



Item:	B-1
Minutes for:	05/17/17
Adopted:	03/07/18

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

**May 17, 2017  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

The regular meeting for 05/17/17 was called to order by Mayor Pro Tem Foley Gallegos at 6:00 p.m.

**ROLL CALL:**

**Present:** Mayor Pro Tem Cece Foley Gallegos, District 1  
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

**Absent:** Mayor Andrew J. Medellin  
Council Member Jose Rodriguez, District 2

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director David Randall, Chief of Police Steve Frazier, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Planning Manager Chris Boyle, Commander Dino Lawson, Grants Program Manager Jorge Rojas, Successor Agency Director Jim Taubert, Neighborhood Preservation Supervisor Viola Rodriguez, and Neighborhood Preservation Specialist Nick Salinas.

**INVOCATION:** Pastor Fred Thurman, New Life Assembly

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Foley Gallegos led in the Pledge of Allegiance.

**PUBLIC COMMENT:**

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

No comments were offered.

**PRESENTATIONS** Recognition of Madera High School Madtown Robotics Team  
2017 Central Valley Regional Robotics Competition Winner

Mayor Pro Tem Foley Gallegos invited Mr. Carrasco from the School District office team and Madera High Vice Principal Mr. Perez to come up. Also present are representatives from the Robotics Team.

Armando Correa with Madtown Robotics shared how their season went. They attended the Central Valley Regional held in Madera, the Davis Regional held at U.C. (University of California) Davis, and the World Championship held in Houston, Texas. They won the Central Valley Regional in Madera and they received the Engineering Inspiration Award which is a huge accomplishment. At the U.C. Davis Regional they had a bad match that knocked them out. In Houston, they got to the finals in their division but unfortunately there was a piece of tape that got stuck in their robot and they were unable to finish the match. They did win the Quality Award which is a huge accomplishment considering it is a championship level award.

Mr. Correa advised that they build a robot every year and they have six weeks to build it. There are about 25 students that dedicate their time. He noted that there is a lot of team work that goes into this and they try to find the best method of completing this year's game.

Grace Da Rocha touched on the highlights of this year and a few of their future plans. She is in charge of the outreach and community service in the community. They like to stay involved in the City and within Madera. They go to a lot of community events like Toys For Tots and Kids Day. They also do demos at schools such as George Washington, and the Cinco de Mayo Carnival. They have a demo scheduled at Monroe and ETAA (Ezequiel Tafoya Alvarado Academy).

Ms. Da Rocha noted that they are trying to establish robotics teams at each elementary school in Madera Unified. They started with George Washington and it was a great success and they will continue the program this year. They also plan on starting the program at four more schools. That was their largest accomplishment.

Ms. Da Rocha advised that they plan on doing a lot more outreach in the future. They will be at the Madera Fair again. They also plan to be at the Harvest Festival, the Pomegranate Festival and events such as Day in the Country.

Mayor Pro Tem Foley Gallegos announced that there will be a robot demonstration in the lobby. Mayor Pro Tem Foley Gallegos advised that she is a school teacher and her class got to see what they had to build and how, and how to get the ball in. She added that the program has been going on for several years.

Mayor Pro Tem Foley Gallegos invited Robotics Adviser Ranjit Chahal (R.C.) to come up. She recalls that they even had a student, when her son was in high school, who came up with a part of the robot that is now patented and has done very well for himself.

Robotics Adviser Ranjit Chahal (R.C.) stated his appreciation for having them here. He advised that they did very well this year. They were in the top 40 worldwide. Out of 4,000 teams across the U.S., China, Israel, Canada and Mexico, they were one of the best teams. Out of the Central Valley schools that went to Houston including Buchanan, Clovis North, Edison and a few other schools, Madera was the best school. He noted that it is great to see the Madera students doing fantastic work. The robot they will see is all student made. He added that the parts look pretty professional. He added that he and the students are available for questions as well.

Mayor Pro Tem Foley Gallegos invited everyone to the lobby for the demonstration.

Mr. Chahal narrated the demonstration.

Mayor Pro Tem Foley Gallegos thanked the Robotics Team for the demonstration.

Everyone returned the Council Chambers. On behalf of the Council and the City of Madera, Mayor Pro Tem Foley Gallegos congratulated the Robotics Team and asked each student to introduce themselves: Armando Correa, Grace Da Rocha, Isaac Duarte-Villa, John Akana, Bailey Vasquez, Daniel Chadwick,

Angel Olivera, Michaela DeLaTorre, Julian Hernandez, Daniel Gomez, Isabel Escobar, Joseph Reed, Taylor Anderson, Alexis Tornero.

Mayor Pro Tem Foley Gallegos presented each student a certificate congratulating them on their accomplishments. A group photo was taken. She added that she as well as several of their Council people are Madera High graduates. She let them know that she is Coyote proud and the blue blood shines through. She loves Madera High and it was the best four years of her life. She hopes they also make it all that it can be and enjoy every minute of it. She thanked them for giving them their time, for bringing their magnificent robot and for sharing their robotic world.

