDITIVE ALTERNATE NO. 5 IN THE AMOUNT OF \$3,992.80 FOR A TOTAL CONTRACT OF \$316,956.24 TO TRUXELL & VALENTINO LANDSCAPE DEVELOPMENT INC, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 10% AS APPROVED BY THE CITY ENGINEER AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

RES. NO. 16-56      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2015/16 BUDGET FOR THE CENTENNIAL PARK INCLUSIVE PLAYGROUND PROJECT CITY OF MADERA PROJECT NO. PK 61

RES. NO. 16-57      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR SURFACE SEALS AT VARIOUS STREETS CITY PROJECT NO. ST 16-01 IN THE AMOUNT OF \$301,400.35 FOR THE BASE BID, AND INCLUDING ADD ALTERNATE NO. 1 IN THE AMOUNT OF \$140,819.50, FOR A TOTAL CONTRACT OF \$442,219.85 TO TALLEY OIL INC, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 20%, AND CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 5% AS APPROVED BY THE CITY ENGINEER, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY.

RES. NO. 16-58      A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE SUBMISSION OF DOCUMENTS TO EXPEDITE AN AWARD OF FY 2015-16 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM PROPOSITION 1B FUNDS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY DOCUMENTS OR TAKE ACTIONS NECESSARY FOR AND ON BEHALF OF THE CITY OF MADERA FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE PROVIDED BY THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

RES. NO. 16-59      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH DEVASTATING PYROTECHNICS, LLC FOR OPERATION OF THE 2016, 4TH OF JULY FIREWORKS SHOW AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 16-60      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT FOR NETWORK SERVICES WITH COMCAST BUSINESS SERVICES LLC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CITY ADMINISTRATOR, OR THEIR DESIGNEE, TO APPROVE PROPOSALS AND SCOPES OF WORK AS CONTEMPLATED IN THE AGREEMENT.

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

**C-1 A Continued Public Hearing in Consideration of an Appeal by Junaid Lateef of the Planning Commission Denial of Conditional Use Permit 2015-28, Conditional Use Permit 2015-29, Variance 2015-03 and Site Plan Review 2015-32**

**And**

**Consideration of a Resolution of Determination on Appeal (Report by Chris Boyle)**

Mayor Pro Tem Rigby declared a conflict of interest on Item C-1 and exited the room.

Chris Boyle Planning Manager, thanked the Council and stated that this is a continuation of an appeal hearing for two Conditional Use Permits, a Variance and a Site Plan Review that were originally at the Planning Commission in December and then heard at the April 6<sup>th</sup> City Council hearing. Mr. Boyle stated that at the April 6<sup>th</sup> hearing, the applicant proposed an alternative business model which included the establishment of an ethnic grocery store as opposed to a traditional convenience store and Council directed staff to craft conditions of approval reflective of the revised proposal. Staff worked with the applicant and applicant representatives, took feedback from other agencies including Madera's Health Department in relation to tobacco sales and created conditions of approval for their review. The conditions of approval are included as part of the resolution of determination. Staff received communication from the applicant yesterday where the applicant asked that three specific conditions of approval be reviewed.

- Condition 53: Sale of beer in no-less than 6-packs, 24 oz of imported and specialty craft beers.
  - The applicant requests that there be allowance for 3-packs and a 25 oz or less beers.

Currently, there are conditions of approval that are applied to all convenience stores which restrict the sale of single serving containers as a component of the business model, whether that is 32 oz. or 40 oz. In this case, the request would allow for the sale of individual 25 oz. Budweiser beers and 3-packs of Mexican branded beers as a component of their sales mix. Staff has not been providing for the sale of anything less than 6-packs in most cases. The nearby Dollar General has similar conditions of approval packages of no less than 6-pack or greater.

Mayor Poythress asked Mr. Boyle if there are any mini-marts that are allowed to sell single beers or 3-pack or less at this time.

Mr. Boyle replied that there are many stores within the City that have no restrictions on the types of beverages that are sold as a component of a liquor store or a convenience store and there has been an evolution of conditions of approval for the sale of alcohol beverages in the community. Mr. Boyle stated that in the past five years or so, generally off-sale types of uses there has been a fairly consistent application of that requirement. Stores like Rancho San Miguel, Walgreens or other convenience stores have those similar conditions of approval applied. Mr. Boyle stated that to answer the questions specifically, it hasn't been the case historically.

Mr. Boyle stated that the second concern was regarding:

- Condition 27: Prohibition of outdoor display of merchandise for sale.

Mr. Boyle stated that this is a specific call-out in the City's zoning designations which require a use permit for outdoor sales activities. For example, the City is currently processing a use permit for outdoor sales activities in association with a tire shop which wants to display rims and tires, etc. outdoors over the course

of their business day to help promote their sales. Mr. Boyle stated that, although not prohibited, the requirement of a use permit would be consistent with ordinance.

Mr. Boyle stated that the last concern was Condition 34, but staff believes the applicant is speaking in regards to Condition 36. Mr. Boyle stated that Condition 62 best speaks to the concern.

- Condition 62: A performance review of the Punjab ethnic grocery store shall be completed in six (6) months. Compliance with the conditions of approval and completion of all improvements required herein shall be confirmed at that time.

Mr. Boyle stated that there is a requirement to complete the requirements that are enclosed within the Use Permit whether that is improvements to the structure or the off-site improvement to right-of-way, water meters, etc. There are conditions of approval that asks for certain improvements to be made and in place at that six (6) month review.

Mr. Boyle stated that Condition 36 provides for a lesser performance standard regarding landscaping. Typically, the City places specific dates in performance standards. The one year call-out speaks to a condition of approval within site plan that states that the site plan shall be utilized within a one year's time, but a performance measure of a year isn't a reasonable standard to expect. Many communities might require all improvements to be made in advance of occupancy or the granting of a business license. Mr. Boyle stated that the City likes to be as business friendly as possible and because of that, some improvements are allowed more time to complete. Staff recommends, although does not require, that improvements to the structure and other improvements that might impede the logical doing of daily business be completed in advance of opening the business as those improvements retard sales when they try to complete them at a later date once the business has opened and established a clientele.

Mr. Boyle stated that applicable Condition 62 calls out a six (6) month performance standard.

Mr. Boyle completed his report and stated he would be happy to answer any questions.

Mayor Poythress asked if there were any questions for Mr. Boyle. Seeing none, Mayor Poythress opened the hearing for public comments.

Junaid Lateef of 300 W. Olive Avenue, Madera, CA thanked the Council Members and the Planning Department for doing a great job. Mr. Lateef stated that in regards to Condition 62, he is requesting a year to complete the site improvements as he likes the building as it is. Some of the improvements are going to cost him quite a bit of money and he would like to have as much time as possible to get those improvements done, but he is fine with whatever time is allowed.

Mr. Lateef stated that propane tanks are not normally stored inside. They are always outside.

Mr. Lateef stated that wanting to sell single beers is per customer demand and every store in town has them. Mr. Lateef stated that he'd agreed not to sell malt liquors and he is agreeing not to sell larger single containers, but in order for them to do well, they need to have the 25 oz. or less.

Council Member Oliver asked Mr. Lateef how many propane tanks were being considered and how much space would be used.

Mr. Lateef stated that he believes it's a 4x4 cage that holds 20 tanks.

Analie Manzano of 1109 Valley Way, Madera, CA stated that she is concerned regarding the selling of beer and tobacco as the site is so near to Madison Elementary School and the high school. She has children that will be attending high school next year. Ms. Manzano stated that there is already a store on Olive Avenue/Howard Road. Children in that area tend to walk home alone and that is one of her concerns.

Diane Sandoval of First 5 Madera County stated that she does not reside in Madera, however she does

provide tobacco education to the community and families who have children between the ages of 0 and 5. Their concern is that there is an oversaturation of convenience stores that already sell tobacco related products as well as alcohol. Ms. Sandoval stated that there are over 93 convenience stores within the city that sell those types of products. Madera City is not that large and if someone wanted to buy those products, they could simply go to another store. Ms. Sandoval stated that there are five stores in the area near this site that already sell alcohol and tobacco related products. The Gould Educational Center is about half a block away from this site. Madison Elementary School and the high school are about a block away from this site. Ms. Sandoval stated that everyone knows that children are highly susceptible to marketing. The FDA currently regulates products and they do restrict signage, however there is currently a Punjab ethnic food store on Country Club Drive that sells similar products to those proposed by Mr. Lateef and they do have signage in the front that indicates it is a smoke shop. Ms. Sandoval stated that she doesn't know what the regulations are or who monitors that, but signage is up. They definitely oppose the operation of another convenience store that sells those type of products.

Brenda Herrera, a Madera resident, stated she is also a coordinator of a health program called "Promotores de Salud". Ms. Herrera stated that they oppose a decision to have such a store sell tobacco or liquor near the schools. Aside from Madison Elementary School, there are other schools down Stadium Road. She stated that it goes against their efforts to educate people on healthier living to have a store so near to the schools they work with.

Veronica Tista stated she is a health promoter, mother and she has a student in high school. Ms. Tista stated that she is opposed to this store for the health of the community and because of its proximity to the schools. Ms. Tista asked who is going to make sure that they would not become a regular convenience store.

Debra Bernal with the Public Health Department on Road 28 in Madera, CA stated that she is a professional who works in Madera, but lives in Fresno. Ms. Bernal stated that Bruce (Bruce Evans of Solomon Saltsman & Jamieson, legal counsel for Johnny Lateef) just showed her what is being proposed at this time and believes that a lot of thought went into it and they are starting to align it with the City's Vision 2025, but Ms. Bernal wants the Council to think of the proposal. Cigarillos are still a part of the store's proposed inventory and cigarillos are targeted to youth. They are sold six for 99 cents, three for 99 cents or two for 99 cents. Ms. Bernal stated that the high school is right down the street and with names such as Fruit Fusion, Tropical Fruit Punch, "Who is the target audience of these products?" Ms. Bernal stated that they want to be careful not to go down a slippery slope of allowing one thing that is targeted to youth with prices and names. Ms. Bernal asked the Council to think of flavored tobacco and to think of their Vision 2025 for the City of Madera.