Mayor Pro Tem Foley Gallegos stated this was a special event and encouraged anyone who has not experienced this to read the Madera Tribune to find out the next event which is usually the first weekend in March. She also encouraged them to volunteer at the event.

**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 4/24/17 – 5/7/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution Approving a Contract with Devastating Pyrotechnics, LLC for Operation of the 2017, 4<sup>th</sup> of July Fireworks Show and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Mary Anne Seay)
- B-5 Informational Item Regarding Modification of the Scope of Work for the Drainage Basins Vertical Percolation Project (Report by Dave Randall)
- B-6 Consideration of a Resolution Approving Award of Agreement for Professional Janitorial Services, RFP No. 201617-02, to the Best Value Bidder, Lincoln Training Center, and Authorizing the Mayor to Sign the Agreement on Behalf of the City (Report by Dave Randall)
- B-7 Consideration of a Resolution Approving a Facility Use Agreement with Fresno County Office of Education (FCOE) for Use of Scout Island Education Center and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

Mayor Pro Tem Foley Gallegos asked if members of the Council would like to pull any items from the consent calendar. No requests were made.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR PRO TEM FOLEY GALLEGOS, COUNCIL MEMBERS HOLLEY, ROBINSON, OLIVER, RIGBY. NOES: NONE. ABSENT: MAYOR MEDELLIN, COUNCIL MEMBER RODRIGUEZ.**

**RES. NO. 17-64                      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT WITH DEVASTATING PYROTECHNICS, LLC FOR OPERATION OF THE 2017, 4TH OF JULY FIREWORKS SHOW AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**RES. NO. 17-65**            **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ACCEPTANCE OF AGREEMENT WITH LINCOLN TRAINING CENTER TO PROVIDE PROFESSIONAL JANITORIAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT ON BEHALF OF THE CITY OF MADERA**

**RES. NO. 17-66**            **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A FACILITY USE AGREEMENT WITH FRESNO COUNTY OFFICE OF EDUCATION (FCOE) FOR USE OF SCOUT ISLAND OUTDOOR EDUCATION CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

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-2, the subject matter is a resolution adopting the Community Development Block Grant Action Plan. Ms. Alvarez announced that a revised applications cover page was distributed to the Council this evening and extra copies are available at the podium for members of the public wishing a copy.

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

**C-1        Public Hearing and Consideration of Introduction of an Ordinance of the City Council of the City of Madera, California, Amending Portions of Chapter 5 of Title IV of the Madera Municipal Code Pertaining to Taxicabs**

Nick Salinas, Neighborhood Preservation Specialist, stated that this item originated from a new applicant for a taxi business. At that time they found that the City ordinance required amendments including titles and positions and other updates.

Mr. Salinas stated the last update was in 2006. They also looked to streamline the process to make it more applicable and easier for taxi businesses to be approved. They are also looking to increase vehicle, driver's and citizen safety. There was also a realignment on some responsibilities. He advised that changes will be applicable to existing and new taxicab companies. Mr. Salinas added that the changes fall in line with Vision 2025.

Mr. Salinas provided an overview of their research. They looked at the Tulare and Turlock ordinances since they have the same population as the City. They also looked at two major cities Seattle and Sacramento to get a feel for anything significantly different that they may have. They also sat with the local cab owners and got their input and the response was positive and in support of the ordinance.

Mr. Salinas stated they also coordinated with Madera County Weights and Measures who certifies the taxi meters. They also met with the Police Department, Business License, and the City Attorney.

Mr. Salinas advised that there will now be a live scan requirement for background checks. They will also require a two year Department of Transportation health screen to ensure they are physically fit to drive a vehicle. They will also require a 10-year Department of Motor Vehicles (DMV) printout and an identification (ID) card will be issued that they need to wear at all times while operating the vehicle.

Mr. Salinas advised that the Code Enforcement Director title was changed to the City Administrator or His or Her Designee. They removed the Certificate of Public Convenience and Necessity under the advice of the City Attorney since this usually pertains to alcohol or liquor sales type of licensing. If in the future there is a bigger need for more taxis, they can consider adding that back to the ordinance.

Mr. Salinas stated that his department will also look at the taxi meter Weights and Measures certification requirement. New to the ordinance is the Certified Bureau of Automotive Repair (BAR) vehicle inspection. They will have the applicant take the vehicles to a local certified Bureau of Automotive Repair facility to ensure that the vehicle is fit to be safely driven on the road. They will look at the major safety components such as tires, brakes, and lights.