Myra Miranda with the Madera County Health Department located at 14215 Road 28, Madera, CA asked that they please keep in mind that stores in their community play an important role, not only economically but also the physical health of the community. Ms. Miranda stated that children are their future and they have students going into the store that are being constantly bombarded with advertisements and the children make habits early on that are going to affect them over a lifetime. Ms. Miranda stated that smoking is a habit that is hard to quit and asked that the following not be flavored: cigarillos, other smokeless tobacco such as Snooze, Snuff and chewing tobacco. Ms. Miranda stated that they are concerned with the health of the community.

Mayor Poythress asked if there were any members of the public who would like to address the Council on this item. Seeing none, he closed the public hearing and brought it back to Council for action.

Council Member Medellin stated that they have not addressed the appeal and he asked the City Attorney if this was part of the appeals process or if they were hearing an alternative to the original request.

Brent Richardson, City Attorney stated that if this was adopted they would be reversing the denial of the Planning Commission subject to the conditions or they could uphold the Planning Commission decision or modify it. Modification could be to allow some and not allow others. Mr. Richardson stated that this would effectively be overturning the Planning Commission decision subject to these revised conditions.

Council Member Medellin stated that to overturn the Planning Commission decision they would have to find faulty or error with their decision.

Mr. Richardson stated that they would have to find an error. There is language proposed in the resolution that states it is not detrimental to the health, safety and welfare and that there was an error in finding that pursuant to the new conditions.

Council Member Medellin stated that he had concerns.

- He doesn't like that the Planning Commission was given one particular issue and then during the appeal, the project became something totally different. He doesn't think that is fair to the Planning Commission at all.
- He believes that concerns they heard tonight were also heard at the Planning Commission which to him means that the Planning Commission took that into consideration with their decision.
- He is also concerned with the alternative proposal as it contradicts the CUPs (Conditional Use Permits) that they have in place.
- He is personally not a fan of massaging rules to make it work for individual businesses.
- They have conditions for a particular reason not necessarily to edit them to fit.
- He realizes that there are 18 of 20 licenses, but he is looking at city-wide and not necessarily just this neighborhood.
- He agrees that city-wide they have almost 100 convenience stores and that is too many in his opinion.
- He agrees with the Planning Commission and their decision that they feel that the closeness to schools, advertisement of beer and tobacco sales, with the detriment to the health, safety and welfare of the community. He cannot be in favor.

Council Member Oliver stated that it was apples and oranges between what Planning Commission looked at and what they have before them today. Council Member Oliver asked that the applicant or Chris Boyle, Planning Manager review some of the conditions regarding the prohibition of advertising or promotion of tobacco and alcoholic goods as he believes it would be advantageous for the public discussion today.

Bruce Evans of Solomon Saltsman & Jamieson located at 428 Culver Boulevard, Playa del Rey, CA spoke on behalf of Johnny Lateef. Mr. Evans stated that some of the speakers may not be aware of the additional conditions. Mr. Evans stated that what he was able to do for the Lateef family after he was retained subsequent to the Planning Commission hearing, was to articulate the business that they'd always intended which was a neighborhood ethnic market. It was never intended to be a typical convenience store of chips, snacks, soda pop and beer; that was not their model. Mr. Evans stated that he was able to work with Mr. Boyle and met with the City Attorney and they came up with some conditions to address staff issues and the concerns of the Planning Commission; the emphasis was the alcohol. Mr. Evans stated that this originally was a staff recommended approval for all but the beer and wine. They came up with the following:

- No advertising of alcohol or tobacco products.
- No cheap beer sales.
- No malt liquor.
- Alcohol behind the counter; not directly accessible to the public.

Mr. Evans stated that they agreed to all the additional conditions which didn't fundamentally alter the project. It just created sensible conditions that were consistent with what was worked out with staff. Mr. Evans stated that in regards to this being something different than what was proposed at the Planning Commission, they did not try to alter the conditions, his client just wanted clarification on would it prohibit having a propane tank and clarification on single sales. Mr. Evans stated that the issue with tobacco came up for the first time at the last hearing when the Public Health Department said no flavored tobacco. Mr. Evans stated that they took those comments as being well-founded, so they worked out a very detailed



condition with staff to basically eliminate the types of tobacco products that are marketed specifically to youth. Mr. Evans stated that after having looked at other CUPs, he is pretty sure that this would be the most restricted alcohol and tobacco retail location in Madera when you look at the totality of the conditions.

Council Member Medellin stated that his original notes show that this project was a cellular store with chips, sodas and snacks.

Mr. Evans stated that he didn't know what the project was before the Planning Commission hearing. He stated that he is speaking of the proposal that was submitted to the Planning Department for this application.

Council Member Oliver asked Chris Boyle, Planning Manager to outline some of those conditions.

Chris Boyle, Planning Manager stated that there are separate conditions relating to signage for tobacco and for alcohol.

- Tobacco – No promotional signage and/or displays promoting tobacco and/or tobacco related products shall be utilized in any way by the store. There isn't an allowance for placing any signage as it relates to tobacco either within the store or as a window treatment to be seen from the exterior of the store.
- Alcohol – No alcohol signage shall be utilized within the windows of the store, exterior of the store and no displays or signage shall be positioned in such a way within the interior of the store to be viewed from out of doors. Essentially it is a prohibition on promotional signage visible from the outside of the store.

Council Member Oliver asked if these conditions are consistent with zoning for traditional mini-mart liquor stores or are they specific to this use and specific business plan.