Mr. Salinas stated they will also have a vehicle quality inspection at the Neighborhood Revitalization office. They know that there will be wear and tear. They will be looking at overall cleanliness, working seatbelts, heater and air conditioning (AC), seats, door and working locks, taximeter verification, window clarity, lights, horns and wipers, gauges, spare tire and jack, interior lighting, wheels/hubcaps, parking break operable, body condition, paint, color uniformity between the businesses, and any significant hazards such as leaking oil. They can tag the vehicles for these types of things.

Mr. Salinas provided an overview of the Police Department and Neighborhood Revitalization Department responsibilities and related fees. The Police Department background check is \$25, 10 Year DMV printout is \$3, and Live Scan is \$49. Neighborhood Revitalization for first application and permitting process administrative checks is \$120 and the quality inspection is \$40 per vehicle. He explained that the cost recovery amounts are based on the current hourly rate of \$40 an hour.

Mr. Salinas provided a cost scenario of a company with three vehicles and three drivers. This includes business license, taxicab permits and the department costs and inspections in year one is \$521. In year two they are only paying a percentage of gross receipts plus annual vehicle inspections.

Mr. Salinas advised that in meeting with the cab owners, they advised of the need for an increase of the rates of fare. He noted that the most recent increase was in 2003. After looking at what the cab owners proposed in contrast to local rates, staff felt that the cab owners did diligence on their end and that the rates they proposed are fair. He added that the Code requires the increase of the fare rates to follow the Consumer Price Index. If they look at the cumulative inflation rate from 2003 to now, it is at 36 ½ percent. If they apply those to the current numbers, that will give them exactly where it will be as noted on the top line.

Mr. Salinas advised that for the first mile, the rate would go from \$2.75 to \$3.50 then per mile it would be \$2.75 and the wait time would be 35 a minute if you are at a stoplight or if you are not moving the vehicle. Mr. Salinas offered to answer any questions.

Council Member Holley asked how many cab services we have in Madera.

Mr. Salinas responded there are two and there is one new applicant.

Council Member Rigby asked if the quality inspection will require extra training or some type of certification for staff. He wondered if it is the BAR (Bureau of Automotive Repair) who can say...we approve you. He is concerned that this will take a lot of time from Code Enforcement Officers who could be doing other things.

Mr. Salinas explained there are two inspections and one is the BAR inspection. That is the major mechanical components of the vehicle for example brake system, lights to make sure the vehicle can be safely operated on the road. He advised that the quality inspection involves the cleanliness, the overall. He noted that the BAR wouldn't tag them for body damage but on the City's end, to keep up the appeal of the City, that is why they brought that in. He added that they included the cost recovery for staff hours. Timewise they are looking at maybe 12 vehicles and if they are dedicating an hour to each vehicle, that is 12 hours once a year.

Council Member Rigby stated he is just looking down the road. He doesn't know if this is something he wants Code Enforcement to be responsible for if down the road they get more.

Mr. Salinas agreed that if that is something down the road, they can look at realigning or finding another method to do so such as outsourcing.

Council Member Rigby referred to the rate slide. He asked the City Attorney if they can make changes to what is proposed tonight as the Consumer Price Index for Madera.

City Attorney Brent Richardson replied that there is no action on the rates tonight. This is information only tonight. He noted that the rates have to be set by resolution and that will be brought back. At that time, it would be appropriate to discuss it. He added that the City Council sets them per their ordinance.

Council Member Rigby asked if there is a reason the cab owners felt \$3.50 as the initial mile was fair when he sees Bakersfield is \$3.00 and they are a way smaller city. Merced is \$3.30 and they are probably more comparable to what the City is operating with.

Mr. Salinas commented this is something they came up with in discussion. They didn't take time at the meeting to go back and analyze. He pulled this information after they presented that. He added that he put 2008 next to Turlock because that was the last time they revised their ordinance. He guesses that is the last time they looked at their rates which is why they are substantially lower than the majority.

Council Member Rigby stated this might be something that he personally would encourage staff to spend a little more time on. He would feel more comfortable with being a little bit more comparable to some of the cities surrounding them. \$3.50 seems a little high to him.

Council Member Oliver stated most of his questions were answered. He referred to the City's revenue stream and wondered what their collection of gross receipts is.

Mr. Salinas replied that would be done through Business License.

Council Member Oliver asked if today they are not collecting any...

Mr. Salinas replied that the two operating do have licenses and they pay the percentage of the gross receipts. He added it is based on their annual sales.

Finance Director Tim Przybyla replied that he knows that when business license invoices are sent out, that it is capped at just over \$1,000 no matter how high their gross receipts go. It is capped at a rather low amount so they are not looking at big dollars related to business license fees from gross receipts.

Council Member Oliver stated that answers his question. He thinks he was just a little confused. He thinks he associated with the local rates of fares, a percentage of those fares going to the City.

Council Member Oliver referred to the Bureau of Automotive Repair facilities and asked how many they have in Madera that are certified to conduct that work.

Mr. Salinas replied just over 100.