Mr. Boyle stated that these two conditions of approval are very unique to this use. Mr. Boyle stated that tobacco is a new requirement for a use permit and staff has been working hard in trying to identify what appropriate conditions of approval might be. Mr. Boyle stated that they would anticipate that this type of signage requirement may find its way into future use permits as it relates to tobacco sales. Staff has not implemented a requirement in terms of signage for the sale of alcoholic beverages within windows as a component of other use permits. They have relied on the Sign Ordinance of the City of Madera which has specific restrictions on the amount of window space that can be utilized.

Council Member Oliver stated:

- He thinks that this proposal is apples to oranges to what the Planning Commission initially heard.
- If he received that presentation and looked through the record, he would probably have many similar concerns and thoughts.
- He appreciates the community for providing input and local feedback.
- For him, it is a matter of precedence.
  - One of the reasons that the Planning Commission sided with the denial was that the nature of the business would impact the redevelopment of Bethard Square Shopping Center.
    - He believes that what is going to guide the development of Bethard Square is not necessarily businesses of preference that they might have at the time, but based on land use policies, the General Plan, market forces and co-tenants.
- The deviation in business plan is different (apples and oranges) but perhaps it goes far enough to not find fault but to correct some of those areas or concerns that the Planning Commission found.
  - Proximity to similar businesses, too many convenience stores in Madera.
  - If he was on the dais at the initial presentation, he might have come to the same agreement.
  - Proximity to schools, tobacco and alcohol within a mini-mart which attracts children which is a major walking route to and from school. He believes those are very valid points.
    - Perhaps they should have a greater discussion on policy as to their corridors of right-of-way adjacent to school site and the types of business that locate there.

- He believes that with the proposed signage restrictions and conditions which are unique and specific to this type of use, it might help correct concerns expressed.
- He believes that with Governor Brown's signage today of extending the legal age from 18 to 21 years to buy tobacco, he would hope that would help to offset that effect as well.

Council Member Oliver stated that he appreciates Council Member Medellin's comments. He thinks they are well warranted and they are very valid points, but this is apples and oranges. They've deviated a great deal as far as their business plan, their business use. He believes it may go far enough to address some of the concerns and objections that the Planning Commission issued at that time.

Mayor Poythress stated that he echoes Council Member Oliver's comments. He believes that the applicant has stepped up in addressing the concerns. Mayor Poythress stated that he hadn't known the City had 93 mini-mart/convenience stores. He stated that whatever influences are out there that would negatively impact children are there. It's going to happen. Mayor Poythress stated that this proposal wouldn't cause more issues it just divides the pie. The applicant has made a decision to go into this line of business and it's their right to do so if they believe they can make money. Mayor Poythress stated, as Council Member Oliver pointed out in regards to signage and other conditions, it could be a precedence that sets a new wave of restrictions or guidelines for these types of stores for the next applicants. He believes this is a step in the right direction.

Council Member Robinson stated that businesses opening up are a plus in regards to competition and lower prices. He stated that the advertising restriction would make it a close-knit customer base. It wouldn't be bright lights like Las Vegas. Council Member Robinson stated that he doesn't see a reason to cancel the proposal.

Johnny Lateef wanted to address Council Member Medellin's comment. Mr. Lateef stated that the stuff he suggested or added is not something he has to get. He is fine with the conditions that were submitted by the Planning Department previously, as well. Mr. Lateef stated that he is not a fan of signs advertising alcohol or tobacco. He stated that he is in the medical field so he knows their impact. Mr. Lateef stated that he had agreed not to have any kind of signage on the outside, windows or doors advertising alcohol or tobacco. Regarding the flavored stuff, Mr. Lateef stated that they had agreed on the electronic cigarettes, vapors and vape juices. He believes that is what attracts the kids or youth. Those products are marketed to the youth and he is agreeing to not sell those either.

Council Member Medellin stated that he is pro-business and he looks at the City of Madera as a whole. He stated that conditions are only as good as their enforcement. Council Member Medellin stated that starting today, they've basically shut down their Code Enforcement Department on every code in the City except for signage. That is what it is going to take to start at one end of the City and go to the other. Council Member Medellin stated that all convenience stores have the same ordinance that say they cannot do that (feathers, flags). It's an epidemic. Council Member Medellin stated that they were given the same set of conditions and now, here they are as a City, understaffed having to determine if they want to get mattresses and oil pans out of alley ways, weed abatement for the summer time or [take care of] signs. It gets to be so overwhelming and that is why businesses take advantage and put up signs, put up everything until the City goes and knocks on their doors knowing full well that it could be months before that happens. Council Member Medellin stated that restrictions are only as good as enforcement. Right now, they don't have somebody to come in and measure the amount of tobacco products. Council Member Medellin knows that a State officer does that and they are just as understaffed.

Mr. Lateef understands Council Member Medellin's enforcement concern and he would like to volunteer to bring photographs of his building every two months to a Council meeting for review. He doesn't have a problem with that.

Mr. Evans stated that a condition in this CUP (Conditional Use Permit), if approved, would be to review in six (6) months. Mr. Evans stated that other cities and what he would like to suggest in this case to address a lack of code enforcement resources would be to put an expiration date on the CUP. Council could grant

it for a one or two year term. Mr. Evans stated that puts the burden on Johnny Lateef at no cost to the City to apply to renew that CUP. He stated that Mr. Lateef would pay for the public notice and staff can review the conditions and it would be very easy for the City to remove the CUP.

Council Member Medellin stated that it still does not address why the Planning Commission denied the original application. They are still selling product.

Mr. Evans stated that after reviewing the staff report and the Planning Department summary of that Planning Commission hearing, they didn't like mini-marts. Mr. Evans stated that if this was a proposal for a mini-mart that looked like the photographs he brought previously, then he wouldn't want one in the neighborhood either. Mr. Lateef has proposed something that is conditioned to be something very different and that is very controlled and is not a standard mini-mart; it is an ethnic neighborhood market with very stringent controls on the alcohol and tobacco sales. Mr. Evans stated that is how the Council allows responsible development but still address the concerns of the neighborhood. Mr. Evans stated that the Council can set an expiration date on the CUP if they choose and Mr. Lateef would volunteer that [condition]. Mr. Evans stated that he understands the concerns, however there is nothing about those concerns that can't be addressed by appropriate conditions that were drafted by staff. The clarifications that Mr. Lateef asked for are pretty minor and, which he can live without, don't change that.

Council Member Holley asked Mr. Boyle if Mr. Lateef could open the business if tobacco and beer sales were not on the agenda.

Chris Boyle, Planning Manager stated that to open a food store would not require a conditional use permit. To repurpose the site would have required a Site Plan Review, but there would not have been any conditions of approval applicable to alcohol sales or tobacco under discretionary review.

Council Member Oliver asked if they would still require a parking Variance for the food store.

Mr. Boyle confirmed that it would have still required a Variance from the parking standards of the City.

Council Member Oliver stated:

- They are looking at two different proposals.
- He wishes that the applicant could have ironed out this business plan and put this together from the start.
- He believes this is an opportunity to create new precedent with future conditional use permits with respect to tobacco sales.
- He believes the City would be much better off if they had convenience stores in place that do not have that signage.
  - He doesn't believe they can pass a law today that would completely eliminate that.
- He agrees with Council Member Medellin that they are as good as their enforcement and it is not feasible to ensure that each and every business is abiding by each of their conditions of approval.
- He doesn't believe it is a good use of staff time to revisit that conditional use permit as it adds a lot of backlog and he doesn't think it's necessary.
- That what is put on paper is an agreement, to him, and he has to take them by their word.
- He would support moving forward and recommending the reverse of the Planning Commission's decision and appeal that decision concurrent with staff's recommended findings.

Mayor Poythress stated that was a motion and asked for a second.

Brent Richardson, City Attorney asked for clarification of the motion. Mr. Richardson asked if the motion was for the reversal of the Planning Commission decision.

Mayor Poythress stated that it was.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-1, MOTION FAILED BY A ROLL CALL VOTE OF 4-1. AYES: COUNCIL MEMBERS HOLLEY, OLIVER, ROBINSON AND MAYOR POYTHRESS. NOES: COUNCIL MEMBER MEDELLIN. ABSTENTION: MAYOR PRO TEM RIGBY**

*(After a roll call of the vote, Sonia Alvarez, City Clerk stated that the motion passed with a vote of 4-1. Brent Richardson, City Attorney clarified that the motion needed a vote of 5-7 to pass. Ms. Alvarez stated a correction for the record: Motion fails based on the requirements in the Municipal Code.)*

Mayor Pro Tem Rigby reentered the Council Chambers.

**C-2 Public Hearing and Consideration of a Resolution of the City Council Confirming Special Assessments for Delinquent Administrative Fines (Report by Brent Richardson)**

Brent Richardson, City Attorney stated that this is a hearing to confirm liens on unpaid administrative fines. Mr. Richardson asked that the 617 & 621 Deerwood Drive properties be removed from consideration as the fines were paid earlier today. He also stated that counsel for the Garfield property is in attendance.

Mayor Poythress opened the hearing for public comments.

Heather Stern stated she is an attorney with Parker Ibrahim & Burg located at 695 Town Center Drive - 16<sup>th</sup> Floor, Costa Mesa, CA 92626 and they represent JP Morgan Chase Bank. Chase is the owner of the property located at 1100 Garfield Avenue. There is a lien against this property of \$61,348 for consideration with the Council tonight. Ms. Stern asked the Council to refrain from imposing a lien at this time.

Ms. Stern thanked the City Attorney, City Clerk and City staff for working with her to compile documentation regarding this lien and also for working with her to continue the hearing on this matter as this was originally noticed for hearing for April 6<sup>th</sup>.