Council Member Rigby stated he doesn't know if he wants to open Pandora's Box and asked where Uber/Lyft fall under this category.

Mr. Richardson replied that they are regulated by the State through the California Public Utilities Commission largely because they are structured differently. He noted you don't hail Uber; you actually set that up in advance, there is no money changing hands, things like that. They looked into that when they looked at this and very quickly found that the State has decided it knows better than the City does.

Mayor Pro Tem Foley Gallegos opened the public hearing and reminded speakers to state their name and address.

Vince Enriquez, residing in Madera County, stated he is the owner of Transportes Pablo Taxi for the County. He has submitted an application as of two years for the City. They have been working with Mr. Salinas. He advised that they came up with the rates by comparing to local cities like Reedley which has a population of 24,000 which is almost a third less than the City and their rates are at \$3.40. He noted that the rates here have been \$2.75 for a while. He added that Bakersfield prices are at \$3.00 but then again, they have Uber and Lyft competition. Here there ain't that much that is why they wanted their rates to be a little bit higher for the City. He just wanted to acknowledge the price.

Mayor Pro Tem Foley Gallegos thanked Mr. Enriquez and asked if anybody else has any questions or comments. No other comments were made and Mayor Pro Tem Foley Gallegos closed the public hearing.

Mayor Pro Tem Foley Gallegos called for title.

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

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, FURTHER READING WAS WAIVED AND ITEM C-1, INTRODUCTION OF AN ORDINANCE WAS ADOPTED UNANIMOUSLY BY A VOTE 5-0. AYES: MAYOR PRO TEM FOLEY GALLEGOS, COUNCIL MEMBERS HOLLEY, ROBINSON, OLIVER, RIGBY. ABSENT: MAYOR MEDELLIN, COUNCIL MEMBER RODRIGUEZ.**

**INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 5 OF TITLE IV OF THE MADERA MUNICIPAL CODE PERTAINING TO TAXICABS**

**C-2 Public Hearing and Consideration of a Resolution Adopting the Community Development Block Grant 2017/2018 Action Plan, Approving Allocations and Authorizing the City Administrator to Sign the Certifications**

Grant Administrator Ivette Iraheta stated this is a public hearing to approve the City of Madera CDBG (Community Development Block Grant) Action Plan 2017/2018. Ms. Iraheta announced that they are required to provide translation services and made the announcement in Spanish. No requests were made.

Ms. Iraheta explained that HUD (Housing and Urban Development) requires that cities prepare an Annual Action Plan for each of the five years covered under the Consolidated Action Plan. She noted that this would be the third Action Plan under the 2015/2019 Consolidated Plan. She added that HUD also requires that cities obtain significant public input in the development of its Action Plan. Ms. Iraheta advised that staff complied with this requirement by attending several meetings throughout the city as well as a neighborhood watch meeting. They also published bilingual notices in the Madera Tribune and posted throughout city facilities soliciting input for the preparation of their Action Plan.

Ms. Iraheta stated that the City further complies with this requirement by engaging the Review and Advisory Committee. The Review and Advisory Committee listened to three minute presentations from every applicant and reviewed each application for consistency in addressing the goals approved under the Consolidated Plan. She added that during the April 5<sup>th</sup> City Council meeting, Council deliberated over the merits of each application. She noted that the proposed allocations made at that meeting will be displayed on their monitors to allow for final review of those allocations.

Ms. Iraheta noted there is a slight difference on this year's preparation of their Action Plan. Typically at this time, HUD has provided final allocations to jurisdictions. However this year, due to congressional delays in appropriations of the budgets, HUD has not released final allocations to cities. She noted that HUD has provided options for cities in preparing their Action Plans while at the same time waiting the final allocations.

Ms. Iraheta stated that staff recommends that Council approve final allocations, approve City of Madera CDBG Action Plan for 2017/2018 and exercise HUD's option to allow slight proportional adjustments to final allocations in the Action Plan. She explained that once they receive final allocations from HUD they will proportionately allocate the difference, either a decrease or an increase to each of the awards.

Ms. Iraheta stated before the Council are the recommendations made by RAC (Review and Advisory Committee), the recommendations made by staff, as well as the Council's final proposed allocations.

Ms. Iraheta stated that staff is estimating that the funding levels will be the same as last year however, should there be a change in these estimates, staff will come back to Council to approve changes in the allocations and allow for the required public comment period and then submit to HUD before the required timelines.

Ms. Iraheta added that subsequent to the City Council approval and release of the actual allocations from HUD, the third year Action Plan will be submitted to the U.S. Department of Housing and Urban Development prior to the required deadline. Ms. Iraheta offered to answer any questions that Council may have.

Council Member Rigby noted that Ms. Iraheta stated there are options yet she only gave them one.

Ms. Iraheta replied that some of the options are to decide what percentage the Council would want to increase or decrease each of the awards by. They can also decide that they want to only increase an award by a certain amount and similarly decrease a certain allocation by a certain amount or they can add another award that has not yet been awarded. They can eliminate the award of an applicant in its entirety. She stated that it all depends on the final allocation numbers. They can do it proportionately by percentage or decide to award or not award an applicant.

Council Member Rigby asked where they are with time limits. Since there has been no allocation by HUD, technically they are in CDBG purgatory. For example, if Council decides they want to award as presented with a stipulation that if HUD were to allocate less funding, they want to bring it back for a reallocation.

Ms. Iraheta replied that they anticipate that HUD will release final allocations before the beginning of July. If the allocations are significantly different, they would come back to Council for allocations.

Council Member Rigby asked if that is for reallocation even if they approve this allocation.

Ms. Iraheta replied that is only if it is significant meaning beyond 10 percent difference of their estimates.

Council Member Oliver asked if this is tied to the continuing resolutions and are they looking to make adjustments later in the year; perhaps the fall when the next one is due. He noted that it sounds like it is more of an administrative consideration, so to speak, internally.

City Administrator David Tooley stated he is not sure he can add much to what he doesn't already know. He noted that the new administration is an opponent of HUD and like programs. He thinks there is going to be a struggle when the Congress, and in many respects...your crystal ball might be better than mine on how that turns out.

Council Member Oliver stated he knows in years past, when they have anticipated a possible increase in the allocations, they have provided direction to say...for Program A, if there is an increase in the amount of money... that we might dedicate most of those increases to that particular program. He noted that it sounds like in this event, they may be anticipating potential reductions if anything. If that were to be the case, he would imagine that sharing that reduction proportionately might be the most fair thing to do. He is certainly hopeful that the CDBG program will stay around as it fills many different gaps in their community as well as here at City Hall. He stated his appreciation for the presentation.



Mayor Pro Tem Foley Gallegos opened the public hearing. No comments were offered and Mayor Pro Tem Foley Gallegos closed the public hearing.

Council Member Oliver made a motion to approve the CDBG allocation as presented. The motion was seconded by Council Member Holley.

Council Member Rigby asked if the motion needs to indicate that they are also approving that staff will allocate funding by percentage accordingly...

City Attorney Brent Richardson replied that is already included in the proposed resolution.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-2, RES. NO. 17-67, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR PRO TEM FOLEY GALLEGOS, COUNCIL MEMBERS HOLLEY, ROBINSON, OLIVER, RIGBY. ABSENT: MAYOR MEDELLIN, COUNCIL MEMBER RODRIGUEZ.**

**RES. NO. 17-67            A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2017/18 ACTION PLAN, APPROVING ALLOCATIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE CERTIFICATIONS**

- C-3    A. Consideration of a Minute Order Approving Engineer's Report for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 for 2017/18 Fiscal Year**
- B. Consideration of a Resolution of Intention to Levy and Collect Annual Assessments for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 for Fiscal Year 2017/2018 and Setting Date for Public Hearing**

City Engineer Keith Helmuth stated this is the 2017/2018 Engineer's Report. He advised that John Scarborough, Park Planning Manager, will also be presenting.

Mr. Helmuth stated the Engineer's Report is prepared on an annual basis and has been so since it was formed, around 20 years or so. The report reviews the past expenses and revenue to understand where the ending balance is on each of the zones. It then projects the expenses and revenue for the next year. With that, they are able to make recommendations on any adjustments to the assessment based on that data. He added that for the upcoming year it also incorporates everything that Parks has learned about the zones.

Park Planning Manager John Scarborough stated that the Parks Maintenance Division has gained a lot of experience about this program over the course of the last two years. He noted that much of this is related to matching maintenance levels to available funding. He advised that the result of this work is that strategies have been identified that allow staff to adjust service to levels that provide an acceptable product yet more accurately align maintenance costs with the budgetary limitations. He added that in some instances, the adjustments amount to just very few dollars and in others the amounts are slightly more substantial.

Mr. Scarborough explained that when a zone is identified as being underfunded and a 218 hearing is indicated, staff begins analysis to determine if service modifications can be implemented that will bring the affected zone budget back into balance. He noted that services that are specifically considered for reduction or elimination are tree trimming, water and electrical use, and general landscape maintenance.

Mr. Scarborough advised that tree trimming is usually the first service that is eliminated and many times that is all that is needed. He commented that zones that are more significantly underfunded may require additional steps. As a last resort, staff looks for opportunities to balance the budget by reducing actual landscape maintenance service levels.

Mr. Scarborough provided an example by noting that underfunded zones exist within this program that consist of only a few shrubs, a few trees, and usually an automatic irrigation system. In a situation like this, staff may introduce the following strategies to reduce maintenance costs to align with the available budget. They may significantly reduce watering to a level that provides for plant sustainability without generating excessive weed growth; periodic or slightly less trimming of shrubbery may occur; consistent herbicide applications to better control weeds likely would occur; and they explore less frequent visits and obviously reduction in services.