Ms. Stern stated:

- The Garfield property has been vacant for a long time and was foreclosed November 2012.
- At the time Chase acquired the property, it was already in violation since at least November 2011.
- According to the notices of record, it was in violation as a result of landscaping and security issues.
- The City also recorded another notice of continuing violation in the summer of 2012, again before the bank foreclosed in November 2012.
- At the time the bank foreclosed, the City has already assessed about \$17,000 in fines and late fees.
- Following foreclosure, the City continued to assess fines due primarily to landscaping issues.
- Although the notices were not specific, the City shared that what was being observed was high grass. The lawn was not being cut often enough and the presence of weeds.
- In March 2013, after the bank had caused additional work to be done on the grass, the City was asked to confirm that the property was in compliance.
  - During this time, the bank did have a vendor cutting the grass regularly.
  - The bank spoke specifically with Maribel Hernandez
  - Ms. Hernandez indicated that it was not in compliance due to the lawn not being maintained, but no other detail was provided.
- The bank again asked the vendor to cut the grass and again asked Ms. Hernandez to confirm it was in compliance.
  - Ms. Hernandez responded that the grass was cut, but lawn clippings needed to be picked up.
  - Fines were assessed.
- In April/May 2013, the City advised the bank that there were \$24,000+ in fines.
- The bank followed up and the City made some corrections for the fines and the City issued a

- revised demand of \$13,839.33, so about a \$10,000 discount.
- On July 2013, the bank paid the almost \$14,000 owed to the City.
- Even though the bank was communicating and obtaining the revised demand, Code Enforcement continued to assess fines on a weekly basis.
  - Beginning May 9, 2013, the City went out every week and assessed a fine of \$1,000 and then assessed \$100 late fee every time the \$1,000 was not paid.
- The fines were related to landscaping; it related to grass. Even though the bank had a vendor cutting the lawn regularly.
- What was communicated to the bank, was that the lawn was not green enough even though it was summer time and there were water restrictions imposed due to drought.
- By April 2014, the City took the position that the total fines at that time were \$42,974 and the Council was asked to confirm a lien which they did.
- That is aside from the lien that is in consideration tonight of \$61,000+.
- The City appears to have given the bank credit for the \$13,000+ as well as \$2,200 that the bank paid previous to that before it recorded the lien in April 2014.
  - The April 2014 lien does not appear to reflect the \$10,000+ adjustment that the City agreed to make in May 2013.
  - The April 2014 lien includes amounts imposed when the prior owner owned the property and before foreclosure occurred.
- They already have a \$42,974 lien against the property and now the Council is being asked to confirm more liens.

Ms. Stern referenced the \$61,348 on the agenda tonight:

- For 18 months, the City went out 3 or 4 times a month on average and imposed a \$1,000 lien every time they went out which was due primarily to landscaping.
- The notices are not specific.
- The bank was in communication with the City to try to bring the property into compliance.
- The issues that are constantly raised were that the grass was not green enough and that the site was not secure.
  - Further inquiry revealed a flimsy lock on the side gate, so they were asked to replace that with a more substantial gate. This was done and the gate is now padlocked.
- This property does not have significant police activity.
  - None of these issues have been life, health or safety issues.
    - For example: Traffic stop nearby, calls from neighbors regarding the property being occupied; police officers go out and report that the property is secure and there are no occupants.
- If the goal of the City is to see the property occupied, liens are not the way to do that.
- Notices of continuing violations which are of record and recorded against this property and have been continuously since 2011 also make it very challenging to sell the property.

Ms. Stern requests that the Council authorize the City Attorney to have a conversation with them to discuss a resolution of the issues that would take the liens off the property and would also take the notices of continuing violations off the property. Ms. Stern stated that the City doesn't seem to take the notices of continuing violations off even when the bank is responsive to the City's concerns. It is just not possible to market and sell the property when they have liens and notices of continuing violation.

Ms. Stern stated that if the Council is inclined to confirm the lien, in lieu of authorizing the City Attorney to discuss with them, then the other things she would like to discuss had to do with the landscaping requirements under code.

Ms. Stern stated that they asked early on to be able to install desert landscaping as it would not require water to be on, would not require regular trimming and would be able to be maintained. She stated that they would continue to have a local agent conducting the regular inspections and be accessible and

available for any issues that arise with the desert landscaping. She would be responsive to any concerns about the desert landscaping on a go-forward basis. The City Attorney has her contact information.

Ms. Stern stated that it was shared with them that under Code Enforcement's interpretation of desert landscaping, it is not appropriate and a lawn is required. Code Enforcement even took this position after the lawn had died. Ms. Stern stated that in order for the lawn to happen again, new sod would have to be installed. The problem with that is that they are only allowed to water twice a week and new sod will not "take".

Ms. Stern asked that Council provide direction to Code Enforcement that desert landscaping is acceptable in order to resolve issues going forward. She believes that very nice desert landscaping could be installed that would be consistent with the neighborhood and the community. Ms. Stern stated that she doesn't think that would resolve the issue of trying to get the property sold.

Ms. Stern stated that in other properties, the bank has seen that it creates more problems than it solves when the water is on, because the water being on is an invitation to vagrants and trespassers to come in and use that water for their own purposes. Ms. Stern stated that having the water on also causes vandalism. People who are upset at the bank, house, property, etc., take water and cause vandalism and property destruction. It hasn't happened here, but it is another reason they request desert landscaping. Ms. Stern stated that they believe it is consistent with code, however Code Enforcement has taken another viewpoint of that and if Council is in favor of desert landscaping, then direction to staff in that regard would be appreciated.

Ms. Stern concluded that the issues with the property were never life, health or safety issues. They were primarily landscaping issues with the exception on one security issue having to do with a side gate. They believe the fines to be excessive when they consider the whole picture. Ms. Stern asked that the Council authorize the City Attorney to work with them on those things so that the property can be sold. They think it can be sold within 120 days once the title issues are cleared.