Mr. Scarborough stated that with the addition of some or all of these strategies, staff has been successful in reducing labor costs. He added that it is important to note that while this strategy is effective in a large percentage of their zones, areas with more elaborate infrastructure and large areas of turf may not benefit from the steps indicated to the degree needed to avoid a 218 hearing.

Mr. Scarborough stated that in the case where a zone fails and funding does not exist or well below a reasonable level, and in some cases it is zero, staff refrains from performing work in the affected zone until said time that the condition of the landscaping is deemed a health or safety hazard. At that point, staff is mobilized to perform a brief and limited cleanup. He advised he would be available for questions at the end.

City Administrator David Tooley noted that in those instances where they are addressing a safety issue, the source of the funds is the General Fund; that is the only thing that is left at that point.

Mr. Helmuth commented on what they know now that they did not know before Parks staff began maintenance. He noted that it has been about two years. The maintenance quality is better and with almost no complaints. He stated that is a good thing but it is also a mixed blessing. When they don't have complaints, if they do have a Proposition (Prop) 218 hearing because they anticipate being short, it could be that the residents see that things look fine to them and they get the ballot and vote no. He agreed that it is great that they have no complaints. That means that Parks is doing their job and doing good landscape maintenance but again, it is a little bit of a mixed blessing.

Mr. Helmuth stated that they also know that the number of proposed Prop 218's is way down. He will discuss this further a little bit more as they move on. When necessary, they also know that they can match expenses to the revenue but that is up to a point and Mr. Scarborough has mentioned that once they get to a certain point they have to start doing safety type measures.

Mr. Helmuth stated they have one proposed change for the Engineer's Report this year. He advised that it has been prepared according to past practice. It has reviewed the cost and the revenue with each zone. He noted that nine zones in the 10 series, 10A through 10I, the report shows that the recommended assessments vary from a low of zero dollars to a high of \$317. Each of those zones, to some degree, shares in the landscaping throughout that area. He noted that all the zones benefit from the landscape in that area. They would like to pull that and do some additional investigation to see if they can do something that they possibly haven't done before. One of those options would be to potentially consolidate zones.

Mr. Helmuth stated that two years ago, before they moved from private landscaping to City maintained landscaping, 40 of the 80 zones had a proposed Proposition 218 hearing. 23 of those zones failed to pass.

This year they have 14 of the 80 zones that have been proposed for Proposition 218. If Council accepts staff's proposal to remove the 10 series, that drops to 10 zones. If the City still had a private contractor, Proposition 218's might have been significantly higher than 23. They can't say that for certain. What they do know is that they had 23 that failed a couple of years ago.

Mr. Helmuth commented on why there is a reduction in Prop 218's. Number one, Parks' ability to adjust their maintenance out in the field has paid off. They are doing higher quality maintenance and the number of Prop 218's is dropping. They are adjusting the maintenance levels to match.

Mr. Helmuth advised that if the Council declares its intent to levy assessments, they will move forward with first notices. They put those in the paper and also in front of City Hall. It is a 45-day notice to let people know that they are moving forward with the assessments. They sent out the ballots for the votes. Those also go out 45 days before the hearing occurs with the hearing scheduled July 19<sup>th</sup>, and they have possible outreach.

Mr. Helmuth stated that a couple of years ago when they did the 40 zones of Prop 218's, they had outreach. They had town hall type meetings. At that time there were six different meetings throughout the City for the 40 zones. This year it is as many as four but possibly as few as three because they have about 10 zones. One or two of those will be fairly low. They might go ahead and combine but generally speaking they have applied those zones to the areas where they occurred before. They also had an all zone meeting. He explained this was kind of a follow up, a catch all. If people didn't attend the first town hall type meetings for multiple zones, then they had the ability to show up to the second one. He noted that the second one was not well attended. They are not sure if it would be a benefit to do the last one but staff is prepared to do it should Council decide to do that. He added that there is also the possibility of notifying neighborhood groups. They can let them know to put out the word if they freely strongly about it. Another thing that they didn't do last time is utilize social media. They are more into it now. He is not sure if they had Facebook in at that time.

Mr. Helmuth described the map displayed noting that the bluish represents the zones that have a Prop 218 hearing. He referred to the one at the airport and advised that it has a zero dollar assessment. There is another one at the bottom left and several on the right side. He advised that Zone 20C didn't get on there and pointed to the general area on the map. Also displayed are the four different school sites used last year.

Mr. Helmuth stated they checked the school districts and if they go into June, there is a chance that the schools will be completely shut down. They are willing to open them up for the City but there would be a charge of \$123 per school location. He commented that it is not necessarily a big deal but it would be reflected either in the zone costs or the General Fund would cover it. Perhaps a bigger deal is that they showed up to one or two sites last year and the schools didn't know they were coming. He can't say that if they elected to go this direction, that they would be there waiting for them to open up the doors. Mr. Helmuth stated that the City does have certain venues to do this. They might do them all the Bergon Center potentially.

Mr. Helmuth stated staff's recommendation is to approve the Engineer's Report with amendments as may be requested. One of those is pulling 10I if Council agrees and any other suggestions or comments the Council might have. He added that the Engineer's Report moves forward as it is with any amendments. When it shows up at the July 19<sup>th</sup> meeting, that is when the public will have a chance to comment and votes will be tallied. If there are rejections of an increase, they will adjust the Engineer's Report to revert back to where it might have been if there was no request for an increase. Mr. Helmuth advised that he and Mr. Scarborough are available to answer questions.

Council Member Rigby stated that if Council approves to move forward with staff's recommendation, he might suggest that they move away from trying to use schools. He thinks that is crazy that they are charging them. He proposed that they approach their partners at the Madera Ministerial Association. He thinks

churches would be more than willing to open up their sanctuaries and/or meeting places for the hour or so that the City needs to utilize it in order to inform neighborhoods of possible upcoming elections.

Council Member Rigby stated he is excited about the possibility of consolidating zones. He asked if 10 is the only one they can consolidate or can they venture into consolidating more than just 10; the whole City perhaps.

Mr. Tooley replied they would like to start and get their feet wet, go through the process and begin looking at the possibility of consolidation on a region by region basis. He agreed that there is certainly an attraction to doing a citywide zone. The problem is that it requires a majority vote. Thinking back on the level of effort they put into Measure K, getting a citywide vote on a landscape zone probably looks like about the same thing. His recommendation is to start with their 10 series, see how that goes, learn as they go and they will bring those lessons back in terms of future implementation.

Council Member Rigby stated that is understandable and a good strategy.

Council Member Oliver asked if they have any preliminary savings potential on the 10 series.

Mr. Helmuth explained that when they consolidate they essentially take the total costs to maintain all the shared landscaping and then divide it by the number of parcels. He advised that the quick calculation came up to \$38. That didn't start to look into cost savings. From the formula they currently use, he doesn't expect that it would drop by more than a dollar or two. It would go from 38 to 37. What it does do is that it takes that spread of zero to 317, moves it to 38. He added that 38 as compared to many of the other zones is really quite a good rate. He commented that most of the zones are under about \$100 but there aren't a lot in the 38 range.

Council Member Oliver stated this was one of the more difficult topics of discussion in 2015. Not only did they have these landscape maintenance district elections but they had the state's water conservation mandates. Not only were they looking at adjusting or increasing fees, at the same time they were turning off water in those medians along with the water and enterprise fund increases as well. They had a lot of convoluted information, a lot of things happening at one time. He is relatively optimistic that with it not being the drought that it is and those other factors not being a part of the discussion that they may have a better success rate. He gave kudos to staff and their Parks Department for really carrying the water on that. He noted that it was a difficult situation to pivot to their Parks Department to take on that role. He thinks it has worked out as well as it could. He thinks they had a lot of stubbed toes during that process but he appreciates their hard work and dedication to getting that done.

Mayor Pro Tem Foley Gallegos stated she was out with Mr. Scarborough at some medians. He shared with her some very important information that she thinks they need to know as a City. They put in drip lines in a lot of their medians to save water but the Parks Department was very smart and left the sprinkler systems intact. When they get a lot of water soon, they can go back to using the sprinklers in certain areas and also have the drip. She thanked them for having the open vision of what can come when the water starts pouring in their City.

**COUNCIL MEMBER OLIVER MADE A MOTION TO APPROVE ITEM C-3A, A MINUTE ORDER APPROVING ENGINEER'S REPORT FOR CITY WIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONES OF BENEFIT 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 FOR 2017/18 FISCAL YEAR. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND THE MINUTE ORDER WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR PRO TEM FOLEY GALLEGOS, COUNCIL MEMBERS HOLLEY, ROBINSON, OLIVER, RIGBY. ABSENT: MAYOR MEDELLIN, COUNCIL MEMBER RODRIGUEZ.**

**COUNCIL MEMBER OLIVER MADE A MOTION TO APPROVE ITEM C-3B, RES. NO. 17-68. THE MOTION WAS SECONDED BY COUNCIL MEMBER HOLLEY AND WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR PRO TEM FOLEY GALLEGOS, COUNCIL MEMBERS HOLLEY, ROBINSON, OLIVER, RIGBY. ABSENT: MAYOR MEDELLIN, COUNCIL MEMBER RODRIGUEZ.**

**RES. NO. 17-68            A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR CITY WIDE LANDSCAPE AND LIGHTING DISTRICT ZONES OF BENEFIT 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-1, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 FOR FISCAL YEAR 2017/2018 AND SETTING DATE FOR PUBLIC HEARING**

**D.     WRITTEN COMMUNICATIONS**

There are no items for this section.