Mayor Poythress asked Brent Richardson City Attorney if an appeal hearing had been held. Mr. Richardson stated that there had not been an appeal hearing in regards to the citations.

Council Member Oliver stated that the City takes the drought seriously and they have a turf replacement rebate program that they would encourage the Public Works Director to share with Ms. Stern. The property owner may be eligible for an incentive to replace viable turf with xeriscape or desert landscape that meets the City's guidelines and objectives.

Mayor Pro Tem Rigby asked that Viola Rodriguez step up to the podium in order to address some of the enforced codes and to clarify some of the landscaping issues.

Viola Rodriguez, Neighborhood Preservation Supervisor and Maribel Hernandez, Neighborhood Preservation Specialist II addressed the Council. Ms. Rodriguez stated that they appreciate the comments made by the attorney for the owner of the property, however the condition of property was presented in a way that minimized the conditions and the situations that surrounded this property. Ms. Rodriguez stated that the citations are approved by the City Council based on City ordinances. The issues involved more than just the lack of landscaping. Some of the issues included: a portion of a missing side fence, an open gate, and although the Police Department reports don't indicate an arrest, the next door neighbors were reporting issues.

Ms. Hernandez stated that she did weekly inspections on this property and almost on a weekly basis, was stopped by neighbors complaining about the property. There was a lot of pressure from the neighborhood to do something about this property. Ms. Hernandez stated that she is not sure who advised the attorney that they'd spoken to her, but she didn't have any contact with anybody until the end. She does know that previous legal counsel reached out to the previous Neighborhood Preservation Supervisor and counsel asked some questions. Ms. Hernandez stated that the citations and notices are very specific and very

detailed and if someone were to ask for detailed specifics, she would definitely give that to them.

Mayor Pro Tem Rigby asked Ms. Hernandez where the attorney's client would have gotten the understanding that the City is anti-drought friendly landscape and was that part of the City's ordinance.

Ms. Hernandez stated that they were addressing dead lawns prior to the drought situation. Once they got direction from the City Council to stop addressing dead lawns, they stopped. Now, they address overgrown vegetation.

Council Member Medellin stated there was specific direction and it was to address unsecured windows, unsecured fences, locks, overgrown weeds and yellow grass, because that invited squatters and vagrants. Council Member Medellin stated that if anyone of them lived next door to a house like that, they would definitely call. He stated that, unfortunately, it is the neighborhood that suffers and the neighbors have to put up with the situation. It is not fair and that is why the City Council imposed that direction.

Ms. Hernandez stated that she was constantly asked what she was doing about the situation. She was told how they had to chase somebody out. Ms. Hernandez stated that it was unfortunate that people left once the Police Department arrived, but the neighbors had concerns whether they heard voices or not. Ms. Hernandez stated that she is a public servant and she had to address those situations.

Council Member Medellin stated that it's been four years; it's been too long.

Mayor Poythress asked if there were any members of the public who wished to address the Council on this item. Seeing none, the public hearing was closed and Mayor Poythress asked for a motion for action.

**ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER MEDELLIN, ITEM C-2, RES. NO. 16-61 WAS ADOPTED WITH THE EXCLUSION OF THE TWO DEERWOOD DRIVE PROPERTIES UNANIMOUSLY BY A VOTE OF 6-0.**

**RES. NO. 16-61                      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA  
CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT  
ADMINISTRATIVE FINES.**

**D.        WRITTEN COMMUNICATIONS**

There are no items for this section.

**E.        ADMINISTRATIVE REPORTS**

**E-1        Presentation of the Preliminary City of Madera Enterprise Fund Budgets for Fiscal  
Year 2016/2017 (Report by Tim Przybyla)**

Tim Przybyla, Director of Financial Services stated that he would be giving a brief presentation of the preliminary City of Madera Enterprise Fund budgets for FY 16/17. Mr. Przybyla stated that these are the highlights:

**Major Enterprise Fund Highlights**

- Sewer is projecting a slight surplus even with a \$221,000 of capital outlay expenditures.
- Solid Waste is projecting a \$242,000 deficit with anticipated reductions in the fund balance. This was planned to keep the Solid Waste rates as they are.
- Water is projecting a \$1.3 million deficit with a \$2.8 million in capital outlay. There is not an operating deficit there. It is caused by the capitals outlay not operations.
- Drainage is projecting \$125,000 deficit and will make some budget changes prior to the final budget.

- Total Major Enterprise budget requests are down about \$24,000 as compared to the FY 15/16 budget due primarily to reduced capital outlay projects in FY 16/17.
- Rate increases have made a huge impact on the Water and Sewer budgets and will help the City complete the much needed capital deferred maintenance projects over the next few years.
- Sewer Fund working capital has gone down in the last few years and it is projected to slightly increase in FY 16/17.
- Solid Waste working capital is going down, but that is according to plans.
- Water working capital is going down, but they have significant capital projects coming up in the Water fund.
- Drainage working capital is going to take a little bit of work. Staff is going to work on reducing some of the costs in that budget. City is not able to increase the rates easily and the City has not done that at this point. The working capital is going negative. Under \$200,000 is projected in FY 16/17. Staff will work on reducing some of that deficit.