**E.     ADMINISTRATIVE REPORTS**

There are no items for this section.

**F.     COUNCIL REPORTS**

Council Member Holley reported that last week the Madera Unified Teacher’s Association honored him for his leadership and community involvement at Parkwood with the kids. He thanked Mayor Pro Tem Foley Gallegos for acknowledging his recognition.

Council Member Oliver reported that he participated in the Second Annual Strides for Inclusion 5K Event put on by the local group Madera Special Needs Sports and Recreation. It was a wonderful event and the proceeds raised will go towards increasing programs such as recreation, social, and sporting for individuals with special needs or disabilities. He noted that this is a success story. The effort started with a small community of concerned parents who had children or loved ones with special needs but lacked many of the opportunities that other young people are able to enjoy. Their Parks Department was able to work in tandem with them in trying to make more recreational programming available. It has been a great partnership and it has been great to see them expand not only for their loved ones but many other young children in their community. He thinks they had over 125 people at the event who registered online. It was held at Madera High School. He looks forward to working with them to help continue that success. He restated his appreciation to the Parks staff for lending a hand and being such a great partner.

Council Member Rigby thanked staff for jumping on suggestions he made last week. He has gotten some great feedback on cleaning up downtown with their trash situation. He appreciates staff moving diligently on that and coming to a solution.

Council Member Rigby thanked staff for moving on getting Council city email.

Council Member Rigby stated the Madera Ministerial Association will be hosting its annual baccalaureate event for the Class of 2017 this Sunday. He added that his colleagues are always welcome to join. He knows the Mayor will be addressing the class which is bittersweet for him because his son is a part of that class which is why he is not here tonight. He is watching his son’s baseball game. Several students and teachers from Madera High and Madera South will also be there. The event will be at Valley West Christian Center, 6:00 p.m.

Council Member Robinson reported that he just returned from Ohio so he is still on Ohio time. He was in Zanesville, a very hilly countryside. He also visited Cleveland and they have world class museums. He was happy to return home to Madera.

Council Member Robinson stated that even though he went away he was still keeping an eye on Madera. One of his Facebook friends mentioned that people are using the restroom behind some businesses in the alley. He was thinking on how they can get some stakeholders together to decide about some portable restrooms or even permanent like they have in Europe.

Mayor Pro Tem Foley Gallegos reported that she had a busy Saturday. She got to attend the end of their Small Business Workshop. She thanked staff for volunteering and coming out to help their small businesses. She saw Steve Woodworth (Chief Building Official), Chris Boyle (Planning Manager) and Dave Merchen (Community Development Director). She wondered if she missed anyone since she came towards the end. She stated it was exciting to see the enthusiasm of businesses wanting to open in Madera.

Mayor Pro Tem Foley Gallegos reported that she attended the Madera County Arts Fest. It was a wonderful event. She got a lot of great ideas and a lot of people were having a good time out there.

Mayor Pro Tem Foley Gallegos reported that they had their oil recycling at AutoZone. They didn't get as many oil filters in. They are going to change locations, head into town and see if they can up the ante on bringing in some more oil filters.

Mayor Pro Tem Foley Gallegos thanked her colleagues and staff for helping her. This is her first time as Mayor Pro Tem at the bench. She found out five minutes when she arrived so she wasn't as prepared as she would like to be. She thanked everyone for being patient while she learns the steps.

**G. CLOSED SESSION**

**G-1 Closed Session Announcement – City Attorney**

City Attorney Brent Richardson announced that the Council will adjourn to closed session pursuant to Government Code Section 54956.9(d)(1) to discuss conference with legal counsel in pending litigation as described under item G-2; pursuant to Government Code Section 54956.9(d)(2) to discuss conference with legal counsel in anticipated litigation as described under item G-3; and pursuant to Government Code Section 54956.9(d)(4) to discuss conference with legal counsel in initiation of litigation as described under item G-4.

The Council adjourned to closed session at 7:17 p.m.

**G-2 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1): 3 cases**

Steve Sisemore WCAB No. ADJ8242113, ADJ 10066660 and ADJ 10146652

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

**G-4 Conference with Legal Counsel – Initiation of Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(4): 1 case**

**G-5 Closed Session Report – City Attorney**

The Council returned from closed session at 7:34 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss conference with legal counsel in pending litigation as described under item G-2 and reported that no reportable action was taken; pursuant to Government Code Section 54956.9(d)(2) to discuss conference with legal counsel in anticipated litigation as described under item G-3 and reported that no reportable action was taken; and pursuant to Government Code Section 54956.9(d)(4) to discuss conference with legal counsel in initiation of litigation as described under item G-4 and reported that no reportable action was taken.

**ADJOURNMENT**

The meeting was adjourned by Mayor Pro Tem Foley Gallegos at 7:35 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