### **Non-Major Enterprise Fund Highlights**

- Airport fund is projecting a \$51,000 surplus which will be set aside for future capital improvements.
- Golf Course fund is balanced.
- Dial-A-Ride and the fixed route transportation funds should be balanced, so staff needs to make some corrections before the final budget presentation.

Mr. Przybyla introduced the new Grants Administrator, Ivette Iraheta. They are very happy to have her; she started Monday of this week.

- The total non-major enterprise fund requests are down about 20% from the prior year's budgets due primarily to less capital outlay requests.

Mr. Przybyla stated that this report is informational only and no action is required. This is the second preliminary presentation. The General Fund and other remaining preliminary budgets may be presented at the May 18<sup>th</sup> City Council meeting depending on staff's workload due to ERP conversion. Staff will do their best to get it presented as soon as possible. Mr. Przybyla stated that a budget workshop is scheduled sometime in June and the final budget could be presented to Council for consideration for approval in June or possibly July. Mr. Przybyla stated he would happy to answer any questions.

Council Member Oliver stated that Council discussed potential rate increases to Enterprise funds last year and central to that were the City's debt obligations and bonded covenants with a coverage goal of 120%. Council Member Oliver asked if Mr. Przybyla could give them an idea where the City was in reaching those goals or what the coverage ratios are today.

Mr. Przybyla stated that the City will meet those in the current fiscal year and in the future fiscal year. A rate stabilization fund was put into place in the prior year's budget, so the City can cover that ratio if needed. They should be "golden" going forward.

### **F. COUNCIL REPORTS**

Council Member Robinson stated that he attended the United Way Mission United 211 Call Center for Veterans on April 22<sup>nd</sup>.

Mayor Pro Tem Rigby stated that he had the opportunity to tour the Pomona Ranch migrant facility with Mayor Poythress and Council Member Oliver last Wednesday.

Council Member Holley stated that he attended the Sierra Vista migrant graduation. Council Member Holley stated Sierra Vista appreciated Mayor Poythress being in attendance.



Council Member Holley stated that Relay for Life was awesome. Jim Taubert gave a great speech. Council Member Holley would like someone from every department in the City to go out and be a part of the event. He believes that would show that the City shows great support for the event. Council Member Holley stated that Sonia Alvarez, City Clerk did a great job. He stated that they raised quite a bit, but he believes they could have done more if they could get all the departments involved.

Council Member Medellin addressed Keith Helmuth and stated that a couple of constituents have called him regarding a crosswalk on Yosemite Avenue. There are a couple of buildings on Vineyard and Yosemite Avenues that have constant pedestrian traffic and they asked if there is any way of getting the ball rolling for some sort of pedestrian crosswalk. Council Member Medellin stated that he knows Yosemite Avenue is Caltrans.

Keith Helmuth, City Engineer stated that Caltrans would be less receptive to crosswalks than he is. He is not typically receptive to them depending upon the location, but they can try.

Council Member Medellin stated that all he is asking for is input. He will bring it up before the Transportation Commission as well as Caltrans and they will see where they can go with that.

Mr. Helmuth stated that he would check it out and be there with Council Member Medellin.

Council Member Oliver stated he was glad to represent his colleges and the City at the California Association for Local Economic Development annual awards luncheon. He joined David Tooley, City Administrator and Bobby Kahn of the Economic Development Commission. King Hussein of Spain Construction received the Award of Excellence for Freedom Industrial Park which was the top award throughout the state.

Council Member Oliver stated that they had a neighborhood block party in his neighborhood of Sonora. He was joined by Council Member Medellin and his family. Council Member Oliver stated that they had over 30 people in attendance and great food. This block party was the first of its kind. Officer Bushéy was there to provide foot races and Council Member Oliver threw a football around. Everyone had a great time.

Council Member Oliver stated that this Friday the Police Department will have a Battle of the Badges Blood Drive. The event will be held from 10 or 11 am to 3 pm. Council Member Oliver asked that they support team Madera Police Department in donating blood.

Mayor Poythress stated that they have a breakfast tomorrow morning at 7 am.

Mayor Poythress announced that they would now move to the closed session.

Council Member Holley stated that he will be out of town next week.

## **G. CLOSED SESSION**

The Council adjourned to closed session at 7:32 pm.

### **G-1. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to California Government Code Section 54957.6**

Agency Designated Representatives: David Tooley and Wendy Silva

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

Brent Richardson City Attorney announced that the Council will adjourn to closed session pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators as described under item G-1.

The Council returned from closed session at 8:01 pm with all members present.

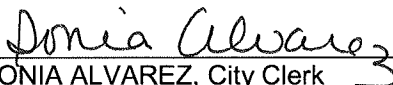
City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code Section 54957.6 to discuss conference with labor negotiators, as described under item G-1, and reported that no reportable action was taken.

### **ADJOURNMENT**

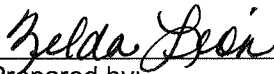
The meeting was adjourned by Mayor Poythress at 8:01 pm.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

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

  
\_\_\_\_\_  
SONIA ALVAREZ, City Clerk

  
\_\_\_\_\_  
ROBERT L. POYTHRESS, Mayor

  
\_\_\_\_\_  
Prepared by:  
ZELDA LEÓN, Deputy City Clerk

